



**CITY OF LEON VALLEY  
CITY COUNCIL REGULAR MEETING**  
Leon Valley City Council Chambers  
6400 El Verde Road, Leon Valley, TX 78238  
Tuesday, October 20, 2020

**MINUTES**

---

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

Attendee Name	Organization	Title	Status	Departed
Chris Riley	City of Leon Valley	Mayor	Present	
Monica Alcocer	City of Leon Valley	Mayor Pro-Tem, Council Place 3	Remote	8:33 PM
Donna Charles	City of Leon Valley	Council Place 1	Remote	8:33 PM
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 ACM/LVPD Chief Joseph Salvaggio, ACM/HR Director Crystal Caldera, City Secretary Sandra Passailaigue, Assistant, LVPD Assistant Chief David Gonzalez, LVFD Fire Chief Michael Naughton, LVFD Assistant Chief Eric Burnside, Planning & Zoning Director Brandon Melland, Public Works Director Melinda Moritz, Assistant Library Director Theresa Brader, Assistant Finance Director Floyd Messick, and various LVPD and LVFD staff.

City Manager Kelly Kuenstler and City Attorney Charles E. Zech remoted into the meeting. Mayor Chris Riley welcomed everyone and led 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 Sandra 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.

Mayor Riley asked City Attorney Charles Zech to address video camera usage from the podium.

City Attorney Zech replied that "City Council adopted a resolution which limits where video records can be conducted from. State law allows for reasonable regulations with respect for recordings of meetings. City Council believes that it is reasonable to limit it to the back of the room or behind the wall. So, to that extent, those are the rules that are in place and those are the rules to be enforced."

Mayor Riley asked City Attorney Zech to define video camera to which Attorney Zech replied, "Any camera, anything that records."

ACM/LVPD Chief Joseph Salvaggio, after being recognized by Mayor Riley, asked the Mayor to have Councilor Will Bradshaw remove his body worn camera.

Councilor Will Bradshaw, also being recognized by Mayor Riley, asked City Attorney Zech about Texas Government Code § 551.023 quoting, "A person in attendance may record all or any part of an open meeting of a governmental body by means of a recorder, video camera, or other means of aural or visual reproduction" adding that he was a person in a meeting and then continued to quote Texas Government Code § 551.023 (c) saying A rule adopted under Subsection (b) may not prevent or unreasonably impair a person from exercising a right granted under Subsection (a)." Councilor Bradshaw claimed that "our rules seem to conflict with § 551.023 of the Texas Government Code."

Councilor Bradshaw asked City Attorney Zech what his opinion on what he had just said was.

City Attorney Zech replied that “only a court is going to be an arbiter of whether or not a particular rule is reasonable or unreasonable.” “City Council gets to make that initial decision on what it believes to be reasonable.”

Mayor Riley asked City Attorney Zech if Councilor Bradshaw needed to remove his body worn camera since we could not go to court tonight.

City Attorney Zech replied that the majority of City Council has adopted what it feels to be a reasonable rule with respect to video recording in the City Council Chambers. Whether it is reasonable or unreasonable is subject to interpretation. It's a subjective analysis and all I can tell you is what the law is. There is no case law on this.

Councilor Will Bradshaw responded by asking that “all of the officers standing in the room, with body worn cameras stand in the box in the back of the room.”

Councilor Will Bradshaw continued saying that “If we have to go to court, I believe the courts will rule on my side.” “It's just unreasonable”.

ACM/LVPD Chief Joseph Salvaggio responded by saying that he is only following the law but that nobody is asking anyone to stand in a box. The rules state that the cameras must be in the back of the room.

Mayor Riley asked Councilor Bradshaw to please remove his camera and he could give it to someone to hold it or place it in the designated box.

Councilor Will Bradshaw responded that he would remove the camera out of respect for the Mayor but that “this rule is unconstitutional and a violation of Texas law”.

Mayor Chris Riley responded saying “I understand, I understand. We are not going to hear from any citizens on this. We are going to move on. We need to get our work done tonight.” Councilor Monica Alcocer, after being recognized by Mayor Riley, said she had a separate question which was to get clarification on who the unknown guests were on the Go-To Meeting.

ACM/HR Director Caldera clarified that for all saying one was the Mayor's laptop and the other is City Manager Kelly Kuentler.

## **REGULAR AGENDA**

### **Discussion and Possible Action to Change the Tuesday, November 3, 2020 Regular City Council Meeting to Monday, November 2, 2020 (M&C # 2020-10-20-01 K. Kuentler)**

A motion was made by Councilor Catherine Rodriguez and seconded by Councilor Matthew Hodde to reschedule the November 3, 2020 Regular City Council meeting to November 2, 2020 at 5:15 PM.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Catherine Rodriguez, Council Place 2
<b>SECONDER:</b>	Matthew Hodde, Council Place 4
<b>AYES:</b>	Alcocer, Charles, Rodríguez, Hodde, Bradshaw

**Presentation and Discussion of an Ordinance Authorizing Budget Adjustments, for a Total Amount of \$2,289,240.00, with Funds for Contingencies, for Carryover Capital Projects from the FY '20 to the FY '21 General, Enterprise, and Stormwater Fund Budgets (1st Read Held on October 6, 2020) (M&C #2020-10-20-02 M. Moritz)**

Mayor Chris Riley brought to everyone's attention that this item should have been on tonight's agenda as a 2nd read instead of a 1st read which was already held on October 6, 2020. Because of this, Mayor Riley moved this item to November 2, 2020 for the second reading.

**Presentation and Discussion on an Ordinance Authorizing a Budget Adjustment for the FY2020-2021 General Fund Police Department Photographic Control System Tier II Budget in the Amount of \$150,000; Approving a Budget Adjustment in the Amount of \$4,009 out of the General Fund Back into the Blue Santa General Fund Reserve, and to Authorize a Carryover of Funds in the Amount of \$245,612 for the Fire Department Ambulance That Was Not Delivered Within FY2019-2020 (1st Reading as Required by City Charter) (M&C # 2020-10-20-03 J. Salvaggio)**

ACM/LVPD Chief Joseph Salvaggio presented this item which is a proposed budget adjustment to purchase three new police vehicles out of the General Fund Photographic Traffic Control System Tier II Traffic Safety Reserve Fund at a cost of \$150,000, to increase the General Fund by \$4009 for the Blue Santa Reserve Fund, which was donated by citizens in FY20 but was not carried over in FY21, and to Increase the Fire Department General Fund Budget in the Amount of \$245,612 for an Ambulance That Was Approved and Ordered in FY19-20 Budget, but was Not Delivered by the End of The Fiscal Year.

ACM/LVPD Salvaggio explained the fiscal impact this adjustment would have. For the police portion of this budget adjustment, all revenue expended by this budget adjustment comes from fines from those running red lights in our community as documented by the Photographic Traffic Control System (Red Light Camera) Program (\$150,000) and is currently in reserve for authorized traffic safety related expenditures, or from citizens donations (\$4009) for the needy children of our community. For the fire department portion of this budget adjustment, the \$245,612 was approved for expenditure for a new ambulance in FY19-20, but was not delivered in time to spend the funds in the fiscal year. The funds would be rolled over from last year, and would allow delivery of the ambulance in the next 30-days. The total budget adjustment requested is \$399,621.

<b>RESULT:</b>	<b>FIRST READ</b>
----------------	-------------------

**Presentation and Discussion on an Ordinance Amending Ordinance 2017-22 and the City of Leon Valley Appendix A Fee Schedule to Update a \$25 Property Room Handling Fee as Per Incident versus Per Item for Handling Lost Property, Abandoned Property, Personal Property, and Evidence From a Crime That Has Been Adjudicated and is Stored in the Police Property Room, and Raising the Credit Card Fee From 3% to 5% to Accurately Reflect the Current Average Charged to the City by the Credit Card Vendors (First Read as Required by Charter) (M&C # 2020-10-20-04 J. Salvaggio)**

ACM/LVPD Chief Joseph Salvaggio presented this item as well which is a proposed amending ordinance is to amend the City of Leon Valley Appendix A Fee Schedule to update the Ordinance for the \$25 Property Room Handling Fee to a per incident charge. The intent of the original Ordinance was to charge the \$25 fee for each incident where property was brought into our possession. This is how we have been charging the owners of the property, but the Ordinance actually says \$25 per item, which we have never done. This Ordinance would amend Ordinance 2017-22 which was passed on May 16, 2017. As with the current ordinance, the fee would not be charged to a victim of a crime and may be waived for indigent persons if approved by the Chief of Police. In addition, the credit card fee was set at 3%, but the current average charged by the vendors is 5%. As such, we are seeking to change the fee to 5% when a credit card is utilized, passing the cost on to the credit card owner instead of the City of Leon Valley.

- Benny Martinez spoke about credit card fees and said the City was overpaying and needed to find another company to use.
- Johnny Garrett asked about the type of property that was claimed and about property taken by LVPD during improper arrests.

ACM/HR Director Crystal Caldera responded to Mr. Martinez' comment saying that the City Council adopted Ordinance No. 16-020 that set a 5% credit card fee for the City in 2016.

<b>RESULT:</b>	<b>FIRST READ</b>
----------------	-------------------

**Presentation and Discussion of an Ordinance of the City Council of the City of Leon Valley, TX., Amending the City Code of Ordinances, Appendix A, "Fee Schedule"; Section A2.001 (2) Copy Charges; Article A1.000, Administrative Fees, Section A2.001 (E) Zoning Verification Letter Fee; and Article A8.000, Section A8.004 Certificate of Occupancy, (C) Duplicate Copy Fee; Providing for Repealer, Severability and Savings Clauses; and Providing for an Effective Date (1st Reading as Required by City Charter) (M&C # 2020-10-20-05 S. Passailaigue)**

City Secretary Sandra Passailaigue presented this item proposing amendments to Appendix A, "Fee Schedule"; Section A2.001 (2) Copy Charges; Article A1.000, Administrative Fees, Section A2.001 (E) Zoning Verification Letter Fee; and Article A8.000, Section A8.004 Certificate of Occupancy, (C) Duplicate Copy Fee for City Council

## Consideration.

City Secretary Passailaigue informed the Council that the majority of the amendments, which were provided in redline in the packet, are strictly for housekeeping purposes. The City is already following most of these as it is prescribed by the Texas Attorney General. This is merely an effort to incorporate more of the verbiage as provided from the Attorney General to better explain the charges to the public. Some others are just moving some of the current language into the appropriate position.

Mayor Riley said that after reviewing the proposed amendments, she found them to be “very reasonable”. Councilor Matthew Hodde asked Mayor Riley if having worked in a law firm, did she feel the proposed fees should be more or were they fair? Mayor Riley said the firm she works with charges more.

<b>RESULT:</b>	<b>FIRST READ</b>
----------------	-------------------

## **CITIZENS TO BE HEARD**

- Evan Bohl spoke about camera use in Council Chambers.
- Loretta Hodde spoke about ethics, open meetings, and public information training as well as meeting rules and saying she was looking for “common decency and integrity.”
- Michelle Rawls asked about a photo of Councilor Rodriguez and her finger; asked Chief Salvaggio about the identity of the vandals to her property; and called Council members “the three witches”.
- Richard Blackmore invited J. Pulliam and Councilor Bradshaw to come to the Planning & Zoning Commission meeting sometime.
- Johnny Garrett spoke
- Rey Orozco spoke about Richard Blackmore’s t-shirt that he is wearing this evening being offensive or sexual in nature because it said “Suck it”.

City Secretary Sandra Passailaigue asked that ACM/HR Director Crystal Caldera read a letter that was submitted for citizens to be heard from Cindy Henley.

Mayor Riley stated that she received an e-mail from Ms. Greeno and because she is not a Leon Valley resident the e-mail will not be read but will be provided to the City Secretary to add to the record.

Mayor Riley then began to read an e-mail submitted by Ms. Sandra Martinez.

Councilor Monica Alcocer called for a Point of Order stating that Ms. Martinez was not a resident. ACM/LVPD Chief Salvaggio confirmed that Councilor Alcocer was correct. Mayor Riley stated that the e-mail would be given to the city secretary for the record.

## **ORDINANCE**

### **Presentation, Discussion and Possible Action on Adopting an Ordinance Adopting Texas Governor Abbott's Executive Order GA-29, Governor's Executive Order GA-32 and Bexar County Judge Wolff's Executive Order NW-15, And Amending the Emergency Disaster Ordinance Local Emergency Declaration 2020-51 (M&C # 2020-10-20-06 J. Salvaggio)**

A motion was made by Councilor Will Bradshaw and seconded by Councilor Catherine Rodriguez to approve of the opening up basketball and soccer fields; open Library to Phase IV on November 17th; and if the positivity rate increases beyond 7%, call an emergency City Council meeting to discuss.

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

## **PRESENTATIONS**

### **Presentation of a Proclamation Declaring October Breast Cancer Awareness Month (Mayor Chris Riley)**

Mayor Riley read the proclamation declaring October Breast Cancer Awareness Month and said she would like to give it to her assistant, Ms. Angela Trejo who is a 10-year survivor.

<b>RESULT:</b>	<b>PRESENTED</b>
----------------	------------------

### **Presentation and Discussion of the Monthly Financial Report Ending September, 2020 (Floyd Messick, Assistant Finance Director)**

Assistant Finance Director Floyd Messick presented the monthly Financial Report ending September 2020.

<b>RESULT:</b>	<b>PRESENTED</b>
----------------	------------------

### **Presentation and Discussion on the Photographic Traffic Control System 2020 State Mandated Report (M&C # 2020-10-20-07 J. Salvaggio)**

LVPD Lieutenant Mike Tacquard presented the Photographic Traffic Control System 2020 Report which is state mandated.

<b>RESULT:</b>	<b>PRESENTED</b>
----------------	------------------

## **CONSENT AGENDA**

A motion was made by Councilor Catherine Rodriguez to accept the Consent Agenda Items 6.1, 6.2, 6.3, 6.4 and 6.5 as presented. Councilor Matthew Hodde seconded the

motion.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Catherine Rodriguez, Council Place 2
<b>SECONDER:</b>	Matthew Hodde, Council Place 4
<b>AYES:</b>	Monica Alcocer, Donna Charles, Catherine Rodriguez, Matthew Hodde, Will Bradshaw

### **Consideration of the Following City Council Minutes:**

- a. **Regular Meeting- September 15, 2020 4:00 PM**
- b. **Regular Meeting- October 6, 2020 5:15 PM**

### **Acceptance of Board/Commission/Committee Minutes:**

- **03-12-2020 Library Board of Trustees Meeting Minutes**
- **03-20-2020 Park Commission Minutes**
- **09-09-2020 Earthwise Living Committee Minutes**
- **09-17-2020 Ethics Review Board Minutes**
- **09-20-2020 Library Board of Trustees Meeting Minutes**

### **Presentation of the Annual Earthwise Living Day Committee Report**

### **Discussion and Possible Action of the Quarterly Investment Report for the Quarter Ended September 30, 2020 (M&C # 2020-10-20-08 F. Messick)**

### **Presentation, Discussion and Possible Action on the Annual Review; and Adoption of a Resolution Approving the Investment Policy for the City of Leon Valley With no Changes (M&C # 2020-10-20-09 F. Messick)**

### **CITY MANAGER'S REPORT**

ACM/LVPD Chief Joseph Salvaggio presented the City Manager's Report on behalf of City Manager Kelly Kuentler. ACM/LVPD Chief Salvaggio reminded everyone that the City Manager's Report is posted on the website as well as placed on the table in the foyer for all interested. ACM/LVPD Chief Salvaggio then supplemented that report with new information with: a) acknowledged the 9-1-1 Tribute held at the Veterans Memorial; b) Audie Murphy highway clean-up; c) provided a TNR update; d) committee meetings on hold due to COVID-19; e) update on the injured officers in two separate incidents; f) lights on Evers Road Bridge update; g) Halloween Trunk or Treat; h) two grants will provide new equipment for the LVPD; i) Express News article on violent crime in Leon Valley down - 11 in the list of safest cities to live.

Mayor Riley asked if a date and time had been set for the planting ceremony with Tiger Sanitation on the Peachtree lot. ACM/LVPD Chief Salvaggio replied "No ma'am". Mayor Riley asked that this be relayed to everyone once it was set.

Councilor Will Bradshaw shared comments of praise to the Leon Valley Police Officers that he has heard from residents. Councilor Bradshaw also asked about the Back the Blue

signs and said that maybe the City could print some up for Leon Valley. Also, that he received some from an SAPD officer he knows that he would give out.

### **Upcoming Important Events:**

- Next Regular City Council Meeting, Tuesday, November 03, 2020, at 5:15 p.m. in Council Chambers. *(Tentative - will be discussed on October 20, 2020)*
- Early voting, continues through Friday, October 30, 2020.
- Halloween Craft Grab Bag Event, Saturday, October 31, 2020 from 10:30 a.m. to 11:00 a.m., at the Library.
- Trunk or Treat Community Drive Thru Event, Saturday, October 31, 2020, beginning at 5:30 p.m. until all goodie-bags are gone, at the Community & Conference Center Parking Lot.
- Election Day, Tuesday, November 03, 2020.
- City Hall & Municipal Offices will be closed on Wednesday, November 11, 2020 in observance of Veterans' Day.
- City Hall & Municipal Offices will be closed on Thursday, November 26, 2020 and Friday, November 27, 2020 in observance of the Thanksgiving Holiday.
- Miscellaneous other events and announcements.

<b>RESULT:</b>	<b>PRESENTED</b>
----------------	------------------

### **ANNOUNCEMENTS BY THE MAYOR AND COUNCIL MEMBERS**

- Councilor Catherine Rodriguez thanked those who assisted in handing out masks; shooting in Houston PD; and October is Domestic Violence Awareness Month.
- Councilor Monica Alcocer thanked the LVPD for bringing down the crime rate; congratulated Councilor Hodde saying "real men wear pink"; encouraged outdoor activity to see nature; and quoted Abraham Lincoln
- Councilor Matthew Hodde who read an e-mail from Josh Stevens which called Councilor Hodde "stupid", compared him to a person working for Kim Jong-un, and told him that he did not deserve to represent the people of Leon Valley and reminded him that he was "never elected and will never be elected."; thanked Crystal, William and Sandra for assisting a citizen with a complaint with a problem; spoke about transparent government as found in the City Manager's Report; attended a ribbon cutting at Tuxedo Jones; money collected for Special Olympics; and the curbside voting on the Mayor's flyer is wrong.
- Councilor Will Bradshaw thanked all for coming or viewing online; "If you don't vote, then you can't complain"; the oath he took as a scout and as a city council member; and said he wished people would take the constitution seriously.
- Mayor Chris Riley spoke about Senator Jose Menendez and the suburban Mayors will hold a Town Hall meeting on November 4<sup>th</sup> at 7:30 pm on ZOOM. The information will be provided in ENews so all may attend.; COVID numbers and how seriously she takes her job as Emergency Manager for the city and thanked Maribel Mendoza for assisting her with her weekly updates; the 9-1-1 ceremony; birthday parties in the park being limited by no more than ten per

protocol; workshops on Bandera Road improvements; Early Voting until October 30<sup>th</sup> at the Conference Center; warned everyone to please check your ballot as errors have occurred; mail-in ballots take more than one stamp due to size of the Leon Valley ballot; mediation for Council has been delayed until after the election; and replied to comments made by Councilor Donna Charles in September. Mayor Riley said she wanted to take this time to “counter some of the comments made by Ms. Charles.” Mayor Riley went on to speak on some of the issues.

Councilor Monica Alcocer interrupted Mayor Riley saying, “Excuse me Mayor but this whole presentation is totally inappropriate and (*inaudible because Mayor Riley spoke over her*) I do have a problem with it. Thank you and goodbye.”

### **CITIZENS TO BE HEARD**

- Evan Bohl said it was a relief to be getting to the end; continued to advocate for weekly meetings; complimented everyone for getting to the end of a meeting without a lot of interruptions; and how nice it was to see city business actually getting done tonight; and thanked Councilors Hodde and Rodriguez and said you don’t need council person, director etc. to get things done in the city.
- Richard Blackmore told Mr. Hodde he had done a good job as an interim Council person, told ACM/LVPD Salvaggio he has done an outstanding job, that he is the best police chief the town has ever seen and that he appreciates him and all of his people; Ms. Charles you have done a good job while on Council....

Councilor Bradshaw called a Point of Order saying that Councilor Alcocer and Councilor Charles “dropped off before citizens to be heard” to which Mayor Riley replied, “Ok but you (looking at Mr. Blackmore) can still say what you like.” Mr. Blackmore thanked Councilor Bradshaw for interrupting him and then he continued with his comments.

- Mr. Blackmore continued by saying that he also wanted to respond to Mr. Orozco’s comment about his shirt which he did; thanked “Ms. Sandra for doing a good job.”; thanked “Doctor Crystal for doing a good job too.”

### **ADJOURNMENT**

Mayor Riley announced that the meeting adjourned at 8:40 PM.

**These minutes approved by the Leon Valley City Council on the 2nd of November, 2020.**

APPROVED

  
\_\_\_\_\_  
**CHRIS RILEY**  
MAYOR

ATTEST:   
**SAUNDRA PASSAILAIGUE, TRMC**  
CITY SECRETARY

