



**CITY OF LEON VALLEY
CITY COUNCIL SPECIAL MEETING**
Leon Valley City Council Chambers
6400 El Verde Road, Leon Valley, TX 78238
Monday, November 2, 2020

MINUTES

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

Attendee Name	Organization	Title	Status	Arrived	Departed
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		7:10 PM

Also present was City Manager Kelly Kuenstler, 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 Associate Planner Erick Del Angel, Public Works Director Melinda Moritz, Assistant Finance Director Floyd Messick, and various LVPD and LVFD staff.

City Attorney Charles E. Zech remoted into the meeting.

Mayor Chris Riley welcomed everyone and asked Cub Scout Pack 20 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 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."

PRESENTATIONS

Presentation of a Proclamation for Character Education Day Proclamation (Mayor Chris Riley, Abel De Leon, Director of Communications and Marketing and Principal Orhan Jacobs of the School of Science and Technology)

Mayor Chris Riley presented a proclamation declaring the week of November 15-21, 2020 as 2020 Character Education Week in Leon Valley, Texas.

Abel De Leon, Director of Communications and Marketing and Principle Orhan Jacobs of the School of Science and Technology were present to accept the proclamation.

RESULT:	PRESENTED
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Presentation, Discussion and Possible Action on Accepting the Resignation of the City Manager and Approving an Employment Separation Agreement with the City Manager (M&C # 2020-11-02-01 K. Kuenstler)

City Manager Kelly Kuenstler presented her resignation effective December 31, 2020. City Manager Kuenstler asked that instead of the leave payout all being paid in one lump sum in January, that it be spread throughout the pay periods.

Those who spoke on this item were: Justin Pulliam, Rey Orozco, Evan Bohl, Richard Blackmore, Erick Matta, Benny Martinez, William Johnson and Johnny Garrett.

A motion was made by Councilor Will Bradshaw to accept the resignation as per the contract. Councilor Matthew Hodde seconded the motion.

Councilor Monica Alcocer asked to amend the motion to include continuing the leave payout.

Councilor Will Bradshaw denied the request to amend the motion.

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 - Nay; Councilor Catherine Rodriguez - Nay; Councilor Monica Alcocer - Nay; Councilor Matthew Hodde - Nay; and Councilor Will Bradshaw - Aye.

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

RESULT:	DEFEATED [1 TO 4]
MOVER:	Will Bradshaw, Council Place 5
SECONDER:	Matthew Hodde, Council Place 4
AYES:	Will Bradshaw
NAYS:	Monica Alcocer, Donna Charles, Catherine Rodriguez, Matthew Hodde

A motion was made by Councilor Matthew Hodde to accept the final and unrescindable resignation letter from Ms. Kuenstler, and I would like to thank her for staying on during the pandemic and also during our budget which as we all know, was going to be extremely difficult because of the pandemic. I further move that we allow Ms. Kuenstler to use the balance in both leave banks which are in her contract, to begin January 4th until the banks are exhausted rather than paying her out in one lump sum. Councilor Monica Alcocer seconded the motion.

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 - Aye; and Councilor Will Bradshaw - Nay.

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

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

Executive Session: Pursuant to Texas Local Government Code Section 551.074 (entitled “Personnel Matters”) City Council shall convene in Executive Session to: (a) deliberate on the employment resignation of the city manager and the appointment, employment, reassignment, duties, of an Interim City Manager; and pursuant to Texas Government Code Section 551.074 (entitled “Consultation with Attorney”) receive legal Advice from the City Attorney on a matter the Texas Disciplinary Rules of Professional Conduct require confidentially, to wit: an employment termination agreement with the current City Manager and a contract with the Interim City Manager.

Mayor Riley read aloud the item caption.

The City Council went into Executive Session at 6:09 p.m.

Reconvene into Regular Session and take action on issues discussed in Executive Session if necessary

The City Council again reconvened into Open Session at 7:33 PM. and Mayor Chris Riley announced that the City Council will be standing in recess while they wait for City Attorney Charles Zech to draft and e-mail back a drafted contract. At that time, City Council will reconvene into Executive Session to continue discussion on the item as captioned.

It was noted that Councilor Will Bradshaw left the meeting at 7:10 PM

Mayor Chris Riley invited citizens to come up and speak. Those who spoke were: Benny Martinez, Justin Pulliam and Yvonne Orozco.

It was suggested by Ms. Orozco to move onto the business items as people are waiting and then resume this discussion at the next Executive Session. The Council was split on this option so Mayor Riley made a decision to move on to business items of the agenda and then continue this item later in the meeting. Mayor Riley said she would take Items 3.1, 3.2 followed by Item 7 before returning to Executive Session.

RESULT:	NO ACTION TAKEN
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REGULAR AGENDA

Discussion and Possible Action on terminating lease agreement with Eduardo and Ruth Ramos and entering into a Lease Agreement with Cha Cha's Cafe (M&C # 2017-11-02-02 K. Kuenstler)

City Manager Kelly Kuenstler presented the item for City Council for consideration after the Leon Valley Cafe has given the City of Leon Valley notice that they will not lease the property at 6417 Evers Road (city owned building) after 12-31-2020. A new tenant is proposed with a contractual agreement. The proposed tenant is Cha Cha's Café owned by Ricardo Ruiz and Chef Bania Artiaga. The Chef graduated from Cordon Bleu of Austin and Mr. Ruiz has been a family restaurateur for thirty-two years in Leon Valley.

Owners Ricardo Ruiz and Chef Bania Artiaga were both present to answer questions.

Those who spoke on this item were as follows: Justin Pulliam, Richard Blackmore, Johnnie Garrett, Erick Matta, Evan Bohl, and Benny Martinez.

A motion was made by Councilor Catherine Rodriguez to accept the terms of the contract as presented. Councilor Matthew Hodde seconded the motion.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Catherine Rodriguez, Council Place 2
SECONDER:	Matthew Hodde, Council Place 4
AYES:	Alcocer, Charles, Rodriguez, Hodde
ABSENT:	Bradshaw

Discussion and Possible Action on an Ordinance, on a Request by Jaime Avila for a Specific Use Permit for Outdoor Seating, at 6526 Bandera Road, Suite 4; Generally Located on the West Side of Bandera Road, Approximately 150 Feet South of the Intersection of Bandera and El Verde Road; and a Public Hearing on Said Request (1st Reading was Held on 11-02-2020) (M&C # 2020-11-17-03 E. Del Angel, Associate Planner)

Erick Del Angel, Associate Planner presented the item in response to a request submitted by Jaime Avila of El Monte BBQ, a restaurant on the lot directly abutting City Hall to the south.

Erick Del Angel, Associate Planner gave a brief background on the item saying that earlier this year Mr. Avila submitted plans to the Planning and Zoning Department to construct a deck for outdoor seating and was informed that he would need to receive permission from the City Council in the form of a Specific Use Permit (SUP) in order to have outdoor seating. At that time, due to the impact of the COVID-19 pandemic, he held off on taking any action on this matter. He has since returned to apply for the SUP.

The applicant no longer plans to build a deck but rather place picnic tables on crushed granite as shown in the attached photos. There will be three picnic tables located on the side of the property under two large canopies.

Associate Planner Del Angel concluded the presentation saying that the Planning and Zoning Commission recommended unanimous approval of this request at their October 13, 2020 meeting, subject to the following conditions: 1. That the SUP be limited to the area

illustrated in the attached site plan; 2. Removal of trailer owned by business located in the parking lot to off-site location as outdoor storage is not permitted in the B-2, Retail District; 3. Fence is installed to restrict patrons from accessing the rear yard behind the building; 4. The proposed canopies be replaced with canopies that are fire rated and secured to the ground; and 5. The picnic tables must also be secured to the ground.

This item will be brought back to the next Regular City Council meeting for the required second reading.

RESULT:	FIRST READ
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CITIZENS TO BE HEARD

- Justin Pulliam spoke about the Home Rule Charter.

Mayor Riley asked City Secretary Sandra Passailaigue to read e-mails she received from citizens that were submitted to be read at this time: the first read was from Loretta Hodde; and stated that another e-mail was received from Wade Blanton that Council said should be entered into the record as it was not stated whether or not he was a citizen of Leon Valley.

- Erick Matta spoke about the Constitution.
- Evan Bohl spoke about facts being taken out of context.

ORDINANCES

Discussion and Possible Action 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 (1st Reading was Held on 10-20-2020) (M&C # 2020-11-02-05 J. Salvaggio)

A motion was made by Councilor Catherine Rodriguez to adopt the ordinance as presented. Councilor Matthew Hodde seconded the motion.

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

Presentation, Discussion and Possible Action 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 Occurred on October 20, 2020, as Required by City Charter) (M&C # 2020-11-02-06 J. Salvaggio)

A motion was made by Councilor Matthew Hodde to adopt the ordinance as written. Councilor Catherine Rodriguez seconded the motion.

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

Discussion and Possible Action on 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 was Held on 10-20-2020) (M&C # 2020-11-02-07 S. Passailaigue)

A motion was made by Councilor Catherine Rodriguez to adopt the ordinance as presented. Councilor Matthew Hodde seconded the motion.

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

Discussion and Possible Action on 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 was Held 10-06-2020) (M&C #2020-11-02-08 M. Moritz)

A motion was made by Councilor Matthew Hodde to adopt the ordinance as presented. Councilor Catherine Rodriguez seconded the motion.

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

Presentation and Discussion on an Ordinance Accepting Two Texas Office of the Governor (OOG) Grant Award and Adjusting and Increasing the General Fund Budget in the amount of \$38,032 for Ballistic Rifle Armor Carriers and an amount of \$31,322 for Training Equipment, for a Total Budget Adjustment of \$69,354 (1st Reading as Required by the Leon Valley Charter) (M&C # 2020-11-02-09 J. Salvaggio)

ACM/LVPD Chief Joseph Salvaggio presented a proposed budget adjustment for the acceptance of the Texas Office of the Governor (OOG) Grant of \$38,032 to purchase ballistic rifle armor and carriers for 34 officers on the Leon Valley Police Department, and for \$31,322 for Training Equipment, for a total budget adjustment of \$69,354. The Leon Valley City Manager and the Chief of Police request feedback on amending the Fiscal Year 2020-2021 General Fund Budget to accept the Office of the Governor (OOG) Rifle Plated Armor Grant in the amount of \$38,032, and the Training Equipment Grant in the amount of \$31,322, for a total budget adjustment of \$69,354. This budget adjustment will be presented at the next City Council meeting for the second reading, as required by City Charter.

Mayor Riley invited public comments which came from: Evan Bohl, Patrick Roth and Justin Pulliam.

RESULT:	FIRST READ
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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 2020-52 (M&C # 2020-11-02-10 J. Salvaggio)

ACM/LVPD Chief Joseph Salvaggio presented.

A motion was made by Councilor Donna Charles to accept the revisions as discussed. Councilor Catherine Rodriguez seconded the motion.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Donna Charles, Council Place 1
SECONDER:	Catherine Rodriguez, Council Place 2
AYES:	Monica Alcocer, Donna Charles, Catherine Rodriguez, Matthew Hodde
ABSENT:	Will Bradshaw

CONSENT AGENDA

A motion was made by Councilor Catherine Rodriguez to adopt the Consent Agenda Items 5.1, 5.2, 5.2 as presented. Councilor Monica Alcocer seconded the motion.

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

Consideration of the Following City Council Minutes:

a) Regular Meeting- October 20, 2020 5:15 PM

Acceptance of Board/Commission/Committee Minutes:

- a) 06-11-2020 Economic and Community Development Advisory Committee Meeting Minutes**
- b) 07-20-2020 Economic and Community Development Advisory Committee Meeting Minutes**
- c) 10-08-2020 Ethics Review Board Minutes**

Discussion and Possible Action on a Resolution Removing Jennifer Tiller from The Earthwise Living Day Committee (M&C # 2020-11-02-11 S. Passailaigue)

REGULAR AGENDA CONTINUED

Discussion and Action on the Possible Addition of Plexiglas Shields at the Dais (M&C # 2020-11-02-04 Mayor Chris Riley, LVFD Chief Michael Naughton & Public Works Director Melinda Moritz)

A motion was made by Councilor Catherine Rodriguez to carry this item over to the next agenda. Councilor Monica Alcocer seconded the motion.

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

Executive Session: Pursuant To Texas Local Government Code Section 551.074 (Entitled “Personnel Matters”) City Council Shall Convene In Executive Session To: (A) Deliberate On The Employment Resignation Of The City Manager And The Appointment, Employment, Reassignment, Duties, Of An Interim City Manager; And Pursuant To Texas Government Code Section 551.074 (Entitled “Consultation With Attorney”) Receive Legal Advice From The City Attorney On A Matter The Texas Disciplinary Rules Of Professional Conduct Require Confidentially, to Wit: An Employment Termination Agreement With The Current City Manager And A Contract with the Interim City Manager.

The City Council went into Executive Session at 9:33 PM

Reconvene Into Regular Session And Take Action On Issues Discussed In Executive Session If Necessary

The City Council reconvened into Open Session at 11:55 PM.

City Attorney Charles Zech was asked to go through the contract

Those who spoke on this item were as follows: Johnnie Garrett, Evan Bohl, Erick Matta, and Justin Pulliam.

City Secretary Passailaigue read an e-mail from Tina Chasan and then deferred the reading of the remaining e-mails she had received to members of Council and staff. City Manager Kelly Kuentler read e-mail received from John Saenz, and Jacque and Scott Conrad. Councilor Catherine Rodriguez read an e-mail submitted by Cynthia Flores. Mayor Chris Riley read an e-mail from Todd Bundy/ Councilor Matthew Hodde read e-mail received from Melissa Hickman, and Jamie Garcia. Lastly, ACM/HR Director Crystal Caldera read e-mail received from Juan Campancho, and David Jordan.

A motion was made by Councilor Catherine Rodriguez to accept Chief Joseph Salvaggio as Interim City Manager. Councilor Matthew Hodde seconded the motion.

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 - Aye; and Councilor Will Bradshaw - Absent.

Upon a vote of four (4) for and none (0) opposed, Mayor Riley announced the motion passed.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Catherine Rodriguez, Council Place 2
SECONDER:	Matthew Hodde, Council Place 4
AYES:	Monica Alcocer, Donna Charles, Catherine Rodriguez, Matthew Hodde
ABSENT:	Will Bradshaw

CITY MANAGER'S REPORT

Upcoming Important Events:

- **Next Regular City Council Meeting, Tuesday, November 17, 2020, at 5:15 p.m. in Council Chambers.**
- **Election Day, Tuesday, November 03, 2020.**
- **Canvass of the November 03, 2020 Election; and the Administration of the Oath of Office to be held Tuesday, November 17, 2020 during the Regular City Council Meeting.**
- **Early voting, continues through Friday, October 30, 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.**

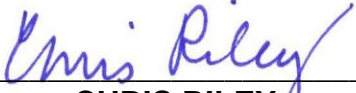
ANNOUNCEMENTS BY THE MAYOR AND COUNCIL MEMBERS

ADJOURNMENT

Mayor Riley announced that the meeting adjourned at 12:37 AM.

These minutes approved by the Leon Valley City Council on the 17th of November, 2020.

APPROVED



CHRIS RILEY
MAYOR

ATTEST:


SAUNDRA PASSAILAIGUE, TRMC
CITY SECRETARY

