



CITY OF LEON VALLEY
CITY COUNCIL SPECIAL MEETING
Leon Valley City Council Chambers
6400 El Verde Road, Leon Valley, TX 78238
Monday, April 13, 2020

MINUTES

5:30 PM Call to Order; Determine a Quorum is Present, Pledge of Allegiance.

Attendee Name	Organization	Title	Status
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

Mayor Chris Riley welcomed everyone and then announced a quorum of City Council was present with herself, Councilor Monica Alcocer, Councilor Donna Charles, Councilor Will Bradshaw, and City Attorney Charles Zech remoted in. Those in Chambers were Councilor Catherine Rodriguez, and Councilor Matthew Hodde.

ACM/HR Director Crystal Caldera, City Secretary Sandra Passailaigue and Planning & Zoning Director Brandon Melland were present in Council Chambers.

Mayor Chris Riley expressed her concerns with holding tonight's meeting. City Attorney Zech replied that he was comfortable going forward.

Councilor Will Bradshaw stated that he was disturbed by the "City Council attempting to stifle the public."

Councilor Monica Alcocer read aloud a letter submitted by citizen Liz Maloy.

A motion was made by Councilor Monica Alcocer to allow citizens to be moved to the end of the agenda. The motion was seconded by Councilor Donna Charles.

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

Mayor Riley announced the motion carried.

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

CITIZENS TO BE HEARD

Not held at this time due to the previous vote.

ANNOUNCEMENTS BY THE MAYOR AND COUNCIL MEMBERS

- Councilor Donna Charles spoke about the “Social Distancing Easter Egg Hunt” in Shadow Mist.
- Councilor Catherine Rodriguez said she hoped everyone had a good Easter; and asked that everyone pray for the victims of today’s tornado in Georgia.
- Councilor Monica Alcocer asked to defer her comments to the end of the meeting just like the citizens.
- Councilor Matthew Hodde spoke about a police pursuit down El Verde and how professional it was handled.
- Councilor Will Bradshaw also said he hoped everyone had a good Easter; about the three books he colored over the last few weeks; and about the recent day of prayer.
- Mayor Chris Riley also said she hoped everyone had a good Easter; about citizens that are struggling right now and encouraged everyone to donate food or their time to the Food Bank; about the increase in COVID numbers; Census 2020 deadline; and then Mayor Riley read a letter from Express-News about the corona virus.

ORDINANCE

Discussion and Possible Action on an Ordinance Amending the Emergency Disaster Ordinance to Incorporate State of Texas Governors Order GA-14, Bexar County Executive Order NW-03, Amend Leon Valley Ordinances Where Conflicted, and Wave Photographic Traffic Control Late Fees During the COVID-19 Crisis (M&C # 2020-04-13-01 C. Riley, C. Rodriguez, and M. Hodde)

ACM/Chief Joseph Salvaggio presented this item asking City Council consideration to incorporate the Governor of the State of Texas Executive Order GA-14 relating to statewide continuity of essential services and activities during the COVID-19 disaster.

Mayor Riley also asked for a discussion on the 10-person limit and how it conflicts within the county order, which prohibits any gatherings of non-family members.

Councilor Catherine Rodriguez also asked that this item be amended to include consideration of temporarily suspending the Red-Light Camera late fees. Councilor Matthew Hodde seconded the request to add this to the agenda as required by the City of Leon Valley Home Rule Charter, Article III, Section 3.10, A.

Councilor Will Bradshaw read an e-mail submitted by: Rey Orozco

City Manager Kelly Kuenstler read an e-mail submitted by: Josh Stevens

Those who spoke on this item were: Josh Stevens

A motion was made by Councilor Monica Alcocer to approve as presented but with the corrections as to form as recommended by the city attorney. The motion was seconded by Councilor Catherine Rodriguez.

Councilor Matthew Hodde took this time to remind Mayor Riley that the Pledge of Allegiance was skipped. Mayor Riley acknowledged this and the Pledge was done.

RESULT:	ADOPTED AS AMENDED [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

REGULAR AGENDA

Presentation and Discussion on an Ordinance, on a Request by David Holland, for a Specific Use Permit for a Bar, at 4700 Timco West Road; Generally Located at the Intersection of Timco West Road and Timco East Road; and a Public Hearing on Said Request (1st Reading as Required by City Charter) (M&C # 2020-04-13-02 B. Melland)

Brandon Melland, Planning & Zoning Director presented the item on behalf of applicant David Holland of the Longtab Brewing Company. Longtab is located at 4700 Timco West in Suite 105; generally located at the southern-most reach of the City south of Bandera Road. Suite 105 is approximately 1,800 square foot. They have been in operation at this location since 2019. Their operations consist of brewing beer, retail, and a bar for the consumption of beer brewed on-site. Brewing operations are permitted by right in the I-1, Industrial District, but the on-site consumption of alcohol is considered a bar due to alcohol being the primary item being consumed.

They received a Specific Use Permit approval for a bar in 2017 for Suite 105 but are planning to expand into Suite 104 next to their existing suite which is also 1,800 square feet. They must receive an additional Specific Use Permit approval to expand.

Mayor Riley opened the Public Hearing at 7:22 PM

There being no public comment; Mayor Riley closed the Public Hearing at 7:23 PM

RESULT: FIRST READ

Discussion and Possible Action on Ordering the City Manager to have an Investigation Conducted on the April 7, 2020 City Council Meeting Interruption as Requested by Councilors Alcocer and Charles (M&C # 2020-04-13-07 K. Kuenstler)

City Manager Kelly Kuenstler presented this item following action on April 8, 2020, where this item was unanimously voted on and approved by City Council to be added to this agenda for consideration.

A motion was made by Councilor Monica Alcocer to allow City Manager Kelly Kuenstler to seek an investigation either through the FBI or DPS or other relevant organizations to determine what happened on April 07, 2020 at our City Council meeting; and if not, then to bring us back some proposals on how much that would cost. The motion was seconded by Councilor Donna Charles.

RESULT: APPROVED [UNANIMOUS]
MOVER: Monica Alcocer, Mayor Pro-Tem, Council Place 3
SECONDER: Donna Charles, Council Place 1
AYES: Alcocer, Charles, Rodriguez, Hodde, Bradshaw

Discussion and Possible Action on Providing Donations of Essential Items (toilet paper, hand sanitizer, cleaning supplies, non-perishable food items, etc.) (M&C # 2020-04-13-03 Councilor Bradshaw & Councilor Alcocer)

Councilor Will Bradshaw presented this item stating that Councilor Alcocer brought this idea up at the last council meeting and I believe talked about leaving such supplies in the little free libraries at the parks. I had another citizen call me with a similar idea and she called them "blessing boxes" where those that have extra can donate what they have to those who are less fortunate. My concern is if they were left out for anyone to take, I believe people could/would clear them out every day. I suggest maybe putting a donation station at the police department where people could come and drop off supplies and people in need could come and pick up what they need.

A motion was made by Councilor Will Bradshaw to institute the Blessing Box and to have Chief Michael Naughton coordinate. The motion was seconded by Councilor Monica Alcocer.

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

Discussion and Possible Action on Political Signs in Leon Valley (M&C # 2020-04-13-04 Councilor Bradshaw & Councilor Alcocer)

Councilor Monica Alcocer began the presentation saying that she believed that forty-five (45) day guideline was sufficient. "Now that the election has been moved to November, do the political signs need to be taken down until 90 days before the November election?" - Councilor Will Bradshaw

City Attorney Charles Zech said that signs are actually regulated in the Texas Elections Code, Chapter 259, Section 259.003.

Furthermore, City Attorney Zech stated, "Let me be very clear. The City should not be involved, at all, with respect to what the individuals who are running for City Council choose to do amongst themselves. The City cannot, for a sign that contains a primarily a political message that is located on private, real property with consent to the property owner prohibit the sign from being placed."

ACM/Chief Joseph Salvaggio replied that he agreed whole heartedly.

Councilor Bradshaw asked City Attorney Zech if the statute gave any time frame to which Attorney Zech replied, "If a person wanted to place a sign in support of President Eisenhower in their yard year-round, the City would have to allow it."

Councilor Will Bradshaw read an e-mail submitted by: Rey Orozco

Mayor Chris Riley read an e-mail submitted by: Tony Westrich

City Manager Kelly Kuenstler also read an e-mail submitted by: Rey Orozco

Those who spoke on this item were: Evan Bohl (Leon Valley); and Josh Stevens (Leon Valley)

No action was taken on this item at this time.

RESULT: **PRESENTED**

Presentation of Timeline and Discussion of the Findings of the Ethics Review Board Concerning Releasing Attorney Fee Bills to Citizens (M&C # 2020-04-13-05 Mayor Riley)

Mayor Chris Riley presented this item regarding the release of attorney bills to citizens and wanted an opportunity to explain herself.

Councilor Monica Alcocer called a Point of Order to which the Mayor acknowledged. Councilor Alcocer stated that she believed it was in the interest of the way this meeting flows to combine Agenda Items 5.5 and 5.6.

City Manager Kelly Kuenstler added that she has Attorney Alan Bojorquez on the line to answer any questions the City Council may have.

Mayor Riley continued but was interrupted by Councilor Alcocer calling a Point of Order asking that Mayor Riley read the caption for Agenda Item 5.6 if she in fact was going to agree to merging the two items. Mayor Riley thanked Councilor Alcocer for reminding her to do that and proceeded to read aloud the caption for Agenda Item 5.6.

Agenda Item 5.6 was placed on the April 7, 2020, Regular City Council Agenda as requested by Councilor Matthew Hodde and seconded by Councilor Catherine Rodriguez in accordance with Section 3.10 (A) of the Leon Valley Home Rule Charter. The purpose of the item is to discuss and possibly act upon the findings of the Ethics Review Board in the complaint against Chris Riley pursuant to Sections 3.04 and 3.03 (C) of the Home Rule Charter.

Mayor Riley continued with the presentation with a time line of events beginning with the hiring of Ms. Kuenstler in 2015 and questioned when things went wrong and attributed it to the adoption of the Home Rule Charter.

Councilor Donna Charles called a Point of Order asking how this was related to the agenda item of attorney fees.

Mayor Riley continued with the timeline.

Councilor Monica Alcocer called a Point of Order stating that the Mayor was making inaccurate statements and that she was “way off base and inappropriate”.

City Manager Kuenstler added that she was very concerned about these “facts” and that these statements are offensive to the Home Rule Charter Committee; and that no “criminal complaint” was ever sent to the District Attorney about Benny Martinez.

Mayor Riley said she would like to continue.

Councilor Will Bradshaw called a Point of Order saying that the Mayor was being attacked by the City Council and the City Manager adding that it was “clear that they have been working on this item, colluding on it together and organizing on for who knows how long and of course they don’t want to hear your side of the story. Ms. Kuenstler owns the truth...”

Councilor Monica Alcocer called a Point of Order, this is a personal attack.

Councilor Will Bradshaw said “this Council is a disgrace and an embarrassment to Leon Valley.”

Councilor Donna Charles replied, “Shame on you Councilor Bradshaw.”

Mayor Riley said she would like to postpone Agenda Items 5.5 and 5.6 until after this pandemic.

City Manager Kuenstler asked for an Executive Session to seek legal advice.

Councilor Donna Charles asked to make a statement about Agenda Item 5.5 saying that the Ethics Review Board already reviewed this and it isn't something the Council needs to review again. Mayor Riley asked, why they were looking at Agenda Item 5.6 then to which Councilor Charles responded that they were going to look at the findings.

Councilor Will Bradshaw stated that “the Ethics Review Board ruled on it already and that there was no action taken. It's over! Why are we still talking about this?”

Councilor Will Bradshaw motion to adjourn.

Councilor Donna Charles said “Except in Agenda Item 5.6 where there is a Charter violation and the Council does have a say.”

Councilor Monica Alcocer asked if the Council could go into Executive Session without the Mayor so as to not waive the attorney client privilege.

Attorney Zech replied that any member of Council can require that a particular council member be excluded from the Executive Session in order not to waive the attorney client privilege.

Councilor Alcocer said, “Then I'd like to do that.”

Mayor Riley then asked “that Ms. Charles needs to be excluded if I'm excluded. She is part of this ethics complaint. It started with her.”

Councilor Will Bradshaw added that “he would argue that Ms. Charles should be excluded because she was the one that made the ethics complaint. Ms. Rodriguez should be excluded because she was a witness for Ms. Charles in the complaint against you (the Mayor), and I as well should be excluded because I was a witness on your behalf during the ethics complaint. So, all of us should be excluded in my opinion and also from voting on this issue, we should all be excluded.”

Councilor Catherine Rodriguez replied that she agreed with Councilor Bradshaw but “we weren’t the ones found guilty.”

Councilor Monica Alcocer said she re-urged a motion or whatever it takes to go into Executive Session concerning actions which may be taken, which may be averse to the Mayor.

Mayor Riley replied, “Before we get a second on that, I would like to hear from the citizens on these two (2) agenda items” before you go into Executive Session.

Councilor Will Bradshaw replied that he had a motion on the floor already which was seconded by discussion alone.

Councilor Monica Alcocer asked City Secretary Sandra Passailaigue if it was correct that discussion after a motion was considered a second to a motion.

City Secretary Passailaigue deferred to City Attorney Zech to respond who responded that he is “not the parliamentarian nor is he the presiding officer of this meeting. I am not in charge of how you operate your meetings. That is not a legal question.”

Councilor Alcocer asked City Secretary if there was an actual second to which City Secretary Passailaigue replied that she “could just call the vote, vote on it and move on.”

Councilor Monica Alcocer said she would then “like to call the vote first on Will’s because his was first and then my motion for Executive Session.”

Mayor Riley said “first she would like to read some things she has.”

Councilor Alcocer called the question.

Mayor Riley said she felt it was important that she be heard on this.

Councilor Alcocer said “Mayor please, we call the question and if you don’t take the votes then we have to overrule you according to our rules and take our own vote.”

Mayor Riley reminded everyone that there is an amendment on this in November.

Councilor Will Bradshaw said he “agreed with the Mayor and that it was the same as shutting down the citizens. They don’t want to hear from you either. They don’t want to hear your facts or your timeline.....”

Councilor Monica Alcocer called the question.

Councilor Will Bradshaw replied that his motion was to dismiss this meeting as the Ethics Review Board already has already stated that they recommend no further action.

Mayor Riley added that the Charter said she has a right to participate and I know we have a vote to change it in November but I will entertain Councilor Bradshaw's motion and then your motion Ms. Alcocer which we will go into Executive Session because you've got the votes, you always do. But before we go into Executive Session, I would like to make a statement and I would like to hear from the citizens before you go into Executive Session. So, Mr. Bradshaw, if you would go on with your motion."

Councilor Will Bradshaw said "Yea my motion is to adjourn the meeting as the Ethics Review Board has found no further action on Items 8.5 on the Ethics violation."

City Secretary Passailaigue attempted to ask for clarification on the motion as it had changed from the original motion but Ms. Passailaigue was interrupted by Councilor Bradshaw who said "I thought we were going to call the vote Mayor."

City Secretary replied "I just needed clarification" but Mayor Riley and Councilor Bradshaw spoke over her.

Mayor Riley 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.

Mayor Riley announced the motion failed.

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

Then onto Councilor Monica Alcocer's motion to go into Executive Session

Mayor Riley 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.

Mayor Riley announced the motion carried.

Mayor Riley said once again, that "before going into Executive Session that she wanted to hear from the citizens, and then I have a statement I would like to read."

Councilor Monica Alcocer called a Point of Order saying that "going into an Executive Session on an something that may be averse to you, she cannot have citizens nor can you give your statement. We should immediately be going into Executive Session."

Mayor Riley replied to Councilor Alcocer that she would ask Attorney Zech for legal advice who responded that this was a procedural question, not a legal question.

Councilor Will Bradshaw said “Mayor you run the meeting. I would asked Councilor Alcocer to quit trying to be mayor which is obviously what she is trying to do. She is trying to run the meeting and take over your position. Which is exactly what this is in my opinion.....”

Councilor Alcocer called a Point of Order

Councilor Bradshaw and Councilor Alcocer continued speaking over one another with Councilor Bradshaw telling Mayor Riley to take control of her meeting and silence her Council members if she needs to.

Councilor Donna Charles said “we have already voted to go into Executive Session so let’s do it.”

Mayor Riley said she wants to hear from citizens and make her statement and asked if anybody had anything to be read.

Councilor Will Bradshaw began to read an e-mail submitted by: Rey Orozco

Councilor Rodriguez interrupted and informed everyone that a citizen had been standing at the podium for a long time waiting to speak and asked if those present could speak first to which the Council obliged.

Those who spoke on this item were: Evan Bohl (Leon Valley); Josh Stevens (Leon Valley); Erick Matta (Leon Valley); and David Edwards (Leon Valley)

City Manager Kelly Kuenstler asked about an e-mail she received from Justin Pulliam (Fort Bend County) which would not be read but entered into the record. City Manager Kuenstler said that Josh Stevens (Leon Valley) put his name on Justin Pulliam’s e-mail and asked if she was to read it now.

Councilor Will Bradshaw interrupted the conversation and said he was asked to stop reading a citizen letter to allow citizens in Chambers to speak but now that they are finished, he would like to continue.

Councilor Rodriguez asked that the Justin Pulliam issue be resolved before moving on.

Councilor Bradshaw told the Mayor it was her meeting and she should do whatever she wants.

Mayor Riley agreed to resolve the Justin Pulliam issue first and asked for a motion.

A motion was made by Councilor Monica Alcocer not to read into record e-mail or letters written by and/or copied over by non-Leon Valley residents. The motion was seconded by Councilor Matthew Hodde.

Mayor Riley 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.

Mayor Riley announced the motion carried.

Councilor Will Bradshaw read an e-mail submitted by: Rey Orozco (Leon Valley)

City Manager Kelly Kuenstler read an e-mail submitted by: Leon Valley citizens - Sarah Smart; Kimberly Bohl; David Edwards; Hilda Gomez; Ricardo Ruiz; Heather Riddle; David Jordan; Shirley Jonas; Rudy Garcia; Dwayne Smith; Abe Diaz; Rita Burnside; Edward Alonzo; Al Uvetta; Oz Parker; Art Reyna; Rita Burnside; K. Crane; Lyn Joseph; and Benny Martinez

Councilor Will Bradshaw read an e-mail submitted by: Leon Valley citizens - Tina Chasan; and Byron Woodworth

Mayor Riley read an e-mail submitted by: Norma Shirotori (Leon Valley)

Mayor Riley went on to give a statement.

Councilor Monica Alcocer called a Point of Order saying the Mayor was "Out of Order accusing us of something we didn't do. We didn't misuse our e-mail and I would like to call the question now. I think your statement is out of order."

Mayor Riley responded by saying "Well I'm not finished." and continued with her statement.

Councilor Donna Charles called a Point of Order and said she would like to move on with the Executive Session.

Mayor Riley continued with her statement.

Once Mayor Riley concluded her statement, Councilor Will Bradshaw asked who would be excluded from the Executive Session.

City Attorney Zech replied that as far as he is aware, the Mayor is the only one at this time that may be averse to anything said in Executive Session but if while in session he finds that Mayor Riley is not adversely affected, he would ask that she be brought into the meeting.

City Council entered into Executive Session Pursuant to Texas Government Code, Chapter 551, Section 551.071 Consultation with Attorney on Legal Matters at 9:45 PM

The City Council reconvened into Open Session at 10:37 PM

There was no action taken. Request that City Attorney Zech read the specific legal provision regarding election and candidates.

City Attorney Zech read Chapter 245, Section 245.003 of the Texas Election Code.

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

Discussion and Possible Action on the Findings of the Ethics Review Board in the Complaint Against Chris Riley Pursuant to Section 3.04 and 3.03 (C) of the Leon Valley Home Rule Charter (As Requested by Councilor M. Hodde and seconded by Councilor C. Rodriguez) (M&C # 2020-04-13-06)

CITIZENS TO BE HEARD

Mayor Chris Riley read e-mail submitted by: Leon Valley citizens - Leslie Bacon; Evan Bohl; and Rita Burnside

City Manager Kelly Kuenstler read e-mail submitted by: Leon Valley citizens - Cathy Nelson; David Jordan; Abe Diaz; Lyn Joseph; Natalie Flores; Yvonne Orozco; and Mary McConnell

Councilor Monica Alcocer thanked Leon Valley Police and Leon Valley Fire for going overboard and risking their lives every day; thanked all of the medical service providers in Leon Valley and San Antonio for putting their lives on the line every day, thanked the local Leon Valley business that provided all of the signs and encouraged everyone to shop local; and we all need to get back to kindness and stop speaking about things we don't know and spreading untruths.

Mayor Riley thanked people working at the grocery stores as well.

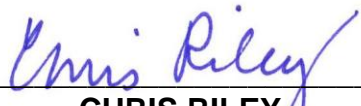
Those who spoke at this time were: Evan Bohl

ADJOURNMENT


Mayor Riley announced that the meeting adjourned at 11:09 PM.

These minutes approved by the Leon Valley City Council on the 6th of April, 2021.

APPROVED



CHRIS RILEY
MAYOR

ATTEST: 
SAUNDRA PASSAILAIGUE, TRMC
CITY SECRETARY

