



**CITY OF LEON VALLEY**  
**CITY COUNCIL SPECIAL MEETING**  
Leon Valley City Council Chambers  
6400 El Verde Road, Leon Valley, TX 78238  
Thursday, June 4, 2020

**MINUTES**

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**6:00 PM** Call to Order and Determine a Quorum is Present.

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 Kuenstler, ACM/HR Director Crystal Caldera, ACM/Police Chief Joseph Salvaggio, City Secretary Sandra Passailaigue, LVFD Chief Michael Naughton, LVFD Assistant Chief Eric Burnside, LVPD Assistant Chief David Gonzalez, Planning & Zoning Director Brandon Melland, Associate Planner Erick Del Angel, Public Works Director Melinda Moritz, Public Works Utility Billing Clerk/Administrative Assistant Yvonne Acuna, and LVPD and LVFD staff at the entrance of the building.

City Attorney Charles Zech remoted into the meeting.

Mayor Chris Riley welcomed everyone and said “there are about fifteen (15) people here in our Chambers and so I just want to summarize our Rules of Decorum that helps us with this meeting. Our Chambers is a place where people are treated with respect and dignity; citizens, staff, Council and visitors alike and we welcome you.”

- 1) Anyone desiring to speak shall first be recognized by the presiding officer. This includes Council, staff, and the members of the public. If you are in Council Chambers please raise your hand, and if you are on-line remoting in, I spoke with Crystal and there is a “chat box” that you could maybe say that you would like to speak but if there is a presentation up we cannot see it. I would like for everyone to be recognized including staff and everyone in the Chambers.
- 2) We do not want anyone shout, display any unruly behavior, distract with side conversation, use profanity, threat of violence or disrupt the orderly conduct that could affect 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 have a difficult time

controlling yourself, please sit in the foyer.

- 3) Please, no personal attacks on any City Councilors, staff, members of the public will be allowed. The presiding officer will warn the person and he or she will be required to leave the meeting if the disruption continues. Unfortunately, I cannot hear and see what goes on everywhere so I know that the Councilors will help monitor the situation as well.
- 4) Let's be civil and treat each other with respect and dignity.

Mayor Riley said that before going on to the presentations she wanted to suggest to her colleagues that she was not allowed to review the agenda for this meeting and she would like to request that, for better flow, to remove Agenda Item 8.6 to follow Item 8.3 and then to combine Item 8.4 and 8.5 because they are alike.

Councilor Monica Alcocer was recognized by Mayor Riley and stated that she would like to motion to combine Agenda Items 8.4, 8.5 and 8.6 as they are all related and should be done together.

Mayor Riley announced that she would like to discuss Item 8.6 first and follow that with Item 8.5 and then 8.4.

Councilor Alcocer repeated what she proposed and said "I need to see if we have a consensus to that or if I need to make a motion. Please."

Councilor Donna Charles announced that she agreed with Councilor Alcocer.

Mayor Riley recognized Councilor Will Bradshaw who said that he agreed that they should be combined but that Item 8.6 should be discussed first because if all agree on 8.6 then 8.5 and 8.4 can be done away with altogether.

Mayor Riley thanked and recognized Councilor Catherine Rodriguez who said she had no problem combining the items as long as they are all discussed.

Mayor Riley said if there is no objection, she would like to take the attorney item first.

Councilor Monica Alcocer asked to be recognized. Mayor Riley recognized Councilor Monica Alcocer who stated that since there was no consensus, she would like to motion to combine the three items as stated before. This was seconded by Councilor Donna Charles.

Councilor Matthew Hodde agreed with combining the items as well as with discussing Item 8.6 first.

The City Council voted four (4) for and one (1) opposed with Councilor Will Bradshaw casting the negative vote. Mayor Riley announced that the motion carried.

Councilor Will Bradshaw reminded the Mayor that the Pledge of Allegiance had been skipped. Mayor Riley thanked him for the reminder and asked Councilor Bradshaw to lead

the Pledge of Allegiance.

## **PRESENTATIONS**

### **Presentation and Discussion on the Proper and Allowable Use of "Points of Order" and "Call the Question" During City Council meetings (Mayor Chris Riley)**

At the request of the Mayor and City Manager, City Secretary Sandra Passailaigue gave a brief presentation on the use of motions *Point of Order* and *Call the Question*.

<b>RESULT:</b>	<b>PRESENTED</b>
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## **CITY MANAGER'S REPORT**

City Manager Kelly Kuenstler 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. City Manager Kuenstler then supplemented that report with new information with: a) reported that the "Economic Community Development Department" teamed up with Bexar County to hand out COVID-19 essential item bags. Ms. Kuenstler thanked Renee Watson from Bexar County, City staff, William Cox, Maribel Mendoza and Ana Federico for promptly setting this up and also to Councilor Catherine Rodriguez for volunteering to help distribute the bags. Mayor Riley thanked Representative Justin Rodriguez and his staff for donating over 100 bags to the City and for their support; b) Library Director Rosie Amaya will be leaving Leon Valley at the end of June but will assist in the hiring of her replacement; c) apologized for a typo in the City Manager's article in the recent Lion's Roar - it says conscience instead of conscious. The typo was corrected for the Texas Town & City Magazine but unfortunately not the Lion's Roar. Also mentioned that she was asked to write an article in Texas Town & City Magazine for the second time in five years; this will come out in July; d) Bexar County has opted out of using the Leon Valley Conference Center as an Early Voting poll site for the July Primary Election; e) reported that the On-It phone and e-mail has been monitored and is working. It was noted that there were issues but those issues have been corrected.

Mayor Riley asked about "Welfare Checks" and how one would go about having them done; and about the Impound numbers.

### **Upcoming Important Events:**

- Next Regular City Council Meeting Tuesday, June 16, 2020, at 6:00 p.m. in Council Chambers
- Miscellaneous other events and announcements

<b>RESULT:</b>	<b>PRESENTED</b>
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## **CITIZENS TO BE HEARD**

- William Johnson spoke about funding for the LVFD for equipment and staff.
- Olen Yarnell spoke about attorney bills for the current lawsuits; and restrictions on candidates writing or posing in photos in the Lion's Roar.

- Alex Jenicek spoke about the Black Live Matter (BLM) Movement and 8 Can't Wait Use of Force.
- Richard Blackmore spoke about the "team"; congratulated City Manager Kelly Kuentler again on being named City Administrator of the Year for the State of Texas for 2020; told Councilor Catherine Rodriguez to keep the faith; and said "God help Leon Valley".
- Evan Bohl thanked Mayor Riley and Councilor Catherine Rodriguez for volunteering to assist the veterans recently and said this is what we need more of around Leon Valley. Spread more hope.
- Josh Stevens spoke about COVID-19; how the City should be thinking about using funds from the CARES Act called the recent purchase of bunker gear under COVID-19 "Federal Fraud".
- Erick Matta spoke about an open record request regarding attorney bills; and transparency violations.
- Olen Yarnell asked for copies of attorney bills again.

Mayor Riley read e-mails that were submitted for this evenings meeting:

- Allison Classen regarding a birthday parade.
- Hilda Gomez regarding the Home Rule Charter
- Norma Shirotori in favor of the Mayor staying on Council
- Cindy Henley in favor of all members of Council and the Mayor resigning.
- Shirley Jonas wrote about the Mayor and members of City Council being held accountable.
- Carol Smith wrote about the Mayor and members of City Council being held accountable.

Mayor Riley said she had an e-mail from Justin Pulliam but that she "assume the consensus is not to read it."

Councilor Will Bradshaw said he would like it to be read.

- Richard Blackmore spoke in opposition of reading the e-mail submitted by Justin Pulliam.
- Alex Jenicek asked for clarification from the City Manager regarding the Use of Force Policy; and concern about the turmoil of the City.
- Leslie Bacon asked Mayor Riley to "have Richard Blackmore removed from Council Chambers for being rude" (Mayor Riley replied that Mr. Blackmore will stay); spoke about how CoSA City Council speaks to their citizens; and asked that the city secretary answer her question, "Who determines the topic and when it can be stopped?". Mayor Riley told Leslie Bacon to ask the question and the city secretary would get back to her; and spoke about City Council members call a Point of Order while she was speaking at the last meeting. Bacon announced to "Recalled Charles and Alcocer, you work for me!"

Councilor Catherine Rodriguez was recognized by Mayor Riley and asked why these two City Council members were being referred to as "recalled" when they were elected and have not been recalled. Mayor Riley replied, "You will need to speak with her."

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

- Councilor Donna Charles thanked the first responders and neighborhood groups for doing what they do to keep everyone safe from COVID-19.
- Councilor Catherine Rodriguez echoed what Councilor Charles said adding that the City of Leon Valley has the best Fire and Police Department.
- Councilor Monica Alcocer read a letter written by her fifteen-year-old granddaughter on the recent riots.
- Councilor Matthew Hodde spoke about the recent Thunderbird flyover.
- Councilor Will Bradshaw thanked everyone for coming; could not do this without the support of family and friends; and “will continue to be the voice of the people.”
- Mayor Riley said good to see the Chamber presence growing; COVID-19 testing site nearby; Bandera Road Workgroup meeting last week; at 63% on the Census 2020; thanked William Cox for getting the essential bags out; thanked everyone for doing their part but also wanted to thank teachers and parents; that for the first time in sixteen (16) years she could not review the agenda and this is because our Home Rule Charter is silent on this.

## **CONSENT AGENDA**

A motion was made by Councilor Catherine Rodriguez and seconded by Councilor Will Bradshaw to adopt Consent Agenda Item 6.1 a, b, and c; Item 6.2, Item 6.3, and Item 6.4 as presented.

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

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

- Regular Meeting- November 19, 2019 6:00 PM**
- Special Meeting for Executive Session- May 19, 2020 5:45 PM**
- Regular Meeting- May 19, 2020 6:00 PM**

## **Presentation of the Library Board of Trustees Annual Report**

## **Presentation of the Planning & Zoning Commission's Annual Report**

## **Discussion and Possible Action on a Resolution Making Appointments to the Park Commission and the Board of Adjustment (M&C # 2020-06-04-01 S. Passailaigue)**

## **ORDINANCE**

**Discussion and Possible Action on an Ordinance on a Request by Richard Giron, for a Specific Use Permit for Entertainment Indoor Use at 7040 Bandera Road, in the Tenant Suite Designated as 7022 Bandera Road; Generally Located at the Intersection of Bandera Road and Huebner Road (1st Reading was Held on 05-19-2020) (M&C # 2020-06-04-02 B. Melland)**

Planning & Zoning Director Brandon Melland presented the item in response to a request from Richard Giron for a Specific Use Permit for Entertainment Indoor Use at 7040 Bandera Road, in the tenant Suite labeled as 7022 Bandera Road; generally located at the intersection of Bandera Road and Huebner Road. This item also calls for a Public Hearing.

A motion was made by Councilor Matthew Hodde and seconded by Councilor Catherine Rodriguez to approve as written.

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

**Discuss and Consider Possible Action on an Ordinance Authorizing a Budget Adjustment in the Amount of \$3076.00 from the General Fund for the Purchase of Supplies for the Earthwise Living Day Event (1st Read was Held on 05-19-2020) (M&C # 2020-06-04-03 Y. Acuna)**

Public Works Utility Billing Clerk/Administrative Assistant Yvonne Acuna presented the item seeking City Council consideration of an ordinance authorizing a budget adjustment in the amount of \$3,076.00, for the purpose of purchasing supplies for future Earthwise Living Day events.

At the 2020 Earthwise Living Day event, the Committee earned \$3,910 in funds from the sale of booth rentals and from sponsorships. In addition, after expenses, they had some remaining funds. The Committee would like to use the money to purchase insulated tote bags and other eco-friendly promotional giveaways.

- Richard Blackmore suggested holding off on this item until after pandemic and lawsuits.

A motion was made by Councilor Will Bradshaw and seconded by Councilor Matthew Hodde to adopt as written.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Will Bradshaw, Council Place 5
<b>SECONDER:</b>	Matthew Hodde, Council Place 4
<b>AYES:</b>	Monica Alcocer, Donna Charles, Catherine Rodriguez, Matthew Hodde, Will Bradshaw

**Presentation, Discussion and Possible Action on an Ordinance Amending the Emergency Disaster Ordinance to Incorporate State of Texas Governor's Order GA-26, and Discussion on Amendment of Leon Valley Local Emergency Declaration 2020-22 (M&C # 2020-06-04-04 J. Salvaggio)**

ACM/Chief Joseph Salvaggio presented the item to amend Ordinance 2020-22 to reflect recent changes due to Texas Governors Executive Order GA-26 relating to the expanded reopening of Texas in response to the COVID-19 disaster and adopt the ordinance into the Leon Valley local ordinance.

- William Johnson asked if the number of people allowed in City Council meetings would be increased
- Evan Bohl asking about "contract tracking"
- Josh Stevens spoke TOMA violations

Public Works Director Melinda Moritz spoke about the swimming pools.

Mayor Riley read a letter that was submitted by Ann Sawyer.

- Erick Matta spoke about the CoSA pool closing information previously given by CoLV staff being false and blamed the City Manager for that.
  - Public Works Director Moritz stated that on at least three separate occasions, she spoke with Ericka Taft, Parks and Recreation Manager for the City of San Antonio who each time gave her updates that she passed on to Leon Valley. Director Moritz said it was NOT an intent to deceive anyone and this was NOT a product of the City Manager.
- Richard Blackmore spoke about the City Manager had nothing to do with this; but in favor of opening the pools.
- William Johnson spoke about the cracks in the community pool leaks were causing a half foot of water waste.
- Evan Bohl asked that even if the pools are open that we remain extra cautious; and ADA improvements should be done first.
- William Johnson asked that the pool openings not be delayed because of him.

Mayor Riley read an e-mail from Nancy Lopez.

Library Director Rosie Amaya spoke on the Library issues. This was followed by discussion.

A motion was made by Councilor Will Bradshaw to approve GA26 to open one (1) pool by July 1<sup>st</sup> with two (2) hour early time for seniors; adopt the phase process at the Library; open the park restrooms, fitness equipment, playground equipment and basketball and tennis courts; keep the Senior Center closed; have July 1<sup>st</sup> as the date to end suspension of fees (Library, credit card, Red-Light Camera, etc.) water disconnect, sign ordinance for bandit signs and fees.

Councilor Monica Alcocer said she would second the motion if Councilor Bradshaw would consider an amendment to aim at opening the pools on July 1<sup>st</sup> but to make the final decision on which pool on June 16, 2020. Councilor Will Bradshaw did in fact accept the amendment.

- Erick Matta asked City Council to consider waiving the pool fees this season.

Mayor Riley called for the vote.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Will Bradshaw, Council Place 5
<b>SECONDER:</b>	Monica Alcocer, Mayor Pro-Tem, Council Place 3
<b>AYES:</b>	Monica Alcocer, Donna Charles, Catherine Rodriguez, Matthew Hodde, Will Bradshaw

**Discussion and Possible Action on an Ordinance Amending Section 1.04.001 of the City of Leon Valley Code of Ordinances to Consolidate the Meeting Date and Time Rules with the Rules of Conduct and Decorum for Public Meetings and Hearings Held by the City Council as Adopted in Ordinance No. 2019-48 and by Amending the Rules of Conduct and Decorum to Allow Councilors to Appeal the Presiding Officer's Determination Regarding Violations of Rules of Conduct and Decorum for Public Meetings and Hearings Held by the City Council and by Making Non-Substantive Organizational Revisions to the Rules of Conduct (1st Read was Held 12-17-2020) (M&C # 2020-06-04-05 K. Kuenstler)**

City Manager Kelly Kuenstler presented this item which is an amendment to the Rules of Conduct and Decorum with substantive and non-substantive changes.

City Manager Kuenstler stated the purpose of the substantive revisions and the purpose for non-substantive re-organizational revisions were noted in the comments found on the right-hand margin of the rules that were included in the meeting packet.

Mayor Riley asked that the members of City Council consider postponement of this item to the next City Council item in order to allow the Mayor time to include language about the Mayor reviewing the agenda.

Councilor Monica Alcocer requested that City Secretary Passailaigue to speak about the problems with getting the agenda finalized and posted in a timely manner.



Councilor Will Bradshaw called a Point of Order stating the what Councilor Alcocer was speaking on was Agenda Item 8.2 which is a discussion on the time of submittal. Not on this item.

Mayor Riley replied that she received the Rules of Conduct from the City of Converse and asked to share it with the Council and ask that they consider broadening it.

A motion was made by Councilor Matthew Hodde and seconded by Councilor Will Bradshaw to move Agenda Item 7.4 to the July 07, 2020 City Council meeting for an amended second read.

<b>RESULT:</b>	<b>POSTPONED [UNANIMOUS]</b>
<b>MOVER:</b>	Matthew Hodde, Council Place 4
<b>SECONDER:</b>	Will Bradshaw, Council Place 5
<b>AYES:</b>	Monica Alcocer, Donna Charles, Catherine Rodriguez, Matthew Hodde, Will Bradshaw

## **REGULAR AGENDA**

**Presentation and Discussion on an Ordinance on a Request by Manuel Rubio for a Zone Change From B-3, Commercial District with SO, Sustainability Overlay District Zoning, to B-3, Commercial District, with CIO, Commercial Industrial Overlay District Zoning on Approximately 5 Acres Generally Located on the East Side of Timber Hill Drive, Approximately 600 Feet South of Grissom Road; and a Public Hearing on Said Request (1st Reading as Required by City Charter) (M&C # 2020-06-04-06 B. Melland)**

Planning & Zoning Director, Brandon Melland presented this item at the request of Manuel Rubio for City Council consideration for a zone change from B-3, Commercial District with Sustainability Overlay (SO) District Zoning, to B-3 Commercial District, with Commercial Industrial Overlay (CIO) District Zoning on approximately five (5) acres generally located on the East side of Timber4 Hill Drive, approximately six-hundred (600) feet South of Grissom Road. This item also requires a public hearing this evening.

Director Melland gave a lengthy background saying that the owner is Mr. Manuel Rubio, who also owns Miracle Paint and Body located at 6655 Poss Road in the Town Center. The property is "L" shaped with majority frontage on Timber Hill Drive and a narrow connection to Grissom. Unfortunately, the boundary between the City of Leon Valley and San Antonio goes through this property. Nearly all of the tract is located in the City of Leon Valley. However, a ¼ acre portion of the property that fronts Timber Hill Drive is located in the City of San Antonio. The site is more specifically illustrated in the attached aerial map. The applicant desires to sell the property to U-Haul so they can expand their facilities onto the subject property and develop it specifically for outside boat and recreational vehicle (RV) storage. The subject property and adjacent U-Haul property are zoned B-3, Commercial District, which allows for self-storage, but only indoor self-storage, with fully enclosed units. In the B-3 District, outside self-storage such as exposed boats and RV's, requires additional Specific Use Permit approval. However, the subject property and the existing U-Haul

property are both located within the Sustainability Overlay District (as are all surrounding properties located within the City of Leon Valley). The Sustainability Overlay District does not allow for self-storage of any kind - indoor or outdoor.

Director Melland continued by saying that the Sustainability Overlay District was established and applied in this area in late 2009. Maps of the Sustainability as well as the Commercial Industrial Overlay's are attached for reference. U-Haul's existing facility - which occupies a facility originally designed for multi-tenant retail shops - was operating prior to the application of the Sustainability Overlay District and is therefore permitted to continue, but not expand or alter its use. They are considered legally non-conforming. In order to expand on to Mr. Rubio's tract, the Sustainability Overlay District must be removed from this property. In lieu of the Sustainability Overlay Zoning, Mr. Rubio wishes to replace it with Commercial Industrial Overlay District Zoning, as he requested - and was granted - for his property in the Town Center, by a previous Zoning Commission and City Council in 2013. The Commercial Industrial Overlay District allows for indoor self-storage by right, and further allows for outside self-storage with Specific Use Permit approval. Thus, if Mr. Rubio were granted his zone change request, additional zoning approval would be required in order to facilitate U-Haul's expansion. Removal of the Sustainability Overlay District is the first of two-steps.

Director Melland said that when considering a zone change request, the primary elements to consider are compatibility with existing surrounding uses and zoning classifications, conformance with the City's Comprehensive Master Plan, and conformance with state and federal case law.

Director Melland stated that in this case, the applicant is requesting to keep the B-3 District base zoning, but remove the Sustainability Overlay District and replace it with Commercial Industrial Overlay Zoning. Director Melland relayed that staff recommends that this request not be approved for the following reasons: 1. Compatibility with Existing and Surrounding Uses; 2. Conformance with the City's Comprehensive Master Plan; and 3. Conformance with State and Federal Case Law.

Director Melland concluded the presentation saying that the Planning & Zoning Commission did approve of this item.

Manuel Rubio spoke on behalf of his request and his company.

John Martinez of U-Haul on Grissom spoke in favor of the requested change.

Linda Ladymon, Attorney for Mr. Rubio spoke in favor of the requested change.

Jacob Smith, Government Affairs with Longleaf Consulting also spoke on behalf of the requested change.

Mayor Riley opened the Public Hearing at 10:28 p.m.

- Josh Stevens spoke in favor of the zone change.
- Olen Yarnell spoke in favor of the zone change.

There being no further public comment; Mayor Riley closed the Public Hearing at 10:31 p.m.

This was followed by more discussion.

Councilor Monica Alcocer stated that she was contacted by Mr. Rubio and that he “offered her money.” She added that she was “concerned that the each one of the people that I’ve heard on this property seems to me to be more self-serving rather than in the interest of the City.”

Director Melland added that when this item comes back for the second read, the survey must be presented with the item.

Councilor Monica Alcocer asked the Director Melland verify that 100% of the water to this property will be provided by San Antonio Water System (SAWS) when the items comes back for the second read.

<b>RESULT:</b>	<b>PRESENTED</b>
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**Presentation and Discussion on an Ordinance Amending the City of Leon Valley Code of Ordinances, Chapter 1, Article 1.04 CITY COUNCIL, Section 1.04.001 Meetings adding that all City Council Agendas will be posted no later than Friday at 3 pm Before the Regularly Scheduled Meeting. (1st Reading as Required by City Charter) (M&C # 2020-06-04-7 K. Kuenstler)**

City Manager Kelly Kuenstler presented this item seeking City Council consideration of an ordinance amending the City of Leon Valley Code of Ordinances, Chapter 1, Article 1.04 CITY COUNCIL, Section 1.04.001 Meetings adding that all City Council agendas will be posted no later than Friday at 3 p.m. before the regularly scheduled meeting.

City Manager Kelly Kuenstler stated that the proposed amendment would be to add the words *“All City Council agendas will be posted no later than Friday at 3 p.m. before the regularly scheduled meeting.”* to this section of the Code.

City Manager Kelly Kuenstler concluded the presentation saying that staff is not paid for the additional hours they put in with late items because the staff assigned to this task are exempt from the Fair Labor Standards Act.

- William Johnson suggested adding “after the review of the mayor” to the second read.

**Presentation and Discussion on an Ordinance of the City of Leon Valley, Texas, City Council, Amending the City of Leon Valley Code of Ordinances, Chapter 2, Establishing a Records Management Program; Designating a Records Management Officer; Establishing a Records Management Committee; Developing a Records Management Plan; Implementing a Record Control Schedule to Include a Destruction of Records Schedule; Approving Form SLR 508 – Declaration of Compliance and Applicable Retention Schedules, Providing For Repealer, Severability And Savings Clauses; And Providing For An Effective Date (1st Reading as Required by City Charter) (M&C # 2020-06-04-08 S. Passailaigue)**

City Secretary Sandra Passailaigue presented this item is to discuss a proposed ordinance amending the City of Leon Valley Code of Ordinances, Chapter 2, Establishing a Records Management Program; Designating a Records Management Officer; Establishing a Records Management Committee; Developing a Records Management Plan; Implementing a Record Control Schedule to Include a Destruction of Records Schedule; Approving Form SLR 508 - Declaration of Compliance and Applicable Retention Schedules.

The City of Leon Valley last adopted a Records Management Ordinance in July of 1988. If adopted, this would be the first amendment the City has done to that original ordinance.

City Secretary Passailaigue concluded the presentation saying that the City currently budgets \$2,400 for storage of records but as this program moves along, that amount could potentially decrease. The reason for this is that many departments are striving to go paperless. This will place records on media such as flash drives which take a lot less storage space which in turn, cost the City even less. The City also currently budgets \$1,400 per year for destruction of records. Again, once on a good destruction system, this amount should decrease.

- Evan Bohl spoke about his concern the security of scanning documents electronically.

This item will come back on June 16<sup>th</sup> for a second read.

<b>RESULT:</b>	<b>FIRST READ</b>
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**Presentation, Discussion and Possible Action on Selecting a Designated Officer (aka, “Investigating Officer”) in regards to the pending §3.12 hearings on Councilor Donna Charles and Mayor Chris Riley (M&C # 2020-06-04-09 K. Kuenstler)**

Mayor Riley began to present Item 8.4, 8.5, an 8.6 when Councilor Monica Alcocer called a Point of Order, Mayor Riley acknowledged Councilor Alcocer who asked if all three agenda captions needed to be read. Mayor Riley apologized and said she could do that. Councilor Alcocer said “Thank you” to which Mayor Riley replied, “Well taken. Thank you.”

Mayor Riley proceeded to read all three agenda item captions.

Councilor Monica Alcocer called another Point of Order and again, Mayor Riley acknowledged Councilor Alcocer and asked her to go ahead. Councilor Alcocer asked to see any presentation before there was any discussion. Mayor Riley agreed to proceed to any available presentations.

City Manager Kelly Kuenstler stepped up to the podium to provide a presentation for Agenda Item 8.4. saying that the purpose of the item is that on May 19th, 2020, the City Manager was given the authority to enter into a contract with Alan Bojorquez regarding the 3.12 hearings on Councilor Donna Charles and Mayor Chris Riley. On May 27, 2020, Mr. Bojorquez received correspondence from Darby Riley alleging that Mr. Bojorquez would not appear to be neutral and that he could be a witness in the Mayor's hearing. Although Mr. Bojorquez does not agree with Mr. Riley, he does not want there to be even a slight appearance or concern of bias. Therefore, Council needs to give direction to the City Manager as to the possibility of engaging with another attorney for this task. City Manager Kuenstler added that it should be noted that neither Ian Steusloff nor Mr. Bojorquez are "employed" by the City of Leon Valley. Instead, they are independent contractors. Neither attorney has "any active representation of the City...", which might disqualify them under Leon Valley Ordinance No. 2019-26, §A.2 [Definitions]. Neither have any pending projects with the City of Leon Valley. Lastly, Mr. Bojorquez was designated as the City's Temporary Ethics Compliance Officer but he has not been given any current or ongoing responsibilities.

- David Edwards questioned who gave the City Manager the authority to enter into a contract.
- Evan Bohl spoke about topic items that are null and void on the agenda needing to be skipped.
- Olen Yarnell asked who recommended Ian Steusloff.
  - City Manager Kuenstler responded to both gentlemen by reading a section from the May 19, 2020 minutes that City Council approved this evening.
- David Edwards said that it did not make sense; that it is all backwards.
- Leslie Bacon spoke in favor of Mr. Bojorquez declining but recommending Ian Steusloff.
- Josh Stevens said this was a "complete waste of money"; recommends not wasting any more money; spoke in favor of Ian Steusloff and said that "You (directing his comment to the City Council) are in for a rude awakening because I think you are going to realize, that Mr. Steusloff comes from a little bit of a different, more ethical perspective where he is going to guide and lean more towards the Attorney General, maybe because he worked there before in the past when making determinations and decisions when related to the 3.12."
- Olen Yarnell asked about the cost estimate for the 3.12 hearings; asked what line item from the budget would pay for this; and Mr. Yarnell asked that the evidence be presented at the next Council meeting before going into this as in a "pre-trial hearing."
  - Mayor Riley stated that her husband received an e-mail from a "highly respected mediator" who volunteered his services pro-bono.
- Leslie Bacon began speaking about a friend who died of COVID-19 and HEB not making people wear masks again.

- Mayor Riley asked Ms. Bacon to stay on the topic.
- Leslie Bacon spoke about this being about people's reputation and encouraged people to accept mediation and open their minds and come together to lead. "Be the better angel."
- William Johnson spoke about the items of 8.6 being first and asked if "we could get back to it."

Councilor Will Bradshaw spoke of an arrangement between Ian Steusloff and Alan Bojorquez and wanted to know if the Bojorquez Law Firm was going to get a cut from the arrangement. Is this a way to avoid a conflict of interest? Or some kind of bias?

Councilor Monica Alcocer called a Point of Order. Mayor Riley acknowledged Councilor Alcocer who said that was a question for Attorney Zech.

City Attorney Charles Zech said he had no idea if they had an "Of Council Relationship".

Mayor Chris Riley said that she had questions to would like to submit to get answered. 1. How long has Mr. Steusloff been associated with Mr. Bojorquez; 2. Does your office with him in the same place; 3. Do you pay him for office space and/or legal support; 4. Have you consulted with him on this matter in advance; 5. Did you consult with him before, during and or/after the ethics hearing involving Mayor Riley; 6. Do you share finances; 7. Will you be sharing this fee with Mr. Bojorquez; 8. Have you ever done this type of hearing before, i.e.: representing a city council in a preceding to remove an elected official; 9. Does Mr. Steusloff intend to do an independent investigation like looking anew at the claim or just relying on what the Ethics Review Board did; 10. And I believe Ms. Kuenstler has already stated that she has not spoken to or e-mailed Mr. Steusloff, will you be examining the bills to determine whether there are any attorney-client privilege information contained within them and if so, will you identify what particular areas that appear to be privileged; and 11. As an attorney for the Texas Ethics Commission, do you deal with the Public Information Act or attorney-client privilege issues.

City Manager Kuenstler asked the Mayor to submit those questions to her to get answered.

- William Johnson asked the City Council to reconsider this speaking of the potential cost to the City and saying that when the final ruling from the Attorney General comes back on the attorney bills, it will be known that there was no attorney-client privilege in them; "There is gonna be a lot of egg on a lot of people's faces and a lot of egg on a lot of Council's faces. Mark my words."

Mayor Riley read a letter from Dr. Rebecca Hamner asking City Council to reverse the decisions made on May 19th to hold a 3.12 against the Mayor and Councilor Donna Charles; also asking Councilor Monica Alcocer to apologize to Mayor Riley for asking citizens to write in on her behalf.

Mayor Riley also read a letter from Ethics Review Board Member Karen Weidlich "pleading" to cancel the 3.12 hearings or at the very least, postpone for six (6) months.

Mayor Riley began to read a letter that was submitted by John and Mary Hoyt when Councilor Donna Charles asked Mayor Riley if they were doing "Citizen Comments" now.

Mayor Riley replied that she was just reading letters that were submitted and that she was just about to read another when she realized it was submitted to Councilor Bradshaw so she said she would have him read it but first, would ask that City Council reconsider this action to hold a 3.12 hearing. "We need to prioritize our monies and lead and implement policies that are best for the community."

Councilor Charles said she had a statement. Mayor Riley asked Councilor Charles to let her finish and then she would let her speak.

Mayor Riley named off all the other issues the City's money could be used for that are much more important that need to be addressed. Mayor Riley turned the floor over to Councilor Charles announcing that she was "recognized".

Councilor Donna Charles thanked the Mayor for recognizing her. Councilor Charles reminded the Mayor that she was the one that it was the Mayor who placed the item on the last agenda to schedule a 3.12 hearing against her (Donna Charles) per the City Charter. Councilor Charles also reminded the Mayor that she herself made the motion to have herself investigated and it was passed. She continued, "the laws of the City are not for a select few, they are for everyone, which includes you and me." "As you yourself have said Mayor, we must follow the Charter. I believe the investigation must go forward. The Council is obligated to hold the investigation not relying on any other bodies investigation and to reach an appropriate decision and action. That is the only recourse we have according to the Charter. There is no opportunity to negotiate or mediate."

Mayor Riley said she respectfully disagreed and that the Council could move to do whatever they would like on this issue.

Mayor Riley said she "never wanted a 3.12 hearing against you (Donna Charles) I just wanted to show .... anyway.... I'm too tired." I'm just going to turn it over to Mr. Bradshaw, I'm just too tired.

Councilor Will Bradshaw read a letter from John and Mary Hoyt in opposition of removing Mayor Riley from office.

Councilor Will Bradshaw shared his thoughts naming the other options listed in the Charter besides removal from office. Councilor Bradshaw also asked, who was hurt in the release of the document? Was anyone harmed? Asked the this just be "let go". "People are watching to see what happens." Lastly, Councilor Bradshaw read a quote from Martin Luther King, Jr.

Councilor Donna Charles asked if she could restate something; Mayor Riley replied, "sure".

Councilor Donna Charles said “The laws of the City are not for a select few.” And as you recall, a council member had to vacate his seat because he violated the Charter. In this agenda item, it doesn’t talk about vacating anyone’s seat. It talks about an investigation to determine if these offenses are actually true but then to move forward depending on what the investigation finds.”

Mayor Riley said that “3.12 equals forfeiture of office! That is what concerns me!

- Evan Bohl spoke about “playing the game” and making arguments that make no sense; make a decision now and move forward; be a strong governing body.
- Leslie Bacon spoke about a poll she set up on NextDoor; accused Councilor Alcocer of wanting to be Mayor and told her to run for Mayor.
- Erick Matta spoke to Councilor Charles about “her plan”; getting rid of the Home Rule Charter; power in certain positions; “Grow up!”
- Josh Stevens said “some Council members just want to hear themselves speak”; recommends not spending a single dime on any attorney, any person on a 3.12 and take away the opportunity for the citizens to take Councilor Charles out in November.”
- Rey Orozco spoke about the attorney being hired being friends with the City Manager on Facebook.
  - City Manager Kuentler said that she has “never met Mr. Steusloff but yes, she is “*friends*” with Mr. Bojorquez on Facebook as are most city managers and city attorneys.”
- Alex Jenicek spoke in opposition of the Home Rule Charter because it is an “extreme takeover of our city government.”; sad to see the dysfunction in the City.
- David Edwards spoke about the “elephant in the room” and the “political attack” that started a couple of years ago.
- Richard Blackmore spoke in opposition to the “attacks on Ms. Charles”; said the Mayor could have stopped this two years ago if she had taken care of Mr. Martinez then; said Mr. Martinez should have resigned then and the Mayor should resign now if she wants to save the City money; Mayor asked Mr. Blackmore to calm and he replied he would and apologized and sat down.

Mayor Riley called upon Councilor Donna Charles to make a statement.

Councilor Donna Charles said she wanted to respond to Erick Matta and Josh Stevens. Councilor Charles said that at no time have the two of them ever shown any reservation about speaking publicly or posting something about her that was not true. Neither one of you are what I consider the epitome of truth.”

Erick Matta replied that this was “indicative of the problem where an elective official calling citizen liars.”

Councilor Monica Alcocer called a Point of Order. Mayor Riley said she was just about to say, “keep it on topic and let’s avoid personal attacks.”



Erick Matta replied "Well there was just a personal attack on me."

Councilor Charles and Erick Matta began to go back and forth.

Councilor Will Bradshaw called Point of Order and told the Mayor that Councilor Charles had not been recognized. Mayor Riley agreed and asked Mr. Matta to please finish up.

Councilor Monica Alcocer called a Point of Order. Mayor Riley asked what procedural rule was being violated.

Councilor Alcocer replied that the Rules of Decorum did not allow the back and forth between the two.

Erick Matta replied to Councilor Alcocer that he was being interrupted by someone on "her team".

Councilor Matthew Hodde held up his notes and read them out loud. Councilor Hodde asked "if it was clear cut that there were violations, would you Mayor Riley and you, Councilor Charles, accept the findings and do what you thought was the ethical thing to do, what the right thing is to do. Whatever that is. Resign, not run in the fall, make a public apology, I don't know. Go ahead and face the facts. No arguments, no lawsuits, no long meetings. Or if they find nothing, accept those findings and move on."

This was followed by a discussion.

A motion was made by Councilor Monica Alcocer and seconded by Councilor Donna Charles allow the City Manager to proceed with a contract with Attorney Ian Steusloff to investigate.

Mayor Riley said there were still citizens to be heard. Councilor Alcocer said citizens had already had plenty of time to speak and so she Called the Question and made a motion to Call the Question and asked for a second on that. Councilor Donna Charles seconded.

Councilor Monica Alcocer asked which she seconded, Councilor Donna Charles replied, both.

Councilor Will Bradshaw called a Point of Order. Mayor Riley recognized him. Councilor Bradshaw said it was against Texas law to not allow citizens to speak after a motion and a second.

City Attorney Zech agreed that the citizens had enough of time to speak to comply.

A motion was made by Councilor Monica Alcocer that in the realm of being under appointing an investigator into the release of misinformation or information that shouldn't have been released.

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

Councilor Will Bradshaw called another Point of Order and told the Mayor that he thought the vote to Call the Question had to be voted on still and that it had to be a raised hand vote.

City Manager Kuenstler asked Attorney Zech if the Councilor's had to be seen for the vote.

Attorney Zech said it was a procedural issue.

Councilor Will Bradshaw called another Point of Order and told the Mayor that this was not the question and that the question was about the raised hand for a Call the Question vote.

City Manager Kuenstler apologized.

Attorney Zech replied that he did not have Robert's Rules of Order memorized.

Mayor Riley referred back to the presentation at the beginning of tonight's meeting.

Councilor Alcocer withdrew the Call the Question and just vote on the motion. Councilor Bradshaw told the Mayor that he wanted to "hear from the citizens and you are the presiding officer so it is your decision." As Josh Stevens stepped up to the podium, Mayor Riley said it has to be something new and if it wasn't, she would ask him to sit back down.

- Josh Stevens spoke about the pending ruling from the Attorney General on the release of the attorney bills.

Councilor Monica Alcocer called a Point of Order and before the Mayor could respond Josh Stevens yelled out, "Of course you don't want to hear this Monica!"

- Josh Stevens continued by saying that there is a letter sent to the Attorney General seeking a ruling on the bills and we should wait to see what is said.
- Leslie Bacon said she thinks that everyone needs to be investigated because the city secretary danced as the meeting crashed.
- Olen Yarnell read from the Charter on the hiring of an investigating attorney.

There was a brief interruption due to a power loss.

Mayor Riley restated the motion. (All agreed that the wording was correct.)

A motion was made by Councilor Monica Alcocer to authorize the City Manager to enter into a contract with Attorney Ian Steusloff for the purpose of investigating any possible wrong doing of the release of City records by Mayor Chris Riley and/or 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.

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

### **Discussion and Possible Action on Finding a Different Attorney or Law Firm from Alan Bojorquez as Investigating/Designated Officer for the § 3.12 Investigation (Mayor Chris Riley)**

*This Item was discussed as a combined item with Items 8.4 and 8.6*

### **Discussion and Possible Action on Whether to Cancel § 3.12 Investigation on Mayor Riley and Council Charles (Mayor Chris Riley)**

*This Item was discussed as a combined item with Items 8.4 and 8.5*

### **CITIZENS TO BE HEARD**

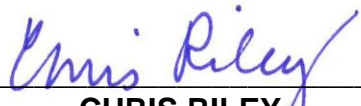
- Josh Stevens told Councilor Donna Charles that she wasn't supposed to vote on the previous item and said that she "just violated the 3.12 procedures"; said that "'we' aren't contesting that the Mayor released records, there's nothing wrong with that. We're contesting that she released records that were attorney-client privileged."; spoke about voiding Councilor Charles last vote in "the courts"; and about the funds awarded to the City through the CARES Act what they are focusing "drama and political vendettas" and encouraged Council to hold a special meeting soon to discuss how these funds would be distributed.
- Evan Bohl spoke about disrespect he has witnessed between citizens and City Council/City Council and citizens; "City Council has become weak in controlling it's meetings and is allowing citizens to bully them during the meetings."; and spoke about the BLM movement.


### **ADJOURNMENT**

Mayor Riley announced that the meeting adjourned at 1:26 AM.

**These minutes approved by the Leon Valley City Council on the 7th of July, 2020.**

APPROVED

  
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**CHRIS RILEY**  
MAYOR

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

