



**CITY OF LEON VALLEY
CITY COUNCIL SPECIAL MEETING**
Leon Valley City Council Chambers
6400 El Verde Road, Leon Valley, TX 78238
Tuesday, August 18, 2020

MINUTES

5:15 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 and led the Pledge of Allegiance.

Mayor Riley went over the Rules of Decorum.

Councilor Catherine Rodriguez asked if agenda item 6.4 could be moved up to 2.4. Mayor Riley suggested moving it to 6.1 instead. Councilor Monica Alcocer objected. This led to a brief discussion.

Mayor Riley announced that she received a message from a citizen saying that they would like Citizens to be Heard at the beginning of the agenda and asked if there were no objections from the Council, that this be added now which has been approved by the city attorney as long as it is on item not on the agenda.

Councilor Will Bradshaw asked that the Citizens to be Heard be added after item 2.3, before the Consent Agenda.

REGULAR AGENDA

Discussion and Possible Action on Investigating Potential Fraud, Abuse, and Waste of City Funds and Resources by the Leon Valley Police Chief and City Manager as well as an Investigation Regarding Use of Official Capacity to Oppress Citizens and Business Owners of Leon Valley, in Violation of the Texas Penal Code and Other Federal Laws, as Requested by Councilman Will Bradshaw (Mayor Chris Riley)

Mayor Chris Riley presented the item.

Councilor Monica Alcocer called a Point of Order asking that the item be moved to the next agenda. Mayor Riley overruled the objection.

Councilor Will Bradshaw said he had tried to get the item on the agenda but could not get a second.

Councilor Monica Alcocer called a Point of Order inappropriate accusations.

Councilor Bradshaw told ACM/HR Director Crystal Caldera to go to the next slide, which she did.

Councilor Donna Charles said she had a comment to which Mayor Riley asked that she wait until after the presentation.

Councilor Donna Charles called a Point of Order. Mayor Riley responded, "What is your Point of Order?" to which Councilor Charles responded that the item is captioned "Discussion and Possible Action, but if you don't come to the council meeting prepared and provide us with something you wish to discuss, we have nothing to discuss. So, I would say that we need to remove it from the agenda and put it on another where you provide us with some basis for these allegations."

Mayor Riley said "I'm going to overrule that and he is going to continue. Go ahead."

Councilor Bradshaw continued with the presentation. Councilor Bradshaw stated that he recently requested records from the City and he couldn't get the information, saying he was "ignored basically on his requests." He then said he filed open record requests because the attorney general would force compliance but he still did not get the information he requested from the City. Councilor Bradshaw stated that he believed there "to be fraudulent spending by the city manager and among other staff. The other items being kept from me are the police surveys. Tampering with government records is a crime!"

Those who spoke on the item were: Alex Jenicek; Benny Martinez; Josh Stevens; Evan Bohl; Johnnie Garrett; Justin Pulliam; Erick Matta; Ruben Robledo; Michelle Vallejo Rawls; Rey Orozco; Richard Blackmore; and Betty Heyl

City Secretary Sandra Passailaigue responded to accusations of withholding and ignoring record requests made by Councilor Bradshaw, with dates and times that the information was released to him by e-mail and in person.

Councilor Bradshaw said he was provided 1800 pages of documents but that it was not what he wanted or was looking for.

ACM/HR Director Crystal Caldera responded that she did notice that she had made an error in the accruals of City Manager Kuenstler but corrected that this error had been corrected. ACM/HR Director Caldera added that this correction should be very obvious on

the pay stubs that Councilor Bradshaw was provided.

City Secretary Passailaigue added that at the direction of the city manager, the request for the police surveys went to the city attorney to process and submit a letter to the Texas Attorney General but that Councilor Bradshaw should have already received a copy of the letter sent to the Texas Attorney General by the city attorney. City Secretary Passailaigue said she would look into that and get back to Councilor Bradshaw on it.

Lastly, City Manager Kuentler told Councilor Bradshaw that if he believes there to be fraudulent activity to absolutely contact the Rangers or DA to have this investigated; as far as the police surveys, she will have Chief Salvaggio respond to that now; as far as credit card records, she said she has no City credit card so there is nothing to give him on that.

Chief Joseph Salvaggio responded to the accusation about the lack of transparency saying that "the Rangers and the DA have already been asked to investigate the City by Justin Pulliam and Josh Stevens and they have told us in writing multiple times. But there is no evidence of wrong doing." "As far as the surveys, think about the intelligence that you would be releasing into the hands of the public that could do harm to your citizens Mayor."

Councilor Bradshaw told the Mayor that the "this is not the first time the Chief has called me a liar.... he is a proven liar under oath!" The discussion continued.

Mayor Riley allowed City Manager Kuentler and ACM/HR Director Caldera to make one last statement which they said that the accusation of "double allotment is absolutely incorrect." ACM/HR Director Caldera said it was 119.95 hours that Finance Director Vickie Wallace adjusted at the request of City Manager Kuentler as soon as the error was noticed.

A motion was made by Councilor Will Bradshaw to have an investigation into Public Information Act Violations and Fraud by the Texas Rangers, the District Attorney, and Private Investigators.

Councilor Monica Alcocer said she had a problem with the way this was being handled. "If you have a concern with something like this, take it to one of these agencies yourself, it isn't the Council's job to do it. This is just fishing."

Councilor Donna Charles said she believed that "some people just seem to want to perpetuate their idea without interference."

Councilor Matthew Hodde asked Councilor Will Bradshaw if he had "a record of the open record violations that he said that the Attorney General said that Leon Valley did wrong or incorrect on. Also, on the tampering with records, if a person is found guilty of tampering with records, what should happen to them?"

Councilor Will Bradshaw replied that he didn't have "the total number but there are several cases where the City of Leon Valley has violated the Texas Open Meetings Act. I do have

several of those I could give to you."

There was further discussion on this item.

Councilor Bradshaw reminded Mayor Riley that he made a motion at the end of his presentation. The councilors have discussed it so I believe that is a second so I would like a vote on my motion which is to have a meeting with the Bexar County District Attorney, the Texas Rangers and the rest of the Council to consult about hiring an independent investigator to look into these potential criminal acts.

Mayor Riley questions Councilor Bradshaw's claim that the motion was seconded. Councilor Bradshaw responded that according to Robert's Rules of Order, discussion is a second. Mayor Riley asked City Attorney Charles Zech to weigh in on this.

City Attorney Zech agreed with Mayor Riley that a motion needed a formal second, not simply discussion to have a vote.

Councilor Will Bradshaw's motion died for the lack of a second.

Councilor Monica Alcocer suggested going on to agenda item 2.3. Mayor Riley agreed.

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| RESULT: PRESENTED |
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Presentation and Discussion on an Ordinance, on a Request by Barbara Wells-Anguiano, for a Specific Use Permit for a Temporary Land Use, at 6321 Bandera Road; Generally Located on the East Side of Bandera Road at the Intersection of Rue Francois Street and Bandera Road; and a Public Hearing on Said Request (1st Reading as Required by City Charter) (M&C # 2020-08-18-01 E. del Angel)

Erick Del Angel Associate Planner presented the item on behalf of the applicant who is an employee of Camp Gladiator, a company that hosts fitness boot camp sessions outdoors in various locations throughout the San Antonio area. Their operations typically take place in vacant or under-utilized parking lots or parks. The current request is for the parking lot at 6321 Bandera Road which is the site of Sunset Northwest Funeral Home.

Camp Gladiators agreement with the property owner (SCI Cemeteries Inc of Illino) states that Camp Gladiator is authorized to utilize the parking lot during the following times: Monday - Friday 4:30 AM - 7:00 AM Camp Gladiators agents which host the events, are certified trainers and the company maintains a commercial general liability insurance policy with \$4,000,000 general aggregate coverage.

Since Camp Gladiators proposed use is more a series of intermittent events, than it is a permanent business occupying the property; and further because Camp Gladiators agreement with the SCI Cemeteries Inc is renewed on an annual basis, staff classifies their proposed use of the property as a temporary land use, which requires Specific Use Permit (SUP) approval.

Associate Planner Del Angel continued by saying that the purpose of a Specific Use Permit

is generally to ensure that a use is compatible with surrounding uses with regard to development considerations such as traffic impact, intensity of use, operations, and parking. Staff has reviewed this request and does not have any concerns for the following reasons: 1. The use has actually been occurring for several years now. The applicants unfortunately did not know that SUP approval was necessary. The City however, has not received any complaints from residents or abutting property owners; 2. The hours of operation are very early in the morning during week days and generally do not conflict with the activities of the funeral home; and 3. The City's Fire Marshal has reviewed the request and does not have any concerns.

Associate Planner Del Angel concluded the presentation saying that staff recommends approval of the request as submitted; and that the Planning & Zoning Commission meet on August 11, 2020 and unanimously approved of the request with the following conditions: 1. That the SUP shall be valid for a term of three (3) years; and 2. That activities shall be limited to the area illustrated in the attached site plan.

The applicant was available for questions.

Mayor Riley opened the Public Hearing at 7:01 PM.

Those who spoke on this item were: Evan Bohl

There being no further comments from the public; Mayor Riley closed the Public Hearing at 7:05 PM

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| RESULT: FIRST READ |
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Discussion and Possible Action Concerning Using Mediation as a Pre-3.12 Hearing Process with Respect to Complaints Against Elected Officials (Mayor Chris Riley)

Mayor Chris Riley presented this item seeking possible action concerning the use of mediation as a pre-3.12 hearing process with respect to complaints against elected officials.

Those who spoke on this item were: Justin Pulliam; Ruben Robledo; Evan Bohl; Alex Jenicek; Benny Martinez; Josh Stevens; Johnnie Garrett; and Richard Blackmore

A motion was made by Councilor Will Bradshaw to hire a mediator to discuss the complaints for all three pending 3.12 allegations against Councilor Donna Charles, against yourself, Mayor, and against me. (Councilor Bradshaw).

Councilor Matthew Hodde said he would "like to change that or add an addendum to that to say that instead of having a mediation for those three items that Councilor Bradshaw mentioned, that we meet as a City Council, which is what I wanted to do from day one, and have a mediator there such as the so we can discuss fissures in the Council prior to calling a 3.12. I'm not seconding it but those are my recommended changes."

Councilor Bradshaw replied that he believed that was a different motion altogether.

Councilor Hodde replied that “then that is my motion.”.

Councilor Monica Alcocer said she would second Councilor Hodde’s motion but not “Mr. Bradshaw’s”

City Secretary Passailaigue asked for clarification saying that she was only aware of one approved 3.12 Hearing ordered for Councilor Will Bradshaw and then one Investigation under the 3.12 Process on Mayor Chris Riley but that the only mention of a 3.12 on Councilor Donna Charles was when Councilor Charles invited them to hold one on her but that there was never a motion to do so. Mayor Riley replied that the investigator told her the week before that both she and Councilor Charles were being investigated. City Secretary Passailaigue asked, “So does the motion need to be amended?” Councilor Bradshaw replied, “Let’s just say my motion died for the lack of a second.”.

Mayor Riley announced that Councilor Bradshaw’s motion died for a lack of a second.

Councilor Matthew Hodde repeated his motion to have a moderator there such as the so we can discuss fissures in the Council prior to calling a 3.12.

City Attorney Zech said it would be okay under the Act to give direction to staff to bring this back at a future meeting.

Mayor Riley said she had a motion on the floor from Councilor Hodde and a second by Councilor Alcocer to direct staff to bring back a mediator/moderator to explore working with Council on the fissure that exists among us. Mayor Riley asked Councilor Hodde if that was acceptable to which he replied, “Yes, and fast.”.

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 - Aye.

Mayor Riley announced the motion carried.

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

CITIZENS TO BE HEARD

Those who spoke at this time were: Alex Janacek; Benny Martinez; Josh Stevens; Evan Bohl; Justin Pulliam;

Councilor Will Bradshaw read letters from the following: Hilda Gomez; Tina Chasan; Kimberly Bohl; and Andrew Morgan

Mayor Chris Riley read letters from the following: Anonymous; Michelle Vallejo-Rawls; and J. Conrad

CONSENT AGENDA

Mayor Riley pulled Item 3.7 for to be placed on next month's agenda.

A motion was made by Councilor Catherine Rodriguez and seconded by Councilor Matthew Hodde to accept Consent Agenda Items 3.1 through 3.6 as presented.

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

Consideration of the Following City Council Minutes:

1. Regular Meeting- January 7, 2020 6:00 PM
2. Special Meeting- February 11, 2020 5:30 PM

Acceptance of Committee Minutes:

Presentation of a Proclamation Giving Support to the People Who Work in the City of Leon Valley, Texas and the Payroll Profession by Proclaiming the First Full Week of September Payroll Week for Leon Valley, Texas (Mayor Chris Riley)

Discussion and Possible Action to Cancel the October 06, 2020, National Night Out Event Due to COVID-19 Considerations (M&C # 2020-08-18-02 J. Salvaggio)

Presentation of Important Updates Related to the November 3rd, 2020 General and Special Elections to the City Council, Candidates and to the Citizens of Leon Valley (Saundra Passailaigue, City Secretary)

Discussion and Possible Action to Award the Fiscal Year 2021 Group Insurance Bid for Employee Medical, Dental and Life Insurances; and to Authorize the City Manager to Execute the Insurance Agreement(s) (M&C # 2020-08-18-03 C. Caldera)

Presentation of the Monthly Financial Report Ending July 31, 2020 - *Item Removed from Consent* (Floyd Messick, Assistant Finance Director)

PRESENTATIONS

Presentation, Discussion and Possible Action on the Soap Box Derby Event (Maribel Mendoza, Special Events Coordinator)

Maribel Mendoza, Special Events Coordinator presented an update on the Soap Box Derby.

Those who spoke on the item were: Evan Bohl; and Justin Pulliam

RESULT: PRESENTED

A motion was made by Councilor Will Bradshaw and seconded by Councilor Catherine Rodriguez to postpone the Fall Soap Box Derby until Spring of 2021 if possible.

Staff will bring the item back in November with an update.

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

REGULAR AGENDA CONTINUED

Presentation and Discussion on an Ordinance Approving and Adopting the Tax Year 2020 Tax Rate for the Maintenance and Operations Fund at \$0.472162/\$100 and the Interest and Sinking Fund at \$0.063742/\$100 for a Total Tax Rate of \$0.535904/\$100 (1st Read as Required by City Charter) (M&C # 2020-08-18-05 V. Wallace)

Finance Director Vickie Wallace presented this item for a first reading.

Director Wallace began by pointing out that last year the City of Leon Valley Property Tax Rate was \$0.543590/\$100. This year the City of Leon Valley is proposing a Property Tax Rate of \$0.535904/\$100, which is the calculated No-New-Revenue Tax Rate and is lower than the calculated Voter-Approval Tax Rate.

The Property Tax Code, Chapter 26 requires a governing body to conduct a public hearing if the proposed tax rate exceeds the lower of the No-New-Revenue Tax Rate or the Voter-Approval Tax Rate, whichever is lower. The 2020 proposed Tax Rate of \$0.535904/\$100 does not exceed the No-New-Revenue Tax Rate or the Voter-Approval Tax Rate. Therefore, no public hearings are required to adopt the 2020 tax rate.

The 2020 Tax Rate is for the calendar year 2020 and is based on property values as of January 1, 2020. It funds the General Fund and Debt Service Fund budgets for FY 2021.

Citizens that spoke on this item where: Josh Stevens; and Evan Bohl

Mayor Riley also thanked Director Wallace and said that we should not compare Leon Valley to others

RESULT: FIRST READ

ORDINANCE

Presentation, Discussion and Possible Action on an Ordinance Amending the Emergency Disaster Ordinance Local Emergency Declaration 2020-39 (M&C # 2020-08-18-04 J. Salvaggio)

ACM/Police Chief Joseph Salvaggio presented the item.

Those who spoke on this item were: Justin Pulliam

A motion was made by Councilor Monica Alcocer and seconded by Councilor Catherine Rodriguez to adopt as presented.

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

A motion was made by Councilor Catherine Rodriguez and seconded by Councilor Monica Alcocer to move item 6.4 up at this point in the meeting.

RESULT: APPROVED [4 TO 1]
MOVER: Monica Alcocer, Mayor Pro-Tem, Council Place 3
SECONDER: Catherine Rodriguez, Council Place 2
AYES: Monica Alcocer, Donna Charles, Catherine Rodriguez, Matthew Hodde
NAYS: Will Bradshaw

REGULAR AGENDA CONTINUED

Discussion and Possible Action Appointing an Attorney, Not Employed by The City and Not in Active Representation of The City, As the Designated Officer for City Charter Section 3.12 Hearing on Allegations and Complaint Filed Against City Council Member (M&C # 2020-08-18-07)

City Manager Kelly Kuenstler asked that City Attorney Charles Zech proceed with presentation.

City Attorney Zech presented three recommendations for City Council to consider for appointment to the 3.12 hearing against Councilor Will Bradshaw.

Those who spoke on this item were: Benny Martinez; Erick Matta; Evan Bohl; Josh

Stevens; Justin Pulliam; and Alex Jenicek

A motion was made by Councilor Donna Charles and seconded by Councilor Monica Alcocer to hire Attorney Keith Sieczowski of Bransom Law as the designated officer; and to allow City Manager Kelly Kuenstler to enter into a contract.

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.

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

Discussion and Possible Action on Request for 2020 Candidate Forum by The Echo (M&C # 2020-08-18-07 K. Kuenstler)

City Manager Kelly Kuenstler presented this item on behalf of James Lee, of The Echo who would like to host a Candidate Forum. This would be a virtual forum. Originally, he asked to rent the Conference Center; however, because the event will be completely virtual, he can use the Fire Department Training Room.

The purpose of this agenda item is to determine whether or not the Council is amenable to allow the use of the Fire Department Training Room for this event so that there is no charge to The Echo for hosting this public forum.

Those who spoke on this item were: Rey Orozco; Erick Matta; Josh Stevens; Evan Bohl; and James Lee

Mayor Riley read an e-mail submitted by: Tina Chasan

No action was taken on this item.

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| RESULT: | PRESENTED |
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A motion was made by Councilor Catherine Rodriguez to move agenda items 9.1; 3.7; 6.2; 6.5; 7.1; 8; 9; and 10 to the next meeting. The motion was seconded by Councilor Will Bradshaw.

Mayor Riley asked that the City Manager's Report and Announcements by City Council be at the top of the next agenda as they have not been heard at the last two meetings.

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

Presentation and Discussion on an Ordinance of the City of Leon Valley, TX, City Council Amending the General Fund Budget of the City of Leon Valley, Texas Municipal Budget for the Fiscal Year 2019-2020 in the Amount of \$219,773 to Provide Funding for the Leon Valley General Fund for Contractual Fees, the Purchase of Land, and Unemployment; Providing for Repealer, Severability and Saving Clauses; and Providing for an Effective Date (1st Read as Required by City Charter) (M&C # 2020-08-18-06 S. Passailaigue)

This item will be moved to the next agenda.

Presentation and Discussion of Differences between Leon Valley Government under General Law (1952-2017) and under the Current Leon Valley Charter (2018 - Present) (Mayor Chris Riley)

CITY MANAGER'S REPORT

ANNOUNCEMENTS BY THE MAYOR AND COUNCIL MEMBERS


CITIZENS TO BE HEARD

ADJOURNMENT

Mayor Riley announced that the meeting adjourned at 10:07 PM.

These minutes approved by the Leon Valley City Council on the 9th of March, 2021.

APPROVED


CHRIS RILEY
MAYOR

ATTEST: 
SAUNDRA PASSAILAIGUE, TRMC
CITY SECRETARY

