



**CITY OF LEON VALLEY
CITY COUNCIL SPECIAL MEETING**
Leon Valley City Council Chambers
6400 El Verde Road, Leon Valley, TX 78238
Thursday, December 3, 2020

MINUTES

6:00 PM Call to Order; Determine a Quorum is Present, Pledge of Allegiance.

Attendee Name	Organization	Title	Status	Arrived
Chris Riley	City of Leon Valley	Mayor	Present	
Josh Stevens	City of Leon Valley	Council Place 2	Present	
Rey Orozco	City of Leon Valley	Council Place 4	Present	
Will Bradshaw	City of Leon Valley	Mayor Pro-Tem, Council Place 5	Present	

Mayor Chris Riley welcomed everyone and asked Councilor Will Bradshaw to lead the Pledge of Allegiance.

Mayor Riley briefly went over the Rules of Decorum.

PRESENTATIONS

Presentation, Discussion and Possible Action on a Drive Thru Christmas Tree Lighting Event (Maribel Mendoza, Special Events Coordinator)

Maribel Mendoza, Special Events Coordinator presented the item.

Those who spoke on this item were: William Johnson and Erick Matta

RESULT:	PRESENTED
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A motion was made by Councilor Rey Orozco to approve the event as presented. The motion was seconded by Councilor Will Bradshaw.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Rey Orozco, Council Place 4
SECONDER:	Will Bradshaw, Mayor Pro-Tem, Council Place 5
AYES:	Will Bradshaw, Josh Stevens, Rey Orozco

Discussion and Possible Action on the Possible Addition of Plexiglas Shields at the Dais (M&C # 2020-12-03-01 Mayor Chris Riley, LVFD Chief Michael Naughton & Public Works Director Melinda Moritz)

David Dimaline, Assistant Public Works Director presented this item.

Those who spoke on this item were: Robin Johnson, Justin Pulliam, and Evan Bohl

A motion was made by Councilor Josh Stevens to table this item to a future meeting. The motion was seconded by Councilor Rey Orozco.

RESULT:	TABLED [UNANIMOUS]
MOVER:	Josh Stevens, Council Place 2
SECONDER:	Rey Orozco, Council Place 4
AYES:	Will Bradshaw, Josh Stevens, Rey Orozco

CITIZENS TO BE HEARD

Citizens who spoke at this time where: Justin Pulliam, Robin Johnson, Erick Matta, and Benny Martinez.

City Secretary Sandra Passailaigue read e-mail submitted by: Natalie Flores and asked Interim City Manager Joseph Salvaggio to read e-mails from Louise Malouff and Donna Charles.

City Secretary Passailaigue also informed members of City Council that a voice recorded message from Augustine Smith was forwarded to their e-mail.

Mayor Riley read text she received from Rita Burnside.

Also entered into the record was an e-mail sent to Councilor Will Bradshaw from Robert Page who does not reside in Leon Valley. Mayor Riley asked Councilor Bradshaw to forward that e-mail to the city secretary.

CITY MANAGER'S REPORT

Interim City Manager Joseph Salvaggio reminded everyone that the City Manager's Report is posted on the website as well as placed on the table in the foyer for all interested. Interim City Manager Salvaggio then supplemented that report with new information with: a) Congratulated Finance Director Vickie Wallace for receiving the Award for Excellence in Financial Reporting Achievement for the 21st year; b) update on the police boot drive held for Blue Santa; c) update on the refurbishing of the Grass Hill Water Tower; d) construction on Huebner at Bandera with road closures and work on Evers at Seneca; e) Impound auction held bringing in \$19,000 to the General Fund; f) Police and Fire Department thank everyone who brought lunch and desserts on Thanksgiving; g) Fire Department is looking for donations for the 1st Annual Christmas Tree Giveaway; h) Courtyard Cafe closing but another restaurant is looking at moving in; i) positivity rate increase; and lastly j) welcome to the new IT Specialist, Mark Shellard.

Upcoming Important Events:

- **Next Regular City Council Meeting, Tuesday, December 15, 2020, at 6:00 p.m. in Council Chambers.**
- **Special City Council Workshop, Saturday, December 05, 2020, at 9:00 a.m., in Council Chambers.**
- **Virtual Lighting of the Christmas Tree, Monday, December 07, 2020, at 6:00 p.m., more details coming soon.**
- **City Hall & Municipal Offices will be closed Thursday, December 24, 2020 through Friday, January 1, 2021 in observance of the Christmas and New Year's Day Holidays.**
- **Annual Town Hall Meeting, Saturday, January 30, 2021 at a venue to be determined later (live or virtual).**
- **Miscellaneous other events and announcements.**

ANNOUNCEMENTS BY THE MAYOR AND COUNCIL MEMBERS

- Councilor Josh Stevens began by asking a Point of Privilege to move Agenda Item 8.2 up to follow Announcements by City Council. There was a consensus to do this; wished Mayor Riley a happy birthday and led signing to her; spoke about Thanksgiving and his intent on Council.
- Councilor Rey Orozco asked for all to donate to the Food Bank; thanked all council applicants; and wished everyone a Merry Christmas.
- Councilor Will Bradshaw presented Mayor Riley with a birthday cake from the City Staff; and thanked the community for their support during his recent surgery.
- Mayor Chris Riley spoke about the upcoming candidate's forum; the rise in positivity rate; the Bandera Road re-development; and thanked everyone for all of the birthday wishes.

REGULAR AGENDA

Presentation and Discussion on a Request by Washed Clean, LLC for a Zone Change From B-3 Commercial District with SO Sustainability Overlay District Zoning, to PD Planned Development District, with B-2 Retail District and Sustainability Overlay Base District Zoning on Approximately 1.37 Acres at 6712 Bandera Road; Generally Located on the West Side of Bandera Road, Approximately 100 Feet South of the Intersection of Poss and Bandera Road (1st Reading as Required by City Charter) (M&C # 2020-12-03-04 B. Melland)

Brandon Melland, Planning & Zoning Director presented this item in response to a request of applicant Dereck White, owner of Washed Clean, LLC.

On November 24, 2020, the Planning & Zoning Commission reviewed, discussed and finally recommended approval of the applicant's request subject to the following conditions: 1. That the use and development of the property shall be subject to a base zoning of B-2, Retail District and SO, Sustainability Overlay District; 2. In addition to the use standards of the B-2 District and the SO District, the property may also be used as an automatic car wash; 3. Notwithstanding the requirements of the B-2 Retail District, the

property shall be developed in accordance with the site plan, landscape plan, and building elevations labeled as Exhibits A, B, & C, respectively. In the event there is any conflict between the requirements of the B-2 District and the above described Exhibits, the Exhibits shall prevail; 4. That an easement equivalent to the distance between the southernmost portion of the building and the southern lot line be dedicated to provide connectivity to the adjacent lot to the west of the property; 5. That cross-access shall be constructed to developed properties immediately adjacent to the north and south of the subject property; 6. The site and landscape plans shall be revised to show access to the properties on both the north and south; and 7. That the existing pole sign on the site be removed.

Those who spoke on this item were: Patty Taylor, Justin Pulliam, Robin Johnson, Benny Martinez, Ben Taylor, William Johnson, Evan Bohl, and Erick Matta

RESULT:	FIRST READ
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CONSENT AGENDA

A motion was made by Councilor Josh Stevens to approve Consent Agenda Items 6.1, 6.2, 6.3, and 6.4 as presented. The motion was seconded by Councilor Will Bradshaw.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Josh Stevens, Council Place 2
SECONDER:	Will Bradshaw, Mayor Pro-Tem, Council Place 5
AYES:	Will Bradshaw, Josh Stevens, Rey Orozco

Consideration of the Following City Council Minutes:

- a. **Special Meeting- February 18, 2020 5:30 PM**
- b. **Regular Meeting- February 18, 2020 6:00 PM**
- c. **Special Meeting- November 2, 2020 5:15 PM**
- d. **Special Meeting- November 17, 2020 5:00 PM**
- e. **Regular Meeting- November 17, 2020 5:15 PM**

Acceptance of Board/Commission/Committee Minutes:

- a. **10-08-2020 Library Board of Trustees Meeting Minutes**
- b. **10-15-2020 Earthwise Living Committee Minutes**

Household Stabilization Program Report

ON IT Program Update

ORDINANCES

Discussion and Possible Action to Consider Approval of an Ordinance Authorizing a Budget Adjustment from the Enterprise Fund Reserve, in the Amount of \$60,200.00, for Water and Sewer Main Engineering Services for the Year 4 Street Maintenance Project (1st Reading was Held on 11-17-2020) (M&C #2020-12-03-02 M. Moritz)

A motion was made by Councilor Will Bradshaw to adopt the ordinance as presented. The motion was seconded by Councilor Rey Orozco.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Will Bradshaw, Mayor Pro-Tem, Council Place 5
SECONDER:	Rey Orozco, Council Place 4
AYES:	Will Bradshaw, Josh Stevens, Rey Orozco

Discussion and Possible Action on an Ordinance of The City Council of The City of Leon Valley, Texas, Ordering and Declaring The 2020 Charter Amendments Adopted (1st Reading was Held 11-17-2020) (M&C # 2020-12-03-03 S. Passailaigue)

A motion was made by Councilor Josh Stevens to adopt the ordinance as read. The motion was seconded by Councilor Will Bradshaw.

Those who spoke on this item were: Justin Pulliam, Benny Martinez, and Evan Bohl.

City Secretary Sandra Passailaigue read e-mail submitted by: Matthew Hodde

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Josh Stevens, Council Place 2
SECONDER:	Will Bradshaw, Mayor Pro-Tem, Council Place 5
AYES:	Will Bradshaw, Josh Stevens, Rey Orozco

REGULAR AGENDA CONTINUED

Presentation and Discussion on an Ordinance Amending Section 14.05.001, Utility Code, City of Leon Valley Code of Ordinances, Regarding Sewer Connection Requirements, Allowing Certain Residential Lots Over One Acre to Install On-Site Septic Facilities (1st Reading as Required by City Charter) (M&C # 2020-12-03-04 B. Melland)

Planning & Zoning Director Brandon Melland presented this item to amend Section 14.05.001(a) of the City of Leon Valley Code of Ordinances, to provide exemption for certain residential lots to not connect to public sanitary sewer, allowing installation and operation of on-site septic facilities (OSSF).

Those who spoke on this item were: William Johnson

RESULT:	FIRST READ
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Presentation, Discussion, and Possible Action on bringing Google Fiber to Leon Valley (M&C # 2020-12-03-05 Councilors J. Stevens and R. Orozco)

Councilor Josh Stevens requested and presented this item in an effort to bring Google Fiber to Leon Valley.

Councilor Stevens concluded his presentation saying that he had arranged for a virtual meeting with representatives from Google Fiber. Assistant City Manager/HR Director Crystal Caldera asked that he forward the link to her and she would make sure that Public Works Director Melinda Moritz and Assistant Public Works Director David Dimaline attended along with herself.

RESULT:	PRESENTED
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Discussion and Possible Action on Hiring a Third-Party Forensic Accounting Firm to Conduct a Forensic Investigation Over Leon Valley's Financial Records, Accounts, and Purchases Over Past 3 Years (M&C # 2020-12-15-07 Councilors J. Stevens and W. Bradshaw)

A motion was made by Councilor Josh Stevens to table this item to the December 15, 2020 City Council Agenda. The motion was seconded by Councilor Will Bradshaw.

RESULT:	TABLED [UNANIMOUS]	Next: 12/15/2020 6:00 PM
MOVER:	Josh Stevens, Council Place 2	
SECONDER:	Will Bradshaw, Mayor Pro-Tem, Council Place 5	
AYES:	Will Bradshaw, Josh Stevens, Rey Orozco	

Presentation, Discussion, and Possible Action on Amending or Repealing Leon Valley Code of Ordinances, Article 1.12 (Ethics Regulations) and Dissolution of the Ethics Review Board (M&C # 2020-12-15-08 Councilors J. Stevens and W. Bradshaw)

A motion was made by Councilor Josh Stevens to table this item to the December 15, 2020 City Council Agenda. The motion was seconded by Councilor Will Bradshaw.

RESULT:	TABLED [UNANIMOUS]	Next: 12/15/2020 6:00 PM
MOVER:	Josh Stevens, Council Place 2	
SECONDER:	Will Bradshaw, Mayor Pro-Tem, Council Place 5	
AYES:	Will Bradshaw, Josh Stevens, Rey Orozco	

Discussion and Possible Action on an Ordinance Countermanding Ethics Review Board Opinions, Decisions, and Dispositions in Years 2019 and 2020 (M&C # 2020-12-15-09 Councilors J. Stevens and W. Bradshaw)

A motion was made by Councilor Josh Stevens to table this item to the December 15, 2020 City Council Agenda. The motion was seconded by Councilor Will Bradshaw.

RESULT:	TABLED [UNANIMOUS]	Next: 12/15/2020 6:00 PM
MOVER:	Josh Stevens, Council Place 2	
SECONDER:	Will Bradshaw, Mayor Pro-Tem, Council Place 5	
AYES:	Will Bradshaw, Josh Stevens, Rey Orozco	

THE CITY COUNCIL SHALL MEET IN EXECUTIVE SESSION TO DISCUSS THE FOLLOWING:

City Secretary Sandra Passailaigue read e-mail submitted by: Shirley Jonas

Those who spoke on this item were: Justin Pulliam and Evan Bohl
City Manager Kelly Kuenstler requested that any personnel matters related to her be discussed in open session.

City Attorney Charles Zech informed the City Council that going into Executive Session, only attorney-client advice would be discussed.

Mayor Riley read aloud the item caption.

Pursuant to Texas Government Code Section 551.074 (entitled “Personnel Matters”) to deliberate the Interim City Manager Agreement, and pursuant to Texas Government Code Section 551.071 (entitled “Consultation with Attorney”) to receive legal advice regarding the Interim City Manager’s Agreement (M&C # 2020-12-03-09 Councilors W. Bradshaw and J. Stevens)

The City Council went into Executive Session at 9:53 PM

Pursuant to Texas Government Code Section 551.074 (entitled “Personnel Matters”) to deliberate on Kelly Kuenstler's Resignation and Separation Agreement and pursuant to Texas Government Code; Section 551.071 (entitled “Consultation with Attorney”) to receive legal advice on the resignation of the City Manager (M&C # 2020-12-03-10 Councilors W. Bradshaw and J. Stevens)

RECONVENE INTO REGULAR SESSION AND TAKE ACTION ON ISSUES DISCUSSED IN EXECUTIVE SESSION IF NECESSARY

The City Council again reconvened into Open Session at 10:26 PM

Mayor Riley announced that there would be no action taken this evening on Item 9.2 and that the City Council only received a consultation.

A motion was made by Councilor Will Bradshaw to rescind the City Council's previous approval of the contract of Joseph Salvaggio as interim city manager. The motion was seconded by Councilor Rey Orozco.

Mayor Riley asked the city attorney what the effect of this vote would be.

City Attorney Charles Zech replied that if City Council approves of this motion, the agreement itself doesn't take effect until it is executed by both parties. Since the Mayor has not executed the agreement, it was never in effect. So, if City Council votes to rescind the previous approval, the Mayor would no longer have the authority to execute the agreement. Mr. Salvaggio technically has never had the authority of interim city manager because the agreement hasn't been executed. He would continue in his role of Chief of Police and the current city manager would continue in her role as city manager until the day of her resignation.

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

Mr. Salvaggio stated that "the Mayor Pro-Tem signed the agreement as he believes the Charter allows. Attorney Zech replied that he did not have said signed agreement nor did he believe the Charter allows this. Mr. Salvaggio replied that the mayor pro tem has signed other documents in the past."

City Attorney Charles Zech stated that he did "not have a signed, executed copy of that agreement nor did he think that the City Charter authorized the mayor pro tem to execute the agreement."

Mr. Salvaggio asked that the Council "look at the Charter before voting because it does allow it and we have had the mayor pro tem sign in the past for other documents."

Attorney Zech responded that he did not think the Charter allowed it; but that "what it says is that the mayor pro tem shall act as mayor in the absence or disability of the mayor and when acting as mayor retains the right to vote as a council member but I don't see where they get to otherwise act as the mayor in any other capacity."

Mr. Salvaggio again asked that Council "take a close look at the Charter before you vote and violate the contract because there could be further ramifications."

Attorney Zech said, "Let's be clear, they're not voiding the contract. They're simply voting to rescind their approval of the agreement and revoking the Mayor's authority to execute it."

Mr. Salvaggio replied, "Do what you think is best."

Councilor Will Bradshaw said "this is what the people want.... it's what they voted for."

Mayor Riley said she wanted everyone to know that she wanted to wait for this appointment to be made after the election.

Councilor Josh Stevens said "the citizens voted overwhelmingly on NextDoor that they didn't want chief as city manager and that this wreaks of quid pro quo."

Mayor Riley asked City Secretary Sandra Passailaigue for a Roll Call Vote.

City Secretary Passailaigue each member of City Council's vote beginning with: Councilor Josh Stevens, Place 2 - Aye; Councilor Rey Orozco, Place 2 - Aye; Councilor Will Bradshaw, Place 3 – Aye.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Will Bradshaw, Mayor Pro-Tem, Council Place 5
SECONDER:	Rey Orozco, Council Place 4
AYES:	Will Bradshaw, Josh Stevens, Rey Orozco

CITIZENS TO BE HEARD

Those who spoke on this item were: William Johnson, Evan Bohl, and Benny Martinez

REQUESTS FROM MEMBERS OF CITY COUNCIL TO ADD ITEMS TO FUTURE AGENDAS

Councilor Josh Stevens requested the following item be added to the next agenda: discussion related to an interim city manager.


Mayor Chris Riley requested the following items be added to the next agenda: an update on the Crystal Hills Parking Lot - LC17; discussion on Annual Town Hall topics; and discussion on appointing a Veterans' Representative.

ADJOURNMENT


Mayor Riley announced that the meeting adjourned at 10:47 PM

These minutes approved by the Leon Valley City Council on the 12th of January, 2021.

APPROVED



CHRIS RILEY
MAYOR

ATTEST: 
SAUNDRA PASSAILAIGUE, TRMC
CITY SECRETARY

