



**CITY OF LEON VALLEY
CITY COUNCIL SPECIAL MEETING**
Leon Valley City Council Chambers
6400 El Verde Road, Leon Valley, TX 78238
Friday, May 24, 2019

MINUTES

5:30 PM Call to Order and Determine a Quorum is Present.

Attendee Name	Organization	Title	Status	Arrived	Departed
Chris Riley	City of Leon Valley	Mayor	Present		
Monica Alcocer	City of Leon Valley	Mayor Pro Tem	Present		
Donna Charles	City of Leon Valley	Council Place 1	Present		
Catherine Rodriguez	City of Leon Valley	Council Place 2	Present		8:38 PM
Benny Martinez	City of Leon Valley	Council Place 4	Present		
Will Bradshaw	City of Leon Valley	Council Place 5	Present		

Also present was City Manager Kelly Kuentler, City Secretary Sandra Passailaigue, Investigating Attorney Ryan Henry, Special Events/Community Center Manager Maribel Mendoza, LVFD Michael Naughton, Planning & Zoning Director Brandon Melland, LVPD Chief Joseph Salvaggio, LVPD Assistant Chief Ruben Saucedo, LVFD Deputy Fire Marshal Eric Burnside, and LVPD Staff.

Mayor Riley welcomed everyone and asked for all cell phones to be silenced and that if anyone in the audience needed to speak with their neighbor, they take it to the foyer so they don't disturb the meeting. Mayor Riley also reminded guests that if they would like to speak to please raise your hand to be recognized and then step up to the podium and state their name for the record.

City Secretary Sandra Passailaigue announced that the podium microphone was not working and that speakers would be able to use the microphone at her location.

ORDINANCES

Mayor Riley read the caption but was reminded by City Secretary Passailaigue of the procedures outlined in the Charter and therefore the caption was read again but by the City Secretary.

Councilor Benny Martinez stated that he had a couple items to point out. Mayor Riley interrupted Councilor Martinez stating that Councilor Monica Alcocer was informing her that Councilor Martinez was "Out of Order". Mayor Riley said that last time, Councilor Martinez was not allowed to give his statement so she asked Investigating Attorney Ryan Henry if

Councilor Martinez could go to the podium during Citizens to be Heard and give his statement or what?

Investigating Attorney Ryan Henry replied, "No, a member of City Council may not make a statement on a matter that is not on the agenda by stepping down to the podium and speaking as a citizen." Councilor Martinez interrupted Attorney Henry saying, "That is not true!" and then read a quote from the ACT § 551.042 and said this "could be a violation of his 1st Amendment Rights".

Investigating Attorney Henry clarified what that section of the ACT meant and said they Councilor Martinez' interpretation is a violation of the ACT and stated that he concurred with Councilor Alcocer that Councilor Martinez is Out of Order.

Mayor Riley offered Councilor Martinez that perhaps, if he could get a second, he could place the item on the next City Council agenda for discussion. Councilor Martinez responded that it "has nothing to do with the agenda item". Mayor Riley asked if it had "anything to do with the ordinance?" Councilor Martinez responded "No."

Mayor Riley told Councilor Martinez that she understands his frustration but that if the attorney is telling her that he is unable to speak then, he is unable to speak.

Councilor Martinez stated that he wanted "to make a public record that, if we move forward, this could be a violation of my 1st Amendment Rights. Okay? I just want to make a public statement to that affect." Mayor Riley replied, "So noted then. Thank you. I appreciate that."

City Secretary Sandra Passailaigue informed Mayor Riley and members of City Council that they were experiencing technical difficulties with the streaming but that the audio was being recorded. City Secretary Passailaigue asked if they wanted to continue with this way or take a recess to allow staff to attempt to correct the issue.

Mayor Riley called for a recess at 5:37 p.m.

Mayor Riley reconvened the meeting at 5:45 p.m. and Mayor Riley confirmed with City Secretary Passailaigue that the previous audio was obtained and asked Councilor Martinez if he was satisfied with that or if he would like her to begin again. Councilor Martinez replied that he would still like to make his statement but would like to defer making his statement during Citizens to be Heard. Then Councilor Martinez stated firmly "and I will speak at Citizens to be Heard."

Mayor Riley asked City Secretary Passailaigue to read the caption to Item 2.1 once again.

Councilor Monica Alcocer announced that she did submit some grammatical corrections to the staff prior to the meeting.

The Council began the review of the draft ordinance which included discussion.

A motion was made by Councilor Will Bradshaw and seconded by Councilor Benny Martinez to require four (4) members of City Council

Discussion and Possible Action on an Ordinance of The City of Leon Valley, TX. Adopting Section 1.04.006 Of the Code of Ordinances, Imposing Procedures Pursuant to Section 3.12 Of the City Charter When Conducting A Council Investigation and Hearing (1st Reading was held on 05-07-2019) (M&C # 2019-05-24-01 City Manager at Request of Investigating Attorney, Ryan Henry)

The ordinance caption was read out loud by both Mayor Riley and then again by City Secretary Sandra Passailaigue.

Councilor Benny Martinez asked to speak before the item began stating that “at the last City Council meeting Investigating Attorney Ryan Henry objected to him making a statement during Citizens to be Heard, stating that it would be a violation of the Open Meetings Act”. Councilor Martinez proceeded to recite an excerpt from the Texas Open Meetings Act.

Councilor Monica Alcocer told Mayor Riley that this was out of order so Mayor Riley stopped Councilor Martinez from speaking. Mayor Riley asked when Councilor Martinez would be able to give his statement and if he could go down to the podium during Citizens to be Heard and give his statement.

Investigating Attorney Henry replied that the Councilor could not give his statement during Citizens to be Heard. Councilor Martinez said “That is not true!” This was followed by a discussion.

Councilor Martinez said he wanted to make a public record that if “we move forward this could be a violation of his 1st Amendment Rights.”

City Secretary Passailaigue informed Mayor Riley that there were some technical difficulties right now with the streaming and asked if the Mayor wanted to pause for a moment to allow the problem to be corrected. City Secretary Passailaigue informed the Mayor that we did have audio but not video. Mayor Riley said that Yes, she wanted to have the meeting live streamed so she called for a recess at 5:37 p.m.

Mayor Riley reconvened the meeting at 5:45 p.m.

Mayor Riley asked if Councilor Martinez was okay with only having the audio from before to which he replied “Not really, I would still like to speak at Citizens to be Heard and I will speak at Citizens to be Heard.”

Mayor Riley asked City Secretary Passailaigue to read the ordinance caption again which she did.

Investigative Attorney Ryan Henry led the discussion.

Mayor Riley proposed that this 3.12 definition of *complainant* and *respondent* mirror that of the Charter. There was a consensus among members of City Council to include language in A.1 and A. 7 keeping these definitions consistent with the Charter.

Councilor Monica Alcocer asked that the definition of *Designated Officer*, be more specific. The specifics were discussed and agreed upon. Investigating Attorney Henry said he would draft those changes for the next reading.

A motion was made by Councilor Will Bradshaw and seconded by Councilor Benny Martinez to require four (4) members of City Council to constitute a quorum for a Special City Council meeting; Mayor Riley amended the motion by adding that the quorum can count with the people that are not eligible to vote at the dais.

The City Council voted two (2) for and three (3) opposed with Councilor Donna Charles, Councilor Catherine Rodriguez and Councilor Monica Alcocer casting the negative votes. Mayor Riley announced that the motion had failed.

Councilor Benny Martinez made a statement that this procedure, “he believes, violates his 14th Amendment Right to Due Process to call witnesses or question charges against him.”

Councilor Catherine Rodriguez replied that “It would violate her rights too then.”

Councilor William Bradshaw stated that he had an issue with Numbers 14, 15 and 16 and would like “the majority vote” removed from them. Councilor Monica Alcocer responded that this is not a criminal hearing but a legislative hearing. Councilor Bradshaw said he doesn’t understand. Investigative Attorney Henry gave a brief explanation.

A motion was made by Councilor Will Bradshaw to remove the terminology of “by majority vote of those present and voting” from Item 14.

Mayor Riley asked Councilor Bradshaw if he wanted it removed from only Item 14 to which he responded, “Yes, just Item 14 for now.”

Mayor Riley then asked Councilor Bradshaw if he wanted to replace that wording with anything. Councilor Bradshaw said yes, it would read, “The members of the City Council who may deliberate and vote at the § 3.12 hearing, may recall any witness or inquire of any person or compel” You would just take out that whole line about those members present and voting.

Mayor Riley said she thought she heard that you would need to state a reason and asked if that would be something Councilor Bradshaw would want to include.

Councilor Bradshaw said he did not see why that would be necessary.

Mayor Riley asked if there was a second to this motion made by Councilor Bradshaw. Councilor Benny Martinez agreed to second the motion.

Councilor Donna Charles recommended that before a vote that Councilor Bradshaw add that reasons be given.

Councilor William Bradshaw accepted Councilor Charles amendment to his motion adding that reasons be given for recalling a witness.

Councilor Monica Alcocer asked that Mayor Riley read the motion out loud.

Mayor Riley, with the assistance of Investigative Attorney Henry, repeated the motion saying "The members of the City Council who may deliberate and vote at the § 3.12 hearing, may recall any witness or inquire of any person or compel the production of any documents or evidence by stating the reason for the recall they determine is necessary for the investigation or to make a determination on any charges.

Councilor Charles pointed out and all agreed that there is only one (1) recall allowed. Mayor Riley said we need to check the wording and that this might be a good time for a break while Investigative Attorney Henry looks into that.

Mayor Riley called for a recess at 7:52 p.m.

Mayor Riley reconvened the meeting at 8:01 p.m.

Mayor Riley reviewed the motion that is still on the table and asked Investigative Attorney Henry repeat the motion.

Investigative Attorney Henry stated the motion as "The members of the City Council who may deliberate and vote at the § 3.12 hearing, may recall any witness one (1) time by stating the relevant reason for the recall or inquire of any person or compel the production of any documents or evidence by stating the reason for the recall they determine is necessary for the investigation or to make a determination on any complaint.

Councilor Bradshaw confirmed his motion. Councilor Charles seconded this motion.

City Secretary Passailaigue reminded Mayor Riley that a second had already been received by Councilor Martinez; which had been amended by Councilor Charles and accepted by Councilor Bradshaw. The City Council voted five (5) for and none (0) opposed. Mayor Riley announced that the motion passed unanimously.

Mayor Riley asked Councilor Bradshaw if he also had issues with Items 12 and 15.

Councilor Bradshaw said he was alright now that the recall of witness issue was resolved.

Mayor Riley asked if anyone else had issues with Items 12, 13, 14, or 15.

A motion was made by Councilor William Bradshaw and seconded by Councilor Monica Alcocer to add under § 17.a. To declare the Respondent's position forfeited under §3.08 or §3.09 of the City Charter and it is therefore vacant. The City Council voted five (5) for and none (0) opposed. Mayor Riley announced that the motion passed unanimously.

Mayor Riley made a recommendation that Investigating Attorney Henry finalize the ordinance and bring it back for a final review and vote rather than voting on it tonight at the June 4th City Council meeting.

Investigating Attorney Henry said that was up to the Council but that he had all of the amendments that Council made this evening. Mayor Riley said she would still like to see a clean copy.

Councilor Martinez said he concurred. Mayor Riley asked for a motion.

A motion was made by Councilor William Bradshaw and seconded by Councilor Benny Martinez to bring this back up for review at the next City Council meeting on June 4th.

Mayor Riley said she would recommend that it be for review and vote.

Councilor Bradshaw added "for review and vote for action" as recommended by Mayor Riley. Councilor Martinez seconded the amendment.

The City Council voted five (5) for and none (0) opposed. Mayor Riley announced that the motion passed unanimously.

Councilor Bradshaw reminded Mayor Riley about Citizens to be Heard.

RESULT:	FIRST READ
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CITIZENS TO BE HEARD

Mayor Riley invited comments from the Citizens.

Councilor Benny Martinez asked if it was permissible to stay at his seat and make his comment or go down to the podium? "Either way. Your call."

Investigating Attorney Henry once again, advised Councilor Martinez against this stating he believes it to be a violation but that he would leave it up to him.

Mayor Riley said that Investigating Attorney Henry has told Councilor Martinez this before but that she would leave this decision up to Councilor Martinez.

Councilor Martinez remained seated at the dais and began speaking saying that first off he wanted to apologize to staff for having to be here at a Special City Council Meeting on a Friday, before a three-day weekend and this could have been delayed to next week but


thank you for being here; and spoke about this being his third request for a contract between the City and Mr. Henry.

ADJOURNMENT

Mayor Riley announced that the meeting adjourned at 8:39 PM.

These minutes approved by the Leon Valley City Council on the 3rd of September, 2019.

APPROVED



CHRIS RILEY
MAYOR

ATTEST: 
SAUNDRA PASSAILAIGUE, TRMC
CITY SECRETARY

