



**CITY OF LEON VALLEY
CITY COUNCIL SPECIAL MEETING**
Leon Valley City Council Chambers
6400 El Verde Road, Leon Valley, TX 78238
Tuesday, July 9, 2019

MINUTES

5:30 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	Present	
Donna Charles	City of Leon Valley	Council Place 1	Late	5:42 PM
Catherine Rodriguez	City of Leon Valley	Council Place 2	Present	
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 Kuenstler, ACM/HR Director Crystal Caldera, City Secretary Sandra Passailaigue, City Attorney Denise Frederick, Finance Director Vickie Wallace, Assistant Finance Director Ashley Wayman, Public Works Director Melinda Moritz, Assistant Public Works Director David Dimaline, Library Director Sandy Underwood, Assistant Library Director Theresa Brader, Planning & Zoning Director Brandon Melland, Assistant Planning & Zoning Director Xavier Antu, LVFD Fire Chief Michael Naughton, LVPD Chief Joseph Salvaggio, LVPD Assistant Chief Ruben Saucedo, and various LVPD staff.

Mayor Riley asked for all cell phones to be silenced. Mayor Riley also asked that all conversations in the audience be taken outside as the meeting is being recorded and talking can be distracting. Mayor Riley added that "if there are any outbursts, you will be asked to leave."

Lastly, Mayor Riley reminded everyone that local rules allow citizen input on agenda items where you will be given three (3) minutes with the exception of Citizens to be Heard where you will be given five (5) minutes to speak.

PRESENTATIONS

Presentation and Administration of the Oath of Office of Leon Valley Assistant Fire Chief Eric Burnside - *Withdrawn*

This item was pulled from the agenda and will be placed on the July 16, 2019 Regular City Council agenda at the request of the Assistant Fire Chief.

RESULT: NO ACTION TAKEN

Presentation, Discussion and Workshop on an Ordinance Approving and Adopting Fiscal Year 2019-2020 Budgets and Associated Capital Acquisition Plans and Ratifying Fiscal Year 2019-2020 General Fund Budget. (1st Reading as Required by City Charter) (Kelly Kuenstler, City Manager)

City Manager Kelly Kuenstler presented by giving an overview of the proposed budget. For Fiscal Year 2020, we are projecting a fund balance in the General Fund of approximately \$1,941,519; \$1,941,519 in the Capital Reserve Fund; \$1,000,000 in the Emergency Fund; with an estimated total of \$2,941,519. As presented, the Fiscal Year 2020 General Fund budget is balanced. Revenue Highlights: Operating Revenues - \$12,555,500. To fund the FY 2020 General Fund Budget, we are proposing a tax rate of \$0.545877 cents per \$100 of valuation. This is the same tax rate as last year. The tax components are as follows: \$0.478277 for Maintenance and Operations (M&O); \$0.067600 for Interest and Sinking (I&S) to fund Debt Service. Once again Bexar County projects an increase in tax value. Market Value for tax year 2019 increased by \$65,940,120 over tax year 2018. It is yet to be determined the amount we will lose to appeals. We lost \$38,716,266 to appeals in Fiscal Year 2019. Ad Valorem Tax revenue for tax year 2019 increased by \$309,507 over tax year 2018. After we receive the effective and rollback tax rate calculations, this may change. Projected Revenue Increases: City Sales Tax \$134,510 - 2.5% increase over Fiscal Year 2018 actual. Economic Development Sales Tax \$11,460 - increase over Fiscal Year 2019; 2.5% increase over Fiscal Year 2018 actual Ad Valorem Taxes - \$309,507 (7.17% increase from Fiscal Year 2019 budget). Impound Lot Auctions - \$42,000; Red Light Camera Fines - \$142,112; Red Light Camera Late Fees - \$100,000; Red Light Camera Revenue may only be used for administrative and traffic safety programs. It has no effect on the General Fund balance. Interest Income - \$35,000; Building Department - \$112,000; and Municipal Court Fines - \$213,000.

City Manager Kuenstler went on to present Expenditure Highlights: Operating Expenditures - \$12,533,640. An Increase of \$977,392. Personnel costs and Contractual. Capital Expenditures - \$725,655 which is a decrease of \$662,384. Historical Attorney costs, Economic Development Director position. • Police Department Capital Items: Red Light Camera - \$40,000 for One Police Patrol Vehicle (Tier 2); Police Forfeiture Funds - \$105,000 for Three Detective Vehicles; and \$120,000 for Three Patrol Vehicles. Major Items: Red Light Camera - \$798,000 ATS contract. Fire Department Capital Items: \$100,000 for Self-Contained Breathing Apparatuses; \$70,500 for Two ECG Monitors; \$28,500 for Mobile Radios; \$29,000 for Two Mechanical CPR Devices; \$12,500 for an iPlan Table; \$13,500 for Two Thermal Imaging Cameras; \$18,000 for a Fire Department Application Server; and \$10,400 for a Fire Department Perimeter Fence. Public Works Capital Items: \$30,000 for Gas Pumps Replacement; \$40,000 for a Half-Ton Pick-Up; \$20,000 for Sidewalks; and \$8,500 for a Copier. Planning and Zoning Capital Items: \$12,500 for an iPlan Table. Special Events Special Events Major Items: \$50,000 to Support the July 4th Celebration; \$22,254 for Overtime; \$16,200 for Concerts; \$2,000 for the Beautification Committee; \$2,850 for the Christmas Tree Lighting; \$2,700 for the Earthwise Living Event; \$28,000 for the Soap Box Derby; \$3,000 for the Wedding Expo; and \$2,000

for Movies in the Park. Parks Capital Items: \$180,000 for Shade Structures at New Parks; \$20,000 for a Butterfly Pavilion at Raymond Rimkus Park; \$15,000 for Fitness Equipment at Linkwood Trail; and \$60,000 for Peach Tree Park.

Water and Sewer Fund (Enterprise Fund) Overview: The budget is balanced. Revenues - \$4,568,033; Operating Expenses - \$4,259,903; and Capital - \$600,000. Water Capital Items: \$140,000 to Purchase Water Rights; \$400,000 for Rehabilitation of Elevated Storage Tank; and \$60,000 for a Mid-Size Dump Truck.

Community Center Budget Overview: The budget is balanced. Operating Revenues - \$160,200; Operating Expenditures - \$185,008; Capital - \$55,244; \$42,000 Community Center Kitchen Remodel; and \$ 13,244 Replace Air Conditioning Units at Conference Center.

Crime Control and Prevention Budget Overview: The budget is balanced. Operating Revenues - \$309,010; Operating Expenditures - \$380,835; This fund the salary and benefits for Assistant Police Chief, one Patrol Officer, and one Investigations Sergeant.

Special Revenue Funds: Grant Fund - \$3,162 which is Law Enforcement Officer Standards and Education (LEOSE) Funds Law Enforcement Training; Building Security Fund - \$8,047 which funds the court bailiff; Child Safety Fund - \$17,623 which funds the School Crossing Guard Program; Municipal Court Technology - \$39,000 which funds the Court Technology Related Items; Debt Service - \$741,105; Police Forfeiture - \$521,204; and Capital Items: \$105,000 for Three Detective Vehicles; and \$120,000 for Three Patrol Vehicles.

Personnel: Funds the Merit Pay System, which allows each employee a 2% merit increase on their date of hire, if they qualify; Funds a 2% Cost of Living Adjustment; Funds longevity pay for all qualifying full-time City employees (paid annually in November); For Fiscal Year 2020 staff proposed an increase in the longevity pay from \$4.00 a month to \$8.00 a month for all employees; Council preferred a tiered longevity based on years of service.

City Manager Kuenstler added that as of today, staff had not received the final cost for the City's Health Insurance program. We budgeted a 17% increase in the proposed budget. City Manager Kuenstler added that once the final numbers are received this will come back to Council for approval. Also discussed were proposed holidays.

City Manager Kuenstler concluded the presentation informing City Council members of the "next steps" which were: to possibly hold a second Budget Workshop on July 16, 2019 ; hold a Crime Control & Prevention District Budget Public Hearing and Adoption on • August 6, 2019; hold the Budget Public Hearing and Formal Adoption on August 6, 2019; hold the first Public Hearing on the Proposed Tax Rate on September 3, 2019; hold a second Public Hearing on Proposed Tax Rate on September 10, 2019; and finally hold the formal Adoption of the Tax Rate on September 17, 2019.

RESULT: NO ACTION TAKEN

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) the Board of Adjustment is on MinuteTraq and their meetings will now be live streamed; b) posting for the July 18th and 19th 3.12 Hearing; c) City Manager Kuenstler will be away from the office for a week or two while her daughter has her first child; d) Planning and Zoning has asked that Item 8.1 be pulled from tonight's agenda; e) LVFD passed the Texas Department of State Health Services with zero findings; this has not happened in eight years; f) Leon Valley has received approval from the utility companies for the Grass Hill plat and is ready to go to P&Z and Council for approval; g) Todd Putnam agreed to do all of the mill and overlay on El Verde but they cannot do the water main or the concrete in front of the Fire Department. Mr. Putnam will go to Commissioner's Court for approval of an ILA; h) thanks to LVFD and LVPD for being proactive after the July 4th event as they stopped six firework violations; and i) compliments to the LVPD who are now requiring all reservists to work on the 4th of July which saves the city overtime.

Upcoming Important Events:

- Next Regular City Council Meeting Tuesday, July 16, 2019, at 6:00 p.m.
- Global Rocket Launch World Record Breaking Event, Tuesday, July 16, 2019, from 2:00 p.m. to 3:30 p.m., at Veterans Memorial Park (green outside the library)
- Summer Reading Wrap Up Event, Saturday, July 20, 2019, at 10:30 a.m., at the Leon Valley Public Library.
- Coffee with the Mayor and City Council, Saturday, July 20, 2019, from 9:00 a.m. until 11:00 a.m. in Council Chambers.
- Fortnite Dance Event, (learn Fortnite dances from SMASH) Friday, July 26, 2019, from 2:00 p.m. to 3:00 p.m., at the Leon Valley Conference Center
- Texas LEGO Users Group San Antonio "Space Display" with LEGO Building sponsored by LEGO Corporate, Saturday, September 7, 2019, from 10:00 a.m. - 2:00 p.m.; and Sunday, September 8, 2019, from 2:00 p.m. - 6:00 p.m. at the Leon Valley Public Library.
- Grandparent's Day Concert featuring Beethoven Concert Band - Sunday, September 8th, 2019, Time: TBA
- Soap Box Derby, Saturday, October 12, 2019, from 8:00 a.m. until 5:00 p.m. on Evers Road and the Leon Valley Community and Conference Centers.
- Halloween Party October 26, 2019, at the Leon Valley Community Center and Leon Valley Library from 9:00 a.m. to 2:00 p.m. Events are as followed: 9:00 a.m. -12:00 p.m. Arbor Day Tree Adoption on the Community Center Porch, 9:00 a.m. - 2:00 p.m. Trash to Treasure sale at the Community Center by Northwest Seniors, 10:00 a.m. - 11:00 a.m. Pet Costume Contest on the Grass area in front of the Community Center, 10:00 a.m. - 12:00 p.m. Library

Halloween Fall Festival.

- Coffee with the Mayor and City Council, Saturday, October 19, 2019, from 9:00 a.m. until 11:00 a.m. at the Conference Center.
- Annual Christmas Tree Lighting December 2, 2019, at 5:30 p.m. at the Leon Valley Conference Center.
- Annual Breakfast with Santa on December 7, 2019, at the Community Center Sponsored by the Friends of the Leon Valley Public Library and the Leon Valley Public Library from 8:00 a.m. - 10:30 a.m.
- Miscellaneous other events and announcements.

RESULT:	PRESENTED
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CITIZENS TO BE HEARD AND TIME FOR OBJECTIONS TO THE CONSENT AGENDA

- Tina Chasan - spoke about occupancy levels in Council Chambers and how that would affect the Coffee with the Mayor & City Council.
- Johnny Garrett - spoke about three ordinances she is protesting; about the solid waste contract; and garage sales. "Tired of people not being responsible".

ANNOUNCEMENTS BY THE MAYOR AND COUNCIL MEMBERS

Mayor Riley asked everyone to join her in signing Happy Birthday to Councilor Monica Alcocer and Fire Chief Michael Naughton.

- Councilor Donna Charles said she heard positive feedback, especially about safety, of the July 4th event; she was unable to make it to the 4th but did show up early on the 5th to assist with cleanup; and apologized for being "tardy" this evening.
- Councilor Catherine Rodriguez said she also had heard positive feedback regarding the 4th; and wished Chief Naughton a happy belated birthday.
- Councilor Monica Alcocer heard good things about the 4th; spoke about a Leon Valley Walgreens 4th of July celebration going on there with an exceptional view; long pauses during the fireworks display.
- Councilor Benny Martinez thanked all of the staff for all the hard work on the July 4th event.
- Councilor Will Bradshaw said it was all excellent; congratulated the Women's World Cup.
- Mayor Riley thanked everyone for their hard work and participation for the July 4th event; looking forward to an even better one next year.

CONSENT AGENDA

A motion was made by Councilor Monica Alcocer and seconded by Councilor Catherine Rodriguez to accept the Consent Agenda 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, Benny Martinez, Will Bradshaw

Acceptance of Committee Minutes:

Presentation, Discussion and Possible Action to consider a request by CDS Muery Engineers for approval of a Replat of the Marshall High School Subdivision, generally located on the east side of Lobo Lane and north side of Thunderbird Lane (M&C # 2019-07-09-01 B. Melland)

ORDINANCES

Discussion and Possible Action on an Ordinance Authorizing a Budget Adjustment for the General Fund in the Amount of \$12,955 for the Purpose of Purchasing and Installing Security and Time Management Software, As Well As All Labor, On All Public Computers at the Library and for the Purchase of Large Print Books, per Tocker Foundation and Texas Book Festival Grants Awarded (1st Reading was held on 06-18-19) (M&C # 2019-07-09-02 S. Underwood)

City Manager Kelly Kuenstler asked everyone to join her in thanking Library Director Sandy Underwood who is leaving Leon Valley to go to the City of Converse.

A motion was made by Councilor Monica Alcocer and seconded by Councilor Benny Martinez to adopt as presented.

Mayor Riley thanked Ms. Underwood and wished her well.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Monica Alcocer, Mayor Pro-Tem, Council Place 3
SECONDER:	Benny Martinez, Council Place 4
AYES:	Monica Alcocer, Donna Charles, Catherine Rodriguez, Benny Martinez, Will Bradshaw

REGULAR AGENDA

Presentation and Discussion on an Amendment to the Leon Valley Code of Ordinances Chapter 3 Building Regulations Article 3.02 Technical and Constructions Code and Standard's Division 6 Plumbing Part 2 Plumbing Code Section 3.02.322 Amendments, to allow the installation of Rain Barrels without permit (1st Reading as Required by City Charter) - *Withdrawn* (M&C # 2019-07-09-03 X. Antu)

This item was pulled from the agenda at the request of the Planning and Zoning staff who would like to gather more information and bring the item back to a future agenda.

Presentation, Discussion, and Possible Action to Approve a Resolution Awarding a Bid and Authorizing the City Manager to Sign a Contract with McDonald Electric in the Amount of \$176,469.00, with 15% For Contingency, for the Grass Hill Emergency Generator Project (M&C # 2019-07-09-04 D. Dimaline)

Assistant Public Works Director David Dimaline presented this item asking that City Council accept a bid and authorize the City Manager to enter into a contract with McDonald Electric, in the amount of \$176,469.00, with 15% for contingency.

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:	Alcocer, Charles, Rodriguez, Martinez, Bradshaw

Discussion and Possible Action on Attorney Ryan Henry's Contract Regarding the Staff and Councilor Complaints Against Councilor Martinez (M&C # 2019-07-09-06 Councilor M. Alcocer and Councilor D. Charles)

Councilor Monica Alcocer presented.

Motion

A motion was made by Council Member Monica Alcocer and seconded by Council Member Donna Charles, to ratify and approve the Law Office of Ryan Henry for his retention for performing an investigation into the complaints filed against Councilor Benny Martinez; including the role of Conflict Council to the City Council relating to the complaints filed against Councilor Benny Martinez.

This was followed by a brief discussion.

Councilor Benny Martinez spoke in opposition of this motion saying that the City Council should have hired the attorney "according to the Charter".

Mayor Riley said she was under the opinion that the Council was supposed to vote on the Council to Council concern but that it wasn't Mr. Henry's opinion.

Councilor Will Bradshaw suggest hiring another outside conflict councilor since he has already been so involved in everything.

City Manager Kuentler responded to Councilor Bradshaw saying this "would be a great disservice to the citizens of Leon Valley because this conflict councilor already knows the case. For somebody else to go through all of the papers would be very expensive" but "It's Council's decision."

Mayor Riley discussed the ordinance that adopted the 3.12 procedures and that the judge said it needed to have two readings.

Councilor Monica Alcocer stated that the Mayor delayed scheduling the hearing and then called for the vote. Mayor Riley denied this and asked City Secretary Passailaigue to do a roll call vote.

Mayor Riley requested a call vote to which the City Council replied: Council Member Donna Charles- Aye; Council Member Catherine Rodriguez - Aye; Council Member Monica Alcocer - Aye; Council Member Benny Martinez - Nay; and Council Member Will Bradshaw - Nay. Upon a vote of three (3) for and two (2) opposed, with Councilor Martinez and Bradshaw casting the negative vote, Mayor Riley announced the motion carried.

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

Motion

A second motion was made by Council Member Monica Alcocer and seconded by Council Member Donna Charles, to ratify and approve the Law Office of Ryan Henry for his retention for Litigation Council to represent the City of Leon Valley in the Case of Benny Martinez vs. the City of Leon Valley Cause No. 2019 CI08343 filed in Bexar County District Court, San Antonio, Texas.

Councilor Benny Martinez said "this is something being done after the fact to correct something done incorrectly and that the Mayor, or the City Council should have signed the agreement to extend Mr. Henry's work on this project. Not the City Manager, she exceeded her authority."

City Manager Kuenstler replied that there was nothing signed to extend the contract. This was a separate contract and the city manager has up to a \$50,000 authority. We are not near \$50,000 when you look at the two contracts so we are still within authority. I just want to correct you for the record, this is not an extension. This is a separate contract as it is a whole separate case.

Councilor Benny Martinez began to raise his voice to City Manager Kuenstler. Councilor Monica Alcocer and Mayor Riley asked Councilor Martinez to "tone it down" and Mayor Riley added that she did not want him to "get out of control".

Councilor Martinez continued to add the fees of both contracts up and accuse City Manager Kuenstler of going over the \$50,000 authority.

City Manager Kuenstler responded that she had no idea Councilor Martinez would sue the City of Leon Valley and I was required to get the City of Leon Valley, the taxpayer,

representation. So that is what I did.

Councilor Martinez repeated numerous times that he did "win the Temporary Restraining Order (TRO) to stop the illegal meeting on the 16th."

City Attorney Denise Frederick replied that wanted to correct Council Martinez that is not state law. That it is not the aggregate amount of several contracts. This is two contracts for two different matters. State law says that it is up to \$50,000 for each contract that is for a separate matter.

Councilor Benny Martinez replied to City Attorney Frederick saying that he would send a letter to the Attorney General and get an opinion from him.

Once again, Mayor Riley asked for a roll call.

Mayor Riley requested a call vote to which the City Council replied: Council Member Donna Charles- Aye; Council Member Catherine Rodriguez - Aye; Council Member Monica Alcocer - Aye; Council Member Benny Martinez - Nay; and Council Member Will Bradshaw - Nay. Upon a vote of three (3) for and two (2) opposed, with Councilor Martinez and Bradshaw casting the negative vote, Mayor Riley announced the motion carried.

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

CITIZENS TO BE HEARD


- Tina Chasan - spoke "with a heavy heart, disbelief and total frustration" about her opinion of the complaints against Benny Martinez, council members, and the 3.12 hearings.
- Councilor Alcocer corrected Ms. Chasan's statement about a vote.
- Johnny Garrett - spoke about her opinions about the complaints against Benny Martinez, council members; spoke aggressively toward Councilor Rodriguez about the way she thought she should have handled Benny Martinez and then raised her voice to Councilor Rodriguez saying that she was "not a very good example of a woman, and I don't think a lady either." And said she wanted to see "y'all voted out and some people fired because I'm crying and I'm angry."
- Martin Rodriguez - said it is so easy for people to judge other people's actions when they weren't there.
- Pat Martinez - spoke about her opinion about how Councilor Rodriguez should have handled herself at the tree lighting.


ADJOURNMENT

Mayor Riley announced that the meeting adjourned at 8:45 PM.

These minutes approved by the Leon Valley City Council on the 5th of November, 2019.

APPROVED


CHRIS RILEY
MAYOR

ATTEST: 
SAUNDRA PASSAILAIGUE, TRMC
CITY SECRETARY

