



**CITY OF LEON VALLEY
CITY COUNCIL SPECIAL MEETING**
Leon Valley City Council Chambers
6400 El Verde Road, Leon Valley, TX 78238
Tuesday, August 13, 2019

MINUTES

5:45 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	Present
Donna Charles	City of Leon Valley	Council Place 1	Present
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

Mayor Riley welcomed everyone tonight and went over the hearing guidelines.

SECTION 3.12 COUNCIL INVESTIGATIONS; HEARINGS; PROCESS

The City Council Will Investigate, Consider and May Take Action Regarding All Complaints Against Benny Martinez That He Improperly Interfered With, Gave Orders To, or Undermined the Authority of the Legal Department (i.e., City Attorney's Office), the Community Development Department, the City Manager, and the Police Department. It Also Includes the Complaints Filed Against Benny Martinez by Councilor Catherine Rodriguez.

A motion was made by Councilor Will Bradshaw that after Chief Salvaggio and anyone else makes their testimonies, that we allow citizens to be heard before City Council makes any decisions. The motion died for lack of a second.

ACM/Chief of Police Joseph Salvaggio continued his testimony from where he left off on August 08, 2019.

Mayor Riley recessed the hearing at 8:45 PM

At 8:52 PM, Mayor Riley reconvened the hearing.

ACM/Chief of Police Joseph Salvaggio continued his testimony.

Councilor Benny Martinez was provided this time to give a rebuttal to ACM/Chief of Police Joseph Salvaggio's testimony.

Councilor Benny Martinez called Sarah Smart to give a portion of his rebuttal.

ACM/Chief Salvaggio presented his rebuttal to Ms. Smart's statement.

Ms. Smart wanted to respond but Attorney Henry would not be allowed to do so but that Councilor Martinez will be allowed one last rebuttal to ACM/Chief Salvaggio who would then get one last rebuttal back.

Councilor Martinez said his wife wanted to make a statement regarding the Rue Sophie incident. Attorney Henry said that because this was mentioned in ACM/Chief Salvaggio's testimony, Councilor Martinez would be allowed to call her as a witness.

Councilor Martinez began his final rebuttal to ACM/Chief Salvaggio's testimony.

Councilor Martinez called his wife, Pat Martinez, up to give her rebuttal to ACM/Chief Salvaggio's testimony related to the Rue Sophie incident.

Councilor Martinez stepped back up to the podium and continued speaking.

Councilor Will Bradshaw motioned to adjourn until tomorrow at 5:30 PM

The Mayor and Councilor Alcocer both agreed to have ACM/Chief Salvaggio speak first.

Members of City Council were given this time to ask questions of ACM/Chief Salvaggio.

Mayor Riley said that before recessing until tomorrow, she would like to know which witnesses would need to be recalled, which ones we need to subpoena, and the start time for tomorrow.

The City Council members agreed that the order of witnesses would be: Kelly Kuenstler,

Councilor Charles said she would like to call Benny Martinez tomorrow.

Councilor Alcocer said she has three (3) witness she would like to call. Mayor Riley asked for the names of her witnesses and Councilor Alcocer responded, "Crystal Caldera, Sandra Passailaigue, and James Lee, and possibly one of the police officers." Attorney Henry advised against calling on anyone from the media so Councilor Alcocer removed James Lee.

Councilor Bradshaw said he would like to recall David Edwards and Catherine Rodriguez.

Councilor Bradshaw added that there are a couple people he has tried to call on but they are being reluctant so he would like to subpoena Larry Proffitt and John Stanley.

Councilor Alcocer said she did "not like that" and motioned "that we do not subpoena anybody." Councilor Donna Charles seconded the motion.

Councilor Martinez made a request to not call the hearing tomorrow before 7:00 PM as he will be working in Del Rio and will not be back before that.

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

A motion was made by Councilor Donna Charles to hold a meeting tomorrow night at 7:00 PM. The motion was seconded by Councilor Will Bradshaw.

Councilor Monica Alcocer said "as long as we can go until midnight."

Mayor Chris Riley recessed the hearing at 10:47 PM until tomorrow, August 14, 2019

Mayor Chris Riley reconvened the hearing at 7:15 PM on August 14, 2019 with a quorum present.

City Manager Kelly Kuentler was removed from the recall. Mayor Riley asked Councilor Monica Alcocer if she wanted to recall anyone to which she answered "No".

Councilor Will Bradshaw motion to allow citizens to speak after testimonies. The motion died for a lack of a second.

Councilor Donna Charles recalled Councilor Benny Martinez.

Councilor Benny Martinez stepped up to the podium to answer questions.

Councilor Will Bradshaw he wanted to recall Councilor Catherine Rodriguez based on information Councilor Benny Martinez gave during his testimony.

Councilor Monica Alcocer said she had no objection to recalling her if it was to question her on something that hasn't been dealt with yet.

Councilor Catherine Rodriguez was sworn in again since, according to Attorney Henry, she had already been released. Councilor Bradshaw and Mayor Riley both questioned Councilor Rodriguez but Councilors Alcocer and Charles had no further questions for her.

Councilor Benny Martinez stepped up to the podium to give a rebuttal to Councilor

Rodriguez' responses.

Councilor Monica Alcocer objected to Councilor Martinez speaking at this time. Attorney Henry stated that it isn't the proper time anyway.

Mayor Riley submitted a chain of emails for the record simply for "completeness". Attorney Henry told everyone that presented any document, PowerPoint, whatever, to turn them over to be kept with the legislative record.

Attorney Ryan Henry explained the City Council's options as far as deliberations at this time.

Councilor Will Bradshaw motioned to take all documented all evidence, testimony about this hearing to an unbiased, independent arbitrator to review and decide on.

Attorney Ryan Henry reminded Councilor Bradshaw that the Charter says that the Council is the sole judge of the qualifications of it members. So, I'm not sure that is a proper motion but if they want to second it we can address it then.

Mayor Riley repeated the motion.

The motion died for a lack of second.

Councilor Donna Charles moved that Councilor Benny Martinez violated the following 3.03,C; 3.08,B.1; 3.09, C and D of the City Charter by engaging in the listed actions in regards to the Community Development Office and Planning & Zoning Director Melland: Intervened in zoning dispute permitting an SUP process involving Bobby Anderson, property owner and potential business owner George Morehouse; publicly accusing Melland of not providing information on the first visit with this group about what is required, not doing his job, and undermining his authority to perform his job in giving directions without going through the city manager; directing the staff to be "business friendly"; undercutting Melland's authority in public disrupting the Community Development Department at an operational level and outside the City Council as a body, individually insisted that the mailing for the issue not only be expanded, but

Councilor Bradshaw asked "where in the Charter does it say that undermining is a prohibition?" Councilor Charles responded, "3.09, C and D."

Attorney Ryan Henry suggested ruling on each block one at a time.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Donna Charles, Council Place 1
SECONDER:	Will Bradshaw, Council Place 5
AYES:	Monica Alcocer, Donna Charles, Will Bradshaw

Councilor Donna Charles said "On Melland, I move that Councilor Benny Martinez violated 3.09 C and D of the City Charter. The motion was seconded by Councilor Monica Alcocer.

Councilor Will Bradshaw read 3.09 C and D out loud; and said that he disagrees that "should" is a demand.

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 Monica Alcocer - Aye; and Councilor Will Bradshaw - Nay

Mayor Riley announced the motion carried.

Councilor Will Bradshaw motioned to allow the Mayor to make a statement before moving on.

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

Councilor Donna Charles moved onto the city attorney saying this is the same just consider the 3.09, C and D portions.

Councilor Donna Charles moved onto Officer Azar, Officer Breton and Chief Salvaggio asking that City Council consider 3.09, C and D, saying that he interjected himself into disrupting police procedures; giving directions; and misrepresenting facts in regards to a citation and towing issue; an open investigation involving the zoning chair;

Attorney Ryan Henry interrupted the discussion to make a request that the Council allow the Mayor to make her comments on the deliberation points since he "put her in a bad spot" if the Council is open to that.

Council Donna Charles moved to the next item which was the Tribble shed in that section. Attorney Henry reminded everyone that this is still an open case and asked that the Council not go into details.

The Tribble shed was deleted because the direction given by Councilor Martinez occurred prior to the adoption of the Charter.

Councilor Donna Charles moved to the next item which was giving direction and berating police officer who were wandering prior to City Council meetings, threatening to the jobs of the Chief and that of the City Manager.

Mayor Riley said she didn't think you could punish someone for exercising their 1st Amendment right.

Councilor Donna Charles moved to the next item, giving direction to the Chief and the City Manager that they should have compassion and grant exemptions allowing convicted sex offenders to utilize the parks.

Councilor Donna Charles moved to the next item, giving direction to the police regarding the sign ordinance and public right-of-way regarding the placement of signs.

Councilor Bradshaw said he has trouble with the wording of the one before. He would like it to say "I think there should be some compassion and not be so hardnosed about this." and not "grant exemptions". Councilor Charles said she was ok with that. Then Councilor Bradshaw came back and said that "grant exemptions" is actually at the end. Councilor Alcocer said, "That's ok, we can put it all in." Councilor Charles thanked Councilor Bradshaw for that.

Councilor Charles went to the next item which was disregarding giving directions to police regarding the sign ordinance and public right-of-way regarding the placement of signs.

An amended motion was made by Councilor Donna Charles that Councilor Benny Martinez violated 3.09, C and D of the City Charter by giving directions to the police chief regarding Zoning Chair Olen Yarnell in the Pilgrim Cleaners issue; and misrepresenting and giving directions on the citation and towing issue; and giving direction and berating police officers Azar and Breton who were wandering; and giving directions to the police and the city manager regarding sex offenders; and giving directions on signs in public right-of-way. The amendment was seconded by Councilor Monica Alcocer.

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 Monica Alcocer - Aye; and Councilor Will Bradshaw - Nay

Mayor Riley announced the motion carried.

Mayor Riley called a recess at 9:52 PM

Mayor Riley reconvened the hearing at 10:15 PM

Councilor Charles went back to the city attorney, bullet number two, interfered with, gave orders to or undermined the authority of Ms. Frederick without going through the city manager in relation to the public right-of-way definitions in Religious Land Use and Institutionalized Persons Act (RULIPA) issues.

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

An motion was made by Councilor Donna Charles that Councilor Benny Martinez violated 3.09, C and D of the City Charter by interfering with, gave orders to or undermined the authority of Ms. Frederick without going through the city manager in relation to the public right-of-way definitions in Religious Land Use and Institutionalized Persons Act (RULIPA) issues. The amendment was seconded by Councilor Monica Alcocer.

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 Monica Alcocer - Aye; and Councilor Will Bradshaw - Nay

Mayor Riley announced the motion carried

Councilor Charles moved onto the next item which was the city manager, inflammatory remarks made about her drumming up charges made against Martinez and publicly ridiculing her for accepting complaints from employees undercutting her authority; upon eleven (11) occasions, Martinez gave direction to staff without going through the city manager undercutting her authority; giving direction to staff, contacting vendors, and interfering with the Library cabling project and upgrading the Conference Center and Council Chambers without going through the city manager; sending email as if it were from him directing her to offer Andy Garcia more money in order to keep him

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

Councilor Charles motioned that Councilor Benny Martinez violated Section 3.09, D of the City Charter by giving direction to staff without going through the city manager undercutting her authority upon more than eleven (11) occasion.

Attorney Henry spoke on 3.09, D.

Councilor Donna Charles amended her previous motion saying that Councilor Benny Martinez violated Section 3.09, C and D of the City Charter by giving direction to staff without going through the city manager undercutting her authority upon more than eleven (11) occasion. The motion was seconded by Councilor Monica Alcocer.

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 Monica Alcocer - Aye; and Councilor Will Bradshaw - Nay

Mayor Riley announced the motion carried.

Councilor Donna Charles moved on to the last one 3.03, C; 3.08 B. 1; and 7.02, A of the City Charter for the sexual harassment actions listed involving Councilor Catherine Rodriguez. Asking if she wanted to take a bath during the National Night Out, October, 2018; thrusting his privates into her backside during the photo shoot at the Christmas Tree Lighting Ceremony in December, 2018; and stroking her hand and making suggestive comments after shaking her hand at a City Council meeting.

Attorney Ryan Henry stated that he has realized that 3.08 will not be able to be used for Ms. Acuna or Ms. Rodriguez because this hearing was not held within the sixty-days (60) required by the Charter. Councilor Monica Alcocer responded that she agrees with him but wanted it noted that "Mr. Martinez' group deliberately delayed the hearing to go passed the sixty-days."

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

Motion

Councilor Donna Charles moved that City Council declare Councilor Benny Martinez seat forfeit for violating 3.03, C - not be in violation of any provision of this Charter.; 3.09, C and D - neither the city council nor the individual members shall give orders to any such officers or employees, either publicly or privately, of the city manager. And under this Charter shall give orders to any of the subordinates of the city manager. The motion was seconded by Councilor Monica Alcocer.

Mayor Riley wanted to say how disappointed she was.

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 Monica Alcocer - Aye; and Councilor Will Bradshaw - Nay

Mayor Riley announced the motion carried.

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

ADJOURNMENT


Mayor Riley announced that the meeting adjourned at 11:20 PM

These minutes approved by the Leon Valley City Council on the 6th of April, 2021.

APPROVED



CHRIS RILEY
MAYOR

ATTEST: 
SAUNDRA PASSAILAIGUE, TRMC
CITY SECRETARY

