



**CITY OF LEON VALLEY
CITY COUNCIL REGULAR MEETING**
Leon Valley City Council Chambers
6400 El Verde Road, Leon Valley, TX 78238
Tuesday, May 19, 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	
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	

Also present was City Manager Kelly Kuenstler, ACM/HR Director Crystal Caldera, ACM/Police Chief Joseph Salvaggio, City Secretary Sandra Passailaigue, LVFD Chief Michael Naughton, LVFD Assistant Chief Eric Burnside, LVPD Assistant Chief David Gonzalez, Lieutenant Mike Tacquard, Finance Director Vickie Wallace, Assistant Finance Director Floyd Messick, Planning & Zoning Director Brandon Melland, Associate Planner Erick Del Angel, Special Events Coordinator Maribel Mendoza , and LVPD and LVFD staff at the entrance of the building.

City Attorney Charles Zech remoted into the meeting.

Mayor Chris Riley welcomed everyone to the meeting; apologized for the delayed start; and asked Councilor led the Pledge of Allegiance.

Mayor Riley announced that “there had been a couple of weeks between sessions. Our last agenda was, I think April 13th, so I have been thinking in order to improve the manner in which the Council meetings are run, the following are additional measures to implement.”

- 1) No one will be allowed to speak unless called upon by the presiding officer. This includes Council, staff, citizens. If you are in Council Chambers please raise your hand, and if you are on-line remoting please turn on your video so I can see you and raise your hand and then if you want to speak you don't have to stay on the video but I think it will be a little bit more orderly to do that.
- 2) All citizens to be heard comments emailed in shall be read by the presiding officer.

- 3) If a Councilor calls a point of order, the presiding officer shall recognize you. then please state what rule is not being followed and a ruling by the presiding officer will follow. Roberts Rules of Order say it is up to the presiding officer unless we have to take a vote.

- 4) A governmental body may not prohibit criticism of the governmental body, including any act, omission, policy, procedure, program or service. However, our local rule addresses that no City Council member, staff or members of the public there shall shout, display any unruly behavior, distract with side conversation, use profanity, threat of violence or disrupt the orderly conduct that could affect the meeting. In addition, no personal attacks on staff, members of the public or City Council shall be allowed. As a reminder, a warning will be given and if the behavior continues, you will be asked to leave the Chambers or be disconnected by phone or video.

PRESENTATIONS

Presentation of the Monthly Financial Report Ending April 30, 2020 (F. Messick, Assistant Finance Director)

Assistant Finance Director Floyd Messick presented the Monthly Financial Report ending April 30, 2020.

Councilor Monica Alcocer asked that the City Council be given an update on the Benny Martinez v. City of Leon Valley Case at the next City Council meeting on June 2, 2020.

Mayor Riley asked that an update be included on the "Auditors" at the same time.

RESULT:	PRESENTED
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Presentation of a Good Service Award to Michael MacDonald (Mayor Chris Riley)

Mayor Riley read aloud the Service Award prepared for Michael MacDonald.

RESULT:	PRESENTED
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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) Congratulations to our Municipal Court for successfully holding court via Zoom; b) Congratulations to Yvonne Acuna for twenty (20) years of service to the City; c) said she was proud of former Assistant LVPD Chief Ruben Saucedo who was recently named the Converse Police Chief. Lt. David Gonzales was promoted to LVPD Assistant Chief of Police and Mike Tacquard was promoted to Lieutenant; d) Thank you to LVFD Chief Michael Naughton for his efforts in ensuring this room was sanitized (surfaces, seating, door handles, carpet, everything) prior to our arrival and for his ability to add a few extra chairs and still ensure social distancing; e) Thank you to both Councilor Monica Alcocer and Councilor Will Bradshaw for the idea,

for the Blessing Box. Both large boxes are full and we need more people to give them to. If you know of anyone in need, please let us know; and lastly f) the Evers Road sidewalk between the Forest Oaks Pool and the corner of Evers and Forest Way is finally complete. This means that the entire strip of Evers Road in Leon Valley is complete with ADA sidewalks.

ACM/Police Chief Joseph Salvaggio stepped up to the podium to announce that City Manager Kelly Kuenstler was nominated and named Administrator of the Year by the Texas City Managers Association (TCMA).

Upcoming Important Events:

- Next Regular City Council Meeting Tuesday, June 02, 2020, at 6:00 p.m. in Council Chambers
- City Offices will be closed on Monday, May 25, 2020, in observance of Memorial Day
- Miscellaneous other events and announcements

RESULT:	PRESENTED
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CITIZENS TO BE HEARD

- William Johnson spoke about his concerns with EMS.
- Mark Schilling (business owner) spoke in favor of opening CoLV businesses.
- Sergio Cardona (business owner) spoke about the Small Business Grant.

Mayor Riley added that small businesses should also consider Bexar County's LiftFund can also go to www.bexar.org for assistance for small businesses with 25 employees or less.

City Manager Kelly Kuenstler added that later on the agenda would be a discussion regarding a small business encouragement program.

Mayor Riley read aloud several e-mails that had been submitted:

- Benny Martinez wrote about the agenda not being posted until Saturday; about the agenda "being changed"; and about who has final approval of the agenda.
- Nancy Lopez wrote about the Library opening.
- Thomas Chippie wrote a complaint about a garbage can being left out on Peachtree.
- Rebecca Miles wrote about the "exemplary work from LVFD and LVPD with special thanks to Officer Amadin during a recent fire in her neighborhood.

Justin Pulliam wrote in however, Mayor Riley hesitated reading his letter and asked about a vote at a previous meeting where members of City Council voted against reading letters from citizens that did not live within the City of Leon Valley. Mayor Riley wanted to know if the previous motion would be for just that one meeting or did a motion and vote need to occur each meeting. Councilor Monica Alcocer and Councilor Donna Charles said that yes, it was for all meetings. Councilor Will Bradshaw said that he did

not think there had been a change to an ordinance or anything like that so how could it be for all meetings. It was not put in our guidelines or anything like that. Mayor Riley asked City Attorney Charlie Zech for his opinion. City Attorney Zech responded that he did not know the answer to that question and would have to go back and review the last meeting. Councilor Monica Alcocer said that until City Attorney Zech gets updated on his own, it is her recall and her intent because she made the motion and she would like to do it again that until further notice that the City Council read in Citizens to be Heard, if they are not present, that their letter, text or whatever is entered into the record but not read into the record. Only citizens of Leon Valley, only residents of Leon Valley and businesses of Leon Valley to facilitate the time problem that we are having lately until further notice I think this shall remain in effect. Councilor Donna Charles seconded this motion. Councilor Will Bradshaw asked City Attorney if it was even legal to not listen to public input with the new law that was passed. City Attorney Zech responded that he was not aware of any case law that addresses that and that he did not believe that the new provision in the Texas Open Meetings Act was applicable but that he would have to look into it. Mayor Riley asked City Attorney Zech to look into this before the next meeting. Councilor Monica Alcocer reminded all that their comments are not being ignored but in fact, included in the record and also arriving after the two-hour period. Mayor Riley asked City Secretary Sandra Passailaigue to take a roll call vote. City Secretary Passailaigue attempted a roll call but not having access to a microphone, City Manager Kelly Kuenstler 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.

- Leslie Bacon said she wanted to know why “Recalled” Councilors Alcocer and Charles were not attending the meetings and asked that Mayor Riley make them use their cameras. Ms. Bacon referred again to “Recalled” Councilors saying that “...we need to see them.”

ANNOUNCEMENTS BY THE MAYOR AND COUNCIL MEMBERS

- Councilor Donna Charles thanked the Lord above that we are all healthy and safe and that we will continue attending the meetings as we do now until we can come into Chambers.
- Councilor Catherine Rodriguez said she was glad to see those present; seconded the citizen comment regarding Officer Amadin; had a chance to work with Badillo who is running for Constable, Precinct 2 on a Program called Voices that collects, donates and delivers food to veterans.
- Councilor Monica Alcocer thanked the LVFD for placing buckets outside for dropping off items; thanked staff for responding to citizen’s needs.
- Councilor Matthew Hodde thanked staff for the “Shop Local” tab on the City’s website; thanked the citizens that are patronizing local shops and restaurants.
- Councilor Will Bradshaw this week marks the one-year mark since he was sworn in as a city councilor, it has not been what he expected, very disappointing. Wishes that as things get back to normal that we could get our City back to normal as well.

- Mayor Chris Riley spoke about her weekly writings on “the COVID”, testing can be done Monday - Friday until the end of May www.doineedacovidtest if you have symptoms or you have been exposed; attended Alamo Area Planning; reminded everyone to do their part and complete the Census 2020 survey; rental assistance programs are available; thanked all health care workers and first responders; looking at will get back to everyone on New Zealand’s “Social Bubble”; lastly, wished everyone to stay safe and healthy.

CONSENT AGENDA

Mayor Riley began by saying that per the City Secretary, we ask that Item 6.3 be considered only to appoint members but that appointments to alternates positions will have to be brought back to a future agenda.

Mayor Riley also took a moment to thank all of the committees who normally would be present to present their annual reports. Thank you for all you do and for the time you commit to your committee and the City.

A motion was made by Councilor Catherine Rodriguez and seconded by Councilor Monica Alcocer to accept the Consent Agenda as presented with the changes as noted on Item 6.3 as previously mentioned.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Donna Charles, Council Place 1
SECONDER:	Monica Alcocer, Mayor Pro-Tem, Council Place 3
AYES:	Monica Alcocer, Donna Charles, Catherine Rodriguez, Matthew Hodde, Will Bradshaw

Consideration of the Following City Council Minutes:

- Special Meeting- May 5, 2020 5:45 PM**
- Regular Meeting- May 5, 2020 6:00 PM**

Acceptance of the Following Committee Minutes:

- **01-13-2020 Economic and Community Development Advisory Committee Meeting Minutes**
- **03-30-2020 Economic and Community Development Advisory Committee Meeting Minutes**
- **05-04-2020 Economic and Community Development Advisory Committee Meeting Minutes**

Discussion and Possible Action on a Resolution Making Appointments to The Board of Adjustment, Park Commission, Tree Advisory Committee, The Leon Valley Public Library Board of Trustees, And the Planning & Zoning Commission (M&C # 2020-05-19-01 S. Passailaigue)

Discussion and Possible Action of the Quarterly Investment Report for the Quarter Ended March 31, 2020 (M&C # 2020-05-19- V. Wallace)

Presentation of the Pool Advisory Committee Annual Report

Presentation of the Tree Advisory Board (TAB) Annual Report (Denise Berger, Chair)

Presentation of the Community Advisory Group (CAG) Annual Report (John Hoyt, Chair)

Discussion and Possible Action to Sponsor the Leon Valley Mural Contest through the Disbursement of Economic and Community Development Funds (M&C # 2020-05-19-02 W. Cox)

Discussion and Possible Action to Fund a Small Business Encouragement Grant Designed to Assist Non-Exempt Businesses in Leon Valley Through the Disbursement of Economic and Community Development Funds (M&C # 2020-05-19-03 W. Cox)

Discussion and Possible Action to Fund a Health & Safety Program, Providing Partial Reimbursement for Disposable PPE used by Small Businesses with Direct Customer Interactions from the 1/8% Sales Tax Allocated for Economic & Community Development (M&C # 2020-05-19-04 W. Cox)

Discussion and Possible Action on a Resolution of the City of Leon Valley, Texas, City Council Designating Dr. Chichi Junda Woo as the Health Authority for the City of Leon Valley (M&C # 2020-05-19-05 M. Naughton)

ORDINANCE

Presentation, Discussion and Possible Action on an Ordinance Amending the Emergency Disaster Ordinance to Incorporate State of Texas Governor's Order GA-23, Bexar County Judge Executive Order NW-07, and Discussion on Amendment of Leon Valley Local Emergency Declaration 2020-20 (M&C # 2020-05-19-07 J. Salvaggio)

ACM/Police Chief Joseph Salvaggio presented this item proposing an amendment to Ordinance 2020-20 to reflect recent changes due to Texas Governors Executive Order GA-23 relating to the expanded reopening of Texas in response to the COVID-19 Disaster and Bexar County Commissioners Executive Order NW-07, and adopt both ordinances into the Leon Valley local ordinance.

Chief Salvaggio apologized for getting the update to everyone last minute but added that the Governor just announced these changes last evening. Chief Salvaggio proceeded to go through the very detailed list of changes to the rules, regulations and requirements related to the responsibilities of citizens as well as businesses.

Mayor Riley asked Chief Salvaggio to have the Centers for Disease Control and Prevention (CDC) guidelines for public swimming pools for the next meeting.

Mayor Riley read aloud e-mails that she received.

- Lyn Joseph who wrote in opposition of opening the pools
- Ann Sawyer who wrote asking to open at least one (1) of the pools; and in favor of continuing the pool pass.

Mayor Riley called citizens up to speak at this time, once the podium was sanitized.

- Erick Matta spoke about life guards being trained at the Forest Oaks Swimming Pools; and asked why we (CoLV) had to follow everything that San Antonio had to do; spoke in opposition of “doing whatever staff recommends”; stated that staff gets up and “misrepresents things”; spoke about kids and what kind of summer they would have saying, “we all know this thing does not affect the young, we know that.”

Chief Salvaggio continued with the presentation which was followed by a discussion.

- Erick Matta spoke about “a comment not being read by a citizen not being read but we are concerned with non-citizens coming to our library.”

Mayor Riley asked Chief Salvaggio what the motion would look like. Chief Salvaggio stated that after the discussion the motion would be to adopt Exhibit A, NW-07, open City Hall June 1st, limit Municipal Court, keep the swimming pools closed until June 4th, keep the Library closed under Phase I until June 2nd.

Mayor Riley said she liked that and that she would watch other cities to see what they were doing with their pools and libraries as well.

Mayor Riley and Chief Salvaggio both agreed that there would be another order by the Governor before the next City Council meeting so everyone would know that there would be definite changes coming.

Councilor Monica Alcocer called a Point of Order. Mayor Riley acknowledged her to which Councilor Alcocer replied that she noticed the Governor’s order stated there would be no change until June 3rd so she suggested moving the City Council meeting to June 4th. Mayor Riley thanked Councilor Alcocer for her input.

There being no conflict with any councilor, the consensus was that the regular meeting would be moved.

Councilor Will Bradshaw suggest setting a tentative opening date for the swimming pools.

City Manager Kelly Kuentler reminded Councilor Bradshaw that she would need to sign the contract in order to set a tentative date.

Mayor Riley replied to Councilor Bradshaw that she “would rather get the evidence on how these other pools are doing by June 4th, you know if they have had any problems, how long does it take and what do they have to do?”

Councilor Bradshaw replied that he didn't think she would get that "because the incubation period is too long."

Councilor Matthew Hodde asked about limitations on pool attendees and how that would be calculated. Chief Salvaggio replied that the order states 25% of the occupancy level. ACM/HR Director Crystal Caldera sent a text to Public Works Director Melinda Moritz with the question. ACM/HR Director Caldera responded to the City Council on behalf of Director Moritz saying that the number of people allowed at the Forest Oaks pool would be 44, people allowed at the Leon Valley Pool would be 50; the Leon Valley Pool Advisory Committee Chair, Mr. Diaz' personal recommendation is that the pools remain closed for now; and lastly the City would have to hire an attendant to maintain the sanitation for one pool and that cost would be \$62,000 which would also include lifeguards.

Chief Salvaggio said that would be no problem and that he would also make sure that Public Works Director Melinda Moritz would be at the next meeting to answer any questions they may have for her as they did this evening.

Mayor Riley added that she has heard from many of the seniors and they want to come back and will do anything, wear gloves, masks, whatever it takes.

Councilor Will Bradshaw asked Public Works Utility Billing Clerk/Administrative Assistant Yvonne Acuna if the new payment application had the ability to inform the public that reservations would be required or like a first-come-first-serve basis? Ms. Acuna replied that had the set-up been completed the answer would have been YES. However, with COVID-19 shutting things down, the set-up was also halted.

Mayor Riley restated that City Council would move to adopt Exhibit A, NW-07, open City Hall June 1st, limit Municipal Court, keep the swimming pools closed until June 4th, and keep the senior's center closed, keep the Library closed under Phase I until June 2nd, cancel the June 2nd Regular City Council meeting, call a June 4th Special City Council meeting. Councilor Monica Alcocer said she so moved. Councilor Matthew Hodde seconded the motion.

Councilor Will Bradshaw asked about businesses that would be opening and the Chief of Police asking for a plan from them. ACM/Chief of Police Salvaggio gave the explanation of why this was done.

Councilor Bradshaw asked Chief Salvaggio what other businesses were asked for a plan. ACM/Chief of Police Salvaggio responded the Little League, the skating rink and bowling alley. The two went back and forth on the matter speaking over one another until Mayor Riley asked that they not interrupt one another.

Councilor Bradshaw then asked how it was decided which businesses received signs and which didn't.

Councilor Monica Alcocer called out "Point of Order Mayor, this is off topic."

Councilor Will Bradshaw spoke over her saying, "Excuse me, excuse me, I'm still talking." And then he continued.

Councilor Donna Charles called out "Point of Order, you are off topic."

Councilor Will Bradshaw spoke over Councilor Charles and responded "You didn't raise your hand and you're not on camera as requested by the Mayor." And continued speaking about the businesses.

Mayor Riley interrupted and said "Mr. Bradshaw hang on, just a second, just a second." Mayor Riley proceeded to ask City Attorney Zech about the Point of Order that had already been called.

Councilor Bradshaw asked what the Point of Order was. Mayor Riley responded, "Oh, yes, tell me what your Point of Order is specifically, is it Ms. Charles or is it Ms. Alcocer? You have to tell me why."

Councilor Monica Alcocer responded to Mayor Riley saying "The Point of Order is he's gone off topic. We have a motion, and a second on the floor and he's talking about signs and discriminating on signs and all these other things that aren't part of this particular motion."

Councilor Bradshaw responded with "Mayor the signs were part of the presentation that the Chief gave."

Councilor Donna Charles called out "Point of Order this is not part of the topic."

Mayor Riley replied, "We are going to move on with the motion and the second right now. I believe we do need to limit this to our point right here."

Councilor Catherine Rodriguez questioned "why every time Chief gets up to talk does it always have to be a "I'm gonna have the last word" type of debate?"

Mayor Riley reminded Councilor Rodriguez that this is also not within the topic and then turned to Councilor Bradshaw and encouraged him to meet with ACM/Chief of Police Salvaggio to discuss the businesses and sign concerns he has. Councilor Bradshaw replied that he preferred to place it on a future agenda.

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

Presentation and Discussion on an Emergency 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 \$96,250 to Provide Funding for the Leon Valley General Fund for the Purchase of Additional Bunker Gear (M&C # 2020-05-19-06 M. Naughton)

LVFD Chief Michael Naughton presented this item for seeking City Council consideration of an emergency ordinance for the approval of a budget adjustment to purchase twenty-seven (27) additional sets of bunker gear which is one for each Leon Valley firefighter. This bunker gear purchase will provide the safety our firefighters are required to have per the Texas Commission on Fire Protection.

The budget adjustment amount is \$96,250 which would come from the General Fund Reserves.

Chief Naughton concluded the presentation saying that staff recommends that the City Council approve an emergency ordinance and budget adjustment in the amount of \$96,250 to the general fund balance to fund the purchase of additional bunker gear.

A motion was made by Councilor Catherine Rodriguez and seconded by Councilor Will Bradshaw to approve the ordinance as presented.

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

REGULAR AGENDA

Presentation and Discussion on an Ordinance on a Request by Richard Giron, for a Specific Use Permit for Entertainment Indoor Use at 7040 Bandera Road, in the Tenant Suite Designated as 7022 Bandera Road; Generally Located at the Intersection of Bandera Road and Huebner Road; and a Public Hearing on Said Request (1st Reading as Required by City Charter) (M&C # 2020-05-19-08 B. Melland)

Planning & Zoning Director Brandon Melland presented the item in response to a request by Richard Giron for a Specific Use Permit for Entertainment Indoor Use at 7040 Bandera Road, in the tenant suite labeled as 7022 Bandera Road. The property is generally located at the intersection of Bandera Road and Huebner Road.

Applicants Richard Giron and Ricardo Polendo were present for questions.

Mayor Riley opened the Public Hearing at 9:05 PM

ACM/Chief of Police Salvaggio reported that has meet with the applicants and that he would like it to be on record that they have agreed that when the group has tournaments, they will not take money at the door. Chief Salvaggio said they welcome them and look forward to them coming to Leon Valley.

There being no further public comment; Mayor Riley closed the Public Hearing at 9:07 PM

RESULT:	FIRST READ
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Presentation and Discussion on an Ordinance on a Request by Manuel Rubio for a Zone Change From B-3, Commercial District with SO, Sustainability Overlay District Zoning, to B-3, Commercial District, with CIO, Commercial Industrial Overlay District Zoning on Approximately 5 Acres Generally Located on the East Side of Timber Hill Drive, Approximately 600 Feet South of Grissom Road; and a Public Hearing on Said Request (1st Reading as Required by City Charter) - *Withdrawn* (M&C # 2020-005-19-09 B. Melland)

(This item was withdrawn earlier)

Presentation and Discussion to Consider Approval of an Ordinance Authorizing a Budget Adjustment in the Amount of \$3076.00 from the General Fund for the Purchase of Supplies for the Earthwise Living Day Event (1st Read as Required by City Charter) (M&C # 2020-05-19-10 Y. Acuna)

Public Works Utility Billing Clerk/Administrative Assistant Yvonne Acuna presented this item to City Council seeking their consideration of an ordinance authorizing a budget adjustment in the amount of \$3,076.00, for the purpose of purchasing supplies for future Earthwise Living Day events.

Ms. Acuna continued to say that during the 2020 Earthwise Living Day event, the Committee raised \$3,910 from the sale of booth rentals and from sponsorships. In addition, after expenses, they had some remaining funds. The Committee would like to use the money to purchase insulated tote bags and other eco-friendly promotional giveaways. Ms. Acuna added that each year, \$2,700 is budget for the event and then the Committee solicits sponsorships and rents booths to assure this event is self-sustaining. Any proceeds collected from events are placed into the revenue side of the budget and cannot be spent without an authorized budget adjustment from the City Council.

Ms. Acuna concluded the presentation saying that the Committee is proposing the following purchases for the next event: Insulated tote bags \$1,300; Metal Straws \$650; Reusable Bags \$1,126; for a total of \$3,076.

Staff recommends that the City Council approve an ordinance authorizing a budget adjustment in the amount of \$3076, for the purpose of purchasing promotional giveaways for future Earthwise Living Day events.

Councilor Catherine Rodriguez asked if the Committee might need more funding. Mayor Riley and Ms. Acuna both thanked Councilor Rodriguez but said they thought it was fine but appreciated the consideration.

RESULT: FIRST READ

Discussion and Possible Action on Closing the Community Center (Senior Center) for Health & Renovation Purposes Beginning August 2020 through November 2020 (M&C # 2020-05-19-11 K. Kuenstler)

City Manager Kelly Kuenstler presented this item to City Council for consideration to close the Community Center (Senior Center) for health & remodel purposes beginning August 2020 through November 2020.

In December of 2019, City Council approved to expend \$179,240 from the General Fund Economic Development Project Funding to fund the renovation of the Community Center (Senior Center).

Originally, this project was scheduled for next fiscal year (December 2020 - April 2021) due to the Center being booked for events during this current fiscal year. Many events scheduled have already cancelled.

A motion was made by Councilor Monica Alcocer and seconded by Councilor Will Bradshaw to approve as presented.

RESULT: APPROVED [UNANIMOUS]
MOVER: Monica Alcocer, Mayor Pro-Tem, Council Place 3
SECONDER: Will Bradshaw, Council Place 5
AYES: Alcocer, Charles, Rodriguez, Hodde, Bradshaw

Discussion and Possible Action on Scheduling a hearing under Section 3.12 of the City Charter Regarding Violations of the Charter by Donna Charles and Authorizing Any Action Related to a Hearing (M&C # 2020-05-19-13 Mayor Chris Riley)

Mayor Riley presented the item saying that she placed the item on the agenda after 8.5 (which is now 8.6; the next agenda item) was placed and after Erick Matta e-mailed her....

Councilor Donna Charles asked to interrupt the Mayor and “cut to the chase on this item in consideration of time.” and proceeded to make the following motion.

A motion was made by Councilor Donna Charles and seconded by Councilor Catherine Rodriguez that she be investigated under the 3.12 process. Councilor Catherine Rodriguez seconded the motion.

Mayor Riley said “that was a surprise and asked to show the document.” Mayor Riley asked that the document she provided to the City Secretary be shown on the screen. ACM/HR Director Crystal Caldera gestured that she had not been provided any document.

City Secretary Sandra Passailaigue responded to the Mayor saying that the document she had been asked to provide was confidential so it is in the packet but marked as confidential so it is only visible to the members of City Council.

Mayor Riley said she wanted to have discussion.

Councilor Donna Charles announced that she had already made a motion and did not think that it needed to be discussed.

Councilor Will Bradshaw called a Point of Order saying “we’re allowed to discuss any item that is on the...”

Mayor Riley said she had a motion that had been seconded and now she would like to discuss it because the community wants to know what is going on and that again, she was taken by surprise because she “really did not think it would go forward at all, so.”

Mayor Riley went on to say that this was a document that was released that said “Not a Public Record” and so she wondered why that could be sent part of an as an ethics complaint to seven members and the Ethics Board in parallel to her releasing attorney client privilege in the next item.

Councilor Monica Alcocer Called the Question.

Councilor Monica Alcocer Called the Question *again*.

Again, Councilor Monica Alcocer Called the Question this time saying, “You’re litigating this I don’t think is appropriate discussion it was a motion to hear it and have it investigated if necessary and I Call the Question.”

Mayor Riley asked City Attorney Charles Zech to give a ruling on that. There was some difficulty connecting with Attorney Zech so while waiting, Councilor Will Bradshaw asked the Mayor if he could speak.

Councilor Bradshaw said he wanted to reiterate that he thinks that these 3.12 hearings and these investigations are a huge waste of tax payers dollars and that it is ridiculous that we do this.

Councilor Donna Charles responded to Councilor Will Bradshaw by saying that she “was not asking for the 3.12 Hearing but the Mayor was and that she was just going along with it.”

Mayor Riley replied that she was just “reflecting the next agenda item that they were wanting to do a 3.12” on her.

Mayor Riley called citizen William Johnson up to speak.

Councilor Donna Charles reminded Mayor Riley that a motion was already made and seconded and...”

Mayor Riley interrupted Councilor Charles and said “Oh Councilor Charles please! I have Mr. Johnson here wanting to speak. Let him speak. Honestly.”

- William Johnson spoke about his concern with the motion not allowing citizen comment.

City Manager Kelly Kuenstler informed the Mayor that she also had two messages from citizens to read. Mayor Riley told City Manager Kuenstler to pass it down for her to read; which City Manager Kuenstler did without hesitation.

- William Johnson spoke again about the ethics complaint that he and six others filed (and later withdrew) on Councilor Donna Charles; and the response that he had received from her.
- Evan Bohl spoke about Councilor Charles asking for herself to be investigated; asked why citizens would hold onto a privileged document for so long before bringing it to anyone’s attention; spoke about the transparency of 3.12 hearings; and about the 3.12 process being a form of holding people accountable.

Attorney Charles Zech was finally connected and responded to the earlier question regarding not allowing citizens to speak one Councilor Alcocer Called the Question. Attorney Zech stated that “this is a procedural question, not a legal question. It is up to the governing body on how they want to conduct their meeting. If someone makes a Point of Order, it is up to the Mayor to rule on that. If the governing body disagrees with that ruling; they can appeal that ruling and vote whether or not they agree. That is how Robert’s Rule of Order works.”

- Leslie Bacon also spoke about the ethics complaint that she and six others filed (and later withdrew) on Councilor Donna Charles, Councilor Monica Alcocer and City Manager Kelly Kuenstler.

Councilor Monica Alcocer interrupted Leslie Bacon and asked for a *Point of Order*.

- Leslie Bacon continued with a comparison between the 3.12 of the Mayor and the one being requested against Councilor Donna Charles. Then asked that the Council “do away with 3.12 hearings.” Leslie Bacon then raised her voice and said “This needs to STOP!” “This City needs leaders. STOP FIGHTING! LEAD!”

Councilor Donna Charles asked to speak and said that the Mayor placed the item on the agenda to consider a 3.12 against her and she has voted to be investigated.

Mayor Riley told Council Charles that she would follow that up saying that her “intention was to bring out what was just brought out, the hypocrisy.”

City Manager Kuenstler asked the Mayor that the “no yelling rule” be enforced. Mayor Riley said that she (Ms. Bacon) “was just being passionate, but thank you.”

- Erick Matta spoke about the 3.12 process and stated that the Council was acting like high schoolers; reminded staff who they work for; and told everyone to “cut it out.”

Councilor Donna Charles, again, said that Mayor Riley placed the item on the agenda and she is asking that you go ahead with it.

Councilor William Bradshaw asked who would investigate and when would this occur.

Mayor Riley again said that she only put this on the agenda hoping that both 8.5 and 8.6 would just go away and we could have a retreat instead.

Councilor Catherine Rodriguez reminded everyone that she understands that this is the citizens money we are talking about but we, the Council are also taxpayers. “This is our money too.” Councilor Rodriguez also asked who Councilor Charles turned the document over to.

City Manager Kelly Kuenstler replied, “I know. She turned it over to the city secretary because the Ethics Review Board told her too.”

Councilor Donna Charles said “So I did not turn it over to the public. I turned it over to the city secretary.”

- Erick Matta spoke about placing the blame on the city secretary.

Councilor Donna Charles spoke over Mr. Matta and then the Mayor also spoke and then Mr. Matta was allowed to continue.

- Erick Matta continued

Councilor Donna Charles spoke over Mr. Matta and then the Mayor also spoke and then Mr. Matta was allowed to continue.

- Erick Matta continued speaking about Councilor Rodriguez

Councilor Donna Charles called a “Point of Order, Point of Order, Point of Order.”

- Erick Matta continued by saying that the attempt to blame the city secretary was

petty; told the Council to take responsibility.

Councilor Donna Charles spoke over Mr. Matta and then the Mayor also spoke and then Mr. Matta was allowed to continue.

- Erick Matta continued and spoke about double standards.

Councilor Donna Charles replied that there is no double standard and that she is asking to be investigated.

- Evan Bohl spoke about the chain of custody of that letter; again about citizens holding onto the letter so long; and about the Mayor placing the item on the agenda at the behest a resident who rarely has facts to back up anything; and called this a “political chicken game” and “Councilor Charles has called your bluff.”

Mayor Riley responded to Mr. Bohl saying “Let me reiterate that the only reason this one was put on was because the other one was put on first.”

City Manager Kuenstler said that Ms. Passailaigue had something to add.

City Secretary Sandra Passailaigue explained the process that was adopted by City Council and the Ethics Review Board was that the person who has a complaint filed on them, is given fourteen (14) days to submit a response to the city secretary. The city secretary is not on the board and the only instruction provided was to get the information out. City Secretary Passailaigue reminded the members of City Council that the ordinance states that all documents in an ethics complaint are confidential and said she did not read, review or redact any of the documents because it was not her role and that it would have been an ethics violation if she had. City Secretary Passailaigue said once again, that she provided the documents to the Temporary Ethics Compliance Officer and the only instruction she was given was to get it out to the board members, those charged with the violation, and those seven who filed the complaint which is what she did.

- Leslie Bacon stepped up again and spoke about the complaint that she was part of filing and why they withdrew the complaint. Ms. Bacon said they withdrew the complaint because they “felt in watching the first Ethics meetings, that the Ethics Review Board were fair. That literally one of the Ethics Review Board, the only question she asked throughout the whole hearing, was how much Council Bradshaw was NextDoor and she had a huge campaign sign of Catherine Rodriguez’ in her yard during the time of the Ethics hearing.”

Councilor Monica Alcocer called a Point of Order saying this was off topic and *Called the Question*.

- Leslie Bacon replied, “I’m speaking Councilor Charles.”

Mayor Riley said “Keep it down, let’s keep it down. Let’s let her finish and we’ll Call the Question.”

- Leslie Bacon said “we felt that these violations were so serious that we have followed through in other manners. We did not want to put the Mayor in a bad position in regard to this because of what she was going through.”

Councilor Monica Alcocer called a Point of Order saying this is way off topic and unfair.

- Leslie Bacon kept on talking saying that there is “no shadiness going on here.”

Councilor Donna Charles called a Point of Order.

City Secretary Passailaigue attempted clarify saying that Councilor Charles may have thought that she, as the city secretary, would have done the redactions. The Temporary Ethics Compliance Officer was provided the information. The attorney gave direction to the city secretary to get the response out.

Mayor Riley asked that the motion be restated.

Councilor Donna Charles said, I move that I be investigated under the 3.12 process.

Councilor Will Bradshaw asked the city attorney if Donna Charles could make a motion on this and if she could vote on it as well.

Attorney Zech replied that there is no reason she would not be able to make a motion but that he was not certain about the vote.

Councilor Donna Charles said she had no problem recusing herself from the vote.

Councilor Catherine Rodriguez said that she still seconds the motion.

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 - Abstained; Councilor Catherine Rodriguez - Aye; Councilor Monica Alcocer - Aye; Councilor Matthew Hodde - Aye; and Councilor Will Bradshaw - Nay.

Mayor Riley announced the motion carried.

RESULT:	APPROVED [3 TO 1]
MOVER:	Donna Charles, Council Place 1
SECONDER:	Catherine Rodriguez, Council Place 2
AYES:	Alcocer, Rodriguez, Hodde
NAYS:	Bradshaw
ABSTAIN:	Charles

Discussion and Possible Action on the Scheduling of a Hearing Under Section 3.12 of the City Charter Regarding Violations of the Charter by the Mayor and Authorizing Any Action Related to a Hearing (M&C # 2020-05-19-12 Councilor C. Rodriguez and Councilor M. Hodde)

Councilor Catherine Rodriguez presented the item stating that on March 9, 2020, the Leon Valley Ethics Review Board (ERB) by motion, found that Mayor Chris Riley had violated the City Charter § 3.09 E. The ERB determined that its opinion constituted a sufficient reprimand.

Councilor Rodriguez continued to say that in § 3.04 *The City Council shall be the sole judge of the election and whether the qualifications set herein and by law have been met by its members and of the grounds for forfeiture of their offices.*

Councilor Rodriguez added that this was not something that she wanted to do but that she is just trying to follow the Charter and feels it is the remaining Council is responsible to follow § 3.04.

Councilor Will Bradshaw accused Councilors Charles, Alcocer and Rodriguez for “pre-planning” the vote on the last item as well as “pre-planning” to blame Ms. Passailaigue on the last one. “This is all bogus. This Council is dysfunctional and this will be your legacy.” “We will continue to speak up for justice.” “This Council voting to get rid of Council members is it’s disgusting. It’s disgusting how bad it has been and I know for a fact that it was a set up from the beginning to get rid of Benny Martinez, I was there!”

Mayor Riley asked Councilor Bradshaw to keep it down.

A motion was made by Councilor Will Bradshaw to dismiss this item with no action.

Councilor Catherine Rodriguez replied that she never blamed or suggested guilt toward Ms. Passailaigue. She said she simply asked a question of who Ms. Charles gave the paperwork too. Councilor Rodriguez told Councilor Bradshaw, “So, backtrack your words.”

There was no second to Councilor Bradshaw’s motion; therefore, the motion died.

Councilor Matthew Hodde said that he co-sponsored the item because he just wants to know exactly what occurred that happened that lead to the ruling made by the ERB.

A motion was made by Councilor Matthew Hodde to proceed with an investigation under the 3.12 process in our City Charter to determine, if the Ethics Review Board ruling against Mayor Chris Riley warrants any further action. Accountability, that's all.

- David Edwards spoke about a political game to overtake the Mayor; and about Chris Riley NEVER doing anything unethical in her life; this is despicable behavior.
- Evan Bohl spoke about the casualties of situations as this; and about being banned from NextDoor "forever".
- Erick Matta spoke about staff being servants to the citizens.

Councilor Catherine Rodriguez replied to Erick Matta's servant comment.

Mayor Riley read e-mailed citizen comments from the following:

Josh Stevens, Sarah Smart, Rebecca Hamner, Drew Power, D. Hassall, Larry and Judy Smith, Chris Moreno, Sylvia Rey, Linda Schmidt, Hilda Gomez, Benny Martinez, Linda Malouff, Rita Burnside, Jacque Conrad, Sarah Smart again, William Johnson and Ann Sawyer.

Councilor Monica Alcocer said she appreciated the citizens that the Mayor rounded up to get to write things on your behalf but they need to weigh in the fact that we want to be fair, and that it was you who went overboard to put the agenda item against Donna Charles which has been done. It was Councilor Bradshaw who keeps accusing his fellow Council people of not being good and not nice and yet he refused to meet with the Police Chief. He would rather spend time and money on an agenda item that could be resolved outside of it. It was you who admitted earlier that went out and tried to talk to a Councilor out of a preceding tonight. It was you and your husband who proceeded against the City on behalf of Benny Martinez that ran up the charges. I think it's only fair that something be investigated the same way on behalf of both you and Donna Charles. Donna Charles was willing to step up to the plate. This isn't the only thing that happened, or has happened over time, it continues to happen and something needs to be investigated and I make a motion that we appoint Attorney Bojorquez to investigate the situation or accusations or whatever it is against you and schedule a 3.12 Hearing as is appropriate, or not, and I think we need to get to the bottom of things. I think that is what Mr. Hodde said he wanted the investigation. I never got a chance to second it earlier so I guess it died, so I'm renewing his motion and requesting a second at this time.

Mayor Riley asked City Attorney Zech to look at the 3.12 Protocols to see if there was a statement in there about it needing to be an investigating attorney that has had no dealings with the City.

Mayor Riley added that she took offense to Councilor Alcocer's snide remark that she gathered all these people to write on her behalf. Mayor Riley stated that she did not contact one person at all. "Shame on you for disrespecting the citizens."

- William Johnson wanted to set the record straight that he was not contacted by Mayor Riley to write in; he wanted it on record that it was a grassroots campaign and that neither Chris Riley or Darby Riley had a thing to do with it.

There was a discussion regarding whether or not Mr. Bojorquez would be the appropriate person to investigate.

Councilor Bradshaw and Mayor Riley both said they prefer fresh eyes on this. Councilor Bradshaw said he feels that the ERB made the wrong decision anyway.

Mayor Riley asked that Councilor Alcocer repeat her motion which she did with an amendment to get a recommendation from TML if Mr. Bojorquez feels uncomfortable handling this. Councilor Alcocer asked if Councilor Hodde would second the amendment. Councilor Hodde seconded the amendment.

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 - Abstained; Councilor Catherine Rodriguez - Aye; Councilor Monica Alcocer - Aye; Councilor Matthew Hodde - Aye; and Councilor Will Bradshaw - Nay.

Mayor Riley announced the motion carried.

RESULT:	APPROVED [3 TO 1]
MOVER:	Monica Alcocer, Catherine Rodriguez
SECONDER:	Matthew Hodde, Council Place 4
AYES:	Alcocer, Rodriguez, Hodde
NAYS:	Bradshaw
RECUSED:	Charles

CITIZENS TO BE HEARD

- Erick Matta spoke about the hiring of the investigating attorney; about the City Council being the citizens’ servants.
- Evan Bohl spoke about the dysfunction among the Council.
- Mayor Riley read an e-mail from Sarah Smart.
- William Johnson spoke about overturning votes to hold a 3.12 against the Mayor.
- Rey Orozco spoke about it being a “black, black night in Leon Valley.”

ADJOURNMENT

Mayor Riley announced that the meeting adjourned at 11:30 PM.

APPROVED



CHRIS RILEY
MAYOR

ATTEST: 
SAUNDRA PASSAILAIGUE, TRMC
CITY SECRETARY

