



CITY OF LEON VALLEY
CITY COUNCIL REGULAR MEETING
Leon Valley City Council Chambers
6400 El Verde Road, Leon Valley, TX 78238
Tuesday, September 1, 2020

MINUTES

5:15 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, City Secretary Sandra Passailaigue, City Attorney Charles E. Zech, Finance Director Vickie Wallace, Assistant Finance Director Floyd Messick, LVPD Chief Joseph Salvaggio, LVPD Assistant Chief David Gonzalez, LVFD Fire Chief Michael Naughton, LVFD Assistant Fire Chief Eric Burnside, Planning & Zoning Director Brandon Melland, Associate Planner Erick Del Angel, Library Director Regina Reed, Assistant Library Director Theresa Brader, Business Relations Specialist William Cox, and various LVPD staff.

Mayor Chris Riley welcomed everyone and asked Councilor Matthew Hodde to lead the Pledge of Allegiance.

Mayor Riley asked for all cell phones to be silenced and reminded everyone that “the Council Chambers is a place where we’re treated with respect and dignity. Citizens, Councilors, staff, and visitors alike. Mayor Riley stated that there would be a new rule and that is that everyone in attendance must wear a mask which must cover the nose.

Anyone desiring to speak shall be first recognized by the presiding officer, that’s me, so please raise your hand-Council, staff, citizens and visitors alike. This way we’ll keep it to a more manageable meeting. Now for the Councilors that are on the line, I will certainly call on you on every agenda item except on Point of Order, if you want to speak please let Crystal or Sandra know just so that we can have an orderly progression and so that I can recognize you, I would appreciate that. City Councilors, staff and members of the public shall not shout, display unruly behavior, distract with side conversations, use profanity, threat of violence, or disrupt the orderly conduct of the meeting. This includes speaking or commenting from your seat or using foul language as you exit the chambers. I would suggest if you feel you may have a difficult time controlling yourself, please sit in the foyer.

No personal attacks on staff, City Councilors or members of the public shall be allowed. The presiding officer will warn the person that he or she will be required to leave the building if the disruption continues. I cannot see or hear all that goes around in Chambers especially with this mask on but the Rules of Decorum also allow each Councilor to help monitor the situation by calling a Point of Order. I hope we do not have to go there. Let's again be civil and treat each other with respect and dignity and thank you very much for your cooperation."

Mayor Riley added that no citizen comment or any other form of correspondence will be read from any person who is removed from the meeting for any of the reasons stated above.

ANNOUNCEMENTS BY THE MAYOR AND COUNCIL MEMBERS

- Councilor Donna Charles responded to statements made by the Mayor at the July 21st, August 4th and August 18th Council meetings. The written response was provided to the city secretary for the record.
- Councilor Catherine Rodriguez said it was good to see all of "our vested stake holders, our city residents and our city business owners"; and asked everyone to keep our military, law enforcement officers, and first responders in our thoughts and prayers.
- Councilor Monica Alcocer thanked those present and those watching online; asked everyone to be kind to one another with their remarks and with their videos for whatever purpose they are using them for; reminded everyone to be kind to one another and keep smiling; and gave a little food for thought from a book she read this weekend, "Truth is like the sun, it always rises."
- Councilor Matthew Hodde thanked everyone for participated and said "in the interest of the citizens and for the citizens, let's move on."
- Councilor Will Bradshaw responded to the prepared statement that Councilor Donna Charles read; and about the Ethics Review Board meeting the evening before.

Councilor Donna Charles asked Mayor Riley if she could comment. Mayor Riley replied, "No ma'am! You may not. You've already had your time."

- Mayor Chris Riley reported out on current COVID-19 cases which is decreasing; reminded everyone to continue wearing masks, practice social distancing, frequently washing their hands, and avoiding crowds.; Senator Menendez would like to have a virtual Town Hall meeting on COVID with each suburban mayor with all of the suburban cities he represents. More details will be coming on this.; Reminded everyone that the deadline to complete the Census is September 30th and encouraged everyone who has not done theirs to please do so. Leon Valley is currently at 69.6% complete.; The Bandera Road Workgroup is making a lot of progress with Concept Workshop #2 scheduled for September 21st.; Continued thanks to all first responders, healthcare workers and essential workers who provide for others.; Household Stabilization Grant application is available on the City's website and details can be found in the Mayor's article in ENews.; and last but not least, the bathrooms at Raymond Rimkus Park are gorgeous thanks to Public Works "and we have soap for the first time ever."

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 City received its first reimbursement of \$114,077 from Bexar County for the CARES ACT and by the end of next week we should be close to \$200,000 in reimbursements.; Heard from the 5th Circuit of Appeals last week, the higher court ruled in Leon Valley's favor in the Benny Martinez v. the City of Leon Valley case. Leon Valley was successful in that case and she forwarded that opinion to each member of Council last week.; LVPD is involved with the Special Olympics Guardian Games again this year.; Thanks to Councilor Monica Alcocer and citizens, we were able to donate school supplies to John Marshall High School. We received a "thank you" letter from Margaret Bray who is the Principal at John Marshall High School.; AACOG received \$8,000,000 to assist senior and veterans. More information is on the City's website under the COVID tab with the Household Stabilization Grant information.; The Bojorquez Law Firm is hosting a webinar titled City Hall Essentials and LVPD Chief Salvaggio is one of the presenters. According to the firm, this series is sold out every time and we are very honored to be part of that.; Thanked Councilor Matthew Hodde, every time he sees a problem, he reports it and because of this, a problem was reported with Tiger and was immediately resolved. City Manager Kuenstler encouraged all members of Council to do the same.; Governor Abbott extended early voting which will now begin October 13, 2020 and end October 30th.

Upcoming Important Events:

- **Next Special City Council Meeting, Tuesday, September 15, 2020, at 5:15 p.m. in Council Chambers.**
- **Last day to Register to Vote in the November 03, 2020 Election, Monday October 05, 2020.**
- **Early Voting, Tuesday, October 13, 2020 through Friday, October 30, 2020.**
- **Election Day, Tuesday, November 03, 2020.**
- **Miscellaneous other events and announcements**

Mayor Riley asked if there were any questions on the City Manager's Report.

- Justin Pulliam asked if there were any law suits updates against the City.
- Erick Matta asked about the law suit mentioned during the Ethics Review Board meeting by the City Manager.

Councilor Matthew Hodde thanked whomever put together and sent out the Resource Flyer that went out to the citizens. City Manager Kuenstler credited Business Relations Specialist William Cox.

City Manager Kelly Kuenstler introduced Attorney Keith Sieczkowski who is here for item 8.2 and said that she thought it was in the tax payers' best interest to move that item up on the agenda since we have an attorney here.

Mayor Riley thanked City Manager Kuenstler and said “We will take that up.” and proceeded to Citizens to be Heard and reminded everyone that this is a time to speak on issues NOT on the agenda since they are allowed to speak on each item on the agenda.

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| RESULT: | PRESENTED |
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CITIZENS TO BE HEARD

- Justin Pulliam spoke about viewpoint discrimination.

Councilor Catherine Rodriguez called a Point of Order claiming that Mr. Pulliam was personally attacking City Manager Kelly Kuenstler.

Mayor Chris Riley told Mr. Pulliam to please continue.

- Justin Pulliam continued by saying that people will not come to Leon Valley City Council meetings unless he is there; then he complained about record request and a lack of respect.
 - City Secretary Sandra Passailaigue informed Mr. Pulliam that she has two of his three requests ready for him, that she is putting them all on one flash drive because he complains that she wastes City resources; and that she is not ignoring him.
- Dan Parker spoke about negativity in Leon Valley and told people to go back and look at Leon Valley’s history.
- Evan Bohl spoke about voter censorship.
- Ruth (*last name unknown*) spoke about opening up the tennis courts.
- Richard Blackmore spoke about being offended by the Mayor’s comments toward him after the last Council meeting when all he was doing was discussing fishing with a member of the staff.
 - Mayor Riley replied to Mr. Blackmore saying she said “That was just a joke.”
- Richard Blackmore continued speaking to Councilor Bradshaw saying he found it disgusting when a person attending the Ethics Review Board with Councilor Bradshaw said he wished a woman that is running for City Council would get COVID.
 - Councilor Bradshaw responded to Mr. Blackmore with “How was the fishing at Canyon Lake? You can’t leave us hanging like that.”
 - Mayor Riley apologized to Mr. Blackmore saying she was just being facetious when she walked out and said “Quit talking about me.”
- Erick Matta spoke about the Ethics Review Board hearing the night before saying he felt “we were robbed last night”; about the city manager and the Lion’s Roar articles; and about Councilor Charles “crying” saying that they have “brought this scrutiny upon themselves. We are citizens exercising our rights so get over it!”
- Josh Stevens thanked Councilor Bradshaw and Erick for helping him clean up graffiti in the City; spoke about the back to school event at John Marshall High School and informed the Council of a complaint he was told about City staff from JMH staff

person Ms. Stuart Juarez.

- Rey Orozco spoke about Labor Day and said he would be feeding City staff breakfast tomorrow morning; thanked everyone that would be working on Labor Day.

Mayor Riley read a letter submitted via e-mail from the following:

- Liz Maloy who wrote with her concerns regarding Justin Pulliam speaking at Council meetings saying she believes it triggers the Law of Unintended Consequences and uses up too much time that could be used for and by the citizens; about amending the Rules of Decorum; and lastly asked the Mayor to “get this issue under control.”
- Rita Burnside who submitted an email which began, “Who is Will Bradshaw besides a duly elected councilman?”

Mayor Riley reminded everyone that City Manager Kuenstler asked that Item 8.2 be moved up on the agenda at this point.

Mayor Riley asked Attorney Charles Zech if the Council needed to discuss Item 5.3 before Item 8.2.

Attorney Zech replied that there was no legal obligation to discuss one before the other and suggested that the Mayor defer to the Council as to what they would like to do, however, he stated that he did recall a motion being made at the last meeting to find a moderator/mediator to handle that issue before we did the 3.12 but it might be beneficial to discuss them both at the same time unless the Council decides that it is not necessary.

A motion was made by Councilor Donna Charles to address Item 8.2 since the attorney is present. Councilor Catherine Rodriguez seconded the motion.

Councilor Will Bradshaw asked the Mayor for discussion before the vote was taken on the motion on the floor. Councilor Bradshaw pointed out that if a contract has not been agreed upon then the attorney present is not being paid, “so why is there a need to move the item up?”

Attorney Keith Sieczkowski stepped up to the podium and introduced himself to the City Council and informed them that he is not charging them to sit in the back and waiting.

Councilor Bradshaw thanked Attorney Sieczkowski and said that the point of moving the item up on the agenda to save “tax payer money” is not an issue.

Mayor Riley agreed and said that the Council would continue with the regular course of the agenda then.

Councilor Catherine Rodriguez said that although she agreed to the mediation, the mediation was not to be held in lieu of moving forward with the 3.12 hearing. The point was moving forward with the 3.12. Yes, we can have the mediation because it was to discuss not moving forward with the 3.12, it was to discuss the dissension between the Council

members.

There was a discussion among members of City Council on what the item was actually to discuss or not discuss.

City Manager Kuenstler ask City Secretary to address the wording of the motion and stated that it was from her notes that this agenda item was created.

City Secretary Passailaigue stated she would have to look into that and get back to them because those minutes were not done yet.

Councilor Will Bradshaw read from his notes from the prior meeting but stated that at no time was the word "retreat" ever used nor was "senior staff".

City Manager Kuenstler ask Attorney Zech to address this because she did not know the mediator nor had she had any contact with him whatsoever.

Attorney Zech expressed his concern that the item was being discussed without actually being on the item yet. Attorney Zech stated that what Councilor Bradshaw recalled from the last meeting was also his recollection in that the Council wanted a moderator to help resolve the divisiveness in the Council so he set out to find someone. This person he found "uses the word "retreat" but what it really means is that there is going to be a group of City Council getting together." Attorney Zech the Council could choose to exclude senior administrative staff, but that is was actually his recommendation but if he overstepped, he apologized. Having dealt with this before in other cities, it is important to have your senior level staff members involved but it is purely up to the Council. This person helps to build a team so you can move forward.

Councilor Will Bradshaw, Councilor Donna Charles and Mayor Riley all suggested that they just move on with the regular agenda.

City Secretary Passailaigue reminded the Mayor that there was still a motion and a second on the floor.

Attorney Zech asked the City Council for a Professional Courtesy to go through the presentations 5.1, 5.2, and 5.3 and then since Attorney Sieczkowski has been so kind and agreed not to charge while he is sitting here, go ahead and move Item 8.2 up at that point in order to respect this gentleman's time?

Mayor Riley asked if there were any objections. There being none; Mayor Riley announced that she would go back to 5.1, 5.2, and 5.3 and then we will go to 8.2.

City Manager Kuenstler added that there were certain budget related items that even if the meeting goes past 9:45 PM, have to be heard tonight. Mayor Riley responded with a "Thank you."

Councilor Catherine Rodriguez withdrew her second and Councilor Donna Charles withdrew her motion.

PRESENTATIONS

Presentation of the Monthly Financial Report Ending July 31, 2020 (Floyd Messick, Assistant Finance Director)

Assistant Finance Director Floyd Messick presented the Monthly Financial Report Ending July 31, 2020.

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| RESULT: | PRESENTED |
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Presentation and Discussion of Differences between Leon Valley Government under General Law (1952-2017) and under the Current Leon Valley Charter (2018 - Present) (Mayor Chris Riley)

Before the item was presented a motion was made by Councilor Donna Charles to remove the item from the agenda and reschedule it for a date certain, November 17, just to prevent us from talking about a measure that is on the ballot.

Mayor Riley replied that she was not speaking about a measure to which Councilor Charles replied, I would like to prevent that by rescheduling it to November 17 and removing it from this agenda.

Councilor Monica Alcocer seconded the motion adding that it is inappropriate to be talking about something that is a measure...

Mayor Riley interrupted Councilor Alcocer and asked if they had seen the PowerPoint that she just presented to Sandra.

Councilor Monica Alcocer and Mayor Riley continued speaking over one another.

Councilor Donna Charles said in order of caution, I would like to remove it from the agenda and reset it to November 17.

Mayor Riley said that was her issue. November 17 and asked that the Councilors look over the PowerPoint. Mayor Riley asked them again, "Have you seen the PowerPoint?"

Councilor Monica Alcocer responded to the Mayor, "Yes ma'am after 4 o'clock today when you sent it which was too late and I don't believe its factual. I think it is a made-up set of slides that is not accurate and I think it needs to be considered at a later date after the election. It has to do with influencing what is on this present election and that's what you did an affidavit against me, the manager, and Ms. Charles that we had done that exact thing when nothing was even on the ballot. This one is on the ballot. I would like to get some legal input from Mr. Zech."

Mayor Riley said “Alright Mr. Zech go ahead.” Attorney Zech said that he had read the PowerPoint and that it was factual in nature and it would be allowable by law if someone wanted to show the public the differences between a General Law and Home Rule city as long as it was factual.

Councilor Charles said, “However, I have made a motion to remove it from the agenda and reschedule it to November 17 and there has been a second.”

This was followed by discussion.

Councilor Monica Alcocer called the vote and said “we don’t need any more of Councilor Bradshaw’s preaching.”

The following citizens spoke on this item:

- Benny Martinez called the Council “a bunch of tyrants”; and spoke about the vote to kick him off of Council.
- Erick Matta spoke about the city manager receiving advice from the city attorney giving her advice on the Lion’s Roar editorial.

Councilor Donna Charles called a Point of Order.

- Erick Matta responded to Councilor Charles “No. I am speaking.”

Mayor Riley asked Councilor Charles what her objection was. Councilor Charles replied that her objection was the Mr. Matta was not on topic. Mayor Riley replied, “Let’s see.”

- Erick Matta responded “It actually is on topic because you brought it up.

Councilor Charles and Mr. Matta began conversing back and forth until Mr. Matta sat down.

- Sarah Smart spoke about forcing Council to work together; and told the Council to “grow up, do your job, and do the right fricken thing.”
- Justin Pulliam spoke again about viewpoint discrimination; and self-surrender.

Councilor Donna Charles called a Point of Order. Mayor Riley agreed and asked Mr. Pulliam to keep to the topic.

- Justin Pulliam continued with speaking about Chief Salvaggio’s self-surrender PowerPoint.
- Norma Shirotori disappointed that the item is being put off but would like it put on the next agenda.
- Josh Stevens proposed that the Mayor give him her PowerPoint to put on Justin’s to get out to his audience.

Councilor Catherine Rodriguez asked Attorney Charles Zech about a comment he made several months ago about Council choosing to accept or not accept his legal advice.

Attorney Zech replied saying that Council is always free to do whatever they choose.

Councilor Bradshaw pointed out the “double standards” with the “preferred majority”.

Councilor Charles said, in caution, she is recommending, and she said she had already done that, “made a motion to remove it from the agenda and reset it for February 17 because otherwise we are very likely talking about a measure that is on the ballot and I think that the vote has been called.”

Mayor Riley asked Councilor Charles about the date of February 17 to which Councilor Charles corrected with November 17.

Mayor Riley asked that City Secretary Passailaigue take a roll call vote.

Councilor Will Bradshaw interrupted with “Mayor, Point of Order.” Mayor Riley acknowledged Councilor Bradshaw.

Councilor Bradshaw informed the Mayor that she needed to vote on Calling the Question first.

Mayor Riley said “That’s right because you can’t shut down debate without a vote.”

Mayor Riley asked that City Secretary Passailaigue take a roll call vote.

Councilor Monica Alcocer called a Point of Order saying that Councilor Donna Charles just said “Call the Vote”, not “Call the Question”.

Councilor Bradshaw told the Mayor that Councilor Alcocer called the Question so Mayor Riley replied to Councilor Alcocer, “I thought you Called the Question a while back. Did you not? I thought you did.”

Councilor Donna Charles said “There has been a motion and a second and I would like to call the vote.”

Mayor Riley asked the City Secretary if she had it in her notes that the “Question” had been called. City Secretary Passailaigue said she had stepped out of the room so at one point so she would have to listen to the recording.

Mayor Riley said let’s just vote because we don’t have time to check the recording.

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

Upon a vote of three (3) for and two (2) opposed, Mayor Riley announced the motion carried.

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| RESULT: | POSTPONED [3 TO 2] |
| MOVER: | Donna Charles, Council Place 1 |
| SECONDER: | Catherine Rodriguez, Council Place 2 |
| AYES: | Monica Alcocer, Donna Charles, Catherine Rodriguez |
| NAYS: | Matthew Hodde, Will Bradshaw |

Presentation, Discussion and Possible Action on Contracting with Francisco Gonima for a Strategic Alignment Retreat (M&C # 2020-09-01-01 K. Kuenstler)

City Manager Kelly Kuenstler presented this item for discussion and possible action on the possibility of contracting with Francisco Gonima for a Strategic Alignment Retreat.

Mayor Riley said she didn't think this was the intent but that "it was to hold a pre-3.12 mediation because Mr. Bradshaw is considered being removed from Council by a 3.12 and so it was to bring the Council together to see if we could reach a settlement with that" is what her understanding was, but not a retreat.

Citizens that spoke on this item were:

- Evan Bohl spoke in favor of this mediation and including senior staff.
- Erick Matta spoke about what he sees as the problem and the solution.
- Justin Pulliam expressed his opinion on who should pay for this.
- Rey Orozco asked Councilor Bradshaw to read the motion again.
- Josh Stevens explained the fissure to Councilor Hodde; and the election.
- Sarah Smart wanted to know what the motivation for the 3.12. and then told them what she thinks it is; told the Council that they do not run the City but they do.

Councilor Matthew Hodde motioned to contact Mr. Tommy Smith and find out when he is available since he is generously offering this for free, and that we do everything in our power to make sure that we can be at the very first opportunity that he gives us, ideally, late in the afternoon for Mr. Bradshaw and weekends are fine as well but I'm willing to take a day off on my personal time because I signed up for this and any time is fine with me ultimately as long as I have a couple days sleep. Councilor Will Bradshaw second 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 - Aye.

Upon a vote of four (4) for and one (1) abstention, Mayor Riley announced the motion carried.

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| RESULT: | APPROVED [4 TO 0] |
| MOVER: | Matthew Hodde, Council Place 4 |
| SECONDER: | Will Bradshaw, Council Place 5 |
| AYES: | Monica Alcocer, Catherine Rodriguez, Matthew Hodde, Will Bradshaw |
| ABSTAIN: | Donna Charles |

EXECUTIVE SESSION

Discussion and Possible Action Setting a Date for a Special Meeting Pursuant to Section 3.12 of the City Charter Regarding Allegations of Violations of the City Charter by City Council Member Bradshaw and to Receive Legal Advice from Special Counsel Regarding Allegations and Hearing; Possible Executive Session (Councilor Catherine Rodriguez and Councilor Donna Charles)

Mayor Riley introduced the item and turned over the item to Councilor Catherine Rodriguez and Councilor Donna Charles who asked for this item to be placed on the agenda in the first place.

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| RESULT: | PRESENTED |
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A motion was made by Councilor Catherine Rodriguez and seconded by Councilor Matthew Hodde to go into Executive Session to discuss this item.

The City Council went into Executive Session at 8:02 p.m.

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| RESULT: | APPROVED [4 TO 1] |
| MOVER: | Catherine Rodriguez, Council Place 2 |
| SECONDER: | Matthew Hodde, Council Place 4 |
| AYES: | Monica Alcocer, Donna Charles, Catherine Rodriguez, Matthew Hodde |
| NAYS: | Will Bradshaw |

Reconvene Into Regular Session And Take Action On Issues Discussed In Executive Session If Necessary

The City Council again reconvened into Open Session at 9:21 p.m.

Mayor Riley read a statement saying that Attorney Keith Sieczkowski has been hired to look into this matter of Mr. Bradshaw and will now review and investigate the facts and evidence and will provide the Councilors that are able to participate in a hearing on September the 11th, a summary. A follow up executive session has been scheduled to

discuss Mr. Keith's findings on Tuesday, September 15th at 4:00 p.m.

Mayor Riley moved to adjourn the Executive Session at 9:22 p.m. and continue with the Regular City Council agenda.

Councilor Will Bradshaw asked the Mayor about citizens to be heard. Mayor apologized and asked Attorney Zech if we ever hear from citizens after an Executive Session.

Attorney Zech responded, "Not after an Executive Session but if there is an agenda item afterwards, they can speak on that."

Mayor stated that Item 8.2 was discussed in Executive Session and she and the city attorney were discussing this when Councilor Bradshaw interrupted with a Point of Order. Mayor Riley asked Councilor Bradshaw what his point was. Councilor Bradshaw responded that the point was that the agenda item was not originally posted as an Executive Session and if we are following our rules, citizens need to be heard. Attorney Zech said "it is entirely up to the Council but if they are not taking action the law does not require the Council to allow citizens to speak but again, it is entirely up to the Council."

Mayor Riley said since we are not taking any action tonight...

Councilor Bradshaw interrupted Mayor Riley again and asked for clarification saying that action was taken tonight.

Mayor Riley began to speak but then paused.

Councilor Charles asked to be recognized and Mayor Riley acknowledged her.

Councilor Donna Charles motioned to move forward with the agenda. Councilor Monica Alcocer seconded the motion.

Mayor Riley restated the motion to move forward with the agenda and not hear from any citizens on agenda Item 8.2; all those in favor say Aye

Councilor Bradshaw interrupted and said he would like to discuss.

Councilor Monica Alcocer said Aye; Councilor Donna Charles said Aye

Councilor Bradshaw began speaking about the "council majority" being against him.

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

Upon a vote of four (4) for and one (1) opposed, Mayor Riley announced the motion carried.

ORDINANCES

Discussion and Possible Action on an Ordinance, on a Request by Barbara Wells-Anguiano, for a Specific Use Permit for a Temporary Land Use, at 6321 Bandera Road; Generally Located on the East Side of Bandera Road at the Intersection of Rue Francois Street and Bandera Road; and a Public Hearing on Said Request (1st Reading was Held 08-18-2020) (M&C # 2020-09-01-02 E. del Angel)

Director Brandon Melland presented the item with no changes but did point out that there is no public hearing on this item and that it was only in the caption in error.

A motion was made by Councilor Matthew Hodde and seconded by Councilor Catherine Rodriguez to adopt the ordinance as written.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Matthew Hodde, Council Place 4 |
| SECONDER: | Catherine Rodriguez, Council Place 2 |
| AYES: | Monica Alcocer, Donna Charles, Catherine Rodriguez, Matthew Hodde, Will Bradshaw |

Conduct a Public Hearing on Fiscal Year 2021 Budgets and Associated Capital Acquisition Plans (Kelly Kuenstler, City Manager)

City Manager Kelly Kuenstler presented the item.

Mayor Riley opened the Public Hearing at 9:32 PM and invited comments from the public.

- Benny Martinez asked about the number of police officers and why the City needed a second code enforcement officer.

There being no further comments from the public; Mayor Riley closed the Public Hearing at 9:35 PM

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| RESULT: | PRESENTED |
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Discussion and Possible Action on an Ordinance Approving and Adopting Fiscal Year 2021 Budgets and Associated Capital Acquisition Plans (1st Read was Held on 8-4-2020) (M&C # 2020-09-01-03 K. Kuenstler)

City Manager Kelly Kuenstler presented a shortened version of the Proposed FY21 budget presenting the highlights based on the individual budget meetings she held with City Council members.

Councilor Will Bradshaw spoke about what another city is doing with their employees by placing a hold on all hiring and pay increases. Councilor Bradshaw added that he has asked for the Leon Valley attrition rate and feels we have no problem keeping employees here.

- Justin Pulliam spoke in opposition of granting the staff a 2% merit increase; and asked about the city manager’s pay increase.
- Josh Stevens spoke in opposition answered Justin Pulliam’s question about the city manager’s pay increase; revenue base; and about who is paying the cost.

City Manager Kuentler read a letter from Public Works Director Melinda Moritz regarding HEB workers receiving hazard pay and being paid more than a public works employee. Police and Fire and Public Works employees here are paid less than surrounding cities and these are the ones I will be advocating for them.

Councilor Bradshaw responded by saying, “that is the great thing about living in our capitalist society. If public works employees are feeling so underpaid and HEB is so much better, then they could leave and go to HEB. That’s the way it works.”

City Manager Kuentler replied to Councilor Bradshaw saying that “And I disagree with you. I like to fight for who we have because they work hard. I see that.”

- Erick Matta spoke about the citizens being denied the use of the park, pools, and tennis courts saying that everyone is suffering.

A motion was made by Councilor Donna Charles and seconded by Councilor Catherine Rodriguez to approve a 2% merit increase for staff.

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| RESULT: | APPROVED [4 TO 1] |
| MOVER: | Donna Charles, Council Place 1 |
| SECONDER: | Catherine Rodriguez, Council Place 2 |
| AYES: | Monica Alcocer, Donna Charles, Catherine Rodriguez, Matthew Hodde |
| NAYS: | Will Bradshaw |

City Manager Kuentler added that Councilor Alcocer proposed the addition of Juneteenth (June 19th) to the Holiday Schedule.

There was a brief discussion.

- Benny Martinez spoke about the requirement to work 40 hrs. before getting overtime.
- Josh Stevens spoke about the ease of spending someone else’ money.

A motion was made by Councilor Donna Charles and seconded by Councilor Will Bradshaw to add Juneteenth as an Annual Holiday on June 19th but not this year but to consider for FY 2021.

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| RESULT: | APPROVED [4 TO 0] |
| MOVER: | Donna Charles, Council Place 1 |
| SECONDER: | Will Bradshaw, Council Place 5 |
| AYES: | Donna Charles, Catherine Rodriguez, Matthew Hodde, Will Bradshaw |
| ABSTAIN: | Monica Alcocer |

Next up for discussion was the elimination and addition of staff positions.

There was a brief discussion on this item.

- Josh Stevens spoke about the qualifications and need of the three additional positions.

A motion was made by Councilor Matthew Hodde and seconded by Councilor Monica Alcocer to eliminate (court clerk, purchasing agent, administrative assistant-fire, and a permit clerk – all full-time positions) and add (IT, code compliance officer for businesses, mobile health authority position – all full-time positions) all positions as presented.

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| RESULT: | APPROVED [4 TO 1] |
| MOVER: | Matthew Hodde, Council Place 4 |
| SECONDER: | Monica Alcocer, Mayor Pro-Tem, Council Place 3 |
| AYES: | Monica Alcocer, Donna Charles, Catherine Rodriguez, Matthew Hodde |
| NAYS: | Will Bradshaw |

A motion was made by Councilor Donna Charles and seconded by Councilor Monica Alcocer to accept the General Fund Expenditures for the Fire Department as presented.

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| RESULT: | APPROVED [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 |

Council decided to take the Water & Sewer along with the Stormwater discussion together. Councilor Will Bradshaw asked about the necessity of painting the elevated water tank.

City Manager Kuenstler responded that this ranked really high with Public Works Director Moritz and that it is deteriorating and in need of an overhaul.

Councilor Bradshaw replied that with everything going on with COVID this should be postponed to next year.

A motion was made by Councilor Catherine Rodriguez and seconded by Councilor Monica Alcocer to accept the General Fund Expenditures for the Water & Sewer and the Stormwater as presented.

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| RESULT: | ADOPTED [4 TO 1] |
| MOVER: | Catherine Rodriguez, Council Place 2 |
| SECONDER: | Monica Alcocer, Mayor Pro-Tem, Council Place 3 |
| AYES: | Monica Alcocer, Donna Charles, Catherine Rodriguez, Matthew Hodde |
| NAYS: | Will Bradshaw |

Councilor Matthew Hodde moved to adopt the ordinance approving the budgets and associated capital acquisition plans for the City of Leon Valley, Texas for the Fiscal Year 2021. 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 Catherine Rodriguez - Aye; Councilor Monica Alcocer - Aye; Councilor Matthew Hodde - Aye; and Councilor Will Bradshaw - Nay.

Upon a four (4) and one (1) opposed, Mayor Riley announced the motion carried.

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| RESULT: | ADOPTED [4 TO 1] |
| MOVER: | Matthew Hodde, Council Place 4 |
| SECONDER: | Monica Alcocer, Mayor Pro-Tem, Council Place 3 |
| AYES: | Monica Alcocer, Donna Charles, Catherine Rodriguez, Matthew Hodde |
| NAYS: | Will Bradshaw |

Councilor Will Bradshaw called a Point of Order. Mayor Riley acknowledged.

Councilor Bradshaw reminded the Mayor that no new items could be started after 9:45 PM to which Mayor Riley replied that the remaining items must be done this evening.

Councilor Bradshaw replied, "Well then, I would like to make a motion."

A motion was made by Councilor Will Bradshaw and seconded by Councilor Catherine Rodriguez to temporarily suspend the rules.

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

Discussion and Possible Action of an Ordinance Ratifying the Fiscal Year 2021 Budget that will Raise More Total Property Taxes than Last Year’s Budget by \$90,433 or 1.957%, and of that Amount \$84,729 is Tax Revenue to be raised from New Property Added to the Roll this Year. (1st Read was Held on 8-4-20) (M&C # 2020-09-01-04 V. Wallace)

City Manager Kelly Kuenstler presented this item as well.

A motion was made by Councilor Catherine Rodriguez and seconded by Councilor Matthew Hodde to adopt the ordinance approving the budgets and associated capital acquisition plans for the City of Leon Valley, Texas for the Fiscal Year 2021.

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

Upon a unanimous vote, Mayor Riley announced the motion carried.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Catherine Rodriguez, Council Place 2 |
| SECONDER: | Matthew Hodde, Council Place 4 |
| AYES: | Monica Alcocer, Donna Charles, Catherine Rodriguez, Matthew Hodde, Will Bradshaw |

Discussion and Possible Action on an Ordinance Approving and Adopting the Tax Year 2020 Tax Rate for the Maintenance and Operations Fund at \$0.472162/\$100 and the Interest and Sinking Fund at \$0.063742/\$100 for a Total Tax Rate of \$0.535904/\$100, Which is the No-New-Revenue Tax Rate and is Lower than the Voter-Approval Tax Rate. (1st Read was held on 08-18-2020) (M&C # 2020-09-01-05 V. Wallace)

A motion was made by Councilor Will Bradshaw and seconded by Councilor Monica Alcocer to adopt a total property tax rate of \$0.535904 for Maintenance and Operations and Interest Sinking that is allocated as follows:

\$0.472162 for Maintenance and Operations
\$0.063742 for Interest and Sinking

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

Upon a unanimous vote, Mayor Riley announced the motion carried.

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

Presentation, Discussion and Possible Action on an Ordinance Amending the Emergency Disaster Ordinance Local Emergency Declaration 2020-40 (M&C # 2020-09-01-06 J. Salvaggio)

CONSENT AGENDA

A motion was made by Councilor Catherine Rodriguez and seconded by Councilor Donna Charles to accept the Consent Agenda Items as presented.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Catherine Rodriguez, Council Place 2 |
| SECONDER: | Donna Charles, Council Place 1 |
| AYES: | Monica Alcocer, Donna Charles, Catherine Rodriguez, Matthew Hodde, Will Bradshaw |

Consideration of the Following City Council Minutes:

1. Workshop- January 11, 2020 9:00 AM
2. Special Meeting- March 3, 2020 5:30 PM
3. Regular Meeting- March 3, 2020 6:00 PM

Acceptance of Committee Minutes:

1. 07-30-2020 Ethics Review Board Minutes

REGULAR AGENDA

Presentation and Discussion on an 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 \$219,773 to Provide Funding for the Leon Valley General Fund for Contractual Fees, the Purchase of Land, and Unemployment; Providing for Repealer, Severability and Saving Clauses; and Providing for an Effective Date (1st Read as Required by City Charter) (M&C # 2020-09-01-07 S. Passailaigue)

City Secretary Sandra Passailaigue presented the item which is a proposed ordinance for City Council consideration to amending the General Fund Budget of the City of Leon Valley for the Fiscal Year 2019-2020 in the amount of \$219,773 to provide funding for the Leon Valley General Fund for Contractual Fees, the Purchase of Land, and Unemployment.

- Justin Pulliam asked about the unemployment expenditure; and once again viewpoint discrimination.
- Josh Stevens spoke about the purchase of the El Verde property.

- Benny Martinez asked which attorneys would be paid out of these funds.

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| RESULT: | FIRST READ |
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Mayor Riley said before the adjournment she would request a motion to carry over to September 15, 2020 meeting.

A motion was made by Councilor Catherine Rodriguez and a second by Councilor Monica Alcocer to move the September 01, 2020 Agenda Items 6.6 and 8.3 and the second read for 8.1 to the September 15, 2020 Meeting.

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| RESULT: | APPROVED [UNANIMOUS] |
| MOVER: | Catherine Rodriguez, Council Place 2 |
| SECONDER: | Monica Alcocer, Mayor Pro-Tem, Council Place 3 |
| AYES: | Alcocer, Charles, Rodriguez, Hodde, Bradshaw |

ADJOURNMENT

Mayor Riley announced that the meeting adjourned at 10:44 PM.

These minutes approved by the Leon Valley City Council on the 15th of September, 2020.

APPROVED

Chris Riley

CHRIS RILEY
 MAYOR

ATTEST: *Sandra Passailaigue*
SAUNDRA PASSAILAIGUE, TRMC
 CITY SECRETARY

