



**CITY OF BANDERA
CITY COUNCIL REGULAR MEETING**

Bandera City Hall, 511 Main Street, Bandera, Texas
Tuesday, January 18, 2022 at 6:00 PM

511 Main St. • PO Box 896 • Bandera, Texas 78003 • P: (830) 796-3765 • F: (830) 796-4247

MINUTES

1. Call to order.

The meeting was called to order at 6:00 pm.

PRESENT

Mayor Suzanne Schauman
Mayor Pro Tem Rebeca Gibson
Councilmember Darcy Hasty
Councilmember Toni Kunz
Councilmember Christine Morse
Councilmember Jerry Russe

Also present is City Administrator David Jordan, City Secretary Jill Shelton, Marshal Will Dietrich and City Attorney Dan Santee.

2. Invocation and Pledge.

Marshal Dietrich offered the invocation and all stood for the pledge.

3. Visitors to be heard (shall not exceed 30 minutes total).

Citizens wishing to be heard may do so on all matters except personnel matters, matters listed on the agenda as a public hearing, and matters under litigation. Citizens who prefer to speak at the time the agenda item is called may do so with the Mayor's approval. Each person addressing the council must provide his/her legal name and current address for city records and meeting minute preparation. Each person will only be allowed to speak on matters on the agenda during citizen's forum/public comment. No rebuttals will be permitted. Each person addressing the governing body shall not exceed three (3) minutes. Section 551.042, Government Code, V.T.C.A. (i.e. Texas Open Meetings Act) permits a member of the public or a member of the governmental body to raise a subject that has not been included in the notice for the meeting, but any discussion of the subject must be limited to a proposal to place the subject on the agenda for a future meeting. All remarks shall be addressed to the council as a body, and not to any individual member thereof. Any person making personal, impertinent, or slanderous remarks while addressing the council may be requested to leave the meeting.

There were no visitors to be heard.

4. Consent Agenda.

A. Approval of the minutes from the January 11, 2022 meeting.

City Secretary Jill Shelton explained there were no minutes to approve and this item needs to be moved to the next agenda.

There was no action on this item.

5. Closed Session.

City Attorney Dan Santee gave direction and clarification of the proceedings for the closed sessions and the actions Council can take.

Ms. Hasty recused herself from the executive session for consultation with attorney.

Recessed at 6:08 pm.

A. *The City of Bandera will meet in closed session as authorized by Texas Government Code §551.071, Personnel Matters and Section 551.071, Consultation with Attorney, to hear and*

deliberate regarding a complaint or charge against an officer of the City; to wit: Councilmember Darcy Hasty's alleged conduct that could be in violation of the City Code Section 1.03.255 Conduct of city officials and employees which states that "the professional and personal conduct of city officials and employees shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other city officials and employees, board, commission, and committee members and the public."

Councilmember Hasty may request that such matter be discussed in open session other than the time necessary for the Council to receive advice from legal counsel on this matter where the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act.

Ms. Hasty elected to have the discussion on this item in open session.

Marian Earnest spoke in favor of Councilmember Hasty's character.

Jay Call spoke clarified that Councilmember Hasty made it clear she was a City Council member and wasn't speaking as individual.

Brett Buchanan commented the Flying L PUD board operated with disregard to the residents and how Councilmember Hasty acted within reason.

Jodi Mensch commented about the PUD board not representing the residents of Flying L and commented on how Councilmember Hasty acted as a concerned citizen.

Dorris Wade commented about the rogue behavior of the PUD board and how she was impressed by Councilmember Hasty's stand against issue with Dollar General. She goes on to quote specific moments from one of the meetings.

Councilmember Hasty stated her defense against the complaint. She had video clips to accompany each of her defenses. There was discussion about the complaint being from an individual, Steve Childers, and not from the PUD board.

Councilmember Hasty went on to address each point of the complaint filed by Mr. Childers.

There was discussion about how Councilmember Hasty introduced herself at the meeting and whether she spoke as a private citizen or a councilmember. There was also clarification about the nature of the complaint and the specifics of the complaint. There was also discussion about a social media post allegedly made by Councilmember Hasty.

There was discussion about individual councilmember actions moving forward.

7:36 recess into closed session for consultation with attorney.

B. The City of Bandera will meet in closed session pursuant to Texas Government Code Section 551.072, deliberations about real property, to wit: an update from Rob Brown of Texas Land and Right-of-Way on land acquisition for the wastewater treatment plant location.

This item was moved to the end of the agenda.

The regular meeting was recessed at 8:13 pm.

6. Action following Closed Session.

The regular meeting was reconvened at 7:57 pm.

A. Action that may be taken by City Council following the closed or open deliberation by City Council on closed session item 5 A are as follows:

- i. **The City Council may determine that no further action is merited.**
- ii. **The City Council may determine that further consideration or investigation is needed to postpone the matter for consideration at a later date.**
- iii. **The City Council, pursuant to City Code Section 1.03.271 Compliance and Enforcement, impose sanctions, such as reprimand, formal censure, or loss of committee assignment, if it is determined that Councilmember Hasty has violated the City Council Code of Ethics.**

Motion that complaint is not substantiated and Councilmember Hasty was not in violation of City Code 1.03.255.

Motion made by Mayor Pro Tem Gibson, Seconded by Councilmember Kunz.

There was discussion about the abilities and responsibilities of council as elected officials and private citizens.

Voting Yea: Mayor Pro Tem Gibson, Councilmember Kunz, Councilmember Morse

Voting Nay: Councilmember Russe

Voting Abstaining: Councilmember Hasty

Motion passed.

B. Any action required from closed session item 5 B.

The regular meeting was reconvened at 8:22 pm.

There was no action on this item.

7. Discussion and possible action on the following items:

A. Discussion and possible action on the approval of a request from Bandera Fire and Rescue for the use of City Park beginning Friday, September 23, 2022 through the morning of Sunday, September 25, 2022 for the annual BBQ and Fireman's Challenge fundraising event.

Motion to approve the request.

Motion made by Councilmember Russe, Seconded by Mayor Pro Tem Gibson.

Voting Yea: Mayor Pro Tem Gibson, Councilmember Hasty, Councilmember Kunz, Councilmember Morse, Councilmember Russe

Motion passed.

B. Discussion and possible action on appointment of a Bandera Economic Development Corporation nominee to fill a vacancy.

This item was tabled until the next regular meeting.

C. Discussion and possible action on a resolution appointing Christie Watkins-Prunty as city treasurer.

Motion to appoint.

Motion made by Mayor Pro Tem Gibson, Seconded by Councilmember Hasty.

Voting Yea: Mayor Pro Tem Gibson, Councilmember Hasty, Councilmember Kunz, Councilmember Morse, Councilmember Russe

Motion passed.

D. Discussion and possible action on requesting \$42,500.00 from the Bandera Economic Development Corporation for one half of the principal payment for the Texas Water Development Board loan for the Drinking Water State Revolving Fund.

Motion to approve request.

Motion made by Mayor Pro Tem Gibson, Seconded by Councilmember Russe.

Voting Yea: Mayor Pro Tem Gibson, Councilmember Hasty, Councilmember Kunz, Councilmember Morse, Councilmember Russe

Motion passed.

E. Discussion and possible action on an ordinance amending Chapter 3, Article 3.02 Technical and Construction Codes and Standards of the Bandera Code of Ordinance, adopting updated codes and local amendments.

Motion to table until next regular meeting.

Motion made by Mayor Pro Tem Gibson, Seconded by Councilmember Kunz.

Voting Yea: Mayor Pro Tem Gibson, Councilmember Hasty, Councilmember Kunz, Councilmember Morse, Councilmember Russe

Motion passed.

F. Discussion and direction regarding amending the personnel policy of the City of Bandera to include a policy for the use of city resources by off-duty employees.

Motion to table.

Motion made by Councilmember Kunz, Seconded by Councilmember Hasty.

Voting Yea: Mayor Pro Tem Gibson, Councilmember Hasty, Councilmember Kunz, Councilmember Morse, Councilmember Russe

Motion passed.

G. Discussion and direction on regulation of short-term rentals as a land use and the implementation of residential versus commercial utility rates for short-term rentals.

Motion to table.

Motion made by Councilmember Russe, Seconded by Mayor Pro Tem Gibson.

Mayor Pro Tem requested a workshop on this item.

Voting Yea: Mayor Pro Tem Gibson, Councilmember Hasty, Councilmember Morse, Councilmember Russe

Voting Abstaining: Councilmember Kunz

Motion passed.

H. Discussion and possible action on a resolution amending the 380 Economic Incentive Agreement with Best Western.

Motion to table until the next regular meeting.

Motion made by Mayor Pro Tem Gibson, Seconded by Councilmember Russe.

Motion revoked.

There was discussion about deadlines and City Attorney Dan Santee explained the basic amendment.

Motion to approve.

Voting Yea: Mayor Pro Tem Gibson, Councilmember Hasty, Councilmember Kunz, Councilmember Morse, Councilmember Russe

I. Discussion and possible action on a resolution authorizing the City Administrator to execute an interlocal agreement with TML Health Benefits Pool.

Motion to approve.

Motion made by Councilmember Hasty, Seconded by Mayor Pro Tem Gibson.
Voting Yea: Mayor Pro Tem Gibson, Councilmember Hasty, Councilmember Kunz, Councilmember Morse

8. Requests and Announcements.

A. Requests by Council to place items on an agenda.

There were no requests.

B. Announcements by Council.

Letter from Representative Andrew Murr and other representatives for grant support.

January 14, 2022 HMGP and EDA grants submitted.

9. Adjourn.

The meeting was adjourned at 8:23 pm.

/s/ Keely Hansen

Keely Hansen, *Administrative Assistant*