



CITY OF BANDERA

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

MINUTES FOR THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF BANDERA THURSDAY, OCTOBER 15, 2020 AT 6:00 PM

RECREATION HALL AT MANSFIELD PARK
2886 HIGHWAY 16 N, BANDERA TX, 78003

THIS MEETING WAS OPEN TO THE PUBLIC AT THE LOCATION AND VIRTUALLY VIA ZOOM.

1. Call to order.

Mayor Schauman calls the meeting to order at 6:00 pm. All councilmembers are present, as well as City Administrator J Horry, City Secretary Jill Shelton, Marshal Will Dietrich and City Attorney Dan Santee.

2. Invocation and Pledge of Allegiance.

Marshal Dietrich offers the invocation and all stand 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. 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.

All but three visitors to be heard came in support of the music industry in Bandera. Those that spoke were Patricia Moore, Darcy Hasty, Denise Griffin, Linda Stein, Jim Dodson, Paul Hillard, Mario Munoz, Scott Kaufmann, Holly Mydland, and Jana Lindig.

Councilmember Jerry Russe comments and explains why he asked for the noise ordinance to be placed on the agenda.

Jane Russe comments about experiences she has had with complaints being made by their residents about loud music and comments on the lack of enforcement by the Marshal's Office. She also comments on the Mayor's involvement with her former business and suggests other ordinances not being enforced because of that connection.

Linda Stein asks Council to reconsider the swearing in of the newly appointment councilmember based on previous involvement with the city.

4. Consent Agenda.

a) Approval of minutes from special meeting September 29, 2020.

Mayor Pro Tem Gibson makes a motion to approve, seconded by Councilmember Russe. All in favor, none opposed. Motion passes.

5. Regular Agenda.

a) Swearing in of newly appointed council member to serve until the November 3, 2020 election.

Mayor Pro Tem Gibson makes an objection to the appointment. She explains that there are two appointed current councilmembers and two elected current councilmembers. She states that during the discussion at a

previous meeting, one of the appointed councilmembers made a discriminatory remark regarding the applicants and she asks the councilmember who made the motion to reconsider.

There is discussion with the attorney about the options available. *Councilmember Russe makes a motion to reconsider the nomination of Alan Calaway to fill the vacant seat, seconded by Mayor Pro Tem Gibson.* There is discussion about waiting until after the election and have the elected officials fill the vacant seat. There is also discussion about having a full board in order to have a quorum in case of an absence. *All in favor, none opposed. Motion passes.*

b) Discussions related to Bandera Code of Ordinances Article 8.04 Noise.

Mayor Schauman recuses herself from this agenda item. Mr. Santee explains the reasons why he worded the agenda item the way that he did. He says he wanted to leave it open for discussion and clarification and to discuss specific measures for strange times like pandemics without having to repeal the whole ordinance.

1. Presentation from James McGroarty regarding amendments to Article 8.04 Noise for the City of Bandera. James McGroarty and Counsel would like to address Bandera City Council regarding action on this item.

Mr. McGroarty starts by talking about the history of the noise ordinance. He says this ordinance has come before council five or six times and there has never been a consensus between the council and the citizens. He says the ordinance, since 2006, needs to be revised. He says it is unworkable for the business owners it affects. Mr. McGroarty asks what councilmember asked for this item to be on the agenda.

There is discussion between Councilmember Russe and Mayor Schauman about how the item got on the agenda and why it is worded the way it is worded.

Mr. McGroarty continues and comments this discussion is happening at this meeting because of the personal, vindictive agendas of certain councilmembers and is retaliation for the lack of enforcement.

Councilmember Russe objects. There is discussion about whether or not a councilmember should be stopping the presenter.

Councilmember Russe leaves the meeting at 6:49 pm.

Mr. McGroarty continues and comments on the resignation of three councilmembers and the apparent “stacking” of the current council, all for personal agendas. He goes on to talk about the struggles of the businesses that this ordinance affects and the events and complaints that led to his presentation. He talks about the history of the ordinance and how it was a problem then and how it continues to be a problem. He talks about the amount of businesses that do not get a vote on the people that represent the city, but the businesses still have to deal with the ordinances put in place by those elected officials.

Mayor Schauman recesses the meeting due to technical difficulties.

Mayor Schauman reconvenes the meeting at 7:30 pm.

2. City Council discussion of options and possible amendments to Bandera Code of Ordinances Article 8.04 Noise.

There is discussion about getting comments from and possible workshops. There is discussion about putting together a committee of business owners and residents. There is discussion about decibel meters, enforcement, and the process for complaints. Marshal Dietrich comments on the enforcement discussion

and how he and his department have historically handled complaints.

- c) **Approval of Resolution 2020-011 to prevent mining and drilling on City Property being utilized for a Texas Parks and Wildlife Park Development Project.**

Mayor Pro Tem Gibson makes a motion to approve, seconded by Councilmember Clark. All in favor, none opposed. Motion passes.

- d) **Approval of Resolution 2020-012 authorizing an application to Parks & Wildlife for a local park grant program for playground equipment.**

Mayor Pro Tem Gibson makes a motion to approve, seconded by Councilmember Clark. All in favor, none opposed. Motion passes.

- e) **Discussion and possible action regarding a complaint against City Councilmember Jerry Russe by City Secretary Jill Shelton for violations of Bandera Code of Ordinances, Sec. 1.03.255 Conduct of city officials and employees; and Sec. 1.03.269 Positive work-place environment.**

City Attorney Dan Santee explains how council can proceed and the actions council can take after the complaint has been stated.

Mayor Schauman states since she was a witness of the meeting about to be discussed, she felt it would be appropriate for Mayor Pro Tem Gibson to take over the meeting at this time.

City Secretary Jill Shelton presents her complaints as well as letters from staff to support her complaint.

Stella Tedesco speaks on behalf of Ms. Shelton and commends her character.

Mr. Santee explains why council may want to go into executive session. He also explains why this complaint is being handled during a public meeting, that being the complaint was filed against a councilmember rather than an employee.

1. **After hearing the complaint, or at any point during the presentation thereof, the City Council may convene in closed session pursuant to Texas Government Code 551.074, Personnel, and/or 551.071, Consultation with Attorney, for discussion or to receive legal guidance.**

Mayor Pro Tem Gibson recesses the meeting at 8:29 pm for closed session.

2. **The city council may impose sanctions, such as reprimand, formal censure, or loss of committee assignment, on city officials whose conduct does not comply with the city's ethical standards.**

Mayor Pro Tem Gibson reconvenes the regular session the meeting at 9:10 pm.

Mayor Pro Tem Gibson makes a motion that the evidence and statements brought before council today finds that Jerry Russe was in fact in violation of Sec. 1.03.255 Conduct of city officials and employees, seconded by Councilmember Smith. All in favor, none opposed. Motion passes.

Mayor Pro Tem Gibson makes a motion to find that Jerry Russe was also in violation of Sec. 1.03.269 Positive work-place environment, seconded by Councilmember Smith. All in favor, none opposed. Motion passes.

Mayor Pro Tem Gibson makes a motion that for a period of six months Councilmember Russe coordinate his presence in City Hall and all requests for documents through the City Administrator in order to fulfill his duty as a councilmember, seconded by Councilmember Smith. All in favor, none opposed. Motion passes.

6. Closed Session

The City Council will convene in closed session pursuant to Texas Government Code 551.074, Personnel, to discuss the duties of a public officer or employee to wit: City Administrator J Horry.

Mayor Pro Tem Gibson makes a motion to postpone, seconded by Councilmember Clark. All in favor, none opposed. Motion passes.

7. Action following Closed Session

The City Council will convene following closed session to consider any action recommended to be taken during the closed session.

There is no action on this item.

8. Requests and Announcements.

a) Request by Council to place items on a future agenda.

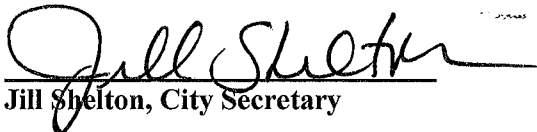
Mayor Pro Tem Gibson makes a request that during the first regular meeting of December, council appoint someone to fill the vacant seat.

b) Announcements by Council.

There are no announcements.

9. Adjourn.

The meeting is adjourned at 9:16 pm.



Jill Shelton, City Secretary