



# THE CITY OF BANDERA

511 MAIN ST.

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BANDERA, TEXAS 78003-0896

**BANDERA CITY COUNCIL MEETING  
511 MAIN STREET BANDERA, TEXAS  
IN THE MUNICIPAL BUILDING  
Thursday, October 6, 2016 at 6:00 p.m.**

## AMENDED MINUTES

**I. CALL TO ORDER:** Meeting was called to order by Mayor John Hegemier at 6:02 p.m. All Council members were present. Jim Hannah, Charlotte Browning, Sheila Pumphrey, Cindy Coffey, Rebeca Gibson. Support staff present, City Administrator Mike Garr, City Secretary Sherrie Hamilton, City Marshal Will Dietrich and Interim Treasurer Rose Garr.

**II. INVOCATION AND PLEDGE:** All stood for the Invocation and Pledge.

**III. VISITORS TO BE HEARD:** Suzanne Schauman, 1202 Maple Street Bandera. I want to speak on item d. the Executive Session for the appointment of Rose Garr as Treasurer. The question of nepotism has been asked and answered actually twice. Remember this Council voted unanimously to appoint her as Interim Treasurer and Mike was already the City Administrator and nepotism did not come up at that time. Let's move forward keep her as Treasurer and keep us moving forward, that's all I have to say.

Rilla Stephens, I would like to reiterate what she had to say. I was very disappointed to see this on the agenda because I'm not involved in your budgeting and all of that but this is the City and y'all are elected to guide the City not your own thoughts or wants or whatever. If it's legal and it was, if it's fair and I understand that she's done an awesome job. In a few weeks we will have a new Council and a new Mayor and you don't want to cut off your nose to spite your face so let's not hang the whole City.

Victor J. Razel, Mayor, Council, I don't personally know either one of them and from what I understand they are doing a fine job. My concern is as a citizen that the City doesn't set itself up for a lawsuit or some kind of grievance against them under the City Policy right now the Treasurer reports to the City Administrator, the Council only appoints the Treasurer and as of right now there is no amendments to the policy.

## **IV. CONSENT AGENDA:**

Minutes from previous meetings, August 31, 2016, Motion Rebeca Gibson, 2<sup>nd</sup> Sheila Pumphrey, all in favor, Charlotte Browning, Sheila Pumphrey, Jim Hannah, and Rebeca Gibson for, Cindy Coffey abstained. September 15, 2016 Motion Rebeca Gibson, 2<sup>nd</sup> Sheila Pumphrey, Jim Hannah for, Cindy Coffey, Charlotte Browning abstained. September 28, 2016 Motion to approve Rebeca Gibson, 2<sup>nd</sup> Sheila Pumphrey, Jim Hannah, Charlotte Browning for, and Cindy Coffey abstains. September 29, 2016, Motion made by Rebeca Gibson, 2<sup>nd</sup> Sheila Pumphrey, Charlotte Browning, and Jim Hannah for, Cindy Coffey abstains.

Approve the upgrade of the telephone system and allow the City Administrator to enter into a three year contract for the City of Bandera with AT&T.  
Motion made by Councilmember Cindy Coffey with the agreement that the City Administrator ask AT&T to see if they would give us a discount since they are the preferred provider for the City. 2<sup>nd</sup> by Sheila Pumphrey all in favor, none opposed.

## V. POSSIBLE ACTION ON THE FOLLOWING ITEMS:

Motion made by Councilmember Charlotte Browning regarding the closing of 9<sup>th</sup> Street between Maple and Cypress for 4 hours between 12 Noon and 4 P.M. on Sunday October 16, 2016 upon approval by the Marshals office, for the event of City Trash cleanup and Music's Food Fest after cleanup. Second by Councilmember Sheila Pumphrey, all in favor, none opposed.

Motion made by Councilmember Jim Hannah to sign a Resolution authorizing City Administrator Mike Garr to sign all documents relating to lawsuit and title policy of the Della Bailey Estate. Seconded by Councilmember Sheila Pumphrey, all in favor, none opposed.

Councilmember recommended November 19, 2016 at 10:00 a.m. as a date for a Fall Workshop to discuss the Park Master Plan and to discuss updating some Ordinances pertaining to the Park, seconded by Councilmember Sheila Pumphrey, Councilmember's Rebeca Gibson, Jim Hannah, Sheila Pumphrey, Charlotte Browning for, Cindy Coffey abstained.

Council adjourned to Executive Session at 6:35 p.m.: 51.074, Personnel Matters to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal and/or to hear a complaint or charge about:

The appointment of Rose Garr to Treasurer at the rate of pay budgeted in the 2016-17 budget for the Interim Treasurer.

To discuss the City Administrators benefit package.

Council reconvened in Open Session at 7:28 p.m in Open Session to take action on items discussed in Executive Session.

### *Amendment:*

*Item 1: Concerning the appointment of Rose Garr as City Treasurer. Councilmember Rebeca Gibson made a motion to withdraw this item from the agenda in the spirit of leaving Rose in the interim position that she is in. Ms. Gibson stated "there is a consistent opinion that Rose is doing a fantastic job and we really appreciate the hard work that she is doing, but at the time I feel it is appropriate to remain as interim." Councilmember Charlotte Browning seconded the motion. The mayor asked if there was any further discussion, followed by "all in favor." The mayor then said "we have Sheila, Charlotte and Rebeca in favor of withdrawing this motion. We'll move onto item 2, discuss the City Administrator's benefit package." Councilmember Cindy Coffey [in background] says "I think she was confused." Councilmember Rebeca Gibson made a motion to table this item until the next agenda [referring to item 2]. The mayor states that he has a question from another councilmember regarding the previous agenda item. The mayor then asks Councilmember Sheila Pumphrey if she understood the motion. Councilmember Coffey then said to Councilmember Pumphrey, the motion was to table the issue until the future items and not vote on it tonight to make her permanent. Ms. Coffey asks, "is that your position?" Ms. Pumphrey said "no, I'm sorry." "Rephrase that please" stated [someone] from the audience. Ms. Gibson said "the motion was to withdraw the agenda item at the time, for Rose to remain in her position as the interim treasurer..." and Ms. Pumphrey said "yes, yes, I understand that" "...as an agenda item..." and then Gibson said "she said yes. Why are you trying to..." and Ms. Coffey stated "no, no, no, when we were back there that was not the opinion." Ms. Gibson said "you're not allowed to say that."*

Councilmember Cindy Coffey states I know that but I'm sorry. I have noticed that with this council you're not allowed to say a lot of stuff. Oh well such is life. I just don't want her to be confused. Glenn Clark from the audience states the motion has already passed. Councilmember Cindy Coffey states that actually she can call it for reconsideration. Mayor states he does not know the rule on that. Rilla Stephens asks from the audience so what do you want to do, put it out in black and white. Councilmember Rebeca Gibson states I don't think that's appropriate. Mayor Hegemier says moving on

to the next item, Suzanne Schauman states from the audience to poll the Council. Mayor Hegemier states that's a good idea I will poll each Councilmember individually on this agenda item. The Motion was to withdraw this agenda item and leave Rose Garr in place as the interim Treasurer, Jim Hannah against, Charlotte Browning for, Sheila Pumphrey against, Cindy Coffey against and Rebeca Gibson was for. Mayor Hegemier states motion fails. Councilmember Cindy Coffey states with that I would like to make a motion to appoint Rose Garr to the permanent position of City Treasurer by Resolution to amend our City Ordinances, Handbook, where ever it is stated that this is a onetime exception because of the circumstances and the fact that Rose has demonstrated beyond a shadow of a doubt that she has saved the City a lot of money and also found a lot of problems, she is doing a phenomenal job and with that is the reason why I am suggesting the Council to wave the standard practice of posting the position this one time to allow Rose to move forward. However, Rose will not be made permanent until the Resolution passes which I am asking be at the next meeting.

2<sup>nd</sup> by Councilmember Jim Hannah, Discussion: Councilmember Rebeca Gibson states just to reiterate my position that I think Rose should be left in place as interim treasurer, she is doing a fantastic job but we have very clear laws in place. To change reporting responsibility from the City Administrator to the Council is not a functioning way for the office to run because the City Treasurer has to interact with the Administrator. The City Administrator is the interim treasurer's husband there's no human way around the conflict there. Having a City Treasurer who is doing such a fantastic job is invaluable; however there are other issues to consider when it comes to the holistic picture of the office and it's just not possible to be one hundred percent objective. There are laws in place for this specifically, there are reasons that the laws are in place. There are also processes in place that City Council commonly practices and agreed to do. That when Rose got us through the mess that was in the Treasurer's office that we would post and advertise and interview a number of candidates and select from the group of qualified people before posting the treasurer's full time position and I'm disappointed to see Council not follow through with that commitment.

Mayor Hegemier states that Suzanne was first, Suzanne Schauman states from the audience, in this resolution I would like Council to consider this it is not Council's responsibility to oversee the day to day operations of the city staff. The Mayor is the Chief Executive Officer of the City, he is the Chief operating officer of the City and this is laid out in chapter 22, again the way it is structured now with Rose reporting directly to the Mayor (councilmember Rebeca Gibson interjects that's not how it is) Suzanne states it's in the minutes that she reports to the Mayor (Councilmember Rebeca Gibson says and to Jim Hannah and it was stated specifically that she would report to Council and we might need to clarify those minutes. She then asks Rose Garr if she remembers this that she would report to Council instead of the City Administrator.) Rose Garr states that she would report to the Mayor and Council, that the Mayor was her daily contact. Councilmember Rebeca Gibson states correct, that is how we got around the nepotism law. That this is not functional. Suzanne Schauman asks why? Councilmember Rebeca Gibson states how do you have a treasurer that does not report to the administrator, how does that work as a whole. Suzanne Schauman states if you read all of our ordinances they say that the Mayor and the City Administrator shall work together they will do this and this and this, that way council is the governing body. Council has no business overseeing any department. We had to do this when we had no Administrator that was a whole different deal and that Ordinance was passed only until an administrator was put in place. Councilmember Rebeca Gibson states Suzanne what you don't realize is that when this decision was made to correct the oversight issue the Mayors lack of want too was why Council was put in that position, not because Council wanted to be. This wasn't Council saying we want to be in charge we want to manage this, no. Suzanne Schauman states now you are asking that Council be put in charge. Councilmember Rebeca Gibson states no, that it not what I'm saying we don't want that. Councilmember Rebeca Gibson states Suzanne that's what this Resolution is going to say and I say it's not a way to function properly. We need a treasurer that can report to the City Administrator. Mayor John Hegemier said let's move on and Rilla Stephens speaks from the audience stating she wants to know why you are using your authority (speaking to Rebeca Gibson) over the lawyer, you have a letter from the lawyer Councilmember Rebeca Gibson ask did the attorney send a memo to you? Mayor John Hegemier calls the meeting back to order. Councilmember Cindy Coffey states that from all my research the city of Bandera is a type A city which is something I had to really learn about because where I come from we are not a general law type B city and so because of that in most cities that are as small in population the Mayor is the CEO and most cities typically do not have a City Administrator. When the City Administrator was brought on board and this was brought out to my attention at another situation that um the city agreed at some point maybe when you were on Council, (speaking to Suzanne Schauman) because you brought it up too that they deferred some of the personnel administrative abilities or personnel responsibilities to the City Administrator, to free up the Mayor and not have all those day to day responsibilities but originally in a general law type A they did manage the administrative staff so basically we are within our right to pull that position and have it report back to the Mayor to the Council

because that is the original intent of a general law type A city and so that's why I feel comfortable making this motion because if that's the type of city we are I'd like to see it happen that way. I've see some situations by reading newspapers and stuff where it has gone array when they brought in a city administrator and things were not getting handled they had to go back in and re-delegate the responsibilities, but I don't see that here. I see it merely as a ministerial position a ministerial decision in an effort of being transparent as my colleague will say that I promote as well I think we need to clean it up on the books. I haven't heard anyone else complain about this. Everyone is very happy with the standard of care that they receive within our offices and I think that has to do with the cultural climate of the people working here, so for me, I am very comfortable with this and that's for the reason doing this. I think it has already taken up to much of our time that we should be very grateful of having someone of this caliber that has proven themselves to be able to clean the books up once and for all for this city that has had such a hard time with that. Mayor John Hegemier calls on Art Crawford in the audience. Art Crawford states that he has two questions, he was under the impression that we were a type B City, Mayor Hegemier states no we are Type A city Type B EDC. Art Crawford's second question is there a letter from the attorney. Councilmember Rebeca Gibson states there is a letter from the attorney, Art Crawford ask why is it out in the public. Rilla Stephens states she does not have to tell where she got it. Mayor Hegemier calls for a vote on Cindy Coffey's motion, Councilmember's Jim Hannah, Sheila Pumphrey, Cindy Coffey for, Councilmember's Rebeca Gibson and Charlotte Browning opposed.

Next we are moving on to the next agenda item: To discuss City Administrators benefit package. Councilmember Rebeca Gibson made a motion to table this agenda item until the next meeting pending revisions from Mike, 2<sup>nd</sup> by Councilmember Jim Hannah, all in favor, none opposed.

## VI. REQUESTS AND ANNOUNCEMENTS:

- a. Announcements by Council: Councilmember Rebeca Gibson asks if we have any candidates for Public Director, City Administrator Mike Garr states we have gotten eight and six of them were done away with right away because they lack the licensing that we need. We are going to schedule a drive through the City and show them what they are dealing with so they come in with their eyes wide open. We will be posting the Code Enforcement officer position as soon as Sherrie gets the job description up to date then we will be moving the Marshals division back into a civilian position.
- b. Announcements by City Staff: City Administrator Mike Garr submitted to everyone's box need to submit their agenda items eight days before the agenda is due. Councilmember Cindy Coffey states that Council needs to submit any supporting documentation with their agenda item.

City Administrator Mike Garr states that we had an inspection back in December, back before any of us got here, there were some violations and with TCEQ there is always a fine, we are moving forward on correcting them, they offered a penalty of fourteen hundred dollars and they negotiated it down to twelve hundred dollars themselves.

We received our rate increase from Republic, it wasn't the three percent off the top of Terry's head, and it was four point four three percent. Councilmember Cindy Coffey interjects it would have been three percent if we passed what I put on the floor because it would have been locked in. City administrator stated that we received the letter the middle of September effective for September so I called them and it will become effective October.

- VII. Councilmember Jim Hannah made a motion to adjourn at 7:48

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Sherrie Hamilton  
City Secretary

By *Diana Edwards*  
*Acting City Secretary*