

**Regular City Council Meeting
June 14, 2023**

A Regular City Council Meeting was held on June 14, 2023, at 6:00 p.m. in the Goliad City Hall, located at 152 W. End Street in Goliad, Texas. The following Councilmembers were present or absent as recorded below:

Mayor Brenda Moses	Present
Mayor Pro-Tem Luis Rodriguez	Present
Councilmember Lydia Flores	Present
Councilmember Jimmy Garcia	Present
Councilmember Robin Alaniz	Present
Councilmember Mary Gleinser	Present

The following staff members were also present:

Earl Henning – Director of Public Works
Becky Miska – Administrator/ City Secretary
Sherry Kuenstler – Finance Officer
Keli Miller – Main Street
Julia Post – Code Enforcement Officer
Barbara Boulware-Wells – City Attorney

1) CALL MEETING TO ORDER:

Mayor Moses called the meeting to order at 6:00 p.m.

2) IDENTIFICATION OF A QUORUM:

Mayor Moses called roll and announced a quorum was present.

3) INVOCATION:

Mayor Moses led the invocation.

4) PLEDGE OF ALLEGIANCE TO THE UNITED STATES AND TEXAS FLAGS:

Mayor Moses led the Pledge of Allegiance to the United States and Texas Flags.

CITIZENS IN ATTENDANCE: Jason Moses, Michael Martinez, Jacquelyn Rojas, Wally Saage, Betty Rhodes, Ernest Alaniz, Dawn Blackmon, Mr. Ramiro Rubio, Elane Livas, Norma Garcia, Virginia Post

5) CITIZEN COMMENTS:

Mr. Alaniz asked if he could speak on agenda item #14 before they went into the executive session. Mayor Moses stated he could speak on agenda item #14 before they close for executive session and before agenda item #15.

6) CONSENT AGENDA:

All items listed under the consent agenda are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the consent agenda and considered separately.

- Council minutes for May 24, 2023
- Special Council minutes for May 30, 2023
- Director of Public Works Report
- Main Street Report
- Finance Officer Report
- Administrator/City Secretary Report

7) DISCUSS, CONSIDER AND TAKE APPROPRIATE ACTION TO CONSIDER THE INTERLOCAL AGREEMENT FOR ANIMAL CONTROL / SHELTER FACILITIES BETWEEN THE CITY OF GOLIAD AND THE GOLIAD COUNTY SHERIFF'S DEPARTMENT:

Mayor Brenda Moses reported that the City of Goliad has not received a response from the Goliad County Sheriff's Department at this time. Mayor Moses asked Director of Public Works Earl Henning if Animal Control has gone out into the county to pick up dogs recently. Henning reported that Animal Control did respond into the County to retrieve animals that were in a vehicle where the driver was arrested. The animals that were retrieved have been picked up by the owner.

8) RECEIVE REPORT ON THE RECENT MEETING HELD BY THE GOLIAD MEMORIAL AUDITORIUM COMMITTEE:

Mayor Moses asked Keli Miler to give a report. (Keli Miller serves on the Goliad Memorial Auditorium Committee). Ms. Miller referred to the minutes of the meeting that were in the council packet. It was noted that the City Council and County Commissioners were asked to attend the Goliad Memorial Auditorium Committee meeting and hold a workshop in conjunction with the meeting. Ms. Miller noted the City is still at a standstill until the County meets and addresses the agreement. Goliad County Commissioner David Young was present. Mr. Young shared his concerns and suggestions regarding the present and past problems. Brenda Moses (*who serves on the Goliad Memorial Auditorium Committee*) shared that there are email chains between the City of Goliad Finance Officer responding to the County Auditor for information requested by the County. She also shared that she had spoken with the Goliad County Judge, and he would like to change the interlocal agreement to reflect two Commissioner Court Members serve on the board. Moses noted that the Commissioners Court will be addressing this at their June 26th meeting. No action was required on this agenda item. (*Also noted the following were in attendance at the meeting: The Goliad Memorial Auditorium Board members, Commissioner David Young, Commissioner Fagg/via zoom, Councilmember Mary Gleinser*)

9) DISCUSS, CONSIDER AND TAKE APPROPRIATE ACTION ON CONTINUING EFFORTS TO UPDATE THE INTERLOCAL AGREEMENT FOR THE OPERATIONS AND MAINTENANCE OF THE GOLIAD MEMORIAL AUDITORIUM AND SURROUNDING PROPERTY BETWEEN THE CITY OF GOLIAD AND GOLIAD COUNTY:

Mayor Moses noted that the Interlocal Agreement for the Operations and Maintenance of the Goliad Memorial Auditorium and Surrounding Property Between the City of Goliad and Goliad County continue to be on the agenda. Councilmember Alaniz made the motion to table this agenda item and place it on the June 28th Agenda. Councilmember Garcia seconded the motion. All voted AYE. Motion carried.

10) DISCUSS, CONSIDER AND TAKE APPROPRIATE ACTION ON REPAIRS TO THE BELL TOWER AT THE MARKET HOUSE MUSEUM:

Mayor Moses reported that City Secretary Miska has spoken to Sheldon Bammert with Bammert Construction in regard to the warranty. Mr. Bammert stated that the bell tower repairs will carry out the same warranty coverage as the new roof. The new roof carried a 50-year warranty on the products used and a 10-year installation warranty. It was noted that the budgeted money for the museum has already

been depleted with the recent roof replacement. Discussion was held in regard to asking the Economic Development if they would consider allocating funds to repair the bell tower. Councilmember Alaniz made the motion to go forward on the \$10,045 repairs to the bell tower and ask the Economic Development Committee if they would pay for the repairs. Councilmember Flores seconded the motion. All voted AYE. Motion carried.

11) DISCUSS, CONSIDER AND TAKE APPROPRIATE ACTION ON THE PENDING BUILDING PERMIT FOR THE GOLIAD COUNTY EMS:

Code Enforcement Officer Julia Post noted that a core sample needs to be done in order for the building permit to be issued. This has been an ongoing request and it is past time to be completed. Councilmember Garcia noted and questioned that everyday it is occupied there is a liability. City Attorney Boulware-Wells stated, "might be. She went onto note that they need to work with Code Enforcement to produce a core sample before a Certificate of Occupancy could be issued. Otherwise, action needs to be taken." Councilmember Alaniz made the motion for Code Enforcement to send a request for this to be completed within a week's time. Also, included in the motion was to bring this item back on June 28th for an update. Councilmember Gleinser seconded the motion. All voted AYE. Motion carried.

12) SET DATES FOR UPCOMING BUDGET WORKSHOPS; TAKE ANY ACTION DEEMED NECESSARY:

City Secretary Miska asked the council to select a date that would work around their schedules. Councilmember Alaniz made the motion to hold the workshop on June 28th at 4:30 p.m. before the council meeting at 6:00 p.m. Councilmember Gleinser seconded the motion. All voted AYE. Motion carried.

13) SET DATE FOR EMERGENCY MANAGEMENT WORKSHOP; TAKE ANY ACTION DEEMED NECESSARY:

Julie Post, Emergency Management, updated the council on the importance of the workshop. After discussion, Councilmember Alaniz made the motion to select and approve July 12th at 5:00 p.m. as the date and time for an emergency management workshop. Councilmember Garcia seconded the motion. All vote AYE. Emergency Management Coordinator Post reminded the Council that we are currently in hurricane season and the City's plans need to be reviewed.

14) EXECUTIVE SESSION:

CLOSED SESSION IN ACCORDANCE WITH TEXAS GOVERNMENT CODE: SECTION 551

- **CONSULTATION WITH ATTORNEY: SECTION §551.071; LEGAL ADVICE OF COUNSEL OR CONTEMPLATED LITIGATION.**
- **PERSONNEL MATTERS: SECTION §551.074; FINANCE OFFICER (POSSIBLE DISCIPLINARY ACTION)**
- **PERSONNEL MATTERS: SECTION §551.074; FINANCE OFFICER RESIGNATION.**
- **PERSONNEL MATTERS AND CONSULTATION WITH ATTORNEY: SECTION §551.071 AND §551.074; REQUEST FOR MAYOR TO RECUSE HERSELF FROM ANY AND ALL DISCUSSIONS AND ACTIONS REGARDING THE FINANCE OFFICER.**

Mayor Moses noted the upcoming items to be discussed. Finance Officer Sherry Kuenstler stated she wanted the items concerning her to be discussed in open session. The council went into executive session at 6:38 p.m. to discuss the first item: **Consultation with Attorney: Section §551.071; Legal advice of counsel or contemplated litigation.**

RECONVENE FROM EXECUTIVE SESSION AND TAKE ANY NECESSARY ACTION AS RESULT OF EXECUTIVE SESSION:

The council reconvened into open session at 6:50 p.m. No action was taken.

**14) EXECUTIVE SESSION: (CONTINUED FOR THE REMAINING THREE ITEMS)
CLOSED SESSION IN ACCORDANCE WITH TEXAS GOVERNMENT CODE: SECTION 551**

- **PERSONNEL MATTERS: SECTION §551.074; FINANCE OFFICER (POSSIBLE DISCIPLINARY ACTION)**
- **PERSONNEL MATTERS: SECTION §551.074; FINANCE OFFICER RESIGNATION.**
- **PERSONNEL MATTERS AND CONSULTATION WITH ATTORNEY: SECTION §551.071 AND §551.074: REQUEST FOR MAYOR TO RECUSE HERSELF FROM ANY AND ALL DISCUSSIONS AND ACTIONS REGARDING THE FINANCE OFFICER.**

THIS PORTION OF THE EXECUTIVE SESSION WAS POSTED AS A CLOSED SESSION: HOWEVER – FINANCE OFFICER ASKED THAT THIS BE DISCUSSED IN OPEN SESSION:

Mayor Moses read the three items that were to be addressed **IN OPEN SESSION:**

- 1) **Personnel Matters: Section §551.074; Finance Officer (possible disciplinary action)**
- 2) **Personnel Matters: Section §551.074; Finance Officer resignation**
- 3) **Personnel Matters and Consultation with Attorney: Section §551.071 and §551.074: Request for Mayor to recuse herself from any and all discussions and action regarding the Finance Officer**

Councilmember Gleinser made a motion that an outside investigation be done on the situation and the outcome of the investigation determine the results. Councilmember Alaniz seconded the motion. Mayor Moses stated that was actually Item #15 and that the council wasn't to that item just yet.

Mayor Moses noted that the three items from the executive session have not been addressed yet. (*City Attorney Boulware-Wells spoke but her microphone was not on so statements were not auditable*). Sherry Kuenstler again stated she wanted to talk about her items in open session.

Councilmember Alaniz stated "all she could speak about is the facts she knows. She went onto to say that she didn't get here at the very beginning but what she saw was a very upset person in the finance officer's office. It was Sherry. We continued with our meeting and the next thing I knew; we heard loud yelling. But, I could hear from where I was sitting and thought it was Jason's voice. Then a little bit later, we have Sherry breaking into the meeting in tears, shaking and giving us an oral resignation. That's all I can speak to personally. I know there is a lot of stuff going around and that's why I think we need to look into it further to get everything out in the open. I believe that Sherry may have been provoked into this situation and it's a whole step backwards from things I hear. I think the whole evening, the whole thing that went down should not have gone down in the first place because things could have been handled a million different ways. If there are signs in the office, let's go back to what goes into stuff. Okay, we can go in and say are these supposed to be here? Is this legal? Is it not legal? Go ask someone and say maybe we should move it and so we go move it or if we think it's illegal, call an authority to come and take care of it. We do not come into a building and granted this is hearsay on my part because I was not here for that part. You don't come in and start making accusations, yelling, and coming towards our people that work here. As far as the afterwards, like I said, all I know is what I heard and what I saw. But I do not believe that we should lose someone like Sherry over something like this that should not have even happened."

Councilmember Flores stated "I mean, as far as myself, I did not see Sherry before the meeting started. So, I did not see her crying. During the meeting, we heard some speaking outside. By the time we knew it, Sherry came in. So, she says she just can't take it no more. She's resigning and it is giving us 30 days to find someone else, walked out the door and left. I know I wasn't in the paper because, well, I wasn't here for the meeting that some of these walked out on. But I know that there's another witness that was out there that saw everything and that witness unfortunately didn't get interviewed with the newspaper. I haven't

heard Sherry's story, just what she said. Haven't heard Jason's, so I mean, evidently, there was argument out there about stuff. But that's not the only time we've seen Sherry attack a person, even if it's the Mayor's husband, it doesn't matter. He's a citizen. So, I'm just going by what I have seen on paper and from what I've seen myself."

Councilmember Garcia stated "I was not on council at the time when this took place. My only question is did you basically verbally state your resignation, your intent to resign. I guess the only thing I would like to know did you initiate the conversation with Jason."

Sherry replied "yes, I did, and I have a video of what happened." Garcia, "So, okay, you have a video or an audio. So, I guess when I read the statement from the citizen/witness that was there it's going to contradict what the citizen said."

Finance Officer Kuentler returned comments, but her microphone was not turned on and there was not audio to be heard.

Councilmember Flores asked, "was it video from beginning to end?"

Councilmember Gleinser stated "This is a very sad and terrible situation. Sherry has... ever since she's worked here, our audits have been pristine. She has obtained over \$11 million dollars in grants for the city. I would beg her to stay because of the excellence of her work and I appreciate everything that she's done and I'm so sorry she's had this really bad experience."

Councilmember Rodriguez stated "The statement that Miss Sherry made I believe was made under duress. She was crying, what she said was out of anger and frustration. I did call her at home and asked her to come back. I don't know what provoked this. Part of the altercation I know was because of my signs that she removed. My daughter was going to pick them up shortly thereafter, after the meeting started. Alexandria was trying to pick them up during the timeline of 72 hours. Sherry graciously picked up two signs. You know cut them down like at five o'clock and my daughter was going to pick them up shortly thereafter that. As she instructed my wife. I really think it was an emotional outburst because I've known Sherry for the last five years. She's a very quiet mild-mannered woman and for her to be yelling, I find this very unsettling. It's not her nature to do that. So, she did come back. I reminded her that if she did not call City Hall and talk to Becky the City Administrator within two days, she would be considered job abandoned pretty much like our Mayor. It happened back on December 9th of 2014. Sherry called on Thursday and Friday. She showed up for work on Monday late, because she had jury duty. Later that week she tested positive for COVID."

At this time, Sherry Kuentler approached the dais. She placed her laptop on the dais to show a video from the surveillance camera at the back door. City Secretary Miska attempted to zoom into the laptop but was not successful. Mayor Moses asked, "where this recording came from." Sherry replied, "Open Records." Councilmember Garcia noted, "so basically from the security camera." Gleinser asked if the tv would accept the flash drive. Mayor Moses placed notebooks under the laptop to assist in getting the meeting underway. Sherry began playing the video noting that everyone was coming in for the meeting. Mayor Moses placed the sign outside facing the wall and a few minutes later Jason Moses turned the sign around to take pictures. *(Again, hearing Sherry was difficult because she wasn't close enough to an open microphone.)* But she did state she was just trying to help out by taking down the signs.

Finance Officer Kuenstler stated, "that can't believe that the council has allowed this. I've already told everybody that I was just trying to help out. Brenda saw it. She moved the sign outside and faced it towards the wall. Something was said that we don't do that. I asked Becky if I put the signs there to be picked up would that be alright. She stated it was okay because the election was over, and it was not placed there for campaign purposes. I don't know why since 2016 I'm still questioned about a \$5,000 check that was issued. If the Mayor does not sign a check, then the Mayor ProTem can."

Councilmember Flores asked, "did we approve that check?" Finance Officer Kuenstler replied, "that it was a budgeted item." Flores said "but not to go to Goliad Pet Adoption. Were there years before they were given that money?" Kuenstler stated "yes ma'am." *(Sherry continued making comments but again, it was hard to hear because her microphone was not on)*

Again, Councilmember Alaniz stated "all that of this could have been avoided. Alaniz stated that she doesn't feel that Sherry has to be continually answering for something that was done years ago and that she was doing somebody a favor the other night. But we make a big stink out of something and here we are. Alaniz stated again that she didn't feel Sherry did anything wrong by bringing the signs into City Hall. For that reason, Brenda's talked about in the past doing favors for people and being kind to people. Well, that's all she was doing. If we are going to get rid of things, then we need to take our business cards out of the lobby that advertises us every day, all our advertisements on our website, Facebook, our photos, and our names and how to get in contact with each of us. This has gone too far."

Councilmember Rodriguez noted that he had been subject to Jason yelling at him after a council meeting and he had to walk away from him.

Councilmember Garcia asked Sherry "when attending the meetings. Are you on the clock hourly or are you salary?" Finance Officer Sherry Kuenstler replied "I am salary." Garcia stated "that was his concern when you approached Jason. You could have walked past him; you could've ignored him. I believe the only interaction you all have is here during the council meetings. Is that correct? You don't interact at church or anything like that. I don't see where there should have been any type of communication if you have had some history in the past, from what you're saying. For any city employee regardless of their title, their tenure, their job duties. I believe we need to hold the city staff to a higher standard just like we have to hold ourselves to a certain standard. That is probably my biggest concern."

City Attorney Boulware-Wells made replies, but they were not audible. *(The microphone was not on.)*

Councilmember Gleinser stated that "she thinks the city council has a duty to protect our employees and allow for a pleasant work environment. I don't think any of our employees need to be yelled at under any circumstances. I think the same for our officers and elected officials. Just because we are here, we run for the office, we are not fair game or target for anyone who wants to approach us and have an issue. That's not the way it's done. It's sad that this town has encountered this. It's very sad that Sherry experienced it. I have concerns about the hostile work environment that has been created."

A citizen, Michael Martinez, raised his hand and asked if he could say something. Mayor Moses stated, "no sir, not at this point, sir."

Mayor Moses asked if Mr. Alaniz wanted to make a statement. Mr. Alaniz stated "the city needs to move forward with the auditorium because it's obvious the county is not. If it needs to go back to the state, then it needs to go."

Citizen, Mr. Ramiro Rubio, addressed the council. He stated "he used to sit on the council and noted he still serves on several boards. He stated what happened on that day has gotten all over town and it should have never gotten all over town. It makes the whole town look bad including all of the councilmembers including you (as he motioned to Mr. Garcia) now as a new city council because you're now with the rest of the city councilmembers. So, it does put you all in a spot. This should not have happened at all. Period. He went on to say if the husband of the Mayor knew that he saw something that might not be right, he should've come and ask somebody to find out for sure whether he was in his legal rights or not to question, before attacking one of the city employees. So, this is what's gotten around in town. It puts me in a bind also, because as a past council member I am asked, is that how you and they act? They don't take up for their employees. This also goes for the county. The county does the same thing too and sometimes the head of the county goes beyond his means. He takes things into his own jurisdiction. I see that a lot and I hear that a lot. Now for all to be settled here tonight, I feel that apologies need to be made between the two of them and from now on any questions between them be settled differently. The signs were taken down as a favor for a friend."

15) RECONVENE FROM EXECUTIVE SESSION AND TAKE ANY NECESSARY ACTION AS RESULT OF EXECUTIVE SESSION: (PART TWO OF EXECUTIVE SESSION)

Mayor Moses noted that executive session was now closed; time was 8:30 p.m.

Councilmember Gleinser made the motion to instruct the City Attorney to reach out to independent / unbiased sources to investigate and to ban Jason Moses from City Hall until the investigation was completed. Councilmember Rodriguez, Councilmember Gleinser and Councilmember Alaniz voted AYE. Councilmember Garcia and Councilmember Flores voted NAYE. Motion carried 3 to 2.

COMMENTS MAY BE MADE BY THE COUNCIL OR STAFF: BUT NO ACTION MAY BE TAKEN:

Councilmember Garcia asked "who's going to pay for this investigation? The city... tax dollars?" Councilmember Gleinser stated "Yes. We have to safeguard our employees." Councilmember Garcia replied, "as well as our citizens". Councilmember Gleinser "Yes. We need to know the facts of the case and only an independent investigation will be able to get that for us." Councilmember Garcia "Are we budgeted for that Becky? Any type of litigation or investigation? Is there a line item that covers this? I'm curious as to what this will cost, how long it will take?" City Secretary Miska replied she would look into it.

16) ITEMS TO BE PLACED ON THE AGENDA:

Interlocal Agreement for Animal Control / Shelter Facilities between the City of Goliad and the Goliad County Sheriff's Department.

Interlocal Agreement for the Operations and Maintenance of the Goliad Memorial Auditorium and surround property between the City of Goliad and Goliad County.

Discuss pending building permit for Goliad County EMS.

Set dates for upcoming budget workshops; take any action deemed necessary.

17) UPCOMING EVENTS:

Main Street Event – Car Show to be held on Saturday, July 1st.
July 4th Holiday

18) ADJOURNMENT:

Councilmember Alaniz made the motion to adjourn the meeting. Councilmember Gleinser seconded the motion. All voted AYE. Motion carried. Mayor Moses noted the meeting was adjourned at 8:46 p.m.

APPROVED: Brenda L. Moses
Brenda Moses, Mayor

ATTEST: Becky Miska
Becky Miska, City Secretary

