



CITY OF CREEDMOOR
CITY COUNCIL MONTHLY MEETING MINUTES
September 29, 2023

Attendance: **Mayor:** Fran Klestinec, **Mayor Pro-Tem:** Jesse Solis,
Council Aldermen: Jacob Wilhite, John Gray, Jeff Jakobeit, Sabrina Nelson.
Administrator: Robert Wilhite
Attorney: Don Bird
Finance: Anna Ortiz
Secretary: Ernestina Cronshey

Quorum Established & Call to order: Mayor called the meeting to order at 7:00pm. Present were Jacob Wilhite, John Gray, Jesse Solis, Jeff Jakobeit, Sabrina Nelson, Mayor Fran Klestinec, City Administrator Robert Wilhite, City Attorney Don Bird.

Public Comments: Public comment was made by Citizen Art Phelps, expressed concerns with new subdivision coming into city.

Minutes of Prior Meeting: Minutes of the **September 25, 2023**, meeting was presented. It was requested they be reviewed, and any changes or corrections be indicated. **Aldermen, Sabrina Nelson made a motion to accept minutes as submitted. Aldermen, Jesse Solis seconded it. The motion was passed by all Aldermen 5-0.**

Closed Open Session at 7:05pm.
Opened Closed Session at 7:08pm.

The City Council will meet in closed session pursuant to Texas Government Code Section 551.071, to meet with Special Counsel, Denton Navarro Rocha Bernal & Zech, on a matter in which 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 Open Meetings Act; to wit: To present the City Council with legal concerns and findings from a personnel and operational investigation at the request of Mayor Klestinec in her fulfillment of the duty of the Office of the Mayor pursuant to Texas Local Government Code Section 22.042, to at all times actively ensure that the laws and ordinances of the municipality are properly carried out, and to inspect the conduct of each subordinate municipal officer. Following its consultation with Special Counsel, the City Council will meet in closed session pursuant to Texas Government Code Section the Sec. 551.074, personnel matters, to hear a complaint or charge against an officer or employee and to deliberate the employment, evaluation, duties, discipline, or dismissal of a public officer or employee; to wit: City Administrator Robert Wilhite. City Administrator Wilhite may request a public hearing.

Open to the Public at 9:28pm.

City Administrator Robert Wilhite requested a closed session. Closed session at 9:30pm.
Opened Closed session at 9:32pm.

Closing closed session at 11:20pm.
Opened open session at 11:22pm.

Discussion: Personnel issues with Robert Wilhite.

Don Bird-City Attorney made several possibilities of action: 1.) Doesn't have to have any action. 2.) some kind of temporary suspension. 3.) removal for lack of confidence. 4.) removal for cause.

Sabrina Nelson suggested requesting a resignation. Robert Wilhite requested for some time to think for understanding what a resignation falls into place. Mayor Fran said, we have no policy in place. Jeff Jakobeit asked Robert Wilhite; I assume when you said that the way you said that are you asking us for a severance. Robert responded with; Yes. Don Bird was asked Robert has a question on what sort of policy the city might have on a separation from duties. Don responded far as I know the city does not have a policy related to that, doesn't mean you can't make one. Mayor Fran asked does it have to be through resolution or ordinance. Don responds, probably not it's an administrative decision, could be done either way. Since it's not posted will have to do it at the next meeting. Whatever action comes out of this meeting could be a form of resolution, but the meeting itself has been posted that's not a problem if you wanted to attach something to whatever the action is. I don't see any reason you can't do it, By resolution now. Mayor Fran said, I've been told that you may not pass a resolution that's not presented in front of the council. It must be presented for them to see it. We have two resolutions the Attorney prepared for us, but we do not have a resolution for that. Robert Wilhite said he does not want to resign, and he can't do that without a packet presented to him. Don Bird said you have to make a decision tonight. Don Bird said it's beneficial enough to the city to want some sort of severance pay, you can do that at the next meeting and put it on the agenda as a resolution. Mayor Fran said, I'm understanding that you're stating that the resignation will be accepted. The terms of the resignation can be explained and accepted at the next council meeting when it's on the agenda. John Gray suggested 3 months' compensation, and we part ways. Sabrina Nelson asked Don Bird can we do that, have an option to offer Robert 3 months severance with the acceptance of his resignation. Can we make that action tonight. Don Bird replied you can do anything you want. Mayor Fran responded I disagree. It has to be an official act a resolution or an ordinance we have to make it official. Don Bird said I agree to that but what in it you guys can put whatever conditions you want. Jesse Solis asked we are asking can we do this tonight. Don Bird responded in my opinion yes. I see no reason why you can't take another action just because its not in front of you. That's my opinion and I acknowledge it. Mayor Fran said we will take Don's decision as attorney council decision, that the alderman can make the decision at this meeting today now. Jesse Soils said he would like to make it for 6 months severance pay. Mayor Fran said Robert you have 3 options: offer the resignation with 3 1/2 months severance pay, resolution will be passed voted upon the Aldermen resolution one is for cause, resolution two is for lack of confidence those are your 3 choices you need to decide. Robert Wilhite stated I don't have a problem with the resignation I'm just fighting for the 6 months. Resigning can be done tonight.

Action: Aldermen, Jeff Jakobeit made a motion to accept 6 months' severance pay with resignation. Aldermen John Gray seconded this motion. Passed 4-0

Councilman Comments: None

Financial Report: Any question call/ speak with Anna Ortiz our Finance Director.

Administrator Comments: None

Mayor Comments: NONE

Next Council Meeting: October 19, 2023.

Adjourned: September 30, 2023, at 12:01am. Aldermen, John Gray made a motion to adjourn, Sabrina Nelson seconded this motion. Passed 5-0.