MINUTES

FOR THE REGULAR MEETING OF THE

CITY COUNCIL OF THE CITY OF BANDERA

DECEMBER 18, 2014

AT 6:00 PM IN THE MUNICIPAL BUILDING

AT 511 MAIN STREET, BANDERA, TX

1. Meeting called to order by Mayor John Hegemier at 6:00 pm. Council members

Sheila Pumphrey, Jim Hannah, Suzanne Schauman, Charlotte Browning, and Glenn Clark were present. City Administrator, Lamar Schulz, City Secretary, Karen Chesler and City Treasurer, Betty Brown were also present.

1. Invocation given by Pastor Greg Young & All stood for the Pledge of Allegiance
2. Visitors to be heard-no one signed up and no one spoke
3. Minutes of Previous Meeting

**Council member Glenn Clark made a motion to approve the minutes of the Regular Meeting of December 04, 2014 at 6:00 pm, seconded by Council Member Sheila Pumphrey. All in favor none opposed. Motion carried.**

**Council member Glenn Clark made a motion to approve the minutes of the Special Meeting of December 11, 2014 at 8:00 am, seconded by Council Member Suzanne Schauman. All in favor none opposed. Motion carried.**

1. Discussion and possible action on the following topics:
2. Request to Replat: H.Arnold Sur. No. 59, Abs. No. 3, Lot No. 1, Range X At Intersection Sycamore Street & 11th Street (Behind Lowe’s)

Robert Koimn handed out the map that is posted on the City of Bandera’s website. Robert Koimn asked which plat is first. John Hegemier replied the plat behind Lowe’s Grocery Store and it is the only one on the agenda. At the P&Z meeting the plat was presented as a preliminary plat for a replat. P&Z had no issues at that time. Robert Koimn stated the property is a small triangle on the map currently zoned as mobile home but not sure if the map is correct. Only a small piece of the property is platted right now and the remaining land is along the bluff extending down to the water. What they are replatting is not zoned. On the map located on the wall in the council room the area is not zoned, but is owned by individuals with the adjacent lots. John Hegemier stated he is looking at the map and it is zoned neighborhood commercial. Jim Hannah stated it is pink on the map and the handed out map is not zoned mobile home. Larry Wood stated the property behind Lowe’s with the business on it or the restaurant is zoned commercial property. The triangle lot has the house which is zoned neighborhood commercial but the back porch is over the city lot line. What Ms. Kauwell is asking to do is to take the city lot number 1 and incorporate some of the acreage to not infringe on the lot lines making it a rectangle lot with acreage down to the river within the city limits. Charlotte Browning asked what is this going to do? Larry Wood, Realtor stated they have a contract on the property with the house going down to the river. The issue is the encroachments of the house on the property lines. Jim Hannah asked what is it platted now? Larry Wood explained where Ms. Kauwell residence sits it is zoned residential commercial and the other portion neighborhood commercial with the restaurant building on it. The acreage is currently not zoned. Karen Chesler stated she researched on the appraisal district website and Ms. Kauwell pays residential taxes on the house and commercial taxes on the other portion with the restaurant. Charlotte Browning asked what is the purpose of this replat is it to stop paying commercial taxes. John Hegemier replied he believes the purpose is to allow the sale of the property. Larry Wood stated Ms. Kauwell wants to sell the whole property as one but the goal is to sell the house with river frontage. Charlotte Browning asked will that give her riverfront property. Larry Wood replied yes. That would give the residence riverfront and they have a contract to sell the house currently. They want to have the house zoned residential along with everything down 11th Street is zoned residential except for her triangle lot. Mortgage companies do not want to sell or loan money to residents with commercial zoning. Basically, they want to take part of the acreage and add it to the house to provide for the setbacks and such and extend the existing the lot to the river. Robert Koimn stated the P&Z took action on the preliminary site and not a final plat thus; he does not think city council can take action on this. Larry Wood stated they submitted a final plat for council’s approval. Robert Koimn replied P&Z acted on the worksheet as the planning process P&Z has to review the preliminary plat before the final plat. John Hegemier replied he does not understand what the issues are with the plat or the drawings. Robert Koimn explained this is not the final plat with the signatory lines for everyone to sign on it and the point he is trying to make is that P&Z approves the preliminary plat and then a final plat with any changes necessary and the required signatories on it. Jim Hannah explained this is a simple plan, with a city citizen that would like to sell their property. Mr. Hannah is not for holding up people doing what they want to do with their property. In the near future, P&Z, city staff and a council needs to have a workshop to take the suggestions and come up with a process for these items. Mr. Hannah appreciates Mr. Koimn for being a stickler for procedures but they have a simple plan and he is going to make a motion to accept this tonight. Suzanne Schauman stated she wants P&Z to review the unzoned property and report back to council.

**Council member James Hannah made a motion to replat: H. Arnold Sur. No. 59, Abs. No. 3, Lot No. 1, Range X at the intersection of Sycamore Street & 11th Street, seconded by Council Member Glenn Clark. All in favor none opposed. Motion carried.**

1. Request closure of the block of 11th Street between Cypress and Cedar Street on Saturday, February 7, 2015 between the hours of 6 am and 12 midnight and consideration to waive the fee for the barricades as this is a fund raiser for the Boys and Girls Club

James McGroaty explained this is the 10th Annual 11th Street Cowboy Mardi Gras and has been successful over the years and continues to grow. The non-profit is the same as last year the Boys and Girls Club who the gumbo cook off benefits from. They rose between $6-8 thousand last year between the two events and this year they are hoping to raise even more. They requested streets closure for three reasons – crowd control, safety, and Gumbo cookers. At 6 am they mobilize the Gumbo cookers to set up, then move the cars off of the street by 8 am, and they cook throughout the day. They have not had any issues closing the street with the Marshal’s department and it has worked well over the years. They plan on having a larger crowd this year. They would like the barricades up at 6 am and request the Marshal’s office not as a stickler about taking them down until 3 am. This is a safety concern as the hooligans come out. The fee waiver is so the funds do not have to come out of the profits for the Boys and Girls Club. Glenn Clark added the responsibility falls on the city to maintain the safety and concern for the citizens. James McGroaty thanked Glenn Clark and Joe Hearn for helping with cleaning up the next morning after the event last year and invited anyone who wants to come out with brooms and help clean up are welcome to.

**Council member Charlotte Browning made a motion to approve the closure of the block of 11th Street between Cypress and Cedar Street on Saturday, February 7, 2015 between the hours of 6 am and 3 am February 8, 2015 , seconded by Council Member Sheila Pumphrey. All in favor none opposed. Motion carried.**

1. Request from Elenora Dugosh Goodley for an update on the 2015 Texas Historical Commission Bandera Town Center Story Marker

Elenora Dugosh Goodley stated she is here to given an update on the original marker for the City of Bandera. The Texas Historical Commission has accepted it and she sent the down payment. They are waiting for them to review the documents. The cost for the marker will be around $2,000. Ms. Goodley is going to go ahead and pay the initial fee but had planned to ask EDC to help fund. For the marker on 11th Street, Ms. McGroaty was able to pinpoint the spot of the center of the City. This will draw people to this location and it is pretty much a done deal.

1. Request from Elenora Dugosh Goodley will make a special announcement and presentation to the City of Bandera from Congressman Lamar Smith

Elenora Dugosh Goodley stated she is really excited about this one. Ms. Goodley has been working on this for two years and did not think it was going to happen. Thanks to Mayor Don R. Clark who she asked to stand with her. The last two dedications for the Cowboy Capital & Great Western Trail historical markers, and finally after a lot of correspondence with Lamar Smith’s executive staff member in Austin the information went to Washington D.C. The staff in Washington contacted Ms. Goodley and sent her this document. Ms. Goodley handed out copies of the letter. It is a Congressional Record – Extensions of Remarks which recognizing Bandera, Texas as the Cowboy Capital of the World from Hon. Lamar Smith of Texas in the House of Representatives on November 19, 2014 which gave the history of Bandera from 1852 to 1948, which she read in its entirety. Lamar Smith wrote this up with all of the information that we had from the historical commission and the markers. If you have a chance, please go onto the website and send Congressman Lamar Smith a thank you. They do not do this that often. Ms. Goodley is very appreciative of this accomplishment for our town.

1. Request to award a contract for management/administration services for the 2014 Texas Community Development Block Grant Program Contract #7214020

Lamar Schulz stated he recommends Langford Community Management Services who Margaret Hardin represents. John Hegemier stated Margaret Hardin has been the one to do this contract in the past. Thus, no additional discussion is necessary.

**Council member James Hannah made a motion to award a contract for management/administration services for the 2014 Texas Community Development Block Grant Program Contract #7214020 to Langford Community Management Services, seconded by Council Member Glenn Clark. All in favor none opposed. Motion carried.**

1. Request to award a contract for engineering services for the 2014 Texas Community Development Block Grant Program Contract #7214020

Lamar Schulz stated he and Mayor John Hegemier ranked all three engineering services and they ranked Klein & Cope Engineering Inc. number one, number two was TRW, and number three was Naismith Engineering, Inc. Lamar Schulz and John Hegemier had individually compared the different firms, they averaged the scores and this is the order in which they came out. John Hegemier stated the contracts were all the same price and they compared other items with the deciding factor being experience. Lamar Schulz stated his understanding was the city appoints a representative to negotiate with the firm to determine what tet figure or cost is. Margaret Hardin stated it is a law that you cannot ask an engineering service to provide you the cost for services but you select them then authorize someone to negotiate a contract with them. Lamar Schulz added if you do not like the first firm’s figure and move on to the next one but if the second bid is higher you cannot go back to the first one. Lamar Schulz had to have that explained to him. Jim Hannah asked if Lamar Schulz had any recommendation. Lamar Schulz replied the Klein & Cope Engineering is who he would start out with because they ranked them the highest.

**Council member Jim Hannah made a motion to award a contract for engineering services for the 2014 Texas Community Development Block Grant Program Contract #7214020 to Klein & Cope Engineering, seconded by Council Member Glenn Clark. All in favor none opposed. Motion carried.**

1. Request to designate Authorized Signatories for contractual documents and documents for requesting funds pertaining to the Texas Community Development Block Grant Program Contract #7214020

John Hegemier stated we are just going to appoint someone to sign the documents for the contract. Lamar Schulz replied correct. Margaret Hardin explained the resolution she gave the city has an example of what is needed. They are required to have two signatures on all draws for funds but you also have to designate someone to sign the other contractual documents. The resolution asks for the designated person to sign documents then the additional is to sign when requesting grant funds. Karen Chesler stated the example is labeled document g in the packets. Margaret Hardin explained if anyone is out of town, sick or on vacation someone else can sign the draws. The form listed the Mayor, Mayor Pro Tem, City Administrator and City Secretary as authorized to request funds as they request the position and not the person in case the people change then they do not have to come back and adopt another resolution.

**Council member Jim Hannah made a motion to approve the resolution to designated Authorized Signatories for contractual documents and documents for requesting funds pertaining to the Texas Community Development Block Grant Program Contract #7214020, seconded by Council Member Sheila Pumphrey. All in favor none opposed. Motion carried.**

1. Request to adopt Section 3 Resolution pertaining to the Texas Community Development Block Grant Program Contract#7214020

Margaret Hardin stated Section 3 is HUD’s Development Act of 1968 and it states how you provide opportunities for low income residents and for you to proceed with this grant you must adopt a plan that states how you will identify those opportunities to low income residents. We as administrators will help you to do these steps. The biggest things in the ads you will do everything feasible to comply with Section 3 and there contract states to the greatest extent feasible. John Hegemier stated if we want to apply for the grant money we need to comply with Section 3. Margaret Hardin stated if you wanted to change this you could but this is the sample resolutions they have given us over the last few years to use.

**Council member Sheila Pumphrey made a motion to adopt the resolution for Section 3 pertaining to the Texas Community Development Block Grant Program Contract #7214020, seconded by Council Member Charlotte Browning. All in favor none opposed. Motion carried.**

1. Request to return to processing the City of Bandera payroll to 26 pay periods per year

Betty Brown stated she is proposing we return the city payroll to a 26 period payroll system instead of 24 periods. In September 2012, the city council allowed the city to go back to 24 periods of payroll on the 15th and 31st. This was to simplify the payroll, however, it has not. It complicated things. The 26 payroll process will simplify paying law enforcement personnel. As you know, the last payroll of the year is the date of the check but not when you post the payroll deposit. So Ms. Brown is requesting to going back to paying employees every two weeks as opposed to on the 15th or 31st. Lamar Schulz added the reason he wants to do this is because we are paying in advance. Things often change the last few days of payroll and adjustments have to be made. We should not be paying in advance. We should pay when the work is completed. With the 26 pays we would be doing this.

**Council member Glenn Clark made a motion to return to processing the City of Bandera’s payroll to 26 pay periods per year, seconded by Council Member Charlotte Browning. All in favor none opposed. Motion carried.**

1. Approval of promotion of Lisa Chacon to Senior Utility Clerk at a pay rate of $15.78

Lamar Schulz stated this ends up being a $.52 an hour raise and what this is based on is the amount they had previously calculated. However, due to the way the law is written we were not able to pay Lisa Chacon for work she had previously completed. We need to put it into a pay raise. This amount is the same figure of money over 12 months that we were discussing before. John Hegemier stated he knows Lisa Chacon has been doing a lot of work besides her normal duties. James Hannah replied he cannot think of a city employee that really gets in and helps everybody old and new in the transition. Lamar Schulz added he does not know where we would be without Ms. Chacon.

**Council member Charlotte Browning made a motion to approve the promotion of Lisa Chacon to Senior Utility Clerk to a pay rate of $15.78, seconded by Council Member Shelia Pumphrey. All in favor none opposed. Motion carried.**

1. Approval of hiring of a Public Works Director and setting the salary

Lamar Schulz introduced JR Higgins. The salary he recommends is $51,500. Mr. Schulz believes he is a good candidate. They drove around town today to show him what he is facing, employees, and materials he has to work with. Suzanne Schauman asked when is Mr. Higgins starting. Lamar Schulz replied we have not set a date. We will need to work out that information but the goal is January 5, 2015. Suzanne Schauman asked but within 30 days. Lamar Schulz replied, yes he is trying to get him here as soon as possible.

**Council member Glenn Clark made a motion to hire JR Higgins at a starting salary of $51,500, seconded by Council Member Sheila Pumphrey. All in favor none opposed. Motion carried.**

1. Approval of Motorcycle parking on Main Street in front of the Chikin Coop on January 16, 17, 18, 2015 for Balls To the Walls Motorcycle Run

Suzanne Schauman stated this is the same request as always. This is an annual rally as well. Suzanne Schauman stated she is requesting parking on the bridge and they have not had a problem in the past. The police department has backed her on this and nobody has been hurt with them parking on the bridge. Glenn Clark stated this doesn’t just benefit the Chikin Coop but benefits everyone. Jim Hannah added we are happy to show examples of parking on the bridge with no problems.

**Council member Glenn Clark made a motion to approve motorcycle parking on Main Street in front of the Chikin Coop on January 16, 17, 18, 2015 for Balls to the Walls Motorcycle Run, seconded by Council Member Charlotte Browning. Four council members in favor, James Hannah, Glenn Clark, Sheila Pumphrey, and Charlotte Browning. Suzanne Schauman abstained. Motion carried.**

1. Approval of Motorcycle parking on Main Street in front of the Chikin Coop on March 26, 27, 28, 29, 2015 for Thunder in the Hill Country Motor Cycle Rally

Suzanne Schauman stated this is the same request as the previous item on the agenda but different dates.

**Council member Sheila Pumphrey made a motion to approve motorcycle parking on Main Street in front of the Chikin Coop on March 26, 27, 28, 29, 2015 for Thunder in the Hills Country Motor Cycle Rally, seconded by Council Member Glenn Clark. Four council members in favor, James Hannah, Glenn Clark, Sheila Pumphrey, and Charlotte Browning. Suzanne Schauman abstained. Motion carried.**

1. Financial Reports
2. Water Department
3. Permits Issued
4. Water Usage
5. General Fund – Bills paid
6. Enterprise Fund - Bills paid & Balance Sheet
7. Municipal Court Activity Report

Lamar Schulz stated we have a variety of reports to go over. The city has not pumped water from the Indian Waters well since May 2012, when they had the fire. They are going to look at bringing the well back on line for use. As far as the other two wells, the information is provided on the page. Lamar Schulz asked if anyone had any questions. John Hegemier asked do we have a hydrant that is metered. Lamar Schulz replied we only have one hydrant with the backup flow preventer on it. Jim Hannah asked a question for Jerry Alcorta, is the one backup flow meter enough to take care of the water service for bulk water. Jerry Alcorta stated yes. Lamar Schulz stated Mike Armstrong acknowledges that anyone who hooks up to a hydrant could backup and contaminate our whole water system if the backup flow preventer was not on the hydrant. This is why only one hydrant is used. Glenn Clark stated if any citizen sees anyone taking water out of any other hydrant they should notify the Marshal’s office because this could lead to a serious problem and contaminate our water system.

The next page documents the different types of permits issued. The next page is the different tiers of water usage and how many accounts in each tier. The work orders are listed for this year as compared to last year. We have had a lot more situations to deal with this year compared to last year.

Betty Brown stated the next page lists the General Fund bills paid and the checks issued for the month of November listed by check and the total amount paid to each vendor. The Enterprise Fund has a listing of the checks alphabetically. Finance has back up for checks you have questions about. John Hegemier asked when are the Incode people were coming. Incode will be here the second week of January and they will start building the conversion at that time. The next sheet is the Balance Sheet for the Enterprise Fund which gives you the amounts of money in the checking accounts, CD’s, current assets, and properties owned by the city. The bottom of the page is the accounts payable liabilities outstanding and others which have not been paid. Ms. Brown has just finished putting in last year’s audit figures which is the 2013 audit. Even though the current figures for the bank and the CD’s are correct but the liability accounts are not current. Betty Brown is hoping they will start the 2014 audit by the first week in February and the figures will not be accurate until the audit is complete.

Lamar Schulz explained the next report is on the Municipal Court and pointed out the judge and court clerk attended 16 hours of mandated training during this time and the progress made during the month. We received a phone call from the judicial people concerning the issue with the previous court clerk and the state concludes no further investigation is needed. Everything is fine. The last report is for the Marshal’s office, which lists the different types of offenses for what they had calls. The reports will compare these facts month to month going forward. Jim Hannah stated this is much clearer. Thanks. Lamar Schulz added they are doing a good job. They are doing some traffic work in the morning and they have gotten some good responses from the community on these efforts.

1. Adjourn

**Council member Glenn Clark made a motion to adjourn at 6:48 pm, seconded by Council Member Suzanne Schauman. All in favor none opposed. Motion carried.**

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Karen Chesler John Hegemier

City Secretary Mayor