MINUTES

FOR THE REGULAR MEETING OF THE

CITY COUNCIL OF THE CITY OF BANDERA

DECEMBER 4, 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 Larry Mc Rorey & 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 Suzanne Schauman made a motion to approve the minutes of the October 23, 2014 Workshop at 6:00 pm, seconded by Council Member Glenn Clark. All in favor. Motion carried.**

**Council member Glenn Clark made a motion to approve the minutes of the Regular Meeting of November 20, 2014 at 6:00 pm, seconded by Council Member Suzanne Schauman. All in favor. Motion carried.**

1. Discussion and possible action on the following topics:
2. Request from Mike Armstrong, Code Enforcement Officer about Sec 4.04.009 Prohibited Businesses – Cargo Containers

Mike Armstrong stated he has complaints about the containers and he drove around town to survey where these are placed within the city. A total of 15 containers are within our city. Mr. Armstrong has a list of who has them but the city is the biggest violator. The complaint was for the container in front of Lowe’s which is the nicest looking one in town, it is camouflaged. As the code enforcement officer how does he deal with the issue as we have 15 within town that should be removed per the ordinance? The ordinance states the containers can only be used as temporary storage. However, the ordinance does not define what time period qualifies as temporary. Charlotte Browning asked what type of containers Mr. Armstrong was talking about. Mike Armstrong replied the containers that come on a truck and they roll them off. They are at Lowe’s, Boyles Hardware Store, and they are all different colors which can be hooked up to an 18 wheeler to pull them away. We cannot slap one hand unless you slap them all. Mike Armstrong has recommendations for council if they would like to hear them. Charlotte Browning replied yes, sir. Mike Armstrong stated he recommends they grandfather the storage units already in town, as long as they agree to paint them a nice color. Most storage containers have writing on the side of them except the one he received the complaint on. Crawford’s Pharmacy has one to keep the corn in. If we don’t do something now the City Council is not going to be able to stop people from putting the containers around town based on the city ordinance. Rilla Stephens asked if all of these are permitted.

Mike Armstrong replied that is his next question. The first item was to grandfather the container in for those that already have them and to be painted but secondly to be permitted. The smallest storage facility in the city is a 10’ X 10’ but these containers are roughly 240 square feet. Mike Armstrong recommends we permit them and to paint and make them look nice for the existing ones. Rilla Stephens asked why are you requesting to have permits for the storage units. Mike Armstrong replied because the ordinace states they are not allowed but for temporary use only. The container at 13th and Mulberry is for construction being done at his house and that is what it was intended for. When the home owner is done with construction the storage container will be moved. Brian Black asked does the ordinance state what temporary is. Mike Armstrong replied it doesn’t and City Council was given a copy of the ordinance. Suzanne Schauman stated the definition of prohibited businesses is a portable building and it was defined as a temporary building that was not designed to have a foundation and is transportable. All of these meet that requirement. Portable buildings typically cover less than 100 square feet. Which these don’t and thus need to be permitted, I agree. The intended use for storage building. Which these items are. Based on this definition anyone who builds a play house or gazebo would have to get a permit for it. Mike Armstrong replied they would if it is over 100 square feet according to the ordinance. Suzanne Schauman replied but it is not temporary. Mike Armstrong replied that is why they have to get a permit. Suzanne Schauman replied that is what she is saying. Portable building is defined as a temporary building but a playhouse or gazebo is not a temporary building. They are not going to move the gazebo. Mike Armstrong replied he did not write the ordinance. Suzanne Schauman stated she does not mind permitting the building but the definition is off. Mike Armstrong stated they are making residents for a storage building over 10 X 10 to get a permit. Charlotte Browning stated what she feels they are saying is they are having a hard time and they are going by the city ordinance but nobody here is backing them up. Nobody is given clear instructions on what they are supposed to do. Mike Armstrong stated he is not going to go around and slap some the hands that are violating the ordinance and look away at others doing the same thing. Charlotte Browning stated you cannot let one get away with it and not the other. Brian Black stated it is an open ended issue with the definition of temporary because it is not defined properly. Rilla Stephens stated the ordinance needs to be changed. Suzanne Schauman asked if Mike Armstrong had any suggested language to use for the ordinance. Mike Armstrong replied no, the containers need to be permitted similar to the storage units. Mike Armstrong feels the ones here should be grandfathered as long as they paint them to look nice. The storage units are encroaching on the lot lines but he needs to know how to enforce the ordinance. The city yard is going to be effected by the set back lines along with Johnny Boyle and quite a few others in town. Joe Frazier stated the four at the city yard are for the City Marshal’s office, City storage and the other two are for EDC Christmas lights. Suzanne Schauman stated they can be moved or comply and paint them. Robert Koimn stated this ordinance needs to be addressed and request it to be deferred to P&Z to look at in depth to define better. Mike Armstrong replied he has the pictures of the containers around town.

**Council member Suzanne Schauman made a motion to ask P&Z to review section 4.04.009 prohibited businesses of our Bandera code of ordinances and to clarify the definition of a portable building, uses, permitting of the same buildings, seconded by Council Member Charlotte Browning. All in favor. Motion carried.**

1. Recommendation for amendment for EDC terms to a specific month

Martha Shoemaker, EDC was not able to attend meeting to present.

1. Request the use of pyrotechnics to scare buzzards off water tower in downtown Bandera

Lamar Schulz stated we have had a number of requests about doing something to eliminate the mess and odor. The city has tried the effigy (fake bird) with limited success. Jude Sandoval, the bird expert in this area, says you have to do several things at one time in order to get the birds to move. One thing was the effigy but in conjunction with that he suggests the use of pyrotechnics. This is a pistol that makes two different noises-one is a screamer and the other is a banger. This is done about the time they are going to roost. Over a period of time, the shots would get them to disburse. Glenn Clark stated as he understands that is no cost to the city. Lamar Schulz stated correct, there is no cost to the city. Suzanne Schauman asked how many times each evening do you intend to shoot this and for what duration. Lamar Schulz replied he does not know the duration but it would just be one time each evening. John Hegemier stated he also talked to Mr. Sandoval and he thought two to three days but it could be longer depending on how acclimated they are to the site. Brian Black asked what is the problem with the birds being up on the water tower and are they creating a problem. Trina Ward stated go over there and smell it. The smell is horrible. Suzanne Schauman stated the smell is toxic what the birds leave behind for the businesses in this area. The city has been trying to address this for almost a year now and it has been a disaster. Ms. Schauman stated she hates they are going to have shoot in the middle of the dinner hour and the town will need to be alerted. Charlotte Browning asked if she can have a chance to research because she is an animal person. Lamar Schulz stated they wanted the city to put out another effigy up higher but we do not have any way to get them up higher. John Hegemier stated we should have some sort of time limit on how long we want to try pyrotechnics approach. The birds are federally protected. Lamar Schulz responded these guys have exemptions. Trina Ward explained she has been through the pyrotechnics with Texas A&M. The pyrotechs work to a degree for a while, all the other things you hang up work for awhile. The only thing that she has seen that works is the metal things or spikes that prevent the birds from perching. It is a one-time thing if it works. Rilla Stephens recommends going down and walk by the buildings to smell the mess they make. Robert Koimn stated the city looked into doing this a few years ago and it was too expensive. Suzanne Schauman stated to recap we have ruled out the spikes and wire because of the expense. We have tried the lights, the effigies, and cleaning up the mess. This is the last inexpensive route as long as it does not go on a long time. Suzanne Schauman would like to look at netting in this area.

**Council member Glenn Clark made a motion to proceed with the use of pyrotechnics to scare buzzards off the water tower in downtown Bandera for the duration recommended by the Department of Agricultural, seconded by Council Member Suzanne Schauman. All in favor. Motion carried.**

1. Appointment and swearing in of Municipal Court Judge Frances Kaiser

**Council member Suzanne Schauman made a motion to approve the resolution 14-08 to appointing Municipal Court Judge, Frances Kaiser with an hourly salary of $18.36 per hour, seconded by Council Member Charlotte Browning. All in favor. Motion carried.**

Karen Chesler and Judge Frances Kaiser stated the Anti-Bribery statement: I, Frances A Kaiser, do solemnly swear or affirm that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised any public officer or employment for the giving or withholding of a vote at the election at which I was elected or as a reward to secure my appointment or confirmation, whichever the case may be, so help me God.

The Oath of office: I, Frances Kaiser, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of Municipal Court Judge of the State of Texas and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State and City, so help me God.

1. Approval of a one-time payment to Lisa Chacon, Utility Clerk, in appreciation for her efforts and willingness to assume additional duties and responsibilities between March 20, 2014 and November 30, 2014

John Hegemier stated this item will be rewritten per the attorney’s advice for the next meeting.

1. Approval of payment to Karen Chesler, City Secretary to attend seminar, classes, and handbook for Municipal Clerks/Secretaries

Karen Chesler explained she has requited this item be on the agenda. The council had previously voted not to pay for her expenses to attend a seminar due to their concern that she was new on the job and they were concerned as to how long she might stay in her position. Karen has now been in position for over six months. Karen Chesler has gained knowledge from these classes and has applied it. She has shared the forms from the handbook with the municipal court. She uses the tools and applies them to what is needed at the city. John Hegemier asked if this is for courses coming up. Karen Chesler replied both of these classes she has already taken. Suzanne Schauman replied she does not know if we can address this tonight as this is asking for city council to send her to classes and not reimburse her for expenses already incurred. Glenn Clark asked what is the amount already spent. Charlotte Browning asked how much are you asking for. Karen Chesler replied it is outlined on the sheet included in the packet labeled f. The total is about $1,200. John Hegemier stated it is about $1,178. Suzanne Schauman stated as a council they unanimously agreed not to send her to the first class for the $678 but she agrees she has come a long way. Suzanne Schauman just can’t agree to reimburse her when they refused in payment in the first place. Jim Hannah replied he changed his mind because of her efficiency and the benefits she has got from these classes. Charlotte Browning stated she advises everyone and has experienced it herself. Glenn Clark added at that point in time we were not sure if she was going to stick with us or if we would be satisfied with her. Robert Koimn added from the P&Z standpoint he has seen the improvements in the minutes of the meetings and what she is doing to let everyone know what is happening at the city. Mike Armstrong stated he works with Karen hand and hand every day and she is very efficient at her work. Rilla Stephens stated Karen has done a marvelous job. She wants to know how to undo what they had previously done. She believes that she should be reimbursed. Betty Brown stated reimbursement or paying for school for a city employee benefits the city more it does the employee. The reason she says that is it is done to help protect the city. If she does things wrong, the city is the one that is going to get blamed. Judge Frances Kaiser stated she just wanted to say that on behalf of Karen’s work as she was part of the interview. Frances Kaiser stated she was here before Karen arrived and I am here after her and it is so much better. The city is better because of her professionalism and she cares about what goes on here. She is very dedicated. Jim Hannah replied he is going to stick with his motion and his vote as he does not believe we will have any concerns afterwards.

**Council member Jim Hannah made a motion to approve the payment to attend classes and to reimburse the city secretary for the classes she has already attended, seconded by Council Member Charlotte Browning. All in favor. Motion carried.**

1. Request to Council for replatt of Lot 1, Range X, City of Bandera

John Hegemier stated they are going to pass on this item per the attorney as this needs to be reviewed by P&Z first. Glenn Clark asked if this item goes to P&Z to review and make a recommendation to city council. Is that correct? John Hegemier stated yes.

1. Request to remove former Mayor Don R. Clark as a signor and to approve Mayor Pro Tem Suzanne Schauman as a signor on City of Bandera accounts

**Council member Glenn Clark made a motion to approve removing former Mayor Don R. Clark as a signor and to approve Mayor Pro Tem Suzanne Schauman as a signor on City of Bandera accounts, seconded by Council Member Sheila Pumphrey. All in favor. Motion carried.**

1. Installing signs to restrict all trucks, other than delivery trucks, from driving on Montague Drive (within the City Limits)

Lamar Schulz stated this has gotten more complicated as he digs into it. Basically we have had complaints on Montague Drive. Only part of Montague Drive is in the city and the other part is in the ETJ. We have complaints about large dump trucks going through this area and we have been trying to figure out a way to address it. We were hoping to put up some signage prohibiting the large trucks. The problem we can run into is the one dump truck that we checked had an empty weight of 22,800 pounds. The school busses have a higher empty weight. Therefore, this is not going to work the way that we had intended it to. We need more information to address it. We will have to take a different avenue for this. Suzanne Schauman stated it is more than just Montague as we have signs posted on 13th Street and they come off of Hwy 16 and go down Maple Street and come out by Dairy Queen. The big turbines that hold up Main Street for 5-10 minutes. Why can’t they stay on I-10 and avoid our city. Can we get TxDot involved? Lamar Schulz stated we need to pass this item until we can get more information. As we dug into the problem it was not as easy of a solution as we had anticipated. Jim Hannah added he agrees we need to table it until later. Suzanne Schauman stated we need to postpone it until a later date.

1. Request to add Betty Brown, Treasurer, to be an additional signee on the Skate Park Trust and City of Bandera accounts

Lamar Schulz stated we thought it would be better to have an additional signor just in case of vacations and she is in charge of finance.

**Council member Glenn Clark made a motion to approve adding Betty Brown, Treasurer, to be an additional signee on the Skate Park Trust and City of Bandera accounts, seconded by Council Member Sheila Pumphrey. All in favor. Motion carried.**

1. Adjourn

**Council member Glenn Clark made a motion to adjourn at 6:39 pm, seconded by Council Member Charlotte Browning. All in favor. Motion carried.**

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Karen Chesler John Hegemier

City Secretary Mayor