**MINUTES**

**FOR THE PUBLIC HEARING & REGULAR MEETING OF THE**

**CITY COUNCIL OF THE CITY OF BANDERA**

**MAY 7, 2015**

**AT 6:00 PM IN THE MUNICIPAL BUILDING**

**AT 511 MAIN STREET, BANDERA, TX**

1. Meeting called to order by Mayor John Hegemier. Council members Glenn Clark, Suzanne Schauman, Sheila Pumphrey, and Jim Hannah were present. City Administrator, Lamar Schulz, and City Secretary, Karen Chesler were also present.
2. Invocation given by Linda Stein & All stood for the Pledge of Allegiance

Note: Charlotte Browning arrived at the meeting at 6:07 pm.

1. Visitors to be heard – Regular Meeting

Linda Stein stated, looking at the information about the manufactured park, liability, and damage to property on piers, it is a huge liability to the City. Ms. Stein believes that placing a manufactured home park in the floodway would be the wrong thing to do.

Dorothy Dardin stated she was involved in the flood of 1978. That flood took all of her house and she would not recommend building anything in the floodway.

Tom Laxson stated it is just a bad idea, the floodway is moving water and that’s what tears stuff up. Mr. Laxson believes the only thing allowed in the floodway was RV parks and even that is questionable because of the other buildings.

Rilla Stephens stated she was here in 1978 they had to cut the fence at her house to allow the animals to get out. Rilla Stephens asked if these people have ever built in the floodway and if they were going to be an onsite manager. As elected officials of the City it is their responsibility if we have any loss of life. Ms. Stephens pointed out, if we allow these people to build in the floodway, we are putting our EMS and emergency response personnel in danger.

Raymond Adamietz stated we did not get all of the water that we were supposed to in the worst floods because it was over the great divide. The trailer park in the floodway or floodplain is the travel trailer park. The caboose had to have a truck there to pull it out and then they were allowed to fill in the bottom portion of the caboose.

Andy Wilkerson stated he is a lifelong resident here and he was here in the 1978 flood. Both he and Glenn Clark worked rescue during the flood and body rescue after these floods. If you had worked on these efforts, you would know that you never want to build on the river. We know better now. We should learn from those floods and not build on these lots. Candice Dardin stated please do not make this mistake and allow people to build in these areas.

1. Minutes of Previous Meeting

**Council member Jim Hannah made a motion to approve the minutes of the Regular Meeting of April 2, 2015, seconded by Council Member Charlotte Browning. All in favor none opposed. Motion carried.**

**Council member Suzanne Schauman made a motion to approve the minutes of the Special Meeting of April 20, 2015 at 6:00 pm, seconded by Council Member Glenn Clark. All in favor none opposed. Motion carried.**

1. Public Hearing:
2. The City of Bandera has applied to Texas Parks and Wildlife Department for grant assistance to implement a park project (Silver Spur Skate Park) that will be located in the 100 year floodplain. The City would like to receive any public comments on the location of these improvements within the 100 year floodplain.

Glenn Clark asked if Tom Brown wanted to speak on behalf of the project. Tom Brown from Naismith Engineering stated he is working with the city on the grant application. Texas Parks and Wildlife requires a Public Hearing due to the Skate Park being located within the floodplain to see if anyone has any concerns about building there. Mr. Brown added any designs or improvements in a floodplain have to have a certificate from the floodplain manager. Mr. Brown stated they do not see any problems with this. Linda Stein stated she has seen concrete come up in a flood. Mr. Brown stated they are putting the concrete down further to prevent the water from pushing it up. Sheila Pumphrey stated she has seen concrete come up and the slab thrown 100 feet or more over a cliff at English Crossing. Mr. Brown responded what he thinks we are seeing is at the low water crossing. However, the Skate Park would not face the same types of stress of water flowing underneath it all of the time. The Skate Park would be affected only periodically when it is flooding. Rilla Stephens asked if this is just in the floodplain and not the floodway, is that correct. Glenn Clark replied do you know where the restrooms are located in the park across the street from the back restrooms, in the back water where the flood comes through. Mr. Clark lives a few blocks from there and is well aware of where the water goes through when it is flooding. Jim Hannah replied where the proposed Skate Park is in the floodplain and not the floodway. Glenn Clark stated all of the Skate Park contractors he has spoken to have experience with this and it is pretty common to have Skate Parks in places like this. Rilla Stephens asked how much will it cost. Glenn Clark replied there is a wide range of prices on it and it depends on what we can get for the grant. Glenn Clark stated they have raised about $25k, EDC has committed $50k and if they can get a matching grant for $75k that would be $150k. Andy Wilkerson asked if they are making sure they are FEMA compliant in the floodplain areas. Mr. Brown stated a vast majority of these are built in the floodplain. Jim Hannah stated the flood plain usually has an area that the water backs up into and very little chance of what they are talking about. Glenn Clark stated the City Council approved the location of the Skate Park approximately ten years ago. Mr. Brown stated the Texas Parks and Wildlife takes these grant requests once a year with the submission on March 31, but they will make a decision at the August board meeting and they will know about a week in advance. The total amount is $150k with the Skate Park being about $120k or $130k. Charlotte Browning asked what other events can they have there. Mr. Brown replied just a Skate Park because kids need to have a place to go. John Hegemier asked if anyone had more comments about the Skate Park.

John Hegemier closed the Public Hearing of the City of Bandera at 6:10 pm.

1. Regular Meeting:
2. Discussion and Possible Action on the Following Topics:
3. Discussion and take action on Public Hearing for the Texas Parks and Wildlife Department grant assistance to implement a park project (Silver Spur Skate Park) that will be located in the 100 year flood plain. The City would like to receive any public comments on the location of these improvements within the 100 year floodplain

John Hegemier stated this is for information only and we do not need to make a motion.

1. Request from the Grahams with flood plain impact study for placement of manufactured Homes within the regulated floodway of the Medina River

Bud Grahams stated he has sat here and listened to all of the Public Comments. They bought this property, they had a Hydraulic Study done and it is basically a waste after he has heard the testimony today. Mr. Graham stated there is nothing greedy about him and he did not buy this to be greedy. He saw an opportunity for rental property in Bandera, the opportunity presented itself and he bought it. Mr. Graham stated after listening to what everyone said he would like to take a moment to reconsider. The Graham’s went before Planning & Zoning in consideration of the Hydraulic Study, FEMA guidelines, ordinances of the city and everything else with all of the hoops of four different meetings. Mr. Graham did his homework but it doesn’t mean anything when he hears testimony of what happened in the past. Mr. Graham stated he understands what they are saying and they are going to change his request to rezone the property not to residential manufactured but to RV Park with something that can be moved. According to the Hydraulic Study he should be able to put Manufactured Homes but the real life stories are what he will listen to. Currently, they have two mobiles there but they have been there for years. He does not want to take the chance if someone were to get hurt or killed. Mr. Grahams wants to go back to Planning & Zoning to rezone for a RV Park for the other eight places with the same regulations the other RV Parks operate under. Those parks have to get the RV units out if they know a flood is coming. Ms. Stephens stated they will need an on-site manager and a way to pull the trailers out. Suzanne Schauman stated she lives at the Pioneer RV Park and she appreciates them rethinking their position. The RV Park would be a great addition to Bandera. Mike Armstrong stated the Graham’s have done their work on what they need to do to accomplish what they wanted to do.

**Council member Glenn Clark made a motion to pass on this item and allow the Graham’s to go back to the Planning & Zoning to have the property rezoned as RV, seconded by Council Member Suzanne Schauman. All in favor none opposed. Motion carried.**

1. Request approval of a new job description for the Utility Clerk position

Lamar Schulz stated there should be a copy in council’s packet of a job description modeled after one used by the City of Taylor, Texas. John Hegemier stated a new job description was written as no prior job description could be found. We needed a job description for the new utility clerk.

**Council member Glenn Clark made a motion to approve the new job description for the Utility Clerk position, seconded by Council Member Sheila Pumphrey. All in favor none opposed. Motion carried.**

1. Request from Bandera Electric Cooperative, Inc. WO#311421 in the amount of $2,766.75 to install a light at Mulberry Well, three lights on Old San Antonio Highway and one at the Dallas Street Well

Lamar Schulz stated they are still working with them to get a figure not to exceed this amount and that includes what EDC’s paying and what we are paying as a lump sum. The city’s portion is only $1720 and EDC’s is $1,049 and the City has already paid a portion. Mr. Schulz stated he would like to get these lights put up so that we do not have any problems at these wells.

**Council member Suzanne Schauman made a motion to approve the request from Bandera Electric Cooperative for the amount of $2,766.75 to install lights at the Mulberry Well, three on Old San Antonio Highway and one at the Dallas Street well seconded by Council Member Glenn Clark. All in favor none opposed. Motion carried.**

1. Request for Interlocal agreement with Region 20 for the purchase of office supplies and furniture

Lamar Schulz stated in an effort to minimize our costs with office supplies and furnishings we might need. If we join Region 20 with the school district we can get there pricing and save us money on our supplies. Suzanne Schauman asked what is the timeframe for this if we sign this tonight. Lamar Schulz replied that he could not tell them. Suzanne Schauman asked in the meantime what we do. Lamar Schulz replied we use Staples. Suzanne Schauman asked what does the county use. Andy Wilkerson replied Staples or Office Depot. Jannette Pieper stated before Betty Brown left she set them up with Nolan’s Office Products, Inc. and they have purchased through them. Lamar Schulz stated we are just trying to get better prices on the office supplies. Suzanne Schauman replied but please watch to make sure they continue to give us a good deal.

**Council member Glenn Clark made a motion to approve the request for the Interlocal agreement with Region 20 for the purchase of office supplies and furniture, seconded by Council Member Sheila Pumphrey. All in favor none opposed. Motion carried.**

1. Request form EDC for a budget adjustment of $7,000 for materials and labor to paint a mural at 12th & Hwy 16th

Martha Shoemaker stated she was with the EDC in the budget hearings of August and September but they were not able to put together the packet for this. The pictures are from Bill Stevens. They are looking at 12th Street and Hwy 16 on the side of the building a 16’ by 40’ mural. Mr. Burell and Mr. Stevens presented to the EDC the $7,000 budget request. Linda Stein asked if that is Don Clark’s building. Martha Shoemaker stated yes it is. Toni Kunz stated they are continuing to look for other potential sites. Bill Stevens stated the title of the picture is “Kelly’s Coffee.” Jim Hannah added the mural is going to be painted in several panels and then put up. Martha Shoemaker stated they will have to have a performance agreement with Bill Stevens. Ms. Shoemaker stated they will be able to remove the panels if they need to be and they will own the mural. Rilla Stephens asked how will this be cleaned. Bill Stevens stated Mother Nature or a hose to clean the mural. Mr. Stevens stated he only uses three colors in the painting. David Burell stated this is one of the first buildings you see when you come into town. Rilla Stephens stated if you have been to Saint Saba you have seen these murals.

**Council member Suzanne Schauman made a motion to approve the request from EDC for a budget adjustment of $7,000 for materials and labor to paint a mural to be put up at 12th Street & Hwy 16, seconded by Council Member Jim Hannah. All in favor none opposed. Motion carried.**

1. Update on the accounting of the $350,000 that was withdrawn from the certificate of deposit in June 2012

Lamar Schulz stated this is just a brief update on things. At that time the Mayor Pro Tem and City Administrator withdrew the funds from the Certificate of Deposit and placed the funds in the General Fund. We are not alleging that any money disappeared. We checked with the County Clerk’s office for copies of the budget amendments which had been approved in the council meeting on September 17, 2012 and none were found. Mr. Schulz is going to check with Monte Akers to see if they have anything because during this timeframe they represented the city. The City of Bandera staff has not found any of the copies and the paperwork is not in the minutes. Jim Hannah stated this has been done without any transparency to the City Council. John Hegemier stated the money did go from the CD to the General Fund and it stayed in the bank. Lamar Schulz stated correct it just changed where it was, from the CD to the General Fund. Then it was comingled with other funds from the city and to figure out where this was used gets a little tough. Suzanne Schauman asked if there was other money that has been moved around. Lamar Schulz stated they saw where money was moved out of one account and back to where it was taken from. This is only happened at Bandera Bank. Lamar Schulz stated any time money is moved, the council should have knowledge about it. Rilla Stephens asked if they had permission to move the money before they did it. Lamar Schulz replied no and it should not have happened. Karen Chesler stated now at Bandera Bank they are requiring the documentation that council has approved these transactions before they are being processed. Discussion only, no motion made.

1. Request to Appoint Alan Yatte as Associate Judge and set compensation

Item skipped or pulled from the agenda.

1. Request to approve employee evaluation and performance reviews form

John Hegemier stated the City Attorney has provided some samples and they can review them. Lamar Schulz stated this can be tabled until another meeting if they so choose to review these before they approve them.

**Council member Glenn Clark made a motion to table the employee evaluation and performance review form until the next meeting, seconded by Council Member Charlotte Browning. In favor – Suzanne Schauman, Glenn Clark, Sheila Pumphrey, and Charlotte Browning. Against – Jim Hannah. Motion carried.**

1. Request for Gary Trichter to present a proposal allowing the display of patriotic signs around the City of Bandera

Glenn Clark stated he does not understand why this is being brought to council as they have ordinances and if the business owners want to buy them they have policies in place to take care of this. Suzanne Schauman asked if he does go door to door. If so, he should have a Peddlers Permit just as others should. Jim Hannah stated he does not understand why this is being brought before them and Bandera is a patriotic city. If they are putting the signs in the window they should be fine. If they are looking at having the signs outside they need to have them permitted. Jim Hannah stated this is his freedom of speech. No motion made.

1. Request for motorcycle parking in front of the Chikin Coop on the bridge for May 22, 23, 24, 2015

**Council member Glenn Clark made a motion to approve the motorcycle parking in front of the Chikin Coop on the bridge for May 22, 23, 24, 2015, seconded by Council Member Charlotte Browning. In favor – Glen Clark, Jim Hannah, Sheila Pumphrey, and Charlotte Browning. Abstained – Suzanne Schauman. Motion carried.**

1. Request for Municipal Court Clerk use of Incode program

Jim Hannah stated he would like to discuss it tonight and he sees that the Court Clerk is here. Recently, there has been some difference of opinions and restrictions put on the departments. This is what led to losing a very good Utility Clerk. Incode was set up to allow the workers to make corrections as needed. The previous Treasurer prevented or took away these privileges but the corrections were recorded. The process makes them stop or ask to make the corrections from an authorized person. Jannette Peiper stated the problem is that if she makes a mistake with a receipt it can hinder her from finishing the transaction. The computer has a tattle tale list and she cannot alter because it is built into the system. Ms. Peiper feels the delay will not allow her to do her job in a timely fashion. Ms. Peiper stated she has only made a mistake on an occasion or two. It is similar with the water bills and they can input the wrong amount or information. Sheila Pumphrey stated she thought it was put in based on what is needed. Lamar Schulz stated he and Betty Brown discussed the process and they approved it. Mr. Schulz stated the reason he approved it was we need to take personalities out of it, trust or any other factors. Mr. Schulz stated this is merely a check and balance and he knows what the computer does but many cities have this policy for all areas that take in currency. The idea behind it is you have to understand if a person comes in with cash, they get a receipt; the clerk voids the receipt, issues a new one for a different amount, and pockets the difference in cash. Jannette Peiper stated she goes to the post office everyday to get the mail and she could easily do the same with the cashier’s checks or cash. Charlotte Browning asked have we had this problem here. Lamar Schulz stated there have been some concerns, thus, they applied it to all individuals across the board. Toni Kunz stated she knows this can be an issue and whether employees are trustworthy or not. This is not what this is but a small city and everyone is extremely busy. We just need a happy medium but if you have to ask someone else to come make the correction she would highly recommend using the audit system we paid for a system to be more efficient. Toni Kunz stated we need to put a process in place to address this with an audit system. Joe Hearn stated this is a very common business practice and helps to safe guard. Glenn Clark stated just a few items ago we were talking about transparency and accountability and he does not see why this is a great big problem. Jannette Peiper stated the other day when this happened she was not able to batch out and Karen Chesler was not able to complete her day. Lamar Schulz stated right now we are not using this process but would like to bring it back when we are fully staffed. Mr. Schulz stated in the past, we were not batching out every day and that could have had an issue. Suzanne Schauman stated this is already in the system and we can see what receipts were voided. Jannett Peiper stated she does not want to make a big deal about this but she knows what her duties are as the Municipal Court Clerk. The report says if she had a void or not.

**Council member Jim Hannah made a motion to approve the three departments use of Incode program to void as needed and stay permanent even when a Treasurer is in place to not hurt the moral, seconded by Council Member Suzanne Schauman. In favor – Charlotte Browning, Jim Hannah, Suzanne Schauman, and Sheila Pumphrey. Opposed – Glenn Clark. Motion carried.**

1. Request for an outside audit of former City Treasurer’s work products prior to a new treasurer assuming the office

Jim Hannah stated this goes along with what we just discussed. We had Randy Hollar come in train, and set up the new system. Incode was set up as Betty Brown the previous Treasurer, requested. That caused a lot of extra steps and work for her. Mr. Hannah does not agree with how this was set to make it harder and tailored to her needs. Glenn Clark stated we are talking about two different opinions. Jim Hannah stated he wants Randy Hollar to come back and set the system up how it should be reset. Lamar Schulz stated that is his opinion on how it should be set up and not a standard operation. Suzanne Schauman stated we have had this discussion before and we cannot change for an individual. As far as an audit, we did not even have starting numbers and we will have to have Randy Hollar come back in and train the new treasurer. Ms. Schauman asked do you want to change the system to how he thinks it should work just because somebody does not like the way it works they cannot change it. Lamar Schulz stated we may want to talk to Incode and get what their opinion is. Glenn Clark stated we have someone sitting up here who wants to micromanage and get buddy-buddy with the employees. Mr. Clark stated we are elected officials and we are the ones that set the rules. Mr. Clark added we hire people to follow the rules that we set up and it is not the other way around. We have people that do not even go to the City Administrator anymore they go around if they are told no elsewhere.

**Council member Glenn Clark made a motion for no action to be taken or reject the request for an outside audit of the former City Treasurer’s work products prior to a new treasurer assuming the office, seconded by Council Member Suzanne Schauman. In favor – Sheila Pumphrey, Charlotte Browning, Suzanne Schauman, and Glenn Clark. Opposed – Jim Hannah. Motion carried.**

1. Request for technician to review the city’s Incode accounting software for possible changes and/or corrections

Jim Hannah stated he would like to see Randy Hollar back as he has insight into this office and employees. Mr. Hannah would like to have Mr. Hollar set up a straight system. Mr. Hannah stated it wasn’t until after he left that there were issues with the employees. Glenn Clark stated he thinks both 13 and 14 are the same item.

**Council member Glenn Clark made a motion for no action to be taken or reject the review of a technician of the city’s Incode accounting software, seconded by Council Member Suzanne Schauman. In favor – Suzanne Schauman, Glenn Clark, and Charlotte Browning. Opposed – Jim Hannah and Sheila Pumphrey. Motion carried.**

1. Adjourn **- Council member Glenn Clark made a motion to adjourn at 7:30 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