**MINUTES**

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

**CITY COUNCIL OF THE CITY OF BANDERA**

**APRIL 2, 2015**

**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 Glenn Clark, Suzanne Schauman, Sheila Pumphrey, Charlotte Browning, and Jim Hannah were present. City Administrator, Lamar Schulz, City Treasurer, Betty Brown, and City Secretary, Karen Chesler were also present.
2. No Invocation given & All stood for the Pledge of Allegiance
3. Visitors to be heard

Brian Black stated he wants to thank the Marshal’s for doing a fantastic job for handling one of the biggest bike rallies last weekend. They did not have any problems at all and the city made money along with everyone in town. Great job.

Betty Brown stated she would like to make a public announcement if she may because of personal and medical reasons she has tendered her resignation as Treasurer to the City of Bandera effective 04/10/2015. Ms. Brown stated it has been a real pleasure working with everyone to get things put in proper order. John Hegemier stated he appreciates the work she has done for the City of Bandera.

1. Minutes of Previous Meeting

**Council member Glenn Clark made a motion to approve the minutes of the Regular Meeting of March 12, 2015 at 6:20 pm, seconded by Council Member Sheila Pumphrey. In favor- Glenn Clark, Sheila Pumphrey, Charlotte Browning, and Jim Hannah. Suzanne Schauman abstained. Motion carried.**

1. Public Hearing:
2. Request for amending ordinance: Chapter 14-Zoning, Article 10-II-4, Sec(f) District “B-1” – Central Business District, Use Regulations under: The setback and height requirements, and lot sizes, for uses permitted within this district shall be: change item (5) to read as follows: The maximum height for any building or group of buildings within this district shall be no more than 50 feet

John Hegemier stated Planning and Zoning has recommended that we make this change and asked Toni Kunz if she wanted to speak. Toni Kunz stated the change was requested and after the Public Hearing they felt they should recommend it to City Council. Charlotte Browning asked will that make it three stories. Toni Kunz replied actually the request was for 48 feet and they just rounded it up to 50. John Hegemier replied we took the number of stories out of the ordinance we just went with a height requirement. John Hegemier asked if that makes it three stories. Toni Kunz replied if they were short stories you probably could get four stories. Suzanne Schauman stated she wanted to be at the P&Z meeting but was not able to and she is against this ordinance because she believes they should do a situation by situation review because if OST decided to put a four story department store above them. Ms. Schauman wants to take it on a case by case basis and let them go to the Board of Adjustments. She wants this job to go forward and she has no problem with it but does not believe changing the ordinance is the best answer for the city. John Hegemier stated the Board of Adjustments only grants a request for a variance if they have a special geographical need and he doesn’t believe they would be able to get a variance. Suzanne Schauman stated she won’t agree to that. Andy Wilkerson stated you have to have some guidelines when people look at your city and want to build there so they can plan what they are going to build. Otherwise, they have no idea what the limitations are and if they draw up plans and they cannot build it because of the height requirements. Brian Black agrees that we need to have a structure put in place and everyone can follow it and then let them submit the plans. If they know they only have 30 feet they may not look at Bandera. Suzanne Schauman stated look at downtown Bandera past the court house that is not Bandera but do you really want to see a four story and five stories Foley’s. Brian Black stated he doesn’t want to see that. Suzanne Schauman stated but it opens it up to that. Brian Black stated no, he does not think so. They could put up a three stories if they wanted to. We wouldn’t see that store because we do not have the traffic they would need. Brian Black stated he sees this primarily for hotels or motels. Suzanne Schauman stated but who is to say. You can’t predict generations down the road and who is going to come in here. John Hegemier stated but the Board of Adjustments is not going to be able to grant a variance for this situation. Toni Kunz stated she has two things. She has an issue with everyone just applying for a variance but they may not want to jump through those hoops and secondly we need to rezone some of these areas. Rezone the historical area and the other area as commercial. Suzanne Schauman does agree with that and the rezoning of the different areas and then to have the changes made to the areas other than downtown. Suzanne Schauman would be in favor of that in the Commercial area but not in the Historical District or downtown area. Rilla Stephens stated a feasibility study was done a couple of years ago and the hotel was 55 rooms at that time and the town didn’t support that many rooms. The occupancy has to be throughout the week and not just the party weekends. The highest building in Bandera is the Court House. We have a mall that is not full and a hotel that has not been full even when it was new. If the top floor is for residents then you will need permanent parking for these people. The second floor was for a hotel and the first before for shops. John Hegemier stated they would like to go up to 47 feet for the multi use structure and the fire suppression is better now. If someone comes to our town and wants to do a project we should allow them to do so. Suzanne Schauman asked how quickly would P&Z be able to rezone the downtown section but it is pretty obvious. Suzanne Schauman asked if we approve this tonight could this be on the next agenda. Toni Kunz replied it can be on the next agenda for April 14. Suzanne Schauman asked if a public hearing needs to be done. Toni Kunz replied we will have a notice on it. Suzanne Schauman stated if we agree to go forward with the rezoning thing then we will have specific requirements for downtown as well or the real historic district. Toni Kunz stated we still have the permitting process to fall back on and they have to apply for the building permit. We can put it on the agenda for the P&Z and then have a recommendation for the following meeting.

John Hegemier closed the public hearing part of the meeting at 6:15 pm.

1. Regular Meeting:
2. Discussion and Possible Action on the Following Topics:
3. Discussion and take action on Public Hearing and recommendation from Planning & Zoning Commission for Chapter 14-Zoning, Article 10-II-4, Sec(f) District “B-1” – Central Business District, Use Regulations under: The setback and height requirements, and lot sizes, for uses permitted within this district shall be: change item (5) to read as follows: The maximum height for any building or group of buildings within this district shall be no more than 50 feet

Toni Kunz stated she is committed to rezoning those areas.

**Council member Suzanne Schauman made a motion to approve the recommendation to change the building maximum height for any building to not more than 50 feet, seconded by Council Member Charlotte Browning. All in favor none opposed. Motion carried.**

1. Request and presentation for approval of Bandera City Marshal’s Office National Night out event for October 2015

Deputy Willie Smith stated the first page of the packet just explains what National Night out is. The National Night out is held here at the Fire Department. Mr. Smith did not think last year was successful. The mayor came by and got some free food but it wasn’t a true community event. In the past he put together a National Night out at other city he was at and they were pretty successful. The city brought in snow for the kids. Mr. Smith’s idea is to have it community driven and donation driven with very little money from the city for this event. Mr. Smith pointed out the next page with the objectives of and why he is doing what he wants to do. The reasons are…1)To bring together the community as a whole and promote the idea of knowing your neighbor even though new people move in and we do not get to know who they are. He would like bring them in and part of the community. 2) To increase community involvement with first responders and to let them meet them all on a personal basis. A lot of people only know us in a business setting. They will set up the equipment and let the community look. 3) To spread crime prevention and safety awareness amongst the community basically for a night against crime and everyone turns on the porch light and meets in the middle of the street. Bandera does not have different neighborhoods and he would like those that live in the county to also participate. If you have a concern you need to be able to come talk to him. It affects everybody. 4) To allow the public an opportunity to meet city and county officials on an informal level and he wants all of the City Council to go out and shake hands and meet who they serve. It will include the county commissioners. Everyone will get an invitation. 5) To increase public awareness of Bandera and our community values a local radio station will come out and broadcast music live. Everyone will know we have the best event. Some goals for the event are to be almost exclusively donation driven with little cost incurred by the city, full participation by all county and city departments. Mr. Smith has done it on a shoestring budget before and he can do it again. The last page is a letter he wants to send out personally he will go and shake the hand of the manager of the establishment. Mr. Smith is planning on going to Wal-Mart, Target, and HEB or any and all of our businesses for door prizes. Mr. Smith would like full participation from all of the city departments and county offices. Some of the ideas he has are a bounce house, fire trucks and other vehicles on display and let people/children crawl all over them. A Fly in from Air Evac/Air Life. If you have not seen it up close it is interesting and everyone seems to love it. Mr. Smith has already talked to them and they are willing to participate. Everything will be free. Food prepared by first responders just to give back to the community with possibly a bike safety seminar or rodeo. The Marshal’s have bike certified officers in the department that would be able to come out and put something on for the kids and show them how to ride bikes safely. With the Skate Park coming up with not just bikes but skateboards and other stuff. Free handouts for kids and adults with the gun locks. A 911 Fox appearance that usually is out here from dispatch. Mr. Smith just wants to get permission before he starts soliciting for donations. Glenn Clark asked how you would set that up. Would you take donations or is the city going to take these in. Willie Smith replied what he has done before it has come in to the Marshal’s office and then they had an account set up but if he could get that set up it would be great. Typically, it is not monetary donations but food, prizes and other things. Andy Wilkerson asked where it is going to be. Mr. Smith replied they are going to have it at the Boy’s and Girl’s Club with the covered area and the big open area beside it they feel will be enough room for parking. The location is easy access to the park and to the river. Greg Parker with the Boy’s and Girl’s Club has already given approval to use the facilities and they are very excited about it. Andy Wilkerson asked if this is a day time event. Willie Smith replied it is in the evening and usually starts about 5:30 or 6:00 pm and goes until about 10:00 pm about a 4 hour event so when people get off work they just come down and hang out with the family. Andy Wilkerson asked if he has asked any of the churches to help out. Willie Smith replied he has not talked do anyone until he gets council approval. Glenn Clark stated he thinks it is a good idea. Will Dietrich stated Willie Smith has been wearing me out about this. In the past, it has been small and low key right out here in front of the Fire Department with very limited parking. What you end up with is parents not stopping because there is no where to park. Mr. Dietrich stated Willie Smith wants to get everyone involved in it and with the donations he wants it all in the open and upfront.

**Council member Glenn Clark made a motion to approve the Bandera City Marshal’s Office National Night out event for October 6, 2015, seconded by Council Member Charlotte Browning. All in favor none opposed. Motion carried.**

1. Request from Martha Shoemaker, EDC President to present the 2nd hearing for the Silver Spur Skate park for approval

John Hegemier stated Martha Shoemaker is not here to discuss this item. We will table until the next meeting.

1. Request to purchase two trucks for the Public Works Department

JR Higgins asked if council has a copy of the information. Mr. Higgins stated we have a certain amount of dollars and they need two trucks. These are the only two we can get for the amount of money we have. Jim Hannah asked are these truck identical. JR Higgins replied yes. Sheila Pumphrey asked if these trucks are able to do the job that they need them to do. JR Higgins replied yes. What they have in mind for these two trucks are to use them to make rounds with, service work with, turn on and turn off meters. The everyday stuff they have been using the three quarter ton truck for. The trucks should be cheaper on maintenance and fuel. They are four cylinder automatics. Toyota has a good life span and a warranty on them. It is not the ideal truck but it will work especially for the extended cab to put the maps and equipment. Suzanne Schauman asked if we collected the funds for the equipment. JR Higgins stated yes he does believe so.

**Council member Jim Hannah made a motion to approve the purchasing two trucks for the Public Works Department, seconded by Council Member Charlotte Browning. All in favor none opposed. Motion carried.**

1. Request to purchase and install a network server, software, UPS, switch, access points and to purchase a Next Business Day Onsite Service Contract

Lamar Schulz stated we have a representative here from RX Technologies. The basic situation is that come July our server it is not going to be supported any longer and we could have some issues. Mark Rizzo with RX Technology explained we serve a lot of small cities and municipalities. Windows 2003 is over 10 years old. Microsoft at the end of June is saying they are done with supporting the server as it is 13 years old. This opens it up for hackers. This will be out of compliance with HIPPA and the Marshal’s office sensitive data. Anything personal that is on the computer and the computers you have not would not be supported. Mr. Rizzo stated it is possible that others are able to see the other department’s information because they are on the same server. We can put one physical box there with walls between them or you can buy three servers to be separate. That is the way we can make it the most safe and compliant with State and Federal Laws and something that will last. Mr. Rizzo stated just two wireless access points will make this where you can use your phones or laptops inside the building separate from the network. We will set it up that if you are a member of the network you can use the network. Mr. Rizzon stated UPS is if you have a power outage and if the server crashes in a disaster. The city has a lot of photos, records and data on the server. UPS will keep it running if you have a power outage. The one they are proposing lasts for three hours. We program it if the power goes out and if the power comes back on it turns off and recharges itself and everything is fine. If the power continues to fail at about 35 or 40 minutes it will shut everything down properly. It is a smart thing. Brian Black asked how much will a longer memory increase the proposal if instead of three hours it was eight hours. Mark Rizzo stated it is probably about another $1,000 and they are just figuring that the computers are already shut off and it is just the server that the UPS is running the computers will be off. Mark Rizzo stated nobody can access anything or do anything so it doesn’t really accomplish anything. They just want to make sure that it is protected. Brian Black asked if the Next Business Day Onsite Service Contract is for repairs. Mark Rizzo replied they use Dow and Cisco and this would be backed by either of them. RX Technology has been around for 20 years but we will still be backed by Dow and Cisco. John Hegemier asked how does this look on our budget. Lamar Schulz replied that is our biggest problem. Betty Brown stated we have an $11,000 credit from Incode and that would cover a large portion of it. Glenn Clark stated it is pretty evident that we need to update. Will Dietrich stated we have some issues with the Marshal’s office and can access the car video if that one crashes we will lose all of our video. Will Dietrich leaves the doors open to make sure that it does not get too hot for the computer? Lamar Schulz stated they are working on some more things for the Marshal’s Department but they are not ready with them now. Once they are upgraded then they could be up for some additional grants and stuff. Jim Hannah asked if we can take care of the Marshal’s Department and then come back with this after. Lamar Schulz stated this service affects all of us. Andy Wilkerson stated the county was mandated certain criteria for data now. Lamar Schulz stated they are looking at that for the new budget cycle for the Marshal’s Office but they need to get this portion of it taken care of before that can happen. They are looking at bringing an amendment to the council at one of the next meetings. Suzanne Schauman stated she knows this is necessary. Jim Hannah asked if you are going to have more numbers for us at the next meeting, can we table this. Lamar Schulz replied I guess you can. Glenn Clark stated he has not heard anyone say this is something that we can do without so I do not see a reason to delay it another two weeks.

**Council member Glenn Clark made a motion to approve the purchase and install a network server, software, UPS, switch, access points and to purchase a Next Business Day Onsite Service Contract, seconded by Council Member Charlotte Browning. All in favor none opposed. Motion carried.**

1. Request to purchase and install a backup device and offsite cloud storage for the Network Server

Lamar Schulz stated this is on the second page of the handout from Mark Rizzo. They are recommending option one. Mark Rizzo stated this is the back up of the data and in case of fire or flood. This keeps it off side and on the cloud. Mark Rizzo stated it is as secure as any cloud can be. The connection is a secured line and it is encrypted. John Hegemier asked if law enforcement is a different way. Mark Rizzo replied it exceeds the requirements. Lamar Schulz stated Helotes uses this company and they have a lot more data. John Hegemier stated the department has more than a terabit of data. Mark Rizzo replied the analysis they did indicated one terabit was sufficient. Will Dietrich stated they have a lot of data to store and they were afraid to lose the data with the pictures. Glenn Clark asked would option one meet our needs and if at some point we needed to upgrade can we to number two. Suzanne Schauman stated we are going to be paying $3,245 for the equipment and then a $283 monthly fee to keep this up and maintain the data. Mark Rizzo replied yes. Brian Black asked how much data can be stored on the cloud. Mark Rizzo replied about six months of data. It is about $100 for each terabit more of data.

**Council member Glenn Clark made a motion to approve option one the purchase and install a backup device and offsite cloud storage for the Network Server, seconded by Council Member Charlotte Browning. All in favor none opposed. Motion carried.**

1. Financial Reports
2. Permits Department Report
3. Public Works Department Reports
4. Finance Reports
5. Municipal Court Activity Report
6. Marshal’s Department Report

Karen Chesler stated the residential building for February we did not have a lot of activity with only two permits issued and commercial we had three permits issued with the biggest one being the Gas ‘n Go for HVAC around $900. For signs and permits we only had one banner for the month.

JR Higgins asked if there was anything they would like to know about. Mr. Higgins feels like the highlight is that Jerry Alcorta did receive his D water license. Lamar Schulz replied Jerry Alcorta received his number even though he did not get the certificate. John Hegemier asked was it the ground water exam that he took. JR Higgins replied yes, it is. Glenn Clark asked how the work on the Indian Water well is coming. JR Higgins replied they have everything tore apart and they are getting some fittings made for the four inch galvanized pipes made and threaded. Most businesses just do the smaller fittings but they were suppose to send him some information and set up an account. JR Higgins stated he has a guy coming next week to give us a bid on setting up the well systems by radio control so they all can work together instead of one well and one water plant doing 90 percent of the work for the whole city. The way the plants are currently being operated is not efficent. The only logical way he can get this done is by having radio controls so they work together and go off together. Mr. Higgins does not want any pressure issues. Glenn Clark asked who he is working with to get the fittings done and threaded. He needs galvanized piping to replace the old stuff that was leaking and it all needs to be replaced. Glenn Clark stated he will do some calling and find out if he has any contacts around here. JR Higgins replied he does appreciate it. A way make the classes more accessible to the employees. Suzanne Schauman asked how much does the next level cost for Jerry Alcorta. JR Higgins replied each class costs around $300 it just depends where it is as not all classes are in the same place. If you sign up you need to be able to pay and not when you get there. Suzanne Schauman asked are we in compliance with just the one license. JR Higgins replied he needs two more classes or 20 hours per class and pass one more test for the C Water license. One class can be done online and will count for the wastewater when he goes over to do that. The other class, water distribution, he will have to go to a class and some are in San Antonio. When he tried to schedule it he did not have any way to pay for it. Suzanne Schauman asked what happened to the city credit card. Lamar Schulz replied we got rid of those a while back when Home Depot had the breach. We have been waiting for the new credit cards to get approved. Suzanne Schauman stated maybe you need to sit down with Lamar Schulz and figure out a way to get this done. This is very important to get this done. JR Higgins stated for the classes and motels we need the credit cards. Suzanne Schauman stated didn’t we agree to the credit cards with the great rates. Ms. Schauman asked where is this at. Lamar Schulz replied it is in the process. Suzanne Schauman stated it has been a month and she can call up and get one in 30 minutes. Glenn Clark stated but you are not a city. Ms. Schauman asked why someone can’t get Mr. Alcorta signed up and a check issued to pay them back. JR Higgins stated he did pay for the first one with his own credit card. Suzanne Schauman asked did you get paid back for the class. JR Higgins replied yes but that is not the point. Suzanne Schauman replied I know. JR Higgins stated he should not have to finance the city’s dealings. Suzanne Schauman stated this is ridiculous and we need to get on that. Ms. Schauman asked why it is taking so long. Betty Brown stated because it is a corporate credit card and we have to be voted in. Charlotte Browning asked how long will it take. Betty Brown stated she will check with them Monday morning. Glenn Clark asked about the potholes. JR Higgins replied we have spent several days on potholes and patched a lot of them. They have ordered a new batch and they have spent some time working on the park. Mr. Higgins stated the report shows that they only have a 1.26% water loss and he figures it is pretty close to being right.

Betty Brown stated the summary reports are included in council’s packets. Year to date for the General Fund there has been an increase of $231,887.69 in revenues against expenses. In the Hotel Fund there has been a $2,000 increase against outlays. In the EDC Fund there is $24,372.68 in revenue against expenses. In the Utility Fund there still is a loss of $156,549 of revenue over expenses. The account recap shows the cash flow from each fund. The second column on the report is the actual balance in the account and this is what she thinks council would be interested in seeing. This shows how much goes into an account and out of it for each month. Suzanne Schauman asked are these true numbers. Betty Brown replied yes ma’am. Suzanne Schauman asked at the last meeting you told Margaret Paradee that the Hotel Motel Occupancy Account did not have any funds in it but here it states $17,000. Betty Brown replied the reason for that is because she is using last year’s figures from the Quick Books account and she does not know how well those figures are and she ended up having to write off and she is waiting for the auditors to approve about $6,000 that did not come in like it should have come in. Ms. Brown is not sure about the opening or closing figure for that account. Suzanne Schauman asked don’t you get a bank statement. Betty Brown replied yes ma’am she does. Suzanne Schauman asked doesn’t it have a balance on it. Betty Brown replied yes it does. Suzanne Schauman asked doesn’t it say $17,449. Betty Brown replied no it does not. Suzanne Schauman asked does it have more than the $3,000 that Margaret Paradee asked for last month. Betty Brown replied she still needs to pay down the $10,000 for the first and second quarter for the Hot Tax so she only has about $8,000 or $9,000 in the account right now. Suzanne Schauman stated then this report is not right. Betty Brown stated the opening balance was used to open the account. Suzanne Schauman replied I understand the numbers aren’t right. Betty Brown replied the activity is true numbers and the account balance may not be a true number. Ms. Brown used numbers that she had to use and until she gets an audit she cannot verify the balances. She can only balance the activity in and out. Betty Brown asked if they saw the report on the outlay from page one to fourteen. Ms. Brown stated the outlay for the General Fund is $100,373.48, the EDC Fund is $21,585.08, and the Utility Fund is $95,822.58 for a total of $217,781.14. Suzanne Schauman asked why we are still paying Akers Law Firm. Lamar Schulz replied for the Municipal Court from the long term cases they are settling out. They did not feel that it would be worthwhile to turn over to someone else but let the cases run out. Betty Brown stated the department is listed for each vendor. Suzanne Schauman asked if we can get a condensed list with just True Value just one line. Betty Brown stated no the system will not allow you to do this. Glenn Clark stated before we move on he would like to thank Betty Brown for helping out and help in getting this straightened out. Betty Brown stated she wishes she could have accomplished more.

Karen Chesler stated the new cases filed were 95 for February. The new arrests and citations were 33 and the failure to appear and violate promise to appear were 62. They have increases all the way down the list. The monthly fees collected for this month continue to increase and the year to date is over $30,000.

Marshal Will Dietrich stated they had a typically quiet month even with the bike rally. Last year the bike rally had five fatalities and none this year. Mr. Dietrich would like to thank Deputy Smith, Crady, Heidelberg, and the reserves Villarreal, and Adams. They had two Deputies on both Friday and Saturday night. Mr. Dietrich was notified that some foolishness was going on in town and he got up and got dressed and came out and found out it was not true. We had three DWI’s on the biker’s weekend with just one assault over the weekend which was a local citizen. All in all they had a good month. Glenn Clark asked about the fireworks and they were really at the Mayan Ranch and not in the city.

1. Adjourn - Council **member Glenn Clark made a motion to adjourn at 7:20 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