**MINUTES**

**FOR THE SPECIAL MEETING OF THE**

**CITY COUNCIL OF THE CITY OF BANDERA**

**MAY 28TH, 2015**

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

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

1. Special 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, and City Secretary, Karen Chesler were also present.
2. Visitors to be heard – No one signed up and no one spoke.
3. Discussion and Possible Action on the Following Topics:

John Hegemier convened into Executive Session at 6:10 pm.

1. Executive Session: City Council will convene in executive session in accordance with section 551.074 Consultation with Attorney, to consult with the City Attorney and receive legal advice regarding possible legal action to acquire title to 0.319 acres situation in Bandera out of lots 57 and 60 as recorded in the Bandera County property records which is owned by Della Bailey, deceased.

John Hegemeir reconvened into Open Session at 6:43 pm to take action on items in Executive Session.

1. Open Session: Reconvene in Open Session to take action on items discussed in Executive Session: Consider authorizing the City Attorney to proceed with filing suit to condemn approximately 0.319 acres situated in Bandera, Texas out of lots 57 and 60 as recorded in the real property records of Bandera County in order to complete parking and drainage public works projects in the downtown Bandera area

**Council member Glenn Clark made a motion to table this item to gather more information for the next regular scheduled meeting, seconded by Council Member Suzanne Schauman. All in favor none opposed. Motion carried.**

1. Request for Proposal for Solid Waste and Recycling Services

Lamar Schulz stated the RFP is included in council’s packet and it does take time to get the information together to start the contract for September 1. Jim Hannah asked where did you get this information. Lamar Schulz replied it is based on an RFP from the City of Cuero and he made some adjustments to it.

**Council member Glenn Clark made a motion to advertise for Request for Proposal (RFP) for Solid Waste and Recycling Services, seconded by Council Member Suzanne Schauman. All in favor none opposed. Motion carried.**

1. Request to host the first Texas Hills District Boy Scout County Fair in the City Park in September 2015

John Hegemier stated Suzanne Schauman pointed out the first weekend the Boy Scouts requested is September 18-20 which is the Rumble on the River a biker rally and they are not a good mix. Suzanne Schauman stated the September 25-27, 2015 is a better option. Glenn Clark stated if we are not charging at the park then it wouldn’t matter if they both have their events on the same day. Glenn Clark stated it isn’t going to interfere with each other. Suzanne Schauman stated the noise from the bikes and traffic could be distracting to the Boy Scout events.

**Council member Sheila Pumphrey made a motion to have the first Texas Hills District Boy Scout County Fair in the City Park September 25-27, 2015, seconded by Council Member Jim Hannah. All in favor none opposed. Motion carried.**

1. Request for Resolution for ATMOS under the rate review mechanism for 2015

John Hegemier stated the gentleman from ATMOS is here to speak about this. The Atmos Representative stated Atmos has a RRM (Rate Review Mechanism) in place with the coalition of cities which started from 2008-2011. Following the 2012 rate review, they created a new RRM between the cities and Atmos then last year they denied the rates but they settled 2013. The RRM specifies how rates are set. The coalition provided an ordinance for setting the RRM and last year he was here and asked us to reject the new prices and force them to go litigation. They settled for 2013 and they settled a two year agreement for 13-14 for $67 million and the documents are provided by your attorney from the coalition group. Basically, it takes care of the 2014 also. The rates were deemed to be pretty accurate and it builds and avoids costly rate increases and attorney fees. Atmos also has a transparent annual review. This is only an average of 1.59 percent increase for the residential customer. John Hegemeir stated we can either approve this resolution or we can go on our own and try to get a better rate but in the past we have always gone with the coalition’s recommendation.

**Council member Glenn Clark made a motion to approve the resolution for ATMOS under the rate review mechanism for 2015, seconded by Council Member Sheila Pumphrey. All in favor none opposed. Motion carried.**

1. Request to approve the hiring of a Public Works Director and set the salary

John Hegemeir stated he would like to table this item also as we have an internal candidate that is also interested in the position. Suzanne Schauman stated she would like to know more information about the candidate that Lamar Schulz had interviewed. Glenn Clark stated he does not understand why we have a City Administrator that has been collecting the applications and doing interviews. Now all of a sudden we are going to question his recommendation. Mr. Clark stated he does not have a problem with Jerry Alcorta but he doesn’t have the certifications that are required. Mr. Clark added look what happened when we were first elected and we had a person on board that also didn’t have the certifications. Mr. Clark stated what happed to the accountability we promised and all we have done is to undermined that man’s authority over their time and time again on different things. Suzanne Schauman stated how successful has his previous hires proven to be. Glenn Clark asked let’s have some detail…What are you talking about. Suzanne Schauman replied well JR Higgins lasted about three months, the Treasurer lasted not very much longer, and Karen Chesler is coming along…but I think we need to have more input. The Mayor and Suzanne Schauman have looked at applications and Ms. Schauman sat in on one of the interviews. Glenn Clark stated all you have to look at are the resumes. Mr. Clark added everyone was tickled to death when JR Higgins came on board with his reports and stuff and the same thing with the City Treasurer. Council was impressed with all of the reports and he is sorry that it did not work out and all you can go by is what is on the paper. Charlotte Browning stated what she thinks is that we need more to compare them to and we did not have much of a choice. Glenn Clark asked how are you going to get more if only one or two people apply. Charlotte Browning added she wants more to compare to. Lamar Schulz stated they looked at four people. Jim Hannah stated they have reached a point where the council needs to sit in and listen to the interviews. Glenn Clark asked are the city employees going to be able to sit in on the interviews, also. The employees are dictating to council what they are going to do and what they are not going to do. Jim Hannah responded he does not agree with that type of sarcasm. Glenn Clark replied it is not sarcasm it is fact. Jim Hannah replied no it is not. Glenn Clark stated we sat here and listened to this orchestrated where a manager reviews any time a receipt has to be changed. We are going to have total grid lock any time this happens. Glenn Clark stated so we come in here and not allow the City Administrator to make these decisions. Jim Hannah stated he thinks it would be a good idea if the City Administrator worked with council and if we give Mr. Alcorta the respect to have an interview and he is growing in the job. The Public Works Department is working better than he has ever seen. Mr. Hannah stated we might be wiser in the small town to do it this way. This does not dismiss the applicant and he does not see a problem with interviewing a couple people. Charlotte Browning stated so many people since she has been in office have quit or been fired. There is something going on right here that is not right and if they can’t get it right council is suppose to get it right. John Hegemier stated the council would be exercising its right to interview as many people as they chose to do and the Public Works Director is a position of importance the governing body would want to meet. Glenn Clark stated we have to compare what is in the resume. Suzanne Schauman stated when she was in on the interview she had to ask about other things than the water, such as the roads and park. Glenn Clark stated the person that was doing it before was not legal either. Glenn Clark added he has given out his number also and would appreciate him to rotate who he calls to get an opinion from. Sheila Pumphrey added I don’t get the calls either. Glenn Clark added exactly my point. Lamar Schulz stated they had four people originally but one was not interested in the salary, one did not like that it was hands on, one did not want to make the trip all the way down here and the other has ties to Bandera and is interested. Jim Hannah sat in on the interview and road around town with them. Glenn Clark met him briefly, and they went next door to the library to meet the mayor. Sheila Pumphrey asked is there any reason that we cannot hire from internally. Lamar Schulz replied we do not have anyone with the licenses that we are after. Sheila Pumphrey asked if they could work on this in the first six months. Lamar Schulz stated Jerry Alcorta is a good employee and he is working on his certifications. Mr. Schulz believes he is still a couple years away from the position. Jim Hannah stated he wants to call a special meeting and sit in on the interviews because of what has happened in the last couple of months. Toni Kunz added if we got the right person in the job to teach the others we can promote within in a couple of years and she does not want to set Mr. Alcorta up to fail. Jerry Alcorta stated he was told it was too late to apply for the position and he agrees with Toni Kunz about the job. Sheila Pumphrey stated a lot of complaints were filed and nothing was done about it. Why is it so hard to get someone to stay in City Council but she understands why now. Suzanne Schauman asked do you want a chance to grow in the job or interview for the job. Jerry Alcorta stated it is a tough decision but wants to continue to grow with the job. Mr. Alcorta has two more tests he needs to take before he can test for the license he needs. Jim Hannah stated he would like to see a full interview with council. Suzanne Schauman replied Jerry Alcorta just told us he needs to grow with the job until he has his certification.

**Council member Jim Hannah made a motion to table this item until the next City Council meeting to interview the individuals, seconded by Council Member Charlotte Browning. In favor – Charlotte Browning, Sheila Pumphrey, and Jim Hannah. Opposed – Glenn Clark and Suzanne Schauman. Motion carried.**

1. Request to approve employee evaluation and performance reviews form

John Hegemier stated these are some samples from the attorney or we can modify them. Suzanne Schauman stated she does like them.

**Council member Suzanne Schauman made a motion to approve the employee evaluation and performance review forms, seconded by Council Member Sheila Pumphrey. In favor – Sheila Pumphrey, Jim Hannah, Charlotte Browning, and Suzanne Schauman. Abstention – Glenn Clark. 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

John Hegemier stated the Permit Department Reports are first, does anyone have any questions.

Mayor Hegemier asked if anyone had any questions about the Public Works Department reports. Sheila Pumphrey asked Brian Cummings how his ankle is. Brian Cummings stated he is going to have to have an MRI because it is still swollen and sore.

Suzanne Schauman asked can they please get the stuff before the meeting. Lamar Schulz replied we are just so short handed that we have not been able to get them before now.

John Hegemier stated now moving on to the Municipal Court Activity Report if anyone has questions.

Marshal Dietrich stated he did not bring his in here but he will do his best to answer any questions anyone might have. Will Dietrich would like to commend the Public Works guys Jose DeLa Fuente and Alan Calaway for helping out with the flood. Judge Evans recognized that the cooperation with the city has been the best it has ever been. Mr. Dietrich stated he wants to recognize Deputy Smith and Crady for working their tails off to help the citizens that live here all year long and the visitors who were too drunk to get their vehicles out. Marshal Dietrich added to Suzanne Schauman who opened her doors to those that could not get home as well as the Fire Department. Glenn Clark stated he wants to follow suit with Judge Evens and the Public Works Department for all the hard work they did.

Glenn Clark asked Willie Smith how the National Night Out is coming along. Willie Smith responded Napa just donated some door prizes, Bandera Bank donated some money and it is coming right along.

1. Adjourn - **Council member Glenn Clark made a motion to adjourn at 7:15 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