**MINUTES**

**FOR THE WORKSHOP OF THE**

**CITY COUNCIL OF THE CITY OF BANDERA**

**MARCH 12, 2015**

**AT 6:20 PM IN THE MUNICIPAL BUILDING**

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

1. Meeting Called to Order by Mayor John Hegemier at 6:32 pm. Council members Glenn Clark, 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. Suzanne Schauman was absent.
2. Workshop Discussion:
3. St. Stanislaus Catholic Church Festival Street Closures

Andy Wilkerson explained Father John decided to have the festival on the church grounds this year and he is on the logistics committee to figure out how to make this work. They are trying to keep the parking as much away from the residents as possible and thus they have come up with the request to close off 7th Street between Cedar and Cypress on Saturday and Sunday. So they can set everything up on the street between the church and the school. On Sunday morning they want to close off Cypress between 8th and 7th Street and close Cedar from 8th to 6th Street. Mr. Wilkerson has talked to all of the residents on Cedar Street and none of them had a problem with it. Sheila Pumphrey asked if they were getting something to identify that they lived on the block. Mr. Wilkerson stated when she comes up to his guy he will let you in to your house. Logistic people will come in and set up off 6th Street. All along 7th and 6th Street is where the kids’ games are going to be and they will keep it closed. Andy Wilkerson stated on Sunday they want to close off Cedar Street between 8th and 6th and Cypress between 8th and 7th. Mr. Wilkerson presented the map to council to look at. On May the 3rd the time would be from 8 am to 9 pm to give time to clean up and get everybody out of there. John Hegemier asked if they are going to use detour signs. Mr. Wilkerson replied he was hoping the city had something. John Hegemier replied he was not sure if we had them or not. Mr. Wilkerson asked what the city uses when they close off Eleventh Street. Rilla Stephens stated they pay the city to set up barricades. Mr. Wilkerson asked if the city has the equipment they can set it up. Mr. Wilkerson stated if they have to pay to use them they will pay. John Hegemier stated we are just discussing the items tonight because they were confused what was being requested at the last meeting. Mr. Wilkerson stated you have my number if you need anything please call. Glenn Clark asked if is necessary to close five intersections. Mr. Wilkerson replied you have 7th Street where it comes into Cedar Street and they can come in there and get out. So they want to close off 8th and Cedar, 7th and Cedar, 6th and Cedar. The whole two blocks but they still will be able to go around. Then close from 8th to 7th on Cypress, by the cemetery and church by bringing the people from the Boy’s and Girl’s Club parking area off the street. Glenn Clark stated that does not make sense to him. Mr. Wilkerson stated what happens when they come down that street and the car has to turn around so he stops them at 7th Street. Glenn Clark asked if they could close off Cedar Street before the intersection of 8th Street without closing the whole intersection down. Mr. Wilkerson stated he is not closing the intersections but wants to close the street and he showed Mr. Clark where they can go around on the map. Mr. Wilkerson stated he wants to close Cedar Street from 6th to 8th Street. Glenn Clark clarified but you are not closing down the intersections. Mr. Wilkerson stated no, only the street from that point to that point. Glenn Clark stated ok, so only three residents in the area are ok with it. Mr. Wilkerson stated he talked to everyone on the block. Glenn Clark asked Sheila Pumphrey if she was ok with it. Sheila Pumphrey stated yes. Glenn Clark asked if they are going to shuttle people up to the church for the festival. Mr. Wilkerson replied yes, the Mayan has a wagon and they will go back and forth between the two locations. Mr. Wilkerson had a map of where the things for the festival were going to be placed to show council which included handicapped parking. Glenn Clark stated when we started this conversation we thought it was five intersections and it is just the streets in-between.

1. City Park Rental Fees

Lamar Schulz stated they are discussing Celebrate Bandera holding the event at the park this year as opposed to last year at Mansfield Park. The City of Bandera Labor Day weekend is a sizable weekend of revenue for the park and our budget counts on this revenue. Mr. Schulz brought this to council’s attention to discuss the rates. The suggestion is for off season, peak season, or in season rates. Last year the three days of Labor Day weekend the Saturday and Sunday brought in $2,955 and Monday’s total brought it to about $4,000 for the three day period of time. Of course, Celebrate Bandera is asking to rent the park but not sure how it will affect the Labor Day operation as well. The financial impact needs to be considered so we meet our budget as well. The city needs to decide where to make changes and not give up or lose revenue. Mr. Schulz stated the argument was made about the Sales Tax and other issues don’t always affect Bandera as much and is pretty limited. Mr. Schulz asked if the city’s liability insurance is what covers these events at the park. If something happened at the city park would the city be liable. John Hegemier stated thank you and council appreciates you looking into it. Glenn Clark asked Genie Strickland do you have any type of insurance for events at the park. Genie Strickland replied we do. Lamar Schulz replied ok because he was not sure the liability insurance was provided. He asked that the icty be listed as an additional insurer for the timeframe to protect the city. John Hegemier stated the one amount was a flat rate of $1,000 per event but thought it was $1,000 per day. Genie Strickland stated it is $1,000 per day and she knows where he is getting that from because several years they only rented the park for the day. Celebrate Bandera is a two day event and when they did it in the past they paid $1,000 per day. Lamar Schulz asked when Celebrate Bandera’s tear down and cleans up. Genie Strickland replied Sunday afternoon. Buck Murray, Bandera Community Foundation, handed out three pages of City Sales and Use Tax Summary for August, September and December 2014. Charlotte Browning stated Celebrate Bandera is not going to use the second half of the park. Genie Strickland replied they have not decided that yet. Buck Murray stated the Sales Tax impact for three months is defined when you look at the last page in chronological order with Septembers sales tax for 2013/2014 and 2013/2014 versus each other and then 13 and 14 on the other side. If you look on the right-hand side the percent change over 13 to 14 the change was 1.83% increase but we are at $71.95 sales tax generated but if you look at some of the other cities that are bigger than Bandera that is a fraction of that, thus, there is a huge difference. New Braunfels is a city with $410.95 per person and Bandera is at $771.57, Boerne is $433.55 per person. Buck Murray stated the tourism that Celebrate Bandera brings to Bandera is obviously making a big impact. The next month is December and Bandera drops to $146.81 per person but it is up 9.4 percent from the previous year. Bandera drops off in December for tourism because of Christmas and families are not going out but they are staying home. Celebrate Bandera is going to be a plus in the numbers because September was up 1.83 percent. The year before was up 7.55 percent per person. A significant amount of money is brought in for the events they do. The other months and quarters show the same thing and tourism brings dollars to the grand scheme of things. Other cities on the report have a negative but Bandera is positive month over month and year over year. Bandera would be down in the sixties, forties and thirties if they didn’t have these events but some cities are as low as $19.00. Buck Murray stated he wants everyone to see they bring sales dollars into the community with Celebrate Bandera. Last year Celebrate Bandera covered both August and September but this year it will just be in September. Genie Strickland stated she would like council to compare Bandera to Stephenville because they claim to be the Cowboy Capital of the World with 18,000 people and only $279.31 per person but Bandera has $771.57 which is a $500 swing. Buck Murray added they have more population but they would like to see the same numbers as Bandera. Genie Strickland stated Celebrate Bandera is contemplating a barbeque cook-off as they mentioned before but they have not made a final decision on whether they use the back park of the park. Celebrate Bandera is going to collect $5 at the gate. Charlotte Browning asked if the city could collect at the back gate. Genie Strickland replied that would have to be worked out but it is a possibility. John Hegemier stated that is not usually how the park rental fees worked out. Genie Strickland added Celebrate Bandera would not impact people for Monday. John Hegemier stated the $2,000 as Toni Kunz stated at the last meeting would be a guarantee which if the high waters came and nobody showed up we would still get the $2,000 so there is a certain amount of benefit of having guaranteed income. Genie Strickland stated the purpose of this is to get people to shop in Bandera provides more entertainment for children to stay longer. They are going to develop a coupon book for use with the merchants for discounts at some of the stores. Buck Murray reminded everyone Celebrate Bandera will set up the Pow Wow on Friday. John Hegemier stated we do not charge on Friday to come into the park. Buck Murray replied he just wanted everyone to know they will be in the park on Friday setting up and again on Saturday and Sunday but they will be out by Sunday. John Hegemier stated he does not believe the city had any complaints about how the park was cleaned up last year. Genie Strickland stated they always clean it up after Riverfest and Mayhem on the Medina. Sheila Pumphrey asked who checks the water for E-coli. John Hegemier replied the Ground Water District does. Buck Murray replied it is not going to affect their event because they are not going to use the river. However, it would prevent people from swimming if it did have high levels. Lamar Schulz replied the city would have signs up like last year. Buck Murray stated who knows what summer is going to bring.

1. City Park Rental Contract

Lamar Schulz stated he did not know if council has seen the contract from the county but he is looking to implement something similar. Right now we don’t address the insurance and we will bring it to council once we have something drafted but he wants council to be aware they are working on this. Mr. Schulz was interested in how the county put together the contract. The county did a really good job. John Hegemier stated he thought everyone would agree that a contract would be a good idea.

1. Vendor Permits

Lamar Schulz stated the vendors in town have to get permits and this past year the State Comptroller’s Office inquired about the special events in the city. They wanted a list of the vendors but the city was not sure what makes them different than a vendor on the street. The city charges $15.00 per day or $20 for a two day permit. John Hegemier asked if this includes permits for Celebrate Bandera vendors. Genie Strickland stated no, they do not require them to get a permit. The events on the courthouse lawn do not require a permit. John Hegemier asked how do we get the tax id’s for these vendors. Genie Strickland replied they get a tax id and they have to pay the sales tax but that is on county property anyways. The city park does not require a permit for the special events. Ms. Strickland added they have vendor fees that are pretty reasonable for the amount of people they bring to town and she has done this for 20 years. Lamar Schulz replied he understands. Genie Strickland replied if you tack on $15.00 then they are not going to come because it is going to make the price too high. This would in turn hurt the non-profits and cut into their profits also. Lamar Schulz stated when Eleventh Street had their event the vendors had to get a permit. Lamar Schulz asked where we draw the lines for who we charge and who we don’t charge. Genie Strickland stated if they are a regular business they have to have a permit. Ms. Strickland’s understanding is if it is a non-profit organization putting on the event then they do not need to comply with the permit for the city but the State Health Codes. Lamar Schulz replied he talked to Boerne and they charge for their events like this. Judith Pannebacker asked if the market day’s is a non-profit. Genie Strickland replied it is for Bandera Business Association which is a non-profit. Lamar Schulz replied this is something the city is trying to research because a lot of stuff has been done in the past but not always the right way. Rilla Stephens asked if we are talking about vendor permits but we have a man on the corner with a horse and a big bucket asking for $3 donations for a picture. Ms. Stephens asked if he has insurance, a permit, and... Lamar Schulz replied it says donations so he is really not selling anything since he is not charging a fee but that is where the vendor part comes into play. Thus, the city cannot regulate since he is not technically charging. Rilla Stephens replied we used to regulate it where the horse could not stand out in the sun all day. Lamar Schulz replied if he was selling a product. Rilla Stephens asked if someone can walk up and get a picture without paying him. Lamar Schulz replied he does not know and has not tried. John Hegemier asked if it is a law enforcement issue but not sure. Karen Chesler stated she handed a petition to John Hegemier and asked him to read it. John Hegemier state he has a petition from ten business owners which reads, “regarding fees and requirements for mobile food trucks and trailers to level the competitive field between these entities and Bandera’s established eateries, to upgrade safety requirements to further protect locals, tourists, and operators of mobile food trucks and trailers. As brick and mortar stores which pay property taxes and provide jobs. John Hegemier stated the food trucks in Austin have provided a pretty good way for businesses to introduce new foods. Karen Chesler stated if you look in the packet they have a listing of the current and proposed fee schedule they are requesting. John Hegemier stated currently the 30 day permit is $50 and an eight month permit it is $400 but is just a stationary with the wheels taken off. The weekend rate is $20. The proposed fees are one day for $75, two days for $140, three days for $200, and the 30 day temporary for $500. The fees need to include the cost of health, fire, and safety, and application processing fees included with the full payment. The petition lists out the other required documents needed for a permit to be issued. Genie Strickland stated at market days they do not allow food vendors except for people who have a permit with the city. The hot dog guy already has a permit from the city and the popcorn guy are the only ones that they allow but they do not charge a fee. John Hegemier stated the vendors they are referring to are more like Popeye’s and Pizza Hut in the True Value Parking lot. Mr. Hegemier also remembers getting complaints about them. Glenn Clark added he had a similar agenda item when he first got on council and they had a packed house that night but only one person had that view on the subject and was Joe Davis from Busby Barbeque. Mr. Clark stated everyone else believed we needed these food vendors because we did not have enough food choices in town. Genie Strickland stated the visitor’s bureau did a survey and the population in Bandera is 67 residents for each restaurant in town. John Hegemier stated the comments he received is the restaurants close too early. John Hegemier read the businesses on the petition so people know who they are: Cowboy Capital Pizza, Los Molcajetes, Pap’s, Fat Boys, Church’s Chicken, Brick’s River Café, Sid’s Main Street BBQ, China Bowl, and Busbee’s BBQ. John Hegemier stated he feels they have a pretty strong argument because these owners pay property taxes year after year. Genie Strickland asked if the city checked with other cities to see how they are handling these types of vendors. Lamar Schulz stated we generally do that. John Hegmier stated it has been a while since we evaluated our fee schedule and he was in favor of raising the fees.

1. Water and Sewer Tap Fees

Lamar Schulz stated the most recent tap ended up costing the city $2,836.04 and the city only charged $1,000 to complete the work, thus, the city is in the hole for $1,836.04. The city of San Marcos has a fee schedule that states “actual construction cost plus 10%.” Then the fees change with the times and does not need to be updated. John Hegemier replied he likes the idea because some jobs are going to cost more than others. Andy Wilkerson added the Bandera Electric Cooperative has the same situation and they charge a fee to assess what needs to be done and then let the customer know the total cost for the job. JR Higgins stated he does not like the flat fee but the cost plus ten percent or the workers assess the job up front and give an estimate when the water and sewer needs to be located the permit person should go over the plans to arrive at a cost. Andy Wilkerson stated the BEC gets $200 to go out to assess the job. Karen Chesler asked JR Higgins what it is going to cost for the Exotic Wildlife to hook up to the water system. JR Higgins replied it is much simpler and no cutting through concrete or anything else because they are taking it to the property line. JR Higgins added the city has a line at the back of the property on Buck Creek and they should be able to hook into it. Mike Armstrong stated they just started charging a fee for him to go over the plans. John Hegemier asked if the city needs to do this for residential homes. JR Higgins replied it needs to be done for all new service for water or sewer taps.

1. Water Rates

Lamar Schulz stated they want to start some dialog on this issue but are not ready with specifics. Our rates need to be current and comparable. The Bed and Breakfast businesses were being charged as residential homes which they are not and should be charged commercial rates. In the new Incode system, we made these changes and now we are getting push back on this. The city is trying to correct things that should be addressed in the proper way. Chris Bernard, co-owner of a Place to Stay Reservations with his wife Natalie, run a couple Bed and Breakfast’s in town and now they are being charged the commercial rates, and he understands why it is being done. However, why the rates are double what it is for residential. Mr. Bernard speculated if it is because businesses generally use more water, trash, and sewer but last month as a residence they were charged $31 and this month the bill jumped to about $75. Mr. Bernard understands a restaurant like OST is going to use hundreds of gallons of water to clean dishes and serve the patrons. Mr. Bernard would argue for Bed and Breakfast owners they only have people in the houses about eight to ten days a month but in a very good month about twelve. Mr. Bernard would like council to consider Bed and Breakfast’s as an exception to the commercial rates because of the amount of water, sewer and trash they use in comparison is less than a residence. Mr. Bernard understands because they pay property taxes but because of the usage rates it would be fairer to these owners because they just don’t use as much. John Hegemier stated he is not sure why the city charges more for commercial rates. Lamar Schulz replied it is how the rate schedule was set up. Glenn Clark stated the trash rates are set by the contract with the garbage company. When garbage prices increased the garbage costs are passed on to the consumer. Lamar Schulz stated that is what is supposed to happen but the increases have not been pasted on to the customer. John Hegemier stated we negotiate with the garbage company for the cost. Lamar Schulz stated correct based on the current contract we have had price increases the last four years and the increases have not been passed on to the customer. John Hegemier stated we get water rates for residential and commercial for the first 2,000 gallons as the base rate. Lamar Schulz stated the city has different rates for residential and commercial usage. Genie Strickland added couldn’t you just have a different fee up to a certain amount and then anything after that would be fairer. Charlotte Browning stated she believes Mr. Bernard’s question was he did not mind it going up but it doubled and that was his biggest concern. Mr. Bernard stated they have a place on Twelfth Street kiddy corner to the post office and they barely hit the minimum on the water each month. Glenn Clark stated we can certainly look at it and it is a good point. John Hegemier stated he is not sure why we would want to charge them more than the residential rates. Lamar Schulz stated generally they have a bigger line involved and it is based on the structure when the utility code was set up. Glenn Clark asked about the effluent water the city sells to contractors. The county uses the effluent water but we don’t charge the county because they are tax payers also. John Hegemier asked if the city sells very much of the effluent water. Lamar Schulz replied most of it currently does go to the county for road repairs. Andy Wilkerson stated there are no permits on the Medina River anywhere so all of the water they have for roads comes from the City of Bandera’s sewer system unless it rains.

1. Adjourn - **Council member Glenn Clark made a motion to adjourn at 7:17 pm, seconded by Council Member Sheila Pumphrey. All in favor none opposed. Motion carried.**

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Karen Chesler John Hegemier

City Secretary Mayor