



# CITY OF BANDERA

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## MINUTES FOR THE SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF BANDERA THURSDAY, JULY 23, 2020 AT 6:00 PM

***THIS MEETING WAS OPEN TO THE PUBLIC VIRTUALLY VIA ZOOM.***

**1. Call to order.**

Mayor Schauman calls the meeting to order at 6:00 pm. All councilmembers are present, as well as the City Administrator J Horry, City Secretary Jill Shelton and Marshal Dietrich.

**2. Visitors to be heard. [please email any comments at least two hours prior to the meeting for them to be read]**

There are no visitors to be heard.

**3. Consent Agenda.**

**a. Approval of minutes for the meeting held on July 1, 2020.**

*Mayor Pro Tem Gibson makes a motion to approve, seconded by Councilmember Russe. All in favor, none opposed. Motion passes.*

**4. Closed Session.**

**The City Council will convene in closed session pursuant to Texas Government Code 551.071, to seek the advice of legal counsel on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act to wit: legal issues related to the Fair Labor Standards Act and Chapter 21 of the Texas Labor Code.**

Mayor Schauman recesses the meeting at 6:01 pm.

**5. Action following Closed Session**

**The City Council will convene following closed session to consider any action recommended to be taken during the closed session.**

Mayor Schuaman reconvenes the regular session at 7:12 pm. *Mayor Pro Tem Gibson makes a motion to direct the City Administrator and the City Secretary to work on conducting a desk audit of all city employees in positions that are supervisory positions in nature, to improve the time keeping throughout all departments and establish consistency, ensure that training is provided for all employees to access their appropriate employee portals for time confirmation, to schedule workplace training on discrimination for all employees and managers and to provide the city council, if necessary, with a budget amendment for such training, seconded by Councilmember Russe. All in favor, none opposed. Motion passes.*

**6. Regular Agenda.**

**Discussion and possible action on the following items:**

**a. Presentation by City Engineer Derek Naiser of LNV on the street assessment.**

City Engineer Derek Naiser presents LNV's findings on the streets after extensive surveys and observation. He explains how they came to the estimate costs and how the streets are broken into categories based on severity. He also explains the different repair options and why it is broken up into sections and years.

*Councilmember Russe makes a motion to accept the street assessment plan by LNV, seconded by Mayor Pro Tem Gibson. All in favor, none opposed. Motion passes.*

**b. Discussion and possible action on the Waste Services agreement with Republic Services.**

Mayor Schauman explains Republic Services is willing to reimburse the city five percent in the form of a franchise fee that could help in the street improvements. They are also offering a ten percent discount to any citizens that are disabled or elderly. Mayor Schuaman explains they city's residential garbage rates are very

out of proportion and she recommends the city does not go out for RFPs because they will not get the same rates back as they are currently being offered. She also explains Republic is going to set up a trial recycling center at the wastewater treatment plant and supply all of the equipment. She goes on to list all of the services Republic provides at little to no cost to the city.

*Councilmember Clark makes a motion to accept the agreement, seconded by Councilmember Smith. There is discussion about extending the contract for five or seven years. Councilmember Clark restates his motion extend the contract with Republic for seven years. There is discussion about the ability to offer discounts to a certain group of citizens and the new services and prices Republic is willing to give. There is also discussion about how the city has no knowledge of the other prices out there without going out for RFPs. Councilmembers Palmer, Clark and Smith are in favor, Councilmember Russe and Mayor Pro Tem Gibson are opposed. Motion passes.*

- c. Discussion and possible action on approving Ordinance 378 amending Chapter 6 “Health and Sanitation”, of the City of Bandera Code of Ordinances is hereby amended by adding Article 6.04 “Solid Waste”; regulating the disposal of residential and commercial solid waste within the city; providing a fine not to exceed \$2000 per violation; providing for enactment, repealer, and severability clause; providing for effective date; finding proper notice and meeting.**

*Mayor Pro Tem Gibson makes a motion to table this item until the next meeting, seconded by Councilmember Clark. All in favor, none opposed. Motion passes.*

- d. Discussion and possible action to provide staff direction to formulate options for future consideration regarding the encroachment of the structure located at 810 14<sup>th</sup> Street into the public right of way.**

City Attorney Dan Santee explains the title company’s request for the city to issue a letter stating the city would never use that property that falls within the right of way. He recommends the city not agree to that. He explains the house is lawful where it’s located because it was built before the city was incorporated. He also explains the structure is legal non-conforming as it stands and the city could issue a letter recognizing that, or the city could abandon the right of way altogether, but that will only solve one of the property owner’s problems. There is further discussion about the details of the property and what the property owner will and will not be allowed to do, as well as further steps the both the city and property owner.

There is no action on this item.

- e. Discussion and possible action on creating a Capital Improvement Project for streets using funds from the general fund balance.**

*Councilmember Russe makes a motion to allocate \$500,000.00 from the General Fund for the Capital Improvement Project, seconded by Councilmember Clark. All in favor, none opposed. Motion passes.*

- f. Treasurer’s Report (Quarterly update on financial reports).**

City Treasurer Amber Kinsey presents the financial report. Approved as read.

- g. Approval of Ordinance 377 extending the declaration and emergency order regulating gatherings in excess of 10 persons.**

Mayor Schauman explains the National Day of the American Cowboy event has been cancelled. There is extensive discussion about Exhibit A, item IV. There is discussion about the current number of active COVID-19 cases in Bandera County and how the count is being calculated. Marshal Dietrich explains it is his understanding that this ordinance would give the Marshal’s Office the authority to enforce regulations unlike the governor’s executive order.

*Mayor Pro Tem Gibson makes a motion to approve Ordinance 377 to exclude Exhibit A, Part II National Day of the American Cowboy; to revise Exhibit A, Part IV, Section A to reduce the section to include "all commercial entities in the City of Bandera providing goods and services directly to the public must post the Health and Safety Policy as state in the exhibit and striking the rest of Section A; and subsequently striking any relevant pieces of Exhibit A in Section C Penalty and Enforcement, seconded by Councilmember Russe.*

*Mayor Pro Tem Gibson amends her motion stating in Exhibit A, Part IV, Section C, item 2 is being stricken, seconded by Councilmember Russe. Mayor Pro Tem Gibson and Councilmember Russe, Clark and Smith in favor, Councilmember Palmer opposed. Motion passes.*

**h. Discussion and action on Resolution 2020-006 ordering a General Election of the qualified voters of the City of Bandera for the purpose of election a Mayor and two (2) City Council members to serve two-year terms.**

*Mayor Pro Tem Gibson makes a motion to approve Resolution 2020-006, seconded by Councilmember Palmer. All in favor, none opposed. Motion passes.*

**i. Discussion and possible action on appointing Bandera EDC applicants to fill vacancies on board.**

*Councilmember Palmer makes a motion to appoint DeAnna McCabe to the EDC board, seconded by Mayor Pro Tem Gibson. There is discussion about how Ms. McCabe is the only applicant that can fill the seat as she is the only applicant that owns a business within the city limits. All in favor, none opposed. Motion passes.*

**7. Requests and Announcements.**

**a. Request by Council to place items on a future agenda.**

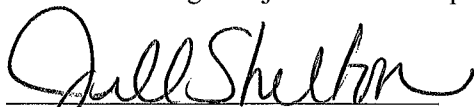
There are none.

**b. Announcements by Council.**

Memorial bench of fallen Marine Sgt. Buentello on August 15<sup>th</sup> at 12:00 pm.

**8. Adjourn.**

The meeting is adjourned at 9:02 pm.

  
Jill Shelton, City Secretary