



CITY OF BANDERA

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MINUTES FOR THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF BANDERA

THURSDAY, FEBRUARY 6, 2020 AT 6:00 PM
IN THE MUNICIPAL BUILDING AT 511 MAIN STREET, BANDERA, TEXAS

1. **Call to order.** Mayor Schauman calls the meeting to order at 6:00 pm. All councilmembers are present. Also present is the City Administrator J Horry, City Secretary Jill Shelton, and Marshal Will Dietrich.
2. **Invocation and Pledge of Allegiance.** Marshal Dietrich offers the invocation and all stand for the pledge.
3. **Visitors to be heard.** *(Please hold comments to three (3) minutes.)* There are no visitors to be heard.
4. **Consent agenda.**
 - a. **Approval of minutes for the meeting held on January 16, 2020.**
Councilmember Palmer makes a motion to approve the consent agenda, seconded by Councilmember Cavanaugh. All in favor, none opposed. Motion passes.
5. **Quarterly Staff Reports:**
 - a. **DPW Report (Update on street, water and infrastructure)**
Staff report was approved as read.
6. **Presentations:**
 - a. **Presentation by City Engineer Derek Naiser on a street assessment proposal for a Capital Improvement Plan for city streets.**
Derek Naiser presents the proposal. There is no action on this item.
 - b. **Presentation by Dave Mauk on Flood Early Warning System Update.**
Dave Mauk explains the update. There is no action on this item.
7. **Discussion and possible action on the following items:**
 - a. **Approval of a street closure request by James McGroarty of 11th Street Cowboy Bar for 11th Street between Cypress and Cedar Streets on Thursday, February 13, 2020 at 6:00 pm until Sunday, February 16, 2020 at 3:00 am for the safety of pedestrians during the 15th Annual 11th Street Cowboy Mardi Gras Celebration.**
Council Palmer makes a motion to approve, seconded by Councilmember Cavanaugh. Mr. James McGroarty asks for clarification on whether or not food vendors not associated with his event are allowed on the street. There is discussion about what happened at last year's event. There is continued discussion about a specific vendor and whether they need to be relocated or pay the fee to 11th Street. There is clarification about who issues vendor permits and the date the permit was issued versus when the street closure request came in. *All in favor, none opposed. Motion passes.*
 - b. **Update on the RFQ's received for Master Planner and scoring results.**
Mr. Naiser explains the scoring LNV gave each submission. There is discussion about sending out Requests for Proposals from the companies the City received submissions from. There is discussion about talking to the

firms again now that the proposals have been read. It is decided Mr. Horry will personally set up appointments to with both firms. There is no action on this item.

c. Ideas from Engineer for Senate Bill 7 Funding, Floodplain and Mitigations.

Mr. Naiser presents information and updates. There is no action on this item.

d. Recommendation from Planning and Zoning for appointment of member for seat on the board.

[Planning and Zoning's recommendation is to appoint Jerad Wilcox for the seat on the board.]

e. Appointment of Seat for Planning and Zoning Commission.

Mayor Pro Tem Gibson makes a motion to approve the Planning and Zoning's recommendation and appoint Jerad Wilcox, seconded by Councilmember Palmer. All in favor, none opposed. Motion passes.

f. Approval of a revised contract with the Texas Department of Public Safety for the purpose of complying and implementing Chapter 706 of the Transportation Code for Municipal Court.

Councilmember Palmer makes a motion to approve, seconded by Councilmember Russe. All in favor, none opposed. Motion passes.

g. Approval a fee schedule change for bulk water and adding the sale of reclaimed water to the fee schedule.

City Administrator J Horry explains the City would like to sell reclaimed water from the Wastewater Treatment Plant in addition to the potable bulk water. He recommends charging \$2.50 per 1,000 gallons plus a \$20.00 contract fee. *Mayor Pro Tem Gibson makes a motion to approve, seconded by Councilmember Russe.* There is discussion about having a different rate for the County. There is discussion about the fee. *Mayor Pro Tem Gibson amends her motion to approve adding a fee of reclaimed water to the fee schedule at \$2.50 per 1,000 gallons with the exception that county use is at \$0.01 per million gallons, seconded by Councilmember Russe. All in favor, none opposed.*

h. Update on progress of changes to the Bandera Economic Development Corporation (BEDC) policies and procedures.

BEDC President Toni Kunz presents the changes. She states the new Administrative Assistant is Megan Lamb. She further states the following changes: the passwords used for the email accounts and Quickbooks are in the EDC safe, files are being transferred to a locked file cabinet at City Hall and there is a new sign in/out sheet for all EDC files. There is no action on this item.

i. Lift or extend the 60-day moratorium placed upon the Bandera Economic Development Corporation by the Bandera City Council on December 10, 2019, expiring on February 10, 2020, in accordance with the BEDC Bylaws Sections 1 Administration, 1.05 Amendment of Bylaws and V Oversight by Bandera City Council.

Councilmember Palmer makes a motion to extend the moratorium another 60 days, seconded by Councilmember Russe. There is discussion about the incentives programs and possibly having a workshop about them. There is discussion about the bylaws and workshops within the last 60 days and how things moved forward. There is continued discussion about the incentive programs. *Councilmembers Palmer and Russe are in favor. Councilmembers Clark and Cavanaugh and Mayor Pro Tem Gibson are opposed. Motion fails.*

j. Review of applications and appointment of seat(s) for the Planning and Zoning Commission.

This item is moved after item c. There are two applications, Jerad Wilcox and Darcy Hasty. There is no action.

8. Closed Session

The City Council will convene in closed session pursuant to Texas Government Code Section 551.074, Personnel, to discuss the employment, evaluation, duties, discipline or dismissal of a public officer or employee or to hear a complaint against an officer or employee; to wit: City Administrator J Horry.

Mr. Horry elects to have this session in the open session.

There is discussion about the Code Enforcement Department. Councilmember Clark is very concerned about a specific property and inquires as to why the Code Enforcement Department has not held that property owner to the same standards. He also comments on conversations with the City Attorney about these policies. It was then clarified by Mr. Horry and the Code Enforcement Officer, Jimmy Allen, that the property owner, in fact, did get the required permits but the City can't force someone to do the work and call for the inspections. They also clarified that Bureau Veritas is involved in the permitting.

Councilmember Clark further discusses instances where individuals are reporting to him violations they believe aren't being handled fairly.

Mayor Pro Tem Gibson discusses an outdoor lighting checklist she brought to the city. Mr. Horry explains information is available for people who pick up permits. There is discussion about whether or not the outdoor lighting ordinance is actually enforceable based on new state legislation.

Councilmember Palmer discusses she would like to see some of the abandoned residences dealt with as well as junk yards. There is discussion about the distinction between junk yards causing a public nuisance and yard art.

Mayor Pro Tem Gibson discusses a letter Mr. Horry wrote in appreciation of Wendy Grams and the Central Appraisal District. She explains she takes issue with the City Administrator writing a recommendation letter representing the city for use in a defense of a state complain. There is clarification the letter was written in February of 2019. It is also clarified the letter was not in reference to the state complain, but for appreciation. The City and Central Appraisal District frequently work together, and their cooperation is valued. Mr. Horry states he wasn't aware of it being used in the defense of a state complaint.

Councilmember Clark discusses work being done on properties during the weekends while the City offices aren't open. It is also discussed if a reserve Marshal Deputy or anyone else reports work done on weekends. Those reports get handled during business hours. There is discussion about communication between departments, the mayor and council and day-to-day progress. There is discussion about the sign ordinance.

Councilmember Russe discusses the process for a citizen to file a formal complaint. He also discusses the letter discussed by Mayor Pro Tem Gibson and states he does not have a problem with it.

Councilmember Palmer discusses the complaint process and wants clarification if that's the only way code violations are done. Mr. Horry clarifies that any mention of a violation will be handled accordingly. There is discussion about construction contracts that limit the time projects must be completed. Mr. Allen clarifies the deadline for the permits is based on continued work, not a final

completion date. Councilmember Palmer also states she read the letter mentioned previously and does not have a problem with it.

Marshal Dietrich updates Mayor Pro Tem Gibson that the Administrative Assistant, Keely Hansen, put together a summary of the outdoor lighting ordinance and it is available for all people receiving applications for permits. Marshal Dietrich also goes on to say, in his many years as a city employee and working with many city administrators, he has never worked with a more favorable City Administrator than Mr. Horry and employee morale is at an all-time high.

Councilmember Russe explains his attitude has changed since he was elected to Council and appreciates Mr. Horry's efforts and work as the City Administrator.

9. Reconvene from Closed Session

Following Closed Session, the City Council will reconvene in Open Session for any action necessary on the matter discussed in Closed Session.

This item was held in Open Session. There is no action on this item.

10. Requests and Announcements.

a. Requests by Council to place items on a future agenda.

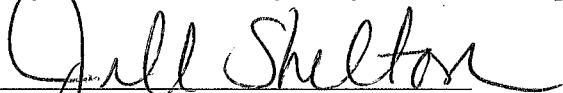
Update on TxDOT.

b. Announcements by Council.

Mardi Gras on February 12th – 15th

Valentine's Day on February 14th

11. Adjourn. The meeting is adjourned at 8:21 pm.



Jill Shelton, City Secretary