



CITY OF BANDERA

511 Main St. • PO Box 896 • Bandera, Texas 78003 • P: (830) 796-3765 • F: (830) 796-4247

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

**THURSDAY, MAY 2, 2019 AT 5:30 PM FOLLOWING THE BOARD OF APPEALS MEETING
IN THE MUNICIPAL BUILDING AT 511 MAIN STREET, BANDERA, TEXAS**

NOTICE IS HEREBY GIVEN THAT A REGULAR MEETING OF THE CITY COUNCIL FOR THE CITY OF BANDERA WILL BE HELD AT CITY HALL, 511 MAIN STREET, BANDERA, TEXAS, ON THE 2ND DAY OF MAY 2019 AT 5:30 PM. FOLLOWING THE BOARD OF APPEALS. DURING THE MEETING, THE FOLLOWING ITEMS WILL BE CONSIDERED, AND THE CITY COUNCIL MAY TAKE ACTION ON ANY OF THE ITEMS.

1. **Call to order.** Mayor Suzanne Schauman calls the meeting to order at 5:40 pm. Mayor Pro Tem Rebeca Gibson, Councilmembers Glenn Clark, Lynn Palmer, Brice Cavanaugh, and Tom McEachin were present, as well as City Administrator J Horry, Marshal Will Dietrich, City Attorney Dan Santee and Administrative Assistant Keely Millsap.
2. **Invocation and Pledge of Allegiance.** Marshal Dietrich offers the invocation, and all stand for the pledge.
3. **Visitors to be heard.** There are three visitors to be heard.

Rilla Stephens – Ms. Stephens commends Code Officer Deputy Jimmy Allen on what an excellent job he is doing with what he is given to work with. She would like to see City Council give him more support and believes he could even use an assistant. She also states that she believes it is unethical for a councilmember to serve on more than one board.

Nick Bhakta – Mr. Bhakta states that he owns Bandera Lodge on the south end of town on Highway 16 and has been here for more than 19 years. He pays his bills and taxes without any delay. He further states that any time he changes something about his building, he runs into problems for no reason. He has always tried to follow the rules and help the city whenever there are events.

Laura Devenport – Ms. Devenport addressed two items on tonight's agenda, items f and d. Regarding item f, she praises Toni Kunz and Tom McEachin for being strong leaders on both City Council and EDC. She states she believes it adds continuity to have City Council members serve as voting members on other boards. Regarding item d, Ms. Devenport states she has received so many compliments on how great the city looks and has received no complaints on how the EDC is spending money. She also states that the EDC is not the local FEMA, however, there is enough money set aside if there is a natural disaster in Bandera.

4. **Proclamation. National Tourism Week May 5-11, 2019.** Mayor Schauman states Bandera is heavily dependent on tourism and proceeds to read the proclamation. Patricia Moore gives some information about flyers being made and distributed to the businesses in Bandera and thanks the city for the support.
5. **Consent Agenda.**
 - a. **Approval of Minutes from Regular Meetings on April 4, 2019 and April 18, 2019.** Mayor Pro Tem Gibson makes a motion to approve, seconded by Councilmember Palmer. All in favor, none opposed. Motion passes.
6. **Quarterly Staff Reports:**
 - a. **DPW Report** Approved as read.
7. **Executive Session.** Mayor Schauman recesses the meeting at 5:54 pm for Executive Session.
 - a. **The City Council of Bandera will consult in closed session pursuant to Texas Government Code Section 551.071, consultation with the City Attorney and 551.074, Personnel Matters, regarding the**

Employee Termination appeal for Alan D. Calaway pursuant to the Bandera Personnel Policy. [While the consultation with attorney will be held in closed session, the former employee may choose to hold the appeal hearing in public.]

- 8. Reconvene in Open Session. Following the Closed Session, or any portion of the Closed Session, the City Council of Bandera will reconvene in Open Session to take any action necessary for the items discussed in Closed Session.** Mayor Schauman reconvenes the open session of the regular meeting at 7:02 pm. She asks Alan Calaway to address council.

Mr. Calaway states he has lived in Bandera all of his life, pays his taxes and has worked for the City of Bandera almost five years. He explains on the morning April 5, 2019, one of the other public works employees asked him if he smelled something on someone else. He agreed that he did smell something but claimed he didn't tell anyone else because everything falls back on him. Later on, a few employees wanted to get tacos, so he gives another employee a ride. That employee, who initially smelled something, said they had to do something about this. Mr. Calaway said he didn't want to be involved in it. When the other employee got in the truck from getting tacos, he, the other employee, said he told someone about smelling something earlier that morning. Mr. Calaway said to that employee that he, himself, was going to get in trouble.

Councilmember McEachin reads a portion of Mr. Calaway's termination letter. Councilmember McEachin makes a motion to uphold the termination of Alan Calaway, seconded by Mayor Pro Tem Gibson. Mr. Calaway's attorney states the termination letter was vague and the term "untruthfulness" doesn't explain what untruthfulness and incident occurred. Councilmembers McEachin, Palmer, Cavanaugh and Mayor Pro Tem Gibson are in favor. Councilmember Clark abstains. Motion passes.

9. Discussion and possible action on the following items:

- a. **Request by St. Stanislaus Catholic Church for street closure on 7th Street between Cypress and Cedar for the Parish festival on Saturday May 4, 2019 at noon until Monday, May 6, 2019 at 9:00 am.** Brian Dennis explains that the church's annual Parish festival will require tents from True Value and everything to be set up on Saturday. He also states Monday is the earliest True Value can come take the tents. Mayor Pro Tem Gibson makes a motion to approve, seconded by Councilmember Clark. Mayor Pro Tem Gibson asks if the residence on the street will be accommodated. Mr. Dennis explains they have made it to where the residents are able to get in and out of their driveway. All in favor, none opposed. Motion passes.
- b. **Discussion and direction for possible amendments to Ordinance 3.09 Signs.** Mayor Pro Tem Gibson suggests Council hold a workshop to give the entire ordinance the attention it needs. There is some discussion about holding the workshop on May 16th and why that can't be an option. Mayor Schauman states she has many suggestions for the ordinance. Councilmember Palmer would like Code Enforcement Officer Jimmy Allen to be present at the workshop as well to let Council know what problems he may be having with the current ordinance.

City Attorney Dan Santee cautions Council to let him look at the changes they want to make before moving ahead. He wants to make sure whatever changes are made do not affect other parts of the ordinance. He also suggests, that if Council has problems with the current ordinance, they can suspend enforcement of particular parts of the ordinance until the workshop. There is some discussion about specific changes that would like to be made. Councilmember Palmer would like to see the ordinance enforced as is until changes are made.

There is more discussion about the date of the workshop. Mayor Pro Tem Gibson asks Mr. Santee about procedures. He states the sign ordinance with the changes must go back to the Planning and Zoning Commissions for a recommendation. There is more discussion about the date of the workshop, and it is agreed on Tuesday, May 21, 2019 at 5:30 pm. It is also agreed this workshop will just be for City Council.

There is no action on this item.

- c. **Discussion and possible action on an ordinance amending Article 1.03, City Council, of the Bandera Code of Ordinances.** Mayor Schauman states the things she would like to address. There is much discussion about residency requirements, voter registration, the Texas Local Government Code, the Election Code, what the current ordinance states, and what can be added to the ordinance. There is some discussion about the changes that have already been made from past meetings.

Mayor Schauman consults the attorney about her power as the chair with regard to public comment. Mr. Santee explains the different restrictions available and the issues that may come about with changes. Mayor Pro Tem references the Texas Open Meetings Act and the possible infringement if more restrictions are placed upon public comment. There is more discussion about public comment and possible additions regarding conduct to future agendas recommended by Mr. Santee.

Mayor Schauman states this new ordinance is a much more in-depth ordinance than the current one and affects all public officials within the City of Bandera.

Councilmember Palmer goes back to the residency requirements discussion and asks about a code with a stricter requirement. Mr. Santee explains the regulations around all the different codes that are relevant to residency requirements. Council and Mr. Santee agree to cross reference the Local Government Code and Election code in the new ordinance. Councilmember Clark cautions Council not to make the requirements so strict that it eliminates a lot of people from running for office.

Mr. Santee states he will take all their suggestions and send a new draft of the ordinance to the City Administrator.

There is no action on this item.

- d. **Discussion and possible action on the process for the approval of expenditures for the Bandera Economic Development Corporation.** Councilmember Cavanaugh comments on the great strides the EDC and Council have made. However, he is concerned about certain outstanding loans, the Tractor Supply incentives and the Best Western Hotel incentives. There is discussion, with Art Crawford, to clarify details of performance agreements with the hotel. Mr. Crawford states there is no money spent through the 380 agreement or the EDC TCF grant until the hotel is up and running and has been in business for at least one year.

Mayor Schauman states the city and the EDC have been working hard together. Councilmember Palmer states she thinks DeAnna McCabe, the EDC Secretary, is doing an excellent job making everything transparent.

Councilmember Cavanaugh mentions the 51 outstanding EDC contracts and that he would like to locate those. He also talks about the funding process for Tractor Supply and how it differs from the EDC meetings he attended.

There is no action on this item.

- e. **Discussion and direction regarding the interpretation of, and possible amendments to, code provisions applicable to local Bed & Breakfast operations.** Mr. Santee reviews the current ordinances and found a conflict by not having “bed and breakfast” defined in the zoning ordinance as a use. He goes on to state the complications that code enforcement has without that definition. There is a lengthy discussion about the definitions “short-term rental” and “bed and breakfast,” as well as business regulations in different zones.

Mayor Pro Tem Gibson suggests a workshop with P&Z, as well as sending notifications to the short-term rental properties in town, to discuss, in depth, changes in the ordinances. No date was set.

There is no action on this item.

- f. **Discussion and direction regarding City Council members continuing to serve as voting members on other City Council appointed boards and commissions.** Councilmember Palmer states her concerns with

Councilmembers serving on the EDC and, in her opinion, the city has a big enough pool of applicants to fill all the positions.

There is discussion about the current laws in place and current members serving on both boards. Mr. Santee comments on the powers that Council has for board and commission appointments and restrictions.

There is no action on this item.

- g. **Discussion regarding the state nepotism laws found in Government Code Chapter 573, Subchapter C.** There is discussion about when nepotism applies and does not apply with regard to compensation.

There is no action on this item.

- h. **Discussion and possible action to move the regular City Council meeting date from May 16, 2019 to May 23, 2019.** Councilmember Clark makes a motion to approve, seconded by Mayor Pro Tem Gibson. All in favor, none opposed. Motion passes.

- i. **Staff update on the City logo contest.** City Administrator updates that the submission deadline has passed. A selection committee within the city staff will bring three designs to Council. Council can then add their opinions or make their selections.

There is no action on this item.

10. Executive Session. Mayor Schauman recesses the meeting at 8:04 pm for Executive Session.

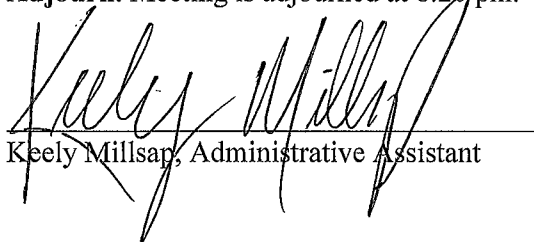
- a. **The City Council of Bandera will consult in closed session pursuant to Texas Government Code Section 551.074, Personnel Matters, regarding the annual evaluation, duties and salary of the City Administrator, J Horry.**

11. Reconvene in Open Session. Following the Closed Session, or any portion of the Closed Session, the City Council of Bandera will reconvene in Open Session to take any action necessary for the items discussed in Closed Session. Mayor Schauman reconvenes the open session of the regular meeting at 8:16 pm. Mayor Pro Tem Gibson makes a motion to award a \$10,000 increase in salary (\$5.00 an hour), with the funds being split at \$2.50 in the general fund, \$1.25 in the water fund and \$1.25 in the wastewater fund, seconded by Councilmember Palmer. All in favor, none opposed. Motion passes.

12. Requests and announcements.

- a. **Request by Council to place items on future agenda.** There were no requests.
- b. **Announcements by Council.** River Clean Up on May 4, 2019, Dark Skies Conference in Fredericksburg on June 7, 2019, Cinco de Mayo.

13. Adjourn. Meeting is adjourned at 8:20 pm.


Keely Millsap, Administrative Assistant