MINUTES

FOR THE REGULAR MEETING OF THE

CITY COUNCIL OF THE CITY OF BANDERA

OCTOBER 2, 2014

AT 6:00 PM IN THE MUNICIPAL BUILDING

AT 511 MAIN STREET, BANDERA, TX

1. Meeting called to order by Pro Tem Mayor John Hegemier at 6:00 pm. Council members John Hegemier, Jim Hannah, Suzanne Schauman, and Glenn Clark were present. City Administrator, Lamar Schulz, and City Secretary, Karen Chesler were also present. Mayor Don R. Clark was absent.
2. Invocation given by Jerry Kral & All stood for the Pledge of Allegiance
3. Visitors to be heard (Please hold comments to three (3) minutes)

Rilla Stephens, City of Bandera resident stated she missed the Monday night meeting because she has been asking about giving the public works employee raises. Some of these guys have been here awhile. Jose DeLaFuente Jr. has been with the city for 23 years; Brian Cummings has been with the city for over 30 years. You can’t put in that many years digging ditches and mowing yards without getting more money.

1. Minutes of Previous Meetings (September 18, 2014 and Budget Workshop September 9, 2014)

**Council member Suzanne Schauman made a motion to approve the minutes of the Budget Workshop Meeting of September 9, 2014, seconded by Council Member Glenn Clark. All in favor. Motion carried.**

**Council member Jim Hannah made a motion to approve the minutes of the Regular Meeting of September 18, 2014, seconded by Council Member Suzanne Schauman. All in favor. Motion carried.**

1. Discussion and possible action on the following topics:
2. Request for approval of Ordinance authorizing cobra medical insurance

Karen Chesler stated with the new TML medical insurance we need a signed agreement for the COBRA insurance. Do you want the Mayor Don R. Clark to sign or have Pro-Tem Mayor John Hegemier sign in the meantime? John Hegemier replied he wants to wait for Mayor Don R. Clark to sign it. With Cobra the employee pays the full amount of the insurance. Thus, no financial commitment is needed from the city.

**Council member Jim Hannah made a motion to approve the ordinance authorizing cobra medical insurance, seconded by Council Member Suzanne Schauman. All in favor. Motion carried.**

1. Request for authorization to participate in the Texas Parks and Wildlife Rainbow Trout stocking program

Lamar Schulz stated this program is put on by the state each year. The trout are $1.30 a piece. If you purchase 400 the cost is $520.00 and then Parks & Wildlife matches the amount. They only will do this between December and March when the water is cold enough. John Hegemier asked did we stock last year with Catfish? Lamar Schulz replied that is a different program. Lamar stated we are not on that plan for this year. We can talk about that one. John Hegemier asked so do we have an option to switch to trout. Lamar Schulz replied not right now. John Hegemier responded ok. Lynn Palmer added she would recommend the city council approves because it is a really nice family outing for children and parents to go fishing. It is a fun family day in the city park for Bandera residents. John Hegemier stated this event has been enjoyed in the past. Lamar Schulz responded we are looking at December 20 through January 4th when the kids are out of school on Christmas break. Lynn Palmer stated in the past it was advertised in the paper. Parents can plan on going down to the river to fish and enjoy the park. John Hegemier asked if we have this item in the budget. Lamar Schulz replied it is just one of those in the miscellaneous category. Suzanne Schauman asked what is the cost. Lamar Schulz replied $1.30 per trout. For 400 it will cost $520.00 and Parks & Wildlife will match. Suzanne Schauman asked how many fish did they purchase last year. Lamar Schulz stated he did not know but he saw something from two years ago and it was $500.00. John Hegemier replied we did the catfish in the past because the life expectancy for trout is only a few weeks. Lamar Schulz added the fingerlings are eight to ten inches long. Joe Hearn added that last year Atmos brought in hot dogs and drinks on kid fish day. The participation was not that great. Glenn Clark stated he thinks it is a good project and his grandson likes to fish when they have this event.

**Council member Glenn Clark made a motion to approve purchasing 400 fish from the Texas Parks and Wildlife Rainbow Trout stocking program for $520.00, seconded by Council Member Jim Hannah. All in favor. Motion carried.**

1. Request for approval for Amendment of Chapter 3 Article 3.02 requiring Planning & Zoning Commission review of all construction in the City prior to issuance of permit

Suzanne Schauman started the conversation by stating this is the item we talked about and we have already done with the historical district in the meeting six weeks ago. Suzanne was unsure what the council wanted to do. Should it be all construction or commercial construction? The ordinance is a draft. Connie Locke is the attorney at Mr. Zech’s firm she has been communicating with. The introduction is the same as the one for the historical and landmarks. The only changes are on page two section 3.02.052 about the planning and zoning review. The way this was written the ordinance calls for review of all construction in the city with the change to include commercial. If that is what everyone agrees to do and if that is what we choose to do. Suzanne Schauman will give Connie a call and get this changed and then place it back on the agenda. Jim Hannah asked what Lamar Schulz and the building inspector thinks about someone from the P&Z coming in and signing off on these permits. He would like to add for all commercial but not the small remodeling projects for residential building. Lamar Schulz stated that does make a lot of sense. Suzanne Schauman stated she will get this back over to the attorney to make the changes before the next meeting. When she gets the new amendment back with the changes then she can get the signatures. John Hegemier stated this will be tabled until the next meeting.

1. Request for approval to request copies of annual budgets from any entity receiving city funds

Suzanne Schauman stated this is something that was brought up in the budget workshop. Suzanne feels it is appropriate for any organization that is receiving public funds from the city to provide the financials. John Hegemier asked if this include HOT funds. Suzanne Schauman replied yes, everybody. Those are public funds as well.

**Council member Suzanne Schauman made a motion to approve requesting copies of the annual budgets from any entity receiving city funds, seconded by Council Member Glenn Clark. All in favor. Motion carried.**

1. Request for funding for the FY 2013-2014 Street Reconstruction Project. FY has ended and there is no funding for the completion of this project in the FY 2014-2015 Budget

Lamar Schulz stated each year you set up a budget with plan for what you want to accomplish. We signed this contract back on June 25, 2014. The contractor had July, August, and September to complete the project. It has not been completed for a variety of reasons. The bottom line is Lamar does not support funding it with an amendment for this year. The funds were in last year and not in the current budget for us to spend. We paid Anderwald Construction originally $20,000.00 for the first stage and he has bills into us for $25,431.85 for a total of $45,431.85 which is about 40.7 percent of the project. Frankly, the quality of work is less than we have anticipated and the funds are gone at this point. The money in our FY 2014-2015 budget is a whole different set of streets. The street is paved down to the intersection of 6th. Lamar suggests we stop at this point. Lamar’s recommendation is to cancel the remaining part of the contract. John Hegemier asked are you asking us not to make an amendment to the budget. Lamar Schulz replied correct. Suzanne Schauman asked in the contract with Anderwald do we have a non-performance clause or deadline. Lamar Schulz replied not a deadline. Suzanne Schauman asked if there is a clause for cancellation by writing. Lamar Schulz replied yes there is. Suzanne Schauman responded ok, good enough for me. Lamar Schulz stated yes, we have a 60 day cancellation and that is how we plan to move forward with that. John Hegemier stated no motion needed with this item so we will move on to the next item.

1. Request to promote Jerry Alcorta to Lead Supervisor from the Water Department at a pay rate of $15.00 per hour. Said pay increase to be retroactive to 10-1-2014.

Lamar Schulz stated this is his recommendation at this point in time for Jerry Alcorta to help us out in times when Mike Cardenas is not available. We would like to see his salary increased to $15.00 per hour. We need to keep moving forward. Glenn Clark introduced Jerry Alcorta to the group. Glenn Clark stated he has watched everyone down at the yard and he does an excellent job. Rilla Stephens asked Jerry Alcorta how long he has worked with the City of Bandera. Jerry Alcorta stated he has worked for the city for a little over a year and has worked in the plumbing business for 15 years. John Hegemier stated he has heard good things about Jerry Alcorta.

**Council member John Hegemier made a motion to promote Jerry Alcorta to Lead Supervisor from the Water Department at a pay rate of $15.00 per hour retroactive to 10-1-14, seconded by Council Member Jim Hannah. All in favor. Motion carried.**

1. Request approval of 2014-2015 Budget for Economic Development Corporation

Lynn Palmer stated Martha Shoemaker, EDC member put this budget together because we do not have a city treasurer based on what was spent last year and what was not. This is just a wish list not without looking into the different projects first and find out what everything is going to actually cost. This is what the EDC would like to achieve in the next year. Joe Hearn stated he would like to get some projects completed. Suzanne Schauman asked did you approve to set some funds aside to put a contract on a piece of property and then do a RFP’s for a hotel. Is that in this budget? Lynn Palmer replied they are looking at having a contract to create incentives for a hotel to possibly come in the future but no mention of purchasing any property. At the workshop we discussed it and included it in the budget for the future. They were looking at ways of getting a hotel to come to Bandera and offering some incentives to get one to come to Bandera. That is all the further we got.

**Council member Jim Hannah made a motion to approve the 2014-2015 Budget for Economic Development Corporation, seconded by Council Member Suzanne Schauman. All in favor. Motion carried.**

1. Request for approval of Resolution for needs assessment, develop plan of action and identify funding sources expenditure of $12,000 for pedestrian improvement along Main Street from EDC funds to Pape-Dawson

Lynn Palmer asked if council had a copy of the agenda request. John Hegemier replied yes. Lynn Palmer stated her agenda request was for approval of $12,000 for Pedestrian Improvement along Main Street, City of Bandera. Expedite the contract. The Board of Directors of the BEDC has approved the expenditure, and as required by law is seeking the approval of the Bandera City Council for said expenditure. You also should have Tony Battles letter. Lamar Schulz stated there was an updated letter for the fee proposal. Stage one is needs assessment and then stage two is to develop a plan of action and identify funding sources. That is as far as we got on this. The $12,000 is to get this started. The city master plan has some sidewalks included in it but they wanted to get this part finished with EDC funds. When the master plan is in place we can have the preliminary phase completed. Karen Chesler has a resolution that needs to be approved and then signed by the mayor. According to our EDC policy and procedures once city council approves an expenditure for $10,000 or more we need to have a resolution. The city has to have a resolution and it has to be read twice. Then the money can be given to Pape-Dawson. John Hegemier asked if there was any more comments. Jim Hannah responded his understanding is the Planning & Zoning Commission and EDC have had discussions back and forth. What are the sidewalks down Main Street going to look like? Are the sidewalks going to be like what TXDot has already put in or the ones north of town on Highway 1283? This is where P&Z engages Pape-Dawson Engineering and EDC and work on what is it going to look like. He is in favor of the resolution.

**Council member Jim Hannah made a motion to approve the resolution for needs assessment, developmental plan of action and identifying funding sources of $12,000 for pedestrian improvement along Main Street from EDC funds to Pape-Dawson, seconded by Council Member Glenn Clark. All in favor. Motion carried.**

1. Request for approval of expenditure of $15,000 for Frontier Times Museum Expansion from EDC funds

Joe Hearn stated anything over $10,000 needs to be approved by city council twice. Even though the item was budgeted and EDC had a public hearing. John Hegemier asked is this the first approval? Joe Hearn stated no. The first time was when you approve the budget this time last year. Lynn Palmer stated don’t we need a resolution and two readings. Joe Hearn replied he did not read that in the bylaws. John Hegemier stated we will consider that in the future. Lynn Palmer stated Harry Harris Jr. from the Museum is here and the $15,000 is to obtain architectural drawings for the expansion project. Harry B. Harris Jr. thanked everyone for your support and wants to know what the process is to receive the funds as budgeted. John Hegemier stated he does not see a resolution. Karen Chesler stated the resolution was already created for the sidewalk project and only needed a few modifications. We did not have anything created for this project as far as a resolution. Lynn Palmer stated she had the resolution from the previous secretary for the sidewalk project and was not sure if the attorney came up with this or not. Lynn Palmer did not have anything on the museum project so one has to be developed. John Hegemier stated we are in favor of the expenditure but we will need to come up with a resolution to fit the museum project. If the process is to read it twice we can do it in two weeks. Jim Hannah asked can you all wait a couple more weeks for the resolution. Rilla Stephens asked is it because we can we not find the paperwork for this? Karen Chesler responded we found a resolution for the sidewalk project but not the museum. Lynn Palmer stated no resolution for the museum was written. Joe Hearn stated in the past they had budgeted a project for $40,000 and then it came in at $82,000 this is a safeguard to take care of city money or a formality so that the city knows where and how much is being spent. He does not know when the funds were agreed to and how the process was delayed. George Charman stated they asked for the funds back in March or April and it was voted on then. The budget on the architectural drawings is $160,000. What this money will do is get enough drawings so that we can get a cost estimate and hire a consulting firm to ascertain whether we can raise enough funding. This is the biggest building project in Bandera in a long time. Suzanne Schauman asked Lynn Palmer does your EDC bylaws require a resolution. Lynn Palmer stated the policy and procedures and bylaws state any expenditure of $10,000 or more the city council needs to approve, a resolution needs to be ready at that time to sign. Then read once or twice and then the check can be signed by two parties. They have not come up with the resolution. John Hegemier stated we will see when we get a resolution ready and see how many times it needs to be read before the funds can be dispersed. George Charman stated then we are looking at about a month. John Hegemier stated we will try to expedite the process. Lynn Palmer stated the resolution goes along with this and does not need to be listed on the agenda to approve. John Hegemier stated we will get this going and once it is approved the resolution can be done we just number it the next one in the series.

**Council member Jim Hannah made a motion to approve the expenditure of $15,000 for Frontier Times Museum Expansion for Architectural Drawings from EDC funds, seconded by Council Member John Hegemier. All in favor. Motion carried.**

1. Request for discussion and possible action on authorizing the City Administrator to enter into an agreement with Ricoh USA, INC for the purpose of replacing copier

Lamar Schulz stated Ricoh came to us to bring in a newer, faster copier. By doing so our price will drop by $25.00 a month or $300 per year. The copier gives us more control over keeping track of who uses the copier and how many copies are made.

**Council member John Hegemier made a motion to approve the City Administrator to enter into an agreement with Ricoh USA, Inc for the purpose of replacing the copier, seconded by Council Member Glenn Clark. All in favor. Motion carried.**

1. Request for approval for Denise Griffin to fill the vacant position of Administrative Assistant to the Economic Development Corporation

Lynn Palmer stated as of right now we do not have a secretary and she has been transcribing the minutes, doing the agenda and getting everything together for the meetings. Lamar does not feel that Karen Chesler should take on these duties right now as she is still learning the city. We need to have an Administrative Assistant to help us with posting, getting the agenda together, and access to the city. The position has already been approved by council. John Rodriguez had vacated the position a few weeks after he was approved. So Lynn Palmer called Denise Griffin to see if she was willing to fill the vacant position and she agreed. Glenn Clark asked if the pay scale is already figured out. Lynn Palmer stated John Rodriguez was earning $15.00 an hour. Denise would like to get $16.00 and EDC would like to approve the $16.00 per hour amount because of the knowledge that she already has. Denise’s experience includes: she was the mayor, she served on the EDC, she served on the P&Z, she knows the deadlines, she knows how to get an agenda together, and she knows how to write minutes. Glenn Clark asked how was this was approved previously and if they need to reconsider the wage. John Hegemier stated he did not think so because the money is EDC’s. In the past, the city secretary has always done it. Glenn Clark stated he does not have any objection to it he just wants to make sure that it is done right, so we do not have to come back and redo the item. Lynn Palmer stated she does not believe that any money was quoted in the approval for John Rodriguez.

**Council member Glenn Clark made a motion to approve Denise Griffin to fill the vacant position of Administrative Assistant to the Economic Development Corporation, seconded by Council Member Suzanne Schauman. All in favor. Motion carried.**

1. Occupancy Tax Report for 2013-2014 from Margaret Paradee

Margaret Paradee was not able to attend.

**Council member John Hegemier made a motion to table the agenda item until a later date, seconded by Council Member Glenn Clark. All in favor. Motion carried.**

1. Executive Session: The City Council may convene in executive session pursuant to sections 551.071 and 551.072 to discuss the following:
2. Deliberation on the acquisition of certain real property located in the City of Bandera.

John Hegemier stated Mayor Don R. Clark wanted to be here for this session. He asked if we can postpone or rescheduled until Wednesday, October 3, 2014 at 8:00 am for a Special Meeting. Jim Hannah stated he would prefer to have it 8:30 am. Glenn Clark stated he would prefer to have it at 8:30 am, also. If they need to get the kids to school they will have time and still get to the meeting. John Hegemier asked if anyone wanted to make a motion.

**Council member Glenn Clark made a motion to schedule a Special Meeting for Wednesday, October 3, 2014 ath 8:30 am, seconded by Council Member Suzanne Schauman. All in favor. Motion carried.**

Open Session. Reconvene in open session to take action or give direction if necessary on items discussed in Executive Session.

No discussion as no Executive Session was taken.

1. Adjourn

**Council member Suzanne Schauman made a motion to adjourn at 6:44 pm, seconded by Council Member Glenn Clark. All in favor. Motion carried.**

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Karen Chesler Don R. Clark

City Secretary Mayor