



# THE CITY OF BANDERA

511 MAIN ST.

P. O. BOX 896

BANDERA, TEXAS 78003-0896

**BANDERA CITY COUNCIL MEETING  
511 MAIN STREET BANDERA, TEXAS  
IN THE MUNICIPAL BUILDING  
Thursday, October 20, 2016 at 6:00 p.m.**

## MINUTES

- I. CALL TO ORDER:** The meeting was called to order by Mayor John Hegemier at 6:00 p.m.
- Council members present: Jim Hannah, Sheila Pumphrey, Cindy Coffey, Rebeca Gibson.
  - Staff present: City Administrator Mike Garr, City Attorney Dan Santee, City Marshal Will Dietrich, Interim Treasurer Rose Garr, Acting City Secretary Diana Edwards.
  - Charlotte Browning arrived at 6:01 pm.
- II. INVOCATION AND PLEDGE:** All stood for the Invocation and Pledge.
- III. VISITORS TO BE HEARD:**
- Art Crawford: Mr. Crawford read a prepared statement concerning the actions at the last city council meeting that was held on October 6, 2016.
  - Toni Kunz: Ms. Kunz passed.
  - Glenn Clark: Mr. Clark passed.
  - Rilla Stephens: Ms. Stephens mentioned that maybe Mr. Crawford should run for mayor.
  - Susan Jenkins: Ms. Jenkins commented that when Rose Garr was on the Property Owners Association board for Flying L Ranch, she did a great job of bookkeeping for the POA.
- IV. CONSENT AGENDA:**
- Approval of Minutes from 10/6/16 meeting:**
- Rebecca Gibson stated that she listened to the recording of the last meeting and there is one specific inconsistency that she would like corrected. Ms. Gibson said that her motion was stated incorrectly and when she restated what the original motion actually was, Ms. Pumphrey said “yes, yes, I understand that” and that specific language is not included in the minutes. Ms. Gibson believes that it should be included because it affirms that Ms. Pumphrey knew what she voted for. With that correction, she will make a motion to approve the minutes.
  - Mr. Hannah requested clarification of the statement made by Suzanne Schauman that “...The Mayor is the Chief Executive Officer of the city, he is the Chief Operating Officer of the city...” and that “he” should have indicated that the City Administrator is the Chief Operating Officer of the city. After discussion, it was decided that the minutes should state what was actually said. No change was made to the minutes.

**Marshal's Report:**

- Will Dietrich reported that monthly statistics are down.
- There was an excellent turnout at National Night Out and he publically thanked the City Council, and all the individuals and businesses that helped make this event a success.

**Municipal Court Report.** The report is included in the City Council packet. No questions or comments.

**Treasurer's Report:**

- Rose Garr is up to January on bank reconciliations for two of the bank accounts. There are still six that have not been done and she is still dealing with the suspense account.
- All invoices are current, paid and up to date.
- Payroll and sales taxes are current and all reports for the third quarter have been filed. TMRS is up to date.
- Ms. Garr is working on the 2015-2016 clean up. She is moving revenue that is not posted to the right accounts. The auditors are still working on 2014-2015 and they are scheduled to come back for a couple of days in November.
- There is pressure from Bank of America for the auditor's report from 2014-2015.
- Ms. Garr has completed the insurance audit about the claim that we paid for insurance for previous employees of close to \$20,000. That is incorrect. There were two employees whose benefits were not timely terminated so we did pay about \$3,000 for those two employees.

**Public Works Department:**

- Mike Garr stated that there have been no reports from the division in a while but a short list of projects is included in the packets.
- Indian Waters is ready to come on-line as soon as AT&T installs an auto dialer. They came out once but did not have all the parts, but that well should be on line next week. Mr. Garr said that the auto dialer will coordinate with the downtown tower that supplies water to businesses and residences. Once Indian Waters comes on-line, the Mulberry well will be taken off-line in order to make the necessary corrections that TCEQ requires.

**Rebeca Gibson made a motion to approve the Consent Agenda with amendments, seconded by Cindy Coffey. All in favor, motion passed.**

**V. POSSIBLE ACTION ON THE FOLLOWING ITEMS:**

- a. Request by the Treasurer to transfer money from the pooled cash account into a CD to obtain a higher rate of interest with the dollar amount being determined by the council.
  - Ms. Garr is concerned that the pooled cash account, which is currently unreconciled, may have too much money in one fund and she wanted council to be aware of the amount.

**Discussion followed, and it was decided that no action would be taken at this time.**

- b. Consider, discuss and take appropriate actions to remove Sherri Hamilton as a check signer on all checking accounts and CDs.
  - Sherri Hamilton has tendered her resignation as City Secretary.

**Rebeca Gibson made a motion to remove Sherri Hamilton as signatory on all accounts, seconded by Cindy Coffey. All in favor, motion passed.**

- c. Consider, discuss and take appropriate action to appoint the Mayor Pro Tem as a signer on all checking accounts and CDs.
  - o With the City Secretary's resignation, the Mayor and City Administrator are the only signatories on the city's accounts.

**After discussion, a motion was made by Cindy Coffey for the Mayor Pro Tem to be an interim check signer until a new City Secretary is hired or a new council is seated, seconded by Sheila Pumphrey, with Jim Hannah abstaining. Rebeca Gibson and Charlotte Browning opposed. The mayor broke the tie in favor, motion passed.**
- d. Discussion and possible action on an ordinance amending Article 1.04, Division 2, Section 1.04.036 of the Bandera Code of Ordinances pertaining to the Powers and Duties of the City Administrator.
  - o Mr. Santee discussed the action taken at the last meeting to appoint Rose Garr as treasurer. It is his recommendation to do something with the code to make sure it is codified. There are things that the City Administrator can't do but for the most part he's the voice in place of the Council in all things. To correct that going forward, since Rose is Mike's spouse, we need to go into the code, but it's not the treasurer's position that needs to be amended. Mr. Santee included as an exhibit to the ordinance the section that shows the powers and duties, and in paragraph 7(B) it is shown in strike outs what to remove and in underline what to add. The next change would be in 7(C), and the easiest fix is to remove the treasurer from the list of people the administrator is going to supervise or provide direction to. Discussion followed.

**After discussion, Charlotte Browning made a motion to table the ordinance amendment until after the election, seconded by Rebeca Gibson. Jim Hannah and Cindy Coffey oppose, Sheila Pumphrey abstains. Mayor breaks the tie and votes to oppose. Motion to table dies.**

**Next, Cindy Coffey made a motion on the ordinance amending Chapter 1, Article 1.04 City Officers Division 2 City Administrator Section 1.04.036 Powers and Duties of the City of Bandera Code of Ordinances; Providing for Severability; Providing for Proper Notice and Meeting; Repealing All Ordinances and Sections of Ordinances in Conflict, and Providing for An Effective Date. Jim Hannah seconds, Sheila Pumphrey in favor. Charlotte Browning and Rebeca Gibson opposed. Motion passes.**

- e. Discussion on the proposed ordinance amending Article 3.03, changes establishing procedures for the abatement of substandard buildings.
  - o Mr. Santee stated that it was brought to his attention that there are some buildings or structures that are in a state of disrepair within the city and there was a desire to address those. He has reviewed the code to see what process is currently in place. Mr. Santee referred to a Supreme Court case entitled *Dallas v. Stewart*, which relates to due process. The City of Bandera's ordinance does not meet the test that is set out in *Dallas v. Stewart* so before recommending action, a good ordinance needs to be in place. This item is for discussion purposes only, so no action was taken.

## **VI. REQUESTS AND ANNOUNCEMENTS:**

- a. Request by Council to place items on a future City Council Meeting Agenda. **None.**
- b. Announcements by Council. **No announcements.**
- c. Announcements by City Staff.
  - o Mr. Garr formally introduced Diana Edwards, the city's new utility clerk.

- Mr. Garr will be attending the annual conference for the Association of Rural Communities in Texas for 2-1/2 days next week. He will drive into San Antonio each day of the conference.
- TML will be conducting their annual payroll audit on Friday, November 4.
- FEMA was here this week. We continue to gather requested materials so that we can be eligible for reimbursement for some of the costs associated with the May 29th flooding.
- We received an executable contract for the new well site, which is the latest community development block grant fund.
- Mr. Garr will be taking a personal day on Friday, October 21 and will return on Monday.
- At the request of Cindy Coffey, Mr. Garr reported that the city is a preferred customer with AT&T and will be receiving a discount. Our new phone system should be effective around January 6, 2017.

Meeting adjourned at 7:00 p.m.



Diana Edwards  
Acting City Secretary