**MINUTES**

**FOR THE REGULAR MEETING OF THE**

**CITY COUNCIL OF THE CITY OF BANDERA**

**MARCH 19, 2015**

**AT 6:00 PM IN THE MUNICIPAL BUILDING**

**AT 511 MAIN STREET, BANDERA, TX**

1. Meeting Called to Order by Mayor John Hegemier at 6:00 pm. Council members Glenn Clark, Suzanne Schauman, Sheila Pumphrey, Charlotte Browning, and Jim Hannah were present. City Administrator, Lamar Schulz, City Treasurer, Betty Brown, and City Secretary, Karen Chesler were also present.
2. Invocation given by Genie Strickland & All stood for the Pledge of Allegiance
3. Visitors to be heard- Margaret Paradee and John Bisset signed up.

Margaret Paradee stated she can wait until something else comes up because she already had her question answered.

John Bisset, 203 13th Street stated another park patron asked him to come and speak about when the school district uses the city park for cross country that they use non indelible or food based paints that will come off in a short amount of time similar to the utilities as it looks like graffitti painted all over the park.

1. Minutes of Previous Meeting

**Council member Suzanne Schauman made a motion to approve the minutes of the Regular Meeting of February 19, 2015 at 6:00 pm, seconded by Council Member Jim Hannah. All in favor none opposed. Motion carried.**

**Council member Glenn Clark made a motion to approve the minutes of the Regular Meeting of March 5, 2015 at 6:00 pm, seconded by Council Member Suzanne Schauman. All in favor none opposed. Motion carried.**

**Council member Glenn Clark made a motion to approve the minutes of the Public Hearing and Special Meeting of March 12, 2015 at 6:00 pm, seconded by Council Member Charlotte Browning. All in favor none opposed. Motion carried.**

1. Discussion and Possible Action on the Following Topics:
2. Executive Session: The City Council may convene in executive session to discuss: Consultation with City Attorney and deliberation concerning litigation on EEOC by Kerry Joe Frazier pursuant to Texas Government Code Sections 551.071 Consultation with the City Attorney and 551.074 Personnel Matters
3. Open Session: Reconvene in open session to take action or give direction if necessary on items discussed in Executive Session with regards to litigation on EEOC by Kerry Joe Frazier

**Council member Suzanne Schauman made a motion in the matter of the EEOC by Kerry Joe Frazier litigation to allow TML to proceed and use discretion in the way this matter is handled, seconded by Council Member Sheila Pumphrey. All in favor none opposed. Motion carried.**

1. Request for a resolution on a grant application to the Texas Parks and Wildlife Department for the Silver Spur Skate Park and other City Park improvements

Glenn Clark stated several projects are involved in this grant. It is a $75,000 matching grant or small city grant. We need to have three projects with the main one being a skate park which has a trust and the EDC has committed funds to help finance up to $50,000. Tom Brown, Naismith Engineering stated this grant is administered by Texas Parks and Wildlife. The money comes from Sales Tax on Sporting Goods and any other outdoor sports sales. This grant is limited to communities under 20,000. The competition for these grants is less and the application is a lot easier. The grant needs to have three major projects under this application which are the skate park, an additional Playscape for children over 6 years old, and a shaded area with picnic tables near the Skate Park. Mr. Brown stated the deadline for this grant is March 31 and he has been working with Lamar Schulz and Glenn Clark on getting the paperwork together. John Hegemier stated thank you, Tom Brown. Lamar Schulz stated they will encompass the money from EDC and the Skate Park Trust to make this whole thing happen.

**Council member Suzanne Schauman made a motion to approve the resolution for a grant application to the Texas Parks and Wildlife Department for the Silver Spur Skate Park and other City Park improvements, seconded by Council Member Glenn Clark. All in favor none opposed. Motion carried.**

1. Request to approve bids for the 2007 685B Lee Boy Motor Grader, 2007 L500 Lee Boy Tack Distributor, 1998 Chevy 1500, and 1998 Chevy 2500

John Hegemier stated JR Higgins was looking at some of the equipment in the city yard that has not been used and would like to sell those to purchase two new trucks. Glenn Clark asked if we could read the winning bids. Karen Chesler stated item one the 2007 685B Lee Boy Motor Grader, Mr. Anderwald bid $37,777, item two the Lee Boy Tack Distributor, Elliot Stanton bid $4,001, item number three 1998 Chevy 1500, Elliot Stanton bid $1,301, and item four 1998 Chevy 2500, Elliot Stanton bid $1,301. Lamar Schulz added we already received cashier’s checks for all of these items, thus the money has already been received. Once approved the successful bidders will be able to take possession of the items. John Hegemier asked he heard from a former EDC member that the Tack Distributor was purchased by the EDC. Lamar Schulz stated he did not have anything that stated or supported that. Mr. Schulz had been told this but he found a 2007 series loan from Southwest Securities and has since been paid off. John Hegemier stated the concern from the former EDC member was we still used the distributor to oil down the gravel roads at the park to keep the dust down. Mr. Hegemier asked does the Public Works use this machine but JR Higgins would be the one to ask. Lamar Schulz stated he does not really know if they are using the equipment at this point in time. Jim Hannah replied he talked to several of the guys in Public Works but it has not been used in several years. Suzanne Schauman stated the Motor Grader has been used at different times in the park where the wash is and how are we going to maintain the road. Lamar Schulz replied we do not have anyone to operate the equipment at this point in time. Charlotte Browning asked if we get rain what are we going to do. Suzanne Schauman asked what if we have to replace the equipment again we will not be able to replace it for what we are selling it for. John Hegemier stated but if we only use it once in a while then it might be worthwhile to just contract it out. Mr. Hegemier believes that is what JR Higgins was planning on doing.

**Council member Jim Hannah made a motion to approve the highest bidders for these four items listed above, seconded by Council Member Sheila Pumphrey. All in favor none opposed. Motion carried.**

1. Request to approve of a recommendation by J.R. Higgins, Public Works Director, to purchase two 2015 Toyota Tacoma pickup trucks

Lamar Schulz stated we have a couple questions that are not really answered on this item. So we need to postpone this item until next meeting. John Hegemier stated we will table this item until the next meeting.

John Hegemier stated he is going to adjourn into the executive session at this point in the agenda due to the fact that the attorneys just showed up to the meeting at 6:12 pm.

Let the record show that Glenn Clark left after executive session due to getting sick.

John Hegemier reopened the meeting of the regular City Council at 7:13 pm into regular session. Motion made on item B.

1. Request to approve the contract with Carl Dexter and the Bandera Yacht Club at the City Park

John Hegemier stated we are familiar with the contract with Mr. Dexter at the City of Bandera City Park. Lamar Schulz stated the contract is the same as last years. Suzanne Schauman asked what are the terms of the contract. Karen Chesler stated the contract is in council’s packet labeled item f. John Hegemier asked basically we get 15% of sales. Carl Dexter replied yes, sir he will be open on Saturday’s and Sunday’s. John Hegemier stated he hopes the water is good this year. Carl Dexter replied they will have plenty of water. John Hegemier stated thank you and good luck.

**Council member Charlotte Browning made a motion to approve the contract with Carl Dexter and the Bandera Yacht Club at the City Park, seconded by Council Member Suzanne Schauman. All in favor none opposed. Motion carried.**

1. Request for approval of St. Stanislaus Catholic Church Festival Street Closures for May 3rd 2015 Festival

Andy Wilkerson stated he checked on the barricades and everything with Jerry Alcorta and they will bring them out on Friday and they can set them up when they need them and then the Public Works will pick them up on Monday. Suzanne Schauman stated when they first started discussing the four streets were going to be shut off and Sheila Pumphrey was worried about how she was going to get to her house. Charlotte Browning added they discussed it last week and they will be allowed in and out. Andy Wilkerson stated he will have a man in the street that will let her through to her house. They will be allowed to come and go as they want. Suzanne Schauman replied ok, good.

**Council member Charlotte Browning made a motion to approve the St. Stanislaus Catholic Church Festival Street Closures for May 3rd 2015 Festival, seconded by Council Member Jim Hannah. All in favor none opposed. Motion carried.**

1. Request to approval of additional distribution of $3,000 Hotel/Motel Occupancy Funds

Margaret Paradee stated the bookkeeper just told her there is no money to distribute. Thus, she is not going to do a lot of talking. John Hegemier stated ok. Margaret Paradee stated she wanted council to know that she has not even received the first quarter yet. Ms. Paradee stated the Bed and Breakfast’s around here should be taking in some money. John Hegemier stated they are working on it. Jim Hannah stated so we will see you in September. Margaret Paradee stated maybe. John Hegemier stated no money to distribute so we will move on.

1. Request for review and changes regarding the City Park Rental Event Fees

Lamar Schulz handed out a rate sheet to council. Mr. Schulz stated this is the suggested seasons of – off season, in season, and peak season. Anytime we have to close the park this excludes the residents from using it. Mr. Schulz stated to continue the off season rate of $1,000 per day, in season a rate of $1,250, and a peak season of $1,500 per day. July 4th the park is not available for rent as that is our big weekend for visitors. Charlotte Browning asked when someone leases the park do they carry their own insurance. Lamar Schulz replied yes, they do have to have their own insurance. Charlotte Browning asked when we collect money at the gate does the city carry insurance for that time. Lamar Schulz replied he is not sure about her question. Charlotte Browning asked if they don’t have it rented and we don’t lease it who carries the insurance. Lamar Schulz replied the city has insurance that covers the park at other times. Charlotte Browning clarified if they have it leased then they have to have the insurance. Lamar Schulz replied yes. Judith Pannebacker asked what are the dates for the off season, in season, and peak season. Lamar Schulz gave Ms. Pannebacker the sheet with the timeframes listed. Sheila Pumphrey asked why the July 4th weekend is not available for rent. Lamar Schulz replied yes, because we make a sizable amount of money on the gate fees. Mr. Schulz stated we have more hours on these big weekends to help with the paper towels, toilet paper, and we still put money into these events but we want to make sure we are covering our gate as much as possible. We don’t want to be out money because we count on those funds in the budget; otherwise we have a budget shortfall and can present other problems. Jim Hannah asked if anyone uses the park a lot. Genie Strickland stated they do pick up all of the trash and they pick up more than that was already there and they do a very good job with keeping the bathrooms cleaned. They also bring in port-a-potties because the bathrooms are not adequate to handle these events. Andy Wilkerson added they always do a good job at the park and he just oversees the park. Mr. Wilkerson wants to see the park the way he gave it to whomever and they do a good job. John Hegemier stated he does know these events bring in money to the city but does respect Mr. Schulz for looking out for the best interest of the city and budget. Lamar Schulz stated what council needs to understand if the Sales Tax for the city has an increased sales for the two days of $40,000 addition to the city they will only get $400. So the Sales Tax doesn’t correlate to a lot of revenue. John Hegemier stated the EDC would get another $200 or a half of percent. Genie Strickland stated the last economic impact study that was done is for these events brought in $2 million dollars for an event. John Hegemier stated it is a guaranteed $2,000 rental for the park for the two days because the current rate we charge is the $1,000 per day. Suzanne Schauman stated when they jump from $1,000 per day to $1,500 per day it is a lot. Charlotte Browning stated she feels it is a little steep.

 **Council member Jim Hannah made a motion to raise the park rental rate per day in the peak season to $1,500 per day, seconded by Council Member Sheila Pumphrey. Jim Hannah and Sheila Pumphrey for and Suzanne Schauman and Charlotte Browning opposed. Mayor John Hegemier broke the tie with a vote to oppose/against the motion to leave it as is.**

1. Request for review and changes regarding the City Park Rental Event Vendor Permits

Lamar Schulz stated if a non-profit hosts an event in the City Park, and is paying the daily Park Rental Fee, the city will not collect vendor fees from the various vendors at said event. This just pertains to events in the park. Suzanne Schauman asked why wouldn’t we collect vendor fees. Lamar Schulz replied we have not ever collected them. Genie Strickland stated if I understanding you correctly then for the Mayham on the Medina where we are not charging a fee to get in the gate and the city is not charging for the event at the park. Lamar Schulz stated this is just addressing the events at the park where the city is collecting the $1,000 fee. Mr. Schulz stated they are looking at different situations where we have in town on the street and those we do charge the regular fees. Suzanne Schauman asked if the events at the city park we charge admission at the gate. Genie Strickland said yes. Suzanne Schauman replied then why are the vendors not paying for a space. Genie Strickland stated they pay us. Suzanne Schauman replied I have to pay to renew my restaurant or liquor license. Charlotte Browning stated Celebrate Bandera brings in a lot of good things to Bandera. Suzanne Schauman replied I know but it is about time we start charging for a lot of things in Bandera. Even the people that pull up a trailer that sell on the corner. Charlotte Browning stated that is a totally different game. Suzanne Schauman replied no it is not. Jim Hannah replied it did not but this needs to be defined so that others coming in town know what the rules are. Margaret Paradee stated that is why they do the events to make some money for the organization and help the city and get people to come to Bandera.

**Council member Suzanne Schauman made a motion for all the non-profits not to have a permit for their vendors at the city park when rented, seconded by Council Member Sheila Pumphrey. All in favor none opposed. Motion carried.**

1. Request to rent the City Park to Celebrate Bandera on September 5th & 6th. Allow setup for the Pow Wow to begin on that Friday the 4th

**Council member Suzanne Schauman made a motion to approve the renting of the City Park to Celebrate Bandera on September 5th & 6th to allow set up for the Pow Wow to begin on Friday the 4th, seconded by Council Member Charlotte Browning. All in favor none opposed. Motion carried.**

1. Request for review and changes to Water and Sewer Tap Fees

Lamar Schulz stated JR Higgins and he have talked about it and now we charge $1,000 but sometime we find the fee does not cover the expense but what he suggests is to charge the $1,000 fee when the customer applies for the permit however let the documents show that if the fee exceeds the cost of the tap the city would then bill them for the difference but not more than the actual construction costs plus the ten percent. John Hegemier stated JR Higgins stated an estimate needs to be given at the time they apply for the permit. John Hegemier stated when you start digging anything can happen. Lamar Schulz stated the city’s fee is normally $1,000 fee to begin with so we don’t want to move away from that. Suzanne Schauman asked to clarify if we collect the $1,000 then we determine the project will cost $1,250 and we collect the rest. Lamar Schulz replied the amount will still go toward the cost of the tap. They are going to want the water tap one way or another so they will more than likely get the service because they have already built the building. John Hegemier stated the Bandera Electric Coop charges significantly less for the initial fee. Lamar Schulz stated they are paying the $1,000 fee now. Rilla Stephens stated sometimes you have to cut through concrete and stuff and other times not.

**Council member Charlotte Browning made a motion to have a $250 application fee with a minimum assessment of $1,000 with the application fee getting them the cost estimate with the site inspection if the decide not to do the tap then they lose the $250 application fee, seconded by Council Member Sheila Pumphrey. All in favor none opposed. Motion carried.**

1. Discussion of the Contract for Solid Waste Collection and Disposal Services and a decision as to whether to extend the contract for five years or go out for bids on a new contract

Lamar Schulz stated this relates back to the regular meeting of November 6, 2014 where council authorized Mr. Schulz to start negotiations with Terry Gawlik, Community Relations Manager for Republic Services for an extension of the contract. The motion was made by council member Glenn Clark and seconded by council member Jim Hannah. Mr. Gawlik and Mr. Schulz have been in negotiation for some time where they are now working on the commercial rates billed to the city and not the customer. They anticipate the negotiations will take one more week to get the figures set and once the final piece is in place Mr. Schulz will be able to give council a complete review of the proposed five year renewal of the contract for the solid waste collection and disposal services at the April 2nd meeting. Modifications to the contract that have already been negotiated are a CPI roll back on the charges to the city back to the rates back in 09/30/2014 they would then credit the city for the amount incurred between 10/01/2014 and whenever the contract is signed and the credit would then be applied to the next billing cycle. The contract language would be amended to show that future increases based on the CPI to be limited to not more than three percent which previously the percent was 6.5 percent. Republic Services would also agree to pay a similar percent for the franchise fee on all temporary or commercial construction roll off dumpster fees and they would continue to provide there $18,000 in free services to the City of Bandera and various local non-profit agencies. A key factor we need to understand in this process is that Republic Services owns their own land fill and they do not deal with a secondary vendor and they own the process which means they have greater control over their landfill costs unless the government changes some regulation. The reason that is important is in any contract is the fine print that says if a solid waste distributor landfill costs go up they can automatically pass those increases on to you. We need to be cognoscente of those issues that may come our way. In total compensation of this the current operations the city has works pretty well. Whenever there is a hiccup, Terry is unbelievable good about getting to the matter and most of the time between Lisa Chacon and Terry Gawlik it gets resolved. Ms. Chacon and Ms. Chesler handle the items and Mr. Schulz never has to get involved because it is that smooth and resolved quickly. Mr. Gawlik went door to door for the last hiccup and talked with each homeowner that was affected, that is customer service that even the city does not generally go that far to provide. Jim Hannah stated at the time when he and Glenn Clark voted on this to negotiate with Terry Gawlik there was discussion about all information that came out as to what any contractor can do for the city to bid for the same product in the open. Jim Hannah added what they are asking for is anyone to bid for the services for waste management and garbage removal with possibly recycling. Mr. Hannah stated we are not under any obligation to take even the lowest bidder when we compare the services and what we know about any bidder. Terry Gawlik stated every four years he goes through this and any time we have hiccups they want to make sure it is addressed as fast as possible. Even though all the rain they had prior to the bulk pick up they still went to all the homes and the contract calls for them to pick up all five days of the week and they were done in two but they still came back to check and see if anything was set out for the other three days. Mr. Gawlik stated the prices are fair and how they react to the issues when they come up is how they should be measured. Mr. Gawlik is willing to even cut back more. Andy Wilkerson stated the county just went out for bids and they moved to Republic Services for the compacting in the county. Tom from Republic Services stated they have 27 years of life available on the east side of San Antonio in the landfill. Terry Gawlik stated they have Earth Day coming up and that is a neat day for recycling. They use to have a recycling program in Bandera but the city asked them to remove it so they did. Suzanne Schauman stated they can take bids but they cannot compare the customer loyalty and customer service and the stuff that they do for us. Mr. Gawlik donates to everything that goes on in Bandera and although it is good to get bids the county just went through it and they saw the same thing. Republic is still who they chose. Jim Hannah stated and we can too because we are not obligated to choose the lowest bidder but the point is he wants to see the city adopt policies and when we spend public money if more than one person comes in the door wanting the job we can let them bid. Sheila Pumphrey stated Mr. Gawlik called her one day and she did not have any idea who he was but talked about garbage and he was very kind and explained things to her. Suzanne Schauman asked didn’t Vaquero present you with something and how they get stuff to the city. Lamar Schulz stated they requested certain information for basic comparison type things. Once we started asking for information they did provide it. Suzanne Schauman asked if we need to do a formal bid request. John Hegemier stated Mr. Schulz wanted to see the bid from Republic but Jim Hannah wanted to go out for bids. Margaret Paradee stated she wanted to let everyone know Republic is like family and are very helpful to everyone. Ms. Paradee does agree with going out for other bids because that keeps it free from the government contracts. Mr. Don R. Clark stated when he was on council and Mayor, Mr. Gawlik did everything he was ever asked to do. Mr. Clark requested the automated trucks to be brought into our town to demonstrate and he did that at his request. A compactor was given to the city from Terry Gawlik personally for use within the city but at that time they could not find a place for it. It is a very expensive item. Republic has first class service. Brian Cummings stated before we had Republic contracted to haul off the bio solids they had two trucks barely working and it took 9 months before it was picked up on time and since we have been with Republic all he has to do is call and set up the date and they come when they are expected. The operators know how to run the trucks. The bio-solids need to go through TCEQ with EPA permits to haul to the landfill. Terry Gawlik replied Republic provides a can to put all of your tools in and it can be locked up at night. Suzanne Schauman asked if it takes two postings of the notices in the newspaper. Lamar Schulz replied yes. Suzanne Schauman asked so we can get one in next week and then the second one the following week. Lamar Schulz replied we are not ready for next week as we need to write the specs and that is going to take time. Suzanne Schauman stated then gets a bid for dumpsters and toters. Lamar Schulz replied it is not that easy. Terry Gawlik replied he has some that we can use. Suzanne Schauman replied just give him what he has but take the numbers off. Suzanne Schauman asked when is the contract up. Lamar Schulz replied he believes it is May 20th. Suzanne Schauman asked can we get the process done within six weeks. Lamar Schulz replied yeah, probably in six weeks. Lamar Schulz stated you have to get it to the newspaper at the right time to get it in and have time for the bids to come in. Mark Mandel, Vaquero Waste he has known Terry Gawlik for 15 years and holds him in high regards. They are in Austin, San Antonio, and Hill Country. They are McComb’s owned out of Dallas and Fort Worth. Vaquero has tripled in size and from the customer service approach because they were raised properly. They support some of the non-profit agencies. John Hegemier asked where do you take your trash or to what landfill. Mark Mandel replied a majority goes to Republic or transportation station in Kerrville. Joe Bob Powell, Vaquero Waste stated as far as customer service he has been a garbage picker here in Bandera and in the county. They pretty much have all of Bandera County and it is due to customer service. They go out of their way to take care of the garbage service and they do a lot out in the community in the county. Genie Strickland stated she believes it would be a good thing to see bids from both of them and in good taste. They both provide customer service. Karen Chesler stated Terry Gawlik has always addressed any issues or concerns that come up. At Mardi Gras Johnny the garbage guy spent two hours getting the garbage after the weekend because he had over 90 bags that needed to be picked up. We have a few older people in town that ask for special services because they are not able to bring down the barrel but the guys on those routes just dump the barrel and put it back in place. Terry Gawlik replied they do not mind doing that and it breaks his heart to know that they are not able to do it on their own. Joe Bob Powell stated they will do the same thing and he gets phone calls at night to help out. John Hegemier stated they have had enough discussion.

**Council member Jim Hannah made a motion to seek sealed RFP bids for the Solid Waste Collection and Disposal Services, seconded by Council Member Charlotte Browning. All in favor none opposed. Motion carried.**

1. Request to approve pay raises for Public Works employees

Lamar Schulz stated he put a paper in council’s box. Public Works Director, JR Higgins has done evaluations on all but the two newest employees and has made these recommendations. Based on the evaluations Brian Cummings will be given a $.36 per hour increase, Jerry Alcorta a $.30 per hour increase and Alan Calaway a $2.00 per hour increase due to having a CDL. Other than JR Higgins Mr. Calaway is the only other guy with a CDL. The bucket truck requires a driver with a CDL license. Alan Calaway also has additional responsibilities assigned to him by JR Higgins. The funds would come from last year’s budget. John Hegemier asked would they be eligible again when we do the new fiscal year stuff. Lamar Schulz replied that is a different time frame. Jim Hannah stated he understands this has been done with what was left from the budget. Lamar Schulz stated these new figures would be effective on 03/23/2015 and would be paid starting with the payroll distribution on 04/10/2015. Suzanne Schauman stated these raises are long overdue. Rilla Stephens asked if these are the only three that will get pay raises. Lamar Schulz replied these particular three are. Rilla Stephens asked what happened to Jose DeLaFuente. Lamar Schulz replied his situation is such that he does not have a certification and he is not eligible to get a certification based on JR Higgins evaluation. Actually right now for what he does he gets more than his recommendation could provide. Rilla Stephens asked how many years has he been with the city. Lamar Schulz stated longevity is not necessarily a factor. Rilla Stephens stated he is a darn good worker and he is always there if you need him. Lamar Schulz replied according to the evaluation he feels he is adequately paid and cannot substantiate a raise.

**Council member Suzanne Schauman made a motion to approve these pay raises for Brian Cummings, Jerry Alcorta, and Alan Calaway, seconded by Council Member Charlotte Browning. All in favor none opposed. Motion carried.**

1. Adjourn - **Council member Suzanne Schauman made a motion to adjourn at 8:08 pm, seconded by Council Member Suzanne Schauman. All in favor none opposed. Motion carried.**

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Karen Chesler John Hegemier

City Secretary Mayor