**MINUTES**

**FOR THE REGULAR MEETING OF THE**

**CITY COUNCIL OF THE CITY OF BANDERA**

**AUGUST 6th, 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 7:30 pm. Council members Glenn Clark, Suzanne Schauman, Sheila Pumphrey, Charlotte Browning, and Jim Hannah were present. City Administrator, Lamar Schulz, City Secretary, Karen Chesler and City Treasurer, Trinity Burnes were also present.
2. Invocation given by Marshal Will Dietrich & all stood for the Pledge of Allegiance.
3. Visitors to be heard-No one signed up and no one spoke.
4. Minutes of Previous Meeting

**Council member Glenn Clark made a motion to approve the Regular Meeting minutes for June 18, 2015, seconded by Council Member Suzanne Schauman. All in favor none opposed. Motion carried.**

**Council member Glenn Clark made a motion to approve the Regular meeting minutes for June 4, 2015, seconded by Council Member Suzanne Schauman. All in favor none opposed. Motion carried.**

**Council member Glenn Clark made a motion to approve the Special meeting minutes for June 4, 2015, seconded by Council Member Suzanne Schauman. All in favor none opposed. Motion carried.**

**Council member Glenn Clark made a motion to approve the Special meeting minutes for May 28, 2015, seconded by Council Member Suzanne Schauman. All in favor none opposed. Motion carried.**

Mayor John Hegemier convened into executive session at 6:02 pm.

1. Discussion and Possible Action on the Following Topics:
2. Executive Session: City Council will convene in executive session in accordance with section 551.072 Deliberation regarding real property for property at 102-108 Pecan Street and 103-109 Hackberry

Mayor John Hegemier convened back into regular session at 6:46 pm.

1. Open Session: Reconvene in Open Session to take action on items discussed in Executive Session: Consider real property at 102-108 Pecan Street and 103-109 Hackberry

**Council member Jim Hannah made a motion from the executive session to continue to assess issue this with the mayor and the city’s attorney, seconded by Council Member Charlotte Browning. All in favor none opposed. Motion carried.**

1. Request for approval of fence permit for the Exotic Museum at 267 Old San Antonio Hwy for a fence 8 feet high with two additional Barbed wires at the top for a total of 10 foot fence

Mike Armstrong stated what he knows about this is the fence is going to be an eight foot barbed wire fence with two strands of wire at the top up to ten feet. Heath Lestourgeon stated the fence is going to be an eight foot fence with two barbed wires at the top of the fence. Glenn Clark asked if the gentleman could come forward and explain to council why he needs the fence and any additional details. Heath Lestourgeon stated the reason it needs to be so tall is there is going to be dinosaurs out on the property and they are worried about people jumping the fence and animals getting locked in the area. They believe the ten foot fence will detour kids from jumping the fence or vandalizing the items in the museum. John Hegemier stated he thinks that is a valid point and we do not even have an ordinance prohibiting such a fence. Charlotte Browning asked if the whole fence is barbed wire. Heath Lestourgeon replied no, just the top two wires. Heath Lestourgeon stated the top two are but the bottom eight feet is lock tite fencing. Jim Hannah stated mayor we do have an ordinance for the height but over there with no neighbors he does not think any neighbors will complain about the fence. Glenn Clark stated he does agree and this is a special project and does not see a problem with it.

**Council member Glenn Clark made a motion to approve the fence permit for the Exotic Museum at 267 Old San Antonio Hwy for a fence 8 feet high with two additional Barbed wires at the top for a total of 10 foot fence, seconded by Council Member Sheila Pumphrey. All in favor none opposed. Motion carried.**

1. Request for consideration of creating a Historical Zone

Suzanne Schauman stated P&Z was supposed to address this but they have not managed to get a quorum together. This is not something that they can keep putting off. They discussed raising the height restriction to 50 feet and make a zone from the courthouse back and make a Historical District. Suzanne Schauman would like to get P&Z to make an area for Historical Zoning. We have historical buildings outside of our historical district which certainly need protecting. For example the Langford House, The Old Hondo Stage Coach Stop on 9th Street. They have done a good job restoring it but it is not in the Historical District. Some Historical buildings include: The Tobin House, St. Stanislaus Church, The Court House and jail. The Middle School is also but it is spot zoning and we don’t have Main Street throughout the city that is historical. This allows the other end of Main Street to be a commercial area and keeps the end of Main Street, 11th Street and the different sites zoned historical and put tighter restrictions on the historical zoning instead of the historical district. Council can’t do this but she really wants P&Z to work on getting this done. Jim Hannah stated he is glad she brought it up and put it on the agenda. Mr. Hannah totally agrees they need to discuss it and come back with recommendations to tighten up and make it clear for everyone because of confusion between historic districts and historic zones. We have historic districts ordinances to protect the historic structures in the town currently. P&Z has looked at the historic overlay district map but the word zoning may as well get P&Z reconstituted with some new members with planning experience and who have been around here for a while and that knows this town for example long standing families in the area. Jim Hannah stated he would like P&Z to get the task of taking on this project. Glenn Clark stated from Pecan Street going up north on Main that is pretty much ridiculous to call that a historical district. Glenn Clark has an issue with everyone having a western motif for their signs and if they are going to do it designated this historical area but the old Pico’s was denied a sign permit because it was not western. Mr. Clark has driven with a car load of people down Main Street to see how many signs were western. They can only come up with four or five and why are they denying them a sign permit. The Shell and the Burger King on this end of town and only a few down there are western. Suzanne Schauman added if it is a corporate logo what they are going to do. We can’t make exceptions. Rilla Stephens asked if the wording for the signs to be western was still in the ordinance. Mike Armstrong stated yes, it is the western motif. Suzanne Schauman stated it is a given in the Historical District. Glenn Clark asked if you give out exceptions how can you hold everyone else accountable. Suzanne Schauman stated she really wants to urge P&Z to address this. Discussion only, thus, no motion made.

1. Request to discuss Planning & Zoning Commission and the possible appointing of new member or members

John Hegemier stated one person said it was harder and harder to fill the seven positions but suggested an idea to reduce the five members with two alternates and possibly come up with a quorum. Suzanne Schauman stated it sounds like a plan to me. Jim Hannah stated he knows that Planning and Zoning with seven full-time members has not had a full commission and he is in favor of changing to five and reviewing what and who is on the commission. Jim Hannah would like a list of who is still on P&Z. If they have five they only need three members for a quorum. Jim Hannah stated he is in favor of this. Mike Armstrong stated they are behind in issuing permits because the people that need to go before the commission have had to wait a while before they have enough members to have a meeting. Five Points gas station or the old Pico’s was waiting for a decision from P&Z but council wanted them to take these signs to P&Z before approval but we are not getting anything accomplished. Rilla Stephens asked why do you have to put it off, can’t you appoint someone to be an alternate tonight as council has an agenda item for it. John Hegemier stated the agenda item doesn’t really read as such. Karen Chesler stated you cannot change this by a motion because it is part of an ordinance and it would need to be changed as an ordinance. John Hegemier stated he believes Tom Laxson is here and he put in an application to be on the P&Z. Dorothy Dardin stated all of them are appointed at the same time and the commission should have people on the commission that know what is going on instead of a new group of individuals each year. Karen Chesler stated the ordinance does read that they have alternating terms and they do have people with different termination years or are staggered. Karen Chesler stated in the beginning they draw for who has one year terms and who had two year terms. Bud Grahams stated he has been here when they are not able to come up with a quorum and he does see how frustrating it is as Karen Chesler is here trying to call individuals and get the meeting going. The alternates should be ready if needed by the commission. Glenn Clark stated that might work for the alternates and asked if he has already filled out an application. Karen Chesler stated Tom Laxson gave a letter of interest for the position but the opening they have is a city resident. Tom Laxson is a county resident and business owner. Thus, he does not fill the position they have open. Jim Hannah asked if it is on the agenda for possible appointment of new members or member and if they can appoint him as an alternate. Glenn Clark asked what Tony Battle’s position was as a city resident because he has stated he was finished as of July 31 and it would be appropriate to replace him. Karen Chesler stated Tony Battle is a resident and she does not believe that Tom Laxson is a city resident. John Hegemier stated he is a county resident and business owner. Jim Hannah asked about appointing him as an alternate. Glenn Clark asked who else is on the committee that is a county resident but not a city resident and not a business owner. They have a position that is a nonresident and non business owner. Jim Hannah stated Phillip LaBarre is a business owner. Rilla Stephens added they have a position for the ETJ. Robert Koimn added a county resident would be himself. Glenn Clark asked about Tom Brosz. John Hegemier replied he thinks he is a city resident. Robert Koimn stated the other person is him. Rilla Stephens asked if he was off of the commission. Robert Koimn replied he has not been removed to serve. Tom Laxson stated the alternates need to attend the meetings in case someone does not show up. John Hegemier stated then they are abreast of what is going on and since we do not have the positions yet we cannot appoint someone to the positions or alternates. John Hegemier asked if we could put it on the next agenda for the city council to change the requirements for the P&Z. Glenn Clark stated if city residents are not interested he is ok with having someone else do the work. Jim Hannah stated the next meeting they will look at having the P&Z members and specifications changed. Then they will be able to appoint new members or alternates.

**Council member Glenn Clark made a motion to table the appointing of new member or members to the Planning & Zoning Commission, seconded by Council Member Suzanne Schauman. All in favor none opposed. Motion carried.**

1. A resolution disclaiming fee simple ownership of the road located along and abutting 200 Main Street (The Antique Mall Property) between Main Street and 12th Street in Bandera, Texas

Lamar Schulz explained this resolution was originally created by Mason Hunt’s attorney for the Antique Mall and our attorney has reviewed it and made some adjustments but they are all in agreement now.

**Council member Glenn Clark made a motion to approve the resolution disclaiming fee simple ownership of the road located along and abutting 200 Main Street (The Antique Mall Property), seconded by Council Member Charlotte Browning. All in favor none opposed. Motion carried.**

1. Request for approval of dress code policy

John Hegemier explained our employee handbook did not have any thing in it and we need something. Lamar Schulz explained council should have a copy of this and had a chance to read through it all. Suzanne Schauman asked if our employee handbook does not have a dress code in it but it is standard stuff. Lamar Schulz replied nope and we did pass it around to all of the employees to get any additional feedback. Suzanne Schauman stated it is just standard procedure. Lamar Schulz stated he wanted the employees to be able to look at it and see if they had any objections and they would be able to address it. Glenn Clark stated number nine about tattoos should not be visible while on duty but if someone has a tattoo he is not offended by them. Glenn Clark stated he feels if tattoos may be offensive then they would need to be covered by clothing but the part should not be visible to the public while an employee is on duty can be struck from the policy. John Hegemier stated he does agree. It should read, “Tattoos that may be interpreted as offensive (profanity, weapons, violence, nudity, blood, etc) are to be covered by clothing or a bandage.” John Hegemier asked if there was a consensus and they were ok with the tattoos. Glenn Clark added the part about the shirts with tails are to be tucked in but some people with back problems may have an issue with this as he had back problems in the past and it puts a strain on his back. It is a style now and everyone wears them with the shirt tails out. Karen Chesler asked about number four if they should take the last sentence off of, “Shirts with tails are to be tucked in.” Suzanne Schauman asked about the safety equipment for the guys and if we provide a hard hat for the guys or steel toed shoes. Lamar Schulz stated this is really for the supervisor and he is still working on this. Suzanne Schauman stated she has seen them twice in a green vest. Glenn Clark asked to finish up on the shirt tail issue before moving on. Suzanne Schauman asked Lamar Schulz if he is going to start tucking in his shirt tails. Lamar Schulz replied he does not have shirt tails on his shirt. Glenn Clark stated if they are squared off then they are not shirt tails. Glenn Clark stated as long as we have a disclaimer in there because someone has a back problem then he has no problem with it.

**Council member Suzanne Schauman made a motion to approve the City of Bandera dress code policy and incorporate it into our handbook with the exception of changing the tattoos item, seconded by Council Member Sheila Pumphrey. All in favor none opposed. Motion carried.**

1. Request for Mayor to Call Election and post notice of Election

John Hegemier stated the election is November 3rd and we will contract with the county to perform the election for three city council positions open. Karen Chesler explained this is just the notice of the general election and posting. This just gives the regular hours, extended hours, and when the mail in ballots are due. Karen Chesler stated this is just the approval for posting the notice and agreement with the county to handle the election.

**Council member Suzanne Schauman made a motion to approve the request for the mayor to call the election and post notice of Election, seconded by Council Member Sheila Pumphrey. All in favor none opposed. Motion carried.**

1. Proposed Budget Amendments for Fiscal Year 2014-2015

Lamar Schulz explained there is just one as he did not have time to work on more of these. John Hegemier asked is this just making amendments to what you have been doing already. Lamar Schulz replied yes.

**Council member Glenn Clark made a motion to approve the proposed budget amendments for fiscal year 2014-2015, seconded by Council Member Suzanne Schauman. All in favor none opposed. Motion carried.**

1. Proposed Budget Calendar

Lamar Schulz stated they are going to need to make a change with the dates because they are running behind what they like to and other things happening. Lamar Schulz suggested changing the August 11th to 18th. John Hegemier stated he will not be able to attend on the 18th but Suzanne Schauman is capable of handling the meeting. Lamar Schulz stated like last year we did this during the day. Suzanne Schauman asked is there any reason we can’t do this one in the morning, take a break and then come back in the afternoon to get this hammered out. Lamar Schulz replied he does not see why they can’t do that. Charlotte Browning asked what the hours are. Lamar Schulz stated to start at 8:30 am. Suzanne Schauman suggested 9 am and 1 pm. Lamar Schulz replied however council wants to do it. Suzanne Schauman stated they can do the 18th, 19th, and 20th with two meetings on the 18th. Lamar Schulz stated one of the reasons why he is promoting this is that TML is meeting in San Antonio at the end of the month of September. Jim Hannah stated thank you for reminding us about the TML meeting and asked if P&Z can attend the one the following week. Jim Hannah asked if anyone has expressed an interest in the P&Z meeting. Karen Chesler stated she has not seen anyone but can send it out.

1. Adjourn - **Council member Glenn Clark made a motion to adjourn at 7:17 pm, seconded by Council Member Charlotte Browning. All in favor none opposed. Motion carried.**

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Karen Chesler John Hegemier

City Secretary Mayor