**MINUTES**

**FOR THE SPECIAL MEETING OF THE**

**CITY COUNCIL OF THE CITY OF BANDERA**

**JANUARY 22, 2015**

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

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

1. Call to Order by Mayor John Hegemier at 6:00 pm. Council members Glenn Clark, Suzanne Schauman, Sheila Pumphrey, and Jim Hannah were present. City Administrator, Lamar Schulz, and City Treasurer, Betty Brown, City Marshal, Will Dietrich were also present.
2. No Invocation given & 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 Suzanne Schauman made a motion to approve the minutes of the Special Meeting of January 08, 2015 at 6:00 pm, seconded by Council Member Glenn Clark. All in favor none opposed. Motion carried.**

1. Discussion and Possible Action on the Following Topics:
2. Presentation of Marshal’s Office 2014 Racial Profiling Report

Will Dietrich, Bandera Marshall greeted the council and stated each year he is required by law to present the Racial Profiling report to the governing body of the city. Council has the form he submitted to the state in the packets. In 2014, the Bandera Marshal’s office did 201 traffic stops of those 195 were citation only, six were citation and arrests. These numbers do not account for the warnings, DWI’s, or citizen calls. Of the 201 stops – 4 were African American, 3 Asian, 143 Caucasian, 50 Hispanic, and 1 Middle Eastern individual. Prior to the stop the officer did not know the race or ethnicity of the individuals for any stops. Eight of the stops for citations the car was searched and three of the searches were consensual with probable cause or inventory searches of the vehicle. The Marshal’s office is required by law to have a policy for racial profiling for complaints and procedures. A copy was included in the packet. The policy of the Bandera Marshal’s Office is to patrol in a proactive manner, to aggressively investigate suspicious persons and circumstances, and to actively enforce Texas motor vehicle laws, while insisting that citizens will only be stopped or detained when there exists reasonable suspicion to believe they have committed, are committing, or are about to commit, an infraction of the law. Does anyone have any questions or concerns about racial profiling?

1. Request to hire a Deputy Marshal for the 32 hour a week position

Will Dietrich stated he would like to introduce Ryan Crady. The Marshal’s office had four individuals that met the criteria for a deputy advertised back in November for the 32 hour position. Mr. Dietrich had a short interview with Mr. Crady and then Mr. Crady participated in the interview board consisting of four deputies and Karen Chesler, City Secretary. Ms. Chesler did not ask any questions but graded the individuals on presentation and performance. The decision was unanimous to hire Ryan Crady. Mr. Crady is 32 years and who recently moved to Pipe Creek. Mr. Crady is a paramedic, fireman, arson investigator, certified water rescue, and currently a battalion with the Bexar County Fire Department. Mr. Crady works 48 hours on and 96 hours off. Mr. Dietrich feels lucky that Mr. Crady is interested in this job with Bandera. Mr. Dietrich thinks that Mr. Crady is the right kind of man for this city and has the mind set we are looking for with the citizens of Bandera. Sheila Pumphrey asked when Mr. Crady will start. Will Dietrich replied we need to get uniforms ordered and hopefully for the Mardi Gras weekend. Mr. Crady will spend time with the training officer; learn the Bandera way of doing things, and a few days with Marshal Will Dietrich.

**Council member Sheila Pumphrey made a motion to approve the Ryan Crady as the Deputy Marshal for the 32 hour a week position, seconded by Council Member Glenn Clark. All in favor none opposed. Motion carried.**

1. Request to amend ordinance Chapter 14-Zoning, Article 10-II-4, Sec(f) District “B-1” – Central Business District, Use Regulations under: The setback and height requirements, and lot sizes, for uses permitted within this district shall be: change item (5) to read as follows: The maximum height for any building or group of buildings within this district shall be no more than 48 feet

John Hegemier stated we got ahead of ourselves on this item and it needs to go to Planning & Zoning Commission first.

1. Consideration of the use of eminent domain to condemn property owned by Della M. Bailey, deceased, and/or the unknown heirs of Della M. Bailey, deceased located at 1210 Cedar Street and legally described as Lot 57 & part of Lot 60, Bandera Range 12 (0.319 acre of land) in the City of Bandera, Bandera County, Texas

Lamar Schulz stated the property is located across the street from El Jacalito restaurant. The house on the property is in disrepair and was listed as one of the substandard houses in our community. Currently, there is one car on the property left when the owner went to the hospital with other contents inside the house. The other reason this property is being selected is that it is the closest to Main Street and will serve a purpose and provide public parking in downtown Bandera. This will provide Bandera with additional parking in the downtown area, proper drainage and signage will be installed to direct people to this location. This additional parking will serve more people visiting the downtown establishments. The road where this property is located is slanted down and needs a drainage area with piping and culverts. This is a better piece of property to use for this situation and less costly. Jim Hannah added he has been on this project for months with Lamar Schulz, a lot of research has gone into this, and all of the efforts that have gone into locating the family have failed. Currently, the property is slotted for a parking lot but future plans could include a walkway according to the master plan.

**Council member Jim Hannah made a motion “I move that the City of Bandera, Texas authorize the use of the power of the eminent domain to acquire up to fee simple title to the property owned by Della M. Bailey, deceased and/or unknown heirs of Della M. Bailey, deceased, located at 1210 Cedar Street and legally described as Lot 57 & part of Lot 60, Bandera Range 12 (0.319 acre of land) in the City of Bandera, Bandera County, Texas for the construction of a public parking lot and drainage improvements for the public’s use” seconded by Council Member Suzanne Schauman.**

**Vote – Glenn Clark-yes, Suzanne Schauman-yes, Shelia Pumphrey-yes, Jim Hannah-yes. All in favor none opposed. Motion passed.**

1. Request to open a new checking account for utility customer’s deposits. These are restricted funds and are currently being comingled with General Fund cash and needs to be separate

Betty Brown stated she determined after a short time that customer deposits for utility service have been comingled with the General Fund and these funds are restricted funds which need to be available anytime someone comes in to request a reimbursement. Thus, Betty Brown is requesting council allows her to open a checking account to hold these funds. John Hegemier asked if the funds are currently mixed in the deposits. Betty Brown stated yes they are and when someone moves and they have not paid the balance on the account the deposit can be applied to the balance.

**Council member Glenn Clark made a motion to allow Betty Brown to open a new checking account for the utility customer’s deposits, seconded by Council Member Jim Hannah. All in favor none opposed. Motion carried.**

1. Request to close Park checking account. These are General Fund dollars and should be included with General Fund cash. This is an unnecessary account to maintain

Betty Brown stated she also determined a checking account for the Park Fund. They should be included with the General Fund. This fund is not necessary to be segregated and she would like to close the account.

**Council member Glenn Clark made a motion to approve the closing of the checking account for the Park Fund, seconded by Council Member Shelia Pumphrey. All in favor none opposed. Motion carried.**

1. Financial Reports
2. Water Department
3. Permits Issued
4. Water Usage
5. General Fund – Bills paid
6. Enterprise Fund - Bills paid & Balance Sheet
7. Municipal Court Activity Report
8. Marshal’s Department Report

Lamar Schulz stated next month JR Higgins will have some better reports for council. The first report is the water report to see the different amounts for the wells for 2014 by well and Indian Waters has not been used. JR Higgins is trying to get to the well up to utilizing it in the very near future. John Hegemier asked how long until the Indian Waters well is working. JR Higgins replied if all goes well a couple of weeks because he needs to do a little bit more research and find out exactly what is wrong. Mr. Higgins thinks it is a pressure problem and it can be fixed with a couple valves. Jim Hannah asked how the water tanks are doing. JR Higgins replied the Mulberry tank needs some help but for the most part just a little tweaking to work better. Jim Hannah asked if the Mulberry well is an old concrete tank. JR Higgins replied yes. Jim Hannah asked if a liner was put in and if it is leaking. JR Higgins replied he does not have that information but one of the guys said the Dallas well has a liner but he has not gotten into yet. Mr. Higgins is just getting organized and figuring out where everything is. John Hegemier asked about the water loss of 13 percent at the well and if that is considered normal. JR Higgins replied the state recommends only 10 percent loss but the older the system the higher the percentage rate for loss is. Mr. Higgins stated he is not sure where those numbers are coming from and he was not here in December but in February he will have his own set of numbers to look at and he can be more accurate at what council is looking at. Mr. Higgins stated 13 percent is not too bad and has seen a lot worse. Mr. Higgins contacted the Fire Department to get the usage of what they pull out of the hydrants by the 20th of the month. The water loss is based on the meter reading from the first of the month to the last of the month. Lamar Schulz stated the next report is the permits issued but we did not have a lot of them with 4 signs, 4 banners and we are anticipating more permits coming through. Lamar Schulz stated the municipal court had a number of cases filed and it is up based on the change in the Marshal’s office and they are getting more traffic related stuff done. The Municipal Court report lists the cases closed, payment plans, and they are had court on Friday. Some of these items are old cases and they have more to come. The revenue collected is over $7,000 and is not the profit margin but the revenue collected. Suzanne Schauman stated the year to date total at the bottom is the fiscal year because they have not collected $53,000. Lamar Schulz replied correct it is from January through December, the calendar year. Lamar Schulz stated they will check into it and let council know. Suzanne Schauman stated council would like to know where they are at in the fiscal year. Betty Brown stated the new system should be in and hopefully the new reports will be available on the fiscal year and not the calendar year. Betty Brown stated the General Fund paid out $66,567.62 and the Utility Fund paid out $52,956.60. Lamar Schulz asked if council had any more questions.

1. Adjourn

**Council member Glenn Clark made a motion to adjourn, seconded by Council Member Suzanne Schauman. All in favor none opposed. Motion carried.**

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Karen Chesler John Hegemier

City Secretary Mayor