

## **Minutes for the Regular City Council Meeting**

**February 4, 2016 at 6:00 p.m.**

### **Municipal Building Bandera Texas**

- I. Meeting was called to order by Mayor John Hegemier at 6:02 P.M.
- II. Council Members Present: Sheila Pumphrey, Rebecca Gibson, Suzanne Schauman, Charlotte Browning, Jim Hannah 6:04
- III. All stood for the Invocation and Pledge of Allegiance.
- IV. No Visitors signed up to be heard.
- V. Support Staff Present: City Treasurer Trinity Burnes, City Secretary Sherrie Hamilton, City Marshal Will Dietrich, City Municipal Judge Francis Kaiser, City Municipal Clerk Jannett Piper, Public Works Director, Roy Clayton
- VI. Discussion and possible action on the following topics.

- A. The process for the Public Works Department to install culverts purchased by the home owner at 802 Cedar St. to improve localized drainage issues.

Public Works Director Roy Clayton states to the Council that to install the culverts purchased by Coleen Garret would be using public funds to do private work. Laura Davenport representing Ms. Garrett stated that years back they had purchased culverts and the city had put them in, no questions asked. Ms. Davenport also asked if the City would go through and clean out the culverts to ease some of the draining issues for the property owners. Councilmember Suzanne Schauman stated that a previous City government has nothing to do with the present sitting council. The present City Council is trying to do things in the city the correct way. Councilmember Rebecca Gibson requested to read an email from Bryan Cope the City Engineer, stating that Ms. Garrett assumed the City would install the culverts because the City had done this in years past. He advised her if the City was doing work of that manner in front of her property, possibly the work could be done at that time, otherwise he would suggest that she go through the permit process and hire a contractor and get the work done. The City cannot do public works on private property. Laura Davenport asks if the City could clean out the ditch equivalent to what is on the other side of the road to prevent flooding. Roy Clayton stated that he would look at that issue. A citizen from the audience commented that you can't do city work on private property. Daniel Santee, City Attorney stated that in the Texas Constitution that "public funds cannot be used for potentially private property. No action on this item.

- B. Bandera Electric Co-operative to present upcoming plans for broadband internet and LED outdoor lighting. BEC plans to change the lights from high pressure sodium to LED, these lights last for fifteen years as opposed to the four years from the high pressure sodium lights. Councilmember Charlotte Browning asks if the whole City will be changed out. Amy Zinc, Director of Public Relations states yes but this does not include Main Street or 173 as they are State Highways. These lights are TXDOT compliant.

Richard McDonald manager of Information Technologies with Bandera electric is embarking on a pilot for 2016 for rolling out broadband internet services to the entire service territory. A pilot scope of 200 or so accounts with a mixture of businesses and homes. The Pilot location will be in Bandera Proper, through town and to the Flying L. The pilot will be at least through the year of 2016 and possibly extended. The formal

recruiting process is now through March. Tentative installation is May through December.

- C. Revise Vendor Permit Rates: Moved to a Workshop meeting.
- D. Create Job Posting for the position of City Administrator. Place Classified ad in the Bandera Bulletin, Bandera Courier, Kerrville Daily Times, Boerne Star, and San Antonio Express News and on the TML website.

Councilmember Rebecca Gibson would like to include that a resume is attached to the application, which all applications and resumes to be logged into the mail log and remain unopened until Council has an opportunity to open them all at the same time. Motion made by Councilmember Jim Hannah, 2<sup>nd</sup> by Charlotte Browning, all in favor none opposed.

- E. Appoint Liaisons to the following agencies:

Bandera County Commissioners Court, second and fourth Thursday of the month:  
Charlotte Browning

Bandera County River Authority and Ground Water District, quarterly at 10 a.m...  
Rebecca Gibson

Bandera Independent School District, second Monday of each month at 6 p.m... Mayor  
John Hegemier

Bandera Business Association, monthly at noon, by invitation only: Jim Hannah  
Bandera County Chamber of Commerce by invitation only: Charlotte Browning

- F. Issuance of a Resolution as requested by Jaki Perkins on behalf of Bandera County Chamber of Commerce. Ms. Perkins spoke reading all the names from the businesses thanking the City for the Resolution for the night parade. Motion by Councilmember Suzanne Schauman, second Councilmember Rebecca Gibson, all in favor, none opposed.
- G. Discuss option of assigning duties of Code Enforcement to the Marshals Office and discuss possible designation to a specific deputy.

Marshal Will Dietrich states, this has come up in the workshop, his proposition is to make his 32 hour officer a full time position, Deputy Smith would like to come to work full time doing patrol as well as Code Enforcement. The only thing that would be changed is the hours from 32 to 42 hours a week. The Marshals Office is already doing Code Enforcement. Councilmember Suzanne Schauman states that this is strictly Code Enforcement. The extra pay for the year is \$13,000.00 a year, for the remainder of the year is only \$10,000.00. The city will still have a \$26,000.00 a year left over by doing this, this way. This can be done with a budget amendment across the line. Motion made by Suzanne Schauman to designate Officer Smith giving him the salary and that the funds moved from the code enforcer line to the Marshals office, second by Sheila Phumphrey, all in favor, none opposed.

- H. Ordinance suspending certain permit fees and inspections.  
Daniel, City Attorney, states that the City can suspend certain permits for a period of 180 days for City's that are in the predicament that the City of Bandera currently is with the absence of a City Administrator and a City Inspector. It's not the entire process; people are still going to have to submit certain permits to P & Z. Not suspending any of the

codes, all that we are suspending is a part of the process. At any time we can suspend the process, or if at the end of the six months we can extend it if we are not in a better position to keep up with the process. We can outsource inspections. Councilmember Suzanne Schauman states that doing away with permits is not a good idea. Suzanne states that she has contacted a company called Bureau VERITAS, fees are 76\$ for a single family residence construction or business. Will have a presentation ready for the workshop on February 11, 2016... Ask council to let her pursue this. No Action

- I. Set Municipal Judge's salary at \$19.00 an hour.

Councilmember Suzanne Schauman stated that Judge Frances Kaiser requested a 64 cent an hour raise. Councilmember Suzanne Schauman stated, Take the 18.36 an hour and add it to the 64 cents to it and you get the \$19.00 an hour. Charlotte Browning made the motion to approve the raise, and approve the budget. Make this raise retroactive to October 1, 2015. Sheila Pumphrey second, all in favor, none opposed.

- J. EDC budget adjustment in the amount of \$2,500.00.

Martha Shumaker handed out the approved budget. To paint the storage containers located at the Bandera City Yard, they store Christmas lights and various items used by the City of Bandera. This bid is for painting two units. They will be painted the same color as the buildings to make them more appealing to the eye. This money will be coming from the general funds budget. Charlotte Browning made a motion to approve, Sheila seconded, all in favor none opposed.

- K. First reading of Resolution for approval and EDC adjustment in the amount of \$45,000.00 to the Natural History Museum.

The funds are for the completion of the drive, walking paths, parking lots, signage on the grounds, entrance and throughout the museum. Martha Shumaker read the Resolution. Councilmember Rebecca Gibson ask could the city do a variance not requiring a concrete parking, Jeannie Strickland stated that would be wonderful if it could be done but because of the weight of the buses and so forth that would be coming in to the museum, it would have to be done on a regular basis because it would not hold up.

Councilmember Suzanne Schauman asks was it legal for the EDC to use funds on a 501C3 organization. The Economic Development Council states, the new parking lot will be owned by the Museum. There is nothing in the statute that prohibits this. The problem is going to be other non profits wanting things from the EDC. Martha Shoemaker states, this is going a resource center and also be a profit center for the City of Bandera.

Councilmember Rebecca Gibson asks if they were getting more bids. Martha Shoemaker states that this has gone through a bidding process. Jeannie Strickland states that this is a 3.6 million dollar project, the 45,000.00 is a small amount to what we have already spent. The cost of this project is \$111,000.00 they have raised all but the \$45,000.00 from donations.

Bob Grimes County Commissioner ask what the name for the not for profit name is for the museum , because when he printed off the not for profits in Bandera he did not find one. Sully, It was confirmed that there is not a 501C3 in place for this organization at this time but it has been applied for Bandera Natural History Museum, nine or ten months. Guaranteed to give the money back if the 501C3 is not received.

Executive Session after a seven minute break 7:54 p.m. Consultation with attorney.

Reconvening at 8:11 in regular session. Councilmember Rebecca Gibson made a motion to accept the first reading of the resolution for \$45,000.00 second Sheila Pumphrey, all approve, none opposed.

- L. First reading of Resolution for approval and EDC Budget adjustment in the amount of \$12,700.00 for commissioning and installation of a mural at the City Hall complex.

On January 20, 2016 Dave Furrell and Phil Stevens presented a rendition of a mural depicting the cattle drive from this location to Kansas. The location of this mural will be on the fire department end of the City Complex. This price covers the cost of the mural as well as the installation. Councilmember Charlotte Browning would like to see the installation of the mural partnered with a fund raiser to raise money for the fire department. Martha stated that when another mural was installed there was a grand opening at the time and she said that possibly that is something that could be done. Councilmember Rebecca Gibson states that she does not see how a mural falls in the guidelines of what the EDC does, stating that she, would really like to see a fundraiser by, citizens to fund this project. Stating that she appreciates the beauty of the mural, she does not see public funds being used to fund this project. Martha Shoemaker states that people do come to see the murals, it enhances tourism. Anything that council and EDC can do to bring people in to town with dollars in their pockets. Charlotte Browning made a motion to approve, Suzanne Schauman second, Sheila Pumphrey, Jim Hannah for, Rebecca Gibson opposed.

- M. Phone system moved to Workshop.
- N. Employee Handbook moved to Workshop. Councilmember Rebecca Gibson and Councilmember Suzanne Schauman worked on a draft of the handbook. Presented to the council for review and suggestions. Will be sent off to be approved. The City Attorney would like to view the handbook before it is adopted.
- O. Regarding, recommendation by the Mayor for the appointment of a City Secretary and determination of Salary.

Councilmember Jim Hannah feels that since we put the application out, we have to follow through and interview. The Mayor states that he asks if they saw anyone they would like to interview. Councilmember Suzanne Schauman states that she is impressed with the job Sherrie has done with the public. Marshal Will Dietrich states that it has been like a breath of fresh air. Trinity Burnes states that it has been a big help. Suzanne Schauman made the motion to appoint Sherrie Hamilton City Secretary, Charlotte Browning second, all in favor, opposed Jim Hannah and Sheila Pumphrey abstained. Executive session to discuss salary 8:30 p.m...

Open Session reconvenes at 8:40 p.m. Councilmember Suzanne Schauman makes a motion to set salary at \$16.00 plus benefits. Second by Jim Hannah, all in favor, none opposed.

- P. Executive session, personnel matters, Treasurer Trinity Burnes opted to have the meeting in open session.

Council member Jim Hannah states there are not enough results since the meeting two weeks ago. There is a problem with travel pay between some employees and the Treasurer. Accounts payable is still having a problem with reimbursements with travel time. Councilmember Suzanne Schauman states that she has been working here and is tired of all the blame being laid at Trinity's feet. Bank reconciliation has not been done since Mavon was here. Trinity has been working hard. Trinity works well with Sherrie, with Jerika, codes have not been set up by Incode. The old accounting system has not been integrated by Incode. Trinity needs some help. The whole thing with the Judge's office is a big misunderstanding; she cannot do anything without the codes.

Councilmember Charlotte Browning suggests hiring a temporary person to come in and help Trinity to get caught up.

Suzanne Schauman states that the \$500,000.00 has not been moved out of pooled cash it was moved in the utility fund.

Councilmember Rebecca Gibson states, since she has been on Council she has been suggesting training for Incode. Councilmember Rebecca Gibson asks City Treasurer Trinity Burnes, to get her list together of things discussed in the previous meeting. City Treasurer Trinity Burnes states that it's not the lack of experience that is the problem it's the amount of mess that needs to be dealt with and straightened out.

Councilmember Jim Hannah believes that there is a dissention problem between the Municipal Court and City Treasurer Trinity Burnes.

City Treasurer Trinity Burnes asks has the Council come up with payment terms and states that she has ask for this numerous times.

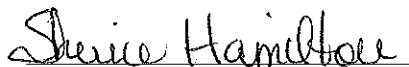
Councilmember Suzanne Schauman states it is not council's job to interfere with the day to day operations of the city.

Councilmember Rebecca Gibson reminds council that there is a 45 day to provide a document that outlines the issues that we have from January 27<sup>th</sup>. To be talked about at a workshop.

City Attorney, Daniel Santee makes a suggestion that you establish a policy when your official asks you for it, such as when City Treasurer, Trinity Burnes ask for a policy. So when you adopt a policy you can hold an employee or official accountable for not following policy.

Council member Jim Hannah asks if Trinity Burnes had had a helper in the office at 6 or 6:30 in the last two weeks. Trinity answered no.

Q. Motion to adjourn 9:18 p.m.

  
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Sherrie Hamilton, City Secretary