



CITY OF BANDERA CITY COUNCIL REGULAR MEETING

Bandera City Hall, 511 Main Street, Bandera, Texas
Monday, July 12, 2021 at 6:00 PM

511 Main St. • PO Box 896 • Bandera, Texas 78003 • P: (830) 796-3765 • F: (830) 796-4247

MINUTES

1. **Call to order.**
2. **Invocation and Pledge.**
3. **Visitors to be heard.**

This time is set aside for any person who wishes to address the City Council. Presentations should be limited to no more than 3 minutes. Individuals not able to attend due to space limitations may email the City Secretary at least two (2) hours prior to the meeting and provide your comments to be read.

Cindy Beckham wanted to thank Council for funding Cowboys on Main and that next Saturday is National Day of the American Cowboy and she would like to invite everyone out.

Jerad Wilcox President of the EDC, updated the Council on that he is shutting his business down into and starting his cobbling business, he was not able to find anything in town. He just wanted to let the City know and be transparent that his business will be at Polly Peak and Hwy 16.

4. **Consent Agenda.**
 - A. **Approval of minutes from the June 3, 2021 Regular Meeting.**
 - B. **Approval of minutes from the June 10, 2021 Regular Meeting.**
 - C. **Approval of minutes from the June 17, 2021 Regular Meeting.**
 - D. **Approval of minutes from the June 17, 2021 Board of Adjustment Meeting.**

Motion to approve the consent agenda.

Motion made by Councilmember Russe to approve all items, Seconded by Councilmember Morse.
Voting Yea: Mayor Pro Tem Gibson, Councilmember Hasty, Councilmember Kunz,
Councilmember Morse, Councilmember Russe

5. **Discussion and possible action on the following items:**
 - A. **Discussion and possible action on a Resolution ordering a General Election of the qualified voters of the City of Bandera for the purpose of electing three (3) City Council members to serve two-year terms.**

Motion to approve the resolution.

Motion made by Councilmember Hasty, Seconded by Councilmember Russe.
Voting Yea: Mayor Pro Tem Gibson, Councilmember Hasty, Councilmember Kunz,
Councilmember Morse, Councilmember Russe

- B. **Discussion and possible action on an Ordinance amending Bandera Code of Ordinances Section 1.03.031 to change the day and time of the regular meetings of City Council.**

After some discussion about what days worked best for all members of council, they came to an agreement.

Motion to change the meetings days to the 1st and 3rd Tuesdays at 6:00 pm.

Motion made by Councilmember Hasty, Seconded by Councilmember Russe.
Voting Yea: Mayor Pro Tem Gibson, Councilmember Hasty, Councilmember Kunz,
Councilmember Morse, Councilmember Russe

C. Discussion and possible action on a Resolution appointing Donna Ross to the Bandera Economic Development Corporation.

Motion to approve the resolution to appoint Donna Ross to the Bandera EDC.

Motion made by Councilmember Hasty, Seconded by Councilmember Kunz.
Voting Yea: Mayor Pro Tem Gibson, Councilmember Hasty, Councilmember Kunz,
Councilmember Morse, Councilmember Russe

D. Discussion and possible action on a Resolution approving an expenditure by the Bandera Economic Development Corporation in the amount of \$65,000.00 for the purchase of real property.

Motion to approve expenditure by the Bandera EDC in the amount of \$65,000.00 for purchase of real property.

Motion made by Councilmember Russe, Seconded by Councilmember Morse.
Voting Yea: Mayor Pro Tem Gibson, Councilmember Hasty, Councilmember Kunz,
Councilmember Morse, Councilmember Russe

E. Discussion and possible action on residential versus commercial utility rates for short term rental properties.

Councilmember Kunz presented an Abstention Affidavit and left the room.

City Secretary explained why this item was on the agenda. Attorney Santee discussed that when people say its against the law it was a case about an HOA, not a municipality. A lot of other cities regulate them. It is in the purview of the municipality to decide. The city was having a hard time getting people to pay their Hotel Occupancy Taxes and keeping up with them. There was some discussion about if more water is being used.

Motion to change the current short term rentals that are being charged commercial rates to residential rates.

Motion made by Councilmember Hasty, Seconded by Mayor Pro Tem Gibson.
Voting Yea: Mayor Pro Tem Gibson, Councilmember Hasty, Councilmember Russe
Voting Nay: Councilmember Morse
Abstain: Councilmember Kunz

Councilmember Morse is not in favor and thinks it needs to be looked at further. They are a business and they are making money she commented. She feels like it needs further looking at.

Motion made to reopen the item.

Motion made by Councilmember Hasty, Seconded by Mayor Pro Tem Gibson.
Voting Yea: Mayor Pro Tem Gibson, Councilmember Hasty, Councilmember Morse,
Councilmember Russe
Abstain: Councilmember Kunz

Motion to table item.

Motion made by Councilmember Hasty, Seconded by Mayor Pro Tem Gibson.
Voting Yea: Mayor Pro Tem Gibson, Councilmember Hasty, Councilmember Morse,
Councilmember Russe
Abstain: Councilmember Kunz

F. Discussion and possible direction regarding replacement of the utility disconnect and reconnect fee with a utility transfer fee.

There was some discussion on this item and what the dollar amount should be when someone has existing utility account and just wants to add an additional one to their name. Some are concerned that there should not be a disconnect and reconnect fee. There was no action on this item but it will be discussed during a budget workshop when the fee schedule is adopted.

There were questions about the amount of the work that is involved, if there is less work. Councilmember Kunz recommended a \$35.00 transfer fee.

Motion that there is a fee made for transfer of service in the ordinance and we match that on the rate schedule of \$35.00 to the receiver of service. The dollar amount of the fee was removed but that there is one involved in the transfer of service and that it be added to the fee schedule when that comes up.

Motion made by Councilmember Kunz, Seconded by Mayor Pro Tem Gibson.

Voting Yea: Mayor Pro Tem Gibson, Councilmember Hasty, Councilmember Kunz, Councilmember Morse, Councilmember Russe

G. Discussion and possible action on a Resolution authorizing the opening of a bank account at Bandera Bank for Hotel Occupancy Tax Funds and designating the authorized signators for said account.

Motion to approve the resolution authorizing the opening of a bank account at Bandera Bank for Hotel Occupancy Tax Funds and designating the authorized signators for said account.

Motion made by Councilmember Russe, Seconded by Mayor Pro Tem Gibson.

Voting Yea: Mayor Pro Tem Gibson, Councilmember Hasty, Councilmember Kunz, Councilmember Morse, Councilmember Russe

H. Discussion and possible action on a Resolution authorizing the opening of an escrow account at Bandera Bank for Best Western Hotel Occupancy Tax and Property Tax Refund Payments.

Motion to approve the resolution authorizing the opening of an escrow account at Bandera Bank for Best Western Hotel Occupancy Tax and Property Tax Refund Payments.

Motion made by Councilmember Russe, Seconded by Mayor Pro Tem Gibson.

Voting Yea: Mayor Pro Tem Gibson, Councilmember Hasty, Councilmember Kunz, Councilmember Morse, Councilmember Russe

I. Discussion and possible action on an Ordinance amending the Fiscal Year 2020-2021 Budget to transfer \$92,250.00 from 99-1003, Pooled Cash, into the Hotel Occupancy Tax Fund account, and approving a transfer of \$7,679.08 from 99-1003, Pooled Cash, into the Best Western Hotel Occupancy Tax and Property Tax Refund Payments Escrow Account.

Motion to approve an Ordinance amending the Fiscal Year 2020-2021 Budget to transfer \$92,250.00 from 99-1003, Pooled Cash, into the Hotel Occupancy Tax Fund account, and approving a transfer of \$7,679.08 from 99-1003, Pooled Cash, into the Best Western Hotel Occupancy Tax and Property Tax Refund Payments Escrow Account.

Motion made by Councilmember Hasty, Seconded by Councilmember Morse.

Voting Yea: Mayor Pro Tem Gibson, Councilmember Hasty, Councilmember Kunz, Councilmember Morse, Councilmember Russe

6. Closed Session.

- A. The City Council will convene in closed session pursuant to Government Code Section 551.071, consultation with attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter, to wit: Any Agreement associated with: Main Street Shops and Lofts, Ltd, AKA Best Western and other matters in connection therewith.**

Meeting was recessed to closed session at 6:47 pm.

7. Action following Closed Session.

The City Council will convene following closed session to consider any action recommended to be taken during the closed session.

The meeting was reconvened at 7:37 pm.

There was no action on this item.

8. Requests and Announcements.

A. Requests by Council to place items on an agenda.

Councilmember Kunz requested an item about the Mayor's and Council's role in day-to-day operations of the EDC business and a workshop by Council with Best Western liaison for upcoming marketing plan.

Mayor Pro Tem Gibson requested powers and duties of the acting City Administrator and discussion on Federal Infrastructure Funding.

B. Announcements by Council.

Councilmember Hasty would like to thank everyone for shopping at Mr. W Fireworks stand. The two weeks that the Lion's Club ran it, they were able to raise funds.

9. Adjourn.

Meeting was adjourned at 7:40 pm.

/s/ Jill Shelton

Jill Shelton, *City Secretary*

