



CITY OF BANDERA CITY COUNCIL REGULAR MEETING

Bandera City Hall, 511 Main Street, Bandera, Texas
Tuesday, August 13, 2024 at 6:00 PM

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

AGENDA

1. **Call to order.**
2. **Invocation and Pledge.**
3. **Visitors to be heard (shall not exceed 30 minutes total).**

Citizens wishing to be heard may do so on all matters except personnel matters, matters listed on the agenda as a public hearing, and matters under litigation. Each person addressing the council must provide his/her legal name and current address for city records and meeting minute preparation. Each person will only be allowed to speak on matters on the agenda during citizen's forum/public comment. No rebuttals will be permitted. Each person addressing the governing body shall not exceed three (3) minutes. Section 551.042, Government Code, V.T.C.A. (i.e. Texas Open Meetings Act) permits a member of the public or a member of the governmental body to raise a subject that has not been included in the notice for the meeting, but any discussion of the subject must be limited to a proposal to place the subject on the agenda for a future meeting. All remarks shall be addressed to the council as a body, and not to any individual member thereof. Any person making personal, impertinent, or slanderous remarks while addressing the council may be requested to leave the meeting.

4. **Consent Agenda.**

A. Approval of minutes from the special City Council meeting on August 7, 2024.

5. **Proclamations.**

- A. A.) Breast Feeding Awareness
- B.) National Tourism

6. **Presentations.**

A. Approved uses of State approved HOT funds.

7. **Workshop.**

- A. Workshop on the Rural Economic Development (RED) Grant.
- B. Budget Workshop.

8. **Discussion and possible action on the following items:**

- A. Consideration and possible action on Resolution 2024-026 accepting the state defined tax rates and setting the preliminary 2024 tax rate.
- B. Discussion and possible action of the relocation of Marshals office to the City owned property at 106 Austin Street. - Marshal DeFoster
- C. Discussion and possible action on City Council Committees. - Mayor Gibson
 - A) Branding/Marketing Committee
 - B) Welcome to and Wayfinding signs Committee

9. Closed Session.

A. The City Council will meet in closed session pursuant to Texas Government Code Section 551.072 to deliberate the purchase, exchange, lease, or value of real property.

A) Waste Water Treatment Plant

10. Action following Closed Session.

11. Requests and Announcements.

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

B. Announcements by Council.

12. Adjourn.

/s/ Jill Shelton

Jill Shelton, City Secretary

The City Council for the City of Bandera reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matter listed above, as authorized by Texas Government Code §551.071 (Consultations with Attorney), §551.072 (Deliberations about Real Property), §551.073 (Deliberations about Gifts and Donations), §551.074 (Personnel Matters), §551.076 (Deliberations about Security Devices) and §551.086 (Economic Development). There may be a quorum of Economic Development Corporation/Planning and Zoning member at any regularly scheduled City Council Meeting. This facility is wheelchair accessible and handicapped parking is available. Requests for accommodations or interpretive services must be made 48 hours prior to the meeting. Please contact the City Secretary at (830) 796-3765. This agenda is posted in accordance with the Texas Government Code, Chapter 551 on August 9, 2024.



CITY OF BANDERA CITY COUNCIL SPECIAL MEETING

Bandera City Hall, 511 Main Street, Bandera, Texas
Wednesday, August 07, 2024 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.

The meeting was called to order at 6:01.

PRESENT

Mayor Rebeca Gibson
Mayor Pro Tem Tony Battle
Councilmember Debbie Breen
Councilmember Jeff Flowers
Councilmember Brett Hicks
Councilmember Lynn Palmer

2. Invocation and Pledge.

Mayor Gibson offered the invocation and all stood for the pledges.

3. Visitors to be heard (shall not exceed 30 minutes total).

There were no visitors to be heard.

4. Consent Agenda.

A. Approval of Minutes from July 9, 2024 Regular City Council Meeting.

Motion made by Councilmember Battle to approve the consent agenda, Seconded by Councilmember Palmer.

Voting Yea: Councilmember Battle, Councilmember Breen, Councilmember Flowers, Councilmember Hicks, Councilmember Palmer

5. Presentations.

A. Presentation from Adurra Engineering on the updates on the (FIF) Flood Infrastructure Fund Project.

Jonathon Teafatiller with Adurra provided a detailed slideshow of the FIF project with pictures and timeline for completion.

6. Discussion and possible action on the following items:

A. Discussion and possible action on Resolution 2024-024 for the Facility Use Agreement with the Bandera Methodist Church. -Farmer

There was much discussion on the parking lot for the Church and what maintenance had already been done on it and when it is used by the public. The Council does have a consensus that it is used and are willing to pay something but felt like \$500.00 was to much.

Motion made by Councilmember Breen to approve Resolution 2024-024 and agreement with the change to \$300.00 a month, Seconded by Councilmember Battle.

Voting Yea: Councilmember Battle, Councilmember Breen, Councilmember Flowers, Councilmember Hicks, Councilmember Palmer

B. Approval of Resolution 2024-025 approving a Facility Use Agreement for the use of the Bandera City Park for the Bandera ISD Annual Track meet. - Farmer

There was no discussion on this item, it is an annual event held by the Bandera ISD.

Motion made by Councilmember Hicks, Seconded by Councilmember Breen.

Voting Yea: Councilmember Battle, Councilmember Breen, Councilmember Flowers, Councilmember Hicks, Councilmember Palmer

C. Discussion and possible action on creating pedestrian entrances by both gates into the park for residents and visitors wide enough for stroller or wheelchair accessibility when the City Park is closed- Palmer

There was no action on this item.

Cit Administrator Farmer updated Council that Public Works had already completed making an opening for pedestrians at the 11th street gate and were in the process of making one at the 8th street gate.

D. Discussion and possible action on the enforcement of Ordinance 342 Article 3.05 House numbers. - Palmer

There was no action on this item.

City Administrator Farmer update council that an audit had already been done of the addresses without 911 addresses marked and Code Enforcement had already sent out letters to those residents. He further stated most of those had already been corrected and that the ones that were left would be handled within the next 30 days. There was discussion of helping with those for people that needed assistance financially or physically. It was stated this is not an enforcement issue but more a necessity for the safety of the citizens should they need any assistance having the ability for a first responder to be able to quickly identify and locate their home.

E. Discussion and possible action on negotiating with the County Commissioners to extend the lease agreement ending in July 2, 2029 for use of the Bandera City Hall building. - Palmer

There was no action on this item.

There was discussion on the lease at City Hall and when the lease was up in 2029. Discussion about contacting the County for a lease extension or looking at other possible locations that could staff City Hall and the Marshals office.

F. Discussion and possible action a request from the Bandera City Marshal for an expenditure of \$6,499.00 to purchase six new Body Worn Cameras and ancillary equipment. - De Foster

This was already in the Marshals budget but because it was over \$5,000.00 needs council approval. The officers are in need of these new cameras and City Administrator recommends the expenditure.

Motion made by Councilmember Battle, Seconded by Councilmember Flowers.

Voting Yea: Councilmember Battle, Councilmember Breen, Councilmember Flowers, Councilmember Hicks, Councilmember Palmer

G. Review Texas Parks and Wildlife Grant schedule for upcoming potential projects. - Gibson

There was no action on this item.

This was an update for Council about any possible upcoming grant opportunities with Texas Parks and Wildlife. Looking at trails, restrooms, parks, splash pads and all upcoming grants. There was no consensus on a project.

H. Discussion regarding permit application pending before the Bandera County River Authority and Groundwater District for water from the lower trinity aquifer that could impact the City of Bandera. -Gibson

There was no action on this item.

There was some discussion on the well permit for Camp OTX and when the deadline was for the Council to protest the permit. It was decided to do more fact finding on the dates and deadlines and bring back on the 1st meeting in September with the information.

7. Closed Session.

Mayor Gibson recessed the open meeting to go into closed session at 7:22PM

A. The City Council will meet in closed session pursuant to Texas Government Code Section 551.072 to deliberate the purchase, exchange, lease, or value of real property.

A) Waste Water Treatment Plant

B. The City Council will meet in closed session pursuant to Texas Government Code Section 551.071, Consultations with Attorney, 380 Agreement with Main Street Shops and Lofts.

C. The City Council will meet in closed session pursuant to Texas Government Code Section 551.071, Consultations with Attorney, Dietrich F-5 update.

8. Action following Closed Session.

Mayor Gibson opened the meeting to the public at 7:59PM

9. Requests and Announcements.

Mayor Gibson moved these items up before closed session.

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

There were no requests by Council.

B. Announcements by Council.

Texas Music Workshop at BEC on the 12th, September 7 Chamber hosting 30th Anniversary of Gringo Honeymoon from 11am-3pm, Open house for information regarding RED grant at Silver Sage on August 15, 2024 at 5:30.

10. Adjourn.

Mayor Gibson adjourned the meeting at 8:50PM

/s/ Jill Shelton

Jill Shelton, *City Secretary*

DRAFT

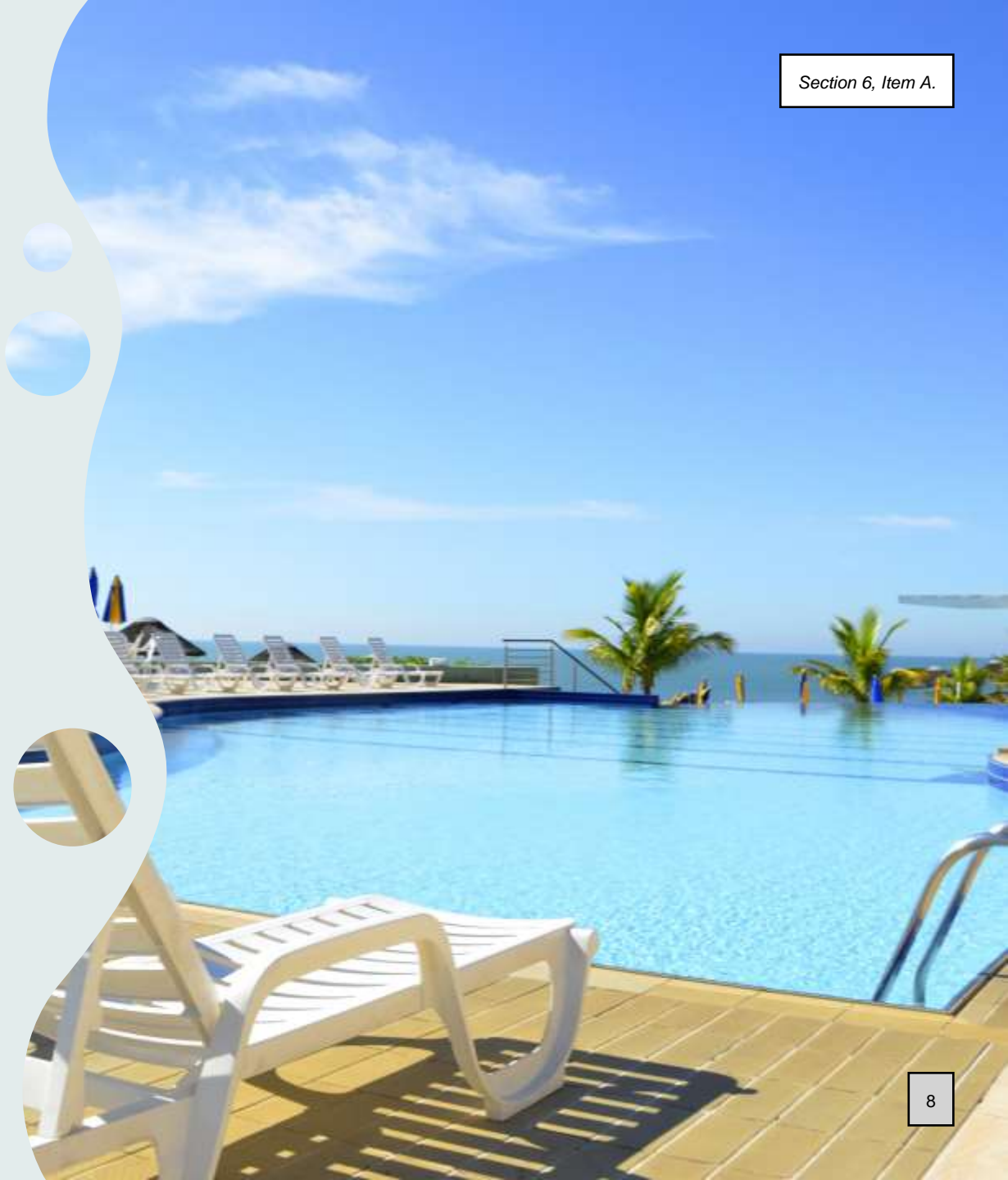
Use of Tax Revenue Funds

Presented by:
T. Daniel Santee, Partner
Denton Navarro Rodriguez
Bernal Santee & Zech, P.C.

Uses

Promote tourism and the convention and hotel industry, limited to the following

- Acquisition
- Facilities
- Advertising
- Promotion
- Historical
- Sports Facilities
- Signage



Acquisition and Facilities

Acquisition of sites

- Construction
- Improvement
- Enlarging
- Equipping
- Repairing
- Operation
- Maintenance of convention center facilities or visitor information centers or both.

Furnishing of facilities, personnel, and materials for the registration of convention delegates or registrants



Advertising and Promotion

Advertising and conducting solicitations and promotional programs

- Attract Tourists and convention delegates or registrants

Encouragement, promotion, improvement, and application of the arts

- Instrumental and vocal music
- Dance
- Drama
- Folk art
- Creative writing
- Architecture
- And other arts related to the presentation, performance, execution, and exhibition of these major art forms



Historical

Historical restoration and preservation projects or activities or advertising and conducting solicitations and promotional programs to encourage tourists and convention delegates to visit preserved historic sites or museums:

- At or in the immediate vicinity of convention center facilities or visitor information centers
- Located elsewhere in the municipality or its vicinity that would be frequented by tourists and convention delegates

Sports Facilities

The promotion of tourism by the enhancement and upgrading of existing sports facilities or fields if:

- The municipality owns the facilities or fields.

Signage

Directing the public to sights and attractions that are visited frequently by hotel guests in the municipality



DO NOT USE

For general revenue
purposes



For general
governmental operations

City Duties



May delegate a person the management or supervision of programs and activities funded with revenue from the tax.



Shall approve in advance the annual budget of the person to which it delegates.



Maintain revenue in a separate account.



May NOT delegate to any person the management or supervision of its convention and visitors' programs and activities funded with revenue from the tax other than by contract.



The approval of the annual budget of the person creates a fiduciary duty in the person with respect to the revenue provided by the tax.



A person with whom a municipality contracts under this section shall maintain complete and accurate financial records of each expenditure and make the records available for inspection.

HOT Revenue - Can

Hotel occupancy tax revenue may be spent for:

- day-to-day operations
- Supplies
- Salaries
- Office rental
- Travel expenses
- Other administrative costs (incurred directly in the promotion and servicing expenditures authorized under section 351.101(a))
- If a municipal or other public or private entity that conducts an activity authorized under this section conducts other activities that are not authorized under this section, the portion of the total administrative costs of the entity for which hotel occupancy tax revenue may be used may not exceed the portion of those administrative costs actually incurred in conducting the authorized activities.



HOT Revenue – Can Not

May not be spent for:

- Travel for a person to attend an event or conduct an activity the primary purpose of which is not directly related to the promotion of tourism.
- Visitor information center under Subsection (a)(1) to acquire a site for, construct, improve, enlarge, equip, repair, staff, operation, or maintain any part of a building or facility that is not primarily used to distribute or disseminate tourism-related information to tourists.

Grants

This section does not prohibit a person that receives a grant from a municipality to conduct an activity authorized by Subsection (a)(4) from making a grant by contract to another person to conduct an activity authorized by that subdivision. A person that receives a grant from a grantee of the municipality under this subsection shall:

- at least annually submit a report of the person's expenditures of funds received from the grantee to the governing body of the municipality; and
- make records of those expenditures available for review to the governing body of the municipality and any other person.

A municipality may not require a person that receives funds directly from the municipality through a grant to conduct an activity authorized by Subsection (a)(4) to waive a right guaranteed by law to the person or to enter into an agreement with another person.

QUESTIONS?

T. Daniel Santee

**DENTON NAVARRO
RODRIGUEZ BERNAL
SANTEE & ZECH, P.C.**

2517 North Main

San Antonio



CITY OF BANDERA COUNCIL AGENDA
Regular Meeting: Tuesday, August 13, 2024

AGENDA ITEM:
Workshop on the Rural Economic Development (RED) Grant.

SUBMITTED BY: Mayor Gibson

APPROVED FOR AGENDA: Stan Farmer

BACKGROUND: The City is currently collaborating with GrantWorks Inc. to complete Phase I (Planning) of a two phase grant administrated by the Texas Department of Agriculture. The plan’s purpose is to develop a minimum of five projects that expand economic opportunities for Bandera residents.

Joe Beeler from GrantWorks will join us again for another video presentation to update the Council on all the public input conducted, stakeholder activity, and next steps to include Council input. Joe will be able to answer any questions of Council too.

FISCAL ANALYSIS:
None

RECOMMENDATION:
None.

CITY OF BANDERA COUNCIL AGENDA
Regular Meeting: Tuesday, August 13, 2024

AGENDA ITEM:
Budget Workshop.

SUBMITTED BY: Stan Farmer & Allyson Wright

APPROVED FOR AGENDA: Stan Farmer

BACKGROUND:

The current DRAFT budget has a surplus in the General Fund of \$62,276.

There are several items that Council members identified throughout the budget process that still warrant consideration:

- Welcome to Bandera Signs:* Approximately full amount of surplus.
- Invest in Family-Friendly Park Events - Christmas, Easter, others:* Estimate \$5,000/event.
- Parking Lot Improvements on Cedar Street:* Approximately \$100,000+/-.
- Streetlight Replacement:* Currently unknown. 58 total streetlights.
- Two Deputy Marshals:* \$84,185 per deputy marshal.
- Mayor & Council Salary:* \$1000/month – Mayor; \$500/month – Council. Total \$45,759.
- Mailbox Kiosks:* Currently unknown.

Redline Draft **Fee Schedule**

Draft Budgets for Other Funds to include Fund balances

FISCAL ANALYSIS:
N/A

RECOMMENDATION:
None.

CITY OF BANDERA COUNCIL AGENDA
Regular Meeting: Tuesday, August 13, 2024

AGENDA ITEM:

Consideration and possible action on Resolution 2024-026 accepting the state defined tax rates and setting the preliminary 2024 tax rate.

SUBMITTED BY: Stan Farmer & Allyson Wright

APPROVED FOR AGENDA: Stan Farmer

BACKGROUND:

The city needs to approve the *preliminary* 2024 tax rate. Once this is approved, staff will put notice in the newspaper scheduling a tax rate public hearing for August 27. Council will ADOPT the tax rate at this meeting.

We are still awaiting the Certified Values from the CAD, but in the meantime, we are using the latest estimates that they provided on July 25. Staff is proposing a tax rate of \$0.47, the same rate as the current year. This rate is higher than last year’s *voter approval rate* but lower than the *de minimis rate*, so it does not force an election. Since we are under 30,000 population, we can go up to the *de minimis rate* without calling an election. Last year’s *de minimis rate* was \$0.74, so we feel very confident that keeping the \$0.47 rate will not put us at risk of needing to have an election.

The tax rate is a combination of the operations and maintenance O&M tax rate and the debt I&S tax rate. Currently the breakdown of both is: O&M \$0.428675 and I&S \$.041325.

Hopefully staff will have the final certified CAD values by the August 13 meeting.

FISCAL ANALYSIS:

None

RECOMMENDATION:

None.

CITY OF BANDERA COUNCIL AGENDA
Regular Meeting: Tuesday, August 13, 2024

AGENDA ITEM:

Discussion and possible action of the relocation of Marshals office to the City owned property at 106 Austin Street.

SUBMITTED BY: Nancy DeFoster

APPROVED FOR AGENDA: Stan Farmer

BACKGROUND:

This property and building have long been an asset of the city. Up until recently it has been used primarily as a location for state mandated records management documents for the: City Secretary, City Treasurer, Municipal Clerk (Court Records), and Public Works.

Recently, the marshal has created a secure evidence locker/room in a corner of the building.

FISCAL ANALYSIS:

Significant. Please see the attached document.

RECOMMENDATION:

None.

Please see the attached document for further information to include the positives and challenges of this proposal.

Proposal to Convert the City-Owned Property on Austin Street to the Bandera Marshal's Office

Overview

The city currently owns a 650 square foot cinder block building on less than 1 acre of land on Austin Street. This property has been used to date for storage of city and court files.

The Marshal proposes repurposing this city-owned facility to house the Marshal's Office. This will allow for several beneficial changes:

- The Mayor's office and the Specialist can be relocated to the current Marshal's Office space.
- The Administrator's office can be restored to its prior dimensions by removing the shared interior wall between the Marshal's Office and Patrol Office.
- The need for a new door for the Court Security mandate is eliminated, saving the city \$4,900 in construction costs.
- The existing alcove used by Earl can be maintained for the deputies and bailiff operations, as well as a walk-in lobby reports.

Benefits of the Conversion

1. Cost Savings:

- The city already owns this property so there will be no regular leasing costs. The current lease for City Hall and the Marshal's Office will be expiring in a few short years.
- Eliminating the need for the new Court Security door will save \$4,900 in construction costs.

2. Improved Efficiency:

- Creating a separate space for the Marshal's Office at a new location will free up much needed space for City Hall employees.
- Restoring the Administrator's office to its original size will restore the ingress/egress that was lost when the interior wall was added to create an additional office for the Specialist.

Implementation Plan

1. **Facility Assessment:** Conduct a full evaluation of the VFW building to determine the scope of renovations needed.
2. **Renovations:**
 - Install a split HVAC unit (\$2,500)

- Parking Pad (\$2,000)
- Driveway (\$500)
- Exterior Lighting (\$600)
- Security Cameras (\$600)
- Router for network access (\$200)
- Interior Paint (\$200)
- Reinforce the four windows for security (\$700)
- Reframe back door (\$500)
- Flooring (\$1,500)
- Street Signage (\$1,700 estimate)
- Storage Container Relocation (unknown)
- Relocation of City Records: (unknown)
- **Total – Approximately \$11,000+**

3. **Relocation:**

- Transition the Marshal's Office and Patrol Office operations into the new facility, while retaining Earl's workspace at City Hall.
- Relocate the Mayor's office and restore the Administrator's office.

4. **Ongoing Maintenance:**

- Allocate funding in the city's budget for the maintenance and upkeep of the new facility.

Future Enhancements

1. **Fleet Vehicle Storage:** Construct a metal carport to store the city's fleet vehicles on-site.
2. **Impound Lot:** Install security fencing around the perimeter to allow for an impound lot, generating revenue through storage fees and vehicle sales.

Challenges

1. **Storage of City Records:** The amount of state mandated records to be kept for the Municipal Court, the City Secretary, and the City Treasurer is substantial. They must be kept in a dry and accessible location with proper lighting and safety for staff as they will need to access these records often. A location needs to be mutually agreed upon before this possible upgrade can happen. The man hours and logistics of properly moving these records cannot be understated.
2. **Zoning:** Currently, the city-owned property is zoned as Residential. A rezoning request will be needed.
3. **Noise & Lights (Law Enforcement Vehicles):** Concern about siren noise and vehicle lights in a residential area. This can be resolved by an internal policy that restricts sirens & lights from being activated until after reaching SH 16.

4. **Street Signage:** An investment in proper signage for the public on SH 16 and at the intersection of Austin/Montague will be needed for the public to be able to find this new location.
5. **Viability for Public Access:** A substantial education and communication plan will need to be undertaken to inform the public of when and how to access this new location versus the current location. The new location cannot be manned every hour as call volume will dictate marshals will be out of the office with the building locked and inaccessible.
6. **Storage Container Removal:** There are three large metal storage containers on the property. They are owned by the EDC and the BBA. These will need to be relocated. Possibly at a considerable cost.
7. **Deputy Marshals' Personal Vehicle Safety:** The safety for personal vehicles of marshals working the night shift working alone at this isolated location. For those that prefer to continue to park their vehicles at the City Hall location adds another logistic hurdle prior to and after many night shifts.
8. **Neighboring Property:** The property to the left has several vehicles encroaching that would need to be moved back onto the neighboring property eventually.

Conclusion

Repurposing this city-owned property to house the Marshal's Office and Patrol Office presents a compelling opportunity to achieve cost savings, improve operational efficiency, and provide much needed space at City Hall.

However, there are considerable costs and challenges to overcome. Addressing these challenges includes input and cooperation from staff from other departments, other entities (EDC & BBA), the public, and the deputy marshals.

CITY OF BANDERA COUNCIL AGENDA

Regular Meeting: Tuesday, August 13, 2024

AGENDA ITEM:

Discussion and possible action on City Council Committees. - Mayor Gibson

A) Branding/Marketing Committee

B) Welcome to and Wayfinding Signs Committee

SUBMITTED BY: Rebeca Gibson

APPROVED FOR AGENDA: Stan Farmer

BACKGROUND:

At the June 25 City Council mtg, the Council created these two committees. Recently, the appointed council members of the Branding/Marketing committee met and are recommending that this committee be postponed for at least one year. The mayor would like to bring this idea to the full Council for further consideration. In addition, the mayor thought it prudent to discuss both committees in the same conversation.

FISCAL ANALYSIS:

None.

RECOMMENDATION:

None.