



**CITY OF BANDERA**  
**CITY COUNCIL REGULAR MEETING**

Bandera City Hall, 511 Main Street, Bandera, Texas  
Tuesday, May 14, 2024 at 6:00 PM

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

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**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 Resolution 2024-024 authorizing the sale of surplus property.

**5. Public Hearing.**

A. Discussion of support for the upcoming TX Dot project on Hwy 173 / Hwy 16 (Main Street).

**6. Presentations.**

A. Presentation on the Texas Department of Agriculture Rural Economic Development Grant (RED).

B. Presentation from Adurra Engineering on an updated Water Conservation Plan.

C. Presentation of a Mental Health Awareness Month Proclamation.

D. Presentation of a National Travel & Tourism Week Proclamation.

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

A. Approval of Resolution 2024-017 the 2024 Water Conservation Plan.

B. Approval of Resolution 2024-018 Awarding the bid for the Dallas Street Elevated Storage Tank Project.

C. Approval of Ordinance 440 authorizing a Budget Amendment to the 2023-2024 budget to transfer funds from Waste Water Treatment Plant Fund to the American Rescue Plan Act Fund for the Dallas Elevated Storage Tank Project.

D. Approval of the Facility Use Agreement with the BBA for Riverfest.

E. Approval of a Facility Use Agreement with the Bandera United Methodist Church.

F. Approval of Ordinance 441 Amending Article 8.04 Noise of the Code of Ordinances.

- G. Approval of Ordinance 442 Amending Article 4.04 Temporary or Seasonal Businesses and add Article 4.09 Temporary Trades or Cottage Food Businesses to the Code of Ordinances.
- H. Approval of Resolution 2024-019 approving an Inventory Policy.
- I. Approval of Ordinance 444 updating the Code of Ordinances Chapter 14 Zoning and 14A Place Type Zoning.
- J. Approval of a Resolution of the City Council of the City of Bandera, Texas, opposing proposed amendments to Chapter 21: Regulation of Signs Along Interstate and Primary Highways of the State of Texas Administrative Code.
- K. Approval of the use of the City Park by the Bandera Chamber of Commerce to hold a one-day fundraiser in October 2024 at no charge, and to direct City staff to develop a resolution and facility use agreement for City Council consideration within 30 days.

**8. Requests and Announcements.**

- A. Requests by Council to place items on an agenda.
- B. Announcements by Council.

**9. 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 May 10, 2024.*

**RESOLUTION NO. 2024-020**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANDERA, TEXAS DECLARING CERTAIN CITY PROPERTY SURPLUS AND AUTHORIZING THE SALE OF SAID PROPERTY; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the attached properties listed have been determined to no longer have a use for the City of Bandera and staff respectfully requests it to be declared surplus; and

**WHEREAS**, the attached surplus property will be sold in a manner in which to be the most advantageous to the City of Bandera.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BANDERA, TEXAS:**

Section 1. The City Council of the City of Bandera, Texas hereby declares the attached city property, Exhibit A, as surplus and authorizes the sale of said property in accordance with the forgoing legislative findings.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 3. All resolutions or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

[Type here]

Section 4, Item A.

**RESOLUTION NO. 2024-020**

**PASSED AND APPROVED this 14<sup>th</sup> day of May 2024**

\_\_\_\_\_  
Rebeca Gibson, Mayor

ATTEST:

\_\_\_\_\_  
Jill Shelton, City Secretary

# Exhibit A

1980 International Bucket Truck VIN AA185KHA22677

Warren Tailgate Auger Serial # SC16635

Hustler Mower Model 928887A Serial # 10031085

2008 Chevrolet 1500 Pickup VIN 1GCEC14X19Z109151

Behien Country 6ft Rotary Tiller Serial 00920919

2014 Kawasaki Mule Model KAF 400A

2014 Kawasaki Mule Model KAF 400A

2001 Ford F250 Super Duty 140,515 VIN 1FDNX20L71EC92205

2015 Ford Interceptor VIN 1FM5K8AR1FGB62131

**CITY OF BANDERA COUNCIL AGENDA**  
**Regular Meeting: Tuesday May 14,2024**

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**AGENDA ITEM:** Approval of Resolution 2024-017 of 2024 Water Conservation Plan

**APPROVED FOR AGENDA:** Stan Farmer

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**BACKGROUND:**

To provide some clarification, The City is required to update this document by TWDB as part of our submittal requirement for pursuing and receiving funds for financial assistance. The City is completing this effort as part of the submittal requirements associated with the CWSRF Application for the WWTP. We have been communicating with the TWDB on this process and have verified that we are following standard procedures. 2018 was the last update to the City's WCP.

Redline version and clean version attached.

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**FISCAL ANALYSIS:** None.

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**RECOMMENDATION:** Approval

**RESOLUTION 2024-017**

**A RESOLUTION OF THE CITY COUNCIL OF BANDERA, TEXAS, ADOPTING A WATER CONSERVATION PLAN**

**WHEREAS**, the City of Bandera recognizes the importance of sustainable water management to ensure the availability of water resources for current and future generations; and

**WHEREAS**, the City of Bandera acknowledges the need to implement proactive measures to conserve water and mitigate the impacts of drought and water scarcity; and

**WHEREAS**, the City of Bandera is committed to promoting responsible water usage practices among its residents, businesses, and municipal operations; and

**WHEREAS**, the City of Bandera desires to establish a comprehensive water conservation plan to optimize water efficiency and resilience within the community;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BANDERA, TEXAS, AS FOLLOWS:**

**SECTION 1: ADOPTION OF WATER CONSERVATION PLAN**

The City Council hereby adopts the Water Conservation Plan attached hereto as Exhibit A, which outlines strategies and measures to promote water conservation and efficiency within the City of Bandera.

**SECTION 2: IMPLEMENTATION AND ENFORCEMENT**

The City Administrator, in coordination with relevant departments and stakeholders, shall be responsible for the implementation and enforcement of the Water Conservation Plan. The City Manager is authorized to develop guidelines, regulations, and educational programs to support the objectives of the plan.

**SECTION 3: PUBLIC AWARENESS AND EDUCATION**

The City shall undertake efforts to raise public awareness about the importance of water conservation and provide educational resources to residents, businesses, and institutions on water-saving practices and technologies.

Section 4: REPORTING AND REVIEW

The City Administrator shall provide regular reports to the City Council on the progress of water conservation efforts and recommend adjustments to the Water Conservation Plan as necessary to ensure its effectiveness.

Section 5: SEVERABILITY

If any provision of this resolution or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this resolution that can be given effect without the invalid provision or application.

PASSED AND APPROVED THIS 14<sup>TH</sup> DAY OF MAY, 2024.

\_\_\_\_\_  
Rebeca Gibson, Mayor

ATTEST:

\_\_\_\_\_  
Jill Shelton, City Secretary

EXHIBIT A: Water Conservation Plan



**CITY OF BANDERA**  
**WATER CONSERVATION PLAN**

RED LINE VERSION

Adopted by the Bandera City Council on  
May 14, 2024

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**Water Conservation Plan for  
The City of Bandera**

**1. INTRODUCTION AND OBJECTIVES**

Water supply has always been a key issue in the development of Texas. Additional supplies to meet increased demand will be difficult and expensive to develop. It is important that the City of Bandera make efficient use of its water supplies. The City procures its water from the lower and middle Trinity Aquifer.

Recognizing the need for efficient use of existing water supplies, the Texas Commission on Environmental Quality (TCEQ) has required water conservation plans from public municipal water suppliers and has developed guidelines and requirements governing the development of these water conservation plans. These TCEQ guidelines and requirements are included in Appendix B. The objectives of this water conservation plan are as follows:

- Reduce seasonal peak demands.
- Reduce the loss and waste of water.
- Improve the efficient use of water.
- Maintain quality of life.

The City of Bandera draws its water from the lower Trinity Aquifer & middle Trinity Aquifer.

The three well sites are:

- Dallas Street Well Site – 2 Wells
- Indian Waters
- Mulberry

Water is treated with chlorine at each of the well sites. Each well site has ground storage with the Dallas St. well also having an elevated storage tank. The city has divided its water system into two pressure planes -Dallas and Mulberry. The pressure planes are connected by PRVs. Dallas well site feeds the Dallas Pressure Plane. The Mulberry and Indian Waters wells supply the Mulberry Pressure Plane.

**2. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY RULES**

The TCEQ rules governing development of water conservation plans for public water suppliers are contained in Title 30, Part 1, Chapter 288, Subchapter A, Rule 288 of the Texas Administrative Code, which is included in Appendix B. For the purpose of these rules, a water conservation plan is defined as “A strategy or combination of strategies for reducing the volume of water withdrawn from a water supply source, for reducing the loss or waste of water, for maintaining or improving the efficiency in the use of water, for increasing the recycling and reuse of water, and for preventing the pollution of water.” The elements in the TCEQ water conservation rules covered in this conservation plan are listed below.

Minimum Conservation Plan Requirements

The minimum requirements in the Texas Administrative Code for Water Conservation Plans are covered in this report as follows:

<b>TCEQ Rule</b>	<b>Location in Plan</b>	<b>Description</b>
288.2(a)(1)(A)	Section 4.1	Utility Profile
288.2(a)(1)(C)	Section 3	Specification of Goals
288.2(a)(1)(D)	Section 4.2	Accurate Metering
288.2(a)(1)(E)	Section 4.3	Universal Metering
288.2(a)(1)(F)	Section 4.4	Determination and Control of Water Loss
288.2 (a)(1)(G)	Section 4.5	Public Education and Information Program
288.2(a)(1)(H)	Section 4.6	Non-Promotional Water Rate Structure
288.2(a)(1)(I)	Section 4.7	Reservoir System Operation Plan
288.2(a)(1)(J)	Section 4.8	Means of Implementation and Enforcement
288.2(a)(1)(K)	Section 4.9	Coordination with Regional Water Planning Group
288.2(a)(2)(A)	Section 4.10	Leak Detection, Repair, and Water Loss Accounting
288.2(a)(2)(B)	Section 4.11	Record Management System

Additional Conservation Strategies

TCEQ rules also list optional conservation strategies, which may be adopted.

<b>TCEQ Rule</b>	<b>Location in Plan</b>	<b>Description</b>
288.2(a)(3)(B)	Section 5.1	Ordinances, Plumbing Codes or Rules on Water-Conserving Fixtures
288.2(a)(3)(F)	Section 5.2	Considerations for Landscape Water Management Regulations

### 3. SPECIFICATION OF WATER CONSERVATION GOALS

Rule 288.2(a)(1)(C) requires the adoption of specific water conservation goals for a water conservation plan. The City has developed 5-year and 10-year goals for the reduction of per capita municipal use, as expressed in the water utility profile (Appendix C). The TCEQ defines municipal use in gallons per capita per day as “the total average daily amount of water diverted or pumped for treatment for potable use by a public water supply system. The calculation is made by dividing the water diverted or pumped for treatment for potable use by the population served.” In this definition, the “water diverted or pumped” refers to the total volume of water metered at the City’s four wells and includes the City’s water loss.

These reduction goals, expressed in gallons per capita per day (gpcd), are based on the average total gpcd for the City for the last five years (2019-2023) which is 72 gpcd.

	Historic 5-year Average	Baseline	5-year Goal for 2028	10-year Goal for 2033
Total GPCD	72	72	71	70
Residential GPCD	31	31	28	27
Water Loss (GPCD)	6	6	6	5
Water Loss (Percentage)	9.2%	9.2%	8%	7%

### 4. MINIMUM CONSERVATION PLAN REQUIREMENTS

#### 4.1 Water Utility Profile

The completed profile is included in Appendix C, which includes data on existing and projected service populations, number of connections, historical metered water sales and water production, and general utility system information.

#### 4.2 Accurate Metering of Treated Water Delivery from the District

The City’s has four (4) groundwater wells that supply all of the water used by the City. The well meters are calibrated annually.

#### 4.3 Universal Metering, Meter Testing and Repair, and Periodic Meter Replacement

The City currently requires metering of all connections. **Defective meters are replaced as needed. Abnormal consumption is flagged by the billing system algorithm, whether consumption is unusually high or low. The City will notify the customers of any abnormal uses and will investigate the meter for potential issues or adjacent leaks.**

#### 4.4 Determination and Control of Water Loss

Water loss is the difference between the amount of water supplied by the wells and the amount of water delivered (sold) to customers plus authorized but unmetered uses such as fire fighting, releases for flushing of lines, and uses associated with new construction. Water loss can include several categories:

- Inaccuracies in customer meters.
- Unmetered uses such as firefighting.
- Losses due to water main breaks and leaks in the water distribution system.
- Losses due to illegal connections and theft.
- Other.

The city's water loss for the last five years is reported in the Utility Profile in Appendix C. This water loss percentage has averaged around 9% over the last 5 years.

Other actions the city is taking to reduce loss include the following:

- The Public Works Department is currently in process to change over all water meters to AMR smart water meters and is currently 90% complete. The project is on schedule to finish by 2025.
- As of February 2024, the City has completed and implemented system wide SCADA monitoring equipment that will provide real-time pressure readings and available storage levels in the tank. This will allow the City to better track water production and monitor system inconsistency that may be indicative of leaks or failures.
- The fire department will continue to meter how much water they take and will select hydrants that are scheduled to be flushed or exercised.
- City employees and the public works department work together to identify possible leaks in the distribution system. Leaks are fixed as quickly as possible.

#### 4.5 Continuing Public Education and Information Campaign

The continuing public education and information campaign on water conservation will be expanded to include the following elements:

- Insert water conservation information with water bills. Inserts will include material developed by City staff and material obtained from the Texas Water Development Board (TWDB), the TCEQ, and other sources.
- Encourage local media coverage of water conservation issues and the importance of water conservation.
- The City encourages and invites the local school district to schedule a water treatment plant tour with the City, at which the Public Works Department would present water conservation strategies.
- Make water conservation brochures, and other water conservation materials available to the public at City Hall.
- Information on water conservation was made available on its website in 2023 and include a link to the Texas AgriLife Extension Native and Adapted Landscape Plants, An Earthwise Guide to Central Texas.

#### **4.6 Water Rate Structure**

The City presently charges residents who live within the city limits, and have a standard 3/4" connection, a monthly service charge of \$25.01 per water meter for customers that use less than 1,500 gallons of water. Customers who use more than 1,500 gallons of water but less than 2,000 gallons of water, they are charged a service charge of \$30.01. This tiered service charge is set up to incentivize customers to conserve water.

In an effort to further promote water conservation, the City charges more per gallon for those customers who consume larger volumes of water. Water used is charged at a rate of \$5.41 per 1000 gallons for customers who use more than 2,000 gallons up to 5,000 gallons. Residents who use over 5,000 gallons are charged \$7.51 per 1000 gallons. These rates continue to increase until the rate of \$10.01 per 1000 gallons is charged to consumers who use over 25,000 gallons.

#### **4.7 City's Reservoir System Operation Plan**

The City pumps and treats groundwater and does not have surface water supplies for which to implement a reservoir system operation plan.

#### **4.8 Implementation and Enforcement**

Appendix D contains an ordinance adopted by the City Council regarding this water conservation plan. The ordinance designates responsible officials to implement and enforce the water conservation plan.

#### **4.9 Coordination with Region J Water Planning Group**

The Chair of the Region J Water Planning Group will be provided a copy of this water conservation plan.

#### **4.10 Leak Detection, Repair, and Water Loss Accounting**

The City currently maintains a leak detection program designed to reduce the loss of water due to leaks and water main breaks. Most leaks are discovered by the visual observation from both members of the public and meter readers. City maintenance crews regularly check and service transmission and storage facilities to ensure that any leaks or main breaks in these areas are quickly contained and repaired. The City has sufficient crews to repair discovered leaks within 24 hours.

#### **4.11 Record Management System**

As required by TAC Title 30, Part 1, Chapter 288, Subchapter A, Rule 288.2(a)(2)(B), the City's current record management system allows for the separation of water sales and uses into residential and commercial

The City identifies high residential water users through database management and notifies the resident if a leak is suspected. The customer is advised to check faucets. Dye is freely distributed to customers to check their toilets for a possible leak. The customer is also advised to check all outdoor plumbing and sprinkler systems.

## **5. OTHER WATER CONSERVATION MEASURES**

### **5.1 Ordinances, Plumbing Codes, or Rules on Water-Conserving Fixtures**

The State of Texas has required water-conserving fixtures in new construction and renovations since 1992. The state standards call for flows of no more than 2.5 gallons per minute (gpm) for faucets, 3.0 gpm for showerheads, and 1.6 gallons per flush for toilets. Similar standards are now required nationally under federal law. These state and federal standards assure that all new construction and renovations will use water-conserving fixtures.

### **5.2 Landscape Water Management Regulations**

The City has adopted the following landscape water management regulations intended to minimize waste in landscape irrigation:

- The City has adopted a drought management plan that restricts watering during times of drought. Restrictions are broken into 6 stages. As the severity of the drought increases the Mayor has the authority to increasingly restrict the use and timing of outdoor and nonessential use of water.

### **5.3 Treated Wastewater Re-Use Program**

The City is in process of moving and updating their wastewater treatment facilities. The City has put forward a desire to update their wastewater treatment facilities to provide re-use treated effluent to be used for various purposes. If implemented, this could help conserve drinking water from being used.

### **5.4 Review of the Water Conservation Plan**

The City will continue to review and develop recognized Best Management Practices (BMPs) that are suitable for its customer water use profile over the duration of this plan. This developmental process will include an annual evaluation of BMPs and recommend which measures should be increased, maintained, or eliminated. The entire water conservation plan will be revised and resubmitted to the TCEQ by January 31, 2029.



**APPENDIX A**

**LIST OF REFERENCES**

- (1) Title 30 of the Texas Administrative Code, Part 1, Chapter 288, last updated August 16, 2018
- (2) City of Bandera Code of Ordinances, Ordinance 431, adopted 1/2/2023, Article 13.08 Drought Contingency Plan.

## UTILITY PROFILE FOR RETAIL WATER SUPPLIER

### CONTACT INFORMATION

Name of Utility: CITY OF BANDERA

Public Water Supply Identification Number (PWS ID): TX0100012

Certificate of Convenience and Necessity (CCN) Number: 13190

Surface Water Right ID Number:

Wastewater ID Number: 21055

Contact: First Name: John Last Name: Hegemier  
Title: Public Works Foreman

Address: P. O. Box 896 City: Bandera State: TX

Zip Code: 78003 Zip+4: Email: wwtp@banderatx.gov

Telephone Number: 8306881990 Date:

Is this person the designated Conservation Coordinator?  Yes  No

Regional Water Planning Group: J

Groundwater Conservation District:

Our records indicate that you:

- Received financial assistance of \$500,000 or more from TWDB
- Have 3,300 or more retail connections
- Have a surface water right with TCEQ

#### A. Population and Service Area Data

1. Current service area size in square miles: 2

Attached file(s):

File Name	File Description
City of Bandera City Limits and ETJ.pdf	City Limits and ETJ of Bandera

## UTILITY PROFILE FOR RETAIL WATER SUPPLIER

2. Historical service area population for the previous five years, starting with the most current year.

Year	Historical Population Served By Retail Water Service	Historical Population Served By Wholesale Water Service	Historical Population Served By Wastewater Water Service
2023	3,066	0	1,932
2022	3,066	0	1,930
2021	3,198	0	1,930
2020	3,198	0	1,927
2019	2,301	0	1,925

3. Projected service area population for the following decades.

Year	Projected Population Served By Retail Water Service	Projected Population Served By Wholesale Water Service	Projected Population Served By Wastewater Water Service
2030	2,160	0	2,130
2040	2,316	0	2,283
2050	2,380	0	2,346
2060	2,420	0	2,386
2070	2,442	0	2,408

4. Described source(s)/method(s) for estimating current and projected populations.

The Bandera Public Works department provides active water service to 784 residential connections. Based on an average household size of 2.5 people the City currently provides service to 1,960 people. Area projections are based on the 2021 regional water plan population projections. Wastewater population was estimated to match the current wastewater population to water service population ratio.

## UTILITY PROFILE FOR RETAIL WATER SUPPLIER

### B. System Input

System input data for the previous five years.

Total System Input = Self-supplied + Imported – Exported

Year	Water Produced in Gallons	Purchased/Imported Water in Gallons	Exported Water in Gallons	Total System Input	Total GPCD
2023	79,537,016	0	0	79,537,016	71
2022	75,613,733	0	0	75,613,733	68
2021	74,159,256	0	0	74,159,256	64
2020	79,157,692	0	0	79,157,692	68
2019	77,339,653	0	0	77,339,653	92
Historic Average	77,161,470	0	0	77,161,470	72

### C. Water Supply System

1. Designed daily capacity of system in gallons
2. Storage Capacity
  - 2a. Elevated storage in gallons:
  - 2b. Ground storage in gallons:

## UTILITY PROFILE FOR RETAIL WATER SUPPLIER

### D. Projected Demands

1. The estimated water supply requirements for the next ten years using population trends, historical water use, economic growth, etc.

Year	Population	Water Demand (gallons)
2025	2,018	77,871,300
2026	2,047	78,277,800
2027	2,076	78,684,300
2028	2,105	79,090,800
2029	2,134	79,497,300
2030	2,160	79,903,800
2031	2,176	80,310,300
2032	2,192	80,716,800
2033	2,208	81,123,300
2034	2,224	81,529,800

2. Description of source data and how projected water demands were determined.

Population projections come from interpolation of data from the 2021 Regional Water Plan Population Projections. Water consumption likewise was originally calculated to increase at a similar 1.0% growth rate, but then the 10 year result was reduced by 5.0% to account for the water conservation measures we will be implementing. The years between 2025 and 2034 was simply an interpolation between the beginning and end points.

### E. High Volume Customers

1. The annual water use for the five highest volume **RETAIL** customers.

Customer	Water Use Category	Annual Water Use	Treated or Raw
Warrior's Heart	Commercial	3,050,490	Treated
Touchstone Communities	Commercial	2,599,300	Treated
Bandera Pioneer River Resort	Commercial	1,504,700	Treated
Bandera Wash House	Commercial	1,162,300	Treated
Mac's Laserwash	Commercial	1,089,000	Treated

2. The annual water use for the five highest volume **WHOLESALE** customers.

Customer	Water Use Category	Annual Water Use	Treated or Raw
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## UTILITY PROFILE FOR RETAIL WATER SUPPLIER

### F. Utility Data Comment Section

Additional comments about utility data.

### Section II: System Data

#### A. Retail Water Supplier Connections

1. List of active retail connections by major water use category.

Water Use Category Type	Total Retail Connections (Active + Inactive)	Percent of Total Connections
Residential - Single Family	784	75.17 %
Residential - Multi-Family	0	0.00 %
Industrial	0	0.00 %
Commercial	259	24.83 %
Institutional	0	0.00 %
Agricultural	0	0.00 %
<b>Total</b>	<b>1,043</b>	<b>100.00 %</b>

2. Net number of new retail connections by water use category for the previous five years.

Year	Net Number of New Retail Connections						Total
	Residential - Single Family	Residential - Multi-Family	Industrial	Commercial	Institutional	Agricultural	
2023	39			12			51
2022							
2021	16						16
2020	12			3			15
2019				40			40

## UTILITY PROFILE FOR RETAIL WATER SUPPLIER

### B. Accounting Data

The previous five years' gallons of RETAIL water provided in each major water use category.

Year	Residential - Single Family	Residential - Multi-Family	Industrial	Commercial	Institutional	Agricultural	Total
2023	28,952,944	0	0	41,959,764	0	0	70,912,708
2022	30,013,010	0	0	33,905,310	0	0	63,918,320
2021	23,635,500	6,169,150	0	33,195,490	0	0	63,000,140
2020	30,412,120	0	0	32,126,150	0	0	62,538,270
2019	27,808,620	0	0	37,071,070	0	0	64,879,690

### C. Residential Water Use

The previous five years residential GPCD for single family and multi-family units.

Year	Total Residential GPCD
2023	39
2022	27
2021	26
2020	32
2019	29
Historic Average	31

## UTILITY PROFILE FOR RETAIL WATER SUPPLIER

### D. Annual and Seasonal Water Use

1. The previous five years' gallons of treated water provided to RETAIL customers.

Month	Total Gallons of Treated Water				
	2023	2022	2021	2020	2019
January	5,589,864	4,944,529	5,265,335	4,374,683	5,351,898
February	4,878,634	4,942,784	6,956,083	4,135,191	4,547,125
March	5,805,830	5,684,594	4,912,456	4,561,560	5,240,986
April	5,887,483	5,730,417	3,966,886	4,825,202	5,475,636
May	5,618,493	5,483,147	5,069,205	5,121,790	5,197,630
June	6,151,593	6,198,686	5,201,879	5,336,333	5,598,777
July	7,264,926	6,197,900	5,561,809	6,364,753	3,942,198
August	7,044,543	4,581,872	5,899,383	6,443,918	7,225,340
September	6,453,263	4,052,768	5,825,179	4,882,216	6,194,553
October	5,599,898	5,308,583	5,124,149	6,091,356	6,146,836
November	5,205,987	4,887,011	4,916,497	5,349,048	5,020,103
December	5,412,194	5,906,029	4,301,279	5,052,220	4,938,608
<b>Total</b>	70,912,708	63,918,320	63,000,140	62,538,270	64,879,690



## UTILITY PROFILE FOR RETAIL WATER SUPPLIER

2. The previous five years' gallons of raw water provided to RETAIL customers.

Month	Total Gallons of Raw Water				
	2023	2022	2021	2020	2019
January					
February					
March					
April					
May					
June					
July					
August					
September					
October					
November					
December					
<b>Total</b>					

3. Summary of seasonal and annual water use.

	Summer RETAIL (Treated + Raw)	Total RETAIL (Treated + Raw)
<b>2023</b>	20,461,062	70,912,708
<b>2022</b>	16,978,458	63,918,320
<b>2021</b>	16,663,071	63,000,140
<b>2020</b>	18,145,004	62,538,270
<b>2019</b>	16,766,315	64,879,690
<b>Average in Gallons</b>	17,802,782.00	65,049,825.60

## UTILITY PROFILE FOR RETAIL WATER SUPPLIER

### E. Water Loss

Water Loss data for the previous five years.

Year	Total Water Loss in Gallons	Water Loss in GPCD	Water Loss as a Percentage
2023	8,440,252	8	11.00 %
2022	5,963,025	5	8.00 %
2021	6,028,596	5	8.00 %
2020	10,573,061	9	14.00 %
2019	3,802,377	5	5.00 %
<b>Average</b>	6,961,462	6	9.20 %

### F. Peak Day Use

Average Daily Water Use and Peak Day Water Use for the previous five years.

Year	Average Daily Use (gal)	Peak Day Use (gal)	Ratio (peak/avg)
2023	194,281	222402	1.1447
2022	175,118	184548	1.0538
2021	172,603	181120	1.0493
2020	171,337	197228	1.1511
2019	177,752	182242	1.0253

### G. Summary of Historic Water Use

Water Use Category	Historic Average	Percent of Connections	Percent of Water Use
<b>Residential - Single Family</b>	28,164,438	75.17 %	43.30 %
<b>Residential - Multi-Family</b>	1,233,830	0.00 %	1.90 %
<b>Industrial</b>	0	0.00 %	0.00 %
<b>Commercial</b>	35,651,556	24.83 %	54.81 %
<b>Institutional</b>	0	0.00 %	0.00 %
<b>Agricultural</b>	0	0.00 %	0.00 %

## UTILITY PROFILE FOR RETAIL WATER SUPPLIER

### H. System Data Comment Section

### Section III: Wastewater System Data

#### A. Wastewater System Data

1. Design capacity of wastewater treatment plant(s) in gallons per day: 277,000

2. List of active wastewater connections by major water use category.

Water Use Category	Metered	Unmetered	Total Connections	Percent of Total Connections
<b>Municipal</b>	773		773	75.34 %
<b>Industrial</b>			0	0.00 %
<b>Commercial</b>	253		253	24.66 %
<b>Institutional</b>			0	0.00 %
<b>Agricultural</b>			0	0.00 %
<b>Total</b>	1,026		1,026	100.00 %

3. Percentage of water serviced by the wastewater system: 98.57 %

## UTILITY PROFILE FOR RETAIL WATER SUPPLIER

4. Number of gallons of wastewater that was treated by the utility for the previous five years.

Month	Total Gallons of Treated Water				
	2023	2022	2021	2020	2019
January	3,820,993	3,569,878	3,492,743	3,953,600	3,403,397
February	3,557,973	3,436,023	3,746,754	3,500,300	2,938,711
March	3,736,096	3,648,236	3,610,906	3,451,400	3,237,669
April	3,920,732	3,578,278	3,573,265	3,056,100	3,256,877
May	4,245,330	3,393,561	3,862,972	3,581,219	3,740,791
June	3,455,310	3,164,300	3,521,045	3,014,200	3,416,684
July	3,340,032	3,206,672	3,836,614	2,827,572	3,159,138
August	3,650,737	3,738,228	4,160,870	2,941,320	3,040,615
September	3,474,918	3,518,862	3,351,820	3,144,822	4,166,858
October	3,956,133	3,548,637	3,859,050	3,439,339	3,287,707
November	3,640,291	4,041,764	3,677,799	3,361,357	3,291,000
December	3,998,631	4,270,345	3,364,374	3,425,123	3,247,610
<b>Total</b>	44,797,176	43,114,784	44,058,212	39,696,352	40,187,057

5. Could treated wastewater be substituted for potable water?

Yes  No

### B. Reuse Data

1. Data by type of recycling and reuse activities implemented during the current reporting period.

Type of Reuse	Total Annual Volume (in gallons)
On-site Irrigation	
Plant wash down	
Chlorination/de-chlorination	
Industrial	
Landscape irrigation (park,golf courses)	
Agricultural	
Discharge to surface water	
Evaporation Pond	
Other	
<b>Total</b>	

## UTILITY PROFILE FOR RETAIL WATER SUPPLIER

### C. Wastewater System Data Comment

Additional comments and files to support or explain wastewater system data listed below.

**§ 13.09.069. Drought response state responses and water use restrictions.**

The mayor, or his/her designee, shall monitor water supply and/or demand condition on a weekly basis and, in accordance with the triggering criteria set forth in section 13.09.068, shall determine that a mild, moderate, severe, critical, or emergency condition exists and shall implement the following action upon publication of notice in a newspaper of general circulation:

- (1) Stage 1: Mild water shortage conditions.
  - (A) Goal. Raise public awareness of the supply situation and initiate voluntary conservation measures.
  - (B) Supply management measures. The city will manage limited water supplies and/or reduce water demand. Examples of water reduction include: reduced or discontinued flushing of water mains, immediate repairs of any water leak, and use of reclaimed water for non-potable purposes.
  - (C) Voluntary water use restrictions.
    - (i) Water customers are requested to voluntarily limit the irrigation of landscaped areas to between the hours 8:00 p.m. to 8:00 a.m.
    - (ii) All operations of the city shall adhere to water use restrictions prescribed for Stage 2 of the plan.
    - (iii) Water customers are requested to practice water conservation and to minimize or discontinue water use for nonessential purposes.
- (2) Stage 2: Moderate water shortage conditions
  - (A) Goal. Achieve a 20 percent reduction in total water use per day.
  - (B) Water use restrictions. Under threat of penalty for violation, the following water use restrictions shall apply to all persons:
    - (i) Irrigation of landscaped areas and turf shall be limited to the designated watering hours between 8:00 p.m. to 8:00 a.m. However, irrigation of landscaped areas is permitted at any time if it is by means of a hand-held hose, a faucet-filled bucket or watering can of five (5) gallons or less, or a drip irrigation system. Watering of Trees via a hand-held hose is allowed, watering of gardens for the use of private nourishment and watering in a foundation to avoid structural damage is permitted.
    - (ii) Use of water to wash any motor vehicle, motorbike, boat, trailer, other vehicle is allowed if done before 8:00 am or after 8:00 pm. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive

shutoff nozzle for quick rinses. Vehicle washing may be done at any time on the immediate premises of a commercial carwash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.

- (iii) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or jacuzzi-type is allowed if done before 8:00 am or after 8:00 pm.
- (iv) Use of water from hydrants shall be limited to firefighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the city.
- (v) The following uses of water are defined as nonessential and are prohibited:
  - a. Washdown of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas.
  - b. Use of water to wash down buildings or structures for purposes other than immediate fire protection.
  - c. Use of water for dust control except for properties under current construction with valid permit;
  - d. Flushing street gutters or permitting water to run or accumulate in any gutter or street; and
  - e. Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

(3) Stage 3: Severe water shortage conditions.

- (A) Goal. Achieve a 30 percent reduction in daily water use.
- (B) Water use restrictions. All requirements of Stage 2 shall remain in effect during Stage 3 except:
  - (i) Irrigation of landscaped areas shall be limited to designated watering days (Tuesday and Sunday for residents with even number addresses and Wednesday and Saturday for residents with odd number addresses) between the hours of 8:00 am and after 8:00 pm and shall be by means of hand-held hoses, hand-held buckets, drip irrigation, or a permanently installed automatic sprinkler system only; watering of Trees via a hand-held hose is allowed, watering of gardens for the use of private nourishment and watering in a foundation to avoid structural damage is permitted. The use of hose-end sprinklers is prohibited at all times.

- (ii) The filling of newly constructed swimming pools from a City of Bandera water source is prohibited; however, pool levels may be maintained because of evaporation.

(4) Stage 4. Critical water shortage conditions.

- (A) Goal. Achieve a 40 percent reduction in daily water use.
- (B) Water use restrictions. All requirements of Stages 2 and 3 shall remain in effect during State 4 except:
  - (i) Irrigation of landscaped areas shall be limited to designated watering days (Tuesday and Sunday for residents with even number addresses and Wednesday and Saturday for residents with odd number addresses between the hours of 8:00 p.m. and 8:00 a.m. and shall be by means of hand-held hoses, hand-held buckets, or drip irrigation only. ; watering of Trees via a hand-held hose is allowed, and watering of gardens for the use of private nourishment and watering in a foundation to avoid structural damage is permitted. The use of hose-end sprinklers or permanently installed automatic sprinkler systems is prohibited at all times.
  - (ii) Use of water to wash any motor vehicle, motorbike, boat, trailer, or other vehicle not occurring on the premises of a commercial carwash and commercial service stations and not in the immediate interest of public health, safety, and welfare is prohibited. Further, such vehicle washing at commercial carwashes and commercial service stations shall occur only between the hours of 9:00 a.m. and 4:00 p.m. and between 10:00 p.m. and 4:00 a.m.
  - (iii) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.

(5) Stage 5: Emergency water shortage conditions.

- (A) Goal. Achieve a 50 percent reduction in daily water use.
- (B) Water use restriction. All requirements of Stages 2, 3, and 4 shall remain in effect during Stage 5 except:
  - (i) Irrigation of landscaped areas is absolutely prohibited; However, watering of Trees via a hand-held hose is allowed, watering of gardens for the use of private nourishment and watering in a foundation to avoid structural damage is permitted during designated watering days (Tuesday and Sunday for residents with even number addresses and Wednesday and Saturday for residents with odd number



addresses) between the hours of 8:00 p.m. and 8:00 a.m.

(6) Stage 6: Complete water loss.

In the event that all water production has ceased due to massive pump failures, power outages or any other natural or man-made causes [resulting in] complete water loss due to contamination of all water sources, the mayor, or his/her designee, is hereby authorized to notify the public by a newspaper of general circulation, radio announcements and/or a black flag to be flown at 511 Main Street that no water from the system will be available for use.

**CITY OF BANDERA**  
**WATER CONSERVATION PLAN**

Adopted by the Bandera City Council on  
May 14, 2024

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**Water Conservation Plan for  
The City of Bandera**

**1. INTRODUCTION AND OBJECTIVES**

Water supply has always been a key issue in the development of Texas. Additional supplies to meet increased demand will be difficult and expensive to develop. It is important that the City of Bandera make efficient use of its water supplies. The City procures its water from the lower and middle Trinity Aquifer.

Recognizing the need for efficient use of existing water supplies, the Texas Commission on Environmental Quality (TCEQ) has required water conservation plans from public municipal water suppliers and has developed guidelines and requirements governing the development of these water conservation plans. These TCEQ guidelines and requirements are included in Appendix B. The objectives of this water conservation plan are as follows:

- Reduce seasonal peak demands.
- Reduce the loss and waste of water.
- Improve the efficient use of water.
- Maintain quality of life.

The City of Bandera draws its water from the lower Trinity Aquifer & middle Trinity Aquifer.

The three well sites are:

- Dallas Street Well Site – 2 Wells
- Indian Waters
- Mulberry

Water is treated with chlorine at each of the well sites. Each well site has ground storage with the Dallas St. well also having an elevated storage tank. The city has divided its water system into two pressure planes -Dallas and Mulberry. The pressure planes are connected by PRVs. Dallas well site feeds the Dallas Pressure Plane. The Mulberry and Indian Waters wells supply the Mulberry Pressure Plane.

**2. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY RULES**

The TCEQ rules governing development of water conservation plans for public water suppliers are contained in Title 30, Part 1, Chapter 288, Subchapter A, Rule 288 of the Texas Administrative Code, which is included in Appendix B. For the purpose of these rules, a water conservation plan is defined as “A strategy or combination of strategies for reducing the volume of water withdrawn from a water supply source, for reducing the loss or waste of water, for maintaining or improving the efficiency in the use of water, for increasing the recycling and reuse of water, and for preventing the pollution of water.” The elements in the TCEQ water conservation rules covered in this conservation plan are listed below.

Minimum Conservation Plan Requirements

The minimum requirements in the Texas Administrative Code for Water Conservation Plans are covered in this report as follows:

<b>TCEQ Rule</b>	<b>Location in Plan</b>	<b>Description</b>
288.2(a)(1)(A)	Section 4.1	Utility Profile
288.2(a)(1)(C)	Section 3	Specification of Goals
288.2(a)(1)(D)	Section 4.2	Accurate Metering
288.2(a)(1)(E)	Section 4.3	Universal Metering
288.2(a)(1)(F)	Section 4.4	Determination and Control of Water Loss
288.2 (a)(1)(G)	Section 4.5	Public Education and Information Program
288.2(a)(1)(H)	Section 4.6	Non-Promotional Water Rate Structure
288.2(a)(1)(I)	Section 4.7	Reservoir System Operation Plan
288.2(a)(1)(J)	Section 4.8	Means of Implementation and Enforcement
288.2(a)(1)(K)	Section 4.9	Coordination with Regional Water Planning Group
288.2(a)(2)(A)	Section 4.10	Leak Detection, Repair, and Water Loss Accounting
288.2(a)(2)(B)	Section 4.11	Record Management System

Additional Conservation Strategies

TCEQ rules also list optional conservation strategies, which may be adopted.

<b>TCEQ Rule</b>	<b>Location in Plan</b>	<b>Description</b>
288.2(a)(3)(B)	Section 5.1	Ordinances, Plumbing Codes or Rules on Water-Conserving Fixtures
288.2(a)(3)(F)	Section 5.2	Considerations for Landscape Water Management Regulations

**3. SPECIFICATION OF WATER CONSERVATION GOALS**

Rule 288.2(a)(1)(C) requires the adoption of specific water conservation goals for a water conservation plan. The City has developed 5-year and 10-year goals for the reduction of per capita municipal use, as expressed in the water utility profile (Appendix C). The TCEQ defines municipal use in gallons per capita per day as “the total average daily amount of water diverted or pumped for treatment for potable use by a public water supply system. The calculation is made by dividing the water diverted or pumped for treatment for potable use by the population served.” In this definition, the “water diverted or pumped” refers to the total volume of water metered at the City’s four wells and includes the City’s water loss.

These reduction goals, expressed in gallons per capita per day (gpcd), are based on the average total gpcd for the City for the last five years (2019-2023) which is 72 gpcd.

	Historic 5-year Average	Baseline	5-year Goal for 2028	10-year Goal for 2033
Total GPCD	72	72	71	70
Residential GPCD	31	31	28	27
Water Loss (GPCD)	6	6	6	5
Water Loss (Percentage)	9.2%	9.2%	8%	7%

**4. MINIMUM CONSERVATION PLAN REQUIREMENTS**

**4.1 Water Utility Profile**

The completed profile is included in Appendix C, which includes data on existing and projected service populations, number of connections, historical metered water sales and water production, and general utility system information.

**4.2 Accurate Metering of Treated Water Delivery from the District**

The City’s has four (4) groundwater wells that supply all of the water used by the City. The well meters are calibrated annually.

**4.3 Universal Metering, Meter Testing and Repair, and Periodic Meter Replacement**

The City currently requires metering of all connections. Defective meters are replaced as needed. Abnormal consumption is flagged by the billing system algorithm, whether consumption is unusually high or low. The City will notify the customers of any abnormal uses and will investigate the meter for potential issues or adjacent leaks.

#### 4.4 Determination and Control of Water Loss

Water loss is the difference between the amount of water supplied by the wells and the amount of water delivered (sold) to customers plus authorized but unmetered uses such as fire fighting, releases for flushing of lines, and uses associated with new construction. Water loss can include several categories:

- Inaccuracies in customer meters.
- Unmetered uses such as firefighting.
- Losses due to water main breaks and leaks in the water distribution system.
- Losses due to illegal connections and theft.
- Other.

The city's water loss for the last five years is reported in the Utility Profile in Appendix C. This water loss percentage has averaged around 9% over the last 5 years.

Other actions the city is taking to reduce loss include the following:

- The Public Works Department is currently in process to change over all water meters to AMR smart water meters and is currently 90% complete. The project is on schedule to finish by 2025.
- As of February 2024, the City has completed and implemented system wide SCADA monitoring equipment that will provide real-time pressure readings and available storage levels in the tank. This will allow the City to better track water production and monitor system inconsistency that may be indicative of leaks or failures.
- The fire department will continue to meter how much water they take and will select hydrants that are scheduled to be flushed or exercised.
- City employees and the public works department work together to identify possible leaks in the distribution system. Leaks are fixed as quickly as possible.

#### 4.5 Continuing Public Education and Information Campaign

The continuing public education and information campaign on water conservation will be expanded to include the following elements:

- Insert water conservation information with water bills. Inserts will include material developed by City staff and material obtained from the Texas Water Development Board (TWDB), the TCEQ, and other sources.
- Encourage local media coverage of water conservation issues and the importance of water conservation.
- The City encourages and invites the local school district to schedule a water treatment plant tour with the City, at which the Public Works Department would present water conservation strategies.
- Make water conservation brochures, and other water conservation materials available to the public at City Hall.
- Information on water conservation was made available on its website in 2023 and include a link to the Texas AgriLife Extension Native and Adapted Landscape Plants, An Earthwise Guide to Central Texas.

#### **4.6 Water Rate Structure**

The City presently charges residents who live within the city limits, and have a standard 3/4" connection, a monthly service charge of \$25.01 per water meter for customers that use less than 1,500 gallons of water. Customers who use more than 1,500 gallons of water but less than 2,000 gallons of water, they are charged a service charge of \$30.01. This tiered service charge is set up to incentivize customers to conserve water.

In an effort to further promote water conservation, the City charges more per gallon for those customers who consume larger volumes of water. Water used is charged at a rate of \$5.41 per 1000 gallons for customers who use more than 2,000 gallons up to 5,000 gallons. Residents who use over 5,000 gallons are charged \$7.51 per 1000 gallons. These rates continue to increase until the rate of \$10.01 per 1000 gallons is charged to consumers who use over 25,000 gallons.

#### **4.7 City's Reservoir System Operation Plan**

The City pumps and treats groundwater and does not have surface water supplies for which to implement a reservoir system operation plan.

#### **4.8 Implementation and Enforcement**

Appendix D contains an ordinance adopted by the City Council regarding this water conservation plan. The ordinance designates responsible officials to implement and enforce the water conservation plan.

#### **4.9 Coordination with Region J Water Planning Group**

The Chair of the Region J Water Planning Group will be provided a copy of this water conservation plan.

#### **4.10 Leak Detection, Repair, and Water Loss Accounting**

The City currently maintains a leak detection program designed to reduce the loss of water due to leaks and water main breaks. Most leaks are discovered by the visual observation from both members of the public and meter readers. City maintenance crews regularly check and service transmission and storage facilities to ensure that any leaks or main breaks in these areas are quickly contained and repaired. The City has sufficient crews to repair discovered leaks within 24 hours.

#### **4.11 Record Management System**

As required by TAC Title 30, Part 1, Chapter 288, Subchapter A, Rule 288.2(a)(2)(B), the City's current record management system allows for the separation of water sales and uses into residential and commercial

The City identifies high residential water users through database management and notifies the resident if a leak is suspected. The customer is advised to check faucets. Dye is freely distributed to customers to check their toilets for a possible leak. The customer is also advised to check all outdoor plumbing and sprinkler systems.



**5. OTHER WATER CONSERVATION MEASURES**

**5.1 Ordinances, Plumbing Codes, or Rules on Water-Conserving Fixtures**

The State of Texas has required water-conserving fixtures in new construction and renovations since 1992. The state standards call for flows of no more than 2.5 gallons per minute (gpm) for faucets, 3.0 gpm for showerheads, and 1.6 gallons per flush for toilets. Similar standards are now required nationally under federal law. These state and federal standards assure that all new construction and renovations will use water-conserving fixtures.

**5.2 Landscape Water Management Regulations**

The City has adopted the following landscape water management regulations intended to minimize waste in landscape irrigation:

- The City has adopted a drought management plan that restricts watering during times of drought. Restrictions are broken into 6 stages. As the severity of the drought increases the Mayor has the authority to increasingly restrict the use and timing of outdoor and nonessential use of water.

**5.3 Treated Wastewater Re-Use Program**

The City is in process of moving and updating their wastewater treatment facilities. The City has put forward a desire to update their wastewater treatment facilities to provide re-use treated effluent to be used for various purposes. If implemented, this could help conserve drinking water from being used.

**5.4 Review of the Water Conservation Plan**

The City will continue to review and develop recognized Best Management Practices (BMPs) that are suitable for its customer water use profile over the duration of this plan. This developmental process will include an annual evaluation of BMPs and recommend which measures should be increased, maintained, or eliminated. The entire water conservation plan will be revised and resubmitted to the TCEQ by January 31, 2029.

**APPENDIX A**

**LIST OF REFERENCES**

- (1) Title 30 of the Texas Administrative Code, Part 1, Chapter 288, last updated August 16, 2018
- (2) City of Bandera Code of Ordinances, Ordinance 431, adopted 1/2/2023, Article 13.08 Drought Contingency Plan.

## UTILITY PROFILE FOR RETAIL WATER SUPPLIER

### CONTACT INFORMATION

Name of Utility: CITY OF BANDERA

Public Water Supply Identification Number (PWS ID): TX0100012

Certificate of Convenience and Necessity (CCN) Number: 13190

Surface Water Right ID Number:

Wastewater ID Number: 21055

Contact: First Name: John Last Name: Hegemier  
 Title: Public Works Foreman

Address: P. O. Box 896 City: Bandera State: TX

Zip Code: 78003 Zip+4: Email: wwtp@banderatx.gov

Telephone Number: 8306881990 Date:

Is this person the designated Conservation Coordinator?  Yes  No

Regional Water Planning Group: J

Groundwater Conservation District:

Our records indicate that you:

- Received financial assistance of \$500,000 or more from TWDB
- Have 3,300 or more retail connections
- Have a surface water right with TCEQ

#### A. Population and Service Area Data

1. Current service area size in square miles: 2

Attached file(s):

File Name	File Description
City of Bandera City Limits and ETJ.pdf	City Limits and ETJ of Bandera

## UTILITY PROFILE FOR RETAIL WATER SUPPLIER

2. Historical service area population for the previous five years, starting with the most current year.

Year	Historical Population Served By Retail Water Service	Historical Population Served By Wholesale Water Service	Historical Population Served By Wastewater Water Service
2023	3,066	0	1,932
2022	3,066	0	1,930
2021	3,198	0	1,930
2020	3,198	0	1,927
2019	2,301	0	1,925

3. Projected service area population for the following decades.

Year	Projected Population Served By Retail Water Service	Projected Population Served By Wholesale Water Service	Projected Population Served By Wastewater Water Service
2030	2,160	0	2,130
2040	2,316	0	2,283
2050	2,380	0	2,346
2060	2,420	0	2,386
2070	2,442	0	2,408

4. Described source(s)/method(s) for estimating current and projected populations.

The Bandera Public Works department provides active water service to 784 residential connections. Based on an average household size of 2.5 people the City currently provides service to 1,960 people. Area projections are based on the 2021 regional water plan population projections. Wastewater population was estimated to match the current wastewater population to water service population ratio.

## UTILITY PROFILE FOR RETAIL WATER SUPPLIER

### B. System Input

System input data for the previous five years.

Total System Input = Self-supplied + Imported – Exported

Year	Water Produced in Gallons	Purchased/Imported Water in Gallons	Exported Water in Gallons	Total System Input	Total GPCD
2023	79,537,016	0	0	79,537,016	71
2022	75,613,733	0	0	75,613,733	68
2021	74,159,256	0	0	74,159,256	64
2020	79,157,692	0	0	79,157,692	68
2019	77,339,653	0	0	77,339,653	92
Historic Average	77,161,470	0	0	77,161,470	72

### C. Water Supply System

1. Designed daily capacity of system in gallons
2. Storage Capacity
  - 2a. Elevated storage in gallons:
  - 2b. Ground storage in gallons:

## UTILITY PROFILE FOR RETAIL WATER SUPPLIER

### D. Projected Demands

1. The estimated water supply requirements for the next ten years using population trends, historical water use, economic growth, etc.

Year	Population	Water Demand (gallons)
2025	2,018	77,871,300
2026	2,047	78,277,800
2027	2,076	78,684,300
2028	2,105	79,090,800
2029	2,134	79,497,300
2030	2,160	79,903,800
2031	2,176	80,310,300
2032	2,192	80,716,800
2033	2,208	81,123,300
2034	2,224	81,529,800

2. Description of source data and how projected water demands were determined.

Population projections come from interpolation of data from the 2021 Regional Water Plan Population Projections. Water consumption likewise was originally calculated to increase at a similar 1.0% growth rate, but then the 10 year result was reduced by 5.0% to account for the water conservation measures we will be implementing. The years between 2025 and 2034 was simply an interpolation between the beginning and end points.

### E. High Volume Customers

1. The annual water use for the five highest volume **RETAIL** customers.

Customer	Water Use Category	Annual Water Use	Treated or Raw
Warrior's Heart	Commercial	3,050,490	Treated
Touchstone Communities	Commercial	2,599,300	Treated
Bandera Pioneer River Resort	Commercial	1,504,700	Treated
Bandera Wash House	Commercial	1,162,300	Treated
Mac's Laserwash	Commercial	1,089,000	Treated

2. The annual water use for the five highest volume **WHOLESALE** customers.

Customer	Water Use Category	Annual Water Use	Treated or Raw
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## UTILITY PROFILE FOR RETAIL WATER SUPPLIER

### F. Utility Data Comment Section

Additional comments about utility data.

### Section II: System Data

#### A. Retail Water Supplier Connections

1. List of active retail connections by major water use category.

Water Use Category Type	Total Retail Connections (Active + Inactive)	Percent of Total Connections
Residential - Single Family	784	75.17 %
Residential - Multi-Family	0	0.00 %
Industrial	0	0.00 %
Commercial	259	24.83 %
Institutional	0	0.00 %
Agricultural	0	0.00 %
<b>Total</b>	<b>1,043</b>	<b>100.00 %</b>

2. Net number of new retail connections by water use category for the previous five years.

Year	Net Number of New Retail Connections						
	Residential - Single Family	Residential - Multi-Family	Industrial	Commercial	Institutional	Agricultural	Total
<b>2023</b>	39			12			51
<b>2022</b>							
<b>2021</b>	16						16
<b>2020</b>	12			3			15
<b>2019</b>				40			40

## UTILITY PROFILE FOR RETAIL WATER SUPPLIER

### B. Accounting Data

The previous five years' gallons of RETAIL water provided in each major water use category.

Year	Residential - Single Family	Residential - Multi-Family	Industrial	Commercial	Institutional	Agricultural	Total
2023	28,952,944	0	0	41,959,764	0	0	70,912,708
2022	30,013,010	0	0	33,905,310	0	0	63,918,320
2021	23,635,500	6,169,150	0	33,195,490	0	0	63,000,140
2020	30,412,120	0	0	32,126,150	0	0	62,538,270
2019	27,808,620	0	0	37,071,070	0	0	64,879,690

### C. Residential Water Use

The previous five years residential GPCD for single family and multi-family units.

Year	Total Residential GPCD
2023	39
2022	27
2021	26
2020	32
2019	29
Historic Average	31



## UTILITY PROFILE FOR RETAIL WATER SUPPLIER

### D. Annual and Seasonal Water Use

1. The previous five years' gallons of treated water provided to RETAIL customers.

Month	Total Gallons of Treated Water				
	2023	2022	2021	2020	2019
January	5,589,864	4,944,529	5,265,335	4,374,683	5,351,898
February	4,878,634	4,942,784	6,956,083	4,135,191	4,547,125
March	5,805,830	5,684,594	4,912,456	4,561,560	5,240,986
April	5,887,483	5,730,417	3,966,886	4,825,202	5,475,636
May	5,618,493	5,483,147	5,069,205	5,121,790	5,197,630
June	6,151,593	6,198,686	5,201,879	5,336,333	5,598,777
July	7,264,926	6,197,900	5,561,809	6,364,753	3,942,198
August	7,044,543	4,581,872	5,899,383	6,443,918	7,225,340
September	6,453,263	4,052,768	5,825,179	4,882,216	6,194,553
October	5,599,898	5,308,583	5,124,149	6,091,356	6,146,836
November	5,205,987	4,887,011	4,916,497	5,349,048	5,020,103
December	5,412,194	5,906,029	4,301,279	5,052,220	4,938,608
<b>Total</b>	70,912,708	63,918,320	63,000,140	62,538,270	64,879,690

## UTILITY PROFILE FOR RETAIL WATER SUPPLIER

2. The previous five years' gallons of raw water provided to RETAIL customers.

Month	Total Gallons of Raw Water				
	2023	2022	2021	2020	2019
January					
February					
March					
April					
May					
June					
July					
August					
September					
October					
November					
December					
<b>Total</b>					

3. Summary of seasonal and annual water use.

	Summer RETAIL (Treated + Raw)	Total RETAIL (Treated + Raw)
<b>2023</b>	20,461,062	70,912,708
<b>2022</b>	16,978,458	63,918,320
<b>2021</b>	16,663,071	63,000,140
<b>2020</b>	18,145,004	62,538,270
<b>2019</b>	16,766,315	64,879,690
<b>Average in Gallons</b>	17,802,782.00	65,049,825.60

## UTILITY PROFILE FOR RETAIL WATER SUPPLIER

### E. Water Loss

Water Loss data for the previous five years.

Year	Total Water Loss in Gallons	Water Loss in GPCD	Water Loss as a Percentage
2023	8,440,252	8	11.00 %
2022	5,963,025	5	8.00 %
2021	6,028,596	5	8.00 %
2020	10,573,061	9	14.00 %
2019	3,802,377	5	5.00 %
<b>Average</b>	6,961,462	6	9.20 %

### F. Peak Day Use

Average Daily Water Use and Peak Day Water Use for the previous five years.

Year	Average Daily Use (gal)	Peak Day Use (gal)	Ratio (peak/avg)
2023	194,281	222402	1.1447
2022	175,118	184548	1.0538
2021	172,603	181120	1.0493
2020	171,337	197228	1.1511
2019	177,752	182242	1.0253

### G. Summary of Historic Water Use

Water Use Category	Historic Average	Percent of Connections	Percent of Water Use
<b>Residential - Single Family</b>	28,164,438	75.17 %	43.30 %
<b>Residential - Multi-Family</b>	1,233,830	0.00 %	1.90 %
<b>Industrial</b>	0	0.00 %	0.00 %
<b>Commercial</b>	35,651,556	24.83 %	54.81 %
<b>Institutional</b>	0	0.00 %	0.00 %
<b>Agricultural</b>	0	0.00 %	0.00 %

## UTILITY PROFILE FOR RETAIL WATER SUPPLIER

### H. System Data Comment Section

### Section III: Wastewater System Data

#### A. Wastewater System Data

1. Design capacity of wastewater treatment plant(s) in gallons per day: 277,000

2. List of active wastewater connections by major water use category.

Water Use Category	Metered	Unmetered	Total Connections	Percent of Total Connections
<b>Municipal</b>	773		773	75.34 %
<b>Industrial</b>			0	0.00 %
<b>Commercial</b>	253		253	24.66 %
<b>Institutional</b>			0	0.00 %
<b>Agricultural</b>			0	0.00 %
<b>Total</b>	1,026		1,026	100.00 %

3. Percentage of water serviced by the wastewater system: 98.57 %

## UTILITY PROFILE FOR RETAIL WATER SUPPLIER

4. Number of gallons of wastewater that was treated by the utility for the previous five years.

Month	Total Gallons of Treated Water				
	2023	2022	2021	2020	2019
January	3,820,993	3,569,878	3,492,743	3,953,600	3,403,397
February	3,557,973	3,436,023	3,746,754	3,500,300	2,938,711
March	3,736,096	3,648,236	3,610,906	3,451,400	3,237,669
April	3,920,732	3,578,278	3,573,265	3,056,100	3,256,877
May	4,245,330	3,393,561	3,862,972	3,581,219	3,740,791
June	3,455,310	3,164,300	3,521,045	3,014,200	3,416,684
July	3,340,032	3,206,672	3,836,614	2,827,572	3,159,138
August	3,650,737	3,738,228	4,160,870	2,941,320	3,040,615
September	3,474,918	3,518,862	3,351,820	3,144,822	4,166,858
October	3,956,133	3,548,637	3,859,050	3,439,339	3,287,707
November	3,640,291	4,041,764	3,677,799	3,361,357	3,291,000
December	3,998,631	4,270,345	3,364,374	3,425,123	3,247,610
<b>Total</b>	44,797,176	43,114,784	44,058,212	39,696,352	40,187,057

5. Could treated wastewater be substituted for potable water?

Yes  No

### B. Reuse Data

1. Data by type of recycling and reuse activities implemented during the current reporting period.

Type of Reuse	Total Annual Volume (in gallons)
On-site Irrigation	
Plant wash down	
Chlorination/de-chlorination	
Industrial	
Landscape irrigation (park,golf courses)	
Agricultural	
Discharge to surface water	
Evaporation Pond	
Other	
<b>Total</b>	

## UTILITY PROFILE FOR RETAIL WATER SUPPLIER

### C. Wastewater System Data Comment

Additional comments and files to support or explain wastewater system data listed below.

**§ 13.09.069. Drought response state responses and water use restrictions.**

The mayor, or his/her designee, shall monitor water supply and/or demand condition on a weekly basis and, in accordance with the triggering criteria set forth in section 13.09.068, shall determine that a mild, moderate, severe, critical, or emergency condition exists and shall implement the following action upon publication of notice in a newspaper of general circulation:

- (1) Stage 1: Mild water shortage conditions.
  - (A) Goal. Raise public awareness of the supply situation and initiate voluntary conservation measures.
  - (B) Supply management measures. The city will manage limited water supplies and/or reduce water demand. Examples of water reduction include: reduced or discontinued flushing of water mains, immediate repairs of any water leak, and use of reclaimed water for non-potable purposes.
  - (C) Voluntary water use restrictions.
    - (i) Water customers are requested to voluntarily limit the irrigation of landscaped areas to between the hours 8:00 p.m. to 8:00 a.m.
    - (ii) All operations of the city shall adhere to water use restrictions prescribed for Stage 2 of the plan.
    - (iii) Water customers are requested to practice water conservation and to minimize or discontinue water use for nonessential purposes.
- (2) Stage 2: Moderate water shortage conditions
  - (A) Goal. Achieve a 20 percent reduction in total water use per day.
  - (B) Water use restrictions. Under threat of penalty for violation, the following water use restrictions shall apply to all persons:
    - (i) Irrigation of landscaped areas and turf shall be limited to the designated watering hours between 8:00 p.m. to 8:00 a.m. However, irrigation of landscaped areas is permitted at any time if it is by means of a hand-held hose, a faucet-filled bucket or watering can of five (5) gallons or less, or a drip irrigation system. Watering of Trees via a hand-held hose is allowed, watering of gardens for the use of private nourishment and watering in a foundation to avoid structural damage is permitted.
    - (ii) Use of water to wash any motor vehicle, motorbike, boat, trailer, other vehicle is allowed if done before 8:00 am or after 8:00 pm. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive

shutoff nozzle for quick rinses. Vehicle washing may be done at any time on the immediate premises of a commercial carwash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.

- (iii) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or jacuzzi-type is allowed if done before 8:00 am or after 8:00 pm.
- (iv) Use of water from hydrants shall be limited to firefighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the city.
- (v) The following uses of water are defined as nonessential and are prohibited:
  - a. Washdown of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas.
  - b. Use of water to wash down buildings or structures for purposes other than immediate fire protection.
  - c. Use of water for dust control except for properties under current construction with valid permit;
  - d. Flushing street gutters or permitting water to run or accumulate in any gutter or street; and
  - e. Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

(3) Stage 3: Severe water shortage conditions.

- (A) Goal. Achieve a 30 percent reduction in daily water use.
- (B) Water use restrictions. All requirements of Stage 2 shall remain in effect during Stage 3 except:
  - (i) Irrigation of landscaped areas shall be limited to designated watering days (Tuesday and Sunday for residents with even number addresses and Wednesday and Saturday for residents with odd number addresses) between the hours of 8:00 am and after 8:00 pm and shall be by means of hand-held hoses, hand-held buckets, drip irrigation, or a permanently installed automatic sprinkler system only; watering of Trees via a hand-held hose is allowed, watering of gardens for the use of private nourishment and watering in a foundation to avoid structural damage is permitted. The use of hose-end sprinklers is prohibited at all times.



- (ii) The filling of newly constructed swimming pools from a City of Bandera water source is prohibited; however, pool levels may be maintained because of evaporation.

(4) Stage 4. Critical water shortage conditions.

- (A) Goal. Achieve a 40 percent reduction in daily water use.
- (B) Water use restrictions. All requirements of Stages 2 and 3 shall remain in effect during State 4 except:
  - (i) Irrigation of landscaped areas shall be limited to designated watering days (Tuesday and Sunday for residents with even number addresses and Wednesday and Saturday for residents with odd number addresses between the hours of 8:00 p.m. and 8:00 a.m. and shall be by means of hand-held hoses, hand-held buckets, or drip irrigation only. ; watering of Trees via a hand-held hose is allowed, and watering of gardens for the use of private nourishment and watering in a foundation to avoid structural damage is permitted. The use of hose-end sprinklers or permanently installed automatic sprinkler systems is prohibited at all times.
  - (ii) Use of water to wash any motor vehicle, motorbike, boat, trailer, or other vehicle not occurring on the premises of a commercial carwash and commercial service stations and not in the immediate interest of public health, safety, and welfare is prohibited. Further, such vehicle washing at commercial carwashes and commercial service stations shall occur only between the hours of 9:00 a.m. and 4:00 p.m. and between 10:00 p.m. and 4:00 a.m.
  - (iii) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.

(5) Stage 5: Emergency water shortage conditions.

- (A) Goal. Achieve a 50 percent reduction in daily water use.
- (B) Water use restriction. All requirements of Stages 2, 3, and 4 shall remain in effect during Stage 5 except:
  - (i) Irrigation of landscaped areas is absolutely prohibited; However, watering of Trees via a hand-held hose is allowed, watering of gardens for the use of private nourishment and watering in a foundation to avoid structural damage is permitted during designated watering days (Tuesday and Sunday for residents with even number addresses and Wednesday and Saturday for residents with odd number

addresses) between the hours of 8:00 p.m. and 8:00 a.m.

(6) Stage 6: Complete water loss.

In the event that all water production has ceased due to massive pump failures, power outages or any other natural or man-made causes [resulting in] complete water loss due to contamination of all water sources, the mayor, or his/her designee, is hereby authorized to notify the public by a newspaper of general circulation, radio announcements and/or a black flag to be flown at 511 Main Street that no water from the system will be available for use.

## What is a Water Conservation Plan?

### Requirements for Water Conservation Plans:

1. [Title 30 TAC Chapter 288, Rule §288.2](#): Texas Commission on Environmental Quality Requirements
2. [Title 31 TAC Chapter 363, Rule §363.15](#): Texas Water Development Board Requirements

The Water Conservation Plan (WCP) requirements can be found in the above hyperlinks. These outline the state of Texas' minimum requirements for the completion of the WCP. **But what does this mean, what is a WCP?**

A WCP should be more than the minimum requirements found above. It is meant to be a self-serving written document, in which a utility can **plan, program, and create** a sustainable and efficient water conservation program. A program that, over time, can help the utility prepare for increasing population growth, water shortages, high seasonal demand, and potential water scarcity.

The WCP serves as a map, that when developed properly, can help guide a utility on a path of smart and efficient water use practices, reductions in water loss (apparent and real), and education and outreach for their customers at large. The WCP should incorporate current and future strategies, analyzing why water is important to the utility, and what water conservation strategies they are willing to implement to create a sustainable water future.

This may sound like a Drought Contingency Plan (DCP); however, a DCP is a **reactive document**. The DCP is a strategy or a combination of strategies for responding to temporary water supply shortages.

We write WCP's because we always want to be **proactive**. A plan that is in place all year long to help conserve water.

There are three instances when a Water Conservation Plan should be submitted to the TWDB:

1. **entities applying for or receiving financial assistance of greater than \$500,000 from the TWDB.**
2. **entities with 3,300 connections or more.**
3. **entities that have a surface water right through TCEQ.**

A WCP should be a thoroughly reviewed document and can be approximately 10 to 100 pages long (*highly variable, depending on strategies and attachments*). The plan must meet the minimum requirements as stated **and should be no older than 5 years of the initial requirement date.**

The WCP should also include a Utility Profile (UP), which is an evaluation of the entities' water and wastewater system and customer water use characteristics, to identify water

conservation opportunities and should be used to set goals through water conservation measures. Completing the UP is the first step in developing a WCP (*See reference document, 'What is a Utility Profile?'*)

The composition of the WCP should follow a thoughtful, logical, and linear structure starting with the UP and working through the mandated requirements. Think of the requirements as a framework. **It is the entities job to build out that framework to create a fully realized and comprehensive plan.**

The TWDB wants you to craft this plan, tell us what you have accomplished, what conservation strategies have worked, and which strategies did not. Tell us what conservation programs you have planned for the future, or even what you wish you could implement.

The below is a guidance framework on how a Water Conservation Plan should be structured. This should represent 5 years of historic water system data for the entity and 5 to 10 years in the future. The WCP needs to tell us how/what the entity has and will do to conserve water.

1. **Water Conservation Utility Profile, TWDB-1965:** An evaluation of the applicant’s water and wastewater system and customer use characteristics to identify water conservation opportunities and potential targets and goals.
2. **Conservation Coordinator:** Include a designated person as the **water conservation coordinator** responsible for implementing the water conservation plan; and identify, in writing, the water conservation coordinator to the executive administrator of the board.
3. **5- and 10-year goals in GPCD:** Inclusion of five-year and ten–year targets that are specific and quantified for water savings and include goals for water loss programs, and goals for municipal use and residential use, in gallons per capita per day or GPCD (**i.e., Total GPCD, Residential GPCD, and Water Loss GPCD**). A base use figure, or baseline, should be included to calculate your estimated savings.
4. **Achieving Targets:** schedule for implementing the plan to achieve the utilities targets and goals.
5. **Tracking Targets and Goals:** Describe the method for tracking the implementation and effectiveness of the plan. The method should track annual water use and provide information to evaluate the implementation of conservation measures.
6. **Production Meter(s):** A meter to measure and account for water diverted from the source of supply to the system.

7. **Universal Metering Program:** A program of universal metering of both customer and public uses of water, for meter testing, repair and for periodic replacement (i.e., maintaining meter accuracy by ongoing testing, repairing and an aged meter replacement program).
8. **Water Loss Control Program:** Measures to determine and control water loss. A program that helps to identify real or physical losses of water from the water system and apparent losses, or the water that is consumed but not accounted for (some examples are, periodic visual inspections along distribution lines; annual or monthly auditing of the water system to determine illegal connections, or abandoned services, and repairing or replacing meters regularly to ensure efficiency and meter accuracy).
9. **Leak Detection Program:** A continuous program of leak detection, repair, and water loss accounting for the transmission, delivery, and distribution system in order to control water loss. Estimate how much the utility can save by repairing the leaks in the system.
10. **Public Education and Information:** A program of continuing education and information regarding water conservation. This should include providing water conservation information directly to each residential, industrial, and commercial customer at least annually, and providing water conservation literature to new customers when they apply for service. The goal is education of customers about the overall picture of water resources in the community and how conservation is
11. **Water Rate Structure:** A water rate structure which is not “promotional,” i.e., a rate structure which is cost-based, and which does not encourage the excessive use of water. **Include a copy of the rate structure (i.e., Rate Table or Rate Ordinance)**
12. **Signed Official Ordinance:** A means of implementation and enforcement, evidenced by adoption of the plan: a **copy of the ordinance**, resolution, or tariff indicating official adoption of the Water Conservation Plan by the applicant and a description of the authority by which the applicant will implement and enforce the Water Conservation Plan.
13. **Wholesale or Contract:** If the applicant will furnish water or wastewater services to another supplying entity that in turn will furnish the water or wastewater services to the ultimate consumer, the requirements for the Water Conservation Plan also pertain to these supplier entities. To comply with this requirement the applicant shall:
  1. submit its own Water Conservation Plan;
  2. submit the other entity’s (or entities) Water Conservation Plan;

3. require, by contract, that the other entity (or entities), adopt a Water Conservation Plan that conforms to the board's requirement and submit it to the board.
  
14. **Regional Water Planning Group Notification:** Documentation that the regional water planning group for the service area of the applicant or utility has been notified of the applicant's updated Water Conservation Plan (i.e., this can be a copy of the letter, email, or fax cover page) A **COPY must be sent** to the appropriate parties.

Please contact the Municipal Water Conservation Team for guidance and references when beginning this process.

**Email:** [wcpteam@twdb.texas.gov](mailto:wcpteam@twdb.texas.gov)

**Phone:** 512-475-1639

## WATER CONSERVATION PLAN GUIDANCE CHECKLIST

This guidance checklist applies to all Texas Water Development Board (TWDB) Financial Assistance Programs specified in its rules under Texas Administrative Code 31, Chapters 355, 363, 371, 375, 382, and 384 and to PWS's that provide potable water service to 3,300 or more connections. The Water Conservation Plan must meet the minimum requirements as stated below and **should be no older than 5 years**. The Water Conservation Plan should also include a Utility Profile, which is an evaluation of the applicant's water and wastewater system and customer water use characteristics, to identify water conservation opportunities and should be used to set goals through water conservation measures. Completing the Utility Profile is the first step in developing a Water Conservation Plan. The Water Conservation Plan shall provide information in response to the following minimum requirements. If the plan does not provide information for each minimum requirement, the applicant **shall include in the plan an explanation as to why the requirement is not applicable**.

The *Water Conservation Plan* is a strategy or combination of strategies for reducing the consumption of water, reducing the loss or waste of water, improving or maintaining the efficiency in the use of water, or increasing recycling and reuse of water. The *Drought Contingency (Emergency Demand Management) Plan* is a strategy or combination of strategies for responding to temporary and potentially recurring water supply shortages and other water supply **emergencies**.

FAQs: <http://www.twdb.texas.gov/conservation/municipal/plans/faqs.asp>

### THE WATER CONSERVATION PLAN REQUIREMENTS:

Requirements for Water Conservation Plans: [Title 30 TAC Chapter 288, Rule §288.2](#)  
[Title 31 TAC Chapter 363, Rule §363.15](#)

**A.\_\_\_\_\_Water Conservation Utility Profile, TWDB-1965:** An evaluation of the applicant's water and wastewater system and customer use characteristics to identify water conservation opportunities and potential targets and goals. Completion of the *Utility Profile* as part of the evaluation is required and should be submitted with the plan, it should be considered the data portion of the plan. The Utility Profile should include the water sales and use for the following classifications: residential (both for single-family and multi-family), commercial, institutional, industrial, agricultural, and wholesale; as appropriate.

- If submitting a new Water Conservation Plan for an application, a Utility Profile must be submitted along with the plan. Please reach out to TWDB staff to receive a fillable PDF copy of the Utility Profile. The profile should be filled out with as much data as is available so a baseline water usage profile for the system can be established.

**Conservation Staff:** [wcpteam@twdb.texas.gov](mailto:wcpteam@twdb.texas.gov)

- For new applications with existing Water Conservation Plans, please login to the online LUC application to access your electronic Utility Profile and update the applicable data as needed.

**Online Application:** <https://www3.twdb.texas.gov/apps/APM/default.aspx>

**B.\_\_\_\_\_Conservation Coordinator:** Include a designated person as the **water conservation coordinator** responsible for implementing the water conservation plan; and identify, in writing, the water conservation coordinator to the executive administrator of the board (*TWC Sec. 13.146*) (*Conditional Requirement*).

**For More Information:** [Link to the Best Management Practice](#)

**C.\_\_\_\_\_5- and 10-year goals in GPCD:** Inclusion of five-year and ten-year targets that are specific

and quantified for water savings and include goals for water loss programs, and goals for municipal use and residential use, in gallons per capita per day or GPCD (**i.e. Total GPCD, Residential GPCD, and Water Loss GPCD**). A base use figure, or baseline, should be included to calculate your estimated savings. Consider state and regional targets and goals, local climate, and demographics (*i.e. wet year versus dry year, high usage versus low usage*). Consider the anticipated savings that can be achieved by utilizing appropriate best management practices and other conservation techniques.

**For More Information:** [Targets and Goals Guidance](#)

**D. \_\_\_ Achieving Targets:** schedule for implementing the plan to achieve the applicant's or utilities targets and goals.

**E. \_\_\_ Tracking Targets and Goals:** Describe the method for tracking the implementation and effectiveness of the plan. The method should track annual water use and provide information to evaluate the implementation of conservation measures. The plan should measure progress annually and evaluate the progress towards meeting the goals.

**F. \_\_\_ Production Meter(s):** A meter to measure and account for water diverted from the source of supply to the system.

**G. \_\_\_ Universal Metering Program:** A program of universal metering of both customer and public uses of water, for meter testing, repair and for periodic replacement (i.e. maintaining meter accuracy by ongoing testing, repairing and an aged meter replacement program).

**For More Information:** [Link to the Best Management Practice](#)

**H. \_\_\_ Water Loss Control Program:** Measures to determine and control water loss. A program that helps to identify real or physical losses of water from the water system and apparent losses, or the water that is consumed but not accounted for (some examples are, periodic visual inspections along distribution lines; annual or monthly auditing of the water system to determine illegal connections, or abandoned services, and repairing or replacing meters regularly to ensure efficiency and meter accuracy).

**For More Information:** [Link to the Best Management Practice](#)

**I. \_\_\_ Leak Detection Program:** A continuous program of leak detection, repair, and water loss accounting for the transmission, delivery, and distribution system in order to control water loss. Estimate how much the utility can save by repairing the leaks in the system.

**For More Information:** [Link to the Best Management Practice](#)

**J. \_\_\_ Public Education and Information:** A program of continuing education and information regarding water conservation. This should include providing water conservation information directly to each residential, industrial and commercial customer at least annually, and providing water conservation literature to new customers when they apply for service. The goal is education of customers about the overall picture of water resources in the community and how conservation is important for meeting the goals and sustaining existing water supplies. An equally important part of the program is to provide data and information on specific actions and measures the customers should take to implement these community goals.

**For More Information:**

[Link to the Best Management Practice: Public](#)

[Link to the Best Management Practice: School](#)

[Link to the Best Management Practice: Outreach](#)



**K. \_\_\_ Water Rate Structure:** A water rate structure which is not “promotional,” i.e., a rate structure which is cost-based, and which does not encourage the excessive use of water.

**Include a copy of the rate structure (i.e. Rate Table or Rate Ordinance)**

**For More Information:** [Link to the Best Management Practice](#)

**L. \_\_\_ Signed Official Ordinance:** A means of implementation and enforcement, evidenced by adoption of the plan:

1. a **copy of the ordinance**, resolution, or tariff indicating official adoption of the Water Conservation Plan by the applicant and;
2. a description of the authority by which the applicant will implement and enforce the Water Conservation Plan.

**For More Information:** [Link to the Best Management Practice](#)

**M. \_\_\_ Wholesale or Contract:** If the applicant will furnish water or wastewater services to another supplying entity that in turn will furnish the water or wastewater services to the ultimate consumer, the requirements for the Water Conservation Plan also pertain to these supplier entities. To comply with this requirement the applicant shall:

1. submit its own Water Conservation Plan;
2. submit the other entity’s (or entities) Water Conservation Plan;
3. require, by contract, that the other entity (or entities), adopt a Water Conservation Plan that conforms to the board’s requirement and submit it to the board. If the requirement is to be included in an existing water or wastewater service contract, it may be included, at the earliest of the renewal or substantial amendment of that contract, or by other appropriate measures. *(Conditional Requirement)*

**For More Information:** [Best Management Practices Regarding Wholesale](#)

**N. \_\_\_ Regional Water Planning Group Notification:** Documentation that the regional water planning group for the service area of the applicant or utility has been notified of the applicant’s updated Water Conservation Plan (i.e. this can be a copy of the letter, email, or fax cover page) A **COPY must be sent** to the appropriate parties.

**NOTE:** The Water Conservation Plan may also include other conservation methods or techniques that the applicant deems appropriate.

**BMPs:** <https://www.twdb.texas.gov/conservation/BMPs/Mun/index.asp>

## THE DROUGHT CONTINGENCY PLAN REQUIREMENTS:

**O. Drought Contingency Plan** (for Financial Assistance Programs) The Drought Contingency Plan shall meet the requirements found in: [Title 30 TAC Chapter 288, Subchapter B](#)

### [TCEQ Requirements Regarding Drought Contingency Plans](#)

1. \_\_\_ **Trigger conditions:** Describe information to be monitored. For example, reservoir levels, daily water demand, water production or distribution system limitations. Supply source contamination and system outage or equipment failure should be considered too. Determine specific quantified targets of water use reduction.

2. **\_\_\_\_\_Demand management measures:** Actions that will be implemented by the utility during each stage of the plan when predetermined triggering criteria are met. Drought plans must include quantified and specific targets for water use reductions to be achieved during periods of water shortage and drought. Supply management measures typically can be taken by the utility to better manage available water supply, as well as the use of backup or alternative water sources. The demand management measures should curtail nonessential water uses, for example, outdoor water use.
3. **\_\_\_\_\_Initiation and termination procedures:** The drought plan must include specific procedures to be followed for the initiation or termination of each drought response stage, including procedures for notification of the public.
4. **\_\_\_\_\_Variances and enforcement:** The plan should specify procedures for considering (approving and denying) variances to the plan. Equally as important is the inclusion of provisions for enforcement of any mandatory water use restrictions, including specification of penalties for violations of such restrictions.
5. **\_\_\_\_\_Measures to inform and educate the public:** Involving the public in the preparation of the drought contingency plan provides an important means for educating the public about the need for the plan and its content.

**P.\_\_\_\_\_Adoption:** No water conservation plan is complete without formal adoption by the governing body of the entity. For a municipal water system, adoption would be by the city council as an ordinance, or a resolution by the entity's board of directors.

**Q.\_\_\_\_\_Reporting Requirement:** Identify who will be responsible for preparing the annual report on the utility profile form TWDB-1965. Loan/Grant Recipients must maintain an approved water conservation program in effect until all financial obligations to the state have been discharged and shall **report annually** to the executive administrator of the TWDB on the progress in implementing each of the minimum requirements in its water conservation plan and the status of any of its customers' water conservation plan required by contract. The content and format for the annual reporting is included in the forms:

1. ***Water Conservation Plan Annual Report,***
  - a. **TWDB-1966 for retail water suppliers,**
  - b. **TWDB-1967 for non- water suppliers and**
  - c. **TWDB-1969 for wholesale water suppliers.**

For information and assistance for utilities requesting TWDB financial assistance contact:

Water Conservation Plans  
Texas Water Development Board  
P.O. Box 13231  
Austin, Texas 78711-3231  
[wcpteam@twdb.texas.gov](mailto:wcpteam@twdb.texas.gov)  
512-463-7955

## RESOURCES LIST:

### **TWDB Application Program Management (APM) System:**

This is where a utility can gain access to the Water Loss, Use and Conservation Home Page or LUC system. Secured access requires a user to log in to view a list of applications and access approved applications in addition to applications offered in public access.

<https://www.twdb.texas.gov/apps/overview.asp>

### **Municipal Water Conservation Planning Tool:**

The MWCPT tool contains pre-loaded data to assist in the development of conservation plans. It provides an accounting framework for projecting future conservation program costs and water savings as well as estimating the water savings from previous implementation of conservation measures.

[https://www.twdb.texas.gov/conservation/municipal/plans/doc/TWDB\\_MWCPT\\_v1.xlsm](https://www.twdb.texas.gov/conservation/municipal/plans/doc/TWDB_MWCPT_v1.xlsm)

### **Water Conservation Plan Resources:**

A Water Conservation Plan is a strategy or combination of strategies for reducing the consumption of water, reducing the loss or waste of water, improving or maintaining the efficiency in the use of water, or increasing recycling and reuse of water.

<http://www.twdb.texas.gov/conservation/municipal/plans/index.asp>

### **Best Management Practices Information:**

Best Management Practices (BMPs) are a menu of options for which entities within a water use sector can choose to implement in order to achieve benchmarks and goals through water conservation. Best management practices are voluntary efficiency measures that are intended to save a quantifiable amount of water, either directly or indirectly, and can be implemented within a specified timeframe.

<http://www.twdb.texas.gov/conservation/bmps/index.asp>

### **Statewide Water Conservation Quantification Project:**

A research project principally charged with quantitatively determining the savings of municipal water conservation activities being implemented in relation to the recommended conservation goals (supply volumes) in the 2017 State Water Plan. The project was also tasked with identifying activities that participating water utilities could pursue to meet future goals.

<https://www.twdb.texas.gov/conservation/doc/StatewideWaterConservationQuantificationProject.pdf>

**CITY OF BANDERA COUNCIL AGENDA**  
**Meeting Date: May 14, 2024**

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**AGENDA ITEM:** Approval of a Resolution 2024-018 Awarding the bid for the Dallas Street elevated Storage Tank Project

**APPROVED FOR AGENDA:** Stan Farmer

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**BACKGROUND:**

Please see the attached Letter of Recommendation from Ardurra.  
Ardurra and staff are recommending awarding this contract to Viking Painting LLC with a total base bid of \$110,350.00.

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**FISCAL ANALYSIS:**

Viking Painting LLC is the lowest bidder at \$110,350.00. The total bid tabulation is attached.

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**RECOMMENDATION:**

City Staff recommends the award of the construction contract to Viking Painting LLC.

**RESOLUTION NO. 2024-018**

**A RESOLUTION OF THE CITY COUNCIL OF BANDERA, TEXAS, AWARDED A CONSTRUCTION CONTRACT FOR THE DALLAS STREET WELL REHABILITATION PROJECT.**

**WHEREAS**, the City of Bandera has identified the need for the rehabilitation of the Dallas Street Well to ensure the continued provision of safe and reliable water supply to residents and businesses; and

**WHEREAS**, the City of Bandera solicited competitive bids for the Dallas Street Well Rehabilitation Project in accordance with applicable procurement regulations; and

**WHEREAS**, after careful evaluation of the submitted bids, it has been determined that Viking Painting, L.L.C., [Contractor Address], submitted the lowest responsive and responsible bid meeting all project specifications; and

**WHEREAS**, the City Council finds it in the best interest of the City to award the construction contract for the Dallas Street Well Rehabilitation Project to Viking Painting, L.L.C.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BANDERA, TEXAS, AS FOLLOWS:**

**Section 1: AWARD OF CONSTRUCTION CONTRACT**

The City Council hereby awards the construction contract for the Dallas Street Well Rehabilitation Project to Viking Painting, L.L.C., in the amount of \$110,350.00, subject to final contract negotiations and execution.

**Section 2: AUTHORIZATION TO CITY ADMINISTRATOR**

The City Manager is hereby authorized to negotiate and execute the necessary contract documents with Viking Painting, L.L.C. for the Dallas Street Well Rehabilitation Project on behalf of the City of Bandera.

**Section 3: FUNDING**

Funding for the Dallas Street Well Rehabilitation Project shall be allocated from the American Rescue Plan Act Projects Fund, in accordance with the approved budget for the project.

**Section 4: SEVERABILITY**

If any provision of this resolution or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this resolution that can be given effect without the invalid provision or application.

Section 5: EFFECTIVE DATE

This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED this 14th day of May, 2024.

\_\_\_\_\_  
Rebeca Gibson, Mayor

ATTEST:

\_\_\_\_\_  
Jill Shelton, City Secretary

**CITY OF BANDERA COUNCIL AGENDA**  
**Regular Meeting: Tuesday May 14,2024**

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**AGENDA ITEM:** Approval of Ordinance 440 authorizing a Budget Amendment to the 2023-2024 budget to transfer funds from Waste Water Treatment Plant Fund to the American Rescue Plan Act Fund for the Dallas Elevated Storage Tank Project.

**SUBMITTED BY:** Allyson Wright, Treasurer

**APPROVED FOR AGENDA:** Stan Farmer

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**BACKGROUND:** The ARPA funds were received during Covid, have not been entirely spent to date. There is a deadline of 12/31/24 to do so.

Per the advice of our auditors, Neffendorf & Blocker, and grant manager, Langford, we would like to transfer the small amount of ARPA funds (\$61,058) from the WWTP Fund to add to the remaining ARPA funds in the recently bid/awarded Dallas St. Elevated Storage Tank (EST) project.

We believe this will minimize any reporting errors and ensure that the money is spent by the deadline. In addition, this will increase the number of improvements to the Dallas EST project that are sorely needed above and beyond the improvements recently bid/awarded.

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**FISCAL ANALYSIS:**

None

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**RECOMMENDATION:**

Approve the Budget Amendment.

**A RESOLUTION OF THE CITY COUNCIL OF BANDERA, TEXAS, AUTHORIZING AN AMENDMENT TO THE 2023 - 2024 MUNICIPAL BUDGET TO TRANSFER FUNDS FROM THE WASTEWATER TREATMENT PLANT PROJECT FUND TO THE AMERICAN RESCUE PLAN ACT PROJECTS FUND.**

**WHEREAS**, the City of Bandera, Texas, operates under a municipal budget for the fiscal year 2023 - 2024; and

**WHEREAS**, the City Council has determined that there is a need to amend the budget to address additional expenses required for the completion of the Dallas St. EST project; and

**WHEREAS**, the American Rescue Plan Act Projects Fund has been identified as an appropriate source of funding for these additional expenses; and

**WHEREAS**, the amount of \$61,058.00 is required to cover the unforeseen expenses associated with the Dallas St. EST project;

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BANDERA TEXAS THAT:**

- Section 1: The City Council hereby authorizes an amendment to the 2023 - 2024 municipal budget to transfer the sum of \$61,058.00 from the Wastewater Treatment Plant Project Fund (WWTP-72-2300) to the American Rescue Plan Act Projects Fund (ARPA-70-2300).
- Section 2: The City Treasurer is hereby directed to take all necessary actions to effectuate this budget amendment, including but not limited to notifying the appropriate financial institutions and updating all relevant financial records.
- Section 3: This resolution shall take effect immediately upon its passage and approval.

PASSED AND ADOPTED, this 14th day of May 2024.

CITY OF BANDERA, TEXAS

\_\_\_\_\_  
Rebeca Gibson, Mayor

ATTEST:

\_\_\_\_\_  
Jill Shelton, City Secretary



**CITY OF BANDERA COUNCIL AGENDA**  
**Regular Meeting: Tuesday May 14,2024**

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**AGENDA ITEM:** Approval of a Facility Use Agreement with BBA for Riverfest

**APPROVED FOR AGENDA:** Stan Farmer

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**BACKGROUND:**

The BBA would like to hold the annual Riverfest Event in the City Park on June 29. BBA will not be charging the public for this event and will staff this event with volunteers.

There will be no use of city employees for this event. The park will still be open to the public for non-Riverfest use. BBA is NOT reserving the entire park.

Therefore, the FUA does NOT include any charges by the City to the BBA for the use of the park.

**FISCAL ANALYSIS:** None.

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**RECOMMENDATION:** Approval

# CITY OF BANDERA FACILITY USE AGREEMENT

THIS FACILITY USE AGREEMENT (this "Agreement"), dated as of May \_\_\_\_, 2024, is made and entered into by and between the CITY OF BANDERA ("City"), a Texas Municipal Corporation and General Law City, and BANDERA BUSINESS ASSOCIATION ("Licensee"), for the use of a City Owned Facility (the "Facility") under the terms and conditions contained in this Agreement and its attached Exhibits. This Agreement is not effective until executed by all necessary representatives of City. Until that time, this document merely constitutes Licensee's offer and application to use the Facility. Licensee's application must be accompanied by advance payment of applicable fees in order to be considered. The City will notify Licensee when the application has been accepted, transforming this document into a binding contract.

NOW, THEREFORE, for good, valuable, and mutual consideration, the sufficiency of which is hereby acknowledged, City and Licensee agree as follows:

1. License. City licenses to Licensee, and Licensee licenses from City, the right to use the City's Facility identified below for the following purpose and no other:

Facility Requested: Bandera City Park Sections A

Event Description: Riverfest

- 1.1 Permitted Use; Compliance with Law. Licensee may use Facility solely for the Event and in accordance with this Agreement's provisions. The use of the Facility for any other purpose is prohibited, unless written permission is first obtained from the City. Licensee shall not use, or suffer or permit any use of, Facility for any purpose or in any manner other than as contemplated by this Agreement. Permission to use the Facility will not be assigned to any other person or organization. This license to use Facility in no way implies surrender of City's rights to manage and supervise its property. This Agreement permits use of Facility and does not imply permission to use any other facility or grounds at City. Licensee, and the employees, subcontractors, agents, representatives, participants, invitees and attendees of Licensee and the Event (whether paid or not), shall comply with all applicable federal, state and local laws, regulations, and ordinances.
  - 1.2 Inclusion of Exhibits. **This Agreement incorporates Exhibit "A" (Depiction of Facility). Licensee acknowledges receipt of Exhibits "A" and agrees to be legally bound by the contents of the Exhibit.**
  - 1.3 Term. Licensee shall be permitted to use Facility for a period beginning June 28 2024, at 3 p.m. to 8 p.m. for set up and June 29, 2024, at 8:00 a.m. until June 29, 2024, at 4:00 p.m. (the "Use Period"). The Use Period shall not be extended for the occupancy or use of Facility or for the installation, storage, or removal of equipment without the prior written permission of the City.
  - 1.4 No Firearms or Other Dangerous Objects. Licensee shall ensure that no firearms, or other potentially dangerous weapons or objects are admitted to the Facility.
  - 1.5 Amplified Sound. Sound levels will be managed in order not to disturb other park patrons or the surrounding neighborhood. **The use of amplified sound (voice and/or musical instruments) is permitted on a limited basis. The City reserves the right at any time to require individual(s) reserving the Facility to reduce volume levels and/or eliminate all amplified sound as may be considered a nuisance to the adjacent neighborhood.**
2. Fees. There is no fee for the use of Facility by Licensee

2.1 Deposit. There is no deposit required by Licensee.

3. Party Contacts. Any notices required under this Agreement may be given in person or by mail and deemed delivered as of the date of personal delivery, or three (3) business days after postmarking, to the following addresses:

City of Bandera  
 Attention: City Administrator  
 511 Main Street  
 Bandera, TX 78003

4. Condition of Facility.

4.1 At Delivery. **City makes no representation or warranty of any kind (express or implied) regarding the suitability of, or compliance with applicable laws by, Facility, for any aspect of Licensee's intended use. Accordingly, Licensee acknowledges and agrees that Licensee has made an adequate investigation and inspection of Facility and its own determination regarding the suitability thereof for Licensee's intended use. Licensee further acknowledges and agrees that the Facility shall be delivered by City to Licensee "as is," "where is" and "with any and all faults," and without any representation or warranty of any kind (express or implied), including, but not limited to, representations and warranties as to merchantability and fitness for the use thereof for any particular purpose, and shall be used by Licensee for the Event at Licensee's own risk.**

4.2 Preservation. Licensee, and the employees, subcontractors, agents, representatives, participants, invitees or attendees of Licensee or the Event (whether paid or not), shall not (i) cause or allow to be caused anything that damages, mars or defaces the Facility or other City property or (ii) make or allow to be made any alteration of any kind to the Facility or other City property.

4.3 Damage. Licensee shall return the Facility to City after the Event in the same condition as when received, and shall reimburse City upon demand for any and all costs, expenses, charges or fees incurred in the clean-up, repair or replacement of damage to the Facility or other City property as a result of the acts or omissions of Licensee, or the employees, subcontractors, agents, representatives, participants, invitees or attendees of Licensee or the Event (whether paid or not).

4.4 Destruction, Condemnation or Taking. In the event that the Facility are wholly or partially destroyed, condemned or taken for public use, and either party reasonably believes that the Event should not be held, then such party may elect to terminate this Agreement by written notice to the other party. In the event of any such termination, neither party shall have any liability to the other party, either on account of the unavailability of the Facility or the failure to hold the Event there. City alone shall be entitled to any insurance proceeds or sums paid or payable as damages or compensation on account of any such destruction, condemnation or taking, and no part thereof shall accrue or be payable to Licensee.

5. Security. The City will provide security personnel necessary to maintain the Facility in a safe and secure condition. Such security levels shall be solely determined by the City.

6. Insurance. Licensee shall be required to provide a comprehensive public liability and indemnity insurance in an amount not less than \$1,000,000 in the aggregate, which policy or policies shall name City as an additional insured with the term coinciding with the dates of the Term of this Agreement. A certificate of

insurance must be attached to the fully executed Agreement for said Agreement to be considered complete and effective.

7. Advertising of Event. Licensee agrees that all advertising of the Event will be true and accurate. Furthermore, Licensee agrees that all news releases, publicity, material, radio or television announcements, publications or other such public notices issued shall refer to the Facility location only as the “City of Bandera Park”.
8. Private Advertising. The City controls the right of all private advertising at the Facility during the event. This right may be passed on to Licensee.
9. Concessions and Vendors. The City controls the right to sell concessions or permit vendors for all Events and may assign such right to Licensee.
10. Event Parking. The City controls all parking for the Facility.
11. Event admissions. The Licensee shall not charge for the event.
12. Electricity and Water. City will not charge for the use of Water and Electricity for the Event.
13. Portable Restroom Facilities. Based upon the projected number of attendees, the City reserves the right to require Licensee, at Licensee’s sole cost, to provide portable restroom facilities.
14. Miscellaneous.
  - 14.1 Power and Authority; Due Authorization; No Conflict; Enforceability. Each party represents and warrants to the other party that (i) such party has the power and authority to execute, deliver and perform its obligations under this Agreement, (ii) the execution, delivery and performance of this Agreement have been duly authorized by such party and do not and shall not conflict with any agreement or instrument to which it is bound, and (iii) this Agreement constitutes the legal, valid and binding obligation of such party, enforceable against it in accordance with its terms.
  - 14.2 Taxes. Licensee shall be solely liable and responsible for all federal, state and local taxes and fees arising in any way in connection with the Event or use of Facility. Licensee shall pay in full, prior to delinquency, any such taxes and fees, and such payment shall not be credited against any other amount payable by Licensee to City. In addition, Licensee shall be solely responsible and liable for timely filing any and all documentation relating thereto and shall comply with all applicable laws, rules, and regulations regarding the payment of taxes.
  - 14.3 Entire Agreement; Severability; Further Assurances. This Agreement constitutes the entire agreement between the parties, and supersedes all prior and contemporaneous agreements, understandings and negotiations. In the event any provision of this Agreement shall be held unenforceable by a court of competent jurisdiction, such unenforceability shall not affect any other provision hereof, and this Agreement shall be construed as if such unenforceable provision, to the extent of such unenforceability, had not been incorporated herein. Each party shall execute and deliver such further documents and take such further actions as may be required or reasonably requested by the other party to effectuate the purposes of this Agreement.
  - 14.4 No Assignment; No Amendment; No Waiver. This Agreement (i) may not be assigned or transferred, in whole or in part, by operation of law or otherwise, by either party without the prior written consent of the other party, and (ii) may not be amended or modified, by course of conduct or otherwise, except in a writing duly executed by both parties. Any waiver of any provision of

this Agreement shall be in writing duly executed by the waiving party. The failure or delay by either party to seek redress for any breach or default under this Agreement, or to insist upon the strict performance of any provision of this Agreement, shall not constitute a waiver of any kind, and such party shall retain all available remedies regarding such breach or default.

- 14.5 Survival; Remedies Cumulative. Notwithstanding anything in this Agreement to the contrary, the provisions of Section 6.1 above shall survive any expiration or termination of this Agreement, and each party shall remain obligated to the other party under all provisions of this Agreement that expressly or by their nature extend beyond and survive the expiration or termination of this Agreement. The rights and remedies provided in this Agreement are cumulative in nature and shall be in addition to any such other rights and remedies available at law and in equity.
- 14.6 Governing Law; Jurisdiction and Venue; Attorneys' Fees. This Agreement shall be governed by the laws of the State of Texas (without regard to the conflicts or choice of law principles thereof). The parties irrevocably consent to the jurisdiction of the State of Texas, and agree that any court of competent jurisdiction sitting in Bandera County, Texas, shall be an appropriate and convenient place of venue to resolve any dispute with respect to this Agreement. In the event either party commences any proceeding against the other party with respect to this Agreement, the parties agree that the prevailing party (as determined by the authority before whom such proceeding is adjudicated) shall be entitled to recover reasonable attorneys' fees and costs, in addition to any other relief that may be granted.
- 14.7 Right of Entry. City retains the right to enforce all necessary and proper rules of the management and operations of the Facility. A duly authorized representative of the City may enter the Facility at any time and on any occasion without any restrictions whatsoever.
- 14.8 Default. Should Licensee default in the performance of any of the terms and conditions of this Agreement, the City at its option may terminate the same and demand damages or demand specific performances hereof, and any deposit paid by Licensee shall be retained by the City considered as partial payment for liquidated damages. Notwithstanding anything herein to the contrary all obligations and liabilities of the City under this agreement are dependent upon the successful completion of the scheduled Event. If Licensee fails to complete the above scheduled event for any reason within the Licensee's control or responsibility, Licensee agrees at a minimum to the retaining of the deposit.
- 14.9 Headings; Counterparts. Headings in this Agreement are for convenient reference only and shall not be construed to affect the meaning of any of the provisions. This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which taken together shall constitute one and the same instrument. The parties have duly executed and delivered this Agreement as indicated, with the effective date being the first date written above.

15. Indemnity

**THE UNDERSIGNED DOES INDEMNIFY AND HOLD HARMLESS THE CITY OF BANDERA FROM AND AGAINST ANY AND ALL LOSS, COST (INCLUDING STATUTORY LIABILITY AND LIABILITY UNDER WORKERS COMPENSATION LAWS) IN CONNECTION WITH CLAIMS FOR DAMAGES AS A RESULT OF INJURY OR DEATH TO ANY PERSON OR DAMAGE TO ANY PROPERTY SUSTAINED BY THE INDIVIDUAL(S) USING THE FACILITY OR ANY AND ALL OTHER PERSONS WHICH ARISE FROM, OR IN ANY MANNER GROW OUT OF, ANY ACT OR NEGLIGENCE ON OR ABOUT THE FACILITY BY THE INDIVIDUALS USING THE FACILITY, GUESTS OR INVITEES.**

**LICENSEE:**

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**CITY:**

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

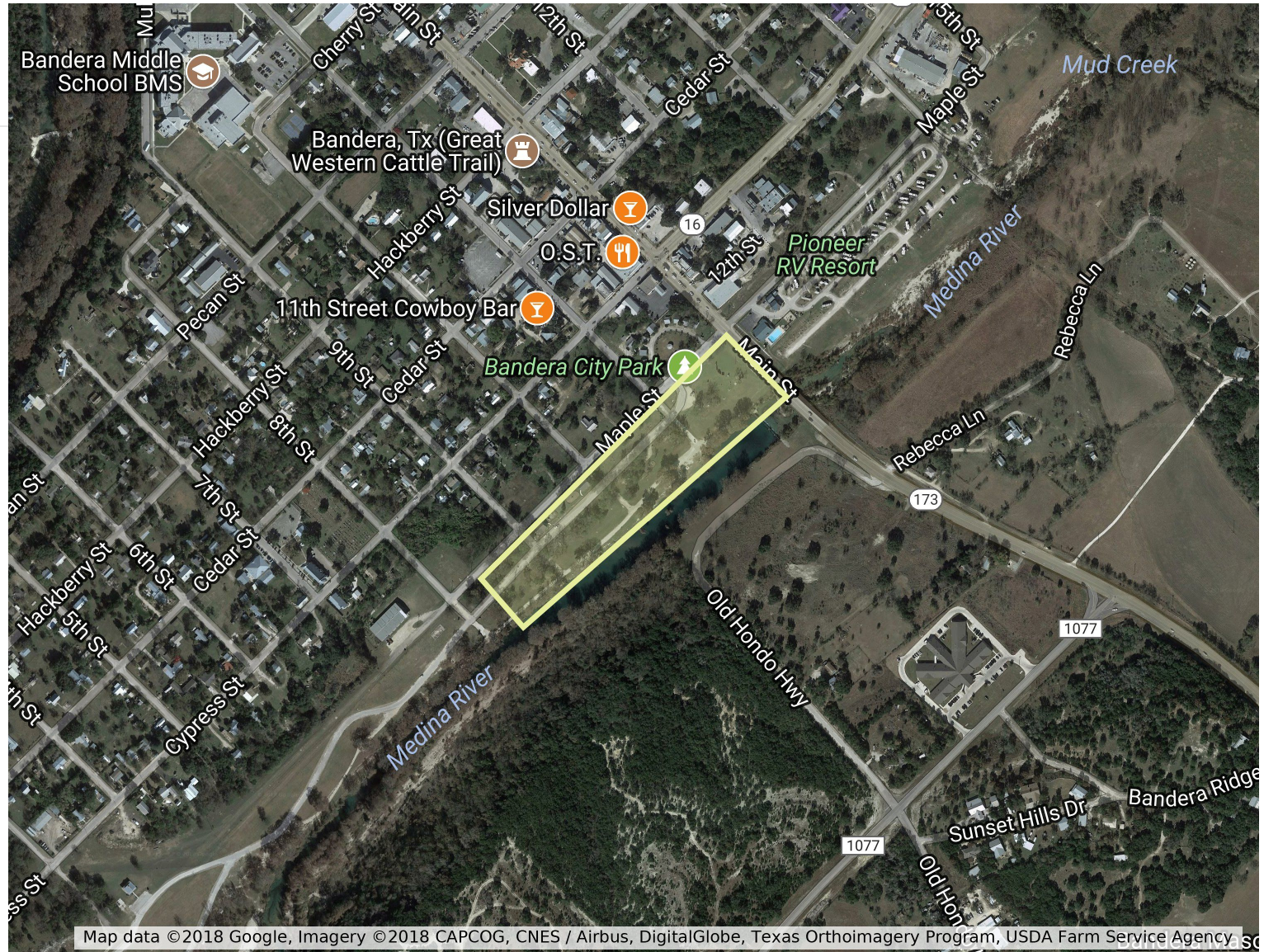
Date: \_\_\_\_\_

# Copy of Bandera City Park

Untitled layer

 Park Area A

Section A



**CITY OF BANDERA COUNCIL AGENDA**  
**Regular Meeting: Tuesday May 14,2024**

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**AGENDA ITEM:** Approval of a Facility Use Agreement with Bandera United Methodist Church

**APPROVED FOR AGENDA:** Stan Farmer

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**BACKGROUND:**

For several months the City has negotiated with Bandera United Methodist Church on a Facility Use Agreement regarding the Church's parking lot at the corner of 11 Street and Cedar across from the church for public parking Monday through Saturday.

There is a fee for the City of \$500 per month backdated to January 2024. It is a one-year agreement that is automatically renewed annually unless cancelled by either party.

This agreement would help the Church with maintenance costs of their parking lot used by the public Monday through Saturday.

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**FISCAL ANALYSIS:** \$500 per month for calendar year 2024. Automatic annual renewal unless terminated.

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**RECOMMENDATION:** None



# FACILITY USE AGREEMENT

THIS FACILITY USE AGREEMENT (this "Agreement"), dated as of 1/1, 2024, is made and entered into by and between the CITY OF BANDERA ("City"), a Texas Municipal Corporation, and Bandera Methodist Church ("BMC"), for the use of a BMC Owned Parking Lot (the "Facility") under the terms and conditions contained in this Agreement and its attached Exhibits. This Agreement is not effective until executed by all necessary representatives of City and BMC, following approval of the City Council.

NOW, THEREFORE, for good, valuable, and mutual consideration, the sufficiency of which is hereby acknowledged, City and BMC agree as follows:

- 1. License. BMC licenses to the City of Bandera, the right to use the BMC Facility identified below for the following purpose and no other:

**Facility Requested:** Lots 40 and 41, Block 6, Range X, City of Bandera as described in the plat attached as Exhibit A  
**License Granted:** Public Parking on the Facility on Monday through Saturday  
**Fees:** \$500.00 per month during the term of the Agreement

1.1 Permitted Use; Compliance with Law. The Public, by and through the City, may use Facility solely for public parking and in accordance with this Agreement's provisions. The use of the Facility for any other purpose is prohibited, unless written permission is first obtained from BMC. BMC shall not grant permission to use the Facility to any other person or organization during the times it is to be available for public parking. This license to use Facility in no way implies surrender of BMC's rights to manage and supervise its property. This Agreement permits use of Facility and does not imply permission to use any other facility or grounds at BMC.

1.2 Term. The Public, by and through the City, shall be permitted to use Facility for a period beginning on January 1, 2024 and ending on December 31, 2024. This Agreement shall renew annually unless either party decides to terminate the Agreement as provided for herein.

- 2. Fees. As consideration under this Agreement for the use of Facility City shall pay BMC \$500.00 monthly, due the first business day of each month which shall be used for the maintenance and upkeep of the Facility.

- 3. Condition of Facility.

3.1 At Delivery. BMC makes no representation or warranty of any kind (express or implied) regarding the suitability of Facility for any aspect of the intended use. City further acknowledges and agrees that the Facility shall be delivered by BMC to City "as is," "where is" and "with any and all faults," and without any representation or warranty of any kind (express or implied), including, but not limited to, representations and warranties as to merchantability and fitness for the use thereof for any particular purpose, and shall be used by the Public at the Public's own risk.

# FACILITY USE AGREEMENT

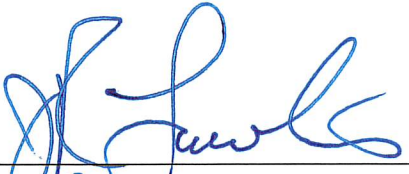
- 3.2 Destruction, Condemnation or Taking. In the event that the Facility is wholly or partially destroyed either party may elect to terminate this Agreement by written notice to the other party. In the event of any such termination, neither party shall have any liability to the other party. BMC alone shall be entitled to any insurance proceeds or sums paid or payable as damages or compensation on account of any such destruction, condemnation, or taking.
4. Insurance. BMC shall be solely responsible for insuring the Facility.
5. Signage. City is authorized to post signage identifying days and times that the Facility is available for public parking.
6. Facility admissions. BMC shall not individually charge members of the public for parking during authorized times.
7. Portable Restroom Facilities. Based upon the projected number of attendees to downtown events, the City reserves the right, at City's sole cost, to provide portable restroom facilities within a portion of the Facility. City will be solely responsible for the use, maintenance and oversight of such facilities
8. Miscellaneous.
- 8.1 Power and Authority; Due Authorization; No Conflict; Enforceability. Each party represents and warrants to the other party that (i) such party has the power and authority to execute, deliver and perform its obligations under this Agreement, (ii) the execution, delivery and performance of this Agreement have been duly authorized by such party and do not and shall not conflict with any agreement or instrument to which it is bound, and (iii) this Agreement constitutes the legal, valid and binding obligation of such party, enforceable against it in accordance with its terms.
- 8.2 Taxes. BMC shall be solely liable and responsible for all federal, state and local taxes and fees arising in any way in connection with the Facility. In addition, BMC shall be solely responsible and liable for timely filing any and all documentation relating thereto and shall comply with all applicable laws, rules, and regulations regarding the payment of taxes.
- 8.3 Entire Agreement; Severability; Further Assurances. This Agreement constitutes the entire agreement between the parties, and supersedes all prior and contemporaneous agreements, understandings and negotiations. In the event any provision of this Agreement shall be held unenforceable by a court of competent jurisdiction, such unenforceability shall not affect any other provision hereof, and this Agreement shall be construed as if such unenforceable provision, to the extent of such unenforceability, had not been incorporated herein. Each party shall execute and deliver such further documents and take such further actions as may be required or reasonably requested by the other party to effectuate the purposes of this Agreement.

## FACILITY USE AGREEMENT

- 8.4 No Assignment; No Amendment; No Waiver. This Agreement (i) may not be assigned or transferred, in whole or in part, by operation of law or otherwise, by either party without the prior written consent of the other party, and (ii) may not be amended or modified, by course of conduct or otherwise, except in a writing duly executed by both parties. Any waiver of any provision of this Agreement shall be in writing duly executed by the waiving party. The failure or delay by either party to seek redress for any breach or default under this Agreement, or to insist upon the strict performance of any provision of this Agreement, shall not constitute a waiver of any kind, and such party shall retain all available remedies regarding such breach or default.
- 8.5 Governing Law; Jurisdiction and Venue; Attorneys' Fees. This Agreement shall be governed by the laws of the State of Texas (without regard to the conflicts or choice of law principles thereof). The parties irrevocably consent to the jurisdiction of the State of Texas, and agree that any court of competent jurisdiction sitting in Bandera County, Texas, shall be an appropriate and convenient place of venue to resolve any dispute with respect to this Agreement. In the event either party commences any proceeding against the other party with respect to this Agreement, the parties agree that the prevailing party (as determined by the authority before whom such proceeding is adjudicated) shall be entitled to recover reasonable attorneys' fees and costs, in addition to any other relief that may be granted.
- 8.6 Right of Entry. BMC retains the right to enforce all necessary and proper rules of the management and operations of the Facility. A duly authorized representative of the BMC may enter the Facility at any time and on any occasion without any restrictions whatsoever.
- 8.7 Termination. Either party may terminate this Agreement at any time, for any reason, by providing 90 days written notice to the other party, or by City's non-payment of the monthly fees within 30 days of it being due.
- 8.8 Notices. Notices will be sent, when required to the parties as follows:  
Bandera Methodist Church, P.O. Box 128, Bandera, TX 78003  
City of Bandera, P.O. Box 896 Bandera, TX 78003
- 8.9 Headings; Counterparts. Headings in this Agreement are for convenient reference only and shall not be construed to affect the meaning of any of the provisions. This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which taken together shall constitute one and the same instrument. The parties have duly executed and delivered this Agreement as indicated, with the effective date being the first date written above.

# FACILITY USE AGREEMENT

**BMC:**

Signature: 

Print Name: RANDY LEWIS

Title: \_\_\_\_\_

Date: 4/2/2024

**CITY:**

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**CITY OF BANDERA COUNCIL AGENDA**  
**Regular Meeting: Tuesday May 14,2024**

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**AGENDA ITEM:** Approval of Ordinance 441 Amending Section 8.04 Noise of the Code of Ordinances

**APPROVED FOR AGENDA:** Stan Farmer

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**BACKGROUND:**

For several months a Council appointed Noise Committee comprised of Councilmen Battle, Flowers, as well as Manny Longoria and two local businessmen Richard Sutton and Dee Foster has been creating an updated noise ordinance that balances longer hours with a higher permitted noise level for live music/bar locations with quieter hours for families during the school week.

After several meetings and much compromise, this committee has voted unanimously to forward the attached draft amended ordinance to the City Council for consideration. In addition, there were several healthy and positive public meetings too.

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**FISCAL ANALYSIS:** None

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**RECOMMENDATION:** Approval

**ORDINANCE NO. 441**

**AN ORDINANCE OF THE CITY OF BANDERA, TEXAS; REPEALING AND REPLACING ARTICLE 8.04 NOISE, OF THE BANDERA CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council for the City of Bandera has determined that a need exists to establish noise and sound regulations; and

**WHEREAS**, the use of amplified sound devices in public places creates a public nuisance, interfering with the quiet enjoyment of parks, waterways and public spaces; and

**WHEREAS**, the City of Bandera wishes to protect its citizens from loud and excessive sounds and noises that disturb the peace and quiet of their neighborhoods; and

**WHEREAS**, the Council has determined that the regulations provided for herein are in the best interest of the health, safety and welfare of the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BANDERA, TEXAS:**

**Section 1. Purpose.** This ordinance is enacted to protect, preserve, and promote the health, safety, welfare, peace, and quiet of the citizens of the City of Bandera through the reduction, control, and prevention of loud and raucous noise, or any noise which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of reasonable persons of ordinary sensitivity.

**Section 2. Findings.** The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the City Council.

**Section 3. Adoption.** The City Council of the City of Bandera, Texas hereby repeals and replaces Article 8.04 Noise as provided for in Exhibit A, attached hereto and incorporated by reference for all purposes.

**Section 3. Savings Clause.** The repeal or amendment of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue or as affecting any rights of the City of Bandera under any section or provisions of any ordinances in effect at the time of passage of this ordinance.

**Section 4. Cumulative.** The provisions of this ordinance shall be cumulative of all ordinances not repealed by this ordinance and ordinances governing or regulating the same subject matter as that covered herein. This ordinance shall not be construed to require or allow any act which is prohibited by any other ordinance.

**Section 5. Severability.** It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance be severable, and, if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared invalid by judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance and the remainder of this ordinance shall be enforced as written.

**Section 6. Proper Notice and Meeting.** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

**Section 7. Effective Date.** This Ordinance will take effect upon its adoption by the City Council.

**PASSED AND APPROVED** this 14<sup>th</sup> day of May, 2024.

CITY OF BANDERA, TEXAS

By: \_\_\_\_\_  
Rebeca Gibson, Mayor

ATTEST:

\_\_\_\_\_  
Jill Shelton, City Secretary

## ARTICLE 8.04 NOISE

### Sec. 8.04.001. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, unless the context of their usage clearly indicates another meaning:

Daytime/evening hours mean from 8:00 a.m. to 10:00 p.m. in both residential and nonresidential areas.

dB(A) means the intensity of a sound expressed in decibels.

Emergency means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage or loss that demands immediate action.

Emergency work means any work performed for the purpose of:

- A. Preventing or alleviating physical trauma or property damage threatened or caused by an emergency;
- B. Restoring property to a safe condition following a fire, accident, or natural disaster;
- C. Protecting persons or property from exposure to danger; or
- D. Restoring public utilities.

Music venue means events attended by the public, including but not limited to musical concerts, live show, symphony, band performance, and karaoke, that are held at sites inside a building or outside in the open air that includes but is not limited to sound equipment and amplifiers.

Nonresidential property/areas mean any real property that is not included in the definition of residential property as defined in this section. Without limitation, the term includes properties that have been zoned other than as residential property, including properties that are devoted to public purposes, such as public parks.

Normal business hours mean 8:00 a.m. to 5:00 p.m. Monday through Friday and 8:00 a.m. to 12:00 p.m. on Saturday.

Plainly audible means any sound that can be detected by a person using his or her unaided hearing faculties. For example, if the sound source under investigation is a portable or personal vehicular sound amplification or reproduction device, the enforcement officer need not determine the name of the song, the specific words or the artist performing it. The detection of the rhythmic bass component of the music is sufficient to constitute a plainly audible sound.

Property line means with respect to single-occupancy properties, the line along the ground surface and its vertical extension that separates the real property owned, leased, or occupied by another person. With respect to shared occupancy properties, the term shall mean the imaginary line that



represents the legal limits of occupancy of any person who owns, leases, or otherwise occupies an apartment, condominium, hotel or motel room, office, or any other type of occupancy from that of other occupants.

Quiet hours mean the hours between 10:00 p.m. and 8:00 a.m. in both residential and nonresidential areas. In addition, it is a violation for a person to conduct, permit, or allow any activity or sound source to produce a sound discernible beyond the property on which the sound is being generated that measures at or above 55 dB(A).

Residential property/areas mean any real property that are single family or multi-family dwellings.

Streets shall be defined as being in the same category as the surrounding zoning. In the case of residential properties/areas which are across the street from nonresidential properties/areas, the street shall be considered to be in a residential area.

(Ordinance XXX)

#### **Sec. 8.04.002. Maximum permissible sound levels.**

- A. In addition to the violations established by this article, it shall be a violation for a person to conduct, permit, or allow any activity or sound source to produce a sound discernible beyond the property on which the sound is being generated that measures at or above 65 dB(A) in residential areas and nonresidential areas. Any sound that exceeds this dB(A) level set forth in this section under the conditions and measurement criteria set forth in this article is a violation of this article. Evidence that an activity or source produces a sound that exceeds the dB(A) level specified in this section shall be prima facie evidence that such sound unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others in violation of this article.
- B. Quiet hours and have a more stringent threshold for maximum permissible sound levels. In addition to the violations established by this article, it shall be a violation for a person to conduct, permit, or allow any activity or sound source to produce a sound discernible beyond the property on which the sound is being generated that measures at or above 55 dB(A) in residential areas and nonresidential areas. Any sound that exceeds this dB(A) level set forth in this section under the conditions and measurement criteria set forth in this article is a violation of this article. Evidence that an activity or source produces a sound that exceeds the dB(A) level specified in this section shall be prima facie evidence that such sound unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others in violation of this article.

(Ordinance XXX)

#### **Sec. 8.04.003. Exception to maximum permissible sound levels.**

The following are exempt from enforcement of the noise ordinance.

- A. The emission of any sound was for the purpose of alerting persons to the existence of an emergency, danger, or attempted crime, or was produced pursuant to any safety rule or

regulation of any governmental entity or agency. Example includes the sound was produced by an authorized emergency vehicle.

B. The sound was generated:

1. By a parade and spectators and participants on the parade route during a lawful parade;
2. By patrons and participants using gunfire during historical battle reenactments;
3. By spectators and participants of any outdoor event, fun run, race, festival, fiesta, or concert that was sponsored or co-sponsored by the city and in full compliance with a permit issued by the city.
4. The sound was produced by emergency work.
5. The sound was produced during normal business hours by the erection, excavation, construction, or demolition (See demolition permit) of a building or structure, including the use of any necessary tools or equipment, which activity did not produce a sound exceeding 75 dB(A) when measured from the property line of the property where the sound is being received.
6. The sound was produced by operating or permitting the operation of any mechanically powered tool such as a saw, drill, sander, router, grinder, lawn or garden tool, lawnmower, or any other similar device used between the hours of 8:00 a.m. and 8:00 p.m., when the sound is being produced for the maintenance or upkeep of the property on which it was operated.
7. The sound was generated as authorized under the terms of a permit issued under section 8.04.007 of this article.
8. The sound was produced during daytime/evening hours by activities conducted on public parks, public playgrounds, and public or private school grounds, including, but not limited to, school athletics, band and/or school entertainment practice or events.
9. With the knowledge that music venues of music amplified within the city create special conditions and therefore should have special regulations, it shall be *lawful* for any person to make, assist in making, permit, continue, cause to be made or continued, or permit the continuance of music at any open venue during the following hours, which activity did not produce a sound exceeding 75 dB(A).

Friday 5:00 p.m. to 11:30 p.m. 75dB(A); 11:30 p.m.to 12:30 a.m. 65dB(A)

Saturday 12:00 noon to 11:30 p.m. 75dB(A); 11:30 p.m.to 12:30 a.m. 65dB(A)

Sunday 12:00 noon to 5:00 p.m.

For a Sunday immediately preceding a federal holiday the Saturday hours in this paragraph will apply.

This exception only applies to music venues located in the Heritage, Outpost, Gateway, and Bend Character Districts.

(Ordinance XXX)

**Sec. 8.04.004. Method of sound measurement.**

Whenever portions of this article prohibit sound above a certain decibel limit, measurement of the sound shall be made with a type 1 or type 2 calibrated sound level meter utilizing the A-weighting scale and the slow meter response as specified by the American Standards Association. Measurements recorded shall be taken so as to provide a proper representation of the sound being measured. The microphone of the meter shall be positioned so as not to create any unnatural enhancement or diminution of the measured sound. A windscreen for the microphone shall be used. Traffic, aircraft, and other transportation noise shall not be considered in taking measurements except where such background noise interferes with the noise being measured and cannot reasonably be distinguished from the primary noise. Measurements of sound generated shall be taken from the curb line of the nearest public street to the property where the sound is generated and taken toward the source of the sound. In the event that there is not at least fifty feet (50') of distance from the building in which sound is being generated and from which sound is being measured, then measurements shall be taken from the street curb line opposite said building of the nearest public street to the property where the sound is generated.

(Ordinance XXX)

**Sec. 8.04.005. Noisy vehicles.**

- A. The use of any motor vehicle that creates any loud, unreasonable, or unusual noise or violates state regulations for equipment or emissions, including grating, grinding, rattling, or any other loud and unreasonable sound, is hereby prohibited and declared to be unlawful. This section applies to any vehicle that exhibits *sounds of acceleration* in any manner to include while stationary.
- B. No person shall operate an engine of any motor vehicle as defined by the Texas Transportation Code to brake or slow the same through the use of gears (commonly known as “jake braking”) or by any other method which produces any noise in addition to the normal operating engine noise.

(Ordinance XXX)

**Sec. 8.04.006. Noisy animals.**

- A. The keeping of any animal that causes or makes frequent or long and continued sound that unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of reasonable persons is hereby prohibited and declared to be unlawful and in violation of this article, regardless of when the sound is made, whether for an event or function, or whether the use is in compliance with all other provisions of this article.
- B. In any prosecution for a violation of this section, it shall not be a defense that a loud animal noise which disturbed another person occurred in a residential area either during nighttime hours or when none of the residents of the place where the animal or bird is being kept were

at home.

- C. In any prosecution for a violation of this section, the fact that any animal or bird has been allowed or permitted to persistently and chronically violate this section, as demonstrated by the issuance of two or more citations and/or the receipt of two or more complaints from more than one household within a two-month period, shall create a rebuttable presumption that such noise was in violation of this article.

(Ordinance XXX)

**Sec. 8.04.007. Special events.**

- A. It shall be an exception to this article that the maximum permissible sound levels contained herein may be exceeded at certain special events of limited duration for which the sponsor of the event has obtained a permit from the city.
- B. For the purposes of this section, “sponsor” shall mean the person who is legally responsible for the special event, whether a person, corporation, partnership, association, or other entity.
- C. For the purposes of this section, “special event” shall mean a musical concert, live show, symphony, band performance, drama, film, or any other specific activity or program, other than an event described in section 8.04.003, that will or may produce repeated, frequent, or constant sounds or noise in excess of the maximum permissible sound levels stated in sections 8.04.002 or 8.04.003.
- D. Before applying for a special event permit, the sponsor must present satisfactory proof of status as the sponsor of the special event.
- E. No less than forty five (45) days prior to the date of the special event, the sponsor shall apply for a special event permit by providing the following to the city administrator or his or her designee:
1. Date, time, and duration of the special event;
  2. Nature or description of the special event;
  3. Location(s) of the special event;
  4. Estimated maximum decibel level and duration and time of sound;
  5. Contact information of the sponsor prior to, during, and after the special event;
  6. Any other information requested by the city in connection with the special event that is relevant to the sound and noise expected to be produced at the special event; and
  7. A refundable special event permit application fee.
- F. Once a special event permit is applied for, the city administrator or designee shall notify the

city council. At which point, the city administrator or mayor may approve the application and issue the special event permit only if it is determined that the following conditions are or will be met:

1. The sound or noise produced at the special event that exceeds the maximum permissible sound levels stated in section 8.04.002 or 8.04.003 shall have a duration of no more than two hours in one day;
  2. The sound or noise that exceeds the maximum permissible sound levels stated in section 8.04.002 or 8.04.003 shall not occur later than midnight on the date(s) of the special event;
  3. Issuance of the permit, including any special conditions contained therein, will not be detrimental to the health, safety, or welfare of the citizens of the city;
  4. The sound or noise produced at the special event shall not exceed 85 decibels.
- G. No more than 21 days prior to the special event and no less than 7 days prior to the special event for which a permit has been issued, and once a week for at least two weeks and a total of at least two publications, the person who received the permit shall have notice published in the official newspaper of the city informing the public of the following:
1. That the city has issued a permit allowing the noise level at the special event to exceed the level contained in the city's noise ordinance;
  2. The time, date, location, duration, and estimated maximum noise level of the special event;
  3. The times during which the noise level will exceed the level contained in the city's noise ordinance;
  4. The time when the noise level contained in the city's noise ordinance will cease to be exceeded;
  5. Contact information for the person who received the permit, including a phone number that will be answered during the special event; and
  6. Any other special conditions or information required by the city as a condition of the permit.
- H. A special event permit issued hereunder shall expire upon the earlier of:
1. The 6th day prior to the special event if the notices required by subsection (G) above were not published before the preceding day;
  2. After two hours duration, continuous or interrupted, of noise or sound at the special

event in excess of the maximum permissible sound levels stated in section 8.04.002 or 8.04.003;

3. Midnight on the last day of the special event; or
4. Revocation of the permit by the city due to violation of its terms or any special conditions contained in the permit.

(Ordinance XXX)

**Sec. 8.04.008. Penalty.**

Any person who violates any portion of this article is guilty of a misdemeanor and shall upon conviction be subject to a fine not more than two thousand dollars (\$2,000.00).

(Ordinance XXX)

DRAFT

**ORDINANCE NO. 442**

**AN ORDINANCE OF THE CITY OF BANDERA, TEXAS, AMENDING CHAPTER 4. BUSINESS REGULATION BY AMENDING BY REPEALING AND REPLACING ARTICLE 4.04 TEMPORARY OR SEASONAL MOBILE FOOD VENDORS AND ADDING 4.09 TEMPORARY TRADES OR COTTAGE FOOD BUSINESSES; PROVIDING FOR A SEVERABILITY CLAUSE; AND AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

**WHEREAS**, pursuant to Texas Health and Safety Code Chapter 437 authorizes the City to establish a permit system for mobile food vendors; and

**WHEREAS**, the City Council desires to provide residents and visitors with dining options by allowing mobile food vendors (food trucks) to operate in the City; and

**WHEREAS**, the City Council seeks to promote the health, safety and general welfare of the community by establishing business regulations that will allow mobile food vendors to operate within the City in a safe and orderly manner; and

**WHEREAS**, Texas law allows for the operation of temporary trades and cottage food businesses;

**WHEREAS**, the City Council seeks to create a license and registration requirement for temporary trades and cottage food businesses that operate within the City; and

**WHEREAS**, the City Council seeks to promote the health, safety and general welfare of the community by establishing business regulations that will allow temporary or seasonal mobile food vendors to operate within the City in a safe and orderly manner.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BANDERA, TEXAS:**

**SECTION 1.** The findings set forth above are found to be true and correct and are incorporated into the body of this Ordinance as if fully set forth herein.

**SECTION 2.** That the City Code of Ordinances of the City of Bandera is hereby amended as set forth in Exhibit A and B. Exhibit A – Article 4.04 is to be repealed and replaced. Exhibit B – Article 4.09 is to be added.

**SECTION 3.** The provisions of this ordinance shall be cumulative of all ordinances not repealed by this ordinance and ordinances governing or regulating the same subject matter

as that covered herein. This ordinance shall not be construed to require or allow any act which is prohibited by any other ordinance.

**SECTION 4.** It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance be severable, and, if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared invalid by judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance and the remainder of this ordinance shall be enforced as written.

**SECTION 5.** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**SECTION 6.** This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

PASSED AND APPROVED ON THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2024.

\_\_\_\_\_  
Rebeca Gibson, Mayor

Attest:

\_\_\_\_\_  
Jill Shelton, City Secretary



**Exhibit A**

Repealed and replaced as following:

**ARTICLE 4.04. TEMPORARY OR SEASONAL MOBILE FOOD VENDORS**

**§ 4.04.001 Definitions**

Complementary extension or outlet. An MFV operating at a permanent brick-and-mortar food or alcohol establishment which is kept out of public view.

Cottage Food Vendor. An individual, operating out of the individual's home, who produces any food, excluding meat, that does not require time or temperature to prevent spoilage.

Gray Water. Wastewater that is not contaminated by fecal matter. Water that has been used domestically, commercially or industrially. Includes the leftover water generated from washing machines, bathtubs and sinks.

Mobile Food Vendor (MFV). An entity that provides prepared food for public consumption in various forms, including but not limited to, mobile food unit, cart, portable building, catering vehicle or food tent and anyone who prepares the food. Any mobile establishment where food or ice is held, processed, manufactured, packaged, prepared, displayed, served, transported or sold.

Public view. Being located at a site that is easily visible to the general public from public property or private businesses.

Seasonal food business. A commercial food business operated during the timeframe set by City Council.

Temporary food business. A commercial food business conducted for no more than 72 hours at a single location.

Western Motif. Having an appearance that is consistent with the master plan, including a historical, Old West setting and which enhances the western, cowboy image of the city.

**§ 4.04.002. License required; Penalty.**

- a) Anyone conducting temporary or seasonal food business operations for the purpose of selling food cooked and/or prepared on site to the public shall, before engaging in such operations, apply to the city and be granted a temporary or seasonal food business operations license, as appropriate. Issuance of a temporary or seasonal food business license by the city does not authorize the licensee to locate the food business at any particular site. The applicant shall be responsible for obtaining authorization or permission to locate the food business at a particular site from the owner or operator of the site.
- b) The license must be prominently displayed on the MFV.

- c) Any temporary or seasonal food vendor found selling within the city limits without first obtaining a permit from the City will incur a penalty of \$100.00 per day, for the first offense. Multiple offenses may result in the MFV being barred from selling within the city limits for up to 6 months.

§ 4.04.003. Application for license; fee.

The application for each type of license shall be upon such form as may be designated by the City and shall show the date of its issuance and identity of each applicant by:

- Full name
  - State issued ID
  - Telephone number
  - Permanent address
- (a) A temporary Food business license shall be valid for no more than 72 hours. The fee is on file at City Hall and is subject to periodic revision by the city. In addition to those listed above, the following are required to obtain a temporary food business license:
- Certificate of Insurance, and Texas Sales and Use Tax Permit (if applicable); and
  - Health permit issued by the State of Texas; or
  - DSHS Temporary Food Establishment Event Permit and a Food Manager's or Handler's Certificate
- (b) A seasonal Food business license shall be valid for the timeframe set by City Council and for Bandera Business Association and Chamber of Commerce Market events. The fee is on file at City Hall and is subject to periodic revision by the city. In addition to those listed above, the following are required to obtain a seasonal food business license:
- Health permit issued by the State of Texas;
  - Certificate of Insurance; and
  - Texas Sales and Use Tax Permit (if applicable)
- (c) The license shall specify the type of temporary or seasonal business in which the licensee is authorized to engage in the city.
- (d) The City may revoke the license at any time, by the City Administrator or his/her designee, for reasons including, but not limited to:
- any violation of this ordinance or any city ordinance
  - written complaints from customers

§ 4.04.004. Operation and removal of mobile food vendor (MFV).

- (a) Temporary food business. A licensee for a temporary food business must remove the MFV within 24 hours of the license expiring. If the MFV is not removed within 24 hours, further licenses may be denied, and the City may declare the MFV a nuisance and proceed with the penalties and processes outlined in § 1.01.009 of this code.
- (b) Seasonal food business. A licensee for a seasonal food business must remove the MFV within seven (7) days of the license expiring. If the MFV is not removed within seven (7) days, license for the following season may be denied, and the City may declare the MFV a nuisance and proceed with the penalties and processes outlined in § 1.01.009 of this code.
- (c) A western motif is highly encouraged for seasonal MFVs.
- (d) MFVs shall provide an exterior trash receptacle (30 gallon minimum) for their customer's use.
- (e) Solid and liquid waste shall be held, stored and disposed of in a receptacle approved by the county health authority and in compliance with applicable code requirements. At no time shall an Owner/Operator of an MFV discharge grey water on the ground within city limits.
- (f) An MFV shall maintain the area around the mobile food trailer, keeping it clear of litter and debris at all times.
- (g) An MFV is required to acquire and display on the mobile food unit the proper city-issued and state (DSHS) permits and licenses in order to operate within the city limits.
- (h) An MFV is subject to onsite inspections by the city and/or county.
- (i) An MFV is allowed to operate in Zones P4, P5 & P6.

§ 4.04.005. Cottage Food Vendors.

- a) See article § 4.09

§ 4.04.006 Catered events.

- a) An MFV operating on private property only as a caterer under a contract for the sale of food to the property owner, and who does not sell to any person other than the property owner, is exempt from this ordinance.

§ 4.04.007 MFV Operating as a complementary extension or outlet.

- a) The MFV shall only operate during the regular business hours of the permanent food or alcohol establishment.
- b) Access to the MFV can only be made through entry to the permanent food or alcohol establishment.
- c) The MFV must always be kept out of public view.

- d) Are not affected by the Seasonal timeframe restrictions set for MFV.
- e) There is no permit fee but all application requirements still apply per §4.04.003.

**Exhibit B**

**ARTICLE 4.09. TEMPORARY TRADES OR COTTAGE FOOD BUSINESSES**

**§4.09.001 Definitions.**

Cottage Food Vendor. An individual, operating out of the individual’s home, who produces any food, excluding meat, that does not require time or temperature to prevent spoilage.

Temporary Trades business. A commercial activity conducted for no more than thirty (30) consecutive days without reference to a fixed, year-round location in the city which includes but is not limited to selling produce from vehicles, making and taking orders for photographs at a temporary location, and the renting of a motel room for taking orders for products such as clothing.

Vendor Booth. A small space, usually 10 feet by 10 feet in size, within a vendor market. They provide space for vendors to display and sell their products and attract customers.

**§4.09.002. License required; Penalty**

- a) Anyone conducting temporary trades business operations for the purpose of selling any goods, services or cottage food to the public shall, before engaging in such operations apply to the city and be granted a temporary or seasonal trades license, as appropriate. Issuance of a temporary or seasonal trades license by the city does not authorize the licensee to locate the trades business at any particular site. The applicant shall be responsible for obtaining authorization or permission to locate the trades business at a particular site from the owner or operator of the site.
- b) The city issued license must be prominently displayed at the sales location.
- c) Any temporary trades vendor found selling within the city limits without first obtaining a permit from the City will incur a penalty of \$100 per day, for the first offense. Multiple offenses may result in the vendor being barred from selling within the city limits.

**§4.09.003. Application for license; fee**

- a) The application for each type of license shall be upon such form as designated by the City and shall show the date of its issuance and identity of each applicant by:
  - Full name
  - State issued ID
  - Telephone number
  - Permanent address
- b) In addition to those listed above, the following documents are required to obtain a Cottage Food license:
  - Texas Sales and Use Tax Permit (if applicable)
  - Food Handler’s Card

- Certificate of Insurance
- c) In addition to those listed above, the following documents are required to obtain a Trades vendor license:
- Texas Sales and Use Tax Permit (if applicable)
- d) A temporary trades business license shall be valid for a period of no more than thirty (30) consecutive days from the date of issuance. The fee is on file at City Hall and is subject to periodic revision by the city.
- e) The license shall specify the type of temporary trades business in which the licensee is authorized to engage in the city.

§4.09.004. Operation and removal during periods of non-operation

- a) Temporary Trades business. A licensee for a temporary trades business must remove their vendor booth and all other associated items, equipment, etc from the sales location within 24 hours of the license expiring. If the vendor booth is not removed within 24 hours, further licenses may be denied, and the City may declare the MFV a nuisance and proceed with the penalties and processes outlined in § 1.01.009 of this code.

**RESOLUTION NO. 2024-019**

**A RESOLUTION OF THE CITY COUNCIL OF BANDERA AUTHORIZING AND APPROVING THE ADOPTION OF AN INVENTORY POLICY; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council is responsible for creating and maintaining a complete and accurate list of system inventory for the District; and

**WHEREAS**, the City Council finds that items that are consumed or used within a short period of time, are not intended for resale, or do not meet the threshold for capitalization as defined by the Generally Accepted Accounting Principles need not be reflected on a per item system inventory report; and,

**WHEREAS**, City staff have created an inventory policy to account for the immediate expensing of items at the time of purchase; and

**WHEREAS**, the City Council has reviewed and determined that the attached inventory policy should be utilized by the City as the policy for inventorying items in the City.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BANDERA THAT:**

Section 1. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 2. The City Council authorizes and approves the attached Exhibit A as the inventory policy for the City of Bandera.

Section 3. All resolutions or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

**PASSED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_ 2024.**

\_\_\_\_\_  
Rebeca Gibson, Mayor

ATTEST:

\_\_\_\_\_  
Jill Shelton, City Secretary



## EXHIBIT A

### Immediate Expensing of Inventory Policy

**Objective:** This policy outlines the guidelines for expensing inventory as soon as it is purchased, rather than tracking it as inventory on the balance sheet.

**Scope:** This policy applies to all inventory purchases made by City of Bandera.

**Policy:**

1. **Immediate Expense Recognition:** All inventory purchases shall be expensed immediately upon acquisition. The cost of inventory, including purchase price, freight, handling, and any other directly attributable costs, shall be recognized as an expense in the period in which the inventory is acquired.
2. **Types of Inventories:** This policy applies to all types of inventories procured by the municipality, including but not limited to office supplies, maintenance materials, spare parts, and other consumables necessary for the operation of municipal services.
3. **Threshold:** There is no minimum threshold for immediate expense. All inventory purchases, regardless of value, shall be expensed immediately.
4. **Documentation:** Adequate documentation shall be maintained for all inventory purchases, including invoices, receipts, and other supporting documents. This documentation should be retained in accordance with the city's record-keeping policies.
5. **Consistency:** The immediate expensing of inventory shall be applied consistently across all departments and functions of the municipality to ensure uniformity and transparency in financial reporting.
6. **Compliance:** This policy shall comply with relevant accounting standards and guidelines applicable to municipal accounting practices, including any regulations set forth by the municipal accounting board or regulatory authorities.
7. **Review and Updates:** This policy shall be periodically reviewed by the finance department or designated authority to assess its effectiveness and relevance. Any updates or revisions to the policy shall be approved by the City Council before implementation.

**Responsibilities:**

- **Finance Department:** Responsible for implementing and enforcing this policy, ensuring compliance with accounting standards, and overseeing proper documentation of inventory purchases.
- **Department Heads:** Responsible for adhering to this policy within their respective departments, including procuring inventory in accordance with the policy guidelines and providing necessary documentation for expense recognition.

**CITY OF BANDERA COUNCIL AGENDA**  
**Regular Meeting: Tuesday May 14,2024**

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**AGENDA ITEM:** Approval of Ordinance 444

**APPROVED FOR AGENDA:** Stan Farmer

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**BACKGROUND:**

**Exhibit A** referenced in the Ordinance is the newest version of the 2040 Comprehensive Plan approved on January 9, 2024. The link is below.

[Bandera Comprehensive Plan - OneDrive \(sharepoint.com\)](#)

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**FISCAL ANALYSIS:** None.

**RECOMMENDATION:** Approval

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**ORDINANCE NO. 444**

**AN ORDINANCE OF THE CITY OF BANDERA, TEXAS, AMENDING THE BANDERA CODE OF ORDINANCES CHAPTER 14 ZONING AND 14A PLACE TYPE ZONING; REPEALING AND REPLACING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; ESTABLISHING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, City Staff has reviewed the 2024 update of the Bandera Comprehensive Plan and Code of Ordinances, including Appendix 1, Transportation Master Plan, Appendix 2 Subdivision Ordinance & Appendix 3, Place Type Zoning Ordinance. The 2024 update includes administrative changes and text amendments, including legislative amendments, to remain compliant with state law

**WHEREAS**, the City Council shall have the power to appoint the members of all boards and commissions; and,

**WHEREAS**, on December 19, 2023 the Planning and Zoning Commission conducted a public hearing and thereafter recommended approval; and

**WHEREAS**, on January 9, 2024 the City Council conducted a public hearing and after considering the criteria and recommendation by the Planning and Zoning Commission, determined that the proposed amendments are appropriate and in the interest of the public safety, health and welfare.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BANDERA, TEXAS:**

**Section 1. Findings.** The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the City Council.

**Section 2. Adoption.** The City Council of the City of Bandera, Texas hereby amends the City of Bandera Code of Ordinances Chapter 14 Zoning and 14A Place Type Zoning as set forth in the attached “Exhibit A”.

**Section 3. Savings Clause.** The repeal or amendment of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue or as affecting any rights of the City of Bandera under any section or provisions of any ordinances in effect at the time of passage of this ordinance.

**Section 4. Cumulative.** The provisions of this ordinance shall be cumulative of all ordinances not repealed by this ordinance and ordinances governing or regulating the same subject matter as that covered herein. This ordinance shall not be construed to require or allow any act which is prohibited by any other ordinance.

**Section 5. Severability.** It is hereby declared to be the intention of the City Council

that the phrases, clauses, sentences, paragraphs, and sections of this ordinance be severable, and, if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared invalid by judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance and the remainder of this ordinance shall be enforced as written.

**Section 6. Proper Notice and Meeting.** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

**Section 7. Effective Date.** This Ordinance will take effect upon its adoption by the City Council.

**PASSED AND APPROVED** this 14<sup>th</sup> day of May, 2024.

CITY OF BANDERA, TEXAS

By: \_\_\_\_\_  
Rebeca Gibson, Mayor

ATTEST:

\_\_\_\_\_  
Jill Shelton, City Secretary

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANDERA, TEXAS, OPPOSING PROPOSED AMENDMENTS TO CHAPTER 21: REGULATION OF SIGNS ALONG INTERSTATE AND PRIMARY HIGHWAYS OF THE STATE OF TEXAS ADMINISTRATIVE CODE.**

**WHEREAS**, the City of Bandera cherishes its rural landscape and seeks to preserve the natural beauty of its highways and surrounding areas; and

**WHEREAS**, the proposed amendments to Chapter 21: Regulation of Signs Along Interstate and Primary Highways of the State of Texas Administrative Code would diminish local control and undermine efforts to preserve the scenic beauty of rural Texas highways; and

**WHEREAS**, the City of Bandera recognizes the adverse effects of electronic billboard lighting on the natural night sky, including light pollution and disruption to nocturnal wildlife; and

**WHEREAS**, the City of Bandera believes that local communities should have the authority to regulate signage along highways within their jurisdiction in order to maintain the character and aesthetic appeal of their surroundings;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BANDERA, TEXAS, THAT:**

- Section 1: The City Council hereby opposes the proposed amendments to Chapter 21: Regulation of Signs Along Interstate and Primary Highways of the State of Texas Administrative Code.
- Section 2: The City Council affirms its commitment to preserving the natural beauty of rural Texas highways and opposes any measures that would compromise the scenic vistas and dark skies of the region.
- Section 3: The City Council directs the City Clerk to transmit a copy of this resolution to the Governor of Texas, the Texas Department of Transportation, and other relevant state and local officials to express the City's position on this matter.
- Section 4: This resolution shall take effect immediately upon its adoption.

**ADOPTED by the City Council of the City of Bandera, Texas, this 14<sup>th</sup> day of May, 2024.**

\_\_\_\_\_  
Rebeca Gibson, Mayor

ATTEST:

\_\_\_\_\_  
Jill Shelton, City Secretary