

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

Bandera City Hall, 511 Main Street, Bandera, Texas  
Tuesday, September 24, 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 minutes from the August 27, 2024 Public Hearing and Regular meeting, the September 4, 2024 Special Meeting, and the September 10, 2024 Regular meeting.

**5. Staff Reports.**

- A. Marshal Office Report
- B. Grant Updates

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

- A. Approval of Resolution 2024-030 authorizing publication and posting of notice of intention to issue certificates of obligation to finance capital improvements. - Farmer
- B. Approval of Resolution 2024-031 authorizing the application for financial assistance to the Texas Water Development Board and designating certain representatives authorized to act on behalf of the city in relation to said application. - Farmer
- C. Consideration of the review of the HOT fund applications received before the deadline of August 31, 2024 that qualify for HOT tax reimbursement. -Farmer
  - I) Frontier Times Museum
  - II) Bandera Pro Rodeo
  - III) Riding on Faith Rodeo
  - IV) Bandera Business Association
- D. Reconsideration of Resolution 2024-024 for the Facility Use Agreement with the Bandera Methodist Church. -Breen/Palmer

**7. Closed Session.**

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

*A) Waste Water Treatment Plant*

*B. The City Council will meet in closed session pursuant to Texas Government Code Section 551.071, Consultation with Attorney, to discuss and receive an update on Best Western.*

**8. Action following Closed Session.**

**9. Requests and Announcements.**

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

B. Announcements by Council.

**10. 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 September 19, 2024.*



**CITY OF BANDERA  
CITY COUNCIL PUBLIC HEARING**

Bandera City Hall, 511 Main Street, Bandera, Texas  
Tuesday, August 27, 2024 at 5:30 PM

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

## MINUTES

**1. Call to order.**

The public hearing was called to order at 5:32PM.

All Council members were present.

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

A.

**NOTICE OF PUBLIC HEARING ON TAX INCREASE CITY OF BANDERA**

PROPOSED TAX RATE \$ 0.470000 per \$100 NO-NEW-REVENUE TAX RATE \$0.443885  
per \$100 VOTER-APPROVAL TAX RATE \$0.461724 per \$100 DE MINIMIS RATE  
\$0.734071 PER \$100

The no-new-revenue tax rate is the tax rate for the 2024 tax year that will raise the same amount of property tax revenue for City of Bandera from the same properties in both the 2023 tax year and the 2024 tax year. The voter-approval tax rate is the highest tax rate that City of Bandera may adopt without holding an election to seek voter approval of the rate, unless the de minimis rate for City of Bandera exceeds the voter-approval tax rate for City of Bandera. The de minimis rate is the rate equal to the sum of the no-new-revenue maintenance and operations rate for City of Bandera, the rate that will raise \$500,000, and the current debt rate for City of Bandera. The proposed tax rate is greater than the no-new-revenue tax rate. This means that City of Bandera is proposing to increase property taxes for the 2024 tax year. A public hearing on the proposed tax rate will be held on August 27, 2024, at 5:30PM at Bandera City Hall at 511 Main Street, Bandera TX 78003.

The proposed tax rate is greater than the voter-approval tax rate but not greater than the de minimis rate. However, the proposed tax rate exceeds the rate that allows voters to petition for an election under Section 26.075, Tax Code. If the City of Bandera adopts the proposed tax rate, the qualified voters of the City of Bandera may petition the City of Bandera to require an election to be held to determine whether to reduce the proposed tax rate. If a majority of the voters reject the proposed tax rate, the tax rate of the City of Bandera will be the voter-approval tax rate of the City of Bandera

**There was one citizen present, and they did not address council.**

**4. Adjourn.**

The public hearing was adjourned at 5:39PM

/s/ Jill Shelton

Jill Shelton, *City Secretary*



# CITY OF BANDERA CITY COUNCIL REGULAR MEETING

Bandera City Hall, 511 Main Street, Bandera, Texas  
Tuesday, August 27, 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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## MINUTES

### 1. Call to order.

Mayor Gibson called the meeting to order at 6:00PM

#### PRESENT

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

### 2. Invocation and Pledge.

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

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

There were no visitors to be heard.

### 4. Consent Agenda.

#### A. Approval of the regular City Council meeting on August 13, 2024.

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

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

### 5. Staff Reports.

#### A. Marshal Office Monthly Report

Marshal De Foster gave an update to Council on the Marshal's Department to include calls for service, security checks, citizen assist and other calls that the Marshal's Office handle daily.

#### B. Water Levels of City Wells

Public Works Director Wells gave an update to the Council on the levels of the wells and the critical state that the aquifer is in. He updated Council on the status of the Mulberry well and the need to drop the pump by 100 ft and is waiting for a bids and to see what the insurance will cover for the expense.

### 6. Workshop.

#### A. Budget Workshop.

There was some discussion on the TMRS benefits for the City and to see if there was any way to decrease the benefits. TMRS was online to discuss the differences and how it will effect the employees. There was no consensus to make a change to the benefit. The City has been on the same plan for 24 years. There was some discussion about the permit fees and finalizing the numbers.

Mayor Gibson called for consultation with Attorney at 7:17PM

Mayor Gibson resumed the open meeting at 7:33PM

**B. Buck Creek Village in Indian Waters. - Flowers**

Councilmember Flowers shared the deeds and guidelines and the original vision for the Buck Creek Village projects in Indian Waters. He wanted to present to give a perspective of what this original plan can do for the City and to get the property on the tax role. Stating we could pursue investors to improve this area and it could be a very prospering area for the City to grow.

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

**A. Contest or establish standing regarding permit application pending before the Bandera County River Authority and Groundwater District for water from the lower trinity aquifer that could impact the City of Bandera. -Gibson**

Attorney Santee updated Council that he had visited with some other Attorney’s in his firm to see what their opinion were on the matter and to get up to speed with them on this topic. He also got the name of the Attorney that is already representing the nonprofit and discussed a possible fee share to save money if the City decided to pursue. He stated it is not cheap and the estimate is about a years’ time and would be around 75K dollars. There was a consensus that there needed to be more research on this item before the Council moved forward. There was no action on this item.

**B. Update on City Of Bandera Pending Grants. - Farmer**

A spreadsheet was provided from City Specialist of all grants from 2023-2024 that have been applied for and the status of the grants.

**8. Closed Session.**

Mayor Gibson closed the open meeting at 8:01PM.

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

**A) Waste Water Treatment Plant**

**B. The City Council will meet in closed session pursuant to Texas Government Code Section 551.074, personnel, to discuss the City Administrator Stan Farmer.**

**C. The City Council will meet in closed session pursuant to Texas Government Code Section 551.071, Consultation with Attorney, to discuss and receive an update on Best Western.**

**9. Action following Closed Session.**

The meeting was opened back up at 8:28PM.

**10. Requests and Announcements.**

There were no requests or announcements.

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

**11. Adjourn.**

The meeting was adjourned at 8:30PM.

/s/ Jill Shelton

Jill Shelton, *City Secretary*

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**CITY OF BANDERA  
CITY COUNCIL REGULAR MEETING**

Bandera City Hall, 511 Main Street, Bandera, Texas  
Wednesday, September 04, 2024 at 5:30 PM

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

**MINUTES**

1. **Call to order.** The meeting was called to order at 5:34PM  
Councilmembers present, Mayor Gibson, Councilmember Battle, Councilmember Palmer,  
Councilmember Breen  
Council Members absent, Councilmember Hicks
2. **Visitors to be heard** There was one visitor to be heard Margo Griffin speaking not in favor of the pending application before the Bandera County River Authority.
3. **Closed Session.** Mayor Gibson closed the open meeting at 5:42PM

*The City Council will meet in closed session pursuant to Texas Government Code Section 551.071 Consultation with Attorney:*

*Pending permit application before the Bandera County River Authority and Groundwater District*

4. **Action following Closed Session.** Mayor Gibson opened the meeting at 6:25  
Councilmember Battle moved to approve the engagement of Perales Allmon and Ice for a joint representation of the City of Bandera in the contested case hearing regarding the Camp OTX groundwater permits at no cost to the City and authorize the City Administrator and City Attorney to finalize and execute the agreement. Seconded by Councilmember Flowers. All in favor, none opposed. Motion passes.
5. **Requests and Announcements.** Item 5 was skipped.
  - A. **Requests by Council to place items on an agenda.**
  - B. **Announcements by Council.**
6. **Adjourn.** Meeting was adjourned at 6:26PM

/s/ Jill Shelton

Jill Shelton, *City Secretary*



**CITY OF BANDERA  
CITY COUNCIL REGULAR MEETING**

Bandera City Hall, 511 Main Street, Bandera, Texas  
Tuesday, September 10, 2024 at 6:00 PM

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

**MINUTES**

**1. Call to order.**

The meeting was called to order at 6:01PM

**PRESENT**

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

**2. Invocation and Pledge.**

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

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

There were 5 visitors to be heard.

Carita from the CVB read an email from a visitor thanking the City for the wonderful time they had in Bandera.

The other 4 visitors spoke in reference to a resolution they would like the Council to consider regarding legally valid accurate and transparent elections.

**4. Awards.**

**A. Presentation of a 10-year award to Jannett Pieper for 10 years of service to the City Of Bandera.**

Mayor Gibson and Treasurer Wright presented Jannett Pieper, Court Clerk an award for 10 years of service and thanked her for her dedication to the City of Bandera.

**5. Proclamation.**

**A. Daughters of the American Revolution, Constitution Week.**

Mayor Gibson presented a proclamation to Daughters of the American Revolution, Constitution Week.

**6. Public Hearing.**

**A. The City of Bandera will conduct a public hearing to review the performance of and obtain comments on its Texas Community Development Block Grant Program (TxCDBG) Rural Economic Development Plan Contract No. CRP22-0178. Consultants from GrantWorks Inc. will give a presentation of the plan at the hearing.**



GrantWorks attended the meeting via teams and explained the final steps of the process for them in the Rural Economic Development Plan. There were still many questions and concerns for the projects and the money. Council decided not to have any action and to have another public hearing so they would have time to investigate the projects further.

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

**A. Approval of Ordinance 445 adopting the budget for the Fiscal Year beginning October 1, 2024, and ending September 30, 2025. -Gibson**

**This budget will raise more revenue from property taxes than last years budget by an amount of \$54,672.61, which is a 3.49% increase from last years budget. The property tax revenue to be raised from new property added to the tax roll this year is \$9,877.04.**

Motion made by Councilmember Breen to approve Ordinance 445, Seconded by Councilmember Flowers.

Voting Yea: Councilmember Battle, Councilmember Breen, Councilmember Flowers, Councilmember Hicks, Councilmember Palmer. Motion passes.

Roll Call

- All Voting Yea
- Councilmember Tony Battle
- Councilmember Debbie Breen
- Councilmember Jeff Flowers
- Councilmember Brett Hicks
- Councilmember Lynn Palmer

All Voting Nay

None

**B. Approval of Ordinance 446 levying a property tax rate for the tax rate year 2024 at \$0.47000 per \$100 of value and determining due and delinquent dates. Gibson**

Motion made by Councilmember Breen too approve Ordinance 446, Seconded by Councilmember Hicks.

Voting Yea: Councilmember Battle to approve Ordinance 446, Councilmember Breen, Councilmember Flowers, Councilmember Hicks, Councilmember Palmer. Motion passes.

Roll Call

- All Voting Yea
- Councilmember Tony Battle
- Councilmember Debbie Breen
- Councilmember Jeff Flowers
- Councilmember Brett Hicks
- Councilmember Lynn Palmer

All Voting Nay

None

**C. Approval of Resolution 2024-027 ratifying the property tax rate to be increased by the adoption of a tax rate of .47, which consists of .030947 Debt Rate & .439053 Maintenance**

**& Operations Rate, which is effectively a 3.49 percent increase in the tax rate increase reflected in the adopted budget for fiscal year 2024-2025. Gibson**

Motion made by Councilmember Battle to approve Resolution 2024-027, Seconded by Councilmember Flowers.

Voting Yea: Councilmember Battle, Councilmember Breen, Councilmember Flowers, Councilmember Hicks, Councilmember Palmer Motion passes.

**D. Adoption of the utility rates for 2024-2025 budget year. -Gibson**

Motion made by Councilmember Palmer to approve the adoption of the utility rates for 2024-2025 budget year, Seconded by Councilmember Breen.

Voting Yea: Councilmember Battle, Councilmember Breen, Councilmember Flowers, Councilmember Hicks, Councilmember Palmer. Motion passes.

**E. Adoption of the fee schedule for 2024-2025 budget year.-Gibson**

Motion made by Councilmember Palmer to approve the adoption of the fee schedule for 2024-2025 budget year , Seconded by Councilmember Battle.

Voting Yea: Councilmember Battle, Councilmember Breen, Councilmember Flowers, Councilmember Hicks, Councilmember Palmer. Motion passes.

**F. Approval of Resolution 2024-030 of the City of Bandera approving annual Investment Policy. -Wright**

Motion made by Councilmember Battle to approve Resolution 2024-030 approving annual Investment Policy, Seconded by Councilmember Hicks.

Voting Yea: Councilmember Battle, Councilmember Breen, Councilmember Flowers, Councilmember Hicks, Councilmember Palmer. Motion Passes

**G. Approval of the BEDC 2024-2025 proposed budget. -Gibson**

Motion made by Councilmember Breen to approve the BEDC 2024-2025 proposed budget, Seconded by Councilmember Flowers.

Voting Yea: Councilmember Battle, Councilmember Breen, Councilmember Flowers, Councilmember Hicks, Councilmember Palmer. Motion Passes.

**H. Approval of Resolution 2024-031 for the facility use agreement with the Bandera Chamber of Commerce for a Circus in Bandera City Park. -Farmer**

Motion made by Councilmember Battle to approve Resolution 2024-029 for the facility use agreement with the Bandera Chamber of Commerce for a Circus in Bandera City Park.,

Seconded by Councilmember Palmer.

Voting Yea: Councilmember Battle, Councilmember Breen, Councilmember Flowers, Councilmember Hicks, Councilmember Palmer. Motion Passes.

**I. Resolution number 2024-032, accepting the City of Bandera 2025-2035 Rural Economic Development Plan.-Gibson**

This item was postponed to the next agenda.

**8. Closed Session.**

The Mayor closed the open meeting at 8:02PM.

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

**A) *Waste Water Treatment Plant***

**B. *The City Council will meet in closed session pursuant to Texas Government Code Section 551.071, Consultation with Attorney, to discuss and receive an update on Best Western.***

**9. Action following Closed Session.**

The Mayor opened the meeting at 8:02PM to the public.

There was no action.

**10. Requests and Announcements.**

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

There were no requests to place items on a future agenda.

**B. **Announcements by Council.****

Councilmember Battle announced he had a meeting with Pate Dawson about the 2025 Transportation grant that looks very promising.

Homecoming Parade on September 11, 2024.

**11. Adjourn.**

The meeting was adjourned at 8:03PM.

*/s/ Jill Shelton*

Jill Shelton, *City Secretary*

**RESOLUTION NO. 2024-\_\_\_**

**RESOLUTION AUTHORIZING PUBLICATION AND POSTING OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION TO FINANCE VARIOUS CAPITAL IMPROVEMENTS**

**THE STATE OF TEXAS** §  
**COUNTY OF BANDERA** §  
**CITY OF BANDERA** §

**WHEREAS**, the City Council of the **CITY OF BANDERA, TEXAS** (the "**City**") has determined that it is necessary and desirable to finance all or a portion of the City's contractual obligations incurred for the purpose constructing, acquiring, equipping, and improving, wastewater system improvements (the "**Project**"), and for paying all or a portion of the legal, fiscal and engineering fees in connection with the Project and the costs of issuance related to the Certificates; and

**WHEREAS**, the City Council of the City intends to finance the Project from proceeds derived from the sale of one or more series of Combination Tax and Revenue Certificates of Obligation issued by the City pursuant to Sections 271.041 - 271.064, Texas Local Government Code, as amended; and

**WHEREAS**, pursuant to Section 271.049, Texas Local Government Code, the City Council deems it advisable to give notice of intention to issue certificates of obligation in an amount not to exceed an aggregate of \$3,000,000 for the purpose of paying, in whole or in part, the Project, to pay all or a portion of the legal, fiscal and engineering fees in connection with the Project, and to pay the costs of issuance related to the certificates of obligation; and

**WHEREAS**, it is hereby officially found and determined that the meeting at which this resolution was passed was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code;

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

**SECTION 1. APPROVAL OF NOTICE OF INTENTION.** Attached hereto as *Exhibit A* is a form of the *Notice of Intention to Issue Combination Tax and Revenue Certificates of Obligation* (the "**Notice**"), the form and substance of which is hereby adopted and approved. The City Administrator, the City Treasurer, and the City Secretary of the City are each authorized to make changes to the Notice as necessary prior to its publication and posting as described in Sections 2 and 3 below.

**SECTION 2. PUBLICATION OF NOTICE OF INTENTION IN NEWSPAPER.** The City Secretary shall cause the Notice to be published in substantially the form attached hereto in a newspaper, as defined by Subchapter C, Chapter 2051, Government Code, that is of general circulation in the area of the City, on the same day in each of two consecutive weeks, the date of the first publication thereof to be at least 46 days before the date tentatively set for the passage of the ordinance authorizing the issuance of such certificates of obligation as shown in the Notice.

**SECTION 3. POSTING OF NOTICE OF INTENTION ON CITY'S WEBSITE.** The City Secretary shall further cause the Notice to be posted on the City's internet website beginning at least 45 days before, and continuing through, the date tentatively set for the passage of the ordinance authorizing the issuance of such certificates of obligation as shown in the Notice.

**SECTION 4. INCORPORATION OF RECITALS.** The City Council hereby finds that the statements set forth in the recitals of this Resolution are true and correct, and the City Council hereby incorporates such recitals as a part of this Resolution.

**SECTION 5. EFFECTIVE DATE.** This Resolution shall become effective immediately upon passage.

*[The remainder of this page intentionally left blank]*

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF BANDERA,  
TEXAS AT A REGULAR MEETING HELD ON THE 24<sup>th</sup> DAY OF SEPTEMBER, 2024.**

By: \_\_\_\_\_  
Mayor  
City of Bandera, Texas

Attest:

\_\_\_\_\_  
City Secretary  
City of Bandera, Texas

(Seal)

Signature Page to Notice of Intention Resolution Relating to  
City of Bandera, Texas Combination Tax and Revenue Certificates of Obligation, Series 2024

**EXHIBIT A**  
**CITY OF BANDERA, TEXAS**  
**NOTICE OF INTENTION TO ISSUE**  
**COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION**

The City Council of the City of Bandera, Texas (the "City") does hereby give notice of intention to issue one or more series of *City of Bandera, Texas Combination Tax and Revenue Certificates of Obligation* (the "Certificates") in the maximum aggregate principal amount not to exceed \$3,000,000 for the purpose of paying, in whole or in part, contractual obligations for constructing, acquiring, equipping, and improving, wastewater system improvements (the "Project"), and for paying all or a portion of the legal, fiscal and engineering fees in connection with the Project and the costs of issuance related to the Certificates. The City proposes to provide for the payment of the Certificates from the levy and collection of ad valorem taxes in the City as provided by law and from a lien on and pledge of "Surplus Revenues," if any, received by the City from the ownership and operation of the City's municipal waterworks and sewer system. The current principal of all currently outstanding debt obligations of the City is \$5,437,000, the combined principal and interest required to pay all currently outstanding debt obligations of the City on time and in full is \$6,262,665, the estimated combined principal and interest required to pay the proposed Certificates on time and in full is \$3,000,000, the maximum interest rate for the proposed Certificates may not exceed the maximum legal rate, and the maximum maturity date of the proposed Certificates is February 1, 2054. For more information, please contact the City Administrator. The City Council proposes to authorize the issuance of the Certificates at 6:00 p.m. on November 26, 2024, at a Regular Meeting to be held at the City Hall, located at 511 Main St., Bandera, Texas 78003.

\_\_\_\_\_  
/s/  
Mayor, City of Bandera, Texas

**CERTIFICATE FOR RESOLUTION**

**THE STATE OF TEXAS** §  
**COUNTY BANDERA** §  
**CITY OF BANDERA** §

I, the undersigned City Secretary of the **CITY OF BANDERA, TEXAS** (the "**City**"), hereby certify as follows:

1. The City Council of the City (the "**City Council**") convened in Regular Meeting on September 24, 2024 at the designated meeting place (the "**Meeting**"), and the roll was called of the duly constituted officers and members of the City Council, to wit:

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

and all of said officers and members of the City Council were present, except the following absentees: \_\_\_\_\_, thus constituting a quorum. Whereupon, among other business, the following was transacted at the Meeting: a written Resolution (the "**Resolution**") entitled

**RESOLUTION AUTHORIZING PUBLICATION AND POSTING OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION TO FINANCE VARIOUS CAPITAL IMPROVEMENTS**

was duly introduced for the consideration of the City Council. It was then duly moved and seconded that the Resolution be adopted; and, after due discussion, said motion carrying with it the adoption of the Resolution, prevailed and carried by the following vote:

AYES: \_\_\_\_\_ NOES: \_\_\_\_\_ ABSTENTIONS: \_\_\_\_\_

2. A true, full and correct copy of the Resolution adopted at the Meeting described in the above and foregoing paragraph is attached to and follows this Certificate; the Resolution will be duly recorded in the City Council's minutes of the Meeting; the persons named in the above and foregoing paragraph are the duly chosen, qualified and acting officers and members of the City Council as indicated therein; each of the officers and members of the City Council was duly and sufficiently notified officially and personally, in advance, of the time, place and purpose of the Meeting, and that the Resolution would be introduced and considered for passage at the Meeting, and each of said officers and members consented, in advance, to the holding of the Meeting for such purpose; and the Meeting was open to the public and public notice of the time, place and purpose of the Meeting was given, all as required by Chapter 551, Texas Government Code.



SIGNED AND SEALED the 24<sup>th</sup> day of September, 2024.

(SEAL)

\_\_\_\_\_  
City Secretary, City of Bandera, Texas

## Application Filing and Authorized Representative Resolution

A RESOLUTION by the City Council of the City of Bandera requesting financial assistance from the Texas Water Development Board; authorizing the filing of an application for assistance; and making certain findings in connection therewith.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BANDERA:

SECTION 1: That an application is hereby approved and authorized to be filed with the Texas Water Development Board seeking financial assistance in an amount not to exceed \$2,800,000 to provide for the costs of constructing, acquiring, improving, and equipping improvements to the City's waterworks system.

SECTION 2: That Mayor Rebeca Gibson, Jill Shelton (City Secretary), and Stan Farmer (City Administrator) be and is hereby designated the authorized representative of the City of Bandera for purposes of furnishing such information and executing such documents as may be required in connection with the preparation and filing of such application for financial assistance and the rules of the Texas Water Development Board.

SECTION 3: That the following firms and individuals are hereby authorized and directed to aid and assist in the preparation and submission of such application and appear on behalf of and represent the City of Bandera before any hearing held by the Texas Water Development Board on such application, to wit:

Financial Advisor: Ben J. Rosenberg  
US Capital Advisors LLC

Engineer: James Bronikowski, PE, CFM  
Ardurra Group, Inc.

Bond Counsel: Orlando "Jay" Juarez, Jr.  
McCall, Parkhurst & Horton L.L.P.

PASSED AND APPROVED, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

ATTEST: \_\_\_\_\_

By: \_\_\_\_\_

(Seal)

**CITY OF BANDERA COUNCIL AGENDA**  
**Regular Meeting: Tuesday September 24<sup>th</sup>, 2024**

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**AGENDA ITEM:** Hotel Tax Reimbursement Requests

**SUBMITTED BY:** Allyson Wright

**APPROVED FOR AGENDA:** Stan Farmer

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**BACKGROUND:** We received 7 applications for Hotel Tax Reimbursement, 4 are eligible per the policy, 3 are not because they are applying for future events that have not yet happened.

We budgeted \$60,000 for Eclipse Expense but only spent \$14,063.06, however we gave 11<sup>th</sup> St. \$50,000, paid for Port A Potties on Main for Mardi Gras \$3,150. A total of \$67,213.06 was spent this fiscal year.

As of August 31, 2024, our Claim on Cash amount in the Hotel Tax Fund is \$106,138.03.

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**FISCAL ANALYSIS:**

None

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**RECOMMENDATION:**

None

HOTEL TAX REIMBURSEMENT REQUESTS 2024

ORGANIZATION	EVENT	AMOUNT REQUESTED	2023 AMOUNT	2022 AMOUNT	2021 AMOUNT
FRONTIER TIMES MUSEUM	FRONTIER FUN SPRING BREAK FAMILY DAYS	\$ 2,150.00	\$ -	\$ -	\$ -
BANDERA PRO RODEO	MEMORIAL DAY WEEKEND STAMPEDE	\$ 7,000.00	\$ 7,000.00	\$ 7,602.14	\$ 7,000.00
BANDERA PRO RODEO	LABOR DAY	\$ 4,500.00	\$ 3,500.00	\$ 5,864.13	\$ 1,161.00
RIDING ON FAITH RODEO	SUMMER SERIES MAY 31 - JULY 27 2024	\$ 14,000.00	\$ 12,000.00	\$ 10,000.00	\$ 9,100.00
		<b>\$ 27,650.00</b>			

NOT ELIGIBLE

BBA	RIVERFEST	\$ 5,000.00	\$ -	\$ -	\$ -
BBA	COWBOY CHRISTMAS/SHOPPERS JUBILEE	\$ 5,000.00	\$ -	\$ -	\$ -
BBA	NATIONAL DAY OF THE AMERICAN COWBOY	\$ 10,000.00	\$ -	\$ -	\$ -
		<b>\$ 20,000.00</b>			

2023-2024 BUDGET	ECLIPSE EXPENSE	11ST STREET	MARDI GRAS	
\$ 60,000.00	\$ (14,063.06)	\$ (50,000.00)	\$ (3,150.00)	\$ (7,213.06)
CLAIM ON CASH	\$ 106,138.03			



# CITY OF BANDERA

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

Dear City of Bandera HOT (Hotel Occupancy Tax) Funding Program Applicants:

The City Council is now accepting applications for Fiscal Year 2023-2024 Hotel Occupancy Tax (HOT) Funding Program. Please see the attached *Hotel Occupancy Tax Funds Application*.

These forms are available online on the City of Bandera website at <https://www.banderatx.gov/administration/page/hotel-occupancy>.

Chapter 351 of the Texas Tax Code authorizes municipalities to collect hotel occupancy taxes on a person who pays for the use or possession of a room in a hotel. Municipalities may use the revenue from the hotel occupancy tax to promote tourism and the hotel industry. The City of Bandera HOT Funding Program aims to promote and cultivate the City's tourism by funding activities that support and enhance the local tourism industry. This program utilizes the HOT revenue to finance projects and events that attract visitors to Bandera, thereby stimulating the local economy.

Events conducted by your organization qualify for HOT funds if your event(s) promote tourism and the hotel industry. Applications for the HOT Funding Program are accepted on an annual basis from July 1 through August 31 of the current year funding cycle. Only approved activities and expenses that occur between October 1, 2023, and September 30, 2024, are eligible for the program.

Submit to: City of Bandera  
511 Main St / PO Box 896 Bandera, TX 78003  
-OR-  
Stephanie.biggs@banderatx.gov  
830-522-3168

**City Policy:** The purpose of the City of Bandera HOT funding is to assist and support qualified events, not to be the major patron of the funds provided. It should be the intention of the applicant to become self-sustaining. If you are applying for multiple events, please submit a different application for each event.

City Council will review the applications annually and award grant money based on the following criteria:

- 1. Applications must be filled out completely to include disclosing other HOT funding received by other entities and current application(s) for any HOT funding from other entities.**



# CITY OF BANDERA

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2. All grants are awarded on a reimbursement basis with proper documentation.
3. No more than 50% of the annual HOT budget will be awarded in grants. This may be spread across multiple applicants. However, one applicant may not receive more than 25% of the annual budget for HOT funds.
4. Grants awards are always based on the monies available at the time of the award in September.

The application will be reviewed and, if complete, will be placed on the agenda at a regularly scheduled City Council meeting in September. Qualified applicants will be asked to present their funding application to City Council. Applicants will be notified at least one week prior to the meeting of the time and place for the review. The City Council will make the final funding decision. **This funding opportunity is reimbursement only. No funding will be given out before the event takes place.**

**Eligibility and Priority for Hotel Tax Funds:** Priority will be given to those events and entities ability to generate overnight visitors to Bandera.

**Use of Revenues from Event:** No other outside event(s), project, charity, etc., sponsored by the host organization may profit from the City of Bandera's funding of a particular event.



# CITY OF BANDERA

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## Hotel Occupancy Tax Funds Application

### Organization and Contact Information

Official organization name: \_\_\_\_\_

Mailing address: \_\_\_\_\_

Website for event or sponsoring entity: \_\_\_\_\_

Non-profit or for-profit status: \_\_\_\_\_ Tax ID Number: \_\_\_\_\_

Purpose of the organization: \_\_\_\_\_

### Proposal Information

Does your event specifically and **directly** enhance and promote tourism in the City of Bandera **AND directly** promote the overnight accommodation industry in Bandera?

Yes       No

Does your event specifically limit the use of HOT funds to one or more of the following categories: (1) Advertising and conducting solicitations/promotional programs to attract tourists to the City of Bandera (2) Promotion of the arts (3) Historical preservation projects or activities, (4) Sporting Events?  Yes       No

**If the answer to one of the above two questions is no, you are not eligible for HOT funds and need not continue.**

How were the requested reimbursable funds used?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Why should your request be granted?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



# CITY OF BANDERA

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

10. What geographic areas did your advertising and promotion reach?

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**Attach the following to the application prior to submission:**

- If you are a non-profit business, provide a copy of your agency's IRS tax-exempt certificate.
- Your organization's current budget approved by your organization's board.
- Provide receipts for promotional efforts and copies of promotional material.

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Signature

Date



**CITY OF BANDERA COUNCIL AGENDA**  
**Regular Meeting: Tuesday September 24, 2024**

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**AGENDA ITEM:** Discussion and possible action on Resolution 2024-024 for the Facility Use Agreement with Bandera Methodist Church

**REQUESTED BY:** Councilmember Breen & Councilmember Palmer

**APPROVED FOR AGENDA:** Stan Farmer

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**BACKGROUND:**

**July 23, 2024, Coversheet Information:**

For several months the City has negotiated with Bandera Methodist Church on a Facility Use Agreement (FUA) 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 rental 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.

The only edit since the Council's last consideration in May of this document is the addition of the following paragraph 8.9:

*Audit. Semi-annually the BMC shall show the City a total of all revenue and expenses for the BMC account dedicated to the maintenance and upkeep of the Facility.*

**September 24, 2024, Coversheet Information:**

At the July 23 meeting the Council voted to extend an FUA offer at \$300/month.

I notified the Church representative and that offer was declined. I suggested that maybe the EDC could help the Church. The representative notified me that on October 01 the Church would close the parking lot if there was not an agreement for \$30,000 for half the cost of a full-depth reclamation of the entire lot with the EDC or someone else. Next, time was spent on follow up calls with the representative and the EDC President to move this idea forward with the EDC. In the end, the EDC decided not to put this item on their next agenda (Sept 17) for discussion.

After providing updates to Councilmember Breen during this time, she volunteered to reach out to contacts at the Church.

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**FISCAL ANALYSIS:** \$500 per month (Church requested amount) 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 \_\_\_\_\_, 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 Public, by and through the City, the right to use the BMC Facility identified below for the following purpose and no other:

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

- 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.**

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.

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.

- 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.
- 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 Audit. Semi-annually the BMC shall show the City a total of all revenue and expenses for the BMC account dedicated to the maintenance and upkeep of the Facility.
- 9.0 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.

**BMC:**

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

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

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

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

**CITY:**

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

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

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

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

**RESOLUTION NO. 2024-024**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANDERA, TEXAS, APPROVING A FACILITY USE AGREEMENT BETWEEN THE CITY, AND THE BANDERA METHODIST CHURCH AND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE SAME; APPROVING A PUBLIC NEED FOR PARKING IN THE CITY LIMITS IN THE AMOUNT OF \$500.00 PER MONTH; DECLARING A PUBLIC PURPOSE; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the Church owns and maintains the Parking Lot and as listed below; and,

**WHEREAS**, the City Administrator has negotiated terms and conditions that have been incorporated into the attached Facility Use Agreement between the City and the Bandera Methodist Church ; and,

**WHEREAS**, the Bandera Methodist Church has requested the City’s participation in the shared parking agreement and,

**WHEREAS**, the City Council must find a public purpose is served by the City’s participation in order to authorize the expenditure of public funds, and the City Council does hereby find that said participation is in the best interest of the City and its citizens, and serves a public purpose.

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

Section 1. The Facility Use Agreement between the City of Bandera and the Bandera Methodist Church, attached as Exhibit A, is hereby approved and Stan Farmer is hereby authorized to execute same on behalf of the City.

Section 2. The City Council has determined that the Bandera Methodist Church licenses to the Public, by and through the City, 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

Section 3. 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 Bandera City Council.

**RESOLUTION NO. 2024-024**

Section 4. 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 5. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 6. 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 Bandera Business Association hereby declares that this Resolution would have been enacted without such invalid provision.

Section 7. 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 8. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

**PASSED AND APPROVED this 13<sup>th</sup> day of August , 2024.**

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

ATTEST:

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