



# CITY OF BANDERA CITY COUNCIL REGULAR MEETING

Bandera City Hall, 511 Main Street, Bandera, Texas  
Tuesday, February 13, 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.**

Approval of Minutes from December 12, 2023 and January 23, 2024 meetings.

5. **Staff Reports.**

- A. Code Enforcement Report - Code Enforcement Officer
- B. Public Works / Street Maintenance Report - Public Works Director
- C. Grants Update, FY 2024 Hotel Occupancy Tax Budget - City Administrator

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

- A. Approval of Resolution 2024-011 designating the City's official newspaper. - Gibson
- B. Adopting Ordinance 439 suspending the provisions and the issuance of permits and appointing a committee to review the seasonal vendor permit process. - Palmer
- C. Discussion on creating an events committee. - Flowers
- D. Approval of Resolution 2024-012 directing EDC to amend their Bylaws to reflect the amount of spending that needs to be approved by City Council. - Palmer
- E. Planning and Zoning commission. - Gibson
  - a) Bylaws
  - b) Ordinance Article 1.02 Division 2 Planning and Zoning Commission.
  - c) Commission Recruitment and Retention

**F.** April 2024 Eclipse. - Gibson

- a.) Update from planning committee.
- b.) Establishing a City sponsored event in the Bandera City park.

**G.** Discuss and take action on the award of a construction services contract in the amount of \$207,117.70 to RAM Utilities for the Madrona Lane Water Line Improvement Project. - Stan Farmer

**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 necessary for locating future municipal utility infrastructure and improvements.*

**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 February 9, 2024.*

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

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**AGENDA ITEM: 6 A**

Discussion and possible action approving Resolution 2024-011 designating the City's official newspaper.

**SUBMITTED BY:** Jill Shelton

**APPROVED FOR AGENDA:** Stan Farmer

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**BACKGROUND:**

Sec. 52.004. OFFICIAL NEWSPAPER. (a) As soon as practicable after the beginning of each municipal year, the governing body of the municipality shall contract, as determined by Ordinance or Resolution with a public newspaper of the municipality to be the municipality's official newspaper until another newspaper is selected.

(b) The governing body shall publish in the municipality's official newspaper each ordinance, notice, or other matter required by law or ordinance to be published.

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**FISCAL ANALYSIS:**

None

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**RECOMMENDATION:**

None.

**RESOLUTION NO. 2024-011**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANDERA, TEXAS DESIGNATING AN OFFICIAL NEWSPAPER FOR THE STATUTORY PUBLICATION REQUIREMENTS ESTABLISHED BY STATE LAW; ESTABLISHING AN EFFECTIVE DATE**

**WHEREAS**, Texas Local Government Code Section 52.004 provides that as soon as practicable after the beginning of each municipal year, the governing body of the municipality shall contract, as determined by ordinance or resolution, with a public newspaper of the municipality to be the municipality's official newspaper until another newspaper is selected; and,

**WHEREAS**, the governing body shall publish in the municipality's official newspaper each ordinance, notice, or other matter required by law or ordinance to be published; and,

**WHEREAS**, Texas Government Code Section 2051.044 provides that a newspaper used to convey official notices must as a general matter devote not less than 25 percent of its total column lineage to general interest items, be published at least once each week, be entered as second-class postal matter in the county where published, and have been published regularly and continuously for at least 12 months before the governmental entity or representative publishes notice; and,

**WHEREAS**, Texas Government Code Section 2051.048 provides that a notice published by a city must, as a general matter, be published in a newspaper that is published in the city, and that will publish the notice at or below the legal rate; and,

**WHEREAS**, the attorney general has opined that a newspaper of general circulation is one that has more than a de minimis number of subscribers within a specific geographic region, has a diverse readership, and publishes some items of general interest to the community. Tex. Att'y Gen. Op. No. JC-0223 (2000).

**WHEREAS**, the City Council of the City of Bandera, Texas hereby find that it is in the best interest of the citizens of Bandera to designate an official newspaper meeting the statutory requirements as required by law.

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

Section 1. The City Council, by majority vote, hereby designates the Bandera Bulletin as the official newspaper for all statutory publication requirements.

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.

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

\_\_\_\_\_  
Mayor, Suzanne Schauman

ATTEST:

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

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

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**AGENDA ITEM: 6 B**

Adopting Ordinance XXXX suspending the provisions and the issuance of permits and appointing a committee to review the seasonal vendor permit process. - Palmer

**SUBMITTED BY:** Jill Shelton

**APPROVED FOR AGENDA:** Stan Farmer

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**BACKGROUND:**

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**FISCAL ANALYSIS:**

None

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**RECOMMENDATION:**

None.



# CITY OF BANDERA

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## Temporary Vendor Permit Application

**THE APPLICATION DEADLINE IS THE WEDNESDAY BEFORE THE EVENT AT 5:00 PM**

Applications received after the deadline are subject to a \$50 late fee. Permits are required. Any vendor found selling without a permit issued by the City of Bandera will incur a \$250.00 fine for the 1<sup>st</sup> offense.

Applications can be submitted either in person, by mail to PO Box 896 or by email to:

**stephanie.biggs@banderatx.gov**

**YOU CANNOT APPLY FOR A PERMIT OVER THE PHONE**

Permit fees are non-refundable & can be paid in person with cash, check or card. Checks can be mailed to PO Box 896. Online payments can be made @ <https://www.municipalonlinepayments.com/banderatx>

- Daily \$20.00
- Weekend/72 Hours \$50.00
- Monthly \$60.00
- Annual Bandera Business Ass'n Market Days \$175.00
- Annual Chamber of Commerce Events \$125.00
- Annual BBA / Chamber Combo \$300.00
- Non-profit – FREE

Only fill out the section that pertains to the items you sell. If you are selling in both Trade & Food categories fill in section 1 completely and then list the items sold in any other applicable section. Applications received without the required documents will be considered incomplete and a permit will not be issued.

**Section 1: Trades Vendor (Includes pre-packaged food items)**

**Section 2: Food Vendor**

**Section 3: Cottage Law Vendor\***

### Required documents for Section 1 Trades Vendor:

- A valid driver's license
- State sales tax certificate
- proof of non-profit status (if applicable)

### Section 1 Trades Vendor Information:

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

Business or organization: \_\_\_\_\_

Address: \_\_\_\_\_

Phone number: \_\_\_\_\_ Email: \_\_\_\_\_

List of items to be sold: \_\_\_\_\_

# If you are not a Food or Cottage Law vendor, skip to page 3

## Required documents for Section 2 Food Vendor:

- A valid driver's license
- State Sales tax certificate
- Proof of non-profit status (if applicable)
- Certificate of Insurance
- Texas State Health Permit (Food vendors operating at a fixed location for more than 14 days) **OR**
- Food Handler's Certificate & a DSHS Temporary Food Establishment Event Permit (Food vendors operating at an event for 14 days or less)

## Section 2 Food Vendor Information:

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

Business or organization: \_\_\_\_\_

Address: \_\_\_\_\_

Phone number: \_\_\_\_\_ Email: \_\_\_\_\_

List of food items to be sold: \_\_\_\_\_

\_\_\_\_\_

## Required documents for Section 3 Cottage Law Vendor:

- A valid driver's license
- State Sales tax certificate
- Food Handler's Card (required by State of Texas)
- Certificate of Insurance
- Proof of non-profit status (if applicable)

## Section 3 Cottage Law Vendor Information:

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

Business or organization: \_\_\_\_\_

Address: \_\_\_\_\_

Phone number: \_\_\_\_\_ Email: \_\_\_\_\_

List of cottage law food items to be sold: \_\_\_\_\_

\_\_\_\_\_

\*Refer to the Food Vendor information sheet for a list of allowable items under Cottage Law.



**Location:**

Every event requires its own application and fee. Bandera Business Ass'n & Chamber of Commerce organized events:

- Market Days \_\_\_\_
- Riverfest \_\_\_\_
- National Day of the American Cowboy \_\_\_\_
- Cowboy Mardi Gras \_\_\_\_
- Stampede Market Day \_\_\_\_
- Round Up Market Day \_\_\_\_
- Other \_\_\_\_

**Non-organized Events are allowed in areas P4, P5 & P6 of the City. Requirements for these areas:**

- ❖ **Place Types P4 & P5 – Submit a letter of permission from the business/private property owner with this application**
- ❖ **Place Type P6 – Approval from the City of Bandera**
- ❖ **Permits are site and date specific**

**LEAVE THIS SECTION BLANK IF YOU ARE PART OF AN ORGANIZED EVENT**

**Private Property Set-up Info:**

Business name where you are setting up: \_\_\_\_\_

Name of Owner: \_\_\_\_\_

Address: \_\_\_\_\_ Phone number: \_\_\_\_\_

Place Type / Character District \_\_\_\_\_

\_\_\_\_\_

**Start Date:** \_\_\_\_\_

**End Date:** \_\_\_\_\_

**Vendor Signature:** \_\_\_\_\_

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

**FOR CITY USE ONLY**

Permit Number: \_\_\_\_\_

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

Approved by: \_\_\_\_\_

Notes: \_\_\_\_\_

\_\_\_\_\_

City of Bandera, TX  
Wednesday, February 7, 2024

## Chapter 4. Business Regulations

### ARTICLE 4.03. PEDDLERS AND SOLICITORS

#### Division 1. In General

##### § 4.03.001. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Aggressive manner. Other than actions that would violate existing state law, actions or behaviors described as "aggressive manner" include, but are not to be limited to:

- (1) Touching, tapping or hitting any part of a motor vehicle occupied by a person being solicited, unless such touching is with the express permission of the occupant.
- (2) Blocking the safe or free passage of the person being solicited or requiring the person, or the driver of a vehicle to take evasive action to avoid physical contact with the person making the solicitation.
- (3) Approaching or following the person being solicited in a manner that is:
  - (A) Hostile or forceful and likely to cause a reasonable person to fear imminent bodily harm to a person or their property.
  - (B) Reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation.
- (4) Continuing to solicit a person after the person has made a negative response.

Camp. To reside temporarily in a place, with shelter.

Canvasser. Any person who attempts to make personal contact with a resident at his/her residence without prior specific invitation or appointment from the resident, or in the public right-of-way for the primary purpose of:

- (1) Attempting to enlist support for or against a particular religion, philosophy, ideology, even if incidental to such purpose the canvasser accepts the donation for money for or against such cause;
- (2) Distributing a handbill or flyer advertising a noncommercial event or service; or
- (3) Attempting to enlist support for or against a particular political party, issue, or candidate.

Charitable organization. An incorporated or nonincorporated tax exempt body which is created and operated for charitable purposes, employs all its resources to those charitable activities that are under its direct control, does not distribute any part of the income generated for the benefit of any trustee,

trustor, member, or other private individual, and does not contribute to or associate with political organizations.

Handbill/flyer. A printed advertisement or announcement that is intended for wide distribution.

Panhandle. To solicit by spoken, written or by other means of communication an immediate donation or transfer of money or another thing of value from another person, regardless of the panhandler's purpose or intended use of the money or other thing of value, and regardless of whether consideration is offered.

Peddle. And any form of the word, means all activities ordinarily performed by a peddler.

Peddler. Any person who goes upon the premises of any private residence in the city, not having been invited by the occupant thereof, or upon the public right-of-way or in a public area, carrying or transporting goods, wares, merchandise or personal property of any nature and offering the same for sale. Peddler does include a person who distributes handbills or flyers for a commercial purpose, advertising an event, activity, good, or service that is offered to a resident for purchase at a different location or time.

Public area. An area to which the public has access and includes, but is not limited to, a sidewalk, street, highway, park, parking lot, alleyway, pedestrian way, or the common area of a school, hospital, apartment house, office building, transportation facility or shop.

Roadway. Includes the roadbed, shoulder, median, curbs, traffic island, sidewalks, and utility easements located adjacent to or near the roadway.

Shelter. Includes a tent, tarpaulin, lean-to, sleeping bag, bedroll, blankets, or any form of temporary, semipermanent, or permanent shelter, other than clothing or any handheld device, designed to protect a person from weather conditions that threaten personal health and safety.

Solicitation, soliciting, solicited, or any form of the word solicit. Any activities ordinarily performed by a solicitor.

Solicitor.

- (1) Any person who goes upon the premises of any private residence in the city, not having been invited by the occupant thereof, or upon the public right-of-way or in a public area for the purpose of taking or attempting to take orders for the sale of goods, merchandise, wares, or other personal property of any nature for future delivery, or for services to be performed in the future. This definition includes any person who, without invitation, goes upon private property, or in the public right-of-way to:
  - (A) Request contribution of funds or anything of value; or
  - (B) Sell goods or services for educational, political, charitable, religious, or other noncommercial purposes.
- (2) This definition does not include any person who serves as nothing more than an advertisement for a legal enterprise, does not accept or solicit anything of value, and does not enter into the roadbed, median, curbs or traffic island of a roadway.

(Ordinance 427 adopted 5/16/2023)

## § 4.03.002. Purpose.

This article shall be deemed an exercise of the police power of the state and of the city for the public safety, comfort, welfare, convenience and protection of the city and citizens of the city, and all of the provisions hereof shall be construed for the accomplishment of that purpose.

### § 4.03.003. General prohibitions.

- (a) It shall be unlawful for any peddler or solicitor to solicit to sell, offer to sale, take orders for, or offer to take orders for any goods, wares, merchandise, magazines or other things of value without first making application for and obtaining a peddlers' and solicitors' permit from the city marshal's department.
- (b) No peddler, solicitor, canvasser or panhandler shall allow rubbish or litter to accumulate in or around the area in which they are conducting business.
- (c) No peddler, solicitor, canvasser or panhandler shall conduct any business in such a way that would restrict or interfere with the ingress or egress of private property, public areas, or create or become a public nuisance that would increase traffic congestion or delay or constitute a hazard to traffic, life or property, or an obstruction to marshals, fire, EMS or any other emergency services and their related vehicles and equipment.
- (d) No peddler, solicitor, canvasser or panhandler shall utilize flashing or strobe lights, whistles, air horns, megaphones, amplifiers, loud noise devices or any other devices that may be used to attract attention to the merchant, yet would have a demonstrable negative impact on the health, safety, and welfare of the community.
- (e) No person shall panhandle in an aggressive manner in the following public areas:
  - (1) Within 25 feet of:
    - (A) An automated teller facility, including one located within a store;
    - (B) The entrance or exit of a bank; or
    - (C) The entrance or exit of a check cashing business;
  - (2) On either side of the street on a block where a school attended by minors or a childcare facility has an entrance or exit;
  - (3) On the sidewalk outside of or the patio area of a bar or restaurant; or [sic]

(Ordinance 427 adopted 5/16/2023)

### § 4.03.004. Exclusions from applicability of this article.

The provisions of this article shall not apply to the following:

- (1) Commercial agents dealing with local business establishments in the usual course of their business;
- (2) Insurance salesman, real estate agents, and others permitted by the state;
- (3) Vendors of farm produce or agricultural products when the vendor himself produces such produce or products;
- (4) Persons engaged in religious or political speech, which does not include the sale of any item or the solicitation of contributions;
- (5) Persons engaged in the distribution of handbills or flyers for services, commercial goods, wares, merchandise, subscriptions, or publications to be delivered at some future date, who do not engage in face-to-face contact with prospective customers or clients.

(Ordinance 427 adopted 5/16/2023)

## § 4.03.005. Distribution of handbills and commercial flyers.

Section 6, Item B.

In addition to the other regulations contained herein, a solicitor, peddler or canvasser leaving handbills or commercial flyers about the community shall observe the following regulations:

- (1) No handbill or flyer shall be left at, or attached to any sign, utility pole, transit shelter or other structure within the public right-of-way. The marshal and code enforcement officers are authorized to remove any handbill or flyer found within the right-of-way.
- (2) No handbill or flyer shall be left at, or attached to any privately owned property in a manner that causes damage or inconvenience to the owner of such privately owned property.

(Ordinance 427 adopted 5/16/2023)

## § 4.03.006. Underage solicitors.

No person under the age of 18 may solicit or peddle in the city unless a permit is obtained by a sponsoring adult that is 18 years of age or older, who shall also be responsible for the conduct of any underage person while peddling or soliciting.

(Ordinance 427 adopted 5/16/2023)

## § 4.03.007. Camping prohibited.

A person commits an offense if the person intentionally or knowingly camps in a public place without the effective consent of the officer or agency having the legal duty or authority to manage the public place.

(Ordinance 427 adopted 5/16/2023)

## § 4.03.008. Penalty and violations.

Any person who violates any of the provisions of this article shall be deemed guilty of a class C misdemeanor and upon conviction thereof shall be punished by a fine not to exceed more than \$200.00. Each day any violation of the article shall continue shall constitute a separate offense.

(Ordinance 427 adopted 5/16/2023)

## § 4.03.009. through § 4.03.030. (Reserved)

## Division 2. Door-to-Door Soliciting

### § 4.03.031. Hours of canvassing, solicitation and peddling at private residences.

It shall be unlawful for persons, permitted or unpermitted, to canvass, solicit or peddle at private residences between the hours of 8:00 p.m. and 8:00 a.m., unless otherwise posted by the private property owner or by someone with apparent authority to act for the owner. This provision does not apply where the canvasser, solicitor or peddler is on the property by prior invitation of the owner of the property or a person residing on the premises.

### § 4.03.032. Entry upon premises or property unlawful.

- (a) It shall be unlawful for any person to solicit, peddle or canvass upon any private property in the city where the owner, occupant, or person legally in charge of the premises has posted within five feet of the front door to the premises or main structure, or within five feet of the main entry point of the property or within five feet of the entry to the principal building on the premises, a sign bearing the words "no solicitation" or other similar sign bearing the words "no peddlers," "no canvassing," "no solicitors" or words of similar importance.
- (b) It shall be unlawful for any person to solicit, peddle or canvass at any entrance to a residence or private property other than through the use of the front door or primary entrance to the residence or private property.
- (c) It shall be unlawful for any person to solicit, peddle or canvass in a gated community or subdivision owned in common and maintained by a restrictive covenant property or homeowners association when a sign bearing the words "no solicitation" or other words of similar importance is clearly posted at each entrance of the property and is visible from the public right-of-way.
- (d) It shall be unlawful for any person to continue to solicit, peddle or canvass upon any private property in the city where the owner, occupant, or person legally in charge of the premises has advised the solicitor, peddler or canvasser to leave the property.

(Ordinance 427 adopted 5/16/2023)

### § 4.03.033. through § 4.03.060. (Reserved)

## Division 3. Soliciting in Roadways

### § 4.03.061. Solicitation in public roadways.

- (a) Pursuant to Texas Transportation Code section 552.007, "solicitation by pedestrians," a person may not stand in a roadway to solicit a ride, contribution, employment, or business from an occupant of a vehicle, except that a person may stand in a roadway to solicit a charitable contribution if authorized to do so by the local authority having jurisdiction over the roadway.
- (b) Pursuant to Texas Transportation Code section 552.0071, "local authorization for solicitation by pedestrian," a local authority shall grant authorization for a person to stand in a roadway to solicit a charitable contribution as provided by Texas Transportation Code section 552.007.
  - (1) If the persons to be engaged in the solicitation are employees or agents of the local authority and the other requirements of this section are met.
  - (2) A person seeking authorization under this section shall file a written application with the local authority not later than the 11th day before the date the solicitation is to begin. The application must include:
    - (A) The date or dates and times when the solicitation is to occur;
    - (B) Each location at which solicitation is to occur; and
    - (C) The number of solicitors to be involved in solicitation at each location.

(Ordinance 427 adopted 5/16/2023)

## Division 4. Permits

### § 4.03.091. Application for permit.

Any person subject to the provisions of this article shall file a written application with the city marshal department. Permits are issued for individuals and not companies or organizations as a whole. Permits are not transferable. The application form is furnished by the city and shall include the following information:

- (1) Each applicant's name, current address, driver's permit number, or state-issued identification number, telephone number, birth date and physical description.
- (2) A photocopy of a government issued identification card of the applicant that includes a photograph.
- (3) If the applicant is peddling or soliciting for a commercial organization, the applicant must provide the organization's name, address, telephone number and name of the organization's owner or chief operating officer.
- (4) If the applicant is peddling or soliciting for a commercial organization, the applicant must provide the name, title, address, driver's permit number, or state issued identification number, date of birth, telephone number and e-mail address of their immediate supervisor.
- (5) A full and complete list of goods to be sold and/or services to be rendered and a copy of the sales contract/agreement and cancellation clause that complies with Texas Business and Commerce Code chapter 601.
- (6) Description (year, make, model, color) and the issuing state and permit plate number for any and all vehicles to be used in soliciting and peddling.
- (7) Whether the applicant has ever been convicted of a felony or misdemeanor involving moral turpitude, fraud, theft or assault of any kind.
- (8) The period of time during which the applicant wishes to solicit or sell in the city.

(Ordinance 427 adopted 5/16/2023)

### § 4.03.092. Investigation.

- (a) Each applicant shall submit the information required, together with an investigation fee as determined from time-to-time by ordinance, which will be used to help defray the expense of investigating the applicant to verify the statements on the application and shall not be refundable.
- (b) It shall be the duty of the city marshal or their designee to investigate each applicant.

(Ordinance 427 adopted 5/16/2023)

### § 4.03.093. Issuance or denial.

- (a) It shall be the duty of the city marshal or their designee to issue or refuse to issue a peddler's and solicitor's permit applied for under this article no later than two weeks from the time a complete application is filed. A peddler's and solicitor's permit shall be in the form as established by the city.

- (b) An application for permit may be denied due to a person's conviction of a felony or misdemeanor if the crime directly relates to the conduct of a peddler's or solicitor's business or results from an assault against another person. In determining whether a criminal conviction directly relates to the occupation, the marshal department shall consider:
  - (1) The nature and seriousness of the crime;
  - (2) The relationship of the crime to the purposes for requiring a permit to engage in the occupation;
  - (3) The extent to which a permit might offer an opportunity to engage in further criminal activity of the same type as that in which the person previously had been involved; and
  - (4) The relationship of the crime to the ability, capacity, or fitness required to perform the duties and discharge the responsibilities of the permitted occupation.
- (c) An application for permit may be denied if:
  - (1) An investigation reveals that the applicant falsified or omitted information on the application.
  - (2) The applicant is a registered sex offender.
  - (3) The applicant has had a permit revoked for any reason within the past three years.
  - (4) The applicant has failed to provide all required documentation with the application.
- (d) A peddler's and solicitor's permit issued hereunder shall be valid for 90 days, after which the holder thereof must reapply pursuant to section **4.03.091** if the holder desires to continue to peddle or solicit in the city.

(Ordinance 427 adopted 5/16/2023)

### § 4.03.094. Fees.

If the city marshal or their designee approves an application, the applicant shall pay a fee as determined from time-to-time by ordinance upon issuance of the peddler's and solicitor's permit. No permit shall be issued for more than 90 days or before all fees as required by this article have been paid.

(Ordinance 427 adopted 5/16/2023)

### § 4.03.095. Appeal of denial.

If the city marshal or their designee denies a peddler's and solicitor's permit to any applicant, the applicant may appeal such denial by written request to reconsider filed with the city administrator within seven days of such denial, providing such additional information as the applicant believes is pertinent to the city administrator reconsideration of such denial. The city administrator shall deny the appeal or issue the permit within seven days of receiving a request to reconsider.

(Ordinance 427 adopted 5/16/2023)

### § 4.03.096. Exhibition of permit required.

A solicitor or peddler must possess their city-issued permit at all times when soliciting within the city. If requested in the course of soliciting in the city, the person soliciting must produce the permit for inspection.

(Ordinance 427 adopted 5/16/2023)



## § 4.03.097. Revocation of permit.

- (a) Any permit issued hereunder may be revoked if the permit holder is convicted of a violation of any provisions of this article or has knowingly made a false material statement in the application or otherwise becomes disqualified for the issuance of a permit under the terms of this article.
- (b) If more than one (1) complaint of misconduct by a permit holder or group of permit holders working for the same company is received, the permit(s) may be immediately revoked by the city.

(Ordinance 427 adopted 5/16/2023)

## ARTICLE 4.04. TEMPORARY OR SEASONAL BUSINESSES

### § 4.04.001. Definitions.

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

Seasonal business. A business or commercial activity that operates no more than eight (8) months in any calendar year, typically in connection with a certain season or seasons of the year, often in connection with tourist activities, which may or may not have a fixed, year-round location in the city, and includes but is not limited to such activities as food and refreshment vending, souvenir vending, and recreational equipment vending.

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

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. Such appearance must be enduring in nature, as opposed to superficial or decorative, and shall be modeled on familiar, western vehicles or structures, including but not limited to chuck wagons, stagecoaches, covered wagons, teepees, carriages, bunk houses, saloons, forts, log cabins, and similar symbols of an American western frontier character.

(Ordinance 238, sec. 10-211, adopted 5/20/04; Ordinance 301, sec. 2.03, adopted 2/13/14; 2009 Code, sec. 4.04.001)

### § 4.04.002. License required.

Anyone conducting temporary or seasonal business operations for the purpose of selling any goods, services, or any other thing to the public shall, before engaging in such operations, apply to the city and be granted a temporary or seasonal business operations license, as appropriate. The applicant shall be responsible for obtaining authorization or permission to locate the business at a particular site from the owner or operator of the site. Issuance of a temporary or seasonal business license by the city does not authorize the licensee to locate the business at any particular site.

(Ordinance 238, sec. 10-212, adopted 5/20/04; 2009 Code, sec. 4.04.002)

### § 4.04.003. Application for license; fee.

- (a) The application for each type of license shall be upon such form as may be designated by the mayor and shall show the date of its issuance and identity of each applicant by name, address, license, telephone number, and permanent address.
- (b) A temporary business license shall be valid for a period of not more than thirty (30) days from the date of issuance. The application fee is on file in the office of the city secretary and is subject to periodic revision by the city.
- (c) A seasonal business license shall be valid for a period of not to exceed eight months out of any calendar year. The fee is on file in the office of the city secretary and is subject to periodic revision by the city.
- (d) The license shall specify the type of temporary or seasonal business in which the licensee is authorized to engage in the city.

(Ordinance 238, sec. 10-213, adopted 5/20/04; Ordinance adopting 2009 Code; 2009 Code, sec. 4.04.003)

#### § 4.04.004. Operation from portable building; removal of portable building during periods of non-operation.

- (a) Temporary business. A licensee for a temporary business shall be allowed to operate from a portable building, provided that the portable building is removed from public view when the business is not in actual operation. Failure to remove a portable building from public view during hours of non-operation of a temporary business shall be grounds for revocation of the temporary business license and forfeiture of the license fee.
- (b) Seasonal business. A licensee for a seasonal business shall be allowed to operate from a portable building, and such portable building shall be allowed to remain in place and in public view during periods of non-operation, including months of a calendar year for which the business is not licensed, only if the portable building has and maintains a western motif appearance.

(Ordinance 238, sec. 10-214, adopted 5/20/04; 2009 Code, sec. 4.04.004)

#### § 4.04.005. Western motif for portable building used by seasonal business.

- (a) An applicant for a seasonal business license who intends to operate from a portable building and to leave such building in place and in public view during periods of non-operation shall provide photographs of the portable building's western motif along with the application for the license. It shall be the duty of the city administrator or other person designated by the city council, with such advice from other city officers, employees, or citizens as he or she requests, to determine whether the portable building's western motif meets the definition contained in section **4.04.001**.
- (b) If the western motif does not meet the definition contained in section **4.04.001**, the seasonal business license may not be issued unless the western motif is modified to meet the definition or the applicant agrees to remove the portable building from public view during hours of non-operation.
- (c) Failure of a licensee to maintain the western motif after receipt of a seasonal business license, or failure to remove a portable building that does not have a western motif during hours of non-operation, shall be grounds for revocation of the license and forfeiture of the license fee.
- (d) The portable building shall be removed at the owner's or licensee's expense upon expiration of the license. If the portable building is not removed within thirty days after expiration of the license, it will be removed by the city police department at the city's expense. If not redeemed by the owner by

payment to the city of all of the city's costs of removal and storage within thirty days after removal of the portable building shall be considered abandoned property and may be sold or otherwise disposed of by the city as provided by law.

(Ordinance 238, sec. 10-215, adopted 5/20/04; 2009 Code, sec. 4.04.005)

### § 4.04.006. Bond.

Those applicants desiring to engage in the kind of temporary or seasonal business operations in which the customer orders something and pays in advance therefor before the receipt of the purchased item shall, in addition to the license fee, pay the sum of five hundred dollars (\$500.00) in cash bond to protect the citizens from any loss on account of such temporary or seasonal business operation. Thirty (30) days after the end of the license period, if there have been no complaints regarding the licensee, than such amount shall be refunded to the licensee.

(Ordinance 238, sec. 10-216, adopted 5/20/04; 2009 Code, sec. 4.04.006)

### § 4.04.007. Operations with more than one employee.

If a business entity desires to conduct temporary or seasonal business operations with more than one employee, one license may be issued to the business entity that names all the persons who are licensed thereunder. In such event, the application fee shall be increased per employee per license. The application fee is on file in the office of the city secretary and is subject to periodic revision by the city.

(Ordinance 238, sec. 10-217, adopted 5/20/04; Ordinance adopting 2009 Code; 2009 Code, sec. 4.04.007)

### § 4.04.008. Exceptions.

The following are exempt from the provisions hereof:

- (1) Charitable organizations recognized as such by the Internal Revenue laws of the United States and recognized service clubs such as Rotary, Kiwanis, Lions, Optimist, Elks, and the like;
- (2) Governmental subdivisions, including school districts, the chamber of commerce and the junior chamber of commerce;
- (3) Arts and crafts fairs; and
- (4) A traveling salesman or solicitor calling only on commercial businesses in the city.

(Ordinance 238, sec. 10-218, adopted 5/20/04; 2009 Code, sec. 4.04.008)

### § 4.04.009. Prohibited businesses.

- (a) Except in connection with a temporary business duly licensed by the city, the following is prohibited in any district within the city limits:
  - (1) A person, corporation, or other entity is prohibited from conducting business in wheeled vehicles or trailers, whether the wheels are on or off.
  - (2) A person, corporation, or other entity is prohibited from conducting business in a portable building.

(b) "Portable building" is defined as a temporary building that was not designed to have a foundation and is transportable. Portable buildings typically cover less than 100 square feet and are intended for use as storage buildings, sheds, barns, kennels, greenhouses, construction site offices, guardhouses, playhouses, gazebos, and similar purposes. The term includes cargo containers, cargo boxes, and tractor-trailer containers, but does not include a mobile home, a HUD-code manufactured home, a recreational park trailer, or an industrialized or modular building as those terms are defined by state law.

(Ordinance 238, sec. 10-217, adopted 5/20/04; 2009 Code, sec. 4.04.009)

## Food Vendor Permit Information

If you operate a Mobile Food Unit from a single location within Bandera City Limits for a period of 15 days or more, you must have a Texas State Health Permit.

If you are selling only pre-packaged food or canned or bottled drinks, you are considered a Trade Vendor and no health permit is required.

If you are selling food (other than those covered under Cottage Law) prepared on site at a vendor market or other organized event within Bandera City Limits a Temporary Texas State Health Permit and a Food Handler's Card are required. These permits are valid for up to 14 days. To apply for a Temporary Texas State Health Permit, go to

<https://www.dshs.texas.gov/retail-food-establishments/permitting-information-retail-food-establishments#Temporary%20Retail%20Food%20Establishments>

There are two options:

1. Temporary Food Establishment Single Event Permit Application – Good for ONE event.
2. Temporary Food Establishment Multi Event Permit Application – Good for TWO YEARS.

***Submit the application to the State 30 days prior to the event date to allow enough time for a permit to be issued.***

Call 512-834-6626 for questions about Texas State Health Department Licensing.

### **Other City of Bandera Food Vendor Permit Application Requirements:**

- **Copy of valid driver's license or state issued ID**
- **Copy of Texas State Sales Tax Certificate**
- **Copy of valid General Liability Insurance**

### **Mobile Food Unit Inspections:**

Carlos Mora is the Bandera County Inspector. He can be reached via email ([jeancarlos@moracolon@dshs.texas.gov](mailto:jeancarlos@moracolon@dshs.texas.gov)) or phone (512-963-7213) Inspections are done after getting the health permit.



**\*Cottage Vendors are required by Texas Law to have a Food Handler's Card.**

Cottage vendors still require a Permit from the City before selling. The following must be submitted with the permit application:

- Valid ID
- Tax Certificate
- General Liability Insurance
- Copy of Food Handler's Card

A cottage food production operation is defined as an individual, operating out of the individual's home who produces:

- Baked Goods
- Candy
- Coated & Uncoated Nuts
- Unroasted Nut Butters
- Fruit Butters
- Canned Jam or Jelly
- Fruit Pies
- Dehydrated Fruits or Vegetables
- Whole, (uncut) frozen Fruits or Vegetables
- Popcorn, Popcorn Snacks, Cereal & Granola
- Dry Mixes (including Herbs & Herb Mixes)
- Vinegar
- Pickles
- Mustard
- Roasted Coffee & Dry Tea
- Fermented vegetables with a pH of 4.6 or less
- Pickled fruits or vegetables with a pH of 4.6 or less

***Any items that require refrigeration to keep from spoiling are not allowed under Cottage Law – Including Beverages, fresh fruit, fresh salsa, Charcuterie boards, pickled eggs, low acid foods, puddings and cream pies as well as some types of cakes.***

Visit <https://cottagefoodlaw.com/allowed-foods/> for a more comprehensive list of foods not allowed under cottage law.

**ORDINANCE NO. 439**

**AN ORDINANCE OF THE BANDERA CITY COUNCIL SUSPENDING THE PROVISION AND THE ISSUANCE OF PERMITS AND APPOINTING A COMMITTEE TO REVIEW THE SEASONAL VENDOR PERMIT PROCESS OF THE CITY OF BANDERA CODE OF ORDINANCES ARTICLE 4 TEMPORARY OR SEASONAL BUSINESSES SECTIONS 4.04.002 LICENSE REQUIRED, 4.04.003 APPLICATION FOR LICENSE; FEE; AND 4.04.004 OPERATION FROM PORTABLE BUILDING; REMOVAL OF PORTABLE BUILDING DURING PERIODS OF NON-OPERATION; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.**

**WHEREAS**, the Bandera City Council recognizes the need to evaluate and potentially revise the seasonal vendor permit process to ensure fairness, efficiency, and alignment with the evolving needs of the community;

**WHEREAS**, it is imperative to suspend the current provisions regarding seasonal vendor permits to facilitate a comprehensive review and analysis of the existing system;

**WHEREAS**, the establishment of a committee dedicated to this review process will enable thorough examination, consultation with stakeholders, and formulation of recommendations for potential improvements;

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

**SECTION 1. SUSPENSION OF SEASONAL VENDOR PERMIT PROVISIONS**

- 1.01 The Provision governing the issuance of seasonal vendor permits, as outlined in the City of Bandera Code of Ordinance Article 4 *Temporary or Seasonal Businesses Sections 4.04.002 License Required, 4.04.003 Application for License; Fee, and 4.04.004 Operation from Portable Building, Removal of Portable Building During Periods of Non-Operation*, are hereby suspended until further notice.
- 1.02 The City shall cease the issuance of any new seasonal vendor permits during the period of suspension outlined in Section 1.01.

**SECTION 2: ESTABLISHMENT OF REVIEW COMMITTEE**

- 2.01 A Committee herein referred to as the Season Vendor Permit Review Committee, shall be appointed by the Mayor and approved by the City Council.
- 2.02 The Seasonal Vendor Permit Review Committee shall be comprised of **XXX** members, representing a diverse range of stakeholders, including but not limited to local businesses, residents, City officials, and community organizations.

2.3 The Committee shall be tasked with the following responsibilities: a) Conduct a comprehensive review and assessment of the existing seasonal vendor permit process. B) Solicit input and feedback from relevant stakeholders, including seasonal vendors, residents, business owners, and City departments. c) Identify strengths, weaknesses, and areas for improvement in the current permit process. d) Formulate recommendations for potential revisions or enhancements to the seasonal vendor permit system. e) Present findings and recommendations to the City Council within 120 days of the Committee’s establishment.

**SECTION 3: DURATION OF SUSPENSION AND COMMITTEE TERM**

3.01 The suspension of seasonal vendor permit provisions outlined in Section 1 shall remain in effect for up to 120 days until the City Council receives and reviews the recommendations presented by the Seasonal Permit Review Committee.

3.02 The Seasonal Vendor Permit Review Committee shall be dissolved upon submission of its final report to the City Council, unless otherwise directed by the City Council.

**SECTION 4: IMPLEMENTATION**

4.01 The City Secretary shall be responsible for the dissemination of this ordinance and coordination of the Seasonal Vendor Permit Review Committee’s activities.

**SECTION 5: SEVERABILITY**

5.01 If any provision of this ordinance is held to be invalid or unenforceable, such invalidity or Unenforceability shall not affect the validity or enforceability of the remaining provisions, which shall remain in full force and effect.

**SECTION 6: EFFECTIVE DATE**

6.01 This ordinance shall take effect immediately upon adoption.

**Passed and adopted by the City Council of the City of Bandera on February 13, 2024.**

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

ATTEST:

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



**CITY OF BANDERA  
CITY COUNCIL AGENDA REQUEST FORM  
MEETING DATE: February 13, 2024**

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**AGENDA ITEM: 6 C**

Discussion on creating an events committee. – Flowers

**SUBMITTED BY:** Jill Shelton

**APPROVED FOR AGENDA:** Stan Farmer

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**BACKGROUND:**

The council will need to provide a directive as to what they would like to see in this committee, how many people there will be, how long and the scope for the committee.

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**FISCAL ANALYSIS:**

None

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**RECOMMENDATION:**

None

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

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**AGENDA ITEM: 6 D**

Discussion and possible action on approving Resolution 2024-012 directing EDC to amend their Bylaws to reflect the amount of spending that needs to be approved by City Council. process.

**SUBMITTED BY:** Jill Shelton

**APPROVED FOR AGENDA:** Stan Farmer

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**BACKGROUND:**

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**FISCAL ANALYSIS:**

None

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**RECOMMENDATION:**

None.

**RESOLUTION NO. 2024-00**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANDERA, TEXAS, APPROVING AN AMENDMENT TO THE BYLAWS OF THE BANDERA ECONOMIC DEVELOPMENT CORPORATION TO CONFORM THE BOARD MEMBER RESTRICTIONS TO THOSE FOUND IN STATE LAW; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the Bandera Economic Development Corporation’s current Bylaws include expenditures that exceed \$10,000.00 must have a public hearing and be approved by City Council by state law; and,

**WHEREAS**, the City Council hereby finds that it is in the best interest of the corporation to conform with state law in regards to restrictions on board membership; and

**WHEREAS**, the City Council has determined that this bylaw amendment is necessary and proper, serves a public purpose and will help the Corporation better meet its corporate purpose.

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

**Section 1. Amendment.** The City Council of the City of Bandera, Texas does hereby approve an amended the Bylaws of the Bandera Economic Development Corporation as set forth in the attached Exhibit A.

**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 Resolution for all purposes and are adopted as a part of the judgment and findings of the Council.

**Section 3. Repealer.** 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. Effective Date.** This Resolution shall become effective immediately from and after passage and any publication if required by governing law.

**Section 5. Proper Notice and Meeting.** It is hereby officially found and determined that the meeting at which this Resolution 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.

PASSED and APPROVED this the 13<sup>th</sup> day of February 2024.

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

ATTEST:

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

**EXHIBIT A**

**THE BYLAWS OF THE BANDERA ECONOMIC DEVELOPMENT CORPORATION ARE HEREBY AMENDED TO READ AS FOLLOWS: (additions are underscored and deletions are strike-thru)**

**4.03 Public Hearings**

The BEDC Board of Directors will schedule public hearings at a time and place that are necessary to conduct business and provide for public hearings that meet the requirements of Local Government Code Chapter 505 and that are in accordance with the Texas Open Meetings Act.

If the BEDC proposes to expend more than ~~\$10,000.00~~ on a project, they must hold a public hearing on the project. They must also pass the project to the Bandera City Council by resolution for a public hearing and a 60-day waiting period. If, during that 60 day period following the public hearing by the Bandera City Council and on the approval of the Bandera City Council of the project by resolution, there has not been a petition signed by 10% or more of the registered voters of the City of Bandera in opposition to the project, the BEDC may proceed with funding the project. If a verified petition is presented, the project may go to a vote in a public election.

**CITY OF BANDERA COUNCIL AGENDA**  
**Regular Meeting: Tuesday, January 9, 2024**

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**AGENDA ITEM: 6E**

Planning and Zoning commission. - Gibson

- a) Bylaws
- b) Ordinance Article 1.02 Division 2 Planning and Zoning Commission.
- c) Commission Recruitment and Retention

**SUBMITTED BY:** Jill Shelton

**APPROVED FOR AGENDA:** Stan Farmer

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**BACKGROUND:**

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**FISCAL ANALYSIS:**

N/A

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**RECOMMENDATION:**

# City of Bandera Planning and Zoning Commission Manual

**Adopted April 5, 2018**

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# Bylaws

## **ARTICLE 1. NAME AND PURPOSE**

### **1.1 Name**

City of Bandera Planning and Zoning Commission (“Commission”).

### **1.2 Purpose**

- a. The Commission is established to exercise the powers and duties of a zoning commission as permitted by law, including Local Government Code Chapter 211, the City’s adopted development codes and the City of Bandera Code of Ordinances, as amended.
- b. The Commission is established to exercise the powers and duties of a planning commission as permitted by law, including Local Government Code Chapter 212 the City’s adopted development codes and the City of Bandera Code of Ordinances, as amended.

## **ARTICLE 2. MEMBERSHIP**

### **2.1 Number of Members**

The Commission will be comprised of five (5) Members.

### **2.2 Eligibility**

All of the five Members shall reside in the corporate City limits or own a business or real property within the corporate City limits, with at least three of the Members residing within the City limits. The Commission shall be broadly representative as a whole, and whenever possible, Members shall be drawn from different residential areas, occupations, professions and interest groups.

### **2.3 Appointment of Commission Members**

Members of the Commission shall be appointed by City Council and in accordance with the City of Bandera Code of Ordinances.

### **2.4 Terms of Office**

Terms of office shall be in accordance with the City of Bandera Code of Ordinances.

### **2.5 Vacancies**

Vacancies that occur during a term shall be filled as soon as reasonably possible and in the same manner as a regular appointment. If possible, the Member shall continue to serve until the vacancy is filled. An appointment to fill a vacated term is not included as a term of the purpose of counting consecutive terms.



**2.6 Compensation and Expenditure of Funds**

Members shall serve without compensation. The Commission and its Members have no authority to expend funds or to incur or make obligation on behalf of the City unless expressly authorized and approved by the City Council. Members may be reimbursed for expenses authorized and approved by the City Council and by the Commission.

**2.7 Compliance with City Policy**

Members will comply with City Ordinances, Rules and Policies applicable to the Commission and the Members, including but not limited to any ethics standards and standards for City Boards and Commissions.

**2.8 Removal**

Removal of Members shall be by a majority vote of City Council, for any reason or for no reason, in accordance with applicable state statutes.

**ARTICLE 3. COMMISSION OFFICERS**

**3.1 Officers**

The Board of Officers are Chairman and Vice-Chairman. The Officers are selected by the Commission through a majority vote of the Members.

**3.2 Terms of Office for Commission Officers**

Commission Officers serve for a term of two years. In the event of a vacancy in the office of Chairman, the Vice-Chairman shall serve as Chairman unless and until the Commission votes to select a replacement Chairman. Vacancies in offices shall be filled by a majority vote of the Commission at the next regularly scheduled meeting, or as soon as is reasonably practicable for the unexpired term. If possible, a Commission Officer shall continue to serve until the vacancy is filled.

**3.3 Duties**

- a. The Chairman presides at Commission meetings. The Chairman shall generally manage the business of the Commission and shall perform the duties delegated to that office.
- b. The Vice-Chairman shall perform the duties delegated to the Vice-Chairman by the Commission. The Vice-Chairman presides at Commission meetings in the Chairman’s absence. The Vice-Chairman shall perform the duties of the Chairman in the Chairman’s absence or disability.

**ARTICLE 4. MEETINGS**

**4.1 Time and Date of Regular Meeting**

The Commission shall meet once a month on the same week of the month, the same day of the week, at the same time and at the same place.

**4.2 Agenda**

Items may be placed on the agenda by the Chairman, the City Administrator or their designee, or at the request of a Member. The party (or individual) requesting the agenda item will be responsible for presenting the item at the meeting. Items included on the agenda must be submitted to the City Secretary no later than one week before the Commission meeting at which the agenda item will be considered. Agenda packets will be provided to the Members in advance of the scheduled Commission meeting, Agenda packets will contain the posted agenda, agenda item material and written minutes of the previous meeting.

**4.3 Special Meetings**

Special meetings may be called by the Chairman or by request of two (2) Members.

**4.4 Quorum**

A quorum shall consist of a majority of the Members. A quorum is required for the Commission to convene a meeting and to conduct business at a meeting.

**4.5 Call to Order**

Commission meetings will be called to order by the Chairman, or if absent, the Vice-Chairman..

**4.6 Conduct of Meeting**

Commission meetings will be conducted in accordance with these Bylaws and with the rules and procedures that apply to the City Council, as applicable to the Commission.

**4.7 Voting**

Each Member shall vote on all agenda items, except in matters involving a conflict of interest, substantial financial interest or substantial economic interest under state law; ethics standards adopted by City Council; or other applicable Laws, Rules and Policies. In such instances the Member shall make the required disclosure and shall refrain from participating in both the discussion and vote on the matter. The Member may choose to remain at the dais during the discussion and vote. Unless provided by law, if a quorum is present, an agenda item must be approved by a majority of the Commission Members present at the meeting.

**4.8 Minutes**

A recording, or written minutes, shall be made of all open sessions of Commission meetings. The City Secretary is the custodian of all Commission records and documents.

**4.9 Attendance**

Members are required to attend Commission meetings and be prepared to discuss items on the agenda. A Member shall notify the Chairman and the City Secretary if the Member is unable to attend a meeting. Excessive absenteeism will be subject to action by City Council and may result in the Member being removed from the Commission. Excessive absenteeism means a failure to attend at least 75% of regularly scheduled meetings, including Commission and Subcommittee meetings.

**4.10 Public Participation**

In accordance with City policy, the public is welcome and invited to attend Commission meetings and to speak on any item on the agenda. A person wishing to address the Commission must sign up to speak in accordance with the policy of the Council concerning participation and general public comment at public meetings. Sign-up sheets will be available and should be submitted to the Chairman prior to the start of the meeting. If any written materials are to be provided to the Commission, a copy shall also be provided to the City Secretary for inclusion in the minutes of the meeting. Speakers shall be allowed a maximum of three minutes to speak but may take up to six minutes if another individual who signs up to speak yields their time to the speaker. A person who disrupts the meeting may be asked to leave and be removed.

**4.11 Open Meetings**

Public notice of Commission meetings shall be provided in accordance with the provisions of the Texas Open Meetings Act. All Commission meetings and deliberations shall be open to the public, except for properly noticed closed session meetings, and shall be conducted in accordance with the provisions of the Texas Open Meetings Act.

**4.12 Closed Meetings**

The Chairman may conduct closed meetings as allowed by law, on properly noticed closed session matters. A recording or certified agenda shall be made of all closed sessions of Commission meetings.

**ARTICLE 5. REPORTS TO CITY COUNCIL**

The Commission shall meet with City Council, as requested, to determine how the Commission may best serve and assist City Council. City Council shall hear reports from the Commission at regularly scheduled Council meetings.

**ARTICLE 6. SUBCOMMITTEES**

**6.1 Formation**

When deemed necessary by a majority of the Commission, Subcommittees may be formed for specific projects related to Commission matters. Subcommittees comprised of non-Members may only be formed with the prior consent and confirmation of the City Council.

**6.2 Expenditure of Funds**

No Subcommittee, or member of a Subcommittee, has the authority to expend funds or to incur an obligation on behalf of the City or the Commission.

**ARTICLE 7. BYLAWS AMENDMENTS**

These Bylaws may be amended by majority vote of the Commission Members at any regular meeting of the Commission. The Commission’s proposed amendments to the Bylaws are not effective until approved by City Council. City Council may also choose to amend these Bylaws by majority vote at any regular meeting of the Council.

**ARTICLE 8. SEVERABILITY**

If any Bylaw provision is held to be invalid, illegal or unenforceable in any respect, that provision shall not affect any other provision and the Bylaws shall be construed as if the provision were not included.

Approved and adopted at a meeting of the City Council held on the 5th day of April 2018.

ATTEST:

THE CITY OF BANDERA

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

\_\_\_\_\_  
Suzanne Schauman, Mayor

# Policies and Procedures

## Powers and Duties of a P&Z Commission

Planning and Zoning Commissions in Texas serve two primary responsibilities:

1. The rezoning of land within the city's incorporated area or boundary
2. The approval of plats (the combination and division of land parcels)

These responsibilities are governed mainly by two chapters in the Texas Local Government Code:

1. Local Government Code Chapter 211 grants zoning authority to municipalities (cities) and provides the guidelines and rules for zoning in cities
2. Local Government Code Chapter 212 governs the municipal (city) regulation of subdivisions and property development

## Zoning

Zoning is "...for the purpose of promoting the public health, safety, morals, or general welfare and protecting and preserving places and areas of historical, cultural, or architectural importance and significance." – Texas LGC Chapter 211 Sec. 211.001

Bandera City Council may regulate through zoning:

1. The height, number of stories, and size of buildings and other structures
2. The percentage of a lot that may be occupied by a building or buildings
3. The size of yards, courts, and other open spaces
4. Population density
5. The location and use of buildings, other structures, and land for business, industrial, residential, or other purposes
6. The pumping, extraction, and use of groundwater by persons other than retail public utilities for the purpose of preventing the use or contact with groundwater that presents an actual or potential threat to human health.
7. If the City has designated places and areas of historical, cultural, or architectural importance and significance, City Council may regulate construction, reconstruction, alteration, or demolition of buildings and other structures within the designated places and areas.

Texas law requires that zoning regulations must be adopted in accordance with a Comprehensive Plan. That Plan and the zoning regulations to put the plan into action must be designed to:

1. Lessen congestion in the streets
2. Secure safety from fire, panic, and other dangers
3. Promote health and the general welfare
4. Provide adequate light and air
5. Prevent the overcrowding of land
6. Avoid undue concentration of population
7. Facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public requirements.

City Council may divide the City into districts of a number, shape, and size the Council considers best for carrying out the Comprehensive Plan. Within each district, the Council may regulate the erection, construction, reconstruction, alteration, repair, or use of buildings, other structures, or land. Zoning regulations must be uniform for each class or kind of building in a district, but the regulations may vary from district to district. The regulations shall be adopted with reasonable consideration, among other things, for the character of each district and its peculiar suitability for particular uses, with a view of conserving the value of buildings and encouraging the most appropriate use of land in the City.

City Council shall establish procedures for adopting and enforcing the regulations and boundaries. A regulation or boundary is not effective until after a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard. Before the 15th day before the date of the hearing, notice of the time and place of the hearing must be published in an official newspaper or a newspaper of general circulation in the municipality. The City must also inform property owners within 200 feet of the parcel proposed to be rezoned or the proposed change. City Council may not adopt the proposed change until after the 30th day after the date the notice is given. If a proposed change to a regulation or boundary is protested, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the City Council. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area. In computing the percentage of land area, the area of streets and alleys shall be included. City Council by ordinance may provide that the affirmative vote of at least three-fourths of all its members is required to overrule a recommendation of the Bandera Planning and Zoning commission that a proposed change to a regulation or boundary be denied.

The Bandera Planning and Zoning Commission has been appointed by City Council to carry out the responsibilities that have been delegated to them by Council. The Planning and Zoning Commission shall recommend boundaries for the zoning districts and appropriate zoning regulations for each district. The zoning commission shall make a preliminary report and hold public hearings on that report before submitting a final report to City Council. City Council may not hold a public hearing until it receives the final report of the zoning commission unless the Council by ordinance provides that a public hearing is to be held, after the required notice, jointly with a public hearing required to be held by the zoning commission. In either case, the City Council may not take action on the matter until it receives the final report of the zoning commission. Before the 10th day before the hearing date, written notice of each public hearing before the zoning commission on a proposed change in a zoning classification shall be sent to each owner, as indicated by the most recently approved municipal tax roll, of real property within 200 feet of the property on which the change in classification is proposed. The notice may be served by its deposit in the municipality, properly addressed with postage paid, in the United States mail. If the property within 200 feet of the property on which the change is proposed is located in territory annexed to the municipality and is not included on the most recently approved municipal tax roll, the notice shall be given in the same manner. Before the 10th day before the hearing date, written notice of each public hearing before the zoning commission on a proposed change in a zoning classification affecting residential or multifamily zoning shall be sent to each school district in which the property for which the change in classification is proposed is located. The notice may be served by its deposit in the municipality, properly addressed with postage paid, in the United States mail.

## Subdivision Plat Approval

After a public hearing on the matter, City Council may adopt rules governing plats and subdivisions of land within the City's jurisdiction to promote the health, safety, morals, or general welfare of the municipality and the safe, orderly, and healthful development of the City.

To determine whether specific divisions of land are required to be platted, the City may define and classify the divisions. The City need not require platting for every division of land and may require the filing of a development plat instead.

The City of Bandera Planning and Zoning Commission is responsible for approving plats. The Bandera City Council by ordinance may require their approval in addition to that of the P&Z. City Council may delegate to one or more officers or employees of the City or of a utility owned or operated by the City the ability to approve:

1. Amending of plats described below
2. Minor plats or replats involving four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities
3. A replat that does not require the creation of any new street or the extension of municipal facilities

The designated person or persons may, for any reason, elect to present the plat for approval to the Planning and Zoning Commission. The person or persons shall not disapprove the plat and shall be required to refer any plat which the person or persons refuse to approve to the Planning and Zoning Commission within the time period specified for approval.

A person desiring approval of a plat must apply to and file a copy of the plat with the Planning and Zoning commission, which shall act on a plat within 30 days after the date the plat is filed. A plat is considered approved unless it is disapproved within that period. If an ordinance requires that a plat be approved by City Council in addition to the Planning and Zoning Commission, City Council shall act on the plat within 30 days after the date the plat is approved by the Planning and Zoning Commission or is considered approved by the inaction of the commission. A plat is considered approved by City Council unless it is disapproved within that period. If a plat receives final approved, the final approving authority shall endorse the plat with a certificate indicating the approval. The certificate must be signed by the authority's presiding officer and attested by the City Secretary, or by a majority of the members of the authority. If the Planning and Zoning Commission (or City Council if required by Ordinance) fails to act on a plat within the prescribed period, they shall issue a certificate stating the date the plat was filed and that they failed to act on the plat within the period. The certificate is effective in place of the endorsement. The Planning and Zoning Commission shall maintain a record of each application made to it and the action taken on it. On request of an owner of an affected tract, the Planning and Zoning Commission shall certify the reasons for the action taken on an application.

The Planning and Zoning Commission shall approve a plat if:

1. It conforms to the general plan of the municipality and its current and future streets, alleys, parks, playgrounds, and public utility facilities
2. It conforms to the general plan for the extension of the municipality and its roads, streets, and public highways within the municipality and in its extraterritorial jurisdiction, taking into account access to and extension of sewer and water mains and the instrumentalities of public utilities
3. A bond, if applicable, is filed with the municipality

4. It conforms to any rules adopted, however, the municipal authority responsible for approving plats may not approve a plat unless the plat and other documents have been prepared as required.

If a person submits a plat for the subdivision of a tract of land for which the source of the water supply intended for the subdivision is groundwater under that land, the Planning and Zoning Commission may require the plat application to have attached to it a statement that it is prepared by an engineer licensed to practice in this state or a geoscientist licensed to practice in this state, and certifies that adequate groundwater is available for the subdivision.

The approval of a plat is not considered an acceptance of any proposed dedication and does not impose on the City of Bandera any duty regarding the maintenance or improvement of any dedicated parts until the appropriate municipal authorities make an actual appropriation of the dedicated parts by entry, use, or improvement. The disapproval of a plat is considered a refusal by the City of the offered dedication indicated on the plat.

Land is considered to be within the jurisdiction of the City of Bandera if the land is located within the limits of the City. On the approval of a plat by the Planning and Zoning Commission, they shall issue to the person applying for the approval a certificate stating that the plat has been reviewed and approved by them. On the written request of an owner of land, a purchaser of real property under a contract for deed, executory contract, or other executory conveyance, an entity that provides utility service, or City Council, the Planning and Zoning Commission shall make the following determinations regarding the owner's land or the land in which the entity or City Council is interested that is located within the jurisdiction of the City whether a plat is required for the land, and if a plat is required, whether it has been prepared and whether it has been reviewed and approved by the Planning and Zoning Commission. The request must identify the land that is the subject of the request. If the Planning and Zoning Commission determines that a plat is not required, they shall issue to the requesting party a written certification of that determination. If the Planning and Zoning Commission determines that a plat is required and that the plat has been prepared and has been reviewed and approved by them, they shall issue to the requesting party a written certification of that determination. The Planning and Zoning Commission shall make its determination within 20 days after the date it receives the request and shall issue the certificate, if appropriate, within 10 days after the date the determination is made. If both the Planning and Zoning Commission and the City Council have authority to approve plats, only one of those entities need make the determinations and issue the certificates required. The Planning and Zoning Commission may adopt rules it considers necessary to administer its functions under this section. The City Council may delegate, in writing, the ability to perform any of the responsibilities under this section to one or more persons. A binding decision of the person or persons under this subsection is appealable to the Planning and Zoning Commission.

An entity may not serve or connect any land with water, sewer, electricity, gas, or other utility service unless the entity has been presented with or otherwise holds a plat certificate applicable to the land. The prohibition applies only to:

1. A municipality and officials of a municipality that provides water, sewer, electricity, gas, or other utility service;
2. A municipally owned or municipally operated utility that provides any of those services;
3. A public utility that provides any of those services;
4. A water supply or sewer service corporation organized and operating under Chapter 67, Water Code, that provides any of those services;
5. A county that provides any of those services; and



6. A special district or authority created by or under state law that provides any of those services.

An entity may serve or connect land with water, sewer, electricity, gas, or other utility service regardless of whether the entity is presented with or otherwise holds a certificate applicable to the land if the land is covered by an approved development plat or under an ordinance or rule relating to the development plat, or if the land was first served or connected with service by an entity described above before September 1, 1987.

The proprietors of the tract covered by a plat may vacate the plat at any time before any lot in the plat is sold. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat. If lots in the plat have been sold, the plat, or any part of the plat, may be vacated on the application of all the owners of lots in the plat with approval obtained in the manner prescribed for the original plat. The county clerk shall write legibly on the vacated plat the word "Vacated" and shall enter on the plat a reference to the volume and page at which the vacating instrument is recorded. On the execution and recording of the vacating instrument, the vacated plat has no effect.

A replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat if the replat is signed and acknowledged by only the owners of the property being replatted; is approved, after a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard, by the municipal authority responsible for approving plats; and does not attempt to amend or remove any covenants or restrictions.

A replat of a part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat if the replat is signed and acknowledged by only the owners of the property being replatted; and involves only property of less than one acre that fronts an existing street; and that is owned and used by a nonprofit corporation established to assist children in at-risk situations through volunteer and individualized attention. An existing covenant or restriction for property that is replatted under this section does not have to be amended or removed if the covenant or restriction was recorded more than 50 years before the date of the replat; and the replatted property has been continuously used by the nonprofit corporation for at least 10 years before the date of the replat. In addition, a replat without vacation of the preceding plat must conform to the following requirements if:

1. During the preceding five years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two residential units per lot
2. Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot.

Notice of the hearing required shall be given before the 15th day before the date of the hearing by publication in an official newspaper or a newspaper of general circulation in the county in which the municipality is located, and by written notice, with a copy of this statement attached:

“If the proposed replat requires a variance and is protested in accordance with this subsection, the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths of the members present of the municipal planning commission or governing body, or both. For a legal protest, written instruments signed by the owners of at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original subdivision, must be filed with the

municipal planning commission or governing body, or both, prior to the close of the public hearing.”

The notice must be forwarded by the municipal authority responsible for approving plats to the owners of lots that are in the original subdivision and that are within 200 feet of the lots to be replatted, as indicated on the most recently approved municipal tax roll or in the case of a subdivision within the extraterritorial jurisdiction, the most recently approved county tax roll of the property upon which the replat is requested. The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the boundaries of the municipality.

In computing the percentage of land area referenced in the notice, the area of streets and alleys shall be included. Compliance is not required for approval of a replat of part of a preceding plat if the area to be replatted was designated or reserved for other than single or duplex family residential use by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat.

The Planning and Zoning Commission may approve and issue an amending plat, which may be recorded and is controlling over the preceding plat without vacation of that plat, if the amending plat is signed by the applicants only and is solely for one or more of the following purposes:

1. To correct an error in a course or distance shown on the preceding plat
2. To add a course or distance that was omitted on the preceding plat
3. To correct an error in a real property description shown on the preceding plat
4. To indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments
5. To show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat
6. To correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names, and identification of adjacent recorded plats
7. To correct an error in courses and distances of lot lines between two adjacent lots if:
  - a. both lot owners join in the application for amending the plat;
  - b. neither lot is abolished;
  - c. the amendment does not attempt to remove recorded covenants or restrictions; and
  - d. the amendment does not have a material adverse effect on the property rights of the other owners in the plat;
  - e. to relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;
  - f. to relocate one or more lot lines between one or more adjacent lots if:
    - a. the owners of all those lots join in the application for amending the plat;
    - b. the amendment does not attempt to remove recorded covenants or restrictions; and
    - c. the amendment does not increase the number of lots;
8. To make necessary changes to the preceding plat to create six or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if:
  - a. the changes do not affect applicable zoning and other regulations of the municipality;
  - b. the changes do not attempt to amend or remove any covenants or restrictions; and
  - c. the area covered by the changes is located in an area that the municipal planning commission or other appropriate governing body of the municipality has approved, after a public hearing, as a residential improvement area; or

9. to replat one or more lots fronting on an existing street if:
  - a. the owners of all those lots join in the application for amending the plat;
  - b. the amendment does not attempt to remove recorded covenants or restrictions;
  - c. the amendment does not increase the number of lots; and
  - d. the amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.

Notice, a hearing, and the approval of other lot owners are not required for the approval and issuance of an amending plat.

#### Comprehensive Land Use Plan Amendments

The City of Bandera has a draft of a Comprehensive Land Use Plan that covers many aspects of the community. This document should be viewed as a living document, one that is changed and updated as the community's needs and priorities change. One of the Bandera Planning and Zoning Commission's responsibilities is to recommend amendments to the Comprehensive Land Use Plan to City Council for adoption. The process to do this is much like the zoning and platting process: P&Z holds a hearing, takes input from the community and from any affected landowners, then provides a report to City Council, which will then vote on P&Z's recommendations. Both the P&Z vote and the City Council vote are simple majority votes on Comprehensive Land Use Plan Amendments.

#### Recommendations to City Council

Unless an ordinance specifies that the Planning and Zoning Commission has the final vote on an issue, all issues before the Planning and Zoning Commission, an appointed body, must be sent to City Council, an elected body, for final approval. Recommendations are required to be in the form of a written report. This report can be a single paragraph or several pages, depending on the issue at hand. The report needs to have a clear recommendation from P&Z on the issue, along with a tally of their votes for, against and abstaining or not present.

Texas Local Government Code Chapter 211 specifies that a three-fourths ( $\frac{3}{4}$ ) majority vote by Council is required to override a recommendation by the Planning and Zoning Commission.

Zoning Change Process Chart

Plat Approval Process Chart

### Appeals to Board of Adjustment (City Council)

Bandera City Council, in appropriate cases and subject to appropriate conditions and safeguards, serves as the Board of Adjustment to make special exceptions to the terms of the zoning ordinance that are consistent with the general purpose and intent of the ordinance and in accordance with any applicable rules contained in the ordinance. City Council, by charter or ordinance, may provide for the appointment of alternate board members to serve in the absence of one or more regular members when requested to do so by the mayor or city administrator. An alternate member serves for the same period as a regular member but is subject to removal in the same manner as a member of the Planning and Zoning Commission. A vacancy among the alternate members is filled in the same manner as a vacancy among the Planning and Zoning Commission regular members. Each case before the Board of Adjustment must be heard by at least 75 percent of the members. The Board by majority vote shall adopt rules in accordance with applicable ordinances. Meetings of the Board are held at the call of the presiding officer and at other times as determined by the Board. The presiding officer or acting presiding officer may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings that indicate the vote of each member on each question or the fact that a member is absent or fails to vote. The board shall keep records of its examinations and other official actions. The minutes and records shall be filed immediately in the board's office and are public records.

City Council may:

1. Hear and decide an appeal that alleges error in an order, requirement, decision, or determination made by an administrative official in the enforcement of this subchapter or an ordinance
2. Hear and decide special exceptions to the terms of a zoning ordinance when the ordinance requires the board to do so
3. Authorize in specific cases a variance from the terms of a zoning ordinance if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done
4. Hear and decide other matters authorized by ordinance

In exercising its authority as a Board of Adjustment, City Council may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for that purpose the board has the same authority as the administrative official. The concurring vote of 75 percent of the members of the Board is necessary to:

1. Reverse an order, requirement, decision, or determination of an administrative official
2. Decide in favor of an applicant on a matter on which the board is required to pass under a zoning ordinance
3. Authorize a variation from the terms of a zoning ordinance

The following persons may appeal to the Board of Adjustment a decision made by an administrative official:

1. A person aggrieved by the decision
2. Any officer, department, board, or bureau of the municipality affected by the decision

The appellant must file with the Board and the official from whom the appeal is taken a notice of appeal specifying the grounds for the appeal. The appeal must be filed within a reasonable time as determined by the rules of the Board. On receiving the notice, the official from whom the appeal is taken shall immediately transmit to the Board all the papers constituting the record of the action that is appealed. An appeal stays all proceedings in furtherance of the action that is appealed unless the official from whom the appeal is taken certifies in writing to the Board facts supporting the official's opinion that a stay would cause imminent peril to life or property. In that case, the proceedings may be stayed only by a restraining order granted by the board or a court of record on application, after notice to the official, if due cause is shown. The Board shall set a reasonable time for the appeal hearing and shall give public notice of the hearing and due notice to the parties in interest. A party may appear at the appeal hearing in person or by agent or attorney. The Board shall decide the appeal within a reasonable time. A member of the governing body of the municipality who serves on the Board of Adjustment may not bring an appeal.

Any of the following persons may present to a district court, county court, or county court at law a verified petition stating that the decision of the board of adjustment is illegal in whole or in part and specifying the grounds of the illegality:

1. A person aggrieved by a decision of the Board
2. A taxpayer
3. An officer, department, board, or bureau of the municipality

The petition must be presented within 10 days after the date the decision is filed in the Board's office. On the presentation of the petition, the court may grant a writ of certiorari directed to the Board to review the Board's decision. The writ must indicate the time by which the board's return must be made and served on the petitioner's attorney, which must be after 10 days and may be extended by the court. Granting of the writ does not stay the proceedings on the decision under appeal, but on application and after notice to the Board the court may grant a restraining order if due cause is shown. The Board's return must be verified and must concisely state any pertinent and material facts that show the grounds of the decision under appeal. The Board is not required to return the original documents on which the board acted but may return certified or sworn copies of the documents or parts of the documents as required by the writ. If at the hearing the court determines that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take evidence as directed. The referee shall report the evidence to the court with the referee's findings of fact and conclusions of law. The referee's report constitutes a part of the proceedings on which the court shall make its decision. The court may reverse or affirm, in whole or in part, or modify the decision that is appealed. Costs may not be assessed against the Board unless the court determines that the Board acted with gross negligence, in bad faith, or with malice in making its decision. The court may not apply a different standard of review to a decision of a board of adjustment that is composed of members of the governing body of the municipality than is applied to a decision of a board of adjustment that does not contain members of the governing body of a municipality.

## P&Z Commission Membership and Responsibilities

### Qualifications of a P&Z member

To serve on the City of Bandera Planning and Zoning Commission, you must be qualified for appointment to the Commission, and you have to be appointed by the Bandera City Council by majority vote. To qualify for appointment, you must be a resident of the City of Bandera or own a business or real property within the City, and preference will be given to persons who can demonstrate experience or knowledge related to the duties and responsibilities of the P&Z Commission as delegated to them by City Council.

#### *Resident of City*

To serve on P&Z, you must reside in either the City Limits of the City of Bandera or own a business or real property within the City. The City Limits are shown on the City’s zoning map. If you are unsure if your residence, business or property qualify you to serve, please contact the City of Bandera and be prepared to provide your address. You must also be a US citizen, be at least 18 years of age, not a convicted felon who is currently incarcerated, on parole or on probation, and you must not have been declared mentally incompetent in a court of law.

#### *Desired professions*

Preference will be given to persons who can demonstrate prior experience in the following areas:

Real Estate	Public Works	Facilities Management
Law	Surveying	Planning Commission
Architecture	Construction	Zoning Commission
Planning	Public Office	Historic Preservation
Engineering	City Management	Land Management

Prior experience is not required to serve and will be one of several considerations evaluated by City Council when they appoint P&Z members.

### Appointed Official Training

Elected and appointed officials in Texas are required to complete training on Open Meetings (Texas Local Government Code Chapter 551) and Open Records (Texas Local Government Code Chapter 552) requirements. Each training takes approximately one hour, is free, and can be done online via the Texas Attorney General’s website at <https://www.texasattorneygeneral.gov/og/open-government-training>. Once you complete the training and receive the certificate, you can submit the certificate to the Bandera City Secretary.



## Appendix to Comprehensive Plan

### Platting Authority in the City's ETJ

City Council by ordinance may extend to the extraterritorial jurisdiction of the City of Bandera the application of those municipal ordinances and other municipal ordinances relating to access to public roads or the pumping, extraction, and use of groundwater by persons other than retail public utilities for the purpose of preventing the use or contact with groundwater that presents an actual or potential threat to human health. However, unless otherwise authorized by state law, in its extraterritorial jurisdiction a municipality shall not regulate:

1. The use of any building or property for business, industrial, residential, or other purposes
2. The bulk, height, or number of buildings constructed on a particular tract of land
3. The size of a building that can be constructed on a particular tract of land, including without limitation any restriction on the ratio of building floor space to the land square footage
4. The number of residential units that can be built per acre of land
5. The size, type, or method of construction of a water or wastewater facility that can be constructed to serve a developed tract of land if the facility meets the minimum standards established for water or wastewater facilities by state and federal regulatory entities

The owner of a tract of land located within the limits or in the extraterritorial jurisdiction of a municipality who divides the tract in two or more parts to lay out a subdivision of the tract, including an addition to a municipality, to lay out suburban, building, or other lots, or to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts must have a plat of the subdivision prepared. A division of a tract under this subsection includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method. A division of land under this subsection does not include a division of land into parts greater than five acres, where each part has access and no public improvement is being dedicated. To be recorded, the plat must:

1. Describe the subdivision by metes and bounds
2. Locate the subdivision with respect to a corner of the survey or tract or an original corner of the original survey of which it is a part
3. State the dimensions of the subdivision and of each street, alley, square, park, or other part of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, alley, square, park, or other part
4. The owner or proprietor of the tract or the owner's or proprietor's agent must acknowledge the plat in the manner required for the acknowledgment of deeds.
5. The plat must be filed and recorded with the county clerk of the county in which the tract is located.
6. The plat is subject to the filing and recording provisions of Section 12.002, Property Code.

## Historic Districts and Local Preservation Ordinances

Historic Preservation happens at the local level, that is, individual cities determine what they deem to be of historic and cultural importance for their community. The United States Secretary of the Interior gives guidelines for preservation on their website at: <https://www.nps.gov/tps/standards.htm>. You can find the guidelines, standards and recommendations for how to preserve, restore and rehabilitate historic sites and structures.

Although the standards for historic preservation are set at the federal level, historic districts that have regulations for what can and cannot be done to the included properties are only established by cities, not by the federal or state government. Local districts and landmarks can be recognized for their importance at the state and federal levels, but the rules governing them are made by local zoning ordinances.

### Process to designate an Historic District (zoning)

If a city wishes to designate a local historic district, it is a zoning change that is in the form of a zoning overlay. That is, there will be the base zoning (residential, business, commercial, etc.) then there will be an additional set of requirements that are defined in the historic district zoning overlay. That overlay usually adds an “-HD” suffix to the base zoning of the parcels in the historic district.

Texas law allows cities to establish areas of historical, cultural, or architectural importance and significance to regulate construction, reconstruction, alteration, or demolition of buildings and other structures within the designated places and areas.

Since this is a zoning issue, the zoning process must be followed. The Planning and Zoning Commission defines the boundaries of a district, determines the rules for it, notifies the public and affected property owners, holds a public hearing, then votes and provides a report to City Council. City Council then considers the report and votes.

It is important to note that historic districts must be contiguous and must be consistent in their boundaries. It is not an advisable practice to single out properties for inclusion or disinclusion that are still part of a neighborhood or intact district. If some of the property owners in the district are opposed to the historic district designation, they may be heard and protest the zoning change during the public hearing, and their opposition may be taken into consideration by both P&Z and City Council. They cannot, however, have their property singled out to be removed from the district.

Once a local designated historic district is established, the rules governing the properties in the district are effective just like any other zoning change, with the exception that historic zoning overlays often have more specific requirements for approval of building permits, demolition permits and other changes to buildings.

### Process to designate a local landmark (zoning)

A local landmark is a single property that is recognized as having special historic or cultural importance to the community all on its own. It may be part of a designated historic district or it may stand alone. In the interest or protecting landmarks, designating local landmarks is one of the few cases that a single property can receive a special designation without it being a case of “spot zoning”, which is not allowed by law. A local

landmark can be designated as its own historic district, or it can be designated as a landmark with its own zoning requirements. The Planning & Zoning Commission has the option to provide incentives or special financial assistance to designated landmark property owners as long as they meet the requirements for an historic landmark, which should be based on the Secretary of the Interior's Standards.

## Applications & Checklists

Planning & Zoning Commission Appointment Application

Zoning Change Application

Plat Application

Plat Checklist

## Appendices

Local Government Code Chapter 211

Local Government Code Chapter 212

City of Bandera Comprehensive Plan

**§ 1.06.031. Created; composition.**

To exercise the powers authorized by this division, the city council may appoint a planning and zoning commission, which shall be composed of five (5) members with the option of two (2) alternates.

( Ordinance 320 adopted 8/20/15 ; 2009 Code, sec. 1.05.031)

**§ 1.06.032. Appointment, qualifications and terms of members.**

(a) The planning and zoning commission shall be composed of five (5) members with two (2) alternates. Members shall serve staggered terms of two (2) years, with odd-numbered seats running from August 1st through July 31st of odd-numbered years and even-numbered seats running from August 1st through July 31st of even-numbered years and until their successors have been appointed and qualified. If seats have not been designated as even or odd, such designation will be made by a drawing conducted by the city secretary within 30 days of the adoption of this section.

(b) Members and alternates must be current resident citizens and registered voters of the city or Bandera County.

( Ordinance 394 adopted 10/19/21 )

**§ 1.06.033. Election of chairman and vice-chairman.**

From the members of the planning and zoning commission appointed by the city council, there shall be a chairman and vice-chairman elected by the members at the first planning and zoning commission meeting held after the appointment of new members.

(1989 Code, sec. 2-93; Ordinance 215 adopted 6/21/01 ; Ordinance adopting 2009 Code; 2009 Code, sec. 1.05.033; Ordinance adopting 2023 Code)

**§ 1.06.034. Term of chairman and vice-chairman.**

The election of a chairman and vice-chairman of the planning and zoning commission shall be for a one-year period. However, should the members decide the same officers should serve consecutive terms, this would be permitted, but only after the normal voting procedure described in section 1.06.033 is followed.

(1989 Code, sec. 2-94; Ordinance 215 adopted 6/21/01 ; 2009 Code, sec. 1.05.034)

**§ 1.06.035. Vacancies.**

All vacancies on the planning and zoning commission shall be filled for the unexpired term in the same manner as provided for the original appointments.

(1989 Code, sec. 2-95; Ordinance 215 adopted 6/21/01 ; 2009 Code, sec. 1.05.035)

**§ 1.06.036. Removal of members.**

Members of the planning and zoning commission serve at the pleasure of the city council and may be removed by a majority vote of the city council.

( Ordinance 327 adopted 4/6/17 ; 2009 Code, sec. 1.05.036)

§ 1.06.037

§ 1.06.039

**§ 1.06.037. Compensation of members.**

The members of the planning and zoning commission shall serve without compensation. (1989 Code, sec. 2-97; Ordinance 215 adopted 6/21/01 ; 2009 Code, sec. 1.05.037)

**§ 1.06.038. Organization; meetings; reports.**

- (a) The planning and zoning commission shall elect a chairman and vice-chairman from its membership. It shall have the power to make all rules, regulations and bylaws for its own government, which shall conform as nearly as possible with those governing the city council, and they shall be subject to approval by the city council. Such bylaws shall include, among other items, provisions for:
- (1) Regular and special meetings, which shall be open to the public;
  - (2) Records of its proceedings, which shall be open for inspection to the public;
  - (3) Reports to the governing body and the public, from time to time and annually; and
  - (4) The holding of public hearings on its recommendations.
- (b) Regular meetings of the planning and zoning commission shall be held on the 4th Tuesday of each month at 7:00 p.m.  
( Ordinance 334 adopted 6/5/17 ; 2009 Code, sec. 1.05.038)

**§ 1.06.039. Powers and duties.**

The planning and zoning commission is hereby charged with the duty and invested with the authority to:

- (1) Inspect property and premises at reasonable hours where required in the discharge of its responsibilities under the laws of the state and the city.
- (2) Formulate and recommend to the city council for its adoption a comprehensive/master plan for the orderly growth and development of the city and its environs, and from time to time recommend such changes in the plan as it finds will facilitate the movement of people and goods, and the health, recreation, safety, and general welfare of the citizens of the city.
- (3) Formulate a zoning plan as may be deemed best to carry out the goals of the comprehensive/master plan; hold public hearings and make recommendations to the city council relating to the creation, amendment, and implementation of zoning regulations and districts as provided in chapter 211 of the Texas Local Government Code, as amended, authorizing cities to pass regulations; all powers granted under this act are specifically adopted and made a part hereof.
- (4) Exercise all of the powers of a commission as to the recommendation to the city council of plans, plats, or replats and vacations of plans, plats or replats set out in chapter 212 of the Texas Local Government Code or any successor statute passed or enacted for the same or similar purpose.

§ 1.06.039

§ 1.06.040

- (5) Study and recommend on the location, extension and planning of public rights-of-way, parks or other public places, and on the vacating or closing of same.
  - (6) Study and make recommendations concerning the capital improvements program, including the construction of public buildings, bridges, viaducts, street fixtures and other structures and appurtenances.
  - (7) Study and recommend by request of the city council the design or alteration and location or relocation of works of art which are, or may become, the property of the city.
  - (8) Initiate, in the name of the city, for consideration at public hearings, all proposals:
    - (A) For the original zoning of annexed areas; and
    - (B) For the change of zoning district boundaries on an areawide basis.

No fee shall be required for the filing of any such proposal in the name of the city.
  - (9) Review and make recommendations concerning annexation of land into the city.
  - (10) Keep itself informed with reference to the progress of city planning in similar cities throughout the state and recommend improvements in the adopted plans of the city.
  - (11) Submit each year a progress report to the city council summarizing its activities, major accomplishments, and proposed goals. The report shall contain for the year the attendance record of all members and the identity of commissioned officers.
- ( Ordinance 332 adopted 5/22/17 ; 2009 Code, sec. 1.05.039)

**§ 1.06.040. through § 1.06.070. (Reserved)**

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

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**AGENDA ITEM: 6 F**

April 2024 Eclipse. - Gibson

- a.) Update from planning committee.
- b.) Establishing a City sponsored event in the Bandera City park.

**SUBMITTED BY:** Jill Shelton

**APPROVED FOR AGENDA:** Stan Farmer

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**BACKGROUND:**

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**FISCAL ANALYSIS:**

None

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**RECOMMENDATION:**

None.

**CITY OF BANDERA  
CITY COUNCIL AGENDA REQUEST FORM  
MEETING DATE: February 13, 2024**

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**AGENDA ITEM: 6G**

Discuss and take action on awarding RAM Utilities a contract for construction services for the Madrona Lane Water Line Improvement Project.

**SUBMITTED BY:** Susan Hutcherson

**APPROVED FOR AGENDA:** Stan Farmer

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**BACKGROUND:**

The Madrona Lane Water Line Improvement project is a Community Development Block Grant project awarded to the City for the 2022-2023 Texas Department of Agriculture's grant cycle. The project scope of work includes replacing undersized water lines along Madrona Lane.

As part of the project process, the City has completed a public solicitation for contract services receiving eight (8) bid packages. The City Engineer, Ardurra Group, has reviewed the bid documents and completed reference checks. The City Engineer has submitted a letter of Recommendation selecting RAM Utilities for the Madrona Lane Water Line Improvement Project.

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**FISCAL ANALYSIS:**

RAM Utilities is the low bidder at \$207,117.70. The total bid tabulation is attached.

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**RECOMMENDATION:**

City Staff recommends the award of a construction contract for the Madrona Lane Water Line Improvement Project to RAM Utilities.





February 2, 2024

Stan Farmer  
City Administrator  
City of Bandera  
511 Main St.  
Bandera, Texas 78003

**RE: City of Bandera  
Madrona Lane Water Line Improvements Project  
TxCDBG Contract No. CDV21-0395  
Letter of Recommendation**

Dear Mr. Farmer,

Bids were received and opened on January 31, 2024, at 2:00 p.m. Eight (8) bids were received, and the results are shown on the attached Bid Tabulation Summary. The low bidder on the project is RAM Utilities, LLC. with a base bid of \$150,465.20 and additive alternate bid of \$56,652.50 for a total bid amount of \$207,117.70.

I have reviewed the Contractor's bid documents, completed reference checks and based on our experience with similar City projects, RAM Utilities, LLC. is qualified to complete this work. It is my recommendation that the City of Bandera, contingent on the approval of the City Council, award the construction contract for the City of Bandera Madrona Lane Water Line Improvements Project TxCDBG No. CDV21-0395 to RAM Utilities, LLC. for the total bid amount of **\$207,117.70**.

If you have any additional questions, I can be contacted at 210-822-2232.

Respectfully Submitted,  
Ardurra Group, Inc.  
TBPE Firm No. F-10053

A handwritten signature in blue ink that reads "J. Teafatiller".

Jonathan Teafatiller, P.E.  
Project Engineer

Attachment: Bid Tabulation Summary



**MADRONA LANE WATER LINE IMPROVEMENTS PROJECT**  
January 31, 2024, 2:00 P.M.

**RAM Utilities, LLC**  
5511 Dietrich Rd.  
San Antonio, TX 78219  
(210) 633-0871

**Sovrex, LLC**  
8876Gulf Fwy., Suite 210  
Houston, TX 77017  
(713) 972-5866

**D & M Underground Corp.**  
1005 Airline Rd.  
Corpus Christi, TX 78412  
(361) 960-0707

**Maverick Underground, Inc.**  
11322 Sir Winston Suite A  
San Antonio, TX 78216  
(210) 826-1127

BASE BID											
Item	Description	Unit	Quantity	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price
SAWS 100	MOBILIZATION	LS	1	\$ 6,806.60	\$ 6,806.60	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 11,250.00	\$ 11,250.00
SAWS 101	PREPARATION OF RIGHT-OF-WAY	LS	1	\$ 6,806.60	\$ 6,806.60	\$ 10,000.00	\$ 10,000.00	\$ 5,000.00	\$ 5,000.00	\$ 18,028.00	\$ 18,028.00
SAWS 550	TRENCH EXCAVATION SAFETY PROTECTION	LF	1,364	\$ 3.50	\$ 4,774.00	\$ 1.00	\$ 1,364.00	\$ 10.00	\$ 13,640.00	\$ 5.25	\$ 7,161.00
SAWS 818	2" PVC WATER MAIN	GAL	10	\$ 36.00	\$ 360.00	\$ 57.00	\$ 570.00	\$ 18.00	\$ 180.00	\$ 25.25	\$ 252.50
SAWS 818	6" PVC WATER MAIN	SY	1,364	\$ 56.00	\$ 76,384.00	\$ 51.00	\$ 69,564.00	\$ 49.00	\$ 66,836.00	\$ 69.50	\$ 94,798.00
SAWS 824	RELAY 3/4" SHORT SERVICE (HDPE)	SY	5	\$ 1,250.00	\$ 6,250.00	\$ 800.00	\$ 4,000.00	\$ 1,500.00	\$ 7,500.00	\$ 949.50	\$ 4,747.50
SAWS 824	RELAY 3/4" LONG SERVICE (HDPE)	LF	1	\$ 1,275.00	\$ 1,275.00	\$ 1,620.00	\$ 1,620.00	\$ 1,600.00	\$ 1,600.00	\$ 1,533.50	\$ 1,533.50
SAWS 828	6" GATE VALE	SY	3	\$ 3,000.00	\$ 9,000.00	\$ 4,000.00	\$ 12,000.00	\$ 3,500.00	\$ 10,500.00	\$ 2,304.50	\$ 6,913.50
SWS 831	6"X6" CUT-IN TREE	SY	2	\$ 4,150.00	\$ 8,300.00	\$ 2,800.00	\$ 5,600.00	\$ 2,950.00	\$ 5,900.00	\$ 4,830.75	\$ 9,661.50
SAWS 834	FIRE HYDRANT	LS	1	\$ 8,500.00	\$ 8,500.00	\$ 8,500.00	\$ 8,500.00	\$ 15,000.00	\$ 15,000.00	\$ 7,800.00	\$ 7,800.00
SAWS 836	PIPE FITTINGS, ALL SIZES & TYPES	LF	0.50	\$ 4,000.00	\$ 2,000.00	\$ 600.00	\$ 300.00	\$ 12,900.00	\$ 6,450.00	\$ 22,847.75	\$ 11,423.88
SAWS 840	2" WATER TIE-IN	LF	1	\$ 1,200.00	\$ 1,200.00	\$ 2,500.00	\$ 2,500.00	\$ 2,000.00	\$ 2,000.00	\$ 2,125.50	\$ 2,125.50
SAWS 841	HYDROSTATIC TESTING	LF	1	\$ 2,500.00	\$ 2,500.00	\$ 2,600.00	\$ 2,600.00	\$ 3,500.00	\$ 3,500.00	\$ 2,130.00	\$ 2,130.00
SAWS 844	2" TEMPORARY BOWOFF	EA	1	\$ 1,200.00	\$ 1,200.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00	\$ 1,685.00	\$ 1,685.00
SAWS 858	CONCRETE ENCASEMENT, CRADLES, SADDLES & COLLARS	LS	6	\$ 350.00	\$ 2,100.00	\$ 550.00	\$ 3,300.00	\$ 90.00	\$ 540.00	\$ 456.25	\$ 2,737.50
COSA 200	FLEXIBLE BASE (8")	CY	303	\$ 19.00	\$ 5,757.00	\$ 125.00	\$ 37,875.00	\$ 23.00	\$ 6,969.00	\$ 19.25	\$ 5,832.75
COSA 203	TACK COAT	EA	2	\$ 36.00	\$ 72.00	\$ 17.00	\$ 34.00	\$ 150.00	\$ 300.00	\$ 5.50	\$ 11.00
COSA 205	HOT MIX ASPHALTIC PAEMENT, TYPE D (2" COMP. DEPTH)		16	\$ 105.00	\$ 1,680.00	\$ 140.00	\$ 2,240.00	\$ 250.00	\$ 4,000.00	\$ 255.75	\$ 4,092.00
TXDOT 530	DRIVEWAY (MATCH EXIST)	EA	125	\$ 44.00	\$ 5,500.00	\$ 110.00	\$ 13,750.00	\$ 90.00	\$ 11,250.00	\$ 65.75	\$ 8,218.75
<b>Total Base Bid</b>				<b>Total</b>	<b>\$ 150,465.20</b>	<b>Total</b>	<b>\$ 187,317.00</b>	<b>Total</b>	<b>\$ 172,665.00</b>	<b>Total</b>	<b>\$ 200,401.88</b>

ADD.ALT.No. 1:											
Item	Description	Unit	Qty	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price
SAWS 550	TRENCH EXCAVATION SAFETY PROTECTION	LF	523	\$ 3.50	\$ 1,830.50	\$ 1.00	\$ 523.00	\$ 10.00	\$ 5,230.00	\$ 5.25	\$ 2,745.75
SAWS 818	6"PVC WATER MAIN	LF	523	\$ 56.00	\$ 29,288.00	\$ 50.00	\$ 26,150.00	\$ 49.00	\$ 25,627.00	\$ 67.00	\$ 35,041.00
SAWS 824	RELAY 3/4" SHORT SERVICE (HDPE)	EA	3	\$ 1,250.00	\$ 3,750.00	\$ 1,600.00	\$ 4,800.00	\$ 1,500.00	\$ 4,500.00	\$ 949.50	\$ 2,848.50
SAWS 836	PIPE FITTINGS, ALL SIZES & TYPES	TON	0.25	\$ 4,000.00	\$ 1,000.00	\$ 600.00	\$ 150.00	\$ 6,450.00	\$ 1,612.50	\$ 3,609.25	\$ 902.31
SAWS 840 (DEDUCT)	2" WATER TIE-IN (DEDUCT FROM BASE BID)	EA	-1	\$ 1,200.00	\$ (1,200.00)	\$ 2,500.00	\$ (2,500.00)	\$ 2,000.00	\$ (2,000.00)	\$ 1,999.75	\$ (1,999.75)
SAWS 841	HYDROSTATIC TESTING	EA	1	\$ 2,500.00	\$ 2,500.00	\$ 2,600.00	\$ 2,600.00	\$ 3,500.00	\$ 3,500.00	\$ 1,566.25	\$ 1,566.25
SAWS 844	2" TEMPORARY BOWOFF	EA	1	\$ 1,200.00	\$ 1,200.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00	\$ 1,685.00	\$ 1,685.00
COSA 200	FLEXIBLE BASE (8")	SY	116	\$ 19.00	\$ 2,204.00	\$ 125.00	\$ 14,500.00	\$ 23.00	\$ 2,668.00	\$ 19.00	\$ 2,204.00
COSA 203	TACK COAT	GAL	15	\$ 36.00	\$ 540.00	\$ 17.00	\$ 255.00	\$ 150.00	\$ 2,250.00	\$ 79.25	\$ 1,188.75
COSA 205	HOT MIX ASPHALTIC PAEMENT, TYPE D (2" COMP. DEPTH)	SY	148	\$ 105.00	\$ 15,540.00	\$ 70.00	\$ 10,360.00	\$ 250.00	\$ 37,000.00	\$ 138.75	\$ 20,535.00
<b>ADD.ALT.No 1 TOTAL BID:</b>				<b>Total</b>	<b>\$ 56,652.50</b>	<b>Total</b>	<b>\$ 58,338.00</b>	<b>Total</b>	<b>\$ 81,887.50</b>	<b>Total</b>	<b>\$ 66,716.81</b>

<b>TOTAL BASE BID &amp; ADD.ALT.No 1</b>				<b>Total</b>	<b>\$ 207,117.70</b>	<b>Total</b>	<b>\$ 245,655.00</b>	<b>Total</b>	<b>\$ 254,552.50</b>	<b>Total</b>	<b>\$ 267,118.69</b>
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\*yellow highlights discrepancies in bid



**MADRONA LANE WATER LINE IMPROVEMENTS PROJECT**  
January 31, 2024, 2:00 P.M.

**G5 Utilities, LLC**  
330 Peterson Dr.  
Kerville, TX 78028  
(830) 496-3434

**Ella S.A. Contracting**  
10536 FM 1560 North  
San Antonio, TX 78254  
(210) 688-9500

**Aetos Construction, LLC**  
1716 S. San Marcos St. Ste. #108  
San Antonio, TX 78207  
(210) 403-2159

**E-Z Bel Construction, LLC**  
203 Recoleta Road  
San Antonio, TX 78216  
(210) 736-6595

BASE BID											
Item	Description	Unit	Quantity	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price
SAWS 100	MOBILIZATION	LS	1	\$ 11,750.00	\$ 11,750.00	\$ 34,000.00	\$ 34,000.00	\$ 24,323.20	\$ 24,323.20	\$ 24,800.00	\$ 24,800.00
SAWS 101	PREPARATION OF RIGHT-OF-WAY	LS	1	\$ 4,330.00	\$ 4,330.00	\$ 15,000.00	\$ 15,000.00	\$ 11,056.00	\$ 11,056.00	\$ 10,000.00	\$ 10,000.00
SAWS 550	TRENCH EXCAVATION SAFETY PROTECTION	LF	1,364	0.50	\$ 682.00	\$ 6.00	\$ 8,184.00	\$ 3.05	\$ 4,160.20	\$ 17.00	\$ 23,188.00
SAWS 818	2" PVC WATER MAIN	GAL	10	\$ 76.00	\$ 760.00	\$ 52.00	\$ 520.00	\$ 55.56	\$ 555.60	\$ 42.00	\$ 420.00
SAWS 818	6" PVC WATER MAIN	SY	1,364	\$ 64.50	\$ 87,978.00	\$ 107.00	\$ 145,948.00	\$ 76.29	\$ 104,059.56	\$ 85.00	\$ 115,940.00
SAWS 824	RELAY 3/4" SHORT SERVICE (HDPE)	SY	5	\$ 2,700.00	\$ 13,500.00	\$ 1,600.00	\$ 8,000.00	\$ 1,002.54	\$ 5,012.70	\$ 2,500.00	\$ 12,500.00
SAWS 824	RELAY 3/4" LONG SERVICE (HDPE)	LF	1	\$ 2,580.00	\$ 2,580.00	\$ 1,300.00	\$ 1,300.00	\$ 1,181.61	\$ 1,181.61	\$ 3,200.00	\$ 3,200.00
SAWS 828	6" GATE VALE	SY	3	\$ 2,724.00	\$ 8,172.00	\$ 2,000.00	\$ 6,000.00	\$ 1,658.40	\$ 4,975.20	\$ 2,400.00	\$ 7,200.00
SWS 831	6"X6" CUT-IN TREE	SY	2	\$ 4,067.00	\$ 8,134.00	\$ 1,350.00	\$ 2,700.00	\$ 5,740.83	\$ 11,481.66	\$ 9,700.00	\$ 19,400.00
SAWS 834	FIRE HYDRANT	LS	1	\$ 11,022.00	\$ 11,022.00	\$ 12,250.00	\$ 12,250.00	\$ 8,796.43	\$ 8,796.43	\$ 7,500.00	\$ 7,500.00
SAWS 836	PIPE FITTINGS, ALL SIZES & TYPES	LF	0.50	\$ 3,332.00	\$ 1,666.00	\$ 22,500.00	\$ 11,250.00	\$ 2,073.00	\$ 1,036.50	\$ 0.01	\$ 0.01
SAWS 840	2" WATER TIE-IN	LF	1	\$ 1,590.00	\$ 1,590.00	\$ 750.00	\$ 750.00	\$ 2,628.56	\$ 2,628.56	\$ 2,500.00	\$ 2,500.00
SAWS 841	HYDROSTATIC TESTING	LF	1	\$ 5,527.00	\$ 5,527.00	\$ 10,000.00	\$ 10,000.00	\$ 2,813.75	\$ 2,813.75	\$ 2,500.00	\$ 2,500.00
SAWS 844	2" TEMPORARY BOWOFF	EA	1	\$ 2,410.00	\$ 2,410.00	\$ 1,500.00	\$ 1,500.00	\$ 2,068.85	\$ 2,068.85	\$ 2,500.00	\$ 2,500.00
SAWS 858	CONCRETE ENCASEMENT, CRADLES, SADDLES & COLLARS	LS	6	\$ 504.00	\$ 3,024.00	\$ 575.00	\$ 3,450.00	\$ 277.09	\$ 1,662.54	\$ 250.00	\$ 1,500.00
COSA 200	FLEXIBLE BASE (8")	CY	303	\$ 69.00	\$ 20,907.00	\$ 69.00	\$ 20,907.00	\$ 47.26	\$ 14,319.78	\$ 24.00	\$ 7,272.00
COSA 203	TACK COAT	EA	2	\$ 354.00	\$ 708.00	\$ 135.00	\$ 270.00	\$ 13.82	\$ 27.64	\$ 6.00	\$ 12.00
COSA 205	HOT MIX ASPHALTIC PAEMENT, TYPE D (2" COMP. DEPTH)		16	\$ 288.00	\$ 4,608.00	\$ 150.00	\$ 2,400.00	\$ 208.68	\$ 3,338.88	\$ 76.00	\$ 1,216.00
TXDOT 530	DRIVEWAY (MATCH EXIST)	EA	125	\$ 45.00	\$ 5,625.00	\$ 96.00	\$ 12,000.00	\$ 208.68	\$ 26,085.00	\$ 28.00	\$ 3,500.00
<b>Total Base Bid</b>				<b>Total</b>	\$ 194,973.00	<b>Total</b>	\$ 296,429.00	<b>Total</b>	\$ 229,583.66	<b>Total</b>	\$ 245,148.01

ADD.ALT.No. 1:											
Item	Description	Unit	Qty	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price
SAWS 550	TRENCH EXCAVATION SAFETY PROTECTION	LF	523	\$ 1.00	\$ 523.00	\$ 6.00	\$ 3,138.00	\$ 3.05	\$ 1,595.15	\$ 17.00	\$ 8,891.00
SAWS 818	6"PVC WATER MAIN	LF	523	\$ 67.00	\$ 35,041.00	\$ 131.00	\$ 68,513.00	\$ 76.29	\$ 39,899.67	\$ 71.00	\$ 37,133.00
SAWS 824	RELAY 3/4" SHORT SERVICE (HDPE)	EA	3	\$ 2,700.00	\$ 8,100.00	\$ 1,600.00	\$ 4,800.00	\$ 1,001.26	\$ 3,003.78	\$ 3,200.00	\$ 9,600.00
SAWS 836	PIPE FITTINGS, ALL SIZES & TYPES	TON	0.25	\$ 3,332.00	\$ 833.00	\$ 22,500.00	\$ 5,625.00	\$ 2,073.00	\$ 518.25	\$ 0.01	\$ -
SAWS 840 (DEDUCT)	2" WATER TIE-IN (DEDUCT FROM BASE BID)	EA	-1	\$ 1,590.00	\$ (1,590.00)	\$ 750.00	\$ (750.00)	\$ 2,628.56	\$ (2,628.56)	\$ 2,500.00	\$ (2,500.00)
SAWS 841	HYDROSTATIC TESTING	EA	1	\$ 2,768.00	\$ 2,768.00	\$ 4,750.00	\$ 4,750.00	\$ 2,813.75	\$ 2,813.75	\$ 2,534.00	\$ 2,534.00
SAWS 844	2" TEMPORARY BOWOFF	EA	1	\$ 2,410.00	\$ 2,410.00	\$ 1,500.00	\$ 1,500.00	\$ 2,068.85	\$ 2,068.85	\$ 2,385.00	\$ 2,385.00
COSA 200	FLEXIBLE BASE (8")	SY	116	\$ 69.00	\$ 8,004.00	\$ 69.00	\$ 8,004.00	\$ 47.26	\$ 5,482.16	\$ 24.00	\$ 2,784.00
COSA 203	TACK COAT	GAL	15	\$ 60.00	\$ 900.00	\$ 135.00	\$ 2,025.00	\$ 13.82	\$ 207.30	\$ 6.00	\$ 90.00
COSA 205	HOT MIX ASPHALTIC PAEMENT, TYPE D (2" COMP. DEPTH)	SY	148	\$ 112.00	\$ 16,576.00	\$ 65.00	\$ 9,620.00	\$ 208.68	\$ 30,884.64	\$ 67.00	\$ 9,916.00
<b>ADD.ALT.No 1 TOTAL BID:</b>				<b>Total</b>	\$ 73,565.00	<b>Total</b>	\$ 107,225.00	<b>Total</b>	\$ 83,844.99	<b>Total</b>	\$ 70,833.00

<b>TOTAL BASE BID &amp; ADD.ALT.No 1</b>				<b>Total</b>	\$ 268,538.00	<b>Total</b>	\$ 403,654.00	<b>Total</b>	\$ 313,428.65	<b>Total</b>	\$ 315,981.01
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\*yellow highlights discrepancies in bid