

Artists' concept of
Buck Creek Village - Bandera, Texas
DEVELOPMENT PLAN

Petition Requesting Annexation:
Territory In Which There Are
Fewer Than 3 Voters

TO THE MAYOR AND GOVERNING BODY OF THE CITY OF BANDERA,
TEXAS.

The undersigned owner of the hereinafter described tract of land, which is vacant and without residents, hereby petitions your Honorable Body to extend the present city limits so as to include as part of the City of Bandera, Texas, the following described territory, to wit:

See Exhibit "A"

We certify that the above described tract of land is contiguous and adjacent to the City of Bandera, Texas, is not more than one-half (1/2) mile in width, and that this petition is signed and duly acknowledged by Indian Waters, Inc. which is owner of said land.

Signed: John R. Peterson, president
John R. Peterson, President
Indian Waters, Inc.

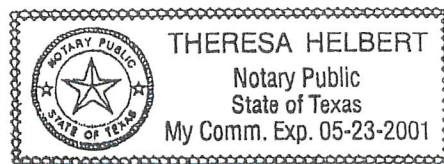
THE STATE OF TEXAS

COUNTY OF BANDERA

Before me, the undersigned authority, on this day personally appeared John R. Peterson, President of Indian Waters, Inc. known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this 2 day of February, 1999.

Theresa Helbert
Notary Public, Bandera County, Texas



THENCE South 40° 40' 29" East 293.76 feet to a ½" steel rod found at the north corner of said 2.63 acre tract, for angle point of the herein described tract;

THENCE with the northeast line of said 2.63 acre tract, South 37° 41' 53" East 133.55 feet to a ½" steel rod found at the east corner of said 2.63 acre tract, for the most northerly east corner of the herein described tract;

THENCE with the southeast line of said 2.63 acre tract, South 36° 00' 24" West 612.03 feet to a ½" steel rod found on the northeast line of said 9.48 acre tract at the south corner of said 2.63 acre tract, for an interior corner of the herein described tract;

THENCE with said northeast line of 9.48 acre tract, South 52° 37' 30" East 547.43 feet to a ½" steel rod found on said northwest line of Old Bandera Road at the east corner of said 9.48 acre tract, for the most southerly east corner of the herein described tract;

THENCE along said northwest line of Old Bandera Road, the following calls:

South 25° 51' 33" West 59.09 feet to a ½" steel rod found for an angle point;

South 21° 16' 20" West 80.50 feet to a ½" steel rod found for an angle point;

South 16° 30' 24" West 99.21 feet to a ½" steel rod found for an angle point;

South 12° 58' 31" West 71.53 feet to a ½" steel rod set for an angle point;

South 05° 28' 40" West 58.07 feet to a ½" steel rod found for an angle point;

South 05° 30' 29" West 67.61 feet to a ½" steel rod set for an angle point;

and South 00° 17' 01" West 67.12 feet to the POINT OF BEGINNING and containing 21.863 acres or 952,347 square feet, more or less.

STATE OF TEXAS §
 February 2, 1999
COUNTY OF TEXAS §

It is hereby stated that the above description was prepared from the actual survey on the ground of the above described 21.863 acre tract made under my supervision.



Don R. Frazor, R.P.L.S.
D. R. Frazor, Registered Professional Land Surveyor No. 2366

Sun Belt Engineers, Inc.
CIVIL ENGINEERS AND SURVEYORS
3211 NACOGDOCHES ROAD, SUITE 101
SAN ANTONIO, TEXAS 78217-3398

Phone: (210) 655-6110
Fax: (210) 655-3468

Petition Requesting Annexation Territory
In Which There Are Three or More Voters

To the Mayor and Governing Body

City of BANDERA, Texas

Greetings:

We, the majority of the inhabitants and qualified voters of the following described territory, which adjoins the city limits and is not more than one-half (1/2) mile in width, hereby petition your honorable body to extend the present city limits so as to include to-wit:

SEE EXHIBIT "A" AND "B" ATTACHED

(Here describe the territory covered within the petition by metes and bounds.)

We, and each of us, are inhabitants of the above described territory and are qualified to vote; and have expressed our choice and vote by affixing our signatures to this petition under the appropriate heading below.

"FOR THE ANNEXATION"

"AGAINST THE ANNEXATION"

John R. Stewart, president Indian Water Dist.

Elaine Small

Bobbie Hastings

Affidavit of Three Signers of the Petition

THE STATE OF TEXAS

COUNTY OF Bandera

BEFORE ME, the undersigned authority, on this day personally appeared Elaine Small Bobbie Hastings and _____, well known to me, who being duly sworn, depose and say that they, and each of them are inhabitants of the territory described in the attached petition and qualified to vote, that



COPY

**MINUTES
OF THE
REGULAR MEETING OF THE
BANDERA CITY COUNCIL
MONDAY, FEBRUARY 8, 1999**

The regular meeting of the Bandera City Council was held on Monday, February 8, 1999, at 7:05 p.m. in the City Meeting Building at 511 Main Street with the following present:

Bob Cowan
Denise Griffin

Johnny Pina
Bill Bryce

Tom Kindla
Fabian Mazurek

I. CALL TO ORDER

The meeting was called to order at 7:05 p.m. by Mayor Cowan

II. PLEDGE OF ALLEGIANCE AND INVOCATION

The Pledge of Allegiance and Invocation was given by Mayor Cowan.

III. VISITORS TO BE HEARD

Linda Stein stated that instead of creating a new zoning classification the present classifications should be redone. She supported waiving permit fees for Mr. Davis; disapproved hiring Mr. Clark; stated setback request from Mr. William needed a variance hearing; criticized City for not closing ditch at Cedar and Eighth St.; and requested that Eleventh St. be closed only after businesses in that area close for the day.

Horst Pallaske complained about "murky" water.

Chief Holt introduced the new police reserve, Brenda Solomon.

IV. MINUTES OF THE PREVIOUS MEETING

Councilmember Mazurek made a motion, seconded by Councilmember Bryce, to accept the minutes of January 7, 1999, as written. The vote on the motion was all in favor, none opposed. Motion carried.

Councilmember Mazurek made a motion, seconded by Councilmember Pina, to accept the minutes of January 11, 1999, as written. The vote on the motion was all in favor, none opposed. Motion carried.

V. FINANCIAL REPORT

Councilmember Mazurek made a motion, seconded by Councilmember Bryce, to accept the financial report subject to audit. The vote on the motion was all in favor; none opposed. Motion passed.

VI 1. SUBDIVISION PLANS FOR BUCK CREEK VILLAGE

Reagan Peterson presented plans for a new subdivision and business district which he is developing in the area between Indian Waters and Bandera Blvd. He had already received approval from the County but since the property is in the City's ETJ, he wanted the City to also approve the plans. Mr. Reddout explained that the City's Engineer had already viewed them. The developer will install utilities, streets, curbs, and sidewalks.

Councilmember Bryce made the motion, seconded by Council member Mazurek, to accept and approve plans as presented. The vote on the motion was all in favor; none opposed. Motion passed.

VI 2. CREATING NEW ZONING CLASSIFICATION

The new subdivision would not meet the City's specifications for any business district. Therefore, Mr. Peterson questioned if the Council would set up a new classification or modify one already existing. The plans, as drawn, would be a combination of the B-1 and B-2 Districts, with building setbacks of only 5' but there will be approximately 10' sidewalks.

Councilmember Bryce made a motion, seconded by Councilmember Kindla, to authorize the City Administrator to create a new zoning classification. The vote on the motion was all in favor; none opposed. Motion passed.

VI 3. PETITION REQUESTING ANNEXATION

Mr. Peterson then presented two petitions for property to be annexed. One was the area being developed into Buck Creek Village and the other for properties owned by Indian Water, Inc., Mrs. Elaine Small and Ms. Bobbie Hastings, who had previously requested to be annexed. Though the Council had approved the previous request, it was discovered that the properties were not contiguous to the City at that time. Now they are.

Councilmember Bryce made a motion, seconded by Councilmember Pina, to accept both petitions for annexation. The vote on the motion was all in favor; none opposed. Motion passed.

VI 4. DATES FOR PUBLIC HEARINGS

Having accepted the petitions for annexation, the Council will now have to hold two public hearings on the annexation. Mr. Reddout explained that due to publication requirements, the first public hearing could be held on March 1, 1999, and the second on March 8, 1999.

Councilmember Mazurek made a motion, seconded by Councilmember Pina, to set the public hearing on the petitions for annexation on March 1, and March 8, 1999, at 7:00 p.m. The vote on the motion was all in favor; none opposed. Motion passed.

VI 5. REQUEST TO EXPEND EXPIRED BUILDING PERMIT OR WAIVE FEES FOR NEW PERMIT

Eino Zapata, representing Joe and Virginia Davis, explained how the contractor who had started the improvements to their home had declared bankruptcy. Due to the poor quality of workmanship, all work done by him would have to be demolished and rebuilt. The Davises were requesting an extension on the permit obtained for the original contractor or a waiver of the permit fees on a new permit. Mr. Reddout explained that building permits are for a 6 month period after which the owner can request an extension of 30 days. Mr. Davis had obtained the original permit in December 1997 and had never asked for an extension. Besides, permit fees are based on the cost of the project. The new application showed an increase in the project cost of \$76,000. Mr. Davis claimed the increase was due to demolition costs.

Councilmember Mazurek made a motion, seconded by Councilmember Bryce, to adjust the permit fees to \$295, the difference between the cost of the original and the new permit.

Mr. Davis argued that the City did not inspect the project or the defective work would have been detected. Mr. Reddout explained that inspection requirements are given when application is made. No one ever called for an inspection. Councilmember Kindla felt that the City would recoup any fees lost by granting the waiver from taxes in the first year.

The vote on the motion was:

- For: Councilmembers Bryce and Mazurek
- Against: Councilmembers Kindla and Griffin
- Abstaining: Councilmember Pina

The mayor broke the tie and voted in favor of the motion. Motion passed.



**MINUTES
OF THE PUBLIC HEARING ON
ANNEXATION
MONDAY, MARCH 1, 1999**

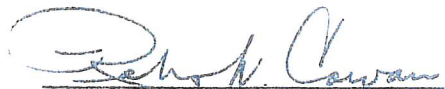
The City Council of the City of Bandera held a public hearing on Monday, March 1, 1999, at the Municipal Building at 511 Main Street at 7:10 P.M. In attendance were Mayor Bob Cowan, Councilmembers Johnny Pina, Fabian Mazurek, Bill Bryce and the City Administrator, Don Reddout and the City Secretary, Theresa Helbert.

There were no citizens in attendance to offer any comments on the annexation of the following property:

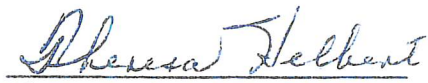
- 1) 21.863 acres consisting of a 9.48 acre tract and a 2.63 acre tract situated in the B. Ruiz Survey No 58, Abstract 311, and all of Lots 1 and 2, and a portion of Lots 5-8, Block 22 Indian Waters Subdivision.
- 2) 5.5 acres in the B. Ruiz Survey No. 58, Abstract 311.
- 3) 3.82 acres in the B. Ruiz Survey No. 58, Abstract 311.
- 4) Lot 1, Block 29, Indian Waters Subdivision.
- 5) Part of Lot 149, Bandera Estates Subdivision, known as the VFW Post 9176.

The Public Hearing adjourned.

Submitted:


Robert W. Cowan, Mayor

Attested:


Theresa Helbert, City Secretary

 COPY

**MINUTES
OF THE PUBLIC HEARING ON
ANNEXATION
Monday, March 8, 1999**

The City Council of the City of Bandera held a public hearing on Monday, March 8, 1999, at the Municipal Building at 511 Main Street at 7:40 P.M. In attendance were Mayor Bob Cowan, and Councilmembers Johnny Pina, Fabian Mazurek, Denise Griffin, Tommy Kindla and Bill Bryce.

No citizens attending offered any comments on the annexation of the following property:

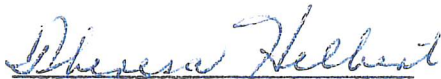
- 1) 21.863 acres consisting of a 9.48 acre tract and a 2.63 acre tract situated in the B. Ruiz Survey No 58, Abstract 311, and all of Lots 1 and 2, and a portion of Lots 5-8, Block 22 Indian Waters Subdivision.
- 2) 5.5 acres in the B. Ruiz Survey No. 58, Abstract 311.
- 3) 3.82 acres in the B. Ruiz Survey No. 58, Abstract 311.
- 4) Lot 1, Block 29, Indian Waters Subdivision.
- 5) Part of Lot 149, Bandera Estates Subdivision, known as the VFW Post 9176.

Councilmember Griffin made a motion, seconded by Councilmember Mazurek, to adjourn.

Submitted:


Robert W. Cowan, Mayor

Attested:


Theresa Helbert, City Secretary

 COPY

III. VISITORS TO BE HEARD

Linda Stein blamed City for the errors on the brochures and stated that the charge for reprint should be taken from City funds not Hotel/Motel Tax.

IV. MINUTES

In the Minutes of February 8, 1999, two typographical errors were pointed out: vote was misspelled in Sec IV 14, and the IV should have been VI.

Councilmember Mazurek made a motion, seconded by Councilmember Pina, to approve the minutes of February 8, 1999, as corrected. The vote on the motion was all in favor; none opposed. Motion passed.

Councilmember Bryce made a motion, seconded by Councilmember Mazurek, to approve the minutes of February 10, 1999, as written. The vote on the motion was all in favor; none opposed. Motion passed.

V. FINANCIAL REPORT

Councilmember Mazurek made a motion, seconded by Councilmember Pina, to accept the financial report subject to audit. The vote on the motion was all in favor; none opposed. Motion passed.

VI 3. ORDINANCE NO.186 - ANNEXATION OF PROPERTY ON OLD SAN ANTONIO RD

The City held the two required public hearings for annexation of the 21.863 acres, 5.5 acres and 3.82 acres in the B. Ruiz Survey No. 58, Abstract No. 31; Lot 1, Blk 29, Indian Waters Subdivision; and Part of Lot 149, Bandera Estates.

Councilmember Bryce made a motion, seconded by Councilmember Kindla, to annex the above described properties. The vote on the motion was all in favor; none opposed. Motion passed.

Zoning for the new Buck Creek Village Subdivision will be on next month's agenda.

VI 4. USE OF CITY PARK FOR RIVER RODEO

Billy Gene Smith, President of the Bandera Retail Merchants Association, requested the use of the City Park for their first annual River Rodeo Fest. The BRMA hopes to use the proceeds for various projects.

Councilmember Mazurek made a motion, seconded by Councilmember Kindla, to approve the use of the City park for a River Rodeo. Councilmember Bryce amended the motion, seconded by Councilmember Mazurek, to approve the use subject to procurement of insurance; types of entertainment and booths, and a detailed plan submitted by the BRMA by the April meeting. The vote on the amendment was all in favor; none opposed. Motion passed.

VI 5. HOMESTEAD EXEMPTIONS

Councilmember Mazurek commented that two years ago when the Council raised the tax rate, they had also promised to implement a homestead exemption but the deadline had passed last year before they were able.

Councilmember Bryce made a motion, seconded by Councilmember Pina, to adopt a \$5000 Homestead Exemption.

Discussion whether \$5,000 or \$10,000 was appropriate
The vote on the motion was all against. Motion failed.

Councilmember Bryce then made a motion, seconded by Councilmember Griffin, to adopt a \$10,000 Homestead Exemption. The vote on the motion was all in favor; none opposed. Motion passed.

VII. STAFF REPORTS


COPY

**MINUTES
OF THE
REGULAR MEETING OF THE
BANDERA CITY COUNCIL
MONDAY, APRIL 12, 1999**

The regular meeting of the Bandera City Council was held on Monday, April 12, 1999, at 7:00 p.m. in the Municipal Building at 511 Main St. with the following councilmembers present:

- | | | |
|------------|--------------|----------------|
| Bob Cowan | Johnny Pina | Fabian Mazurek |
| Bill Bryce | Tommy Kindla | |

I. CALL TO ORDER

The meeting was called to order at 7:04 p.m. by Mayor Cowan.



II. PLEDGE OF ALLEGIANCE AND INVOCATION

The Pledge of Allegiance and Invocation were led by Mayor Cowan.

III. VISITORS TO BE HEARD

There were no visitors wishing to speak.

IV. CONSIDERATION OF PREVIOUS MINUTES

Councilmember Bryce made a motion, seconded by Councilmember Mazurek, to approve the minutes of the March 1, 1999 public hearing regarding annexation. The vote on the motion was all in favor; none opposed. Motion passed.

Councilmember Mazurek made a motion, seconded by Councilmember Pina to approve the minutes of the March 8, 1999 Board of Adjustment meeting regarding 0' setbacks request by Mike Williams. The vote on the motion was all in favor; none opposed. Motion passed.

Councilmember Mazurek made a motion, seconded by Councilmember Pina, to approve the minutes of the March 8, 1999 public hearing regarding annexation. The vote on the motion was all in favor; none opposed. Motion passed.

Councilmember Bryce made a motion, seconded by Councilmember Mazurek, to approve the minutes of the March 8, 1999 regular meeting subject to corrections. Besides a couple of misspellings, Mayor Cowan asked that the minutes reflect that in his report of the meeting with TxDOT there was only discussion of an alternate route around Bandera. The vote on the motion was all in favor; none opposed. Motion passed.

V. CONSIDERATION OF FINANCIAL REPORT

Councilmember Mazurek made a motion, seconded by Councilmember Bryce, to approve the financial report subject to audit. The vote on the motion was all in favor; none opposed. Motion passed.

VI I. ORDINANCE 188 - CREATION OF NEW ZONING CLASSIFICATION

Indian Waters, Inc., owner and developer of a section of the newly annexed area had asked that the area be zoned partly for residential and partly for commercial. The City had approved the plans for Buck Creek Village while it was still in the City's ETJ but those plans do not conform to any of the City's business districts. Therefore, Ordinance 188 was written to create a new commercial district, B-4, for the area along Buck Creek Drive.

Councilmember Pina nominated Councilmember Mazurek as Mayor Pro-Tem. Councilmember Kindla seconded that motion. The vote on the motion was:

For: Councilmembers Pina, Kindla, and Davis

Abstaining: Councilmember Mazurek

Motion passed.



VI 3. ORDINANCE 189 - AMEND ZONING CLASSIFICATION B-4

Ordinance 188 created a new zoning classification that would be used in the newly annexed Buck Creek Subdivision. Due to a misunderstanding, the Ordinance stated "cloth" awnings. Ordinance 189 amends Ordinance 188, Sec.(a) to require building setbacks of eleven feet, but that sidewalks, awnings, canopies, and colonnades be allowed within the eleven (11) feet.

Councilmember Mazurek made a motion, seconded by Councilmember Pina, to approve Ordinance 189 amending the zoning classification B-4. The vote on the motion was all in favor; none opposed. Motion passed.

VI 4. ORDINANCE 190 - AMENDING ZONING CLASSIFICATION R-1

The City's building setbacks for the R-1 zone are 30 feet in front and 20 feet in the rear. Indian Waters Subdivision has setbacks of 25 feet in front and 10 feet in the rear. Two options were offered: to change the existing R-1 to keep all areas consistent or to create a new zone specifically for the Indian Waters.

Councilmember Mazurek made a motion, seconded by Councilmember Pina, to amend the City's R-1 zoning setbacks to 25 feet in front and 10 feet in rear and with a minimum of 10 feet on one side and 5 feet on the other with a minimum of 15 feet between buildings. Councilmember Davis made a motion to amend the motion to include the maximum height of the building to be 35 feet instead of 30 feet. The vote on the amendment was all in favor. Amendment passed. The vote on the motion was all in favor. Motion passed.

VI 5. RIVER FESTIVAL ON JUNE 12, 1999

Since one of the goals for the River Festival is to raise funds to improve the City park, the Bandera Retail Merchants Association asked the City for funds for advertising the event. It was proposed that Occupancy Tax be used. The newspaper ads would cost approximately \$3,000. There was concern that Occupancy Tax could not be used for advertising a special event since there was no proof that this would bring overnight guests for the local hotels.

Councilmember Mazurek made a motion, seconded by Councilmember Kindla, to dedicate \$1,500 of the Occupancy Tax Fund, subject to approval from the Attorney General's office, and an additional \$1,500 from the General Fund, to fund the advertising for the River Festival. The vote on the motion was all in favor; none opposed. Motion passed.

VI 6. PARTICIPATION IN TXDOT'S ENHANCEMENT GRANT PROGRAM

The Enhancement Grant is used to promote alternate transportation methods. The City of Bandera could apply for a grant to help construct sidewalks, pedestrian lighting and a walking bridge to the historical sites. Mr. Reddout estimated a grant request of \$700,000 to \$1,000,000,000. The application deadline is in August. The consensus of the council was to proceed with the application.

VI 7. IMPROVEMENTS TO CITY PARK

a) Restroom Roof and Fixtures

The restrooms in the old section of the park need to be upgraded. They never had a roof and only one commode and no sinks. The cost to install a roof is estimated at \$2900 and to add the extra fixtures is \$1500.

b) Electrical

The park has no electricity which limits the activities that can be held there. Also the lack of

Sec. (h-1) District "B-4" - Business and Professional District

These districts are composed of single- and multifamily residential dwellings; structures for professional and medical offices and studios; retail and commercial enterprises; and public buildings. There is to be no outside storage. All storage must be confined to enclosed structures. A building, structure or premise shall be used only for the following purposes in this district:

- (1) Assisted living facilities or nursing homes;
- (2) Barber or beauty shop;
- (3) Churches;
- (4) Contractors;
- (5) Communications systems;
- (6) Craft studios;
- (7) Day care facilities;
- (8) Financial institutions or services;
- (9) Food services or restaurants;
- (10) Interior decorating studios;
- (11) Laundry or dry cleaning;
- (12) Light manufacturing;
- (13) Lodging: bed & breakfast, hotel;
- (14) Medical facilities (medical, dental, optical): offices, clinics, laboratories, pharmacies;
- (15) Multifamily dwellings: apartments, duplexes, townhouses;
- (16) Museums;
- (17) Offices;
- (18) Parks & natural areas;
- (19) Public buildings: art gallery, auditorium, library, museum, postal service;
- (20) Recreational and entertainment facilities;
- (21) Retail merchants (enclosed): antique, book, floral, gift and general stores;
- (22) Small repair shops;
- (23) Taverns.

The building setback and height requirements, and lot sizes for uses permitted within this district shall be:

- (1) Front yard - minimum eleven (11) feet. Note: Sidewalks, awnings, canopies and colonnades may exist within the eleven (11) feet setback.
- (2) Side yard - minimum five (5) feet except when a firewall is provided on the adjoining property line, in which case the minimum clearance may be less as approved and directed by the building inspector.
- (3) Rear yard - same as requirements for side yard.
- (4) Lot size - the minimum lot size per building, structure, or premise shall be no less than six thousand (6,000) square feet.
- (5) The maximum height for any building, or group of buildings, within this district shall be no more than three (3) stories.