

CITY OF CONVERSE
CITY COUNCIL MEETING
March 16, 2010
7:00 PM

The City Council of the City of Converse met in a regular meeting at the Converse Municipal Complex on Tuesday, March 16, 2010 at 7:00 PM to discuss various items on the agenda. The following were present:

Mayor Al Suarez	Mayor Pro Tem Carlton Degenhardt, Place 4
Councilwoman Renee Paschall, Place 1	Councilman Bruce Cannon, Place 2
Councilman John Shadron, Place 3	Councilman Jon Lindgren, Place 5
Councilwoman Mary Riley, Place 6	Mr. John Quintanilla, Assistant City Manager
Mr. Richard Wendt, Fire/EMS Chief	Ms. Judy Gutierrez, Admin. Secretary
Ms. Loretta Young, Cashier	Mr. Ray Ortiz, City Attorney
Ms. Penny Hieronymus, City Secretary	

1. CALL TO ORDER

At approximately 7:00 PM, Mayor Suarez called the meeting to order.

2. INVOCATION – Pastor Rander Draper, Maranatha Bible Church

Pastor Draper gave the invocation.

3. PLEDGE OF ALLEGIANCE: To the U.S. Flag led by Mayor Suarez
To the Texas Flag led by Mayor Pro Tem Degenhardt

Mayor Suarez led all those present in the Pledge of Allegiance to the U.S. Flag.

MPT Degenhardt led all those present in the Pledge of Allegiance to the Texas Flag.

4. ROLL CALL AND RECOGNITION OF VISITORS

Mayor Suarez stated all Council members are present.

5. CONSENT AGENDA. All Of The Following Items May Be Acted Upon By One Motion. No Separate Discussion Or Action On Any Of The Items Is Necessary Unless Desired By A Council Member.

- A. Receive EDC Minutes for Meeting Conducted on February 9, 2010
- B. Receive Zoning Commission Minutes for Meeting Conducted on February 8, 2010.
- C. Discussion and Appropriate Action on a Request to Approve City of Converse Ordinance #624; an Ordinance of the City of Converse Established for Regulating Parking and Parking Space Requirements in the City in Accordance with a Comprehensive Plan for Promoting Health, Safety, and the General Welfare of the City of Converse, Texas, and Superseding Other Ordinances in Conflict (Second Reading) (City Manager)
- D. Discussion and Appropriate Action on a Request to Approve City of Converse Ordinance #701; An Ordinance of the City of Converse Establishing Curfew Hours for Minors; Defining Terms; Creating Offenses for Minors, Parents and Guardians of Minors, and Business Establishments Violating Curfew Regulations; Providing Defenses; Providing for Enforcement by the Police Department; Providing for Waiver by the Municipal Court of Jurisdiction Over a Minor When Required Under the Texas Family Code; Providing for Review of This Ordinance Within Three Years After the Date of Initial Enforcement; Providing a Penalty Not to Exceed \$500; Providing a Severability Clause; and Providing an Effective Date (Second Reading) (Police Chief)
- E. Discussion and Appropriate Action on a Request to Approve City of Converse Ordinance #711; an Ordinance Regulating Emergency Medical Services in the City of Converse; Setting Customer Charges; Specifying Operational Procedures and Service Area; and Superseding Other Ordinances in Conflict (Second Reading) (City Manager)
- F. Action to Appoint Ms. Gloria Weers, P.O. Box 640 (actually 104 Norris Drive West) as Chair of the Building and Standards Commission. (Councilwoman Riley)
- G. Action to Appoint Mr. James Castillo, 9902 Autumn Valley, as a Member of the Building and Standards Commission. (Councilwoman Riley)
- H. Action to Appoint Mr. James Lacarde, 8207 Cattle Bend, as a Member of the Building and Standards Commission. (Councilwoman Riley)

Mayor Suarez made a correction to agenda item #5 F, Ms. Weers address is 104 Norris Drive West.

Councilwoman Riley pulled agenda item #5 F.

Councilman Lindgren pulled agenda items #5 C, D & E.

Councilwoman Paschall made a motion to approve agenda items #5 A, B, G & H. MPT Degenhardt seconded the motion. It passed unanimously.

Councilman Lindgren stated he pulled agenda items # 5 C, D & E, because the agenda calls for Discussion and Appropriate Action, not Consent.

Mayor Suarez moved these items under Old Business.

Councilwoman Riley stated on agenda item #5 F, the B&S Commission operates a little different from the other Commissions. The Chairperson is not voted on by the CC, but by the members of the Commission. Ms. Weers was an alternate member & they have to vote on her as a member & change the word chair to member.

Councilwoman Riley made a motion to change agenda item #5 F:

It reads: “Action to Appoint Ms. Gloria Weers, 104 Norris Drive West, as **Chair** of the Building and Standards Commission.”

Should read: “Action to Appoint Ms. Gloria Weers, 104 Norris Drive West, as a **Member** of the Building and Standards Commission.”

Councilman Lindgren seconded the motion. It passed unanimously.

6. SPECIAL CONSIDERATION ITEMS

- A. Recognition of Mr. Craig Ramon, Fire Captain, for More Than 5 Years Service to the City of Converse (Mayor Suarez)

Mr. Quintanilla stated Mr. Ramon was out of town; this will be on the April 6 CC agenda.

- B. Recognition of Ms. Loretta Young, Cashier, for More Than 5 Years Service to the City of Converse (Mayor Suarez)

Mayor Suarez presented Ms. Young with a Certificate of Appreciation & a lapel pin.

Ms. Young thanked everyone, it has been nice & was grateful for the honor.

- C. Recognition of Mr. Richard Wendt, Fire/EMS Chief, for More Than 10 Years Service to the City of Converse (Mayor Suarez)

Mayor Suarez presented Fire/EMS Chief Wendt with a Certificate of Appreciation & a City coin.

Chief Wendt thanked everyone in the City, the guys that work for him, CC & City staff because we are all one team. He certainly never thought he would be standing in the position he is in today; a lot of hard decisions have to be made.

- D. Recognition of Mr. Carlos Licea, Code Compliance Officer, for More Than 10 Years Service to the City of Converse (Mayor Suarez)

Mayor Suarez stated Mr. Licea would be recognized at the next CC mtg. in April.

7. CITIZENS TO BE HEARD. This time is provided for Citizens to address City Council on any issues and concerns. No City Council discussion or action can be taken if the item is not on the Agenda. Please limit your remarks to three (3) minutes and state your name and address for the record. No personal attacks shall be allowed.

-Ms. Celeste Morris of 9014 Arabian King, a business owner of A Plus Consultants, invited CC to a Meet & Greet at the new neighbors of Cimarron Landing between 4 PM – 7 PM.

Ms. Morris stated Mr. Luft is really on his game. They had an economic dev. seminar for women & our MPT can tell you it was an excellent session. She stated they would probably be starting a rotary in Converse for those businesses.

Ms. Morris thanked the Fire/EMS & Police Chief's, who have been able to make contact with her neighbors.

Ms. Morris is a commercial contractor; she learned there are some grants to get defibrators for about \$500. She stated everyone is doing a good job.

8. PUBLIC HEARINGS

- A. Public Hearing on the Request to Rezone a Portion of a Parcel of Land Located at 9175 FM 78 (CB 5063 P74C, ABS 431, (Property ID 310492), for a Total of Approximately 0.5700 Acres of Land from B-2, Retail District to B-3, Commercial District.

At approximately 7:17 PM, Mayor Suarez opened the public hearing.

Mr. Mike Berlanga provided CC a copy & summary of his briefing. He began negotiations for the purchase of the land from Mr. Ellis & Ms. White for the purpose of constructing the Town Sq. Apts. He purchased the gas station (old Citco) in Aug. 2008 in order to perpetuate the possibility to accomplish what they still hope to accomplish in the Town Sq. concept. The neighboring property owners' objection to the rezoning on the basis that this property would be devalued is without merit on any informed opinion formally obtained regarding the highest & best use of this said parcel. He stated such rezoning would enhance his ability to utilize the existing tanks for building new facilities with a facade consistent with the City's goal of creating a theme of Town Sq. for early 20th century old town. If CC is not prepared to vote in support of a rezoning request & would respectfully ask if that be the case, that such a vote be postponed pending further research & dialogue for the next 30 days.

At approximately 7:26 PM, Mayor Suarez closed the public hearing.

- B. Public Hearing on a Request for a Special Use Permit (SUP) on a Parcel of Land Located at 638 Jamie Sue (CB 5063 B Blk. 7 Lot 38), Approximately 0.1515 Acres Out of the Quail Ridge/Converse Hills Subdivision to Allow for the Installation of an Antenna Support Tower that will be Approximately Forty-Five Feet (45') in Height. This tower will be operated by a licensed amateur radio operator a.k.a. HAM radio operator.

At approximately 7:27 PM, Mayor Suarez opened the public hearing.

Mr. Roger Moore of 638 Jamie Sue stated he is a HAM operator & wishes to put up a tower about 45' tall so he can participate in disaster communication. He has hired an engineer & submitted the drawings to the Zoning Commission, which were approved last night.

At approximately 7:28 PM, Mayor Suarez closed the public hearing.

- C. Public Hearing on the Following Described Property for the Purpose of Regulating Zoning in Accordance with a Comprehensive Plan for the Purpose of Promoting Health, Safety, Morals and the General Welfare of the City of Converse, Texas and Superseding Other Ordinances in Conflict. The Property Owners, Converse Properties LP, 13809 Research Blvd Ste 1050, Austin, Texas 78750, of 10110 E Loop 1604, Converse, Bexar County, Texas Legally Described as CB 5726 BLK38 Lot 13-18, Commonly Known as the Old Yantis Property, to Issue A Special Use Permit for Use Said Property for the Purpose of the Operation of a Full Service Automotive Repair Facility.

At approximately 7:29 PM, Mayor Suarez opened the public hearing.

Ms. Kim Cowherd of 2334 Encino Mist stated they are interested in the property of the old Yantis bldg. to open an auto repair facility. They have a business now on I-H 35 between Weidner & Thousand Oaks & they are looking to expand. They would enter into an 18-month lease with the Converse Properties, LP. They are aware of some of the concerns regarding traffic

At approximately 7:32 PM, Mayor Suarez closed the public hearing.

9. OLD BUSINESS

- A. Discussion and Appropriate Action on a Request to Approve an Agreement Between the City of Converse and JYSF to Conduct a Youth Football and Cheerleading Program Using City Park Facilities (City Manager)

Mr. Quintanilla stated the parties met & resolved outstanding issues. Recommend approval.

Mr. Brien stated they (Mr. Hughes, Councilman Shadron, Mr. Brien & Ms. Harris) met & came into an agreement.

Councilman Shadron stated this would be brought up at the next P&R. Ms. Harris has agreed to accept the new field to be established at North Park. The City will work with them in assisting in the move.

MPT Degenhardt made a motion to approve agenda item #9 A. Councilman Shadron seconded the motion. It passed unanimously.

- *5. C. Discussion and Appropriate Action on a Request to Approve City of Converse Ordinance #624; an Ordinance of the City of Converse Established for Regulating Parking and

Parking Space Requirements in the City in Accordance with a Comprehensive Plan for Promoting Health, Safety, and the General Welfare of the City of Converse, Texas, and Superseding Other Ordinances in Conflict (Second Reading) (City Manager)

Mr. Quintanilla stated staff recommends approval.

MPT Degenhardt made a motion to approve agenda item #5 C. Councilwoman Paschall seconded the motion. It passed unanimously.

- *5. D. Discussion and Appropriate Action on a Request to Approve City of Converse Ordinance #701; An Ordinance of the City of Converse Establishing Curfew Hours for Minors; Defining Terms; Creating Offenses for Minors, Parents and Guardians of Minors, and Business Establishments Violating Curfew Regulations; Providing Defenses; Providing for Enforcement by the Police Department; Providing for Waiver by the Municipal Court of Jurisdiction Over a Minor When Required Under the Texas Family Code; Providing for Review of This Ordinance Within Three Years After the Date of Initial Enforcement; Providing a Penalty Not to Exceed \$500; Providing a Severability Clause; and Providing an Effective Date (Second Reading) (Police Chief)

Mr. Quintanilla stated staff recommends approval.

MPT Degenhardt made a motion to approve agenda item #5 D. Councilwoman Paschall seconded the motion. It passed unanimously.

- *5. E. Discussion and Appropriate Action on a Request to Approve City of Converse Ordinance #711; an Ordinance Regulating Emergency Medical Services in the City of Converse; Setting Customer Charges; Specifying Operational Procedures and Service Area; and Superseding Other Ordinances in Conflict (Second Reading) (City Manager)

Mr. Quintanilla stated on Section IV. Exemptions: All City Employees and their immediate families shall be exempt from these fees; and this does include members of the City Council.

MPT Degenhardt made a motion to approve agenda item #5 E. Councilman Cannon seconded the motion. It passed unanimously.

10. NEW BUSINESS

- A. Discussion and Appropriate Action on the Request to Rezone a Portion of a Parcel of Land located at 9175 FM 78 (CB 5063 P-74C, ABS 431, (Property ID 310492), for a total of approximately 0.5700 Acres of Land from B-2, Retail District to B-3, Commercial District. (Mr. Michael Berlanga)

Mr. Quintanilla stated this item was brought forward to the Zoning Commission last night. They discussed the request for the rezoning & the process. They received 1 comment from Mr. Ellis & he is not in support of the rezoning request. The Zoning Commission voted to disapprove this request. Staff recommends disapproval.

Mr. Berlanga stated he spoke on Mr. Ellis's concern as to the devaluation of his property. Mr. Ellis & Ms. White's property has been under contract from 2009 & Mr. Ken Martin was unable to obtain the financing in order to launch a project that would have been mixed use (residential on top & retail on bottom). He would appreciate if his property rights were respected.

Mr. Quintanilla stated all of the area that is part of the development is zoned B-2. We feel that if we start rezoning it a parcel at a time we will never reach the vision that we have for this property. We think it is in the City's best interest to not permit the rezoning.

MPT Degenhardt stated EDC has not reviewed this & would like the opportunity to do a market study.

MPT Degenhardt made a motion to table agenda item #10 A until the 2nd mtg. in April. Councilman Lindgren seconded the motion. It passed unanimously.

- B. Discussion and Appropriate Action on the Request for a Special Use Permit (SUP) on a Parcel of Land Located at 638 Jamie Sue (CB5063 B Blk. 7 Lot 38), Approximately 0.1515 Acres out of the Quail Ridge/Converse Hills Subdivision to Allow for the Installation of an Antenna Support Tower that will be Approximately Forty-Five Feet (45') in Height. This tower will be operated by a licensed amateur radio operator a.k.a. HAM radio operator (Mr. Roger Moore)

Mr. Quintanilla stated the Zoning Commission approved this request last night. Recommends approval. The Bldg. Dept. will follow up on inspections.

Councilman Shadron did not think he would like to be looking at a tower from his back yard.

MPT Degenhardt made a motion to approve agenda item #10 B. Councilwoman Riley seconded the motion. It passed with 6 members (Suarez, Degenhardt, Cannon, Lindgren, Paschall & Riley) for the approval & 1 member (Shadron) opposed.

- C. Discussion and Action on a Request for a Special Use Permit for the Property Located at 10110 E Loop 1604, Converse, Bexar County, Texas Legally Described as CB 5726 BLK38 Lot 13-18, Commonly Known as the Old Yantis Property, for Use Said Property for the Purpose of the Operation of a Full Service Automotive Repair Facility (Mr. Geoff Richards)

Mr. Quintanilla stated this item came before the Zoning Commission last night. The Zoning Commission approved the SUP. Recommends approval. This is for an 18-month lease. They were advised there is a proposal to expand exits on FM 78 off of 1604.

Mayor Suarez stated the drawings have been made available to the MPO & is pending funding in case they received any more money from the stimulus money from the Fed. Government.

Councilwoman Paschall made a motion to approve agenda item #10 C. MPT Degenhardt seconded the motion. It passed unanimously.

- D. Discussion and Appropriate Action on the Request to Appropriate Action on a Request for a Variance to Ordinance #612, Section VI, **BUILDING SET BACK LINE:** **a. REAR BUILDING SETBACK LINE:** A building limit fixed at a specific distance from the Rear Boundaries of a Lot Beyond which a Building Cannot Lawfully Extend.” This Variance request will approve the construction of a concrete slab/ aluminum covered patio that measures 22’ X 13’ which will encroach approximately five and one-half feet (5’-6”) into the 20’ rear setback line at 7904 Copper Hollow, The Meadows of Copperfield, Unit #2. (Thomas W. & Lorraine L. Nation)

Mr. Quintanilla stated the Zoning Commission passed this request unanimously. Recommends approval.

Councilman Cannon made a motion to approve agenda item #10 D. Councilman Lindgren seconded the motion. It passed unanimously.

- E. Discussion and Appropriate Action on a request to amend the Economic Development Corporation Articles of Incorporation (to include Article Ten) and By Laws (to include Articles II & III). (Mayor Suarez, Councilman Shadron, Councilwoman Paschall)

Mayor Suarez stated this item comes back with 3 CC names for sponsorship.

Councilman Shadron discussed: Common Law Doctrine of Incapability, which does not come into play; there are certain individuals that can request Attorney General’s opinion; Item 10 of the Arts. of Inc.-would like to see only 1 CC member on the EDC & that CC member would not hold position of any elected position on the EDC.

Councilman Lindgren stated there was nothing in the CC packets that relayed to Councilman Shadron’s request &/or Art. 10, 2 or 3; although it was in the last CC packet.

Ms. Hieronymus apologized & stated she did not include the revisions request of Councilwoman Paschall & Councilman Shadron in the packet. The items will be corrected & included in the CC packets of April 6.

Mayor Suarez pulled agenda item #10 E, due to the item not ready for action & the information not included in the packets.

- F. Discussion and Appropriate Action on a Request to Approve the Economic Development Corporation Articles of Incorporation and By Laws. (MPT Degenhardt)

MPT Degenhardt stated these were discussed at the last EDC mtg. last week to incorporate the changes within 505 as well as some of the other things requested. Discussed business owners to be given preference. In reference to CC’s intent, they added was preference may be given to

individuals who are business owners, which is in Art. 10, of Arts. of Inc. The Bd. recommends approval. The next step is an Ord., which requires 2 readings.

City Attorney Mr. Ortiz went through the housekeeping changes that were made (Chair to Pres., Vice Chair to Vice Pres., residency change, the names & addresses of the current Bd. members were changed, change to make Mr. Luft the registered agent for purposes of service, Bd. members could not remove another Bd. member but removed only by CC, with the new codification the CC no longer appoints the Pres. or the Chairman-the Bd. itself selects it's own Pres.-changed in the By Laws & Arts. of Inc. & they appoint their own Sec.). The only thing that has been changed is the Mayor's recommendation from the last mtg.

CC will need a good & current copy.

Councilwoman Riley made a motion to approve agenda item #10 F with the above housekeeping changes & the Mayor's change made. Councilman Lindgren seconded the motion. It passed unanimously.

G. Discussion and Appropriate Action to Appoint Mr. Bob Karre as Event Narrator/Coordinator for the 2010 "Meet the Candidates", set for April 22, 2010 (City Secretary)

Ms. Hieronymus stated Mr. Karre has offered to Chair "Meet the Candidates" for Thursday April 22, time to be determined; invited will be a District Seat for Judson ISD & the COC 6 candidates – recommend approval:

CC Place 2: Mr. Bruce Cannon & Mr. Grant Lopez
CC Place 4: Mr. Randy Pannell & Mr. Jim Sherman
CC Place 6: Mr. Steve Brown & Ms. Mary Riley

MPT Degenhardt made a motion to approve agenda item #10 G. Councilwoman Paschall seconded the motion. It passed unanimously.

11. REPORTS

A. Councilmember's Report/ Items of Interest

Councilwoman Paschall reported:

-She noticed the lights at the Fancy Food Mart & wondered if there was going to be any other consideration made?

Mr. Quintanilla stated we would speak to the storeowner & ask him to re-position them or install a darker lens.

Councilwoman Riley reported:

-She sat in front of the resident's home on Ash Dr. & could not see the lights, but when you drive by it is bad.

-She stated Councilwoman Paschall was going to get some information to CC on auditing firms & would like an update at the next mtg.

Councilman Shadron reported:

-There was an event on Sat. on South Seguin, a 2nd Sat. Art Show, which looks to be promising for South Seguin

-In regards to the lights at the Food Mart, if you come up “G” Street – it is pretty bright

Councilman Cannon reported:

-Would like for the COC to consider 1 weekend a yr., where we have E-Waste available for the citizens

B. Mayor’s Report/Items of Interest

Mayor Suarez reported:

-Thanked the Fire Dept. for helping out the City of Windcrest on their B-B-Q

-Invited everyone to the next NEP mtg. with Rep. Joe Strauss on April 15 from 11:30 AM to 1 PM

C. Boards/Commission Reports

(1) Report and Discussion of Economic Development Corporation

MPT Degenhardt reported:

-Approved Phase 1 civil eng. design scope of work for the Toepperwein Rd. re-alignment project

-He shared their new “Buy Converse” campaign sticker for the businesses; they also have a poster in development that they will share in the next week or two

-Approved the re-institution of the grant program, which they need to comply with the statutes & law

(2) Report and Discussion of Zoning Commission

Councilwoman Paschall reported:

-Most of their discussion was on the CC agenda for tonight

-There was quite a bit of support for the auto repair service

-Mr. Quintanilla brought up they would be re-considering the SUP & the re-zoning application fees

Mr. Quintanilla stated we are required to place an advertisement in the Herald (\$235 for 1 day) & contact the property owners within 200’ in all directions – our capital outlay is about \$350 versus the \$100 application fee –we will be asking to re-consider the application fee

D. City Manager/Secretary Report

(1) Report and Discussion of Future Agenda Items

Ms. Hieronymus reported:

- Approval of the CC minutes of March 2 & March 16
- Approval of the Financial Statements & Investment Reports for Jan., 2010
- Recognize Mr. Craig Ramon, Fire Captain – 5 yrs of service with COC
- Recognize Mr. Carlos Licea, Code Compliance Officer - 10 yrs. of service with COC
- EDC Arts. of Inc. & By Laws with Councilwoman Paschall & Councilman Shadron’s suggested amendment change(s)
- Approval of Resolution #624; CC supporting the grant application to the Office of the Gov. , Criminal Justice Div., for Police Regional CADSE System
- Next CC mtg. is April 6

(2) Report and Discussion of Items of Interest

Mr. Quintanilla reported:

- V.K. Knowlton is underway along Schaefer Rd. & anticipates having the entrance operational by Mon.
- Dean Word has installed several 100’ of sidewalk parallel to Rocket Lane adjacent to the Miramar Sub.
- Working with Vickery & Assoc. – we have a conflict with our forced main from MacArthur Park at 1604 & Thornton Lane
- CPS Energy lighting project is complete; the Mayor has recommended 1 more additional light on that project

12. ADJOURNMENT

At approximately 8:49 PM, Mayor Suarez adjourned the meeting.

PASSED AND APPROVED THIS 6th DAY OF APRIL, 2010.

Al Suarez, Mayor

ATTEST:

Adriana I. Hieronymus, City Secretary