

CITY OF CONVERSE
CITY COUNCIL MEETING
MINUTES OF OCTOBER 19, 2010
7:00 PM

The City Council of the City of Converse met in a regular meeting at the Converse Municipal Complex on Tuesday, October 19, 2010 at 7:00 PM to discuss various items on the agenda. The following were present:

Mayor Al Suarez	MPT John Shadron, Place 3
Council Member Renee Paschall, Place 1	Council Member Grant Lopez, Place 2
Council Member Randy Pannell, Place 4	Council Member Robin Benbrook, Place 5
Council Member Steve Brown, Place 6	Mr. John Quintanilla, Interim City Manager
Mr. Ray Ortiz, City Attorney	Ms. Penny Hieronymus, City Secretary

2. Call to Order

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

1. Presentation of the Colors: By Wagner High School Junior ROTC

Mayor Suarez stated the presentation of the Colors is by the Karen Wagner High School Jr. ROTC by Commander Sargeant 1st Class Joseph Roman.

3. Pledge of Allegiance: To the U.S. Flag led by Mayor Suarez
To the Texas Flag led by Mayor Pro Tem Shadron

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

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

4. Invocation by Reverend Joe Orta, Spanish Christian Church

Reverend Joe Orta gave the invocation.

5. Roll Call and Recognition of Visitors

Mayor Suarez stated all CC members were present. The Mayor recognized Mr. Daniel Kershner, JISD Operations Superintendent.

6. 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. Action to Approve City Council Minutes for Meeting Conducted on September 21, 2010
 - B. Action to Approve City Council Minutes for Meeting Conducted on October 4, 2010
 - C. Receive Economic Development Corporation Minutes for Meeting Conducted on September 14, 2010
 - D. Receive Planning & Zoning Commission Minutes for Meeting Conducted on September 20, 2010
 - E. Receive Parks & Recreation Commission Minutes for Meeting Conducted on August 9, 2010
 - F. Action to Approve the Financial Statements for August 2010
 - G. Action to Approve the Investment Report for August 2010
 - H. Action to Appoint Ms. Renee' Dopierala, 9534 Ascending Port, as Chairwoman of the Parks & Recreation Commission (Mayor Pro Tem Shadron)
 - I. Action to Appoint Ms. Janie Olds, 8722 Coppercreek, as a Member of the Parks & Recreation Commission (Mayor Pro Tem Shadron)
 - J. Action to Appoint Mr. Everett Taylor, PO Box 338, as a Member of the Parks & Recreation Commission (Mayor Pro Tem Shadron)
 - K. Action to Appoint Mr. Joe Gaustella, 8522 Cheyenne Bluff, as an Alternate Member of the Planning and Zoning Commission (Councilwoman Paschall)

Council member Lopez asked to pull agenda item #6 A.

Council member Paschall asked to pull agenda item #6 K.

Council member Pannell made a motion to approve agenda items #6 B-J. Council member Paschall seconded the motion. It passed unanimously.

Council member Lopez questioned agenda item #5 A, bottom of Page 5; he questioned why they would report to him & not MPT Shadron, P&R liaison.

It reads: "Council member Pannell stated if anything raises a red flag, to contact Council member Lopez & bring it back to CC."

Should read: "Council member Pannell stated if anything raises a red flag, **to notify Council.**"

Council member Lopez made a motion to approve agenda item #6A, with the above-amended change. Council member Benbrook seconded the motion. It passed unanimously.

Council member Paschall made a correction to agenda item #6 K because she was mistaken on the number of members the P&Z had. She does not want Mr. Gaustella to be an alternate member; she would like him to be a member to the P&Z.

Council member Paschall made a motion to amend agenda item #6 K for Mr. Gaustella to be a member to the P&Z Commission. Council member Brown seconded the motion. It passed unanimously.

Mayor Suarez thanked & recognized the new Commission members.

7. Special Consideration Items

- A. Presentation of “Share The Road” Sign by American Legion Riders Post #593 (Mayor Suarez)

Members of the American Legion Riders Post #593 presented the Mayor & Council with 2 “Share the Road” signs to promote motorcycle safety & awareness. The City can help by erecting the signs, which are TXDOT standards, on Toepperwein Road.

- 8. 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.

Mayor Suarez stated Mr. Jeff Beehler would speak on agenda item #10 F when the item comes up.

- 9. Public Hearings

- A. None

Mayor Suarez stated there were no Public Hearings.

- 10. Old Business

- A. None

Mayor Suarez stated there was no Old Business.

- 11. New Business

- A. Briefing of the TXDOT Loop 1604 & FM 78 Reconfiguration (TXDOT) (Mayor Suarez)

Mayor Suarez stated they had a mtg. & this was driven when they started the 1604 expansion this project did include the re-construction of FM 78 & 1604 exits, but it was left out. We have continued our fight with TXDOT & have gathered assistance from St. Rep. Joe Farias who has been very helpful. TXDOT has come up with a quick fix & long-term solution.

Mr. Quintanilla had a presentation of the proposed changes on a map, he gave a briefing on what TXDOT is proposing, TXDOT did a traffic count, proposing to relief some of the congestion by adding additional lanes from 1604 on 78, still need to meet with TXDOT, met with developer who would like to see how this works, discussed anticipated cost, TXDOT doesn't have the funding & we will have to work with MPO for additional funding, for money for long-range, big concern is with Ingram Ready Mix & we asked our engineer, Mr. Jeff Tondre to look at other proposals, discussed adding lanes, turning lanes & accelerator lanes.

- B. Discussion and Appropriate Action to Approve the Final Plat for MacArthur Park Unit III, Plat #120 (City Manager)

Mr. Quintanilla stated last night the P&Z Commission passed this item unanimously. Recommends approval. Several areas will be dedicated to the Homeowners Assoc. for park area.

Council member Lopez made a motion to approve agenda item #11 B. Council member Brown seconded the motion. It passed unanimously.

- C. Discussion and Appropriate Action to Award the Contract for the Installation of the Digital Marquis at City Hall (Mayor Suarez) (City Manager)

Mr. Quintanilla asked that this item be pulled. This item was posted in the Herald newspaper & we can advertise on Oct 28 & Nov. 4, open bids on Nov. 10 & bring to CC on Nov. 16.

Council member Lopez would like to see this item open for 2 more weeks & to post this on the City web site.

MPT Shadron made a motion to table agenda item #11 C. Council member Lopez seconded the motion. It passed unanimously.

- D. Discussion and Appropriate Action to Award the Contract for the Construction of the North Park Restrooms (Mayor Suarez) (City Manager)

Mayor Suarez stated the P&R Commission requested this item & it has been budgeted.

Mr. Quintanilla stated the COC advertised, had a pre-bid conference, called for bids Sept. 27, 3 firms responded & met the criteria, Middleman Construction was the lowest & best qualified. Staff recommends Middleman Construction & EDC is helping with the funding.

Council member Benbrook stated Stokes Construction built our Fire Station #2, had numerous references, she understands looking at the budget & reminded you get what you pay for.

Council member Pannell made a motion to approve Middleman Construction for the NP restrooms. MPT Shadron seconded the motion. It passed unanimously.

- E. Discussion and Appropriate Action on Ordinance #734 an Ordinance prohibiting the Use of a Wireless Communication device to send, read, or write a text message or engage in any other use of the device besides dialing telephone numbers or talking to another person, while operating a moving motor vehicle; Providing for a fine of up to \$200.00 per violation: and amending the City of Converse Code of Ordinances accordingly (Mayor Suarez) (Councilwoman Paschall) (First Reading)

Mayor Suarez stated SA & Universal City have passed an Ord. against texting while driving & Selma & Live Oak are considering a similar Ord. - this is about safety. The Police Officers would have to use their discretion. Mayor Suarez stated our Judge, Robert Ramirez, is fair.

Council member Brown stated he has been researching texting & asked if this was a primary or secondary stop, this Ord. could be hard to enforce.

Council member Paschall would like to see the fine at \$150, but if they are within a school zone it should be the maximum of \$200.

Council member Lopez would like to add to Page 1, Section 1, B, “multi-media messaging service (MMS)”, texting is a problem. We can educate people by putting signs at entry points, copy of Ord. to Mr. Kershner of JISD, newsletter, water bills, marquee sign, etc.

Council member Brown made a motion to approve agenda item #11 E with the addition of “multi-media messaging service (MMS)”. Council member Lopez seconded the motion. It passed unanimously.

- F. Discussion and Appropriate Action on Ordinance #714, an Ordinance Identifying the Need for Additional Water by Demand Source and Quantity, Establishing a Water Acquisition Fee for All New Residential Living Unit Equivalent Units Constructed or Occupied After October 1, 2010; Establishing a Water Acquisition Fee for New Swimming Pools Constructed, Installed or Erected After October 1, 2010; and Superseding City of Converse Ordinance 714 Dated October 21, 2004 (City Manager) (First Reading)

Mr. Quintanilla stated this Ord. lays out how we can provide water to our residents, identifies the shortfalls we have & how we are going to deal with the shortfalls. Currently, when a builder comes in with a set of plans, they are assessed with a \$1,000 water acquisition fee per home built. The cost of water production & water permits is escalating. We are proposing to raise the water acquisition fee to \$3,000 per home. This also talks about water acquisition fees for swimming pools & we are proposing to raise that to \$900; water resources are getting more & more difficult to secure. Staff recommends approval.

Mayor Suarez stated we could change the date to begin from Oct. 1 to Dec. 1, 2010; real issue is to conserve water.

Mr. Beehler of 112 Norris Dr. East stated he just went through this. He had an existing pool re-constructed & the permit was \$270 & then we wanted to charge a \$250 water acquisition fee. He does not see a problem if you have a new home built & you know going in that you will have a water acquisition fee. He just doesn't feel it is right. He surveyed the surrounding sister cities & none of them charge

MPT Shadron made a motion to approve this Ord. with the amended dates. Council member Lopez seconded the motion. It passed with 5 members (Suarez, Shadron, Benbrook, Lopez & Pannell) for the motion & 2 members (Brown & Paschall) opposed.

- G. Discussion and Appropriate Action to Appoint a Committee for the Converse 50th Celebration (Mayor Suarez)

Mayor Suarez stated we have the City 50th Year Anniversary scheduled for April 2011. He had asked each Council member to appoint a member to the Committee.

Mayor Suarez appointed - Ms. Jackie Gaines, Project Manager - Chair for this Committee

Mayor Suarez appointed – Ms. Hope Olds

Council member Paschall appointed – Dr. Reginal Harris

Council member Lopez appointed – Ms. Elisa Husek

Council member Brown appointed – Ms. Janie Olds

Council member Pannell appointed – Ms. Rosa Gary

Council member Benbrook – no nomination at this time

MPT Shadron appointed – Ms. Gloria Weers

Mayor Suarez made a motion to appoint the above members to the 50th Anniversary Committee. Council member Lopez seconded the motion. It passed unanimously.

At approximately 8:15 PM, Mayor Suarez called for a recess.

At approximately 8:30 PM, Mayor Suarez opened the Executive Session

- H. Executive Session in Accordance with Section 551.071, Texas Open Meetings Act, to Consult with the City Attorney and Discuss Settlement Terms and Conditions and Potential Litigation Against Edwards Aquifer Authority (City Attorney) (City Manager)

Present: Mayor Suarez, MPT Shadron, Council members: Benbrook, Brown, Lopez, Pannell, Paschall, Mr. Quintanilla, Mr. Ortiz & Ms. Hieronymus.

At approximately 8:53 PM, Mayor Suarez closed the Executive Session.

At approximately 8:54 PM, Mayor Suarez opened the Executive Session.

- I. Executive Session in Accordance with Section 551.071, Texas Open Meetings Act, to Consult with City Attorney and Discuss a Contact with Schertz-Seguin Local Government Corporation (SSLGC) to Purchase 500 Acre Feet of Water (City Attorney) (City Manager)

Present: Mayor Suarez, MPT Shadron, Council members: Benbrook, Brown, Lopez, Pannell, Paschall, Mr. Quintanilla, Mr. Ortiz & Ms. Hieronymus.

At approximately 9:16 PM, Mayor Suarez closed the Executive Session.

At approximately 9:17 PM, Mayor Suarez opened the Executive Session.

- J. Executive Session in Accordance with Section 551.071, Texas Open Meetings Act, to Consult with City Attorney and Discuss the Establishment of a New Local Government Corporation (LGC) with Other Municipalities and the Schertz-Seguin Local Government Corporation (SSLGC) to Develop Water Resources (City Attorney) (City Manager)

Present: Mayor Suarez, MPT Shadron, Council members: Benbrook, Brown, Lopez, Pannell, Paschall, Mr. Quintanilla, Mr. Ortiz & Ms. Hieronymus.

At approximately 9:30 PM, Mayor Suarez closed the Executive Session.

At approximately 9:31 PM, Mayor Suarez opened the Executive Session.

- K. Executive Session in Accordance with Section 551.071, Texas Open Meetings Act, to Consult with City Attorney and Discuss a Contact with CenterPoint Energy Resources Corporation, DBA CenterPoint Energy Texas Gas Operations the Right, Privilege and Franchise Construct, Install, Extend, Remove, Replace, Abandon, Operate and Maintain its Facilities within the Public Right of Way (ROW) of the City of Converse, Texas for the Transportation, Delivery, Sale and Distribution of Natural Gas; Containing Other Provisions Relating to the Foregoing Subject; Providing for the Severability and Providing an Effective Date (City Attorney) (City Manager)

Present: Mayor Suarez, MPT Shadron, Council members: Benbrook, Brown, Lopez, Pannell, Paschall, Mr. Quintanilla, Mr. Ortiz & Ms. Hieronymus.

At approximately 9:38 PM, Mayor Suarez closed the Executive Session.

At approximately 9:46 PM, Mayor Suarez called the City Council meeting back to order.

- L. Discussion and Appropriate Action in Accordance with Consultation with the City Attorney Regarding the Settlement Terms and Conditions and Potential Litigation Against Edwards Aquifer Authority (City Attorney) (City Manager)

Mayor Suarez made a motion to meet on Nov. 9 when EAA will make a presentation. Council member Lopez seconded the motion. It passed unanimously.

- M. Discussion and Appropriate Action in Accordance with Consultation with the City Attorney Regarding the Contract with Schertz-Seguin Local Government Corporation (SSLGC) to Purchase 500 Acre Feet of Water (City Attorney) (City Manager)

Mayor Suarez made a motion to research for additional information regarding the purchase of the 500' water. Council member Benbrook seconded the motion. It passed unanimously.

- N. Discussion and Appropriate Action in Accordance with Consultation with the City Attorney Regarding the Establishment of a New Local Government Corporation (LGC) with Other Municipalities and the Schertz-Seguin Local Government Corporation (SSLGC) to Develop Water Resources (City Attorney) (City Manager)

Mayor Suarez made a motion to allow the City Attorney & City Manager to move forward & get additional information regarding this subject matter; pending finalization of the documents the City is willing & wanting to move forward with the process & participate with the LGC & the COC is willing to participate in the funding necessary to do this. Council member Brown seconded the motion. It passed unanimously.

- O. Discussion and Appropriate Action in Accordance with Consultation with the City Attorney Regarding the Contract with CenterPoint Energy Resources Corporation, DBA CenterPoint Energy Texas Gas Operations the Right, Privilege and Franchise to Construct, Install, Extend, Remove, Replace, Abandon, Operate and Maintain its Facilities within the Public Right of Way (ROW) of the City of Converse, Texas for the Transportation, Delivery, Sale and Distribution of Natural Gas; Containing Other Provisions Relating to the Foregoing Subject; Providing for the Severability and Providing an Effective Date (City Attorney) (City Manager)

Mayor Suarez made a motion to table agenda item #11 O. Council member Brown seconded the motion. It passed unanimously.

- 12. REPORTS: In consideration of Texas Attorney General Opinion AG-0668, information provided on subjects not on the agenda shall be limited to statements of specific factual information; or recitation of existing policy. Any deliberation of or decision about a subject not on the agenda shall be limited to a proposal to place the subject on the agenda for a subsequent meeting.

A. Mayor's Report/Items of Interest

Mayor Suarez had no report.

B. Councilmember's Report/Items of Interest

MPT Shadron reported:

- A couple of weeks ago, he received a phone call from a citizen not receiving food stamps, he called Rep. Farias office & they were more than willing to assist the young lady – we are very lucky to have Rep. Farias & Gutierrez in Converse assist us
- Would like to see Council member Lopez give a briefing at the next CC mtg. on the B&E Commission

Council member Paschall reported:

- Asked if there is a policy/procedure in place for job postings/vacancies & give notice to the CC – she recommends that we look into this & can place it as an agenda item on Nov. 2

Council member Lopez reported:

- Would like to plant a seed on deciding the City's logo, looks like we have 3 logos now (City seal, City coin & Expanding Horizons) – possibly something unified or a consistent look (from a marketing point of view)
- Place on an agenda item – discuss or examine term limits or establish term limits & whether its districts, at large, etc.
- We have mixed feelings on what & how items get put on the agenda
- On web site & the design process – CC should have a say in the design process

Mayor Suarez recommended CC read Ord. 101; it will assist CC on many concerns they are sharing. Council should try to write up an item as to what they want out of that item – send to Penny with correct wording.

Council member Brown reported:

- CC possibly attend or have a company come & assist in a team building seminar, possibly the 2nd week Jan. 2011
- When they were all elected, they were held to a high standard on election signs & he is seeing election signs out of compliance – everyone needs to follow the rules/Ords.
- New P&Z Commission – isn't in the new codification book

Mr. Quintanilla stated once a year, we will gather the Ords. (from March of 2010 & on) & send them to the codification company to update. He apologized for any confusion as far as generating agenda items with sponsor &/or co-sponsors for City Ords.

Council member Benbrook reported:

- She will get a name for the 50th Anniversary & ask to place the name on the agenda
- Place on the agenda – Update/Report on the 50th Anniversary (1 day event, \$40,000 for event, fireworks, etc.)

Mr. Quintanilla stated City staff is present when they give their reports, the 1st mtg. of the month.

Council member Lopez asked about the RFQ for the EDC Executive Director.

Mayor Suarez stated the RFQ is an EDC matter by the Art. of Inc. & the Board.

Mr. Quintanilla stated we are updating the job description, will send to the TML, Herald & Express News, will close the position on Nov. 30.

Mr. Quintanilla stated for the City Manager’s position, the job position closes Nov. 30. We have received a significant amount of resumes (20+).

Mr. Quintanilla stated for the EDC Administrative Assistant, that job position closed last Fri., had about 45 resumes, Mr. Luft & Mr. Quintanilla reviewed the applications, have scheduled interviews for this Fri. & next Mon.; hope to bring someone on rather quickly; Director is leaving Nov. 28. EDC Board selects the Director. He is going to propose to Ms. Rhonda Payne that they have a special mtg. of the EDC Board to hand the Board the resumes, review them, find the most viable candidates & set up interview to discuss & select a new EDC Executive Director. Hopefully, use the same process for the City Manager position – might have to have a workshop to hand out all of the resumes.

C. Boards/Commission Reports

(1) Parks & Recreation Commission

MPT Shadron reported:

- Tonight appointed a Chair person, Commission now has 7 members & still has room for 2 alternates
- Last P&R mtg. was Oct. 11 – discussed the first part of formulating a Park Master Plan, right now park activities put on hold until new members are on Board

(2) EDC Board of Directors Meeting

Mr. Quintanilla reported:

- Had a training workshop from members of the Tx. Historical Commission & they provided information on the various funding mechanisms available through the St. of Tx. & guidance on how to handle historical structures within the COC – it was a good mtg.

(3) Planning & Zoning Commission

Council member Paschall reported:

- Met Mon., Oct. 18 & discussed the MacArthur Park plats for Unit 3 A
- Spoke to the Commission about getting more members (Mr. White & Mr. Gaustella)

Mr. Quintanilla reported:

- They did approve the MacArthur Park final plat

Mayor Suarez stated they need to get a P&Z Chair; CC needs to appoint the Chair

D. City Manager

- (1) Report and Discussion of Future Agenda Items
- (2) Report and Discussion of Items of Interest

Mr. Quintanilla reported:

- Have several positions open on different Commissions

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- Hopes to have a NIOC report
- Will have a couple of contracts to present to CC
- 2nd Readings on 2 Ords.
- Several staff members to be recognized for service with the City
- Staff Depts. will be present to give their reports
- Holiday schedule for next year

Mr. Ortiz asked if we could get an item on the next agenda in Executive Session so he could update CC on the R.L. Jones Toepperwein construction issue.

13. Adjournment

At approximately 10:20 PM, Mayor Suarez adjourned the meeting.

PASSED AND APPROVED THIS 16th DAY OF NOVEMBER, 2010.

Al Suarez, Mayor

ATTEST:

Adriana I. Hieronymus, City Secretary