

CITY OF CONVERSE  
CITY COUNCIL MEETING  
MINUTES OF NOVEMBER 2, 2010  
7:00 PM

The City Council of the City of Converse met in a regular meeting at the Converse Municipal Complex on Tuesday, November 2, 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. Rick Jamison, Chief of Police	Mr. Richard Wendt, Chief of Fire/EMS
Mr. Karl Hoppes, Director of Facilities	Mr. Lupe Perez, Director of Utilities
Mr. Jerry Wilson, Finance Director	Mr. Ray Christian, Assistant Chief of Fire/EMS
Mr. Ray Ortiz, City Attorney	Various Members from the Fire/EMS Department
Ms. Penny Hieronymus, City Secretary	

1. Call to Order

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

2. Invocation

Pastor John Woolery, Converse Baptist Church, 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 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. Roll Call and Recognition of Visitors

Mayor Suarez stated all CC members are present & introduced CC & staff members.

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. Action to Approve City Council Minutes for Special Meeting Conducted on October 14, 2010
- B. Receive Economic Development Corporation Minutes for Meeting Conducted on September 14, 2010
- C. Receive Planning & Zoning Commission Minutes for Meeting Conducted on September 20, 2010
- D. Receive Building & Standards Commission Minutes for Meeting Conducted on May 27, 2010
- E. Action to Appoint Mr. Richard Fink Sr., 150 Avenue “G”, Apt. #8, as a Member of the Planning & Zoning Commission (Councilwoman Paschall)
- F. Action to Appoint Mr. Michael P. White, 8410 Apache Bend, as a Member of the Planning & Zoning Commission (Councilwoman Paschall)
- G. Action to Appoint Mr. Robert Browning, 8904 Privilege Point, as a Member of the Planning & Zoning Commission (Councilwoman Paschall)
- H. Action to Appoint Howie Marbach, 304 Castle Court, as a Member of the 50<sup>th</sup> Anniversary Committee (Councilwoman Benbrook)
- I. Action to Appoint Mr. Tito Escobedo, 10323 Coyote Hill, as Planning & Zoning Chairman (Councilwoman Paschall)

Mayor Suarez pulled agenda items #5 B & C, because they were received on the last CC agenda.

Council member Paschall asked to pull agenda item #5 A.

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

Council member Paschall stated on agenda item #5 A, she was very impressed with the evening of the Special Town Hall mtg., it was very well attended & an excellent evening. She thanked the CC, staff & all of the other entities that were involved.

Council member Paschall made a motion to approve agenda item #5 A. MPT Shadron seconded the mtg. It passed unanimously.

Mayor Suarez thanked the new Commission members as listed on the agenda.

6. Special Consideration Items

- A. Presentation of Plaque to Rex Brien for His Service on the Parks & Recreation Commission

Mayor Suarez, Council & staff presented a plaque to one of our volunteers Mr. Rex Brien, who has done so much for the community, as President of the Judson Youth Foundation, served on our P&R Commission from Aug. 2006 – Sept. 2010 & volunteered with NIOC.

Mr. Brien thanked his family, the P&R Commission, Council & City staff (past & present).

- B. Recognition of Justin Dalton, Firefighter-EMT, for More Than 5 Years Service to the City of Converse Fire Department (Mayor Suarez)

Mayor Suarez, Council & staff presented Mr. Dalton with a Certificate of Appreciation & lapel pin.

Mr. Dalton stated he enjoys working here & with his crew.

- C. Recognition of Jayme Tavernier, Evidence Technician; for More Than 5 Years Service to the City of Converse Police Department (Mayor Suarez)

Mr. Quintanilla stated Mr. Tavernier is ill & not present.

- D. Recognition of Scott Wiley, Firefighter-EMT, for More Than 5 Years Service to the City of Converse Police Department (Mayor Suarez)

Mayor Suarez, Council & staff presented Mr. Wiley with a Certificate of Appreciation & lapel pin.

Mr. Wiley stated he appreciates working here, the Dept. & serving Converse.

- E. Recognition of Volunteers for Night In Ole Converse (Mayor Suarez)

Mayor Suarez, Council & staff presented a Certificate of Appreciation to Mr. Bob Karre. Mayor Suarez stated Mr. Karre, a former Council member, has done so much for the COC & continues to be active even though he has moved out of the COC. He is very active, especially with the youth, to set an example & be a role model for them.

Mr. Karre stated we take young kids & adults & persuade them to volunteer for the NIOC effort. He had some assistance from Ms. Kathy Selko & 4 young boys in coordinating the clean up work for the community service workers. He will deliver the Certificates of Appreciation to Ms. Selko & the 4 young boys.

- F. Presentation of Contributions to the JISD, Judson Education Foundation for the Annual Thanksgiving Feast (Mayor Suarez)

Mayor Suarez stated this would be the 2<sup>nd</sup> year that the community has gotten together to put a Thanksgiving feast for those having hard times. The tradition will be held on Nov. 20 between 10 AM – 2 PM at the new Judson HS cafeteria. He presented Mr. James Keith of JISD with approximately \$600.

Mr. Keith stated they were literally on the verge of not being able to have this event this year, economic times are tough for everybody – without the City’s support this would not have taken place.

- 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.

Mayor Suarez stated there were no citizens signed up to speak.

- 8. Public Hearings

- A. None

Mayor Suarez stated there were no Public Hearings.

- 9. Old Business

- A. 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) (Second Reading)

Mr. Quintanilla stated at the last mtg., they discussed adding on the Multi-Media Messaging Service (MMS), which has been incorporated. Staff recommends approval.

Council member Benbrook made a motion to approve agenda item #9 A. Council member Brown seconded the motion. It passed unanimously.

- B. 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 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) (Second Reading)

Mr. Quintanilla stated we are going to change the date from Oct. 1 to Nov. 1 as requested. He provided CC with the results of a survey on water acquisition fees in the surrounding cities; no other City collects a water acquisition fee in the amount that we are looking for. He is looking for the Council's guidance; none of the other cities charge this fee for swimming pools.

Discussion included: Does this fee apply to a blow up pool, the Ord. does apply to above ground pools, cost of water today is \$6,000 an acre ft. & that cost is going to escalate over time & possibly do a little more research before we impose a \$900 fee.

Council member Paschall made a motion to table agenda item #9 B until the next mtg. Council member Pannell seconded the motion. It passed unanimously.

10. New Business

- A. Briefing by Mr. Darrell Harris, Montgomery Area Youth Sports League Operations and Finances (Mayor Suarez)

Mr. Harris, President of the Converse Cardinals Football League – operates out of North Park, stated their Treasurer is ill, but they did provide CC with financial statements.

Ms. Harris stated the financial statement is from 7/1/10–9/30/10. She went over their statement & their ending balance 9/30/10 is \$4,369.16.

Discussion included: They operate out of North Park, financial statement is from 7/1/10-9/30/10, they are in a flood zone area, keep an eye on condition of fields, had to change their name in order to prevent any legal action with a DBA the Converse Youth Sports League & their logo will be the Cardinal.

Mr. & Ms. Harris presented the Mayor with a number "1" jersey from the Converse Cardinals.

- B. Briefing by the Chair of the Committee for the Converse 50<sup>th</sup> Celebration (Mayor Suarez) (City Manager)

Mr. Quintanilla stated Ms. Gaines would not be able to attend tonight. There is a handout in the packets with a list of possible activities. They had a mtg. on Nov. 1 at 6 PM & their next mtg. is scheduled for Mon., Nov. 15 at 6 PM.

- C. Briefing by Mr. Jerry Wilson and Discussion of the Financial Report on the 2010 Night in Ole Converse (City Manager)

Mr. Wilson gave a briefing on his handout report; he went over the revenue & expenses; Net Profit \$34,019.96, he is missing the expense for a couple of minor items; money goes into the General Fund.

Council member Pannell stated he would like for us to look at the fees & how much we charge people to be in our event.

Mr. Quintanilla stated the Lions Club is very pleased with the results from this year, he was approached by a couple of other vendors who were ecstatic with their gain from NIOC this year, great weather, staff, Parks & residents did a fantastic job.

- D. Discussion and Appropriate Action to Approve the Selection of an Auditing Firm for the City of Converse (Councilwoman Paschall)

Council member Paschall stated she gave CC a copy of the RFQ's that were sent to us.

Discussion included: Both organizations look good, preferred Converse &/or in Metrocom area, the local one serves most of the Metrocom cities, Armstrong & Vaughn estimated a fee of \$22,500, we presently paid our current auditor \$35,000.

Council member Paschall made a motion to accept the proposal from Armstrong Vaughn & Associates. Council member Benbrook seconded the motion. It passed unanimously.

- E. Discussion and Appropriate Action to Consent to the Appoint of the Interim City Manager as Executive Director for the Converse Economic Development Corporation until Such Time that a New Executive Director of the Converse Economic Development Corporation is Appointed (City Manager)

Mr. Ortiz stated the EDC Articles of Inc. dictate that the Board appoint the Director &/or Acting Director; if it is going to be the City Manager or Acting City Manager the Council has to approve of that. Assuming that the Board wants Mr. Quintanilla to serve in that role the CC will have to approve it. He expects the EDC to do this at their next mtg.

Mr. Quintanilla thanked the CC for considering him for this position, until the position is filled.

Council member Brown made a motion to approve agenda item #10 F. Council member Lopez seconded the motion. It passed unanimously.

- F. Discussion and Appropriate Action on a Request to the City of Converse Economic Development Corporation to Provide Additional Funding as Allocated in the FY 2010-2011 EDC Budget for Future Capital Projects in the Amount of \$30,000.00. The Proposed Use is for Public Facilities in the City North Park to Construct a Public Restroom to Support Park Daily Activities at North Park (City Manager)

Mr. Quintanilla stated in CC's packet is a proposed agenda for EDC mtg. for Nov. 9, 2010. We are requesting they obligate \$30,000 to help us pay for the construction of the restroom facilities at North Park. These \$30,000 are un-obligated within the EDC budget & are available. Staff recommends approval.

MPT Shadron made a motion to approve agenda item #10 F. Council member Pannell seconded the motion. It passed unanimously.

- G. Discussion and Appropriate Action on an Amendment to the Fiscal Year 2010-2011 General Fund Budget to Authorize Expenditures from Prior Year Funds in the Amount of \$32,226 to Construct a Public Restroom to Support Daily Activities at North Park (City Manager)

Mr. Quintanilla stated agenda items #10 F & G are related. We awarded a contract to Middleman Construction for \$62,226 for construction of the restrooms at North Park, in the 2010 budget the City had allocated funds for the construction of this project & we did not proceed with that project. Mr. Quintanilla is asking CC tonight to authorize him to allocate Prior Year Funds for \$32,226 for the North Park restrooms. Recommends approval.

Council member Pannell made a motion to approve agenda item #10 G. Council member Benbrook seconded the motion. It passed unanimously.

- H. Briefing on the Status of the Beautification & Environmental Commission by the City Council Liaison

Council member Lopez reported they are currently at an attendance of "0". They have had several people say they were interested, but their schedules would not allow. He does have "1" person that is definitely interested but not signed up yet.

Mayor Suarez stated CC could try to recruit members & the audience. They may contact the City Secretary if interested. The applications are on-line & can be brought to City Hall.

- I. Discussion and Appropriate Action on the Best Practices Used by the City of Converse to Employ Prospective Applicants (Councilwoman Paschall)

Council member Paschall stated she had a concern about the practices that we use in our City for hiring, vacancies & postings. She has 3 things that she is concerned about: we don't have procedures, don't have policies to follow & there is no focus on educational qualifications. She would like a report submitted & recommends monthly, when there are vacancies, when the vacancy opens, when the vacancy closes, the position, a required amount of time for posting positions – we need something in place/standard...report does not have to be monthly, however when there is a vacancy in any Dept. – Council should not be the last to know. Council member Paschall discussed the EEO report, which she received from Mr. Quintanilla & there are some discrepancies in the totals. She is asking that we do the right thing. She said she can wait for the study & reiterated that a report is easily doable.

Mr. Quintanilla stated the Charter states the City Manager is directly responsible for the hiring of staff & always seeking the most qualified personnel. We have applications on-line & they can be turned into City Hall for consideration. We have a Personnel Policy that talks about Human Resources & our expectations for our employees. We generally post in the Herald & depending on the position (web site, Herald, TML, Express News, etc.). We posted the City Manager position on TML's web site (they are a source that is very specific) for an audience that would entertain the position as City Manager, have received about 25 resumes & the close date is Nov. 30. We don't post for lateral transfers, but there would be a posting for the open vacancy position. A report is doable.

Council member Benbrook stated we are going to be studying the compensation procedures & it will also address our employment procedures. At the time that we really get into this employment compensation & employment procedures that these finer points be addressed & put into the procedures.

Council member Pannell stated he is a firm believer in communication. He thinks it is important that staff understands that there are no laws being broke by the Charter when they ask for simple information, they are authorized this information.

J. Discussion and Appropriate Action to Approve the Holiday Schedule for FY 2011 (Mayor Suarez/City Manager)

Mr. Quintanilla stated the schedule is in accordance with the employee handbook.

Council member Benbrook made a motion to approve agenda item #10 J. Council member Pannell seconded the motion. It passed unanimously.

At approximately 8:13 PM, Mayor Suarez called for a recess.

At approximately 8:27 PM, Mayor Suarez opened the Executive Session.

K. Executive Session in Accordance with Section 551.071, Texas Open Meetings Act, to Consult with the City Attorney and Discuss Potential Litigation Against R. L. Jones, LLP (City Attorney) (City Manger)

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

At approximately 8:35 PM, Mayor Suarez closed the Executive Session.

At approximately 8:36 PM, Mayor Suarez opened the Executive Session.

L. Executive Session in Accordance with Section 551.074, Texas Open Meetings Act, to Deliberate the Employment, Evaluation, Reassignment, Discipline or Dismissal of the Interim City Manager (Mayor Suarez)

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

At approximately 8:46 PM, Mayor Suarez closed the Executive Session.

At approximately 8:52 PM, Mayor Suarez called the City Council meeting back to order.

- M. Discussion and Appropriate Action in Accordance with Consultation with the City Attorney Regarding the Potential Litigation Against R. L. Jones, LLP (City Attorney) (City Manager)

Mayor Suarez stated there was no action on this item.

- N. Discussion and Appropriate Action Regarding the Employment, Evaluation, Reassignment, Discipline or Dismissal of the Interim City Manager (Mayor Suarez)

Mayor Suarez made a motion to increase Mr. Quintanilla's pay by \$1,500 a month to compensate him appropriately for the increased duties. Council member Pannell seconded the motion. It passed unanimously.

- 11. 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 reported:

- Thanked Chief Wendt, Chief Jamison & their Depts. for the National Night Out, went very well
- Had an opportunity to brief the employees on the salary survey, all of the Depts. have been done with the exception of the Police Dept. & he is looking to have this done probably within the next 2 wks. & will let them know in advance so they can try to make it
- Going to possibly be looking at doing the strategic planning process that was started in 2008, possibly in Jan. 2011
- Possible workshop on annexation
- Possible workshop as the applications come in for the City Manager, possibly in Dec., to determine on how to move forward
- Thanked the citizens who are participating in the 50<sup>th</sup> Anniversary in April 2011
- Thanked the American Legion Post 593 for their efforts in doing a community Halloween Party this past Sun.
- Still working with the other surrounding Mayor's to get VIA service to NE Lakeview
- Thanked the Cardinals Youth Organization they are going forward, being positive & there is a lot of participation

- B. Councilmember's Report/Items of Interest

Council member Lopez reported:

- The 2<sup>nd</sup> Sat. event is still going on, the next one is on the 13<sup>th</sup> & will be hosting a chili cook-off & looking for more teams-\$25 entry fee & going towards the awards, deadline is a wk. from today, for more information you can contact Aura's Boutique & talk to the owner, Sandy

Council member Pannell reported:

- Spoke with the Mayor & City Manager & has requested on a quarterly basis he would like to see a report of all of the calls from the Police & Fire/EMS Depts.

Council member Brown reported:

- He might have confused the citizens on items F & G when he asked Mr. Quintanilla about the \$32,000 & it was actually item G that was already funded last yr.
- Nov. 20 – Citizens Fire Academy Alumni Assoc. is going to be doing a “fill the fire truck” for Boysville & will be doing the same for GRASP in Dec.
- Dec. 4 – Breakfast with Santa at Fire Station 1
- Looking for new members for the Fire Alumni – it has a lot of knowledge
- He said in his campaign that he would hold himself accountable for what he said & made a remark about making cell phones in Converse & doesn’t want to ban cell phones in Converse – where he was heading with that was “blue tooth” – apologizes if he offended anyone

Mayor Suarez stated he received an e-mail from Universal City for the Veteran’s Day Parade on Sat. & will forward to CC, they will need a response by tomorrow.

C. Boards/Commission Reports

(1) Parks & Recreation Commission

MPT Shadron had no report, their next mtg. is Nov. 8.

(2) EDC Board of Directors Meeting

Mr. Quintanilla had no report, their next mtg. is Nov. 9, they have hired Ms. Michelle Burns as the Administration Assistant.

(3) Planning & Zoning Commission

Council member Paschall had no report.

D. City Manager

(1) Report and Discussion of Future Agenda Items

(2) Report and Discussion of Items of Interest

Mr. Quintanilla reported:

-2<sup>nd</sup> Reading on Ord. 714

-City offices will be closed Nov. 11 in observance of Veteran’s Day & Nov. 25 & 26 in observance of Thanksgiving

E. City Staff Reports

(1) Report and Discussion of Significant Fire and EMS Events

Chief Wendt reported:

-Presented & briefed CC with the quarterly report for the last 3 months

-This week submitted to the Tx. Commission of Fire Protection their instructor one certifications for all of their Officers – allows us to spread the training load around

-Staying busy

-Was going to give the apparatus briefing, but at the request of MPT Shadron this will be put off to another mtg. so CC can review the information

(2) Report and Discussion of Significant Police Events

Chief Jamison reported:

- Presented CC with the quarterly report
- Halloween – quiet
- Briefed on the incident that happened a couple of weeks ago – on the 2 ½ month old baby that died, arrested the baby's father & he was charged with injury to a child & will upgrade to capital murder
- In the last 2 wks. – briefed on the recovery of 2 stolen vehicles & cleared 3 burglaries all in the same day
- Blue Santa Program – doing very well, collected a little over \$9,000 & have 1 more session at Wal-Mart; Thurs. morning Chief's Wendt & Jamison are going to Wal-Mart for a monetary donation
- Gave a brief report on the Quarterly Statistic Report
- Officers are busy
- Judge controls the Court (fees & fines)
- More collisions are happening at Kitty Hawk & Toepperwein – possibly due to 5 lanes & driver not paying attention
- Briefed on the investigations & the cases open
- We have a great Police Dept.; they work well together & with other agencies
- Next Quarterly will be in Feb. & that will be the time he will be giving this yrs. stats
- Briefed on the radar trailer, which is almost outdated & has mechanical problems, but is a good tool

(3) Report and Discussion of Significant Public Works Events

Director of Facilities Mr. Hoppes reported:

- Briefed on the re-shaping of the drainage channel at MacArthur Park (we were able to get a demo-worked well), getting complaints about the condition of the grass out there & were out there cutting today
- Got a demo on a boom style mower (worked well, expensive – future budget)
- Cutting & replacing asphalt in several areas around town
- Replacing several sidewalks around town
- Placid Park – finished, 1 small problem of water standing at 7210 & working with contractor to get water to drain
- Placed a large order of several street signs they will be installing to replace worn & faded signs around town
- Mr. Quintanilla already talked on the North Park restrooms
- Will be working on cleaning the EDC property at 308 South Seguin
- Will be working on some pavement striping on Toepperwein Road from Kitty Hawk to the Live Oak city limits
- Will be gearing up for the crack-sealing program that will occur during the winter
- Took delivery of the budgeted crack-seal router machine
- Briefed on the no-texting signs, several roads are TXDOT roads & we will work with them

Director of Utilities Mr. Perez reported:

- Horan Contractors have completed two 24" bores (1604 & Thorton Lane), this week we will begin the testing & hopefully by next Fri., we should be putting that line back in service
- Finished the 1516 water line extension, looped the system in on Sept. 30; will begin the 2<sup>nd</sup> phase of 1,200' of 8" water line from 1516 to the intersection of Vivian & Donolan
- Continuing to conduct the interviews for the purple pipe crew, 2 members hired & have 2 more; this crew will do valve hydrants & sewer mains throughout the City, until their equipment comes in
- Repair List: have 17 water leaks, 4 sewer mains that need repair & 6 yards to go back & finish with sod

12. Adjournment

City Council Minutes – November 2, 2010

At approximately 9:34 PM, Mayor Suarez adjourned the meeting.

PASSED AND APPROVED THIS 7<sup>th</sup> DAY OF DECEMBER, 2010.

ATTEST:

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Al Suarez, Mayor

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Adriana I. Hieronymus, City Secretary