

CITY OF CONVERSE
CITY COUNCIL MEETING
MINUTES OF MARCH 15, 2011
7:00 PM

The City Council of the City of Converse met in a regular meeting at the Converse Municipal Complex on Tuesday, March 15, 2011 at 7:00 PM to discuss various items on the agenda. The following were present:

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| 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. Jerry Wilson, Finance Director | Mr. Lupe Perez, Director of Utilities |
| Ms. Kate Silvas, EDC Executive Director | Ms. Jackie Gaines, Human Resource |
| Ms. Tracy Campos, Utility Office Manager | Mr. Kie Sagan, IT Technician |
| Ms. Michelle Burns, EDC Executive Secretary | Mr. Robert Osio, Police Officer |
| 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

Mr. Quintanilla 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. He introduced Council, Interim City Manager, City Attorney & City Secretary. The Mayor recognized JISD School Trustee Johnny Harris, JISD Superintendent Dr. Willis Mackey & Commander of Post 593 Dave Parrish.

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 Meeting Conducted on February 15, 2011
 - B. Receive Planning & Zoning Commission Minutes for January 24, 2011 Meeting
 - C. Receive Economic Development Corporation Minutes for February 08, 2011 Meeting
 - D. Receive Parks & Recreation Commission Minutes for February 16, 2011 Meeting
 - E. Action to Approve Financial Statements for November 2010
 - F. Action to Approve Investment Report as of November, 2010
 - G. Action to Approve City of Converse Proclamation #266; A Proclamation Honoring Justin T. Real for his Achievement of the Highest Honor in Boy Scouts; The Eagle Scout Award

MPT Shadron made a motion to approve agenda items #5 A-G. Council member Pannell seconded the motion. It passed unanimously.

6. Special Consideration Items

- A. Presentation by Mayor Al Suarez on the City of Converse Projects (Mayor Suarez)

Mayor Suarez reported:

- On the newly hired City Manager
- New digital marquee sign in front of City Hall & the cost of \$40,000
- New City of Converse web site
- Employee compensation study
- FM 1604 roadway expansion & newly approved section that will be coming up soon, will have 2 additional street lights
- New Converse newsletter, out possibly in April
- Review the new alternative water plan
- Update on 2011 Strategic Plan for the City & evaluating a Master Plan

- B. Presentation by Dr. Willis Mackey, Judson Independent School District Superintendant and Mr. Johnny Harris, Judson Independent School District Board Trustee, on the proposed state mandated budget cuts for JISD. (Dr. Mackey/JISD Superintendant) (Mr. Johnny Harris/JISD School Board Trustee)

Mr. Harris reported:

- They video tape their meetings, you can go on line & make your assessment on how you are being served
- Thanked CC for the updated presentation (#6A)
- Is amazed by the progress made to the City with good leadership & staff
- Enjoys the annual fish stocking program at the City Park
- Praises & appreciates the COC “Meet the Candidates”
- Discussed JISD’s budget (annual \$158 million), for more information visit their web page at JudsonISD.org
- JISD became recognized due to a change in curriculum throughout the entire district
- Dr. Mackey is a resident of the district

Dr. Mackey reported:

- On their budget - \$157,300,000; they are expecting some major overhaul & cuts
- Local revenue - \$63 million
- State revenue - \$85 million & the State is asking them to cut 20% of the revenue (roughly \$20 million)

- Federal Government - \$1.4 million
- In public schools 80% of their budget is personnel
- Spoke on taxes & the tax rate
- All he can do is make recommendations, but the Board has the approval decision
- They know they will have to use their Fund Balance
- If the leaders in Austin would raise taxes by 2 cents, they could solve this problem
- He discussed staff allocation, may have to cut 237 in personnel to meet the budget; this is tough-everybody needs a job

- C. Recognition of Joseph Williams, Building Official, for More Than 5 Years of Service to the City of Converse (Mayor Suarez)

Mr. Quintanilla stated this item will be deferred.

- D. Presentation of City of Converse Proclamation #266; A Proclamation Honoring Justin T. Real for his Achievement of the Highest Honor in Boy Scouts; The Eagle Scout Award (Mayor Suarez)

Mr. Justin Real was presented with Proclamation #266.

- 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.

-Mr. Richard Weers stated he would speak on agenda item.

- 8. Public Hearing

- A. None

There were no Public Hearings.

- 9. Old Business

- A. None

There was no Old Business.

- 10. New Business

- A. Briefing by Mr. Rex Brien, Judson Youth Sports Foundation on the Operations & Finances (Mayor Pro Tem Shadron)

Mr. Rex Brien, President reported:

*Regarding baseball-starting spring season this year

-Numbers are pretty good, 21 teams

-New board members

- *Regarding football-getting ready to start up registration in April for football & cheer
- Will work with JISD & JISD Education Foundation for the second annual football camp (June 4 & 5) at Judson Stadium
- Have some leadership who is going beyond, who are going through the process to be mentors with the Texas Youth Commission

Ms. Jennifer White, Treasurer reported:

- Had problems with the lap top & reproducing things
- Is current, although CC has 2nd & 3rd Qtr.-2010
- Since they are growing, they now have a Treasurer for the football
- She is still Treasurer above on the Board of Director & handling the baseball & small basketball account
- All bills are paid & money in the account

Council member Lopez would like to get a current bank statement.

- B. Discussion & Appropriate Action regarding the Demolition of Structures not in compliance with City of Converse Code of Ordinance Chapter 8, Article IV, of the Code of Ordinances the Toepperwein Road Properties (located at 407 Toepperwein, 503 Toepperwein, and 505 Toepperwein) by the Building & Standards Commission (Councilman Pannell)

Council member Pannell stated the Building & Standards Commission deals with law & takes a lot of research.

*503 & 407 Toepperwein: Owner of the properties got with Mr. Quintanilla prior to the Building & Standards meeting, she had obtained a demolition permit & has until April 3 to get these demolished or the Commission by State law can impose fines up to \$2,000 per day.

*505 Toepperwein: Owners Mr. & Mrs. Luis are both on Social Security, have been trying to sell the home, appraised at \$14,000, having a hard time selling the property because it is zoned for a Business. The Commission asked Council member Pannell to ask CC a recommendation & support to waive the filing fees for this particular location (\$250-\$400). We are going forward to put a lien on his property through Bexar County, once demolished & we recoup the City's monies then the remainder will be turned over to Mr. Luis, who was in favor of this action & has until April 3 for demolition.

*308 Kneupper: Greatly improved & no pets were found on the property

Council member Benbrook made a motion to waive the pertinent fees for the property at 505 Toepperwein. Council member Paschall seconded the motion. Passed unanimously.

- C. Discussion and Appropriate Action Regarding Tax Abatements for the use of the Executive Director of the Converse Economic Development Corporation for the Purpose of Economic Development (EDC Executive Director)

Mr. Quintanilla amended this item to be the First Reading. The Mayor amended as indicated.

Ms. Silvas stated she is asking for a Tax Abatement Ord.; 1st was passed in 1997 & then in 2008, guidelines expired in 2010, is an economic development tool. Tax abatement is an agreement between a governmental body & exempts all or a part of the increase in the value of the property (real or tangible personal property) from taxation for a period not more than 10 years, not retroactive but has to go forward in time. The

guidelines must be re-authorized every 2 years by State law. We will not exceed 100% of the new appraised value of capital improvements or personal property & it will not reduce current ad valorem tax receipts. This is done on a case by case basis, so every time she receives a request, she will put together a recommendation, take it to the EDC Board, City Manager & then bring it to CC for final approval. We would have to create a re-investment zone with the request for an abatement at the time of the application; it must meet the requirements of the Master Plan, Zoning Ords., building codes & other Ords. that are in effect.

Mr. Quintanilla stated this is a necessary tool & ask that CC recommend this Ord.

Council member Lopez made a motion to approve the 1st reading of agenda item #10 C. Council member Pannell seconded the motion. Passed unanimously.

- D. Discussion and Appropriate Action to Approve a Written Agreement with the American Legion Post # 593 for the Sale of Beer in Association with the 50th Anniversary Celebration (Project Manager & Interim City Manager)

Ms. Gaines provided CC with an updated budget plan & updated on the event: March 2-attended American Legion meeting & thought the contract was fair, City receive 30% of total net sales, American Legion responsible for all required license, insurance & any other cost associated with the Beer & Wine sales; beer vendor will be Silver Eagle Distributors (Bud, Bud light & some wine coolers).

Mr. Ortiz reviewed the policy the American Legion had & they have a couple of endorsements. We are fine & they have adequate insurance.

Mr. Quintanilla stated staff recommends approval.

Council member Pannell made a motion to approve agenda item #10 D. Council member Benbrook seconded the motion. Passed unanimously.

- E. Discussion and Appropriate Action to Approve a Written Agreement with PONY PARTIES BY DAWN for Providing a Petting Zoo, Pony Rides, Games and Face Painting in Association with the 50th Anniversary Celebration (Project Manager & Interim City Manager)

Ms. Gaines stated the contract seems very fair. We will have the pony rides-\$2; face painting-\$2; 3 different kinds of Midway games-no charge; Petting Zoo-15-18 little animals-can pet them; feed animals-\$1 bag of feed; our price will be \$1,335 & the Committee approved this & liked the idea. We want to add more events from this company if the price is right. Ms. Dawn Patterson will be there from 2-6 PM & we want to add more entertainment in the kid's area. We will get a proposal from Ms. Patterson tomorrow with various ideas & the cost will go up. We would also like Ms. Patterson to provide coverage from 6 PM-10 PM; we do have it in the budget. Ms. Gaines stated we are up to \$32,211.35 & have a \$40,000 budget; we have contacted our TML Insurance. We also want to have more musical entertainment under the pavilion or have professional dancers.

Mr. Ortiz stated CC can make a motion to approve "X" amount not to exceed some number for amusement kids services.

MPT Shadron asked to abstain from this vote, because it was his wife that went out & did the initial contact for this & connected Ms. Patterson & the City together.

Mr. Ortiz stated MPT Shadron did not have to abstain.

Council member Lopez made a motion to approve agenda item #10 E, not to exceed \$3,000 for kid's entertainment. MPT Shadron seconded the motion. Passed unanimously.

F. Discussion of the City of Converse Newsletter (Mayor Suarez) (Interim City Manager)

Discussion included: This is another avenue of communication to the citizens, start now with the 50th Celebration, CC was given a very rough draft of a sample newsletter, CC had requested a 1 page, front & back, with a space for the Mayor & Council corner & a small blurb from the Depts., a 1 page newsletter can get lost, make glossy, larger, put out in black & white & have at different offices, if we are going to have a big bang for the 50th-we need to have a big bang of this, after the celebration come back & re-work a new design; set up a workshop & take this on as a project, cost, can do on line. We will do a workshop after the 50th Celebration & come up with ideas, talk about digital versus hard copy & look at the cost & where it fits in our budget.

G. Discussion and Appropriate Action to Amend City of Converse Code of Ordinances Chapter 46, Article IV, Section 46-108, the City of Converse Water Billing and Procedures (Councilman Lopez) (Director of Utilities)

Discussion included: This came about by a citizen complaint through an e-mail about citizens who could afford to pay their water bill but the bill got misplaced, or they did not get a reminder, or they just forgot & they shut the water off without notice-it would just be beneficial to the City & customers if they would receive another reminder. This was brought up to the Utility Dept. & have instituted a new "reminder card".

Mr. Perez stated he got with his staff & came up with something, which will be put in place & it will start the 1st cycle in April. He explained the billing process & gave an example. Now, they will be given a total of 31 days from their billing date to the cut-off date & they will be sent a reminder 21 days later, will be a different color card stock & mailed to the customer. We will have samples of cards on display at the Water Billing Dept. & will put something on the web site. We will do our best to notify the customers.

Council member Lopez made a motion to approve the 1st reading of agenda item #10 G. Council member Paschall seconded the motion. Passed unanimously.

H. Discussion and Appropriate Action to Amend City of Converse Code of Ordinances Chapter 46, Article IV, Section 46-188 through Section 46-195, the City of Converse Water Conservation Plan (Director of Utilities) (Interim City Manager)

Mr. Perez stated the level of the Edwards Aquifer Authority (EAA) for going into Stage 1 is 660. The staff decided if we go at 670 & start enforcing this earlier we can hopefully stay out of a bind. They are recommending Stage 1-670, Stage 2-660, Stage 3-650 & Stage 4-640. At 670, we would start the reduction down 20%, Stage 2-30%, Stage 3-35% & Stage 4-40%. Right now, looking at the level of the aquifer it was already 666.8 & is going down fast.

Discussion included: We need to raise the awareness to the citizens, put on web site, put out flyers, notify customers/schools/businesses, possibly advertise/put small signs under the speed limit signs; we will /advertise as fast as we can. We are in a dry period & need citizens to help.

Mr. Quintanilla recommends approval.

MPT Shadron made a motion to approve the 1st reading of agenda item #10 H. Council member Pannell seconded the motion. Passed unanimously.

- I. Discussion and Appropriate Action on a Resolution #638 of the City of Converse, Texas, Finding, After Reasonable Notice and Hearing that CENTERPOINT ENERGY ENTEX AND CENTERPOINT ENERGY TEXAS GAS SOUTH TEXAS DIVISION Requested Increases to its Natural Gas Rates and Charges within the City should be denied, Providing for Recovery of Rate Case Expenses, Preserving Regulatory Rights of the City; Resolving Other Provisions related to the Subject Matter Hereof; Finding that the Meeting at Which this Resolution is Passed is Open to the Public as Required by Law; Requiring Notice of this Resolution to the Company and Legal Counsel (City Attorney) (Interim City Manager)

Mr. Ortiz stated this is something we are required to do so that the rate hike does not become effective; what we did earlier was a temporary stop measure & this is a permanent stop measure until the dispute can be resolved. Recommends approval.

Council member Pannell made a motion to approve agenda item #10 I. Council member Benbrook seconded the motion. 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:

- Strategic Planning process is underway; will be requesting a workshop possibly the 1st week in April
- Chief Wendt notified him about HB 1718, regarding Emergency Services Districts; the Mayor notified Rep. Farias & Senator Zaffirini for us & they will be opposing this bill for us
- The subject matter/incident which happened with the Fire Dept. personnel is not a reflection of our personnel
- At the NE Partnership, Commissioner Adkisson gave his "State of the Precinct 4" address & is in good hands

B. Councilmember's Report/Items of Interest

Council member Paschall reported:

- Can't reiterate enough communication, she found out about this on the news; Mayor Suarez stated an e-mail was sent out to the CC

Council member Lopez reported:

- The 50th Anniversary Committee discussed the time capsule & did not know if a date had been set, possibly a week after the celebration-set a date would be great
- Last week, toured the Schertz-Seguin Local Government Corp. water facilities
- Today, toured our water facilities with Mr. Smith, thanked the Utility Dept.

Council member Benbrook reported:

- Reminded CC, staff & citizens, that next week, Thurs. night in the Chambers at 7 PM is the 1st event kicking off the 50th celebration, crowning of the Royal Court

Council member Pannell reported:

- Asked where do we stand with having Mr. Bissell come & record our CC meetings

Mayor Suarez replied he is waiting for the new City Manager to come on board.

Council member Brown reported:

- Citizens asked if we could get arrows painted on Station Street & at the corner of Gibbs Sprawl in front of the Fire Station, it is very confusing

- Graffiti on the sign coming into Converse off of Toepperwein

C. City Commissions & Economic Development Corporation Reports

Park & Recreation Commission - MPT Shadron reported:

- Met last night

- Partnership with the Fire/EMS Alumni for an Easter Egg Hunt on Sat., April 16 at North Park

- Work with the Legion on the 9/11 Ceremony & should have members present on April 13

- Discussed a Park & Shine on the 2nd Sat. & have it at the Justice Center parking lot, if it grows enough-can move it to the Park

- Having a raffle for the 50th Anniversary; wagon full of items that can be used at the Park, will sell them for \$1 each & sold at the anniversary

- Continue updating on the bird watcher & talked about the butterfly garden; will work towards a budget item for next year

- Discussed the dog run/dog park-right now, voted down due to the cost; but would like to look to something where we can gradually move into this, would like to see some dog stations put up at the Park

- Next meeting-April 11 & will discuss items they would like to see on the budget for next year at the Parks; possibly have Mr. Hoppes present

Planning & Zoning Commission – Council member Paschall reported:

- No report

- Before the end of March, they will be having another Strategic Planning workshop

Building & Standards Commission – Council member Pannell reported:

- Briefed earlier tonight

Economic Development Corporation – Ms. Silvas reported:

- Approved the policy for tax abatement

- Held a public hearing to create a project for the investment of the water systems upgrade & the contribution of the EDC of \$250,000 of sales tax proceeds

- Approved the appointment of 2 representatives for the COC Strategic Planning Committee

- Retail site assessment from Buxton Community ID is underway; they will attend EDC's next meeting with the results of the study/report

- Reviewed her Executive Director's report (marquee, Randolph Metrocom Business Expo, open house at the end of Feb. & will be having subsequent open houses for the businesses within the community-possibly in April)

- NE Partnership for Economic Development purchased a 2 page ad in the Texas Wide Open For Business Magazine

- Continue to work on business development & opportunities in Converse

D. City Manager's Report

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

Mr. Quintanilla reported:

- Three 2nd readings for April 15 CC meeting
- Made staff assignments to support Ms. Gaines on the 50th Celebration
- Couple of plats for approval
- Public Hearing for a Special Use Permit
- Letter of Intent, regarding the inter-connect for our water project

Recess: 9:18 PM

Open: 9:29 PM

12. Executive Session

- A. Executive Session in Accordance with 551.071, Texas Open Meetings Act, to Consult with City Attorney and Discuss the Articles of Incorporation of the Cibolo Valley Local Government Corporation (CVLGC) to Support Activities Associated with the Development of Water Resources (City Attorney) (Interim City Manager)

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

Close: 9:47 PM

Open: 9:47 PM

- B. Executive Session in Accordance with 551.071, Texas Open Meetings Act, to Consult with City Attorney and Discuss the Bylaws of the Cibolo Valley Local Government Corporation (CVLGC) to Support Activities Associated with the Development of Water Resources (City Attorney) (Interim City Manager)

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

Close: 9:48 PM

Open: 9:49 PM

- C. Executive Session in Accordance with 551.071, Texas Open Meetings Act, to Consult with City Attorney and Discuss the Memorandum of Agreement (MOA) with Cibolo, Schertz, Seguin and Selma to Support Activities Associated with the Development of Water Resources (City Attorney) (Interim City Manager)

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

Close: 10:18 PM

Open: 10:22 PM

13. Reconvene to Open Session

- A. Discussion and Appropriate Action In Accordance with Consultation with the City Attorney Regarding the Approval of the Articles of Incorporation of the Cibolo Valley Local Government Corporation (CVLGC) to Support Activities Associated with the Development of Water Resources(City Attorney) (Interim City Manager)
- B. Discussion and Appropriate Action In Accordance with Consultation with the City Attorney Regarding the Approval of the Bylaws of the Cibolo Valley Local Government Corporation (CVLGC) to Support Activities Associated with the Development of Water Resources (City Attorney) (Interim City Manager)
- C. Discussion and Appropriate Action In Accordance with Consultation with the City Attorney Regarding the Approval of the Memorandum of Agreement (MOA) with Cibolo, Schertz, Seguin and Selma to Support Activities Associated with the Development of Water Resources (City Attorney) (Interim City Manager)

Mayor Suarez stated items #13 A, B & C will be deferred, they are not ready for action at this time.

14. Adjournment

At approximately 10:23 PM, Mayor Suarez adjourned the meeting.

PASSED AND APPROVED THIS 19th DAY OF APRIL, 2011.

Al Suarez, Mayor

ATTEST:

Adriana I. Hieronymus, City Secretary