

CITY OF CONVERSE
CITY COUNCIL MEETING
MINUTES OF APRIL 19, 2011
7:00 PM

Be It Known That The City Council Of The City Of Converse Met For A Regular Meeting At The City Council Chambers at 402 South Seguin Street On Tuesday, April 19, 2011 At 7:00 PM To Discuss The Following:

Mayor Al Suarez
Council Member Renee Paschall, Place 1
Councilman Randy Pannell, Place 4
Councilmember Steve Brown, Place 6
Mr. John Quintanilla, Assistant City Manager
Mr. Ray Ortiz, City Attorney

MPT John Shadron, Place 3
Councilmember Grant Lopez, Place 2
Councilmember Robin Benbrook, Place 5
Ms. Shawna Dowell, City Manager
Ms. Jackie Gaines, Recording Secretary
Mr. Jerry Wilson, Finance Director
Mr. Karl Hoppes, Director of Facility

1. CALL TO ORDER.

Mayor Suarez called the meeting to order at 7:00 PM.

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 the Pledge of Allegiance to the U.S. Flag and MPT Shadron led the Pledge of Allegiance to the Texas Flag.

4. ROLL CALL AND RECOGNITION OF VISITORS.

Mayor Suarez stated all City Council members are present and introduced the Council, City Manager, Assistant City Manager, City Attorney and the Recording Secretary. Mayor Suarez recognized the Honorable Tommy Adkisson, Bexar County Commissioner, Precinct 4 and Mr. Arnold Salinas, JISD School Board Trustee.

- 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 March 15, 2011.
- B. Receive Minutes from Park & Recreation Commission Meeting Conducted on March 14, 2011.

- C. Receive Minutes from EDC Commission Meeting Conducted on March 8, 2011.
- D. Action to Approve Financial Statements for January 2011.
- E. Action to Approve Investment Report as of January, 2011.
- F. Action to Approve Financial Statements for February 2011.
- G. Action to Approve Investment Report as of February 2011.
- H. Action to Appoint Ms. Wanda Harrell, P.O. Box 657, Converse, Texas 78109 as a member of the Beautification and Environmental Commission. (Councilman Lopez)
- I. Action to Appoint Ms. Beverly Rush, 9835 Flatland Trails, Converse, Texas 78109 as a member of the Beautification and Environmental Commission. (Councilman Lopez)
- J. Action to Appoint Ms. Yvette Casablanca, 9034 Arabian King, Converse, Texas 78109 as a member of the Beautification and Environment Commission. (Councilman Lopez)

Councilman Lopez pulled item A. Councilman Pannell made a motion to approve items 5 B-J. Councilman Lopez seconded the motion. Motion passed unanimously.

Councilman Lopez noted item 5A, page 7, states we have not set a date of the Time Capsule and announced that the date of May 7, 2011 has been set for the event. MPT Shadron made a motion to approve item 5 A. Councilman Brown seconded the motion. The motion passed unanimously.

Mayor Suarez thanked the new Commission members for volunteering to serve on the Commissions

6. SPECIAL CONSIDERATION ITEMS.

- A. Recognition of Raul Hurtado, Custodian, for More Than 5 Years of Service to the City of Converse. (Mayor Suarez)

The City Council and City Staff recognized Mr. Hurtado for his 5 years of service to the City of Converse.

- B. Recognition of Kazimierz “Kie” Sagan, IT Technician, for More Than 5 Years of Service to the City of Converse. (Mayor Suarez)

Mr. Sagan was not in attendance for meeting.

- C. Recognition of Hector Vasquez, Fire Fighter-EMT, for More Than 5 Years of Service to the City of Converse. (Mayor Suarez)

The City Council and City Staff recognized Mr. Vasquez for his 5 years of service to the City of Converse.

- D. Recognition of the Converse 50th Anniversary Celebration Committee. (Mayor Suarez)

Mayor Suarez and City Council recognized the 50th Anniversary Celebration Committee Members and Chairman of the Committee recognized the volunteers.

- E. Presentation of the “State of Bexar County Precinct 4” by the Honorable Tommy Adkisson, Bexar County Commissioner Precinct 4. (Mayor Suarez)

Bexar County Commissioner Adkisson presented the City Council and the audience with the State of the Precinct which covered the tax rate history, source of revenue and funding, ESD #1, economic development and Loop 1604 East and other items of interest.

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 no one signed up to speak.

8. **PUBLIC HEARING.**

- A. Public Hearing on a Request for a Special Use Permit (SUP) on a Parcel of Land located at 8340 FM 78 (CB 5080A PT 8 of "City of Converse Annexation", ID # 317113), approximately 18,540 square feet of a 4.7710 Acre tract of land to allow for the operation of a Fitness Center Business.

Mayor Suarez opened the Public Hearing at 7:50 PM.

Troy Lott came up to speak and the Mayor asked if he would like to discuss the item under 10A and Mr. Lott agreed.

Mayor Suarez closed the Public Hearing at 7:52 PM.

9. **OLD BUSINESS.**

- A. NONE

10. **NEW BUSINESS.**

- A. Discussion and Appropriate Action to Approve a Request for a (SUP) on a Parcel of Land located at 8340 FM 78 (CB 5080A PT 8 of "City of Converse Annexation", ID # 317113), approximately 18,540 square feet of a 4.7710 Acre tract of land to allow for the operation of a Fitness Center Business. (Assistant City Manager)

Mr. Quintanilla reported the Planning and Zoning Commission approved the SUP unanimously.

Mr. Lott passed out a site plan of the Planet Fitness project and stated the plans are to take the existing development all the way to the Chase Bank. A gym does not fall under any of the zoning categories. A timeline to bring the built building to Planet Fitness is October 1, 2011. The existing vacant Sippel Hardware building will have to be taken down to the slab and will re-erect a new building. Currently is in a lease with Planet Fitness contingent on a couple items.

Ms. Dowell believes this SUP along with the full development with the group of businesses would benefit that area and recommend approval.

MPT Shadron made a motion to approve item 10A. Councilwoman Paschall seconded the motion. The motion passed unanimously.

*** Mayor Suarez stated before moving onto Item 10 B, he would like to go back to item 7 and allow a citizen to speak under Citizens to be Heard, to voice his concern.

George Campbell stated he resides in North Hampton but has two properties at 7810 and 7814 Copperbrook in the Copperfield Subdivision. Mr. Campbell stated Sivage was negligent with cutting the high weeds and keeping the wooded area cut back. Mr. Campbell also stated he had not received favorable and sometimes no response when contacting the High Weeds Department for the City when asking for support. Mr. Campbell said he appealed to Mayor Suarez. Mayor Suarez was able to get the area cleaned up and thanked Mayor Suarez for being attentive to the residents in that area.

B. Discussion and Appropriate Action to Approve the Consolidated Annual Financial Report 2010.
(Auditor) (City Manager)

Ms. Deborah Fraser briefed the Council on the Independent Auditor's Report that states the financial statements and are fairly stated and are materially correct and discussed the management's discussion and analysis (MD&A), which gives an overview of the financial statement and economic future. The first section showed all debt and fixed assets, the statement of net assets, the statement of activities and the balance sheet. Ms. Fraser discussed the GASB requirement for the TMRS phase-in rates and the budget to actual under the schedule of revenues and the total expenditures. Ms. Fraser gave comments on material weakness and internal control and made recommendations on how to improve each discovery.

Ms. Dowell addressed the Council regarding the following issues:

- The depreciable assets are currently under review by the Department Heads
- looking into uncollectable accounts and new accounting software
- A formal fraud prevention policy
- A separate debt service fund
- Financials to Council in a timely manner and in a different format
- Will request a formal budget amendment document to be used for all budget amendments once Council approves the amendments

Councilwoman Paschall made a motion to approve. Councilman Lopez seconded the motion. Motion passed unanimously.

C. Discussion and Appropriate Action to Approve the sale of a CATERPILLAR TRACTOR with Winch and Straight Blade to T. M. T. Parts and Machinery, INC. (Assistant City Manager)
(Streets Director)

Mr. Quintanilla reported the City had received an offer to purchase a Bull Dozier that is no longer worth repairing.

Mr. Hoppes' early review of repairs was quoted almost \$11,000. Further discovery of repair cost was upward \$20,000.

Ms. Dowell added we can look at borrowing, leasing or contracting for short period of time to get through this summer but as we look to the future, we will need to look towards replacing.

Councilman Brown made a motion to approve the sale of the Caterpillar Tractor for \$4,500 to T. M. T. Parts and Machinery. Councilwoman Paschall seconded the motion. The motion passed unanimously.

D. Discussion of 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) (Assistant City Manager)

Councilman Pannell the three locations on Toepperwein Rd. are imperative we take care of due to this being a main entry into our City. Asbestos issues have surfaced. On the 27th of this month the Building and Standard Commission will meet concerning this item.

Mr. Quintanilla spoke on a correspondence from Attorney Mr. Cannon that represents the owner. The abatement and demolition cost is \$21,700.

Ray Ortiz said if the B&S Commission agrees to accept this plan, we move forward. We know the cost to the City in case they do not come through. This covers two of the three properties and with the third property, everything is in agreement for us to demolish the property and put a lean on the property.

Mr. Quintanilla added due to the specific type of asbestos with one site, the City can no longer be of assistance for demolition and by state law, have to use a licensed abatement contractor.

- E. Discussion and Appropriate Action on a Request to Approve the Final Plat for TOEPPERWEIN MARKET, a.k.a. CVS Pharmacy, Plat #122. (Assistant City Manager)

Mr. Quintanilla was contacted Monday with the news that this item is not ready to discuss.

- F. Discussion and Appropriate Action to Authorize the Fee Schedule for Vendor Fees and Associated Contract Documents for the 2011 Night in Ole Converse (NIOC) event. (City Manager)

Ms. Dowell asked the City Council for review this item due to questions arising within the past year. The fees are broken down into two categories, one being a regular fee and one being a franchise fee which allows a vendor to be the sole vendor of that type of item; they can pay the franchise fee to sell the item. There is a refundable clean-up fee as well. These fees are comparable to Cibolo and Schertz and are fewer fees than Fiesta.

Councilman Pannell stated he brought up the issue last year because he thought our citizens were getting raked over the coals on the cost.

Questions by Council:

Question: How long the City has offered a franchise fee.

Answer: The Parks and Recreation Commission had a franchise fee since 2002.

Question: Have we had the amount of food vendors we have wanted or was it less.

Answer: The City has had the amount of food vendors we wanted.

MPT Shadron made a motion to approve the NIOC Food Vendor Fee Schedule. Councilman Lopez seconded the motion. The motion passed unanimously.

- G. Discussion and Appropriate Action to Amend City of Converse Code of Ordinances Chapter 10-Business, Article III-Peddler's & Itinerant Merchants, Section 111, the City of Converse Ordinance That Regulates Pedestrian Solicitors Permitting and Procedures. (First Reading) (Assistant City Manager)

Mr. Quintanilla stated the amendment will increase the fee from \$20 to \$50 per agent. These solicitors are non-profit organizations that are not affiliated with the City or the citizens that solicit in the intersections. The application will alert the Police Department to the locations of approved solicitors.

Mayor Pro Tem Shadron made a motion to approve the amendment to the Code of Ordinances. Councilman Brown seconded the motion. The motion passed unanimously.

- H. Discussion and Appropriate Action on a Request to Authorize Supplemental Funding of the City of Converse Employee Medical Benefit Plan. (City Manager) (Finance Director)

Mr. Wilson gave an analysis of the current medical plan year that runs through May 31, 2011. The surplus is down due to claims from last year and the current year. The City is requesting \$75,000 for supplemental funding.

Ms. Dowell added that staff is currently evaluating Insurance bid packets and will bring options to Council on restructuring the plans.

Councilwoman Benbrook made a motion to authorize supplemental funding of \$75,000 for the City of Converse Employee Medical Benefit Plan. Councilman Pannell seconded the motion. The motion passed unanimously.

I. Briefing on City of Converse Newsletter. (Councilman Lopez) (Mayor Suarez)

Councilman Lopez disseminated a draft of a design for the newsletter and asked to review the design, font and script on signatures. Discussed a calendar of events and asked to define who can advertise.

Councilman Lopez would like to print a minimal amount of copies back to back in order to get citizens to view this on the website. Council and Staff recommended Councilman Lopez to proceed with the project.

J. Discussion and Appropriate Action to Amend City of Converse Code of Ordinances Chapter 34, Article IV, Section 34-138, the City of Converse Ordinance That Regulates Billboards. (First Reading) (Assistant City Manager) (This Item is still being researched.)

Mr. Quintanilla asked to amend the definitions of section 34-1 and modify section 34-148. Staff approves and recommends approval of the amendment.

Councilman Pannell asked to state for the record that if Mr. Ortiz is in agreement, then he can support the item.

Councilman Lopez approved the amendment that regulates billboards. Councilman Brown seconded the motion. The motion passed unanimously.

K. Discussion and Appropriate Action to Approve a Contract with CLEAR CHANNEL COMMUNICATIONS to Support the installation of a Digital Billboard adjacent to Loop 1604 Elevated Water Storage Facility. (Assistant City Manager)

Mr. Quintanilla stated per the Council's last meeting to have Mr. Ortiz review the contract.

Mr. Ortiz approved the contract that is in the packet.

Councilman Pannell made a motion to approve the Clear Channel contract of a digital billboard. Councilman Lopez seconded the motion. 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.

-The Strategic Planning meeting is set for April 30th at 10:00 am

-The 50th Anniversary Time Capsule Ceremony is May 7th, 10:00 am at North Park.

-Encouraged everyone to stop by the Library to look at the changes that have taken place in the kid's area.

-Meet the Candidates date is April 25th.

B. Councilmember's Report/Items of Interest.

-Councilman Pannell reported the Lott's family had lost a family member.

-Councilman Brown announced he may not be able to attend some of the above mentioned meetings due to deployment with the American Red Cross.

-Councilwoman Paschall said she has nothing else to add because the items have been discussed earlier and the next meeting date had been announced.

-MPT Shadron gave a report on the Easter Egg Hunt, 800 eggs were set out, and 30 plus kids participated. Having a partnership with the Fire Department made the event a lot nicer to hold and looks forward to having an even better event next year. The P&R Commission's responsibility is to present a list of park requirements and budget by June 1st. Thanked City staff for attending the meeting to explain the budget process and logistics.

-Councilman Pannell announced the Building and Standards Commission will meet April 27th at 6:00 pm.

C. City Commissions & Economic Development Corporation Reports.

Ms. Silvas presented an outline of the EDC financials and will present the annual audit at the next City Council meeting once the EDC Board has approved the item.

Ms Dowell asked the Council to afford the EDC Executive Director to monitor how much money is spent on items as to not max out the budget and allow the Director to have funds for incentives to draw businesses.

The Mayor suggested relaxing on the Toepperwein project to allow EDC to have funds for incentives.

Ms. Silvas announced EDC Board positions are currently open and will bring a recommendation of appointments to the City Council.

D. City Manager's Report

-Has been able to attend the P&R, EDC and P&Z meetings and applaud their efforts and will work to facilitate their requests.

-Working on a quote to repair the leak in the pool.

-Great turnout with the employee luncheon, thanked the Council for the event and allowing the employees the afternoon off.

-Pinpointed a few employees for the work on the 50th Anniversary Celebration.

-Met with Dr. Mackey with Judson ISD

-In the process of hiring a Librarian

-Met with Employee Benefit Services which is the Third Party Administrator for the employee health benefits and will meet on a quarterly basis with the company that will be chosen to provide that service

- Working with Mr. Werling and will bring a few changes to Council that will require additional funding

-Had two requests from residents for the Purple Pipe service and they are aware this is something we are trying to budget for this in the upcoming year

-Staff is meeting several times a week to look at how we can address these issues

Councilman Lopez apologized for missing his report and wanted to update the Council on the test website that will be on line soon.

(1) Report and Discussion of Future Agenda Items

(2) Report and Discussion of Items of Interest

Mayor Suarez called for a recess at 9:52 to conduct the Executive Session.

12. EXECUTIVE SESSION

- A. Executive Session in Accordance with 551.071, Texas Open Meetings Act, to Consult with City Attorney and Discuss the Contract Amendment with Schertz/Seguin Local Government Corporation (SSLGC) to Support Activities Associated with the Development of Water Resources. (City Attorney) (City Manager)
- B. Executive Session in Accordance with Section 551.071, Texas Open Meetings Act, to Consult with the City Attorney and Discuss Potential Litigation Against Don McCrary & Associates, INC. (City Attorney & Interim City Manager)

13. RECONVENE TO OPEN SESSION

Mayor Suarez called the Regular Session to order at 10:45pm.

- A. Discussion and Appropriate Action in Accordance with Consultation with the City Attorney Regarding the Contract Amendment with Schertz/Seguin Local Government Corporation (SSLGC) to Support Activities Associated with the Development of Water Resources. (City Attorney) (City Manager)

Mayor Pro Tem Shadron made a motion to approve the amended contract. Councilwoman Paschall seconded the motion. The motion passed unanimously.

- B. Discussion and Appropriate Action In Accordance with Consultation with the City Attorney Regarding the Potential Litigation Against Don McCrary & Associates, INC. (City Attorney & Interim City Manager)

Mayor Pro Tem Shadron made a motion to approve with fees discussed. Councilman Brown seconded the motion. The motion passed unanimously.

14. ADJOURNMENT

Mayor Suarez adjourned the meeting at 10:46 pm.

Al Suarez, Mayor

Attest:

Adriana I. Hieronymus, City Secretary