

CITY OF CONVERSE
CITY COUNCIL MEETING
MINUTES OF MAY 3, 2011
7:00 PM

The City Council of the City of Converse met in a regular meeting at the Converse Municipal Complex on Tuesday, May 3, 2011 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
Ms. Shawna Dowell, City Manager	Mr. John Quintanilla, Assistant 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	Ms. Kate Silvas, EDC Executive Director
Mr. Kie Sagan, IT Technician/Web Master	Mr. Robert Ayala, Library Director
Ms. Dawn Brennan, Library Assistant	Mr. Robert Osio, Police Officer
Mr. Ray Ortiz, City Attorney	Mr. Jeff Tondre, City Engineer
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 with the exception of Council member Brown, who was out supporting the American Red Cross, this is an excused absence.

Mayor Suarez recognized JISD Operations Superintendent Mr. Daniel Kershner.

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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 31, 2011
 - B. Action to Approve City Council Minutes for Meeting Conducted on April 25, 2011

Council member Pannell made a motion to approve agenda items #5 A-B. Council member Paschall seconded the motion. Passed unanimously.

6. Special Consideration Items
 - A. Recognition of Kazimierz “Kie” Sagan II, IT Technician, for More Than 5 Years of Service to the City of Converse (Mayor Suarez)

City Council & staff presented Mr. Sagan a “Certificate of Appreciation” for his support as Information System Technician, upgrades on computers & acquiring the web site, which should be up on May 27.

- B. Recognition of Michael Mercado, Street Maintenance, for More Than 10 Years of Service to the City of Converse (Mayor Suarez)

City Council & staff presented Mr. Mercado a “Certificate of Appreciation” and a City coin.

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.

None

8. Public Hearings
 - A. Public Hearing on a Request for a Special Use Permit on a Parcel of Land Located at 111 Gibbs Sprawl (CB 5563 W 196.83 FT of Blk. C ARB P-1 & SW 209.84 FT of ARB P-1D, ID # 346003), an Approximately 0.2861 Acre Tract of Land (12,463.00 sq. ft.) to Allow for the Operation of an Automobile and Tire Repair Shop Business

Opened: 7:12 PM

Mr. Alfonso Martinez, Jr., stated he would like to open up a tire shop at 111 Gibbs Sprawl Road. He has been doing this for 13 years in Schertz.

Closed: 7:13 PM

9. Old Business
 - A. Discussion and Appropriate Action to Amend City of Converse Code of Ordinances Chapter 10, Article III, Section 111, the City of Converse Ordinance that Regulates Pedestrian Solicitors Permitting and Procedures (Second Reading) (Assistant City Manager)

Mr. Quintanilla stated this is the 2nd reading; we are seeking to raise the application fee from \$20 to \$50 per agent for organizations not based in Converse & have no affiliation with Converse. Staff recommends approval.

Council member Lopez made a motion to approve agenda item #9 A. MPT Shadron seconded the motion. Passed unanimously.

- B. 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 (Second Reading) (Assistant City Manager)

Mr. Quintanilla stated we are augmenting our existing Ord. & adding a definition for a “Light Emitting Diode (LED) Billboard & parameters of the LED billboard. Staff recommends approval.

Council member Pannell made a motion to approve agenda item #9 B. Council member Lopez seconded the motion. Passed unanimously.

10. New Business

- A. Discussion and Appropriate Action to Approve a Request for a Special Use Permit (SUP) on a Parcel of Land Located at 111 Gibbs Sprawl (CB 5563 W 196.83 FT of Blk. C ARB P-1 & SW 209.84 FT of ARB P-1D, ID # 346003), an Approximately 0.2861 Acre Tract of Land (12,463.00 sq. ft.) to Allow for the Operation of an Automobile and Tire Repair Shop Business

Mr. Quintanilla stated P&Z approved this unanimously last night. They discussed parking issues, tire disposal issues, the Building Dept. will have to give a Certificate of Occupancy before the doors open, some traffic congestion, small automobile work (in & out work). We asked that no tires or rims be stored on the outside, the building be maintained & that tires ready for destruction be removed on a daily basis.

Mr. Martinez was okay with the restrictions & plans to make it look appealing; nothing will be left outside.

Council member Paschall made a motion to approve agenda item #10 A with the above conditions. MPT Shadron seconded the motion. It passed with 5 members (Suarez, Shadron, Brown, Pannell & Paschall), voting for approval & 2 members (Benbrook & Lopez) disapproving.

- B. Discussion and Appropriate Action to Approve the Preliminary Plat for Lott’s Landing II, Plat #124 (City Manager)

Ms. Dowell stated Vickrey & Assoc. provided a letter with stipulations. Mr. Quintanilla stated P&Z approved this unanimously & staff recommends approval. There is a conditional approval of this preliminary plat:

- Final plat should include adequate dimensions to describe the proposed right-of-way (ROW) dedication (if proposed and/or required by TXDOT)
- Preliminary plat includes a portion of an existing ROW along the eastern boundary; applicant has initiated the abandonment of this ROW, but this must be completed before the final plat is approved
- TXDOT, BexarMET & CPS Energy approval letters are needed; City Attorney has issued an opinion that the ingress/egress easement is adequate to provide access to the Nagel outparcel (future subdivision platting of the Nagel parcel may require a variance due to the lack of ROW frontage)
- Approval of construction plans for the sanitary sewer extension is required prior to consideration of the final plat

-P&Z approved this last night unanimously with the stipulated conditions; applicant has been advised of these requirements. Staff recommends approval.

Council member Pannell made a motion to approve agenda item #10 B with the above stipulations. Council member Lopez seconded the motion. Passed unanimously.

C. Discussion and Appropriate Action to Authorize a Request for a Budget Amendment of the City of Converse General Fund Budget, FY 2010-2011 Budget (City Manager)

Ms. Dowell explained the budget amendment; we are trying to officially document the changes to the budget as reflected in the last 6 months for audit purposes.

GENERAL FUND:

- Additional health ins. contribution of \$60,097.50 – increased health claims
- Ratification of CC's action on 11/16/10 for the creation of an Emergency Operations Center - \$25,000
- \$5,000 – updating the codification of the City's Ords.

UTILITY FUND:

- Contribution of \$250,000 from EDC Fund balance – 2011 Water Resources Dev. Project (CVLGC) (City's Utility Fund contribution is \$100,000)
- \$2,500,000 for the 2011 Water Resources Dev. Project – Lower Seguin Water Interconnect; budget amendment ratifies CC's vote on 3/1/11; Cert. of Obligations Bonds sold in March 2011
- \$340,000 – 2011 Water Resources Dev. Project (SCADA & security systems for City's water well site & above ground storage tank site) – ratifies CC's vote on 3/1/11
- Additional health ins. contribution of \$14,902.50 – increased health claims
- Transfer \$15,000 – Purple Pipe Operations (non-potable water) – dev. of Lott's Landing II & City's commitment to assist economic dev.

EDC FUND:

- \$250,000 – COC 2011 Water Resources Dev Project (CVLGC)
- \$225,000 – Land acquisition related to Toepperwein Road Realignment Project (20-year project began in FY 2001) – now \$231,500

We will correct the \$500,000 & \$2,211,898.75 budget amendment for the 2011 Water Resources Dev. Project – Lower Seguin Water Interconnect & the totals.

Mr. Ortiz stated the figure of \$225,000 has been increased slightly to \$231,500 due to some recent negotiations on a couple of parcels of land.

Council member Paschall made a motion to approve agenda item #10 C with the above amendments. Council member Benbrook seconded the motion. Passed unanimously.

D. Discussion and Appropriate Action on a Request to Approve the Final Acceptance of Infrastructure at Miramar Unit 8 "A" & "B" (Assistant City Manager)

Mr. Quintanilla stated a punch list was provided to developer on 4/28/10 & all have been cured & repaired. Recommends approval.

MPT Shadron made a motion to approve agenda item #10 D. Council member Paschall seconded the motion. Passed unanimously.

- E. Discussion and Appropriate Action on a Request to Approve the Preliminary Acceptance of Infrastructure at Miramar Unit 8 “C” (Assistant City Manager)

Mr. Quintanilla stated all items have been cured. Staff recommends approval.

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

- F. Discussion and Appropriate Action to Authorize the Investment of the 2011 Certificates of Obligation Funs in the CDARS Program as Allowed by Section 2256.010 (2236.010) of the Texas Local Government Code (City Manager)

Ms. Dowell stated we have approximately \$2.2 million that has been deposited in the City’s fund at TexStar; FDIC only covers up to \$250,000 then the bank must collateralize all of the remaining funds not covered by FDIC. She explained the process: One Bank, One Rate & One Statement = provides a simple avenue to have FDIC ins. on our entire \$2.2 million 2011 Certificate of Obligations for this water resources project.

Mr. Lott from TexStar Bank stated the funds are on a reciprocal basis & never leaves their bank.

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

- G. Discussion and Appropriate Action to Amend City of Converse Code of Ordinances Chapter 24, Article II, Division IV, Section 24-80, the City of Converse Ordinance that Regulates Sex Offenders (First Reading) (Assistant City Manager)

Mr. Quintanilla stated this is a 1st reading, he handed out a new revised 1st reading to include the changes we made (under Section 24-80-I under Definitions G: Park or Playground - both public or private. The other change we made was Page 3, Section A, Section 24-80-3, item #C a distance of 300’ & Section 24-80-2 under Restrictions – A - typical error).

Chief Jamison stated we have 29 sex offenders grandfathered in.

Discussion: Suggested a change to include an offense for a Sex Offender to be within 2,000’ of a Child Safety Zone – we owe it to the citizens of Converse to make this a family oriented City.

Council member Lopez made a motion to approve agenda item #10 G with the above change of anywhere it says 1,000’ to change to 2,000’. Council member Paschall seconded the motion. Passed unanimously.

- H. Discussion and Appropriate Action to Amend City of Converse Code of Ordinances Chapter 24, Article IV, Section 24-145, the City of Converse Ordinance that Regulates Use and Fees of Library Materials (First Reading) (Assistant City Manager)

Mr. Quintanilla stated Section 24-145: we are recommending to CC to incorporate the fines & fees schedule listed in the 1st reading of this proposed Ord. Staff recommends approval.

Ms. Hieronymus stated the Library would send collection letters & would waive the fee if we could get our merchandise returned; we are limited with our personnel & volunteers & do the best we can.

Discussion: We can put this in the Newsletter & people have to be accountable.

MPT Shadron made a motion to approve agenda item #10 H. Council member Paschall seconded the motion. Passed unanimously.

- I. Discussion and Appropriate Action to Approve the Property Transfer Agreement Between City of San Antonio and the City of Converse to Support and Enhance Interoperable Communications with Area Fire Departments (City Manager)

Ms. Dowell stated this is a grant that has been received by the City of SA & this would provide us radio equipment for the Fire Dept., there is no match.

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

- J. Discussion and Appropriate Action to Reappoint the Director to the Cibolo Valley Local Government Corporation (CVLGC) Board of Directors (City Manager)

Ms. Dowell stated the last time this was brought up, the City designated Mr. Lupe Perez to serve as the Director on behalf of the COC. However, due to where he resides, outside of the COC, we need to replace the Director position with someone who lives in Converse. Ms. Dowell stated she can provide this service.

Council member Pannell stated they attended the meeting a week ago & he highly recommends Ms. Dowell as the Director.

MPT Shadron made a motion to appoint Ms. Dowell as the Director to the CVLGC Board of Directors. Council member Paschall seconded the motion. Passed unanimously.

- K. Discussion and Appropriate Action to Appoint Election Judges and Clerks for the May 14, 2011 General Election (City Manager)
 - a. Ms. Tina Eubanks – Presiding Judge
 - b. Ms. Sallie Hernandez – Clerk/Alternate Judge
 - c. Mr. Bill Manning – Clerk
 - d. Ms. Mae Rouse - Clerk

Ms. Dowell stated we have confirmation on how the election takes place. The selection for the Judge is determined by CC & the clerks are approved by the Judge(s), selected or requested by the Judges.

Ms. Hieronymus, Ms. Eubanks, Mr. Manning, Ms. Odie Martinez, Ms. Michelle Burns & Mr. Kie Sagan have attended the Bexar County election training. At the close of today, we had 169 early voters.

MPT Shadron made a motion to approve agenda item #10 K. Council member Lopez 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:

- Sat. - great Strategic Planning meeting, City is on its way to work on the Master Plan
- Sat., May 7 – 50th Anniversary Time Capsule Ceremony, 10 AM at North Park; if anyone is interested in placing any items in the time capsule contact Ms. Gaines by Thurs.

B. Councilmember's Report/Items of Interest

Council member Pannell reported:

- Mr. Harold Bellamy is having a fund raiser for Fischer House, need all of the support we can get
- He has wrist bands for sale to support the Fischer House fund raiser

C. City Commission & Economic Development Corporation Reports

Planning and Zoning Commission – Council member Paschall reported:

- No report, already discussed on this agenda

Park and Recreation Commission – MPT Shadron reported:

- No report

Building and Standards Commission – Council member Pannell reported:

- Met last week, will meet again towards the end of this month; discussed the 3 homes on Toepperwein – destruction dates have been pushed back a little bit due to unforeseen circumstances; we spoke with their attorney & did agree to some points of interests on both parties

Economic Development Corporation – Ms. Silvas reported:

- May 26 - NEP Economic Developers will host a Job Fair, 9 AM to 1 PM at Schertz Civic Center
- May 24 – Hosting a ribbon cutting at Rocco's Farmer's Market on FM 78 at 3 PM, encourages everyone to attend
- May 20 - Open House for Business Dev. Luncheon, 11:30 AM-1 PM, guest speaker Ms. Helena Hauk will discuss small business loans for real estate at City Hall Conference Room
- Working on the Buxton report following up on the retailers that were identified as good matches for Converse
- Will be attending 2 conferences later this year (Aug. & Nov.) for the International Council of Shopping Centers, here in SA; she would like to attend the one in Nevada next year as an initiative for economic dev. for Converse
- Working on a trade show booth; getting bids from trade show booth producers
- Aware of 2 vacancies that will be coming up on the Board of Directors EDC at the end May; will be approaching CC for appointments

Mayor Suarez stated the planning of possibly setting up its own City of Converse Chamber of Commerce would be a good idea.

D. City Manager's Reports

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

Ms. Dowell reported:

- May 23 – City staff would like to have a workshop with CC related to the pay plan
- May 17 – We will present a cash flow analysis of the City (balance + revenues + expenses for every month of the year)
- Working towards starting the budget dev. process, we will start the process with dept. heads & want to inform CC where we currently are, she has slowed down expenditures for the City in terms of Capital Projects to get a better handle on our Reserves
- 2 Grant Projects we will move forward on: SECO Grant – will provide us with an energy efficiency grant to allow installation of new HVAC units for City Hall (have to expend the funds & then get reimbursed) & the CDBG Grant – for Avenue B, will try to move forward & try to finish this prior to the end of this fiscal year & receive reimbursement by Sept. 30
- Will post an agenda to the Time Capsule presentation on Sat.
- Been in contact with Ms. Cindy Stiggers with Big Heart Day the Converse Way, signage should be going up & HEB will begin selling tickets
- May 21 & 22 – she will be out of town
- Presented CC with an updated organizational plan; she has moved the Finance Dept. & Payroll Project under the City Manager
- Have had some water billing issues & our software does not allow for multiple surcharges, until we can purchase a financial management package that can handle this, we had to make a determination on how to bill in a month

E. Staff Reports

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

Fire/EMS Chief Wendt reported:

- Broke in the new 1604 project when they opened it up, people are getting used to it & we are in good shape
- Still in the running for our Assistance to Fire Fighter grant (to upgrade their breathing apparatus)
- Staying busy
- Drought is here – encourages everyone to be careful

- (2) Report and Discussion of Significant Police Events

Police Chief Jamison reported:

- Water is tight right now - they are helping the City put the word out about Stages 1 & Stages 2
- Graduated 16 people in the Citizens Police Academy & 13 new alumni members
- Introduced top gun – Cricket Templin
- AT&T came out last week & advised us that they are going to upgrade software & equipment for 9-1-1 in their Communications Center by the end of this month
- Assistant Chief Rheiner worked with the Boy Scouts in an Eagle Project – have a 6 x 14 enclosed cage for their K-9 – used money from the Narcotics Seizure Fund (about \$1,200)
- Staying busy

- (3) Report and Discussion of Significant Public Works Events

Facility Director Hoppes reported:

STREETS:

- Rift rap pouring on drainage pipes on Ware Seguin Road & working drainage issues
- Installed some sidewalks on Meadow Branch & a hand rail that comes down from the Bob Grubb well site
- Poured about 7 yards of concrete underneath the bridge on Upper Seguin Road
- Built a concrete block retaining wall to house their contaminated sweepings (blocks were donated by Featherlite)
- Poured back a curb on Old Toepperwein Road due to the 18" water break
- Installed an arrow on Station Street by the Fire Dept.
- Miramar Unit 8 C is ready to build houses with tonight's approval
- Coming on line will be Meadows of Copperfield 6 – will be doing a preliminary walk
- MacArthur Park 3 A - will be preliminary walk
- Cimarron Landing – still installing sewer lines, we are still doing inspections

GROUNDS:

- Busy & finished up Zone 4 of the brush cycle, had 15 out of cycle pick ups
- Busy mowing & weed eating the City
- Removed a tree behind the home on Coyote Hill & another one to be removed on Mission Creek

PARKS:

- Assisted with a foot path, the foot bridge & hand rails have been painted that supports the Pavilion to the restrooms
- Been working on time capsule ceremony
- Park furnishings we had in the budget have been delivered & we have started to install & put them together
- Busy mowing & trimming the City
- On the pool, we should be able to have another successful swim season
- Will have to buy a new ice machine in the pump room, might put it inside the Snack Bar

FLEET MAINTENANCE:

- Been busy trying to maintain the City vehicles & equipment we have

Utility Director Perez reported:

WATER TECHS

- 130 Turn offs for non-payment
- 66 Finals
- 63 New deposits
- 8 Meters replaced
- 13 Set new meters
- 15 Customer leaks
- Working upgrade on Avenue B water line; installed 360' of 6" pipe on the 200 block, hope to be finished in the next 2 weeks & then continue to the 100 block of Avenue B
- In the last month, had 25 water leaks; 6 were main breaks
- In the last week, had 4 main breaks; 2 were on the 18" water main (1 at Schuman Road & 1 in front of Esplanade Gardens)
- His phone rings quite a bit

Ms. Dowell stated she has been in contact with both homeowners that were affected by the Rolling Creek break. We have delivered 1 load of top soil & are in contact with Mr. Friesenhahn. We might have had a crew out there today to begin to start the work on the driveway.

12. Executive Session

A. None

No Executive Session

13. Reconvene to Open Session

A. None

14. Adjournment

At approximately 8:50 PM, Mayor Suarez adjourned the meeting.

PASSED AND APPROVED THIS 7th DAY OF JUNE, 2011.

Al Suarez, Mayor

ATTEST:

Adriana I. Hieronymus, City Secretary