

CITY OF CONVERSE
CITY COUNCIL MEETING
MINUTES OF MAY 17, 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 17, 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
Council Member Steve Brown, Place 6	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. Lupe Perez, Director of Utilities
Mr. Jerry Wilson, Finance Director	Ms. Kate Silvas, EDC Executive Director
Mr. Robert Ayala, Library Director	Ms. Jackie Gaines, HR/Project Manager
Members of the Fire/EMS Department	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.

Mayor Suarez recognized JISD Operations Superintendent Mr. Daniel Kershner.

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 April 5, 2011
 - B. Action to Approve City Council Minutes for Meeting Conducted on April 19, 2011
 - C. Action to Approve City Council Minutes for Meeting Conducted on May 7, 2011
 - D. Receive Economic Development Corporation Minutes for March 8, 2011 Meeting
 - E. Receive Parks & Recreation Commission Minutes for April 11, 2011 Meeting
 - F. Receive Parks & Recreation Commission Minutes for April 18, 2011 Meeting
 - G. Receive Planning & Zoning Commission Minutes for March 21, 2011 Meeting
 - H. Receive Planning & Zoning Commission Minutes for April 18, 2011 Meeting
 - I. Action to Approve Financial Statement as of March 2011
 - J. Action to Approve Investment Report as of March 2011
 - K. Action to Approve City of Converse Proclamation #268; a Proclamation Supporting the Project Graduation for the Judson High School Graduation Class of 2011
 - L. Action to Approve City of Converse Proclamation #269; a Proclamation for the Ribbon Cutting for “ROCCO’s MARKET”

MPT Shadron pulled agenda item # 5 A.

Council member Pannell pulled agenda item #5 B.

Council member Lopez pulled agenda item #5 D.

Council member Paschall made a motion to approve agenda items #5 C, E – F. Council member Brown seconded the motion. Passed unanimously.

MPT Shadron stated on agenda item #5 A, page 5, item # D, he asked if should say June 18 instead of May 7.

Ms. Hieronymus stated it states that on the 1st paragraph, last sentence. No correction was needed.

MPT Shadron made a motion to approve agenda item #5 A. Council member Brown seconded the motion. Passed unanimously.

Council member Pannell stated on agenda item #5 B, page 6, last paragraph on 10 K, he would like for it to read:

It states: “Councilman Pannell approved the Clear Channel contract of a digital billboard.”

Should be: “Councilman Pannell made a motion to approve the Clear Channel contract of a digital billboard.”

MPT Shadron made a motion to approve agenda item #5 B as amended. Council member Paschall seconded the motion. Passed unanimously.

Council member Lopez stated on agenda item #5 D he did not have this in his packet, EDC minutes from March 8, 2011.

Mr. Quintanilla stated this was an oversight on his part & these minutes have been previously approved.

Mayor Suarez stated we were removing item #5 D.

6. Special Consideration Items

A. None

Mayor Suarez stated there were no Special Consideration Items.

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. James Roden of 10322 Vigilante Trail stated his concerns on street maintenance & the repaving of the subdivision of Cimarron & the use of the chip sealer & the equipment that we use. We should use a product that is effective & efficient to save money. He feels we should take the time & money to invest in something better for the citizens of Converse & save us money.

Mayor Suarez stated we are working on getting a new chip sealer.

-Mr. Mark Thompson was present to represent Humana & is available to answer any questions on item #10 E.

-Mr. Darrell Harris stated he would speak on item #10 C.

8. Public Hearings

A. None

Mayor Suarez stated there are no Public Hearings.

9. Old Business

A. 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 (Second Reading) (City Manager)

Ms. Dowell stated CC has the corrected Ordinance in their packets (9 A, included private parks & the increased distance from where they can reside & how close they can be to a public park).

Mr. Quintanilla stated staff recommends approval.

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

B. 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 (Second Reading) (City Manager)

Mr. Dowell stated the amounts have not changed, but at the bottom the replacement cost for lost & damaged items are added & items not replaced after 30 days from due date will be considered stolen property, patron borrowing privileges will be suspended & appropriate recovery actions will be taken by the Converse Police Dept. & patrons resolving their accounts may be reinstated as users in good standing.

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 the Final Plat for TOEPPERWEIN MARKET, a.k.a. CVS Pharmacy, Plat #122 (Assistant City Manager)

Mr. Quintanilla stated P&Z & staff recommend approval.

Discussion: There was a correction on the lower left of the plat 1.779 error & has been noted on the milers as of this morning, should start construction late May/early June, discussed the existing trees – not feasible to remove/transplant trees, so developer for CVS has agreed to donate \$10,000 to the City to plant trees.

The P&R Commission is aware of the donation & working on where they might plant the trees.

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

- B. Discussion and Appropriate Action to Award the Bid for a Third Party Administrator for FY 2011-12 Employee Health Benefits Plan (City Manager)

Ms. Dowell gave a briefing on some additional pages left at the Dais that say item 10 E & one that says Schedule of Medical Benefits that we offer to our employees. We went out for health benefits & received both fully funded plans & self insured plans. She gave a review of the bottom line numbers (from TML, Employee Benefits Plans & Humana). We had to add approximately \$72,000 worth of revenue from our General Fund to our Health Ins. Plan based on a few large claims which have come in this year. We are recommending going with a self funded plan, which is more cost effective from the City's view point & allows us to make changes to our current plan which is also on this agenda. Ms. Dowell went over the specifics of the proposed EBS Plan for acceptance. There is a \$50,000 specific deductible & a \$20,000 aggregate specific deductible. Our plan is going from a monthly total for the administration of our benefits plan by EBS would be increasing from \$77.32 to \$89.85; bringing us from a total of \$185,000 for annual fixed cost to run our self insured plan to \$205,000 to run the plan. There is also a proposed increase of \$5 to employees in what they are contributing to this plan. If we increase our deductible from \$250 to \$500 & remain at a 90/10 split for percentage paid in network we will be increasing the employee's contribution by \$5, from \$24.62 per pay period to \$29.62 per pay period. This will increase the out of pocket network deductible; with the maximum out of pocket going from \$750 to \$1,500, once the total equals \$1,500 the plan would pay at 100% (Plan A). We do receive indirect benefits with a 3rd party provider administrator to oversee our entire ins. plan (medical, dental & vision). We do offer 3 plans (Plan A-90/10%, Plan B-80/20% & Plan C 70/30%). Staff recommends EBS.

Council member Pannell made a motion to approve & go with EBS. Council member Benbrook seconded the motion. Passed unanimously.

C. Discussion and Appropriate Action on a Request to Approve the 2011 Contract with the Converse Cardinals (Mayor Pro Tem Shadron)

Ms. Dowell stated the P&R Commission has reviewed the contract. The Cardinals have a signed agreement for the football & baseball fields #1 & #4 at North Park for all practices; with this agreement they need to schedule their pre-season activities prior to June 1 or 30 days before the 1st game. After NIOC, there is a time change & North Park is not lit, they have asked for the use to be listed in this agreement of the baseball fields #3 & #4 at the City Park beginning Monday, Oct. 3 & ending at the end of the football season. We have not received JYSF's schedule but have their prior year contract, which is being amended so there is no conflict.

Discussion: We will need to change the calendar year contract 2011-2012 & page 2, #9 – profit to be used exclusively to support our program – we can change the wording, discussed the fence & the agreement to move the fence back to have enough area for the kids to operate, we are adding ballards around the football fields & as well as North Park lake, so cars don't encroach in the football field area, we don't believe the \$8 per hour for electricity has been billed to them yet, Cardinals do keep a log of their electric use, we will post schedules on the web site so people will know when the fields or basketball courts are reserved, drought plan - we go out there with the water truck & water the fields & will continue to do this with the water truck-we do not have irrigation currently out at North Park, discussed adding water or a French drain to help with the flooding-they will get a plan together & bring it to Council.

Mr. Ortiz stated that we need to ask that some type of liability ins. be placed in this contract & the COC needs to be named as a "Certificate Holder" & this can be an amendment to the contract.

MPT Shadron made a motion to approve agenda item #10 C with the above amendment on the ins. added to the contract. Council member Lopez seconded the motion. Passed unanimously.

D. Discussion and Appropriate Action on a Request to Approve the Preliminary Acceptance of Infrastructure at MacArthur Park Unit 3 (Assistant City Manager)

Mr. Quintanilla stated CC had a letter from Vickrey & Assoc. & there was an inspection. They came up with a punch list to be completed by the contractor as requested by the COC. Staff recommends approval.

Discussion: Need to establish the vegetation now as a consistent watering system they could do every day like a temporary irrigation & due to the drought situation that we are in. They all agree that it would be better to wait until in the fall when hopefully the water constraints aren't as necessary. They have done additional erosion protection & will go back in & re-grade this area & re-sod it in the fall. They have done some additional erosion controls then what would be normal just as a precaution, discussed the ADA & painting the slots on the handicap ramps.

Mr. Quintanilla stated because of our water situation, the COC by policy will not allow infrastructure be installed with our potable water, they have to use our non-potable water.

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

E. Discussion and Appropriate Action to Approve the Proposed Changes to the City of Converse Employees Health Benefit Plan (City Manager)

Ms. Dowell stated this will be increasing deductibles for employees only, as well as family for each of the plans & will be increasing out of pocket maximum slightly. Recommends approval.

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

F. Discussion of STAGE III Drought Restrictions Due to Aquifer Emergency (City Manager)

Ms. Dowell stated many questions have come up by individual homeowners & commercial clients of the City frustrated with the cost associated with the Stages drought restrictions. She gave a briefing with a power point presentation. We want to present all of the information necessary to make a decision on our current rate structure. She briefed on: Sample Billing Schedule, front & back of the water bill, front & back of disconnect notice, discussion of State I, II, III & IV in drought restrictions, Ord. 339 approved April 20, 2010 & has the fees associated with our water bills, we give this Ord. to the citizens regarding how we access our water bills, sample payment agreements & currently everyone must pay to a "0" balance, we need to access the large issue of pumping in our EAA restrictions on pumping, currently we have adopted 10 acre ft. above SAWS & the EAA to stay ahead of the curve so we don't get charged for over pumping, our greatest concern is for health & sanitation, discussed the leases due in Dec. 2011 & EAA will allow lease renewals prior to 11/1/11, total pumpage of all wells for this fiscal year & we are going into our summer months where the highest pumpage will be seen, we will see somewhat of an increase & doing what we can to get the information to the public.

G. Discussion and Appropriate Action to Approve the Budget Amendment Request to Support the Lease/Purchase of a TRAC-LOADER for the Storm Water Department Activities Related to Drain Way Maintenance (City Manager)

Ms. Dowell stated as we move forward with our storm water management fees we have a need for a Trac-Loader for our Street, Storm Water & our Utility Depts. to clean drainage, is a used multi use piece of equipment & will be an asset to the Storm Water Dept. We will be paying for the majority of this out of the storm water management fees that we had budgeted in Capital Projects under the Utility Fund (UF); anything over & above which there is approximately \$32,000 will be paid out of the UF Reserves. San Antonio River Authority (SARA) provides work within those drainage areas & spillways.

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

H. Discussion and Appropriate Action to Approve the Budget Amendment #III for General Fund and Utility Fund (City Manager)

Ms. Dowell stated:

GENERAL FUND:

Increase Revenue \$7,000 - City wide pay grade study

Increase Expenditure \$7,000 - Employee Compensation study

Budget amendment reflects the utilization for 3 part-time Dispatch personnel

UTILITY FUND: Trac-Loader

Increase Revenue – UF Balance \$32,500

Decrease Expenditure - \$50,000 Stormwater Capital Projects

Increase Expenditure - \$82,500 Stormwater equipment purchase

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

- I. Discussion and Appropriate Action to Approve a Collection Agency for the Collection of Delinquent Accounts of the City of Converse for Utilities (City Manager) (EDC Director)

Ms. Dowell stated this is a contract with American Municipal Services (AMS), which she is familiar with. We have approximately \$400,000 out there, \$100,000 attributable to the prior year & we need to start collecting on those. They would receive 25% of the amount they collect & right now we are not collecting anything. We have issues with the Court & Fire/EMS collections, but they are looking at other options. The collection company can work payment plans.

Mr. Ortiz stated he would like to see something added in the contract to the effect that AMS agrees to comply with all applicable statues & regulations related to the debt collection industry.

Council member Lopez made a motion to approve agenda item #10 I with the above amendment noted on the contract. Council member Brown seconded the motion. Passed unanimously.

- J. Discussion and Appropriate Action to Support Initiatives for Solar Farm (City Manager)

Ms. Dowell stated there was map on the Dais of the COC, highlighting all of the available properties in the COC.

Ms. Silvas stated the CPS Energy has released a request for proposals from interested parties to develop solar energy in the SA Region. Recently, a company-RRE Austin approached our office to express interest in the development of a solar manufacturing plant & solar farm in Converse. They proposed to create 85 jobs & invest \$13 million to \$15 million in capital investments. We must protect & use the available land very carefully. EDC & staff's studied opinion is that this project would not meet the long term benefit for Converse.

No action was needed.

- K. Presentation of the 1st Edition of the Converse Newsletter (Councilman Lopez)

Council member Lopez provided Council with a copy of the newsletter that will be available this week. He will get it to the City tomorrow & we can print it at our will. Mr. Sagan can provide this on the web site. The idea is to introduce the newsletter to the customers & at some point get it on line & subscribe to it quarterly. This is a good start; we will proof before copying & will include the water restrictions & surcharges.

- L. Discussion and Appropriate Action to Approve the Quit Claim Deed Regarding the ROW Abandonment for LOTT'S LANDING II Development (City Manager)

Mr. Quintanilla stated CC has already approved the preliminary plat for Lott's Landing Phase II. The Lott's are asking the COC to give up any rights to that ROW, then the Lott's can incorporate into the subdivision development. We have talked to legal counsel & have everything in place to approve this request. Staff recommends approval.

Council member Paschall made a motion approve agenda item #10 L. Council member Brown 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:

- Thanked Ms. Hieronymus for working all day on Sat. with Elections
- Thanked the strategic planning process with Mr. Dan Norris, Mr. Bob Browning, Mr. John Mendoza & all the participants
- Asked if we could update the population signs in Converse
- Mentioned the follow up on the Rolling Creek property (Lone Shadow Trail & Plumas Drive)-HOA owns & it is not being kept up; Mr. Quintanilla stated Mr. Dennis came by during the week & asked about the status, we mailed a letter & we have been advised to have a meeting out there to make sure it gets taken care of to our City Ord.-we are working this
- Thanked everyone who helped on the 50th Time Capsule Ceremony (Ms. Gaines & Mr. Hoppes)

B. Councilmember's Report/Items of Interest

MPT Shadron reported:

- Could we check with the Lions Club on the sign coming into Converse on Toepperwein –looks like the sign has been tagged

Council member Lopez reported:

- May 27 – Web site is set to launch

C. City Commission & Economic Development Corporation Reports

Building & Standards Commission – Council member Pannell reported:

- Nothing new to report, still working issues

Planning & Zoning Commission – Council member Paschall reported:

- No report

Parks & Recreation Commission – MPT Shadron reported:

- Met May 9, discussed the Cardinal contract, finalizing P&R budget for 2012, Mr. Beehler is representing P&R Commission for the 9/11 ceremony that is being organized by the Legion, continues to work on developing a bird watchers guide for North Park & a butterfly garden
- At the next CC mtg.-Mr. Stubbs will give a quarterly report & wants to donate 6 DVD's to the Public Library, which Mr. Bissell put together along with the 50th Anniversary Parade

Economic Development Corporation – Ms. Silvas reported:

- May 10-Reviewed & approved audit for last fiscal year

- May 20-Small Business Real Estate loan program luncheon at 11:30 AM- 1 PM in the City Hall Conference Room, please RSVP in advance
- May 24-Rocco's Farmer's Market ribbon cutting at 3 PM
- Working on follow up of the Buxton report
- May 26-Job Fair for economic development 9 AM-1PM at the Schertz Civic Center co-sponsored by the RBFCC
- Has some vacancies on the EDC Board of Directors, will be approaching CC for appointments

Council member Paschall asked if we could put an article/picture in the Herald on the 50th anniversary time capsule.

D. City Manager's Reports

(1) Report and Discussion of Future Agenda Items

Ms. Dowell reported:

- Updated on sales tax collection, for this month alone we are down 11.5% (\$31,000 for this month); we will be reviewing this monthly
- We have a need to be assessing storm water fees on our annexed areas; we are sending out a letter on behalf of the City to inform them that they will be receiving the storm water fees, starting in June 2011
- City staff has been working with her on financial software needs & costs estimates
- Met with In-Code Software Company – has a lot to offer, possibly get Certificate of Obligations or bond issue
- Plans to attend GFOA Conference

(2) Report and Discussion of Items of Interest and the 50th Celebration

Ms. Gaines will address this at the next meeting.

9:29 PM – Recess

9:42 PM – Opened Executive Session

12. Executive Session

- A. Executive Session in Accordance with 551.072, Texas Open Meetings Act, DELIBERATION REGARDING REAL PROPERTY; Closed Meeting. A governmental body may conduct a closed meeting to deliberate the purchase, exchange, lease or value of real property if deliberation in an opening meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person. This Real Estate Activity is to Support Activities Associated with the Development of Water Resources (City Attorney) (City Manager)

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

9:52 PM – Closed Executive Session

9:54 PM – Opened CC meeting

13. Reconvene to Open Session

- A. Discussion and Appropriate Action in Accordance with Consultations Regarding Real Estate Negotiations to Support Activities Associated with the Development of Water Resources (City Attorney) (City Manager)

Council member Lopez made a motion to approve & authorize the City Manager to offer the following in accordance with the discussion in Executive Session. Council member Pannell seconded the motion. Passed unanimously.

Ms. Dowell stated she has enjoyed working with Council, it has been a pleasure.

14. Adjournment

At approximately 9:55 PM, Mayor Suarez adjourned the meeting.

PASSED AND APPROVED THIS 21st DAY OF JUNE, 2011.

Al Suarez, Mayor

ATTEST:

Adriana I. Hieronymus, City Secretary