

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

The City Council of the City of Converse met in a regular meeting at the Converse Municipal Complex on Tuesday, July 19, 2011 at 7:00 PM to discuss various items on the agenda. The following were present:

Mayor Al Suarez	MPT Grant Lopez, Place 2
Council Member Andy Selko, Place 3	Council Member Randy Pannell, Place 4
Council Member Laura Beehler, 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. Jerry Wilson, Finance Director
Mr. Lupe Perez, Director of Utilities	Ms. Michelle Burns, EDC Executive Secretary
Mr. Jason Kilwy, Police Officer	Ms. Debra Malone, Police Sergeant
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

City Manager Ms. Dowell 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 Lopez

Mayor Suarez led all those present in the Pledge of Allegiance to the U.S. Flag.

MPT Lopez 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 Kathy Richel, who was out with a medical excuse. He introduced the Council & staff. The Mayor recognized JISD Board & Vice President Mr. Arnold Salinas.

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 June 7, 2011
- B. Receive Minutes for Planning & Zoning Commission Meeting on May 16, 2011
- C. Receive Minutes for Park & Recreation Commission Meetings on June 13 2011 and June 23, 2011
- D. Receive Minutes for Economic Development Corporation Meeting on June 14, 2011
- E. Receive Minutes for Strategic Planning Workshop for April 30, 2011
- F. Action to Approve Financial Statements for May 2011
- G. Action to Approve Investment Report as of May 2011
- H. Action to Appoint Mr. Michael Roberts, as Member of the Planning and Zoning Commission (Councilman Steve Brown)

Council member Brown asked to pull agenda item #5 C.

Council Pannell made a motion to approve agenda items #5 A, B & D-H. MPT Lopez seconded the motion. Passed unanimously.

Council member Brown stated on the P&R minutes of June 13, 2011, he wanted it noted that under “Visitors” it showed Council members Beehler, Brown, Selko & Richel, and when he noticed there was a quorum, he did sign out & left the meeting (note for the record).

Council member Pannell made a motion to approve agenda item #5 C with the above notation. MPT Lopez seconded the motion. Passed unanimously.

#### 6. Special Consideration Items

- A. Recognition of Jason Kilwy, Patrol Officer for Ten (10) Years of Service to the City of Converse Police Department (Mayor Suarez)

Council & staff recognized Mr. Kilwy & presented him with a Certificate of Appreciation & City coin.

Officer Kilwy introduced his wife, Carrie & 2 children.

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.

-Joan Lindgren of 8904 Liberty View stated she was here to ask CC to raise her monthly water service charge to \$11.40. The COC should not be subsidizing her ability to receive water. If the figures are correct, as presented by the City Manager at the last CC meeting, the City should not continue to lose \$50,000 per month. What needs to happen is to establish a monthly volume charge that can be presented to the residents in an easy to understand format. Banish the word “surcharge” from Council’s vocabulary & tell her what they are going to charge her for the water she uses. The citizens are not stupid & none of them want the City to continue to lose money & operate in a deficit. If after performing a utility study, it is necessary to change the rates, then so be it. Ms. Lindgren had a hard time with the City turning off the water to the commercial & industrial irrigation when we are in Stage 2 water restrictions, some of CC are very concerned with beautifying the City, how can this help. Since citizens are not privy to what specifically is on the agenda, she asks CC to try something new & forget their campaign promises & do what is right for the City & deficit in the Water Dept.

8. Public Hearings

- A. None

Mayor Suarez stated there were no Public Hearings.

9. Old Business

- A. Discussion and Appropriate Action to Approve the Budget Amendment #V – Ord. 108 D for General Fund and Utility Fund (Second Reading) (City Manager)

Ms. Dowell stated she did not have the attachment & asked to table this item.

Council member Selko made a motion to table agenda item #9 A to the next meeting. MPT Lopez seconded the motion. Passed unanimously.

- B. Discussion and Appropriate Action(s) to Amend City of Converse Code of Ordinances Chapter 46-Utilities, Article IV Water, Subdivision 3 Water Drought/Emergency Declarations (Ord. 702 A), Subdivision 4 – Service Charges & Fees, Section 46-222/Residential Users and 46-223 Commercial Users, the City of Converse Ordinance that Regulates Water Rate Charges and Conservation for Commercial & Residential Users (Ord. 339 A) (Second Reading) (City Manager)

Ms. Dowell briefed on the handout (Option 3) which was presented at the last mtg.; it reflects currently a base rate of \$2.50 starting at \$1.75 for the first 9,000 gallons = \$18.25; before CC, is a rate schedule that uses 20% increases in gallons used. She explained the formula/methodology (normal rate x 20%= Stage 1 rate, etc.)-these rates are ½ of the current rate structure that we currently have on the books. Ms. Dowell stated on the 1<sup>st</sup> reading, CC approved the rate structure starting 0-9,000 gallons to include large families thus the large families would go away; those that had already been grandfathered in would remain. Then, we used EAA & SAWS Stages: 20% - Stage 1, 30% - Stage 2, 35% - Stage 3 & 40% - Stage 4 & reflected this in the rates. This is not a permanent fix, but only an interim fix for several months until a utility rate study can be completed. The 10 year capital plan is an integral part of the new rates & we have scheduled time for this with the Utility Dept. & Vickrey & Assoc. CC could go up \$7.50 to bring the base rate to \$10 at the high level & at least a \$5 minimum. In 2008, the base rate was \$7.95 & dropped in April 2010 to \$2.50 & \$11.35 is the average for the Randolph Metrocom cities. She would recommend raising the base rate to \$10 – \$11.35 is more accurate to reflect what it costs to actually operate.

Council member Selko stated the purpose is to ensure the City stops losing money in water billing. The City is a business & needs to be run like a business. We need to come up with a figure tonight that sets us at no worse than breaking even; when the utility study comes back the rates will change again.

Council member Brown made a motion to raise the base rate to \$11.35 to bring the City up to a balanced Utility Fund budget. Council member Selko seconded the motion & asked for a roll call vote. Council members, Brown, Beehler, Lopez Pannell, Selko & Suarez all voted yes. Passed unanimously.

Mayor Suarez needed a motion to approve the previous Ord. as read with changes. Council member Selko made the motion as stated. Council member Pannell seconded the motion. Passed unanimously.

10. New Business

A. Discussion and Appropriate Action on the Bexar County Flood Control District Mitigation Project in Converse as Presented by AECOM (City Manager)

Mr. Matt Hardy & Mr. Marty Cristofaro are a private consulting firm with AECOM & representing Bexar Co. in helping them manage the 500 year floodplain line, 10 year flood control program they started back in Nov. 2007, known as Cimarron Subdivision (CB9). There are currently around 30 homes in the floodplain north of Converse North City Park on Flatland & Mission Creek. The project is intended to improve the drainage at this location. Options: surveying (elevations), channel improvements, improve drainage model, levee. Contract with design consultant on Commissioner's Court agenda this month, next month meet with HOA's in this chamber, Sept. 2011-survey, will request right of entry to perform this work. They went over the status/preliminary schedule: Dec. 2011-Preliminary Engineering Report (PER); Feb. 2011-final PER, March 2012-begin detailed design; Oct. 2012-Bid; Feb. 2013-Construction; Dec. 2013-construction complete. This is an approved funded project.

No action was taken on this item, because a local agreement contract was signed awhile back.

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

Mr. Quintanilla stated Vickrey & Assoc. recommended approving the plat. The P&Z & staff recommend approval of the plat. We are hoping to bring the final plat to the CC Aug. 16 mtg. There was a change in the development, the original plat was a 1 block plat as submitted & it came back with a plat that had 3 blocks in it, but they had a change in their potential lessees & have gone to the original plat with a 1 block plat. We have agreed to provide sewer to the corner of the property & not to the interior of the property, which is about \$15,000 of linear pipe being put in the ground on behalf of the City; we have a set of sealed sewer plans for the plat extension.

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

C. Discussion and Appropriate Action to Approve the Interlocal Agreement for Membership in the Regional Water Resource Development Group (RWRDG), an agency that by State statute purchases and/or transfers Edwards Underground Water right by and through the Administrator, the San Antonio River Authority (SARA) (City Manager)

Ms. Dowell stated as we have been looking at the fact that we are going to be close to over pumping, we are looking at sources to go out & either lease water or purchase water. Many of the surrounding communities participate in a cooperative buying program for governmental agencies to consistently keep prices as low as possible; it costs \$100 to join what is known as RWRDG. San Antonio River Authority (SARA) on behalf of this group administers all of the purchases and/or leases of water. The parties of this agreement wish to act in concert in the purchase of Edwards Aquifer (EA) groundwater rights & in the transfer of EA groundwater rights from 3<sup>rd</sup> parties. On Page 2, each participant will meet in general session at least once per calendar quarter & the City would designate a single voting

representative & by majority vote has the power to change the Administrator/Agent. We will need to designate who the Administrator is on behalf of Council.

Mayor Suarez made a motion to approve Council member Pannell as the Administrator.

Council member Selko made a point of order & stated he did not believe the Mayor could make a motion.

Mr. Ortiz stated the Mayor could make the motion.

Mayor Suarez made a motion to approve agenda item #10 C with Council member Pannell as the Administrator. MPT Lopez seconded the motion. Passed unanimously.

- D. Discussion and Appropriate Action to Approve the Memorandum of Understanding (MOU) by and Between the San Antonio River Authority (SARA) and the City of Converse to realize the Mutual Benefits of Federal Emergency Management Agency's (FEMA) Designation of SARA as Cooperating Technical Partner (City Manager)

Ms. Dowell stated SARA is in charge of this National Flood Ins. Program (NFIP). The benefits are to better indemnify individuals from losses through the availability of flood ins., reduce future flood damages through community floodplain management regulations & reduce costs for disaster assistance & flood control. As we enter into this MOU, she serves as the Flood Plains Administrator.

Mr. Quintanilla stated SARA is taking the role that FEMA formally had (permitting any kind of work in the flood plain, will be issuing the Letter of Map Revisions (LOMA)& Conditional Letters of Map Revisions (CLOMR).

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

- E. Discussion and Appropriate Action to Approve the Request to the City Public Service Energy Franchise Agreement, as Defined in "Appendix "A" – Franchises – ARTICLE I – GAS FRANCHISE – Division 1 City Public Service Board" (City Manager)

Mr. Roland Hinojosa with City Public Service (CPS) Energy was here tonight to present a 20 year agreement renewal with Converse & have enjoyed the partnership since 1942. He explained Section 10, the Uniform Franchise Benefits Clause, which allows for a higher percentage if available. They have done several projects in the City for lighting.

Mr. Ortiz stated there was a question initially the legislature amended a code back in 2000, the Utilities Code, to allow a different method of calculating the franchise fee rate, but that only applied to those municipality owed utilities that opted to be in the competitive market & CPS did not make that option, so this does not apply to them. We are free to negotiate the rate as we did back in 1990; they currently have 30 other communities under franchise agreement – all of them being at 3%, which is what is in this particular document. He recommends entering into the agreement with CPS.

City staff recommends approval.

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

F. Discussion and Appropriate Action to Approve the City’s Implementation of the Presidential Volunteer Award Program (Councilman Brown)

Council member Brown explained the Presidential Volunteer Award Program, which was started in 2003 by the Bush administration. This allows non-profit organizations, governmental agencies, etc., which has a guideline & sets the amount of hours. He thinks this is another avenue to appreciate our Commission members, etc. & is a great incentive. The whole package is \$4.75 & we could use the City Council budget for the kits: Bronze Level, Silver Level, Gold Level & all ages; you also get a personalized certificate, congratulatory letter from President Obama, lapel pin. Each person would be on the honor system & the web site is: [www.PresidentialServiceAwards.gov](http://www.PresidentialServiceAwards.gov).

Ms. Dowell stated each volunteer would enter their information on the web site & we would appropriately monitor.

Council member Pannell stated we don’t do enough patting on the back, he thinks this is a wonderful idea & he supports it 1,010%.

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

G. Discussion and Appropriate Action to Approve the Use of the City Hall Conference Room at 405 S. Seguin, by the Bexar County Elections Department for the Amendment, Joint General, Special and Bond Election on Tuesday, November 8, 2011 (City Secretary)

Ms. Hieronymus recommends approval, we want people to come out & vote.

Council member Selko made a motion to approve agenda item #10 G. 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:

-Had a question on the lighting on Schaefer Road, Rocket & Thornton Lane, which Mr. Hinojosa answered-project is being planned

B. Councilmember’s Report/Items of Interest

Council member Beehler reported:

-B&E is having to move their regular scheduled meeting to Tues., July 26

Council member Pannell reported:

- Building & Standards will meet on July 27 at 6 PM
- Proud of the Commission
- July 28-from 9 AM-11 AM, they will meet & sign the agreement for the CVLGC at the Schertz City Hall
- The Fisher House raised approximately \$65,000 this year held at Tripp's by Mr. Harold Bellamy

Council member Brown reported:

- JYSF Girls Softball Team was given a bid to the National's this week in Roundrock, TX; they had a fundraiser on Sat. at the City Park; if you see them congratulate them

MPT Lopez reported:

- Ms. Burns had taken a grant writing course & her first grant was awarded to the City

#### C. City Commission Liaison Reports

Planning & Zoning – Council member Brown reported:

- They met last night & they approved the re-adjustment of Lott's Landing preliminary plat

Building & Standards – Council member Pannell reported:

- No report

#### D. Economic Development Corporation Report

Economic Development Corporation – Executive Secretary Michelle Burns reported:

- Ms. Silvas is currently in Tampa at IEDC training
- Converse was awarded \$150,000 CDBG for street re-construction in the Fair Meadows Subdivision on July 12, which they will start when they complete Avenue B
- Had an EDC meeting last week & focused on 2011-2012 budget, which will be presented to CC on Mon., July 25
- Last week, had the NEP luncheon – where congratulations goes to the Mayor, he was elected the Chairman of the NEP for the next year or two
- Ms. Burns joined the Randolph Metrocom Chamber of Commerce's Taste of the Metrocom Committee, this year the event with all the proceeds to benefit Boysville on Sept. 14, location to be determined
- Finishing up work with the SECO grant (State Energy Conservation Office) & replacing the HVAC systems at City Hall & should finish up tomorrow; they have some additional funds remaining in the grant & are working on finding the best use of the funds
- Next EDC meeting is Tues., Aug. 9 at 6:30 PM in the Conference Room

#### E. City Manager's Report

Ms. Dowell reported:

- July 22 (Fri.) – Scheduled a budget workshop at 6 PM at the Conference Room, packets to go out tomorrow
- July 25 (Mon.) – Scheduled a budget workshop at 6 PM at the Conference Room
- July 28 – CVLGC meeting
- Planning Night in Ole Converse (NIOC), have been meeting every Fri. afternoon

Recess: 8:29 PM

Opened: 8:44 PM

12. Executive Session

- A. 551.072: Executive Session in Accordance with Texas Open Meetings Act, DELIBERATION REGARDING REAL PROERTY; 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 open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person; regarding Real Property Negotiations to Support Activities Associated with the Development of Water Resources for the City of Converse (City Attorney) (City Manager)

Present: Mayor Suarez, MPT Lopez, Council members: Beehler, Brown, Pannell & Selko, Ms. Dowell, Mr. Ortiz & Ms. Hieronymus.

Ended: 9:00 PM

Opened: 9:02 PM

13. Reconvene to Open Session

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

MPT Lopez made a motion to move forward as discussed in executive session. Council member Pannell seconded the motion. Passed unanimously.

14. Adjournment

At approximately 9:03 PM, Mayor Suarez adjourned the meeting.

PASSED AND APPROVED THIS 16<sup>TH</sup> DAY OF AUGUST, 2011.

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Al Suarez, Mayor

ATTEST:

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Adriana I. Hieronymus, City Secretary