



*Expanding Horizons*

CITY OF CONVERSE  
CITY ADMINISTRATION

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CITY OF CONVERSE  
CITY COUNCIL MEETING  
MINUTES OF DECEMBER 6, 2011  
7:00 PM

The City Council of the City of Converse met in a regular meeting at the Converse Municipal Complex on Tuesday, December 6, 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 Kathy Richel, Place 1	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. 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. Frank Dickson, City Judge
Ms. Terri Niemietz, Communication Supervisor	Ms. Leigh Ann Rogers, Finance Assistant
Ms. Trisha Neeley, Court Clerk	Ms. Deborah Mckenzie, Police Clerk
Mr. Hubert Lochler, Police Officer	Mr. Robert Osio, Police Sergeant
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

Council member Pannell 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 were present. The Mayor recognized Council & staff.

5. Consent Agenda

- A. Action to Approve Minutes for City Council Meeting on November 1, 2011
- B. Receive Minutes for Planning & Zoning Commission on September 19, 2011
- C. Receive Minutes for Parks & Recreation Commission on October 10, 2011
- D. Receive Minutes for Planning & Zoning Commission on October 17, 2011
- E. Receive Minutes for Beautification & Environment Commission on October 24, 2011
- F. Receive Minutes for Charter Review Commission on November 7, 2011

Council member Brown made a motion to approve agenda item #5 A-F. Council member Beehler seconded the motion. Motion passed unanimously.

6. Special Consideration Items

- A. Recognition of Terri "T.J." Niemietz, Communication Supervisor for Five (5) years of service with the City of Converse Police Department (Mayor Suarez)

Council & staff presented Ms. Niemietz with a Certificate of Appreciation.

Ms. Niemietz thanked the City of Converse.

- B. Recognition of Leigh Ann Rogers, Finance Assistant for Five (5) years of service with the City of Converse Finance Department (Mayor Suarez)

Council & staff presented Ms. Rogers with a Certificate of Appreciation.

Ms. Rogers thanked the City of Converse.

7. Citizens To Be Heard

-Mr. Clarence Scheel of 21019 Cedar Branch, Garden Ridge, stated his parents were strong supports of Converse & shortly after his fathers' death, his dad requested they donate his home on Old Cimarron Trail along with about 14 acres of land to the COC for a museum & park. The house was built by his grandfather in 1901 & is the oldest house in Converse. On Feb. 3, 2009, they donated the home & land to the City with the stipulation that the transfer occur after they have sold the remaining 26 acres of developable land along Old Cimarron Trail because they need to keep the land in agricultural use until sold. They have not been able to sell the land due to the currently zoning & are requesting a zoning change from B-2/B-3 to Residential.

8. Public Hearing

- A. Public Hearing on a Request to Rezone several parcels of land located along Old Cimarron Trail, namely, 10423 Old Cimarron Trail (CB 5053 P-107, P-107A & P-107B, ABS 745, (Property ID 3070404), 10565 Old Cimarron Trail (CB 5053 P-110, P-111, ABS Formerly P-43A & PT P-43B Refer to 05053-000-0433) (Property ID 307048), .& 3983 Old Cimarron Trail (CB 5053 P-111A, ABS 475) (Property ID 307049), for a total of approximately 41.436 Acres of Land from B-2, Retail District & B-3, Commercial District to R-1, Single Family or R-3, Multi-Family Residential

Opened: 7:13 PM

There were no citizens who spoke.

Closed: 7:14 PM

9. Old Business

- A. Discussion and Appropriate Action on a Request to Amend the City of Converse Code of Ordinances Chapter 50-Zoning, Article IV, Districts and District Regulations, Division 9, B-4, Special Commercial Districts, Section 50-338, Use Regulations, the City of Converse Ordinance that Regulates Zoning (Second Reading) (Assistant City Manager)

Mr. Quintanilla stated staff recommends approval of adding truck stops to B-4 Zoning.

Council member Pannell made a motion to approve agenda item #9 A. Council member Brown seconded the motion. Motion passed unanimously.

- B. Discussion and Appropriate Action to Approve Budget Amendment #II Ord. 108-12 for General Fund (Second Reading) (City Manager)

Ms. Dowell stated:

\*General Fund:

Increase Revenues - Tax Note Funds Series 2011	\$630,000
Increase Expenditures – Financial Mgmt. Project	\$617,500
Increase Expenditures – Cost of Issuance/Fin. Mgmt Project	\$ 12,500

\*Utility Fund:

Increase Revenues – Scrap Sales	\$ 1,761
Increase Expenditures – Computer Equipment & Software	\$ 1,761

\*Addition/Transfer to Budget:

Increase Revenues – Tax Note Funds Series 2011	\$425,000
Increase Expenditures – Financial Mgmt. Project	\$416,250
Increase Expenditures – Cost of Issuance/Fin. Mgmt. Project	\$ 8,750

Ms. Dowell stated EDC's portion has to go through the formal process to make this an official project, then come to CC for approval & then we can do a budget amendment to allot the money to be spent.

Council member Richel made a motion to approve agenda item #9 B. Council member Pannell seconded the motion. Motion passed unanimously.

10. New Business

- A. Discussion and Appropriate Action to Appoint a Municipal Court Judge for a Two Year Period Beginning Decembe31, 2011 and Ending November 30, 2013 (Mayor Suarez)

Mayor Suarez stated we selected the Municipal Judge at the last meeting.

MPT Lopez made a motion to approve Judge Frank Dickson for a 2-year period. Council member Richel seconded the motion. Motion passed unanimously.

B. Action to Swear in New Municipal Court Judge by Mayor Suarez

Mayor Suarez swore in Judge Frank Dickson.

CC & staff welcomed Judge Dickson.

Judge Dickson stated he looks forward to working with everyone.

C. Discussion and Appropriate Action to Approve the 2011 Tax Roll for the City of Converse as Required by Section 26.09(e) of the State Property Tax Code (City Manager)

Ms. Dowell stated we adopted a budget of \$4,437,584, due to the increase in taxable values for real property, mobile homes, personal property & tangibles our overall tax levy has gone up \$16,128.

Council member Pannell made a motion to approve agenda item #10 C. Council member Brown seconded the motion. Motion passed unanimously.

D. Discussion and Appropriate Action to Approve the Final Plat for the City of Converse Lower Seguin Road Interconnect Subdivision, Plat #126 (City Engineer) (Assistant City Manager)

Mr. Quintanilla stated this is the proposed final plat for the site of our interconnect water project. P&Z recommended approval.

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

E. Discussion and Appropriate Action on a Request to Rezone several parcels of land located along Old Cimarron Trail, namely, 10423 Old Cimarron Trail (CB 5053 P-107, P-107A & P-107B, ABS 745, (Property ID 307040), 10565 Old Cimarron Trail (CB 5053 P-110, P-111, ABS Formerly P-43A & PT P-43B Refer to 05053-000-0433) (Property ID 307048), & 3983 Old Cimarron Trail (CB 5053. P-111A, ABS 475) (Property ID 307049), for a total of approximately 41.436 Acres of Land from B-2, Retail District & B-3, Commercial District to R-1, Single Family or R-3, Multi Family Residential (City Manager)

Ms. Dowell stated this is the Scheel property & there are 3 parcels of properties. This is a significant tract of land, which does decrease our ability for economic development. P&Z preferred Residential. We have spoken with the City of Universal City & they prefer Residential.

Council member Selko thanked the Scheel's for their generous donation to the City. He would like to ensure that this property become a historical site.

MPT Lopez made a motion with the amendment to approve agenda item #10 E to rezone to R-1 Single Family. Council member Selko seconded the motion. Motion passed unanimously.

- F. Discussion and Appropriate Action to Award a Construction Services Contract to Payton Construction Inc., for the Purpose of Constructing of the Lower Seguin Road Water Inter Connect Project (City Attorney) (City Engineer) (City Manager)

Mr. Tondre stated we received a total of 7 bids, 6 were administratively complete. Payton Construction, Inc. was the low bid at \$1,914,000 & a reference check was done. Mr. Tondre will be the Project Manager for the City.

Council member Pannell made a motion to approve agenda item #10 F. Council member Brown seconded the motion. Motion passed unanimously.

- G. Discussion and Appropriate Action to Award a Contract for the Purchase of Financial Management Software and Related Contractual Services (City Manager)

Ms. Dowell gave a briefing & stated we received 1 proposal from Tyler Technologies, also known as Incode; with this the City is taking a step forward. She also provided a summary of all expenses shared with the General Fund, Utility Fund & Police Dept. We hope to start Jan. 1, 2012 & will be completely networked between all entities (Depts.) by the end of this 9 month period.

Mr. Eric Cate of Tyler Technologies was present & gave a short briefing & answered questions.

Council member Selko made a motion to approve agenda item #10 G. Council member Beehler seconded the motion. Motion passed unanimously.

- H. Discussion and Appropriate Action on a Request to Amend the City of Converse Code of Ordinances Chapter 08-Buildings & Building Regulations, Article III, Building Codes, Section 08-103, Schedule of Permit Fees, the City of Converse Ordinance that Regulates Building and Building Regulations (First Reading) (Assistant City Manager)

Mr. Quintanilla stated we are seeking to correct the fee that the City charges for installation of irrigation meter, previously it was \$75 & we have done research on what the meter costs us & in labor. The fee of \$185 reflects the true cost of installing an irrigation meter.

Council member Richel made a motion to approve agenda item #10 H. Council member Selko seconded the motion. Motion passed unanimously.

- I. Discussion and Appropriate Action on a Request to Amend the City of Converse Code of Ordinances Chapter 40-Subdivisions, Article V, Subdivision Requirements, Section 40-414, Removing and Replacing Pavements, Curbs and Gutters, Driveways and Sidewalks, the City of Converse Ordinance that Regulates Subdivisions (First Reading) (Assistant City Manager)

Mr. Quintanilla stated this addressed a recurring problem we are having with some contractors from other public entities come in & not notifying the Director of Facilities & they start tearing up the sidewalks, streets & gutters. We are trying to codify a penalty to prevent that from happening.

Mr. Hoppes gave an example of an incident on Gail Circle where someone was working & cutting the street & we find out after the fact. This has been an ongoing process & we want people to do things right & when there are emergency situations they have to notify us within 2 days.

Ms. Dowell stated we are also trying to address this through our franchise agreements & we are held to the same standards.

Council member Selko made a motion to approve agenda item #10 as amended to include verbiage to state other associated costs. MPT Lopez seconded the motion. Motion passed unanimously.

- J. Discussion and Appropriate Action on a Request to Amend the City of Converse Code of Ordinances Chapter 46-Utilities, Article VI, Water, Division II, Regulations, Section 46-110, Tampering and Damage Prohibited, the City of Converse Ordinance that Regulates Utilities (First Reading) (Assistant City Manager)

Mr. Quintanilla stated we are asking to add items C, D, E & F. We have had incidents where other agencies/contractors have hit our water mains & there has been a discharge of our potable water, we are trying to correct this with penalties & fines.

Mr. Perez stated when they call the 1-800 dig number, they are told that it does not include water or sewer. We have a formula we use for loss of water & monitor the tanks daily.

Council member Brown asked if we could remove the word "molest" on Page 1, Paragraphs A & B.

Mr. Quintanilla stated we can modify the language at the 2<sup>nd</sup> reading.

MPT Lopez made a motion to approve agenda item #10 J. Council member Brown seconded the motion. Motion passed unanimously.

#### 11. City Council and Staff 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
  1. City Attorney
    - (a) SB-100
    - (b) City Commission Agendas

Mayor Suarez reported:

- Thanked the Fire/EMS Dept., Fire Alumni, fire fighters, Council members Brown & Pannell for assisting on Sat., Breakfast with Santa
- NEP meeting is cancelled for Dec.; next NEP meeting is Jan. 12
- Tree lighting has been postponed to Thurs. at 5:30 PM in front of the Police Dept.
- SB-100 - City Attorney is doing more research, he has submitted telephone calls to the Attorney General's (AG) office requesting their input & guidance- he has not heard a response from them; short

of an AG opinion at the request of somebody he thinks they are not going to give anymore guidance & will probably say they are going to defer to your local government entity & their Council to do what is appropriate; as of now, they have not issued an opinion & have not returned his phone calls

-City Commission Agendas – Regarding an e-mail from Council member Selko -City Attorney sees no problem adding the language all of the Commissions to the agendas; this is a preventive measure to keep everybody out of trouble, if CC has a problem with this we can put it on as an agenda item

#### B. Councilmember's Reports/Items of Interest

MPT Lopez reported:

-Do we have any updates on the trees or check from CVS

Ms. Dowell stated we did receive a letter that the check for \$10,000 was cut & in the mail.

Council member Beehler reported:

-On the utility billing, she was asked by a citizen that they received a late notice & had not even received their bill

Ms. Dowell stated we have had 3 different problems; most recently the Meadow Branch area did not receive their bills. We count the number of bills & cut our check based on the number of bills we take to the Post Office. We are consistently having a loss of mail & this is consistently occurring. Every citizen can get a hard copy calendar from the City of their bills & when they are due-they have 5 different avenues in which to pay their bills on time.

#### C. City Commission Liaison Reports

Planning and Zoning Commission - Council member Brown reported:

-Met Nov. 21, thanked Mr. Quintanilla for filling in for him during his vacation time

-Approved the final plat for the inter connect

-Tabled 1 item, which they will bring up at their next meeting & he will CC on that at the next meeting

-Thanked Council member Pannell & wife, Diana for helping with Breakfast with Santa

-Thanked Mr. Woolery for putting the Breakfast with Santa event together, had a lot of volunteers

-Asked Chief Jamison to pass on to Officer Licea on a code compliance issue on Jamie Sue that he took care of right away & the neighbors were very impressed

-Asked about the update on the marquee

-Wanted to make sure all of the Commissions are updated on the Open Meetings Act

-Wished everyone a happy holiday season

Mr. Ortiz stated on the marquee, a suit was filed in Bexar Co. & yesterday our process server caught 4 of the 5 owners & served them all; we sued them individually; we were also able to serve the agent for the company-the clock is running on them filing an answer. If they don't file answer, we go down & take a default judgment against the company.

Ms. Dowell stated future communications by the City to them will be directed through the City Attorney.

Parks and Recreation Commission – Council member Richel reported:

-With the tree lighting being postponed until Thurs., the drawing for the raffle that the P&R was having has also been postponed for that day

Beautification and Environmental Commission – Council member Beehler reported:

- In the process of putting together a community wide beautification day, which should be in the spring
- Have prioritized projects to work on the Justice Center first, along with one of the local Church's, then the Library & City Hall

Building and Standards Commission – Council member Pannell reported:

- Met last week & discussed one address that is not following certain Ords.
- Has the best Commission in the City & they continue to work hard

Charter Review Commission – Council member Selko reported:

- Continues to meet & work the way through the Articles
- Invites any & all CC members & the audience to attend the meetings, see what goes on & see how the citizens are ensuring the City Charter is a good means of checks & balances & is being amended to be the best Articles/Charter for the citizens

#### D. Economic Development Corporation Report

EDC Executive Director Silvas reported:

- Thanked CC for their time & service to the community
- Dec. 1 - COC submitted its application for the MPO funding for South Seguin expansion related to the Toepperwein re-location project
- Beginning Dec. 27 - They will be undertaking asbestos abatement at 204 Hilltop
- Working with 2 potential clients on location plans for the coming year
- Working with 1 existing business on their plans to expand their presence in Converse
- This morning she conducted a business retention meeting with another company
- Next Tues. EDC will be having a public hearing at 6:30 PM at City Hall Conference Room on a proposed project

#### E. City Manager's Report & Discussion of Future Agenda Items/Items of Interest

- Fri., Dec. 9 – Employee Christmas party luncheon at Boysville from noon to 5 PM, offices will be closed, Council is welcomed to join
- Sat., Dec. 10 – Christmas in the Park
- Mon., Dec. 12 - City Commission party at La Cabana in Cibolo at 6:30 PM
- Dec. 13 –Meeting with Bexar Metro 911 at Shavano Park at 1:30 PM for the P-25 Compliance for our Dispatch consoles
- Dec. 15 & 16 - Mr. Quintanilla, Mr. Wilson, Ms. Silvas & Ms. Dowell will be in SA attending the State mandated Public Finance Investment Act training; Chief Jamison will be Acting City Manager
- Sat., Dec. 17 – Christmas at the Library from 10:30 AM to noon, Santa will be there & giving books to all of the children
- Dec. 23 & Dec. 26 –City offices closed for the holiday
- Last week of Dec. – Ms. Dowell on vacation & Mr. Quintanilla will be Acting City Manager

##### 1. Discussion of Lan Comm Proof of Concept for City-wide Networking

Ms. Dowell gave a briefing on Lan Comm. They are one of several companies we looked at for services for networking our organization & networking between facilities. We chose the wireless option, will

begin with City Hall, Police Dept. & Fire Station #1. The only fiber network is between the Facilities & Utility Depts. The total project over time, once fully implemented is in the \$89,000 range. We will be moving forward with this & is the most cost effective approach. The information will not be accessible or hackable through this wireless network & is written into the document.

## 2. Strategic Planning Workshop

Ms. Dowell briefed on the Stream Restoration Workshop for Jan. 23-27, 2012 with Dave Rosgen PhD of Wildland Hydrology Inc. has been asked to come down here & give a training session. This is a \$1,500 conference educational training. They have asked us if they can use East Park & the stream downstream from the pumping station as a site for their actual hands on training. They have given us a right of entry form, she asked Mr. Ortiz to put additional language for liability coverage. They have asked Mr. Moxley, Storm Water Manager, to be able to attend any & all parts of the conference, even though he will not test or be certified, so we won't have to pay the \$1,500. We do have all of the educational documents that go with this. We will be the recipient of all of the data collected for the stream.

Ms. Dowell provided CC with water pumping data because we are concerned about over pumping. New Nov. numbers are in & Dec. is estimated, on average the last 4 months we lowered rates & are up 12.5% per month. The EAA rights for 2012 is 2,500 acre ft., could be looking at going into Stage 3 at the beginning of next year. Projected water required for next year is 789 million gallons of water & add in 78 acre ft. for 156 new homes built in FY 2011 = Total Water required: 2,500.2 acre ft. Water leases to be secured in Jan. 2012.

### F. City Staff Reports:

#### (1) Report and Discussion of Significant Police Events

Chief of Police Jamison reported:

- Black Friday – quiet & good
- Det. Corp. Mike Scogins - selected as Officer of the Year by the Citizens Police Academy Alumni Assoc. last Thurs. at their meeting
- Sun., Dec. 18 - Blue Santa in the Conference Room, successful with raising money, have 24 families & 88 kids
- Been quiet
- Getting ready to wrap up the end of the year, school holiday & getting out soon, then we have the New Year & Christmas
- Burglaries are pretty good right now, we are lucky

#### (2) Report and Discussion of Significant Fire and EMS Events

Chief of Fire/EMS Wendt reported:

- Thanked the Fire Alumni with Breakfast with Santa
- Been quiet, runs are down a little bit
- Thanksgiving was pretty uneventful
- Working on getting the new pumper ordered
- Looking forward to an uneventful Christmas
- Gave thanks for the rain

Ms. Dowell stated staff is pleased & excited to pursue & building our new apparatus (Pierce truck). We have great learning opportunities to learn the 9 month process. Mr. Quintanilla, Asst. Fire/EMS Chief Christian & the Mayor have agreed to attend this in Wisconsin; this is a 3 component parts & this is paid by the company.

(3) Report and Discussion of Significant Public Works Events

Director of Facilities Hoppes reported:

STREETS:

- Busy replacing asphalt & sidewalks behind the Water Dept. on repairs they've had
- Done some repair to the tripping hazards in Miramar
- Started the crack sealing process
- Contracted with a company to make adjustments to the traffic light at Kitty Hawk & Toepperwein
- Sprayed herbicide in the Placid Park Subdivision
- Did interviews for the Street & Grounds Depts.

GROUNDS:

- Mowed various areas throughout the City
- Picked up about 15 bags of trash
- Did brush pick up in Zone 3
- Had 6 requests for out of cycle brush pick up

PARKS:

- Planted 35 trees that were given to us in both parks
- Routine mowing & trimming at City owned buildings

FLEET:

- Done about 95 different repairs on different vehicles the City Depts. Has

Ms. Dowell stated our water truck has bit the dust & cannot be salvaged & this is not budgeted. We are looking to find one. We know how much we used it to keep the parks alive.

(4) Report and Discussion of Significant Public Utilities Events

Director of Utilities Perez reported:

WATER TECHS:

- Turn offs – 400 for month of Nov.
- Deposits – 93
- Finals – 120
- Repaired water leaks - 3
- Customer water leaks reported – 23
- Finished winterizing all the piping at the well sites & pumping station

SERVICE CREWS:

- Repaired water leaks – 17
- Sewer backups - 4

**CONSTRUCTION CREW:**

- Started water line upgrade on Legion Dr. West
- Installed one 8x6 T, one 8" valve, one 6" valve at the intersection of South Seguin & Legion Street

Ms. Dowell briefed that we are getting calls & visits from customers on the pink disconnection notice sent to the customers. We may have to change the verbiage for the turn off & disconnect fee.

Mayor Suarez stated items #12 A & 13 A are deferred, not ready for action.

12. Executive Session:

- A. Executive Session in accordance with the Texas Open Meetings Act 551.071. Consultation with City Attorney; Closed Meeting. Consult with the City Attorney and Discuss Potential Litigation against ED.M.C. and Associates Related to the Design and Construction of Toepperwein Road (City Attorney) (City Manager)

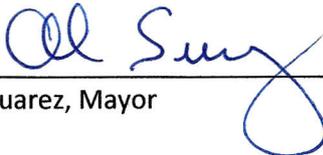
13. Reconvene to Open Session:

- A. Discussion and Appropriate Action in Accordance with Consultation with the City Attorney Regarding the Potential Litigation Against D.M.C. an Associates Related to the Design and Construction of Toepperwein Road (City Attorney) (City Manager)

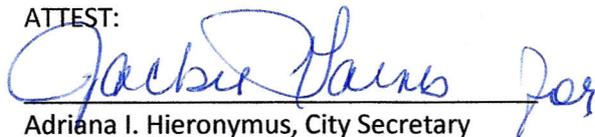
14. Adjournment

At approximately 9:12 PM, Mayor Suarez adjourned the meeting.

PASSED AND APPROVED THIS 3<sup>RD</sup> DAY OF JANUARY, 2012.

  
\_\_\_\_\_  
Al Suarez, Mayor

ATTEST:

  
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Adriana I. Hieronymus, City Secretary