



Expanding Horizons

CITY OF CONVERSE
CITY ADMINISTRATION

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**MINUTES
CITY OF CONVERSE CITY COUNCIL MEETING
JANUARY 17, 2012**

The City Council of the City of Converse met in a regular meeting at the Converse Municipal Complex Tuesday, January 17, 2012 at 7:00 PM to discuss the following:

1. Call to Order.

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

2. Invocation.

The Invocation was given by Ms. Silvas.

3. Pledge of Allegiance: To the U. S. Flag and the Texas Flag.

Mayor Suarez led the Pledge of Allegiance to the U. S. Flag. Mayor Pro Tem Lopez led the Pledge of Allegiance to the Texas Flag.

4. Roll Call and Recognition of Visitors.

Mayor Al Suarez
Councilwoman Kathy Richel, Place 1
Councilman Randy Pannell, Place 4
Councilman Steve Brown, Place 6
Mr. Ray Ortiz, City Attorney

Mayor Pro Tem, Grant Lopez, Place 2
Councilman Andy Selko, Place 3
Councilwoman Laura Beehler, Place 5
Ms. Shawna Dowell, City Manager
Ms. Jackie Gaines, Acting City Secretary

Mayor Suarez stated a quorum was present. Mayor Suarez welcomed Mr. Arnold Salinas, JISD School Board Member and Mr. Daniel Kershner, JISD Operations Superintendent.

5. Consent Agenda:

- A. Receive Minutes for Parks and Recreational Commission Meeting November 14, 2011.**
- B. Receive Minutes for Charter Review Commission Meeting November 28, 2011.**
- C. Receive Minutes for Charter Review Commission Meeting December 19, 2011.**
- D. Receive Minutes for the Economic Development Corporation Meeting December 13, 2011.**
- E. Receive Minutes for the Planning & Zoning Commission Meeting November 21, 2011.**
- F. Approve Financials for October 2011.**
- G. Approve Investment Report for October 2011.**
- H. Action to Appoint Mr. John Shadron as a member of the Parks and Recreation Commission. (Councilwoman Richel)**

Councilman Pannell made a motion to approve Item 5A – 5H. Councilman Brown seconded the motion. The motion passed unanimously.

6. Special consideration Items:

None.

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.

Celeste Morris of 9014 Arabian King, Converse, TX-against the commercial platting of 8960 FM 78. Businesses behind homes will reduce the value of the homes and disrupt the tranquility and enjoyment. Asked Council not to approve the plat, asked for regular sized lots for all the remaining lots and deny the commercial business.

Katherine Ohnesorge of 505 Gail Circle, Converse, TX-asked Council to enforce the leash law. Had asked Council to purchase signs to post at the October 18, 2011 City Council Meeting. Would like stricter penalties after the first warning.

Adan Flores of 10130 Mission Creek, Converse, TX-for safety issues, asked for a red-zone line to prevent cars from parking and blocking the view of the families playing and riding bikes on the corner of Kitty Hawk Drive and Scenic Creek as you enter the subdivision.

Ora Blake of 9819 Wagon Train, Converse, TX- discussed having water leaks. Received two bills in September 2011 and was not aware of the second automatic draft from her account until after the deduction.

Melinda Trevino of the St. Monica's Catholic Youth Organization (CYO) asked to speak on item 10B.

8. Public Hearing:

A. Public Hearing Regarding Amending the City of Converse of Ordinances, Chapter 46, Utilities, Article IV, Water, Division II, Regulating, Section 46-108 – Standard Procedures, City of Converse Ordinance that Regulates Water Billing. This amendment serves to change from the Current Four Cycle Utility Billing to the Proposed Two Cycle Utility Billing Cycle.

Ms. Dowell gave an overview of the one-time change in the billing cycle and the transition timeframe of the merge from a four-billing cycle into a two-billing cycle.

Mayor Suarez opened the Public Hearing at 7:25 PM.

Celeste Morris of 9014 Arabian King, Converse, TX-concerned with the consolidation and receiving two bills. Asked for compensation or exemption for elderly and low-income families.

Jim Sherman of 10218 Plumas, Converse, TX-asked if the fixed charges will be prorated during the transition.

Ms. Dowell replied the garbage is a one-time pass-through collection going to Waste Management and will not be prorated. The SARA sewer charges are based on consumption of the water flowing through the meter.

Jon Lindgren of 8904 Liberty View, Converse, TX- is in favor of the proposed billing cycle. Mr. Lindgren brought up errors in Public Hearing Notice pertaining to Ordinance 305.

John Mendoza of 8359 Copperglen, Converse, TX-directed his comments to the City Manager. Asked to make notifications clear when distributing information to the citizens.

Ora Blake of 9819 Wagon Train, Converse, TX-directed her question to the City Manager. Ms. Blake questioned the water deposit refunding. The City Manager explained the process of refunding and/or using the deposit to apply on delinquent accounts.

Ms. Dowell addressed the issue of the Public Hearing Notice that was mailed to the community. The first Public Hearing Notice had incorrect information and a corrected second Public Hearing Notice was mailed. Ms. Dowell defined the difference between a one-time additional deposit and a service fee. The one-time additional deposit is required for first-time delinquent accounts. The service fees, formally called a reconnection fee, will always be assessed each time an account is scheduled for disconnection due to non-payment.

Mr. John Stevens of 10126 Mission Creek, Converse, TX- received clarification of a deposit and a reconnection fee.

Mayor Suarez closed the Public Hearing at 7:54 PM.

B. Public Hearing on a Request for a Special Use Permit on a Parcel of Land located at 8960 Seguin a.k.a 8960 FM 78 (CB 5071 P-6) (.151 AC) & P 37 E (.039 AC), (ID # 312806), approximately 0.1900 acres of land to allow for Automobile Sales and Service Business, specifically the operation of a Transmission Shop, as requested by the property owner.

Mayor Suarez opened the Public Hearing at 7:55 PM.

Celeste Morris of 9014 Arabian King, Converse, TX-concerned with the environment and contamination to the Edwards Aquifer Recharge Zone if extra precautions to ensure proper disposal of chemicals is not followed.

Jeff Beehler of 112 Norris Drive East, Converse, TX-urged the transmission shop to be 100% paved for parking and to prevent environmental contamination. Also suggested monitoring the business to ensure proper disposal of oil.

Mr. Alex Garcia, property owner of 8960 FM 78-will work with the current tenant on keeping the grass mowed and will ensure the oil is properly logged and contained per OSHA compliance.

Raymond Miller asked to speak on Public Hearing 8A. Mayor Suarez stated the Public Hearing for 8A closed and invited Mr. Miller to discuss he concern during item 10F.

Mayor Suarez closed the Public Hearing at 8:04 PM.

9. Old Business:

None

10. New Business

A. Discussion and Presentation by the Bexar County Flood Control District.

Mr. Curtis Ostrander, Project Manager, discussed the Cimarron Subdivision Flood Control Project. The goals are to remove homes from the floodplain through channel improvements by widening and grating the channel. The preliminary phase will wrap up May of 2012, the final report is due May 2, 2012 and construction will commence early 2013. The Public Hearing is February 9, 2012 at 6:30 PM in the Council Chambers. The project is fully funded by Bexar County.

B. Discussion and Appropriate Action to Approve a Contract between St. Monica's Catholic Youth Organization (CYO) and the City of Converse. (City Manager)

Mr. Quintanilla referred to an e-mail from Rex Brian of JYSF, with a practice schedule at the City Park and a request to use North Park fields. Mr. Quintanilla added the Cardinal Representative did not have a conflict with the CYO schedule for North Park.

Ms. Trevino of CYO, shared her concerns with the request from JYSF to use fields at North Park when JYSF has six fields at the City Park. Expressed concerned as to why JYSF is delaying submitting their schedule.

Mr. Trevino, VP of the CYO, added the organization is grateful for the support in the use of the fields at North Park. Practices start next month and CYO expects growth in the organization. CYO requests the use of four fields due to no electricity on the fields, making shorter daylight practices.

The Council and staff discussed the following: Keep the teams at separate parks and not allow one team to dominate the fields. The Cardinals have not provided a schedule for North Park, but once the schedule comes in, the city staff will coordinate a meeting with CYO and the Cardinals. Do not allow sub-leasing the fields to outside organizations; keep the fields open for public use. Mr. Ortiz will provide a non-assignability provision for all the contracts.

Councilman Selko made a motion to approve the amended contract between St. Monica's Catholic Youth Organization (CYO) and the City of Converse to include the non-assignability provision. Mayor Pro Tem Lopez seconded the motion. The motion passed unanimously.

C. Discussion and Appropriate Action to Approve a Contract between St. Monica's Catholic High School and the City of Converse. (Assistant City Manager)

Mr. Quintanilla compared the St. Monica's Catholic High School practice schedule at the City Park and the JYSF practice schedule and concluded no conflict.

Ms. Joanne Mylacraine, St. Monica's School Athletic Director, reiterated the practices and games will end between 5:30 and 5:45, giving enough time for cleanup before JYSF takes the fields at 6 PM.

Councilman Pannell made a motion to approve the Contract between St. Monica's Catholic High School and

the City of Converse. Councilwoman Richel seconded the motion. The motion passed unanimously.

D. Discussion and Appropriate Action to Approve a Request for a Special Use Permit on a Parcel of Land located at 8960 Seguin a.k.a 8960 FM 78 (CB 5071 P-6) (.151 AC) & P 37 E (.039 AC), (ID # 312806), approximately 0.1900 acres of land to allow for Automobile Sales and Service Business, specifically the operation of a Transmission Shop, as requested by the property owner.

Mr. Quintanilla reported the Planning and Zoning Commission approved a Special Use Permit on a five-to-one vote.

The City Council and Mr. Ortiz required an asphalt parking lot within one year of issuance of the Special Use Permit or the Special Use Permit will be revoked. The Tenants lease must clearly state who is responsible to fund and insure the parking lot.

Mr. Alex Garcia, property owner, stated he would be responsible for the funding of a defined parking lot.

Mayor Pro Tem Lopez approved the Special Use Permit with the stipulation of a defined parking lot within one year of the Special Use Permit issuance. Councilwoman Richel seconded the motion. The motion passed unanimously.

E. Discussion and Appropriate Action to Approve the Final Plat for the Cimarron Landing Phase III Subdivision, Plat # 125. (City Engineer) (Assistant City Manager)

Mr. Quintanilla reported the Planning and Zoning Commission passed the approval of the final plat with a four-to -three vote. The primary concern of the P&Z Commission is the proximity of the property to the floodplain.

Mr. Tondre, City Engineer, stated a previous floodplain map showed Cimarron Landing Unit 1 was very close to the floodplain. Subsequently, the San Antonio River Authority in cooperation with Bexar County updated the floodplain map and pulled that floodplain area away from the single family subdivision. As a requirement of the preliminary plat approval, an independent floodplain study was conducted to verify the revisions. The City Engineer concurred with their findings. The frontage along FM 1976 is zoned B-3, commercial and the remainder of the property is zoned residential. The property owner has expressed interest in changing the zoning from residential to commercial, but has not applied for the rezoning.

Mr. Ortiz stated the owners are lawfully able to build whatever they desire as long as it complies with the zoning. We do not have any discretion on approving the plat. The item is coming before Council so the City Engineer can advise you that everything is in compliance.

Councilman Pannell made a motion to approve the Final Cimarron Landing Phase III Subdivision Plat. Councilman Brown seconded the motion. The motion passed with four approving (Pannell, Brown, Beehler and Suarez) and three against (Richel, Lopez and Selko).

F. Discussion and Appropriate Action to Amend the City of Converse Code of Ordinances, Chapter 46, Utilities, Article IV, Water, Division II, Regulating, Section 46-108 – Standard Procedures, City of Converse Ordinance that Regulates Water Billing. This amendment serves to change from the Current Four Cycle Utility Billing to the Proposed Two Cycle Utility Billing Cycle. (First Reading) (Director of Utilities) (City Manager)

Ms. Dowell addressed concerns with item K and O of the Public Notice. Item K reflects the upgraded credit deposit from \$50 to \$75. The \$25 fee will only be assessed the first time a customer is disconnected. Item O reflects a terminology change from "Disconnect Fee" to "Service Fee".

Mr. Ortiz added there are no issues with the wording on the corrected version.

Councilman Selko made a motion to approve Ordinance 305, Section 46-108, paragraphs K, N and O as written. Councilman Pannell seconded the motion. The motion passed unanimously.

G. Discussion and Appropriate Action to Approve a Contract for the Installment of Point to Point Wireless System. (City Manager)

Ms. Dowell said the contract came in late Friday and asked to pull the item to give Mr. Ortiz time to review the contract. Mayor Suarez pulled item 10G.

H. Discussion and Appropriate Action to Approve Task Order (T. O. # 41) to Vickery & Associates to Conduct a Study That Establishes New Water Impact Fees for the City of Converse. (City Manager)

Ms. Dowell reported staff is currently reviewing the contract and asked for more time to examine the water impact fees. The water impact fees are governed by a state law that requires an engineer and an engineer's report in order to create water impact fees.

Mayor Suarez stated item 10H is not ready for action at this time.

I. Discussion and Appropriate Action to Approve Resolution #647, a Resolution that Authorizes a Three (3) Year Lease/Purchase Contract for Approximately One Hundred Fifty Thousand Six Hundred Ninety Dollars (\$150, 690.00) for a Chip Spreader Purchased Through CAPITAL CITY LEASING INC. (city Manager)

Ms. Dowell said the Chip Spreader purchase was approved at the last Council meeting and advised the Council that the Resolution will complete the required documents for the contract.

Mayor Pro Tem Lopez made a motion to approve Resolution #647. Councilman Pannell seconded the motion. The motion passed unanimously.

11. City Council Reports: In consideration of Texas Attorney General Opinion AG-0668, information on subjects not on agenda shall be limited to statements or specific factual information; or recitation of existing policy. Any deliberation of or decision about a subject not on the addenda 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 thanked Ms. Dowell, Mr. Quintanilla, Ms. Burns, Ms. Silvas and Ms. Gaines for setting up the Northeast Partnership meeting that was held at Northeast Lakeview College January 12, 2012. Senator Jeff Wentworth was the guest speaker and lunch was provided by Papa Dante's Restaurant. Mayor Suarez

also thanked Mayor Pro Tem Lopez for filling in during the Mayor's Call. Asked to move forward on the strategic planning process and to schedule an annexation workshop.

B. Councilmember's Report/Items of Interest

Mayor Pro Tem Lopez asked that all applicants receive notification of their status on their job posting application via e-mail, phone call or letter.

C. City Commission Liaison Reports

-Park and Recreation Commission, Councilwoman Richel-nothing to report.

-Beautification and Environmental Commission, Councilwoman Beehler-will meet next week.

-Building and Standards Commission, Councilman Pannell-Ms. Dowell addressed the CVLGC meeting and stated an inquire has been sent asking if another City representative can attend in her place since she has jury duty and is waiting on their reply. Councilman Pannell reported the interconnect is going as scheduled.

-Charter Review Commission, Councilman Selko reported the commission has completed Article 8 and will have a final review of the changes within the next few meetings to bring to Council for approval before presenting the changes to the citizens.

-Planning and Zoning Commission, Councilman Brown-meeting of January 23, 2012 is scheduled for review of the all current zoning.

D. Economic Development Corporation Report

Mayor Suarez congratulated Ms. Silvas on her appointment of the Chair for the Northeast Partnership Economic Development. Ms. Silvas reported anticipating a response from FEMA on the P25 grant, CVS Pharmacy scheduled to open in February and has received their donation. Preparing a grant application to the Parks and Wildlife for a walking trail in North Park. Submitted demolition paperwork to the state for 204 Hilltop. Will setup a booth at the Business Expo in Shertz, has an Open House this Friday and a breakfast scheduled for February 10th. The EDC Board will have a vacancy in March and will be looking for a replacement.

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

Ms. Dowell stated city staff is working on the recent event with the Bob Grubb well site. The pump is currently down and staff is assessing the problem to bring the cost of repair to Council. Reported her selection of Jury Duty on January 26th, P&Z meets January 23rd, B&E meets January 23rd, Charter Review meets January 24th, possible Building and Standards meeting on January 25th and the Special Called Council meeting is set for January 26th.

12. Executive Session:

A. Executive Session in Accordance with the Texas Open Meetings Act § 551.071. CONSULTATION WITH CITY ATTORNEY; CLOSED MEETING. Consultation with the City Attorney to discuss settlement offers related to the Water Service Disruption Events on December 11, 2011 and December 19, 2011. (City Attorney) (City Manager)

Mayor Suarez called for a recess at 9:44 PM.

13. Reconvene To Open Session:

Mayor Suarez reconvened the meeting at 10:23 PM.

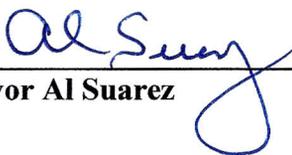
A. Discussion and Appropriate Action in Accordance with Deliberations with City Attorney regarding settlement offers related to the Water Service Disruption Events on December 11, 2011 and December 19, 2011. (City Attorney) (City Manager)

No action taken.

14. Adjournment:

Mayor Suarez adjourned the meeting at 10:24 PM.

Passed and Approved this 7th Day of February, 2012



Mayor Al Suarez

ATTEST:



Jackie Gaines, Acting City Secretary