



Expanding Horizons

CITY OF CONVERSE
CITY ADMINISTRATION

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MINUTES
CITY OF CONVERSE
CITY COUNCIL MEETING
March 20, 2012 - 7:00 PM

Be it known that the City Council of the City Of Converse met for a regular meeting at the City Council Chambers at 402 South Seguin Street on Tuesday, March 20, 2012 at 7:00 PM. A quorum of the following commissions may be present: Beautification & Environmental, Building & Standards, Charter Review, Economic Development Corporation, Park & Recreation and Planning & Zoning.

1. CALL TO ORDER

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

2. INVOCATION

Mr. Quintanilla gave the invocation.

3. PLEDGE OF ALLEGIANCE: Mayor Suarez led the Pledge of Allegiance to the United States 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
Ms. Shawna Dowell, City Manager
Ms. Jackie Gaines, City Secretary

Mayor Pro Tem, Grant Lopez
Councilman Andy Selko, Place 3
Councilwoman Laura Beehler, Place 5
Councilman Steve Brown, Place 6
Mr. Ray Ortiz, City Attorney

Mayor Suarez stated a quorum is present. Recognized JISD Trustee Arnold Salinas.

5. CONSENT AGENDA:

- A. Receive Minutes for Planning & Zoning Commission Meeting on January 23, 2011.**
- B. Receive Minutes for Planning & Zoning Commission Meeting on February 13, 2011.**
- C. Receive Minutes for Parks & Recreation Commission Meeting on February 13, 2011.**

Councilwoman Richel made a motion to approve items 5A-C. Mayor Pro Tem Lopez seconded the motion. The motion passed unanimously.

6. SPECIAL CONSIDERATION ITEMS:

- A. 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.

8. PUBLIC HEARINGS:

- A. Public Hearing on a Request for a Special Use Permit (SUP) on a Parcel of Land located at 8537 FM 78 (CB 5071E, BLK , LOT 7 (SCARPULLA SUBD UT-4 “City of Converse Annexation”), ID # 313123), approximately .8810 Acres of Land to allow for the operation of a Tire Shop.**

Mayor Suarez opened the Public Hearing at 7:10 P.M.

Martin Divila of 4819 Castle Stream, asked for a special use permit for 8537 FM 78 for a used tire business. John True of 8312 FM 78, requested denying the special use permit due to over saturation of tire shops and the pest and mosquitoes. Celeste Morris of 9014 Arabian King, concerned with toll roads.

Mayor Suarez closed the Public Hearing at 7:12 P.M.

- B. Public Hearing on a Request for an Addition to City of Converse Code of Ordinances, Chapter 10, Business, Article VII, Miscellaneous Businesses/Occupations, Division IV (New) Amusement Redemption Machine Establishments, Sections 10-305 – 10-309 (New) The City of Converse is considering adding a new division, Division IV, “Amusement Redemption Machine Establishments” to Section 10 of the City of Converse Code of Ordinances. This addition will serve to define and regulate any electronic, electromechanical, or mechanical contrivance designed, made and adapted solely for bona fide amusement purposes if the contrivance rewards the player exclusively with noncash merchandise prizes, toys, or novelties, or a representation of value redeemable for those items, that have a wholesale value available from a single play of the game or device of not more than 10 times the amount charged to play the game or device once or \$5, whichever is less.**

Mayor Suarez opened the Public Hearing at 7:13 P. M.

Celeste Morris of 9014 Arabian King, in favor of the ordinance because of the restriction of the pay-out amount.

George Richel of 122 Meadow Hill, asked to reword the definition of distance of the distance to a school and asked to consider establishments that have over a certain amount of machines to have the higher charges rather than all establishments that just have a few machines.

Mayor Suarez closed the Public Hearing at 7:16 P.M.

- C. Public Hearing on a Proposed Review and Changes to the City of Converse Code of Ordinances Chapter 50, Zoning. This review will serve to better organize and define permitted uses and facilitate the reclassification of permitted uses. Also, consideration will be given to future developments, classification of future developments and how to appropriately zone said developments.**

Mayor Suarez opened the Public Hearing at 7:17 P.M.

Celeste Morris of 9014 Arabian King, in favor of the ordinance because it goes along with the future developments of the City.

Mayor Suarez closed the Public Hearing at 7:18 P.M.

**9. OLD BUSINESS:
NONE**

10. NEW BUSINESS:

A. Quarterly Report from the Parks and Recreation Commission. (Parks & Recreation Chair)

Mr. Leon Stubbs, Chairman, Mr. Fred Simpson, a public facilities planning and development consultant, made a presentation at the January meeting, discussing joint projects with B&E Commission, parks utilized by local sports groups and schools. Facilities being upgraded and thanked Karl Hoppes staff. A state grant has been applied through t EDC to construct walking trails at North park. Butterfly Garden in North park is progressing. Free movie in the park program; first movie March 17th. Changes in the Commission seats are Jeff Beehler, Janie Olds and thanks went out to both. Thanked Leigh Ann Rogers for serving as the secretary and welcomed Krissy Rendon as the incoming secretary.

B. Discussion and Appropriate Action to Approve an Interlocal Agreement Between the City of Converse and the North Central Texas Council of Governments (NCTOG) for a Contract with GABRIEL ROEDER SMITH & COMPANY (GRS) for Actuarial Valuation According to GASB Statements 43 & 45, Actuarial Valuation of Other Pension Eligible Benefits (OPEB). (City Manager)

Ms. Dowell stated during the 2010 audit, the auditors requested we move forward with the actuarial study of our health benefits to be in compliance with GASB 54 standards.

Councilman Pannell made a motion to approve the actuarial valuation of other pension eligible benefits. Councilman Selko seconded the motion. The motion passed unanimously.

C. Discussion and Appropriate Action to Approve a Request for a Special Use Permit (SUP) on a Parcel of Land located at 8537 FM 78 (CB 5071E, BLK , LOT 7 (SCARPULLA SUBD UT-4 “City of Converse Annexation”), ID # 313123), approximately .8810 Acres of Land to allow for the operation of a Tire Shop. (Assistant City Manager)

Mr. Quintanilla reported the P&Z Commission approved a SUP to allow the operation of a tire shop.

Mayor Pro Tem Lopez asked what the opinion is of the EDC. Ms. Dowell replied EDC would like to target commercial development for FM 78; right now it is a non-conforming use.

Mr. Muhammad-Sadaf-Shahzad, lessee of property for the tire shop, stated he would have tires picked up weekly.

Councilwoman Richel stated the Council did not allow additional storage facilities or ice machines and felt we should not allow another tire shop in the City either.

Councilwoman Beehler asked to consider upgrading the main corridors through Converse and upgrading the businesses.

Councilman Selko made a motion to disapprove the Special Use Permit for the operation of a tire shop. Councilman Brown seconded the motion to disapprove. The motion to disapprove passed with six disapproving (Selko, Brown, Beehler, Richel, Lopez and Suarez) and one in favor of the SUP (Pannell).

D. Discussion and Appropriate Action to Approve a Request for an Addition to the City of Converse Code of Ordinances, Chapter 10, Business, Article VII, Miscellaneous Businesses/Occupations, Division IV (New) Amusement Redemption Machine Establishments, Sections 10-305 – 10-309 (New) The City of Converse is considering adding a new division, Division IV, “Amusement Redemption Machine Establishments” to Section 10 of the City of Converse Code of Ordinances. This addition will serve to define and regulate any electronic, electromechanical, or mechanical contrivance designed, made and adapted solely for bona fide amusement purposes if the contrivance rewards the player exclusively with noncash merchandise prizes, toys, or novelties, or a representation of value redeemable for those items, that have a wholesale value available from a single play of the game or device of not more than 10 times the amount charged to play the game or device once or \$5, whichever is less. (First Reading) (Assistant City Manager)

Mr. Quintanilla stated this is the first reading and was discussed with the P&Z Commission. This is an attempt to regulate individuals coming into Converse to setup 8-Liner establishments.

Lt. James, in charge of investigations, has been doing the most research on these types of establishments and the ordinance is well needed. Right now we have several 8-liner establishments within the city limits. One business has trash outside the building and is conducting illegal activity within the establishment. Overcrowding is an issue as well. Other cities are having the same issue.

Mr. Ortiz asked to remove the wording “appendix C”, better define excluded machines, combine section 10-306 A&B, section 10-308 add the wording “permit”. The State currently applies \$60 tax and cities can apply 25% of the amount as an occupation tax. We have been charging only \$10 and need to raise the amount to \$15 per machine per the State Law. We need to amend Ordinance #213 to be consistent on paper with the State. What the proposed ordinance will apply is an administrative permit and we need to be clear that the occupation tax will continued to be paid. Need to add a paragraph to clearly state that this is separate and apart from the occupation tax (Ordinance #213) which is required for each machine; the administrative permit is for each establishment.

Sgt. Malone added the City of Live Oak has these issues and the City wants to regulate these businesses.

Councilman Selko asked to set an age limit to enter these establishments and possibly grandfather those that are not primarily open for these types of activities.

Mayor Pro Tem asked is there a way to grandfather the fees for businesses that have been in the city for a long time.

Mr. Ortiz replied the cost defined are representative of the administration cost that will be applied for monitoring the establishments by police manpower, building official manpower, CH complaint call and administration call. You can establish a lower rate for businesses that have one or two because the man power involved is different from a business having one verses thirty. Right now, we do not have a record to monitor the administrative cost so we might have to raise the cost next year.

Lt. James added a cost the city will bear to store the machines if they are closed down due to conducting illegal activity.

Mayor Pro Tem Lopez made a motion to approve as written. Councilman Selko seconded the motion. The motion passed with six in favor, (Lopez, Selko, Brown, Beehler, Brown and Suarez) and one abstention (Richel, due to conflict of interest).

E. Discussion and Appropriate Action on Proposed Review and Changes to the City of Converse Code of Ordinances Chapter 50, Zoning. This review will serve to better organize and define permitted uses and facilitate the reclassification of permitted uses. Also, consideration will be given to future developments, classification of future developments and how to appropriately zone said developments. (Assistant City Manager)

Mr. Quintanilla stated the Planning and Zoning Commission has been conducting workshops for the last two Saturdays, going through Chapter 50-Zoning, but at this time the Commission is not ready to bring recommendations to the Council.

Councilman Brown added the commission is also discussing a new zoning code and will need to work closely with EDC on these decisions.

Mayor Suarez deferred the item.

Mayor Suarez asked to move to Item 10N

N. Discussion and Appropriate Action to Approve a Request from the San Antonio River Authority (SARA) to Grant Easements for a Water Reuse Line and Temporary Construction to the San Antonio River Authority (SARA). (City Manager)

Mr. Ortiz stated he has questions on minor details to clarify the request. Mr. Ortiz asked if the Council approves this agreement, can the City have the verbal easement in writing, that at some point in the past, someone from SARA gave the City, that gives the City the same meets and bounds type easement. The same request you are asking from us is the same request we are asking of you so we can have our own easement for a line of ours that is already there.

Robert Jenkins, Engineer with SARA replied there have been many partners speaking on this project and at this time is not in a position to say whether the things said were official. Because we are acquiring this easement at their cost, there are concerns from the other partners to allow the City of Converse to go into that easement at no cost. The City of Converse should share the same cost with the other partners for the use of the easement.

Ms. Dowell reiterated the question; what the City is asking at this moment in time, is for the existing purple pipe the City currently has in the ground from the SARA property in East Park to where it ends and terminates currently that has been put into SARA easement, whether approved or not, I

understand the debate from prior administration on both parts, what is asked is to have this documented and be authorized ass acceptable use for the existing purple pipe that is in the ground; not future extension, just existing.

Mr. Jenkins will have to look at the easement they have with Judson, the Animal Shelter and one more property owner to see if the easement will allow the use. This reuse easement is specified for reuse water and the line you have is not a direct reuse and may require a separate easement.

Marianne Kumley, Real Estate Representative with SARA stated they are trying to get this easement by the end of the month.

Mr. Ortiz stated he would like to get an answer before the Council votes on the request.

Ms. Kumley asked to go back to SARA and discuss this and have their legal counsel give Mr. Ortiz a call to see what type of document you are requesting in order to complete the easement request.

Mayor Suarez deferred item to the April 3rd meeting.

F. Discussion and Appropriate Action to Approve the Amending of the Bylaws of the Cibolo Valley Local Government Corporation (CVLGC). (City Manager)

Ms. Dowell stated the only change is page 2C; selecting an ex-officio, non-voting member for the purpose of serving as liaison.

Mayor Pro Tem Lopez made a motion to approve the Bylaws. Councilwoman Richel seconded the motion. The motion passed unanimously.

G. Discussion and Appropriate Action Adopting Resolution 665, A Resolution that Amends the Authorized Representative for the Investment of City Funds in the Investment Pool Operated by MBIA Municipal Investors Service Corporation. (City Manager)

Ms. Dowell discussed the retirement of the Finance Director; we need to make changes we have current signatories on this account and the previous signatories removed.

Councilman Selko made a motion to approve Resolution #665. Councilman Pannell seconded the motion. The motion passed unanimously.

H. Discussion and Appropriate Action Adopting Resolution 666, a Resolution Amending the Authorized Representatives in the Execution of an Investment Agreement(s) for the Participation in the Lone Star Investment Pool, Designating the Pools as an Agency and Instrumentality, Approving Investment Policies of the Pool, and Designating Investment Officers. (City Manager)

Ms. Dowell stated this is a similar request to change the signatories on this account.

Councilman Selko made a motion to approve Resolution #666. Councilman Brown seconded the motion. The motion passed unanimously.

I. Discussion and Appropriate Action Adopting Resolution 667, A Resolution That Amends Authorized Representatives for the Texas Local Government Investment Pool (“TexPool/TexPool Prime”), a Public Funds Investment Pool Created on Behalf of Entities Whose Investment Objective in Order of Priority are Preservation and Safety of Principal, Liquidity and Yield Consistent with the Public Funds Investment Act. (City Manager)

Ms. Dowell stated the Resolution authorizes changing the signatories.

Councilman Pannell made a motion to approve Resolution # 667. Councilman Selko seconded the motion. The motion passed unanimously.

J. Discussion and Appropriate Action Adopting Resolution 668, A Resolution that Amends the Signatories of the Investment of Excess Economic Development Funds in the MBIA Municipal Investors Service Corporation. (EDC Executive Director)

Ms. Dowell spoke on behalf of Ms. Silvas. The same requirements are necessary for the EDC Investment Funds and authorizes the City Manager and Assistant City Manager as additional signatories.

Councilman Selko made a motion to approve Resolution # 668. Councilwoman Beehler seconded the motion. The motion passed unanimously.

K. Discussion and Appropriate Action Adopting Resolution 670, A Resolution that Amends the Signatories of All the TEXSTAR Investment Accounts. (City Manager)

Ms. Dowell stated this Resolution amends the signatories authorizing the City Manager and Assistant City Manager to be signatories.

Councilwoman Beehler made a motion to approve Resolution # 670. Mayor Pro Tem seconded the motion. The motion passed unanimously.

L. Discussion and Appropriate Action to Appoint Members of the Planning and Zoning Commission to a Capital Improvements Advisory Committee as Required by Section 395.058 of the Local Government Code. (City Manager)

Ms. Dowell stated what is required by law under the water impact fees is a Capital Improvements Advisory Committee. In 1985, through a study, we authorized the water impact fees. The committee was not utilized and disbanded. The committee is a requirement and need to be back in place. At least one of the advisory committee members has to be a developer and staff recommends Council to appoint the P&Z commission to the advisory committee. The developer does not have to live in the city but has to be developing in the city and one suggestion is Mr. Troy Lott.

Mr. Quintanilla discussed this with the P&Z Commission at the Saturday’s meeting and the Commission accepted the responsibility.

Councilman Pannell made a motion to approve the appointment. Councilman Brown seconded the motion. The motion passed unanimously.

M. Discussion of 2011 City of Converse Building Department Year End Statistics. (Building Official)

Mr. Williams report covered the following:

- new residential plans 162
- certificate of occupancy 19 residential and 135 residential
- contractors caught performing work without a permit 60
- total collection \$1,239,109.80

The Council expressed their gratitude to Mr. Williams for doing a great job in the Building Department.

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-Mayor Suarez and Jackie Gaines has a visit to Millers Point Elementary School, received an MPO update that the FM 1516 expansion project is to be voted on March 26th. Thanked Ms. Silvas for writing letters to the voting members.

B. Councilmember's Reports/Items of Interest-Councilman Selko-Charter Review meeting last week and invited the Council to attend for feedback.

C. City Commission Liaison Reports-Councilwoman Beehler-B&E Commission-Next meeting March 26th and Beautification day March 31st.

Councilman Pannell-B&S Commission-Thanked Ms. Dowell, Mr. Quintanilla and the commission for getting 505 Toepperwein down.

Councilwoman Richel-P&R Commission-Met March 12th, the plaque has been placed in the Butterfly Garden, movie in the park this Saturday at 7:45 and will be selling popcorn, drinks and hotdogs.

Councilman Pannell- CVLGV-Meeting cancelled, will update Council on the April meeting.

D. Economic Development Corporation Report & Discussion of Items of Interest-Deferred

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

Ms. Dowell will post the position for the Finance Director and Human Resource Director. Vacant positions: 1 utility serviceman, IN July, the building inspector will retire, 3 FF/P, 2 street servicemen, 1 grounds serviceman, PD office manager and one police officer, implementing Incode, hired Mr. Eddie Peacock to assist in the conversion and write the auditors requirements with GASB, installation of wireless system next week and construction of new server room.

12. EXECUTIVE SESSION:

Mayor Suarez called for a recess at 9:30 P.M. to convene in Executive Session.

A. Executive Session in Accordance with Texas Open Meetings Act Section 551.074, PERSONNEL MATTERS. Personnel Matters to deliberate the appointment, employment, evaluation,

reassignment, duties, discipline, or dismissal of a public officer or employee. (Mayor) (City Manager)

Executive Session opened at 9:38 P.M. Executive Session closed at 10:08 P.M.

- B. Executive Session in Accordance with Texas Open Meetings Act Section 551.074, PERSONNEL MATTERS. Personnel Matters to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee. (Mayor)**

Executive Session opened at 10:13 P.M. Executive Session closed at 10:48 P.M.

13. RECONVENE TO OPEN SESSION:

Mayor Suarez reconvened the Open Session at 9:30 P.M.

- A. Discussion Appropriate Action in Accordance with the Texas Open Meetings Act § 551.074. PERSONNEL MATTERS; CLOSED MEETING. Personnel Matters to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee. (Mayor) (City Manager)**

Mayor Suarez stated no action required.

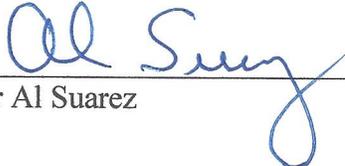
- B. Discussion Appropriate Action in Accordance with the Texas Open Meetings Act § 551.074. PERSONNEL MATTERS; CLOSED MEETING. Personnel Matters to deliberate the evaluation appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee. (Mayor)**

Mayor Suarez stated no action required.

14. ADJOURNMENT:

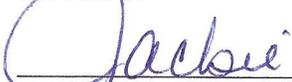
Mayor Suarez adjourned the meeting at 10:51 P.M.

PASSED AND APPROVED this 3rd day of April, 2012



Mayor Al Suarez

ATTEST:



Jackie Gaines
City Secretary