



*Expanding Horizons*

CITY OF CONVERSE  
CITY ADMINISTRATION

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**MINUTES  
CITY OF CONVERSE  
CITY COUNCIL MEETING  
April 03, 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, April 3, 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 PM.

**2. INVOCATION.**

Councilman Pannell 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 was present. Recognized JISD Trustee Arnold Salinas.

**5. CONSENT AGENDA:**

- A. Approve Minutes of City Council Meeting on February 21, 2012.**
- B. Approve Minutes of City Council Meeting on March 6, 2012.**
- C. Approve Minutes of City Council Meeting on March 20, 2012.**
- D. Receive Minutes for Beautification & Environmental Commission Meeting on February 27, 2012.**
- E. Receive Minutes for Charter Review Commission Meeting on February 27, 2012.**
- F. Receive Minutes for Charter Review Commission Meeting on March 12, 2012.**

Councilman Brown asked to pull item 5C. Councilman Pannell made a motion to approve items A, B, D, E and F. Mayor Pro Tem Lopez seconded the motion. The motion passed unanimously.

City Council Minutes of Meeting April 3, 2012

Councilman Brown asked for corrections of his statement on item 10E of the March 20, 2012 City Council Meeting. Councilman Pannell made the motion to approve as amended. Councilwoman Richel seconded the motion. The motion passed unanimously.

**6. SPECIAL CONSIDERATION ITEMS.**

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.

Jay Morris with New Hope United Methodist Church announced the 6<sup>th</sup> Annual Public Servants Breakfast that takes place April 14, 2012 at 7:30 A.M.

Celeste Morris of 9014 Arabian King discussed toll roads and the 6<sup>th</sup> Annual Public Servants Breakfast.

Gary Harrell of 307 Avenue E discussed water bill due date of the 1<sup>st</sup> of the month and the City assessing a penalty on the 3<sup>rd</sup> of the month. He asked Council to reconsider moving the penalty date a few days, in order to allow the residents to receive their social security checks, which are received on the 5<sup>th</sup> of the month. His street continues to have water stand due the ineffective repair of his street. Employees are keeping trucks idling at worksites when not in vehicle.

Jim Sherman of 10218 Plumas Drive asked why the Public Facility Corporation and the Housing Finance Corporation agendas did not have an item for citizens to be heard.

Ora Blake of 9819 Wagon Train thanked Mr. Quintanilla and Councilman Brown for assisting in the cleanup of the unsanitary conditions on Wagon Train.

**8. PUBLIC HEARINGS.**

No Public Hearings.

**9. OLD BUSINESS.**

No Old Business.

**10. NEW BUSINESS.**

**A. Discussion and Appropriate Action on a Request to Appoint Marc Gilbert to the Economic Development Corporation (EDC) Board of Directors. (EDC Executive Director)**

Ms. Silvas stated the EDC Board has met with Marc Gilbert and have approved his appointment to the EDC Board of Directors. Ms. Silvas recommends consideration for approval.

Councilman Pannell made a motion to approve the EDC appointment of Marc Gilbert to the Board of Directors. Mayor Pro Tem Lopez seconded the motion. The motion passed unanimously.

**B. Discussion of Status of Public Finance Corporation & Public Housing Corporation. (EDC Executive Director)**

Ms. Silvas' briefing of both Corporations included the balance of the Public Housing Corporation to date of \$127,828.56 and the balance to date for the Public Finance Corporation of \$110,080.16. Both Corporations approved Leigh Ann Rogers as Interim Treasurer. The Public Finance Corporation approved an action to file appropriate paperwork for the State Department of Housing and Community Affairs to allow and amend the Land Use Restrictive Agreement filed with the Town Square Apartments to accurately reflect the absence of walking trails and amend the numbers assigned to handicap-accessible apartment units. The Texas Notice of Forfeiture of Right to Transact Business report was not filed for 2010 and as a result, there was a revocation of the ability to transact business. Staff has taken the appropriate steps to file the report in Austin to restore the Corporation's ability to transact business in the State of Texas. The 2012 report has been filed. The calendar for next year has been notated for the filing date as well.

**C. Discussion of DAY VS EDWARDS ACQUIFER AUTHORITY (EAA). (City Attorney)**

Mr. Ortiz gave an update on the recent Texas Supreme Court Opinion that places ground water in the same class as oil and gas. This concludes that if you have captured ground water below your land, it belongs to you. Before this opinion, EAA had clear authority and could regulate how much water is pumped. Mr. Day was upset because EAA did not give him pumping rights in a volume he requested and sued EAA. The Supreme Court disagreed with that argument and said EAA could restrict Mr. Day in the way they did, but sent the case to the Trial Court as to whether EAA's regulation of the amount of water was taking without compensation. The opinion of the Trial Court will be critical once a decision is made to determine the regulation for EEA and to determine if the amount taken was without compensation.

**D. Discussion of Proposed Tolling of Loop 1604. (Mayor)**

Mayor Suarez gave the latest update on tolling of Loop 1604 and 281 saying to date, there will is no tolling of Loop 1604 and 281. The MPO has passed a Resolution that does not support tolling of Loop 1604 and 281. The Resolution also states the MPO will not use any of its funding for tolling of the roads. Both Bexar County Commissioner Adkisson and TXDOT Chief Engineer, Mario Martinez indicated there are no toll roads in the plans. Ms. Terry Brechtel, Executive Director of the Alamo RMA will brief the NEP in May and Mayor Suarez will present any updates to the citizens at the subsequent Council meeting.

**E. Discussion of Proposed Second Rail through Converse by Union Pacific Railroad and its Impact on Utilities and Utility Department Budget. (Director of Utilities) (City Manager)**

Mr. Perez reported HDR Engineering plans show the conflict with the City of Converse that includes one 8" water line, one 18" water line and one 8" VCP sanitary sewer. Union Pacific is building a second rail and the lines are in their easements. The City will take shots of the locations to determine the depth of the lines and send to Jeff Tondre for review and comparison of HDR's findings. Mr. Tondre believes there is a potential for incorrect information from HDR Engineers. With the confirmation of the findings, he will determine what the cost will be to the City for construction and engineering of the project. The project will have to be contracted and done at night due to shutting off water for up to six hours to the south side of the City.

Ms. Dowell added this is an unbudgeted item at a cost of approximately \$200,000 and the City must comply by a certain date.

**F. Discussion of Traffic Improvement Project Submitted to Metropolitan Planning Organization (MPO) for FY 2016 Funding. (Mayor Suarez) (City Engineer)(City Manager)**

Mayor Suarez thanked Jeff Tondre and his firm for the work and research to support the projects for the City. The City received \$8,403,801 for the construction of the New Toepperwein Road project. The City has to look at the items that will support the qualifications for the funding which are environmental studies for the acquisitions of properties along S. Seguin Road and the right-of-way acquisitions of seven parcels that have to be

acquired along S. Seguin Road. These are the elements that have to be concluded before the 2016 funds become available.

Ms. Dowell added this will be a joint project with TXDOT with a match of approximately \$2 million and thanked Ms. Silvas for heading up the project.

**G. Discussion and Appropriate Action to Approve Change Order #1 in the Amount of Ninety-eight Thousand Dollars (\$98,000.00) the Interconnect Water Project. (City Engineer) (City Manager)**

Mr. Tondre reported the project is on schedule; however, there has been about 20 day's loss due to rain. The second issue was reported two months ago is the conflict with the right-of-way on Lower Seguin Road on the gas main. After investigation, we have two options and this option is the least desired option. The Council will be discussing the other option, which is preferred, under Council Agenda Item 12B.

Councilman Selko made a motion to not make a decision until Item 12B had been discussed. Councilman Brown seconded the motion. The motion passed unanimously.

**H. Discussion and Appropriate Action Adopting Resolution 669, a Resolution that Amends the Authorized Signatories of the City of Converse Health Benefits Fund Operated by J. P. Morgan Chase Bank Corporation. (City Manager)**

Ms. Dowell stated the item amends the signatories of the Health Benefits Fund operated by J. P. Morgan Chase Bank.

Mayor Pro Tem Lopez made a motion to approve Resolution #669. Councilman Pannell seconded the motion. The motion passed unanimously.

**I. Discussion and Appropriate Action Adopting Resolution 671, A Resolution that Amends the Authorized Signatories of the City of Converse Economic Development Funds in the Investment Pool Operated by MBIA Municipal Investors Service Corporation. (City Manager)**

Mayor Suarez pulled item 10 I due to the item not ready for action at the request of the Assistant City Manager and be placed on the next City Council Agenda.

**J. Discussion and Appropriate Action to Approve a Request for a Contract for Interim Financial Services. (City Manager)**

Ms. Dowell reported Mr. Peacock is highly recommended from other cities and is certified through the Government Finance Officers Association of Texas (GFOAT). The proposal is to provide professional services for continuity and financial management based on the vacancy of the Finance Director. Mr. Peacock has been providing professional service to the City of three weeks and the contract is for up to fifteen weeks of service. The Finance Director Position has been posted in the San Antonio Express News and the professional services will only be used up to the time we fill the position.

Mayor Suarez had questions on the mileage rate and who submitted the fees. Ms. Dowell replied the fees were provided by Mr. Peacock based on the cost from the previous trips to Converse. The cost included his flight and rental car.

Mayor Pro Tem made a motion to approve the contract for Interim Financial Services with Mr. Peacock. Councilman Selko seconded the motion. The motion passed unanimously.

**K. 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 met with SARA officials and they concluded the City's Purple Line Easement written request needs to be sought from Judson ISD. Judson ISD is the owner of the land, so the City cannot use this as a basis to approve SARA's request. Mr. Ortiz asked for \$1,000 in consideration and SARA (Ms. Kumley) agreed to the consideration.

Ms. Kumley, Real Estate Representative for SARA, expressed her gratitude for the consideration and offered to be a part of the negotiations when the City presents a request for the written document of the Purple Line Easement use to Judson.

Councilman Selko made a motion to approved granting the easements for a water reuse line and temporary construction to SARA with the consideration of \$1,000. Councilwoman Beehler seconded the motion. The 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**

Mayor Suarez reported on the GBCCC meeting that included the seed funds amount between \$500,000 and \$600,000 from CPS. Met with Mayor Allen Baxter of the City of Windcrest and discussed resources to share that included digital billboards for advertising and the possibility of water use. The April NEP speaker will be Congressman Lloyd Doggett and the May NEP speaker will be Terry Brechtel, Executive Director of the Alamo RMA.

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

- Councilman Brown- Fire Alumni Academy made their selection for Fireman of the Quarter.
- Councilman Selko- April 13<sup>th</sup>, the American Legion hosts the Chicken Fried Steak Dinner and the Breakfast will be held April 14<sup>th</sup>.
- Councilwoman Beehler thanked the First Baptist Church in Universal City, New Life Baptist Church and the Converse Hispanic Baptist Church for participating in the beautification project at the Justice Center.
- Councilman Pannell-April 7<sup>th</sup>, Esplanade Gardens will host an Easter Egg Hunt.

**C. City Commission Liaison Reports.**

- Councilwoman Richel, P&R Commission-Next meeting April 9th. The Movie in the Park was a success and thanked all for putting the event together.
- Councilman Pannell, B&S Commission-Nothing to report. CVLGC meets in April.
- Councilman Brown, P&Z Commission-Meeting April 16<sup>th</sup>.
- Councilman Selko, Charter Review Commission- Meeting April 17<sup>th</sup>, 6:30 PM prior to the Council meeting. The Commission will present 13 Resolutions to the Council.

**D. Economic Development Corporation Report & Discussion of Items of Interest.**

Ms. Silvas reported on the March 26<sup>th</sup> 210 Hilltop closing; the home is occupied with an 18-month lease agreement. Widening of S. Seguin Road update, attended the Governors Small Business Forum for opportunities with the Eagle Ford Shale project, hosted a Business Breakfast March 16<sup>th</sup>, next Open House is April 20<sup>th</sup> and is promoting the "Choose Converse" campaign.

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

Ms. Dowell reported on the staff continuing to work with the Interim Finance Contractor. The staff is in the process for completing the data downloads for the Incode conversion. The City purchased 150 acre feet of water through the Reginal Water Resource Development Group (RWRDG) for 2012-2013. The cost for 2012 is just over \$12,000.

**F. City Staff Reports:**

**1. Report and Discussion of Significant Police Events.**

Chief Jamison thanked the B&E Commission and their volunteers from the beautification project at the Justice Center. The PD is staying busy without any significant issues.

**2. Report and Discussion of Significant Fire and EMS Events**

Chief Wendt had to replace one of the hydraulic tools which became obsolete on replacement parts and was fortunate to have the new tool in place to remove the roof from a car in a recent accident. August 17<sup>th</sup> is the final inspection date for the new fire apparatus.

**3. Report and Discussion of Significant Public Works Events**

Mr. Hoppes reported on the following:

Streets Department-assisted the parks with the 281 site, continued the butterfly garden project at North Park, completed asphalt buildups on Toepperwein Road and Avenue E, Chief Wendt and Assistant Chief Christian assisted welding the transformer tower at North Park and is currently working on projects with Hanover Cove and Cimarron Landing. The Parks Department mowed and trimmed 15 areas of town, picked up 6 bags of trash and generated \$500 of revenue for out-of-cycle brush pickups. The Chipper is out of service due to the axel wearing out. JYSF had their season opening, the swimming pool was tested and no major leaks were detected. Assisted with the preparation and planting of the landscaping of the Justice Center. Assisted with the production of the Movie in the Park.

Mayor Pro Tem Lopez asked about the shed at North Park. Ms. Dowell and Mr. Hoppes will Contact the Converse Cardinals to paint the shed. A request by Mayor Pro Tem Lopez was made to ask SARA to mow the area behind the lake more often.

**4. Report and Discussion of Significant Public Utilities Events.**

Mr. Perez gave the following report: The Utility Department had 75 deposits, 56 finals, 110 turn-offs for non-payment, 253 re-reads, 29 customer leaks reported, repaired 10 of our own leaks, replaced 10 meters, calibrated 7 meters. Took 9 PSI samples city-wide, had a sewer line to collapse. Crew working on cleanup from a prior sewer main break.

**12. EXECUTIVE SESSION.**

Mayor Suarez called for a recess to convene in Executive Session at 8:36 P.M.

- 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, City Manager. (Mayor)**

Opened 8:45 P.M. – Closed at 9:47 P.M.

- B. Executive Session in accordance with the Texas Open Meetings Act § 551.072. DELIBERATION REGARDING REAL PROPERTY; CLOSED MEETING. Real Property Negotiations to Support Activities Associated with the Acquisition of Real Estate to Support the Development of Water Resources for the City of Converse. (City Attorney) (City Manager)**

Opened 9:48 P.M. – Closed at 9:56 P.M.

**13. RECONVENE TO OPEN SESSION.**

Mayor Suarez reconvened the Open Session at 9:57 P.M. and asked to move to item 10G.

- 10G. Discussion and Appropriate Action to Approve Change Order #1 in the Amount of Ninety-eight Thousand Dollars (\$98,000.00) the Interconnect Water Project. (City Engineer) (City Manager)**

Councilman Pannell made a motion to approve Change Order #1 in the amount of \$98,000.00 for the Interconnect Water Project. Councilman Brown seconded the motion. The motion passed unanimously.

- 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, City Manager. (Mayor)**

Mayor Suarez reported no further action required.

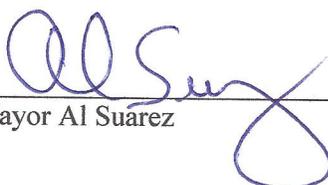
- B. Discussion and Appropriate Action in Accordance with Deliberations regarding Real Property Negotiations and Acquisitions To Support the Development of Water Resources for the City of Converse. (City Attorney) (City Manager)**

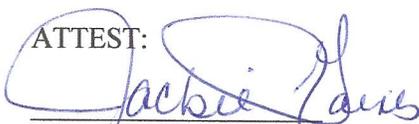
Councilman Selko made a motion to approve the deliberations regarding the development of water resources for the City of Converse. Councilman Brown seconded the motion. The motion passed unanimously.

**14. ADJOURNMENT.**

Mayor Suarez adjourned the meeting at 9:58 P.M.

PASSED AND APPROVED this 17<sup>th</sup> day of April, 2012

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

ATTEST:   
\_\_\_\_\_  
Jackie Gaines  
City Secretary