



Expanding Horizons

CITY OF CONVERSE
CITY ADMINISTRATION

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**MINUTES
CITY OF CONVERSE
CITY COUNCIL MEETING
April 17, 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 17, 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 7:03 PM

2. INVOCATION.

Invocation presented by Mr. Quintanilla.

3. PLEDGE OF ALLEGIANCE.

Mayor Suarez gave the Pledge of Allegiance to the United States Flag. Mayor Pro Tem Lopez gave 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

5. CONSENT AGENDA.

- A. Approve Minutes of City Council Meeting on April 03, 2012.**
- B. Receive Minutes for Parks & Recreation Commission Meeting on March 12, 2012.**
- C. Receive Minutes for Planning & Zoning Commission Meeting on March 12, 2012.**
- D. Approval of Motorcycle Awareness Proclamation # 275**
- E. Action to appoint Mr. John Shadron, as member of the Building & Standards Commission.
(Councilman Pannell)**

Councilman Selko asked to pull item 5E. Councilman Selko made a motion to approve items 5A-D. Councilman Pannell seconded the motion. The motion passed unanimously.

Councilman Selko stated an application to the appointment of the Building and Standards Commission as a member for John Shadron was not in the packet and asked to move item to next Council meeting to review the application.

6. SPECIAL CONSIDERATION ITEMS.

- A. Recognition of John Adams, Crew Member, Street Maintenance, for his Service of Five (5) Years with the City of Converse. (Mayor Suarez).**

Mayor Suarez presented Mr. John Adams of the Streets Maintenance Department, a certificate of appreciation for his service to the City for five years. The City Council showed their appreciation for his dedication to the Streets Department.

- B. Recognition of Matthew Scott, Utility Serviceman, Utility Department, for his Service of Five (5) Years with the City of Converse. (Mayor Suarez).**

Mayor Suarez presented Mr. Matthew Scott of the Utility Department, a certificate of appreciation for his service to the City for five years. The City Council showed their appreciation for his dedication to the Utility Department.

- C. Recognition of Patricia Neeley for successfully completing required course work to be designated Certified Court Clerk Level II by the Texas Court Clerks Association. (Mayor Suarez)**

Mayor Suarez and the City Council applauded Trish Neeley for successfully completing the required work to become certified as a Level II Court Clerk.

- D. Presentation of Motorcycle Awareness Proclamation # 275 to the Texas Confederation of Clubs & Independent Riders. (Mayor Suarez) (Ron Zuniga)**

Mayor Suarez and the City Council presented Mr. Ron Zuniga and other members from the Texas Confederation of Clubs and Independent Riders, a Proclamation designating the month of May 2012 as Motorcycle Safely and Awareness Month.

- E. Recognition of Eric Brightsen as the Fireman of the Quarter. (Councilman Brown) (Fire Academy Alumni/ Mr. John Woolery)**

Mr. John Woolery, Chairman of the Fire Academy Alumni, presented Fire-Fighter-EMT Eric Brightsen for Fireman of the Quarter. Fire Fighter Brightsen was presented with a certificate and a gift.

- 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.

-John Mendoza, 8359 Copperglen, commended Chief Wendt, Chief Jamison, Ms. Dowell and Councilman Brown on the adjustments made on the budget and inquired about the departure of the Finance Director.

-Celeste Morris asked to speak on item 10 F.

-Jim Evans, 9933 Flatland Trail and Chairman of the Charter Review Commission, asked why the Charter Resolutions were removed from tonight's Council Agenda. Mayor Suarez replied that due to the number of items already placed on the agenda, the decision was made to call a Special City Council meeting for the 13 Resolutions.

-Terri Hall, founder of Texas Uniting for Reform and Freedom (TURF), discussed toll roads.

8. PUBLIC HEARINGS.

Public Hearing Regarding Preliminary Water and Sewer Impact Fee Study and the Related Ten (10) Year Utility Capital Improvement Plan (CIP).

Mayor Suarez opened the Public Hearing at 7:26 PM.
There were no citizens to speak.
Mayor Suarez closed the Public Hearing at 7:28 PM.

9. OLD BUSINESS.

No old business.

10. NEW BUSINESS.

A. Discussion and Appropriate Action to Approve January 2012 Financials. (Financial Services Consultant)

Mr. Peacock's report included the year to date budget v. actual comparisons of revenues and expenditures for the general and utility fund investment accounts balances as of January 2012.

Mayor Pro Tem Lopez made a motion to approve the January 2012 Financials. Councilman Brown seconded the motion. The motion passed unanimously.

B. Discussion and Appropriate Action to Approve February 2012 Financials. (Financial Services Consultant)

Mr. Peacock's report included the year to date budget v. actual comparisons of revenues and expenditures for the general and utility fund investment accounts balances as of February 2012. Currently reconciling and posting March 2012 transaction data.

Councilman Brown made a motion to approve the February 2012 Financials. Mayor Pro Tem Lopez seconded the motion. The motion passed unanimously.

C. Discussion and Appropriate Action to Approve January 2012 Investment Report. (City Manager)

Mr. Peacock's investment report included the total general fund balance as of January 31, 2012 of \$1,137, 284.73 and the total utility fund balance as of January 31, 2012 of \$1,967, 076.30.

Councilman Pannell made a motion to approve the January Investment Report. Councilman Selko seconded the motion. The motion passed unanimously.

D. Discussion and Appropriate Action to Approve February 2012 Investment Report. (City Manager)

Mr. Peacock's investment report included the total general fund balance as of February 29, 2012 of \$1,437, 437.70 and the total utility fund balance as of February 29, 2012 of \$1,957, 935.36.

Councilwoman Beehler made a motion to approve the February Investment Report. Councilman Pannell seconded the motion. The motion passed unanimously.

E. Discussion and Appropriate Action Adopting Resolution 671, A Resolution that Amends the Authorized Signatories of the City of Converse Funds in the Investment Pool (TEXPOOL/TEXPOOL PRIME) Operated by FEDERATED INVESTORS, INC. (City Manager)

Ms. Dowell stated this Resolution amends the authorized signatories of the Investment Pool Funds.

Mayor Pro Tem Lopez made a motion to approve Resolution # 671. Councilwoman Beehler seconded the motion. The motion passed unanimously.

F. Discussion of Proposed Tolling of Loop 1604. (Alamo Regional Mobility Authority)

Mr. Leroy Allaway, Communications Director, Alamo Regional Mobility Authority, reported the comprehensive study began in the summer of 2009 and includes 35.5 miles of proposed improvements on Loop 1604. The Alamo RMA is awaiting approval from the Federal Highway Administration to release the draft environmental impact study and ultimately get a final environmental study with a record of decision at the end of this year. The corridor of interest starts at US Highway 90 along Loop 1604 to the IH 35 Kitty Hawk area. The study also includes Highway 51 to US Highway 90 along Loop 1604.

Ms. Hall, TURF Founder, opposed statements made by Mr. Allaway and spoke on the toll rates and non-compete agreements.

G. Briefing of Water and Sewer Utility Rate Study. (Utility Rate Consultant) (City Manager)

Mr. Bob McClain presented the report on water and wastewater revenue requirements. The billing history is not accurate enough to develop rate design alternatives. Once the City has a full 12 months of history in the Incode billing system, the accuracy should be better. One alternative is to have an across the board increase. The objectives for the utility rate study are to identify the full cost of water and wastewater services and to develop rate design alternatives to fund the water and wastewater cost of service. The report included key planning assumptions, impact on average residential and non-residential bills, non-operating costs and recaps of O&M costs, planned debt service, non-operating costs and total costs of service.

H. Briefing of the Ten (10) Year Utility Capital Improvement Plan (CIP). (City Engineer) (City Manager)

Mr. Tondre's briefing included information on impact fees regulations. Impact fees, as defined by Chapter 395 in the Local Government Code, are fees assessed by cities and other utility providers to recoup the loss of capital projects attributed specifically for new development. The capital improvement plan included the funding source through year 2022 for the projects. Staff identified the priority projects to improve the water distribution system.

I. Briefing on the Economic Development Corporation (EDC) Attendance at the ICSC Global Retail Real Estate Convention. (EDC Executive Director)

Ms. Silvas presented a list of retailers that were identified by Buxton last year for urban matches for the City of Converse. Ms. Silvas asked for suggestions to be submitted to her on potential retail businesses so she can solicit those companies at the ICSC Global Retail Real Estate Convention in Nevada this May.

J. Discussion and Appropriate Action on Budget Amendments in Accordance with April 14, 2012 City Council Budget Workshop. (City Manager)

Ms. Dowell stated this is a mid-year budget amendment that reduces revenues and gave the following details for the mid-year budget reductions:

The City is not going to fill the Human Resource position until the end of this year to bring a salary savings of \$18,750 and will hold the Finance Director position only for a small time frame for a savings of \$10,000, bringing the decreased City Hall administration expenditures to a total of \$28,750.

The Fire Department has 5 positions open and will freeze 3 position for a benefit savings of \$25,000. Additionally includes a delay in the ambulance lease, a fire hose, paging system for Station 2, hydraulic cot and a washing machine for a total benefit of \$118,250.

The Police Department has a total of \$61,761 in decreased expenditures. The benefit savings include freezing the position of the office manager, one police officer and one dispatcher position. In addition, projects cut will be the car seat project, training that TCLOSE did not assist with the funding and decreased fuel use.

The Utility Department-Utility Fund is projected to save \$373,511.73 through the end of the fiscal year. The Utility department will freeze 6 utility service positions, delay the water main replacement and the sewer main replacement projects, the non-potable water project, the radio-read meter project and the capital storm water project.

The Streets Department has six positions currently open that will be frozen; one crew leader, two street maintenance workers, one grounds maintenance worker, one parks worker and one street equipment worker. We will reduce the amount of the Capital program for the chip seal program and defer payment of the Chip Spreader FY 2013. Will hold off purchasing a used truck, a used dump truck and a scanner for the maintenance shop along with training for the parks, streets ad grounds department for a total savings of \$183,556.

The Library is proposing \$4,000 in cuts.

The City is proposing not performing Night In Ole Converse this year for a total savings of \$35,000, which most of the amount is used for police overtime.

Two budget transfers of overtime for the Police Department and the Fire Department will occur.

Increased expenditures include overtime for all other departments, workers compensation, unemployment, EDC tax note debt paid by general fund, city hall equipment, fire equipment maintenance, facility maintenance for the fire dept and justice center, graffiti eradication, sidewalk maintenance, traffic light maintenance, library office supplies, equipment rental for parks and grounds, street department equipment repairs and fuel, oil and tires for the animal control truck.

General Fund Decrease Expenditures \$431,317.00
General Fund Increase Expenditures \$102,277.00
Net Change-Decrease Expenditures \$329,040.00

Utility Fund Decrease Expenditures \$373,511.73

Councilman Pannell made a motion to approve the budget amendments. Mayor Pro Tem Lopez seconded the motion. The motion passed unanimously.

K. Discussion of Proposed Contract with K & L Properties, Owner of FM 1976 Mini Storage for the Construction of approximately 916 Linear Feet of 12" Water Main. (Director of Utilities) (City Manager)

Mr. Quintanilla stated the contract was reviewed by Mr. Ortiz. The owner of the FM 1976 Mini Storage has not executed the contract. Since the City desires to have the proposed 8" diameter water line be increased to a 12" diameter water line, the best scenario for the City would be to have an agreement with the developer and not the owner.

City Council was unable to take action due to the item not listed as an action item. The item will be brought back to City Council as an action item.

L. Discussion of the City of Converse Interconnect Water Project. (City Engineer) (City Manager)

Mr. Tondre gave a presentation on the history and progress of the project. This week the contractor has installed the water line that enters the tank from the Schertz distribution system. The change order easement approved by the City Council was granted today. The City will meet with Schertz in the upcoming weeks on the second easement request.

M. Discussion of the City of Converse Bob Grubbs Well Site. (Director of Utilities) (City Manager)

Mr. Perez received a call from Premium Pump and Wells, confirming delivery of the motor from SA Armature this Thursday, April 19, 2012. An electrician will be on site to install and test the motor. Mr. Smith will chlorinate the well Sunday and flush the system Monday. Water samples will be taken next week in order to put the pump will be back on line and put into the system. The trouble with the amperage control has not been resolved.

N. Discussion and Appropriate Action to Approve Alternate Delivery Date and Payment Structure Related to the COOPER EQUIPMENT COMPANY Delivery of a Chip Spreader. (City Attorney) (Assistant City Manager)

Mr. Quintanilla stated he and Mr. Hoppes met with Cooper Equipment Company asking for delaying the Chip Spreader and to restructure the payments. Staff recommends the 5 ½ year plan with an interest rate of 3.4%. Payments start November 7, 2013, with total lease payments of \$158,873.25.

Councilman Pannell made a motion to approve the 5 ½ year plan. Mayor Pro Tem Lopez seconded the motion. The motion passed unanimously.

O. Discussion and Appropriate Action Approving a Contract Between the Judson Youth Sports Foundation (JYSF) and the City of Converse. (City Manager)

Mr. Quintanilla stated JYSF would approve the contract and will change the typo referencing the CYO to reflect the JYSF organization. Council had concerns with outstanding electric fees due to the City.

Mr. Ortiz recommended inserting the following language to the contract: Item # 9, last sentence: *If JYSF fails to provide this reimbursement no later than the 5th working day of the month, all JYSF activities will be suspended until such reimbursement is received.* Added an item: *(# 21) Failure to comply with any obligation herein by JYSF will cause this contract to be immediately declared void.*

Councilman Pannell made a motion to approve the contract between the Judson Youth Sports Foundation and the City of Converse with the proposed amendments of Item # 9, last sentence: *If JYSF fails to provide this reimbursement no later than the 5th working day of the month, all JYSF activities will be suspended until such reimbursement is received and (# 21) Failure to comply with any obligation herein by JYSF will cause this contract to be immediately declared void.* Mayor Pro Tem Lopez seconded the motion. The motion passed unanimously.

P. Discussion and Appropriate Action to approve a request to place a plaque in the Butterfly Garden at North Park by the members of the Baha'i Faith. (P&R Commission member Mr. John Shadron)

Mr. John Shadron of the Parks and Recreation Commission, Ms. Bonnie Taylor and Ms. Pricilla Banks of the Baha'i Faith discussed the location at North Park for the plaque and stated the funds for the plaque will be provided by the Baha'i Faith organization.

Mr. Ortiz stated the City cannot use any funds or City manpower for the placement of the plaque.

Councilwoman Richel made a motion to approve placing a plaque in the Butterfly Garden at North Park by the Baha'i Faith. Mayor Pro Tem Lopez 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 asked to have the microphone system repaired in the Council Chambers before the next Council meeting.

B. Councilmember's Reports/Items of Interest

Councilman Pannell-Submit Mr. Shadron's Building and Standards Commission application for the next Council Agenda.

Mayor Pro Tem Lopez suggested EDC only reporting to the Council on the first Council meeting of the month at the time the Department Directors give their report. Asked to have Code Compliance keep on top of the weedy lots, suggested more employees turn in violations and the City develop a better system for reporting code compliance violations.

Councilman Selko thanked the Police and Fire Department for the support with the "Ride to Recovery" event of over 200 bikers that came through the City.

C. City Commission Liaison Reports

Councilman Brown reported the Planning and Zoning Commission met April 16, 2012. Ms. Dowell reported the CVLGC will meet April 18, 2012 in Cibolo and another meeting is scheduled for April 26, 2012.

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

Ms. Silvas gave a report on the MPO Project, EDC is currently working on an incentive package for prospective clients, EDC's Open House is scheduled for April 20, 2012 and the next EDC meeting is April 25, 2012.

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

Ms. Dowell reported on April 24th and 25th 2012, she will have to testify on a case in Jacksboro, Texas; John Quintanilla will be Acting City Manager. City Hall will have limited staff next week due to vacations and conferences.

12. EXECUTIVE SESSION.

Mayor Suarez called for a recess at 10:22 PM to meet in 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 and discuss potential litigation against D.M.C. and associates related to the design and construction of Toepperwein Road. (City Attorney)**
- B. 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 ADSLED INC., Project. (Mayor Suarez) (City Attorney)**
- C. 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)**

13. RECONVENE TO OPEN SESSION.

Mayor Suarez reconvened the Open Session at 10:56 PM.

- A. Discussion and Appropriate Action in Accordance with Deliberations regarding the potential litigation against D.M.C. and associates related to the design and construction of Toepperwein Road. (City Attorney)**

No action taken.

- B. Discussion and Appropriate Action in Accordance with Deliberations regarding ADSLED INC., Project. (Mayor Suarez) (City Attorney)**

Councilman Selko made a motion to proceed as discussed in Executive Session. Councilman Brown seconded the motion. The motion passed unanimously.

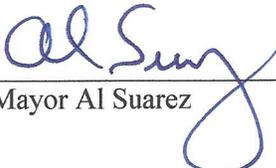
- C. Discussion Appropriate Action in Accordance with Deliberations regarding Personnel Matters to the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, City Manager. (Mayor)**

Item was not required on Agenda and therefore cancelled.

14. ADJOURNMENT.

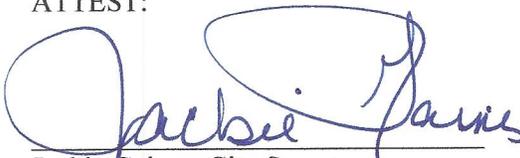
Mayor Suarez adjourned the meeting at 10:57 PM.

PASSED AND APPROVED THIS 5TH DAY OF JUNE, 2012



Mayor Al Suarez

ATTEST:



Jackie Gaines, City Secretary