



*Expanding Horizons*

**CITY OF CONVERSE  
CITY COUNCIL MEETING  
June 19, 2012 - 7:00 PM**

CITY OF CONVERSE  
CITY ADMINISTRATION

403 S. Seguin  
Converse, Texas 78109  
(210) 658-5356  
Fax: 659-0964  
www.conversetx.net

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, June 19, 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

**5. CONSENT AGENDA**

NONE

**6. 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.

Joan Lindgren, Liberty View, Converse, TX-Submitted an application to the Building and Standards Commission April 23, 2012 and asked what happened to her application. Has the application gone through the proper channels?

Mark Gonzales, Outreach Coordinator, and office of Congressman Henry Cuellar-Came out to meet the constituents of Converse.

Gary Scott, Meadow Burst, Converse, TX-Asked to extend the park hours in the morning from 8am to 5am to accommodate fishermen. Other cities in the area open their parks at 5AM.

Tony Moore, requesting a special use permit to open an Anytime Fitness Center in Converse at 9160 FM 78.

**7. PUBLIC HEARINGS**

- A. Public Hearing on a Request for the Re-zoning of a Parcel of Land located at 103 7<sup>th</sup> Street (CB 5052P, ABS 46, ID # 303389), approximately 0.2200 Acres of Land from R-1, Single Family to B-2, Retail Business.**

Mayor Suarez opened the Public Hearing at 7:10 PM

Mayor Suarez closed the Public Hearing at 7:11 PM

- B. Public Hearing on a Request for the Re-zoning of a Parcel of Land located at 10085 East Loop 1604 (CB 5726, Blk. 38, Lots 13 Through 18, ID # 350003), approximately 0.3445 Acres of Land from B-3 Commercial Property to B-4, Special Commercial District.**

Mayor Suarez opened the Public Hearing at 7:11 PM

Mr. Quintanilla asked to withdraw the item due to the applicant not meeting the requirements to request the rezoning of the property.

Mayor Suarez deferred the item until further notice.

- C. Public Hearing on a Request for a Variance from Setback Requirements on three (3) Parcels of Land located within Rolling Creek Unit II, namely:**

- a. 8634 Cheyenne Bluff, (CB 5052F, Lot 12, Block 9 (PID# 1039476)
- b. 8635 Cheyenne Bluff, (CB 5052F, Lot 12, Block 10 (PID# 1039488)
- c. 8634 Chickasaw Bluff, (CB 5052F, Lot 13, Block 10 (PID# 1039489). The current setback is twenty feet (20') and the property owner is requesting a fifteen (15') foot setback to accommodate the construction of homes with a larger footprint.

Mayor Suarez opened the Public Hearing at 7:13 PM.

Brian Otto, Land Development Manager for Meritage Homes, requesting a variance side setback from 20 feet to 15 feet.

Mayor Suarez closed the Public Hearing at 7:15 PM.

- D. Public Hearing on a Draft Report Considering the Proposed Increases in Water and Sewer Impact Fees to ensure the viability and sustainability of the water and sewer systems of the City of Converse, Texas.**

Mayor Suarez opened the Public Hearing at 7:16 PM

Ms. Brenda Vickrey Johnson of Vickrey & Associates gave a presentation on the Capital Improvement Plan and the Water and Waste Water Impact Fee Study. City Council approved both items in November of 2011. Vickrey and Associates have made amendments that are in the draft stages.

Three changes to the CIP Plan are: updating the costs to include construction contingencies, inflation, engineering and surveying for all projects, added railroad right-of-way cost, and revised the CVLGC cost to reflect current pricing. The CIP total cost for the ten-year plan is \$55,967,989 for the projects that were reviewed by Council previously. The Master Transportation Thoroughfare Plan, the Land Use Assumptions Capital Improvement Plan and the Water and Wastewater Impact Fee Study were used as a basis for the calculations for the Water and Wastewater Impact Fee Study. Asked for consideration of approval of the three documents.

Mayor Suarez closed the Public Hearing at 7:42 PM.

- E. Public Hearing on a Request for a Special Use Permit (SUP) on a Parcel of Land located at 9160 FM 78 (CB 5063H BLK 6 LOT 12 SHADOW CREEK UNIT-2, ID # 311491), approximately 2.1800 Acres of Land to allow for the operation of a Fitness Center.**

Mayor Suarez opened the Public Hearing at 7:42 PM.

Mayor Suarez closed the Public Hearing at 7:43 PM.

- F. Public Hearing on the City of Converse consideration of issuing public debt to support the Ten Year (10) Capital Improvement Plan (CIP) to ensure the viability and sustainability of the water and sewer systems of the City of Converse, Texas.**

Mayor Suarez opened the Public Hearing at 7:43 PM.

This item was covered under the presentation during item 7D.

Mayor Suarez closed the Public Hearing at 7:45 PM.

- G. Public Hearing on the City of Converse considering amending Sections 46.26 (Sewer) and Section 46.222 (Water) of the City of Converse codification. The proposed water and sewer rate increases will support and ensure the viability and sustainability of the water and sewer systems of the City of Converse, Texas.**

Mayor Suarez opened the Public Hearing at 7:45 PM.

Ms. Dowell stated this item has been posted on the website. The final report will come before Council July 3, 2012.

Mayor Suarez closed the Public Hearing at 7:46 PM.

**8. NEW BUSINESS:**

- A. Discussion and Appropriate Action Approving the Fiscal Year (FY) 2011 Audit Report as presented by ARMSTRONG, VAUGHN & ASSOCIATES, PC. (Audit Consultant) (City Manager)**

Ms. Deborah Frasier provided the fiscal year ended September 30, 2011 Independent Annual Financial Report. Items made available were the financial records and related data, minutes of City Council meetings or summaries of actions of recent meeting, corrected and uncorrected misstatements, internal control matters, recommendations and other audit findings and issues.

Ms. Dowell stated she will be looking into hiring a Finance Director with a CPA background. Staff has started correcting some of the issues presented in the financial report.

Mayor Pro Tem Lopez made a motion to approve the Fiscal Year 2011 Audit Report as presented. Councilwoman Richel seconded the motion. The motion passed unanimously.

- B. Discussion and Appropriate Action on a Request to Approve the Re-zoning of a Parcel of Land located at 103 7<sup>th</sup> Street (CB 5052P, ABS 46, ID # 303389), approximately 0.2200 Acres of Land from R-1, Single Family to B-2, Retail Business. (Assistant City Manager)**

Mr. Quintanilla reported the P&Z Commission approved the rezoning unanimously. The parcel of land is surrounded by B-2 Retail Business. The future use for the land is in the Toepperwein Road Realignment Project. The family will be able to sell the parcel of land if the zoning could be changed from a R-1 Single Family to the B-2 Retail Business.

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Councilman Pannell made a motion to approve the zoning request of a parcel of land located at 102 7<sup>th</sup> Street from R1 Single Family to B2 Retail Business. Mayor Pro Tem Lopez seconded the motion. The motion passed unanimously.

**C. Discussion and Appropriate Action on a Request to Approve the Re-zoning of a Parcel of Land located at 10085 East Loop 1604 (CB 5726, Blk. 38, Lots 13 Through 18, ID # 350003), approximately 0.3445 Acres of Land from B-3 Commercial Property to B-4, Special Commercial District. (Assistant City Manager)**

Mayor Suarez deferred the item on the request of the City Attorney. The applicant did not meeting the requirements to request the rezoning of the property.

**D. Discussion and Appropriate Action on a Request for a Variance from Setback Requirements on three (3) Parcels of Land located within Rolling Creek Unit II, namely:**

- a. 8634 Cheyenne Bluff, (CB 5052F, Lot 12, Block 9 (PID# 1039476)
- b. 8635 Cheyenne Bluff, (CB 5052F, Lot 12, Block 10 (PID# 1039488)
- c. 8634 Chickasaw Bluff, (CB 5052F, Lot 13, Block 10 (PID# 1039489).

The current setback is twenty feet (20') and the property owner is requesting a fifteen (15') foot setback to accommodate the construction of homes with a larger footprint. (Assistant City Manager)

Mr. Quintanilla reported the P&Z Commission disapproved the request for the variance setback unanimously due to not having the material that showed the item had met all the requirements. The variance setback will make these lots equal to other corner lots in the subdivision.

Mayor Pro Tem Lopez made a motion to approve variance from setback requirements on three parcels of land located within Rolling Creek Unit II. Councilwoman Richel seconded the motion. The motion passed with six in favor (Richel, Brown, Beehler, Suarez, Pannell and Lopez) and one opposition from Councilman Selko.

**E. Discussion and Appropriate Action on a Request to Approve for a Special Use Permit (SUP) on a Parcel of Land located at 9160 FM 78 (CB 5063H BLK 6 LOT 12 SHADOW CREEK UNIT-2, ID # 311491), approximately 2.1800 Acres of Land to allow for the operation of a Fitness Center. (Assistant City Manager)**

Mr. Quintanilla stated the P&Z Commission has approved the Special Use Permit to allow the operation of the fitness center. The public hearing notice had the address of 9610 FM 78 and should read 9160 FM 78.

Councilman Brown stated P&Z Commission had a concern with security since the fitness center will be open 24/7. The Commission was unaware of additional security lighting and cameras.

Councilman Pannell made a motion to approve the Special Use Permit to allow the operation of a fitness center. Councilman Brown seconded the motion. The motion passed unanimously.

Mayor Suarez called for a recess at 8:36 PM.

Mayor reconvened the meeting at 8:47 PM.

Mr. Ortiz briefed the Council on the type of actions the City Council can take according to the City Charter on the Resolutions. The recommended revisions coming before Council from the Charter Review Commission are to be considered by Council whether the resolutions go before the voters or not. Council can send the resolution forward as is, amend the resolutions, or at a different meeting, have entirely new resolutions or proposed amendments according to section 8.11 of the City Charter. If the resolutions are approved by vote, the next step is to publish in the newspaper prior to the election.

**F. Discussion and Appropriate Action Adopting Resolution 651, A Resolution that Authorizes the Placing on the Ballot for an Election on the General Election Date in November 2012 this Proposition that amends Section 2.01(B) of the City Charter. (Councilman Selko)**

Councilwoman Richel made a motion to adopt Resolution 651, A Resolution that Authorizes the Placing on the Ballot for an Election on the General Election Date in November 2012 this Proposition that amends Section 2.01(B) of the City Charter. Councilwoman Beehler seconded the motion. The motion passed unanimously.

**G. Discussion and Appropriate Action Adopting Resolution 652, A Resolution that Authorizes the Placing on the Ballot for an Election on the General Election Date in November 2012 this Proposition that amends Section 2.03(A) of the City Charter. (Councilman Selko)**

Councilman Selko made a motion to adopt Resolution 652, A Resolution that Authorizes the Placing on the Ballot for an Election on the General Election Date in November 2012 this Proposition that amends Section 2.03(A) of the City Charter. Councilwoman Richel seconded the motion. The motion passed unanimously.

**H. Discussion and Appropriate Action Adopting Resolution 653, A Resolution that Authorizes the Placing on the Ballot for an Election on the General Election Date in November 2012 this Proposition that amends Section 2.07(B) of the City Charter. (Councilman Selko)**

Councilman Selko made a motion to Adopt Resolution 653, A Resolution that Authorizes the Placing on the Ballot for an Election on the General Election Date in November 2012 this Proposition that amends Section 2.07(B) of the City Charter. Councilman Brown seconded the motion. The motion passed with four in favor (Selko, Brown, Beehler and Richel) and three oppositions (Suarez, Pannell and Lopez).

**I. Discussion and Appropriate Action Adopting Resolution 654, A Resolution that Authorizes the Placing on the Ballot for an Election on the General Election Date in November 2012 this Proposition that amends Section 2.08 of the City Charter. (Councilman Selko)**

Councilman Selko made a motion to Adopt Resolution 654, A Resolution that Authorizes the Placing on the Ballot for an Election on the General Election Date in November 2012 this Proposition that amends Section 2.08 of the City Charter. Councilman Brown seconded the motion. The motion fails with three in favor (Selko, Brown and Richel) and four oppositions (Suarez, Lopez, Beehler and Pannell).

**J. Discussion and Appropriate Action Adopting Resolution 655, A Resolution that Authorizes the Placing on the Ballot for an Election on the General Election Date in November 2012 this Proposition that adds Section 2.14 to the City Charter. (Councilman Selko)**

Councilman Selko made a motion to adopt Resolution 655, A Resolution that Authorizes the Placing on the Ballot for an Election on the General Election Date in November 2012 this Proposition that adds Section 2.14 to the City Charter. Mayor Pro Tem Lopez seconded the motion. The motion passed unanimously.

**K. Discussion and Appropriate Action Adopting Resolution 656, A Resolution that Authorizes the Placing on the Ballot for an Election on the General Election Date in November 2012 this Proposition that amends Section 3.03(D) of the City Charter. (Councilman Selko)**

Councilman Selko made a motion to adopt Resolution 656, A Resolution that Authorizes the Placing on the Ballot for an Election on the General Election Date in November 2012 this Proposition that amends Section 3.03(D) of the City Charter. Councilwoman Richel seconded the motion. The motion passed unanimously.

**L. Discussion and Appropriate Action Adopting Resolution 657, A Resolution that Authorizes the Placing on the Ballot for an Election on the General Election Date in November 2012 this Proposition that amends Sections 4.03(A) and 4.03(D) of the City Charter. (Councilman Selko)**

Councilman Selko made a motion to adopt Resolution 657, Resolution that Authorizes the Placing on the Ballot for an Election on the General Election Date in November 2012 this Proposition that amends **Section 4.03(A)** of the City Charter. Councilwoman Richel seconded the motion. The motion failed with three for (Richel, Selko and Brown) and four oppositions (Suarez, Lopez, Pannell and Beehler).

Councilman Selko made a motion to adopt Resolution 657, Resolution that Authorizes the Placing on the Ballot for an Election on the General Election Date in November 2012 this Proposition that amends **Section 4.03(D)** of the City Charter. Councilman Brown seconded the motion. The motion failed unanimously.

**M. Discussion and Appropriate Action Adopting Resolution 658, A Resolution that Authorizes the Placing on the Ballot for an Election on the General Election Date in November 2012 this Proposition that amends Section 5.01(A) of the City Charter.**

Councilman Selko made a motion to adopt Resolution 658, A Resolution that Authorizes the Placing on the Ballot for an Election on the General Election Date in November 2012 this Proposition that amends Section 5.01(A) of the City Charter. Councilman Pannell seconded the motion. The motion passed unanimously.

**N. Discussion and Appropriate Action Adopting Resolution 659, A Resolution that Authorizes the Placing on the Ballot for an Election on the General Election Date in November 2012 this Proposition that adds Sections 5.01(B)(12) and 5.01(B)(13) to the City Charter. (Councilman Selko)**

Councilman Selko made a motion to adopt Resolution 659, A Resolution that Authorizes the Placing on the Ballot for an Election on the General Election Date in November 2012 this Proposition that adds Section **5.01(B)(12)** to the City Charter. Councilman Brown seconded the motion. The motion passed unanimously.

Councilman Selko made a motion to approve the original motion. Councilman Brown seconded the motion. The motion passed unanimously.

Councilman Selko made a motion to adopt Resolution 659, A Resolution that Authorizes the Placing on the Ballot for an Election on the General Election Date in November 2012 this Proposition that adds Section **5.01(B)(13)** to the City Charter. Councilman Brown seconded the motion. The motion failed with one in favor ( Richel) and six oppositions (Selko, Brown, Pannell, Lopez, Beehler and Suarez).

**O. Discussion and Appropriate Action Adopting Resolution 660, A Resolution that Authorizes the Placing on the Ballot for an Election on the General Election Date in November 2012 this Proposition that amends Section 5.06 of the City Charter. (Councilman Selko)**

Councilman Selko made a motion to adopt Resolution 660, A Resolution that Authorizes the Placing on the Ballot for an Election on the General Election Date in November 2012 this Proposition that amends Section 5.06 of the City Charter. Councilman Pannell seconded the motion. The motion passed unanimously.

**P. Discussion and Appropriate Action Adopting Resolution 661, A Resolution that Authorizes the Placing on the Ballot for an Election on the General Election Date in November 2012 this Proposition that amends Section 6.04 of the City Charter. (Councilman Selko)**

Councilman Selko made a motion to adopt Resolution 661, A Resolution that Authorizes the Placing on the Ballot for an Election on the General Election Date in November 2012 this Proposition that amends Section 6.04 of the City Charter. Councilman Pannell seconded the motion. The motion passed unanimously.

**Q. Discussion and Appropriate Action Adopting Resolution 662, A Resolution that Authorizes the Placing on the Ballot for an Election on the General Election Date in November 2012 this Proposition that adds Sections 6.06(F) to the City Charter. (Councilman Selko)**

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Councilman Selko made a motion to adopt Resolution 662, A Resolution that Authorizes the Placing on the Ballot for an Election on the General Election Date in November 2012 this Proposition that adds Section 6.06(F) to the City Charter. Councilman Pannell seconded the motion. The motion passed unanimously.

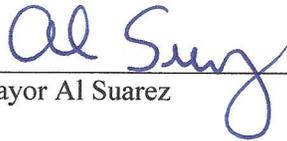
**R. Discussion and Appropriate Action Adopting Resolution 663, A Resolution that Authorizes the Placing on the Ballot for an Election on the General Election Date in November 2012 this Proposition that amends Section 8.01 of the City Charter. (Councilman Selko)**

Councilman Selko made a motion to adopt Resolution 663, A Resolution that Authorizes the Placing on the Ballot for an Election on the General Election Date in November 2012 this Proposition that adds Section 8.01 of the City Charter. Councilman Pannell seconded the motion. The motion passed unanimously.

**9. ADJOURNMENT**

Mayor Suarez adjourned the meeting at 10:15 P.M.

PASSED AND APPROVED THIS 17<sup>TH</sup> DAY OF JULY, 2012

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

ATTEST:

  
\_\_\_\_\_  
Jackie Gaines, City Secretary