CONVERSE TEXAS Expanding Horizons

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

MINUTES
CITY OF CONVERSE
CITY COUNCIL MEETING
August 21, 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, August 21, 2012 at 7:00 PM. A quorum of the following commissions may have been present: Beautification & Environmental, Building & Standards, 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 State Flag and 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
Mayor Pro Tem, Grant Lopez
Councilman Andy Selko, Place 3
Councilwoman Laura Beehler, Place 5

Mayor Suarez recognized Daniel Kershner, JISD

Staff present:
Assistant City Manager John Quintanilla
Fire Chief Richard Wendt
Police Chief Rick Jamison
Director of Utilities Lupe Perez
EDC Director Kate Silvas
Library Director Robert Ayala
City Manager Shawna Dowell
City Secretary Jackie Gaines
Building Official Gilbert Durant
Director of Facilities Karl Hoppes
Assistant Director of Utilities Jon Smith
City Attorney Ray Ortiz
Finance Director Le Ann Piatt

5. CONSENT AGENDA.

A. Approve Minutes of City Council Meeting on July 17, 2012.
B. Receive Minutes for the Economic Development Corporation Meeting on July 10, 2012.
C. Receive Minutes for the Economic Development Corporation Meeting on July 25, 2012.
D. Approval of May 2012 Financial Report.
E. Approval of May 2012 Investment Report.

Councilman Brown asked to pull item 5A.

Councilman Pannell made a motion to approve items 5B through 5E. Councilman Richel seconded the motion. The motion passed unanimously.

Councilman Brown asked to have the discussion with Ms. Lindgren be verbatim on Item 10V of the Minutes of July 17, 2012.

Mayor Suarez tabled item 5A and asked Ms. Gaines to review the recording to verify the statements made by Councilman Brown.

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.

-John Shadron, Meadow Brook, asked when a subsequent meeting will be held from the results of a special called meeting Councilman Brown made. Brought up comments made on Councilman Brown's Facebook postings made by other people.

-Jeff Lowder, Copper Glen, former 13 year veteran with the Converse Police Department, spoke in favor of employee's raises and benefits. Stated that in December of 2010, all employees by departments were called into a meeting by Mayor Suarez and former Councilmember Shadron announcing a pay study was going to be explored and said raising taxes to improve salaries is an option. As a citizen of Converse, he and his wife are willing to pay higher taxes for such an increase in pay for the employees in order to retain employees.

8. PUBLIC HEARINGS.

A. Public Hearing on a Proposed Amendment to the City of Converse Code of Ordinances Chapter 46-Utilities, Article IV-Water, Division IV-Service Charges and Fees, Section 46-222-Residential Users. This Section of the City of Converse Ordinance Regulates Water Rates for the City of Converse.

Mayor Suarez opened the public hearing at 7:12 PM.

Ms. Dowell gave a water-rate presentation that was comprised of the following information:
-Total water available to the City from Edwards Aquifer, (stage restrictions apply), totals to 2,700.878 acre ft; currently reduced to 2,436 acre feet due to Stage II restrictions. Adding Carrizo Aquifer water) SSLGC) totals 3.200 acre ft. available to the City. *Edwards Aquifer Stage III water restrictions are not reflective in presentation. Discussed the blended rate required to meet new operational costs, percentage of Edwards Water and total water available. The current water rate is $1.75 and the proposed blended water rate is $1.96. The $.21 rate increase provides $152,800 additional water revenue.

Mayor Suarez closed the public hearing at 7:24 PM.

B. Public Hearing on a Proposed Budget for Fiscal Year 2013 (FY 2012) and the Proposed Tax Rate Increase of 9.38%.

Mayor Suarez opened the public hearing at 7:24 PM.

leaving no time to allow another citizen to reserve the facility. The City then returns all the fees back to the citizen. The process takes time and additional work for the employees to process the returning of fees.

Mayor Pro Tem Lopez made a motion to approve the forfeiture of all fees and deposits paid to the City for cancellation of reservations. Councilwoman Richel seconded the motion. The motion passed unanimously.

K. Discussion and Appropriate Action on a Request to Approve the San Antonio Area Emergency Services Mutual Aid Agreement. (Fire Chief) (City Manager)

Chief Wendt reported that the mutual aid agreement currently in place does not allow for a non-emergency event to take place and it not covered by TML.

Councilwoman Richel made a motion to approve the San Antonio area Emergency Mutual Aid agreement. 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 had not items of interest to report.

B. Councilmember's Reports/Items of Interest.

Mayor Pro Tem Lopez said the incident that happened over the Citizens to be Heard agenda item, was a personal attack on one of our Councilmen based on a spam folder on a Facebook account to make character assumptions. The comments did not have anything to do with the meeting that was supposed to take place. The citizen should not have been allowed to make the comments and should have been cut off from speaking. Councilman Selko and Councilwoman Richel agreed. Mayor Suarez replied that he disagrees; people have a right to their opinion.

Mr. Ortiz stated the City has an ordinance that governs the meetings. The only thing that covers what just happened is a statement that says, "No personal attacks shall be allowed." and I would have to agree with Councilman Lopez. If the Council wishes to better cover this from happening again, it can be done by amending the ordinance to expand on the statement.

C. City Commission Liaison Reports.

Councilman Pannell addressed the ordinance governing trash cans and asked for a citation count. Councilman Pannell stated, "If we are not able to enforce the ordinance by the police department, then I want it off the books and will be willing to sponsor this item. I will work with Chief Jamison and if the police department thinks this will burn up a lot of man power and hours, I want to get rid of the ordinance. Councilman Pannell also asked to have the website commission's rosters updated.

Ms. Dowell responded that as of last week, the city issued 49 trash can violation citations and will provide an updated count to Councilman Pannell.

Councilman Brown, Planning and Zoning Liaison-met yesterday and discussed most of the zoning issues that were presented to Council today. Next meeting is set for September 17, 2012.

Councilwoman Richel, Parks and Recreation Liaison-no quorum for this month's meeting.

amendment also reflects the cost of the City's audit for FY 2011 of $27,500.00, which was not included in the original budget. A reduction in the budget amendment also reflects the de-obligation of SECO grant funds of $7,326.00.

At the request of the auditor and financial consultant, the City staff believes that the water interconnect project revenues should reflect $250,000 coming from EDC, $10,000 from water impact fees and $2,200.00 of 2011 certificate of obligation.

Corrections to budget amendment 108E were made and submitted on this ordinance as well.

Councilman Selko made a motion to approve Budget Amendment Ordinance #108G. Mayor Pro Tem Lopez seconded the motion. The motion passed unanimously.

10. NEW BUSINESS.

A. **Discussion and Appropriate Action on a Request to Approve an Ordinance by the City Council of the City of Converse, Texas Authorizing the Issuance of "CITY OF CONVERSE, TEXAS TAX NOTES, SERIES 2012", Levying and Annual Ad Valorem Tax, Within the Limitations Prescribed by Law, for the Payment of the Obligations, Prescribing the Form, Terms, Conditions, and Resolving Other Matters Incident and Related to the Issuance, Sale, and Delivery of the Obligations, Authorizing the Execution of a Paying Agent/Registrar Agreement and a Purchase and Investment Letter, Complying With the Requirements of the Letter of Representations Previously Executed With the Depository Trust Company, and Providing an Effective Date. (First Reading) (City Manager)**

Mr. Andrew Friedman with Southwest Securities presented a summary of seven bids from local Banks for the issuance of the tax notes; Broadway National Bank submitted the lowest bid. Mr. Ortiz will review attachments and get back with Mr. Friedman by the next day and recommended approval of the ordinance as written.

Councilman Pannell made a motion to approve the Ordinance authorizing the issuance of the City of Converse Tax Note Series 2012. Councilman Brown seconded the motion. The motion passed unanimously.

B. **Discussion and Appropriate Action on a Request to Amend the City of Converse Code of Ordinances, Chapter 46-Utilities, Article IV-Water, Division IV-Service Charges and Fees, Section 46-222-Residential Users. This Section of the City of Converse Ordinance Regulates Water Rates for the City of Converse. (First Reading) (City Manager)**

Ms. Dowell announced there was an error in the calculations on the last set of rates. The rate schedule is set at $12.10 for the base rate. The City has changed its normal water base rates and added a new base rate for water conservation stage restrictions.

Councilwoman Beehler made a motion to approve the water rates. Councilwoman Richel seconded the motion. The motion passed unanimously.

C. **Discussion and Appropriate Action to Approve the Preliminary Acceptance of Infrastructure of HANOVER COVE, UNIT #3, Phase II. (Assistant City Manager)**

Mr. Quintanilla discussed a letter submitted by Vickrey and Associates as to how the developer was going to address the grading issues. The developer and his engineer attended the P&Z meeting and satisfactory addressed the concerns of the Commission. The P&Z Commission had a unanimous approval for acceptance.

Councilman Pannell made a motion to approve the preliminary acceptance of infrastructure of Hanover Cove Unit #, Phase II. Councilman Brown seconded the motion. The motion passed unanimously.

D. Discussion and Appropriate Action to Approve a Variance request from the Rear Setback Requirements on a Parcel of Land Located at 10215 Plumas (CB 5052D, Blk. 4, Lot-47, ID# 304310). (Assistant City Manager)

Mr. Quintanilla reported the P&Z Commission approved the variance request unanimously for the rear setback requirements and staff recommends approval.

Ms. Dowell reported that as a request from City Council, the City has posted a notice on the website tracking all variances, zoning and platting requests and status of each project.

Councilman Pannell made a motion to approve the variance from the rear setback requirements on a parcel of land located at 10215 Plumas. Mayor Pro Tem Lopez seconded the motion. The motion passed unanimously.

E. Discussion and Appropriate Action on a Request to Amend a Section of the City of Converse Code of Ordinance, namely Chapter 44-Traffic and Motor Vehicles, Article III-Specific Street Regulations, Division VII-Stopping, Standing, Parking, Section 44-219-Unlawful Acts; Enforcement; Variance. This City of Converse Ordinance Regulates Parking. (First Reading) (Police Chief) (Assistant City Manager)

Chief Jamison developed and presented an ordinance for parking and a permit to do so on the request of the City Council. Chief Jamison asked Mr. Ortiz if a camper, trailer or boat attached to a vehicle would make a difference. Mr. Ortiz replied if there is a boat parked; it is in violation. The ordinance gives a permit fee schedule for up to ten days. The ordinance can go into effect October 1, 2012 and can give a 90 day grace period before enforcing the ordinance.

Mr. Ortiz said the ordinance needs to list specify three issues:
1) The type of vehicle; i.e., motor home, trailer, utility trailer, camper or travel trailer instead of saying vehicle and to allow the vehicle to be or not to be occupied.
2) Are you going to allow an electric cord ran to the vehicle?
3) Can you run a water hose to the vehicle?

Mayor Pro Tem Lopez made a motion to approve amending the ordinance to allow occupancy. Councilman Brown seconded the motion. The motion passed unanimously.

Mayor Pro Tem Lopez made a motion to allow an electrical with a temporary permit. Councilwoman Richel seconded the motion. The motion passed unanimously.

Councilman Pannell made a motion to approve water usage with a temporary permit. Mayor Pro Tem Lopez seconded the motion. The motion passed unanimously.

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

F. Discussion and Appropriate Action on a Request to Amend a Section of the City of Converse Code of Ordinance, namely Chapter 24-Miscellaneous Offences, Article IV-Offences Involving Property, Section 24-145-Library Fees. This City of Converse Ordinance Regulates Library Fees. (First Reading) (Library Director) (Assistant City Manager)

Mr. Ayala and Mr. Quintanilla presented ordinances for revising the library fees. The request to increase fees are to cover the cost of ink for printing, office supplies, etc. Councilman Pannell asked to table the item due to receiving an older version of the ordinance in the Council packet. Mayor Suarez asked to continue since this is the first reading. Mr. Ayala covered the proposed fee structure in detail.

Mayor Pro Tem Lopez made a motion to approve the first reading of the ordinance that Mr. Ayala presented with the proposed changes. Councilman Brown seconded the motion. The motion passed unanimously.

G. **Discussion and Appropriate Action on a Request to Amend a Section of the City of Converse Code of Ordinance, namely Chapter 8-Buildings and Building Regulations, Article III-Building Code, Division II-Permits, Section 8-103-Schedule of Permit Fees. This City of Converse Ordinance Regulates Building Permit Fees. (First Reading) (Fire Chief) (Assistant City Manager)**

Mr. Quintanilla stated currently the ordinance only has one line item that covers permitting. The ordinance presented covers the expansion of the requirement of permits and permit fees. Mr. Carroll; Fire Marshal, took the initiative to research what other cities in the area were charging and proposed the fee schedule to the Fire Chief.

Councilwoman Beehler shared her concern with the ordinance having a lower water meter fee schedule than what was previously approved. Councilman Brown asked why there are duplicate listings for the permit fees.

Mr. Quintanilla replied that staff is requesting approval on italicized items only.

Councilwoman Beehler made a motion to approve the schedule of permit fees. Councilwoman Richel seconded the motion. The motion passed unanimously.

H. **Discussion and Appropriate Action on a Request to Amend a Section of the City of Converse Code of Ordinance, namely Chapter 40-Subdivisions, Article V-Subdivision Requirements, Division IV-Water, Sanitary Sewer Drainage Facilities and Flood Hazards, Subdivision II, Section 40-521-Fire Hydrants. This is a new addition to the City of Converse Ordinance Regulates Fire Hydrants. (First Reading) (Fire Chief) (Assistant City Manager)**

Mr. Quintanilla said at this time, the City does not charge the developers to test the fire hydrants that are installed.

Chief Wendt stated the cost should go to the developer and not to the citizens. The fee schedule is an average amount charged by other surrounding cities.

Councilman Pannell made a motion to approve regulating fees for fire hydrants. Councilwoman Richel seconded the motion. The motion passed unanimously.

I. **Discussion and Appropriate Action on a Request to Amend a Section of the City of Converse Code of Ordinance, namely Chapter 46-Utilities, Article III-Storm Water Management, Section 46-78-Storm Water Utility Fee Revised. This City of Converse Ordinance Regulates Storm Water Fees. (First Reading) (Assistant City Manager)**

Mr. Quintanilla said San Antonio Water System is charging the City 8% for billing collection and is a pass-through collection. These are for the few homes in the City that were previously serviced by BexarMet. Approximately 36 customers in the annexed area are serviced by SAWS. The rate will be effective October 1, 2012.

Councilwoman Richel made a motion to approve the storm water utility fee. Councilwoman Beehler seconded the motion. The motion passed unanimously.

J. **Discussion and Appropriate Action on a Request to Amend a Section of the City of Converse Code of Ordinance, namely Chapter 30-Parks and Recreation, Article III-Rules and Regulation, Division I-Generally, Section 30-67-Facility Charges and Use Regulations. This City of Converse Ordinance Regulates Park Reservation Fees. (First Reading) (Assistant City Manager)**

Mr. Quintanilla stated this ordinance will allow the City to charge for reservation cancellations. Once the facility has been reserved and fees have been received for the reservation, the citizen has a right to cancel at the last minute,

Ms. Dowell asked to make a correction on the Public Hearing Agenda item 8B, the Public Hearing is only for the proposed tax rate; the budget will be presented at a later date. Ms. Dowell gave a power point presentation on the first tax rate hearing that included the following information:

Certified Tax Base for 2012/13 is $791,607,342; Net Tax Base increased $1,499,043 (.19%); new property value added to tax base is $19,760,011. The proposed tax rate $0.626675.

General Fund-Assumptions-debt service not included in General Fund; a new debt service fund was created. Calculations based on use of rollback tax rate, the Capital Outlay included 2 police cars, 1 water truck and items related to 2011 tax note.

General Fund-balanced budget, surplus of $409,722; eliminates 13 vacant positions, zero's out negative ending fund balance from FY 2010-11 (97K), adds $100K to FY 2012/13 with use of ending fund balance, allows up to 3% salary increase, provides 2 police cars and 1 water truck and can drop proposed tax rate to $.606675 from rollback tax rate of $.626675.

Utility Fund-surplus of $23,310; eliminates 6 vacant positions, includes $0.21 per 1,000 gallons increase to water rates; increase in water and sewer impact fees, allows for up to 3% salary increase with use of ending fund balance.

Ms. Paschall, Bridget Drive, asked if the power-point presentations will be on the website for review.

Ms. Lindgren, Liberty View, stated her and her husband is on a fixed income and is accustomed to the services the city provides, is willing to accept the tax increase in order to have the services continued and asked Council to consider pay raises for employees of a 3% maximum. Ms. Lindgren also asked to have the approved ordinances updated on the website.

Councilman Brown stated the moral of the employees is low and we are asking the employees to do more with less. Implored the Council to consider at least the $.60 tax increase; for future debt such as the Toepperwein Road Project and future MPO projects.

Mayor Suarez said he is concerned with the fund balance and his concerns are from receiving a phone call saying that we may or may not be able to make payroll and we may have to release employees. Pay raises would be great but if we do have an emergency and have no resources, we would have to lay people off work. We came very close to laying people off this year. We have to spend within our means. We did say that we would fix the pay, but we have to do it wisely. The auditors stated three years in a row that we need to increase our fund balance.

Ms. Dowell asked to clarify to the employees in the audience that the City has always been able to make payroll; we have had to dip into other funds to do so as we have in the past.

Mayor Suarez closed the public hearing at 7:56 PM.

9. OLD BUSINESS.

A. Discussion and Appropriate Action to Approve Budget Amendment Ordinance #108G. (Second Reading) (City Manager)

Ms. Dowell gave a report on the mid-year budget amendment that reflects the acceptance of $135,258.75 grant from Bexar Metro 911 for the P25 compliant radio consoles. The expenditures will be $180,345.00 which reflects the City's required 25% match of $45,086.25. Addition and transfer to the budget reflects the full amount of $1,220,000 of the 2011 tax note being deposited into the general fund, rather than being deposited in increments of $600,000 in the general fund and $425,000 in the utility fund as originally planned. In order to track this, we will need to increase revenues (GF) 2011 tax note of $620,000.00 and decrease revenues (UF) 2011 tax note of $425,000.00. The budget

Councilwoman Beehler, Beautification and Environmental Liaison-Met August 8th to discuss the major project on the Library and is working with an Eagle Scout on projects.

Councilman Pannell, Building and Standards Commission Liaison-meeting set for August 29th and have 3 applications for appointment to the commission for consideration.

Councilman Pannell, CVLGC Liaison-Ms. Dowell reported attending the advisory board meeting and the committee decided to postpone the next regular meeting due to a lack of information from the City of Selma's participation.

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

1. TEXAS READS Grant

Received notice that we will be receiving the grant and will bring the budget amendment to Council.

2. Budget Adoption Discussion

September 11, 2012 is set date for the public hearing and the reading for the proposed budget.

3. Ratification of Tax Rate

A meeting to ratify the tax rate is scheduled for August 28th at 7:00 PM.
The first Notice of Tax Revenue Increase that was posted in the Herald Newspapers had an erroneous tax revenue percent placed on the notice and the corrected Notice of Tax Revenue Increase will be posted in the Herald Newspaper September 6, 2012.

4. November 6, 2012 General Election Update

Ms. Gaines gave an update on the General and Special Election for November 6, 2012 that included the order of Election, the notice of drawing for place on ballot, the preclearance to the Department of Justice and meet the candidates.

12. ADJOURNMENT.

Mayor Suarez adjourned the meeting at 9:35 PM.

PASSED AND APPROVED this 4th day of September, 2012

CITY OF CONVERSE, TEXAS

Mayor Al Suarez

ATTEST:

Jackie Gaines
City Secretary