



*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  
November 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, November 20, 2012 at 7:00 PM. A quorum of the following commissions may be 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 7:05 PM.

**2. INVOCATION**

Mayor Suarez asked for a moment of silence to honor the life of a Converse resident, Army Sergeant Joshua Michaels, who lost his life during the Midland train wreck. The invocation was given by Mayor Suarez.

**3. PLEDGE OF ALLEGIANCE**

Mayor Suarez led the pledge of allegiance to the U. S. Flag and the Texas Flag.

**4. ROLL CALL, ESTABLISHMENT OF QUORUM & RECOGNITION OF VISITORS**

Mayor Al Suarez	Councilman Andy Selko, Place 3
Councilwoman Kathy Richel, Place 1	Councilwoman Laura Beehler, Place 5
Councilman Randy Pannell, Place 4	Councilman Steve Brown, Place 6

All City Council Members were present and a quorum was established.

Staff present:

City Manager Shawna Dowell	City Secretary Jackie Gaines
City Attorney Ray Ortiz	Fire Chief Richard Wendt
Building Official Gilbert Durant	

Mayor Suarez recognized the Honorable Henry Cuellar, U.S. House of Representative District 28; the Honorable Tommy Adkisson, Bexar County Commissioner; the Honorable Tom Daly, Mayor of Selma; Rose Ryan, Director of Randolph Metrocom Chamber of Commerce; Daniel Kershner, Judson ISD Operations Superintendent; Retired Lt. General and Boysville CEO, Mr. McAvoye; Howie Marbach, Lions Club International Past District Governor and Grant Lopez, former Mayor Pro Tem.

**5. CONSENT AGENDA:**

- A. Approve Minutes of City Council Meeting on October 16, 2012.**
- B. Receive Minutes for the Beautification & Environmental Commission Meeting on August 08, 2012.**
- C. Receive Minutes for the Building & Standards Commission Meeting on September 26, 2012.**

## Minutes of City Council Meeting November 20, 2012

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

### 6. SPECIAL CONSIDERATION ITEMS

#### A. Introduction of the Honorable Henry Cuellar, U.S. House of Representatives District-28.

Mayor Suarez introduced the Honorable Henry Cuellar, U.S. House of Representatives District 28.

#### B. Action to Swear in Councilwoman Renee Paschall, City Council Place 2.

Ms. Renee Paschall was sworn in to the City Council Place 2 by the Honorable Henry Cuellar U. S. House of Representatives, District 28.

#### C. Action to Swear in Councilman Randy Pannell, City Council Place 4.

Councilman Randy Pannell was sworn in to the City Council Place 4 by the Honorable Henry Cuellar U. S. House of Representatives, District 28.

#### D. Action to Swear in Councilman Steve Brown, City Council Place 6.

Councilman Steve Brown was sworn in to the City Council Place 6 by the Honorable Henry Cuellar U. S. House of Representatives, District 28.

### 7. RECESS: 15 MINUTES.

Mayor Suarez called for a recess at 7:35 P.M.

Mayor Suarez called the regular meeting back to order at 7:55 P.M.

### 8. 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.

Mr. Sivage will defer his concern until the agenda item is discussed.

Ms. Joe Guestella, member of the Planning and Zoning Commission and resides on Cheyenne Bluff, Converse, TX, made a request to Mayor Suarez on behalf of the Planning and Zoning Commission to keep Councilman Brown as the Planning and Zoning Commission Liaison. The Commission took a vote of confidence at last night's meeting and the result was 100% unanimous to keep Councilman Brown as the City Council Liaison for the Planning and Zoning Commission.

Mayor Suarez replied that he would take the request into consideration but the commissioner has been selected. Mayor Suarez continued saying that he likes to rotate the Council Liaisons annually with the exception of the Building and Standards Liaison for maintaining continuity.

### 9. PUBLIC HEARINGS.

#### A. Public Hearing on a Request to Rezone a parcel of land located at 9202 FM 78, Converse Texas (CB 5726, Blk. 20, Lots S Pt of 3, 4, 11 & 12 – CB 5053 P-102A ABS 745 (PID# 349908)). The property owner is requesting a change in zoning from the current B-3-Commercial to B-4-Special Commercial. No specific purpose for the rezoning request was provided.

Mayor Suarez opened the public hearing at 7:59 P.M.

Kevin Keller, property owner of 9202 FM 78- asked for consideration of the zoning change to make the property more viable to sell and stated that the P&Z Commission approved the zoning request.

John Tobias, Real Estate Broker, San Marcus, TX-stated he has restaurant owners interested in buying the property to selling alcohol, has clients interested in selling sheds, cars, etc. The zoning change will help find a buyer for the property.

Mayor Suarez closed the public hearing at 8:02 P.M.

- B. Public Hearing on a Request for a Special Use Permit (SUP) for a home located at 7418 Copper Lake, Converse Texas (CB 5069, Blk. 4, Lots 30, Meadows of Copperfield Unit #3 (PID#1001863). The property owner is requesting a SUP to hold weekly church services at the home.**

Mayor Suarez opened the public hearing at 8:03 P.M.

David Taylor, Meadow Lark, Converse, TX-is asking for consideration to hold church services at his home. Alex Harrison, 7418 Copper Lake and is asking for a special use permit to start a church in his home.

Mayor Suarez closed the public hearing at 8:05 P.M.

## 10. OLD BUSINESS

- A. Discussion and Appropriate Action on a Request to Approve the Adoption of Section 403 to Ordinance 617, Industrialized Housing District, a New Section of the City of Converse Codification. The Adoption of Section 403 Establishes Standards that Regulates single-family or duplex industrialized housing, under Chapter 50-Zoning, Article IV, Districts and District Regulations, Division XII-Industrialized Housing District. (Second Reading) (Building Official) (Assistant City Manager).**

Mr. Durant, Building Official, stated the ordinance will protect the City of Converse by disallowing lesser value facilities into the City and devalue existing homes.

Councilman Brown made a motion to approve the adoption of section 403 to Ordinance 617. Councilman Pannell seconded the motion. The motion passed unanimously.

- B. Discussion and Appropriate Action on a Request to Amend Ordinance 620, 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. (Second Reading) (Building Official) (Assistant City Manager)**

Mr. Durant, Building Official, clarified typos on the ordinance. The ordinance regulates and governs the permit fees and schedule of permit fees.

Councilman Selko made a motion to approve amending ordinance 620. Councilwoman Beehler seconded the motion. The motion passed with six in favor (Selko, Beehler, Pannell, Brown, Paschall and Suarez) and one opposition from Councilman Richel.

## 11. NEW BUSINESS

- A. Action to Select Mayor Pro Tem. (Mayor Suarez)**

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Three nominations were made for the selection of Mayor Pro Tem:

Councilwoman Richel nominated Councilman Brown.  
Councilwoman Beehler nominated Councilman Pannell.  
Councilman Brown nominated Councilman Selko.

With no other requests, Mayor Suarez closed the nominations for Mayor Pro Tem.

Mayor Suarez called for a vote to select Councilman Brown as Mayor Pro Tem:

Councilwoman Richel	Yes
Councilwoman Paschall	No
Councilman Pannell	No
Councilman Selko	Yes
Councilman Brown	Yes
Councilwoman Beehler	No
Mayor Suarez	No

Nomination failed with three in favor and four oppositions.

Mayor Suarez called for a vote to select Councilman Pannell as Mayor Pro Tem:

Councilwoman Beehler	Yes
Councilman Brown	No
Councilwoman Richel	No
Councilwoman Paschall	Yes
Councilman Pannell	Yes
Councilman Selko	No
Mayor Suarez	Yes

Mayor Suarez reported that Councilman Pannell is selected as Mayor Pro Tem on a 4 to 3 vote.

There was no vote on the nomination of Councilman Selko.

**B. Assignment of City Council Seating. (Mayor Suarez)**

Mayor Suarez said the seating of the Council will be assigned in a December City Council meeting.

**C. Assignment of City Council Liaison Responsibilities. (Mayor Suarez)**

Mayor Suarez said the reason for the change in the Council Liaison is to be diverse and allow other Council members to gain experience of other Commissions. The Councilmember that remains without appointment to a Commission is used to fill in for absences. Mayor Suarez read the City Council Liaison responsibilities:

Parks and Recreation Commission Liaison	Councilwoman Beehler
Planning and Zoning Commission Liaison	Councilwoman Richel
Beautification and Environmental Commission Liaison	Councilman Selko
Building and Standards Commission Liaison	Mayor Pro Tem Pannell
Economic Development Corporation Liaison	Councilwoman Paschall

Councilman Brown will assist all City Council Liaisons in the case of an absence at a Commission meeting.

Councilman Selko stated he cannot accept the City Council Liaison responsibility of the Beautification and Environmental Commission due to personal issues.

Councilwoman Richel told Mayor Suarez she would like to decline her appointment to Planning and Zoning Commission to allow Councilman Brown to continue as the Liaison of the Planning and Zoning Commission. Mayor Suarez said he would take the suggestion into consideration at the next meeting.

**D. Discussion and Appropriate Action on a Request to Approve a Professional Services Agreement by and between VICKREY & ASSOCIATES, INC. and the City of Converse for Engineering Services. (City Manager)**

Ms. Dowell introduced Brenda Johnson, Al Groves, Rob Clark and Steve Horvath of Vickrey and Associates, Inc.

Ms. Johnson said that over the past three years, Vickrey and Associates have had six different design teams; different projects require different expertise. Ms. Johnson read a list of accomplishments of projects they have completed for the City of Converse. Mr. Horvath is not a new engineer to the City and asked to notate this on the next agenda item. Mr. Clark is serving as the project manager and has experience with water and wastewater. Mr. Groves comes with 40 years of expertise and innovative designs and will be the point of contact for all the meetings in order for staff and Council to have more continuity.

Mayor Pro Tem Pannell made a motion to approve the professional services agreement by and between Vickrey and Associates, Inc. and the City of Converse for Engineering Services. Councilman Selko second the motion. The motion passed unanimously.

**E. Designation of New City Engineer, Mr. Al Groves with VICKREY & ASSOCIATES, INC. (City Manager)**

Ms. Dowell said Mr. Horvath will be the City Engineer and Mr. Groves will work solely with staff on a weekly basis to assist with improvements with Ordinances and different engineering projects.

**F. Discussion and Appropriate Action on a Request to Appoint Dr. Thomas Schlenker to serve as Health Director for the City of Converse. (Fire Chief) (City Manager)**

Chief Wendt recommends approval to reappoint Dr. Thomas Schlenker to serve as Health Director for the City of Converse.

Councilwoman Beehler brought Article III, 3.01 and 3.02 to Chief Wendt's attention. Ms. Dowell replied that section 3.01 should read: "The Cities will reappoint".

Mayor Pro Tem Pannell made a motion to reappoint Dr. Thomas Schlenker to serve as Health Director for the City of Converse. Councilman Brown seconded the motion. The motion passed unanimously.

- G. Discussion and Appropriate Action to Approve a Request to Rezone a parcel of land located at 9202 FM 78, Converse Texas (CB 5726, Blk. 20, Lots S Pt of 3, 4, 11 & 12 – CB 5053 P-102A ABS 745 (PID# 349908)). The property owner is requesting a change in zoning from the current B-3-Commercial to B-4-Special Commercial. (Assistant City Manager)**

Ms. Dowell said this request was posted in the Herald Newspapers. The Planning and Zoning Commission and City staff approves the rezoning request. The owner is trying to sell the property and make it more marketable under the B4 zoning guidelines.

Discussions included the reason other properties were approved by the Council for the B-4 zoning were done so due to the Council knowing what the businesses would be; approving a B-4 rezoning blindly is a concern because the Council could not prevent a business that would not meet the community standards.

Councilman Brown made a motion to approve the request to rezone the parcel of land located at 9202 FM 78. Mayor Pro Tem Pannell seconded the motion. The motion passed with six in favor and one against (Beehler).

- H. Discussion and Appropriate Action on a Request to Approve a Special Use Permit (SUP) for a home located at 7418 Copper Lake, Converse Texas (CB 5069, Blk. 4, Lots 30, Meadows of Copperfield Unit #3 (PID# 1001863)). The property owner is requesting a SUP to hold weekly church services at the home. (Assistant City Manager)**

Ms. Dowell said the Planning and Zoning Commission does not object with the homeowners request to hold weekly church services. The Home Owners Association's Covenant does not oppose a weekly church service. Seven to thirteen guests currently gather. Once the services reach twenty guests, the homeowner will make plans to look for other properties to worship. One question that was asked among the P&Z members was, if it is necessary to request a special use permit to allow the gathering of twenty guests or less at a home?

Mr. David Taylor is an ordained pastor and will be the pastor for this fellowship. They have not established this gathering as a corporation. Parking can be accessible in three locations as to not offend neighbors.

Mayor Suarez asked the City Attorney if any Ordinances object gathering in a home. Mr. Ortiz replied there are no ordinances that oppose this type of a gathering.

Councilman Selko made a motion to take no action due to this request not requiring a special use permit. Councilwoman Richel seconded the motion. The motion passed unanimously.

- I. Discussion and Appropriate Action to Approve the Preliminary Plat known as the TOPPERWEIN MARKET, Plat #133. (City Engineer) (Assistant City Manager)**

Ms. Dowell asked to defer the item due to information not provided in the Council packet.

## **12. EXECUTIVE SESSION:**

- A. Executive Session in Accordance with Texas Open Meetings Act Section 551.071. CONSULTATION WITH CITY ATTORNEY; CLOSED MEETING. Consultation with City Attorney regarding potential litigation related to final acceptance of Meadows Copperfield, Unit 6A. (Mayor Suarez) (City Attorney)**

Mayor Suarez called for a recess at 8:52 PM to convene into the Executive Session.

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Mayor Suarez called the Executive Session to order at 8:57 PM.

Mayor Suarez adjourned the Executive Session at 9: 47 PM.

**13. RECONVENE TO OPEN SESSION:**

**A. Discussion and Appropriate Action in Accordance with Texas Open Meetings Act Section 551.071 regarding potential litigation related to final acceptance of Meadows Copperfield, Unit 6A. (Mayor Suarez)**

Mayor Suarez reconvened the Regular meeting to order at 9:47 PM.

Mr. Mike Sivage, owner and CEO of Sivage Homes addressed the Council with issues between Sivage Homes and the City of Converse.

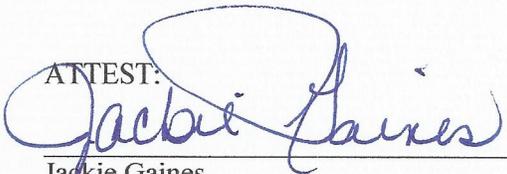
Councilman Brown made a motion to approve the City Attorney to negotiate with Sivage to work out an agreement that is amenable to both parties. Councilwoman Richel seconded the motion. The motion passed unanimously.

**14. ADJOURNMENT**

Mayor Suarez adjourned the City Council meeting at 10:06 PM.

**PASSED AND APPROVED** this 18<sup>th</sup> day of December, 2012

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

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

