



Expanding Horizons
**MINUTES
CITY OF CONVERSE
CITY COUNCIL MEETING
JANUARY 15, 2013 - 7:00 PM**

CITY OF CONVERSE
CITY ADMINISTRATION

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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, January 15, 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 7:00 P. M.

2. INVOCATION.

Ms. Burkhart gave the invocation.

3. PLEDGE OF ALLEGIANCE.

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

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

Mayor Al Suarez	Councilwoman Kathy Richel, Place 1
Councilwoman Renee Paschall, Place 2	Councilman Andy Selko, Place 3
Mayor Pro Tem Randy Pannell, Place 4	Councilwoman Laura Beehler, Place 5
Councilman Steve Brown, Place 6	Ms. Shawna D. Burkhart, City Manager
Mr. Ray Ortiz, City Attorney	Ms. Jackie Gaines, Recording Secretary
Mr. John Quintanilla, Assistant City Manager	Ms. LeAnn Piatt, Finance Director

Mayor Suarez introduced the City Council and the City Staff. A quorum was present.

5. CONSENT AGENDA.

- A. Approve Minutes of City Council Meeting on December 04, 2012.**
- B. Approve Minutes of City Council Meeting on December 18, 2012.**
- C. Accept Economic Development Corporation minutes for December 11, 2012 meeting.**
- D. Approve September 2012 Financial Report.**
- E. Approve September 2012 Investment Report.**
- F. Re-Appointment of Tulita Harris as a Member of the Park & Recreation Commission for a Two (2) Year Term Ending January 15, 2015.**
- G. Re-Appointment of Leon Stubbs as a Member of the Park & Recreation Commission for a Two (2) Year Term Ending January 15, 2015.**
- H. Re-Appointment of Everet Taylor as a Member of the Park & Recreation Commission for a Two (2) Year Term Ending January 15, 2015.**

Councilwoman Beehler asked to pull item H due to the item not ready for consideration. Mayor Pro Tem Pannell made a motion to approve items 5A-5G. Councilwoman Paschall seconded the motion. The motion passed unanimously.

6. SPECIAL CONSIDERATION ITEMS

A. Recognition of Police Sgt. Debra Malone for her years of service on the METRO SWAT Team. (Mayor Suarez)

Mayor Suarez and the City Council recognized Sgt. Debra Malone with a certificate for her eleven years of service with the Metro SWAT Team.

SWAT Commander Anita Seamans presented Sgt. Malone with a plaque recognizing dedication and service as a squad member. A member of the SWAT team is on a voluntary basis. Sgt. Malone is only the second female in the history of the Metro SWAT team to join, maintain and continue her service.

Sgt. Malone thanked the City Council for her recognition. Sgt. Malone also thanked Commander Seamans for her inspiration on the Metro SWAT team and thanked her husband, Lt. Matt Malone of the City of Live Oak Police Department, for his support. Sgt. Malone hopes to bring her knowledge and experience from the SWAT team back to the Police Department.

B. "Recognition of Outstanding Support to the Converse Blue Santa Program; Specifically Wal-Mart, Half Price Movers, Converse Police Alumni Association, and Converse Lions Club". (Mayor Suarez)

Officer Kim Molder said Blue Santa Program is not funded by the city and is 100 % funded by private donations. Officer Molder expressed her gratitude to Jay Tavenier and the American Legion Riders, who were recognized in an earlier program.

Ms. Ada Wear and Rita Cresswell represented the Lions Club, Mr. Jeff Weeks, Manager of Walmart, Jim and Dorothea Nisbett of Half Price Movers in San Antonio and the Alumni Officers, President Howard Benavides, Vice-President Kerri Hencock and Secretary Joan Lindgren representing the Converse Citizens Police Academy Alumni Association were recognized with a plaque for their assistance of collecting donations that takes place throughout the year. Officer Molder recognized the Converse Fire Department, American Legion Riders and Jay Tavenier for the work they provided for the program.

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.

Jim Sherman- Plumas Drive, Converse, TX- Discussed two concerns:

- November 2012 election passed an ethics ordinance and asked if the Mayor has appointed a committee.
- Addressed a letter written in the Herald Newspaper regarding negative impact.

Mr. Jim Koger asked to speak under item 9J.

8. PUBLIC HEARINGS

A. Public Hearing on a Request for a Special Use Permit (SUP) a parcel of land located at the Intersection of Red Iron Creek & MacArthur Way, Converse Texas. (Blk. 09, Lot 1, Mac Arthur Park Unit 3B). The property owner is requesting an SUP for which the principal activity will be a community pool center. This SUP is expressly assigned to the Mac Arthur Park Homeowner's Association (HOA) for the proposed community pool center.

Mayor Suarez opened the public hearing at 7:19 P.M.

Brian Otto, Land Development Manager- Had several meetings with the home owners in Mac Arthur Park subdivision and 103 voted to approve a community pool center and 25 opposed. Homeowners have agreed to pay a one-time fee of \$62.00 for maintenance of the pool center.

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Roger Anderson, Brisbane Bend and HOA board member is pleased the developer is willing to build a swimming pool for the subdivision and having the homeowners maintain the pool. Canvassed the neighborhood and contacting eighty homeowners, asking if they were willing to pay a one-time \$62.00 maintenance fee and raise the dues 5% for a total of \$71.00 owed by the homeowners.

John Koger, Brisbane Bend and past HOA board president, said members have looked at a budget, a design and will have attorneys review the contract. Mr. Koger asked City Council for consideration.

Mayor Suarez closed the public hearing at 7:28 P.M.

- B. Public Hearing on a Request for a Special Use Permit (SUP) on a parcel of land located at 101 Gibbs Sprawl, Converse Texas (CB5563 ARB P-1E-N, East of BLK D-1) The property owner is requesting a SUP for which the principal activity will be tavern for the property formerly known as the "Sportsman's Bar".**

Mayor Suarez opened the public hearing at 7:29 P.M.

Martha Hamilton Guzara, stated she is here to get an SUP for her property.

Mayor Suarez opened the public hearing at 7:31 PM

- C. Public Hearing on the Proposed Amendments to Chapter 40, Article V-Subdivision Requirements, Division IV-Water, Sanitary Sewer Drainage Facilities and Flood Hazards, Subdivision IV-Storm Drainage, Section 40-565 Design Criteria, the City of Converse Codification that Regulates Subdivision Storm Drainage Requirements.**

Mayor Suarez opened the public hearing at 7:32 P.M.

No one spoke on the Public Hearing.

Mayor Suarez opened the public hearing at 7:33 PM

9. NEW BUSINESS:

- A. Presentation and Discussion of Renovated Library Courtyard. (Library Director)**

Mr. Ayala recognized Councilwoman Paschall, Roger Dennis, Cricket Temkin and Deborah James of the Beautification Committee, Assistant Chief of Police Rex Rheiner and Eagle Scout Mr. Andrew Brown and his crew for their work on the Courtyard Beautification project. The Converse Public Library Garden Club will follow up with planting and caring of courtyard. Renovation tasks included power washing, lifted and leveled the brick bordering the concrete, added two recycled pallet benches, added three recycled pallet planters and repainted patio furniture.

- B. Discussion and Appropriate Action to Approve an Agreement (TX EMTF MOA 09.25.2012) by and Between the Southwest Texas Regional Advisory Council and the City of Converse for the Purpose of Establishing the Mechanism for the Utilization and Coordination of Emergency Medical Resources and Assets in the event of an Emergency. (City Manager)**

Ms. Burkhart asked to defer the item until the City Attorney receives more information from the Southwest Texas Regional Advisory Council. Mayor Suarez will defer the item until further notice.

C. Discussion and Appropriate Action Regarding Towing Fees within the City of Converse. (Mayor Suarez)

Ms. Burkhart stated that the amounts charged are within the state guidelines. At this time, the City does not have an ordinance and the guidelines from the Texas Department of Licensing and Regulation are complicated and need legal review.

Mr. Ortiz said the City has multiple contracts that govern that property. A call has been placed with the attorney from Fulbright and Jaworski that covered the Public Housing and Public Facility Corporations securing the bond funding to build the apartment complex because we do not have a contract that governs the management company and the city.

Mayor Suarez asked to take no action.

D. Discussion and Appropriate Action to Amend Chapter 46-Utilities, Article IV-Water, Division II-Regulations, Section 46-108-Standards Procedures, the City of Converse Codification that Regulates Water Billing Procedures. (City Manager)

Ms. Burkhart briefed the Council on the current billing procedure for water billing focusing on overlapping of notifications.

Ms. Piatt gave detailed information on the current billing cycle and the requested billing procedures with shortened billing cycles.

Current Billing Procedure for Water Billing

North Side of Converse

<u>Day of Month</u>	<u>Process</u>
11 th	Bills mailed
1 st	Due date
2 nd	Late penalty assessed /late notice mailed
11 th	Last day to make payment before service fee/extra deposit assessed
12 th	Service fee/extra deposit assessed and service disconnection

South Side of Converse

<u>Day of Month</u>	<u>Process</u>
25 th	Bills mailed
15 th	Due date
16 th	Late penalty assessed/late notice mailed
25 th	Last day to make payment before service fee/extra deposit assessed
26 th	Service fee/extra deposit accessed and service disconnection

Requested Billing Procedures for Water Billing and Shortened Billing Cycles

North Side of Converse

<u>Day of Month</u>	<u>Process</u>
15 th	Bills mailed
1 st	Due date
3 rd	Late penalty assessed /late notice mailed
11 th	Last day to make payment before service fee/extra deposit assessed
12 th	Service fee/extra deposit assessed and and service disconnection

South Side of Converse

<u>Day of Month</u>	<u>Process</u>
29 th	Bills mailed
15 th	Due date
17 th	Late penalty assessed/late notice mailed
25 th	Last day to make payment before service fee/extra deposit assessed
26 th	Service fee/extra deposit accessed and service disconnection

Councilman Selko made a motion to keep the current billing dates. Councilman Brown seconded the motion. The motion passed with five in favor (Selko, Brown, Suarez, Richel and Beehler) and two oppositions from Pannell and Paschall.

- E. Briefing by the City Manager to include a timeline regarding the Annexation Plan instructions provided by the City Council on February 7, 2012. (Mayor Suarez)**

Mayor Suarez asked to defer the item and recommends a briefing in an executive session.

- F. Discussion and Appropriate Action to Amend Chapter 40, Article V-Subdivision Requirements, Division IV-Water, Sanitary Sewer Drainage Facilities and Flood Hazards, Subdivision IV-Storm Drainage, Section 40-565 Design Criteria, the City of Converse Codification that Regulates Subdivision Storm Drainage Requirements. (Assistant City Manager)**

Mr. Quintanilla reported that the Planning and Zoning Commission approved the ordinance. The current ordinance does not satisfactorily manage the drainage of development sites. Mayor Pro Tem Pannell said one P&Z Commission member asked why there was not a workshop on the ordinance. Mayor Suarez agreed that this ordinance was complicated and hard to understand.

Ms. Burkhart suggested a joint workshop with the City Council and the Planning and Zoning Commission. Mr. Ortiz reiterated that the ordinance is critical to the development within the City.

Councilman Selko made a motion to postpone voting until after the workshop. Mr. Ortiz recommended approving the first reading, hold a workshop to explain the ordinance and then have a second reading at the next Council meeting. Mr. Horvath agreed with staff and stated this version gives clarity and more control how development occurs.

Councilman Selko said based on the city engineer and the city attorney, he withdrew his motion and made a motion to approve as written pending an in-service workshop. Councilwoman Richel seconded the motion. The motion passed unanimously.

- G. Briefing by the City Manager to include a timeline regarding the Digital Marquee approved by the City Council on December 4, 2012. (Mayor Suarez)**

Ms. Burkhart read a detailed timeline regarding the digital marquee that was approved December 4, 2012. Mr. Ortiz said we want to insure the terms and conditions are consistent with all vendors the city uses. The marquee contract was convoluted and we submitted our terms and conditions and are awaiting a response.

- H. Discussion and Appropriate Action on a Request to Approve a Budget Amendment #108A-2013 for purchase of digital marquee. (City Manager) (First Reading).**

Ms. Burkhart asked for approval of budget amendment # 108A-2013 to have the funding in place once we have an amenable contract. Mayor Pro Tem Pannell made a motion to approve budget amendment #108A-2013. Councilman Brown seconded the motion. The motion passed unanimously.

- I. Discussion and Appropriate Action to Approve the Preliminary Infrastructure Acceptance of Mac Arthur Park Unit #3-B. (City Engineer) (Assistant City Manager)**

Mr. Quintanilla reported the there were two areas of concern on the punch list and both tasks have been completed. The Planning and Zoning Commission approved the acceptance unanimously. Staff had preformed a walk-through and staff recommends approval.

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Mayor Pro Tem Pannell made a motion to approve the preliminary infrastructure acceptance of Mac Arthur Park Unit #3-B. Councilwoman Richel seconded the motion. The motion passed unanimously.

- J. Discussion and Appropriate Action to Approve a Request for a Special Use Permit (SUP) a parcel of land located at the Intersection of Red Iron Creek & MacArthur Way, Converse Texas (Blk. 09, Lot 1, Mac Arthur Park Unit 3B). The property owner is requesting an SUP for which the principal activity will be a community pool center. This SUP is expressly assigned to the Mac Arthur Park Homeowner's Association (HOA) for the proposed community pool center. (Assistant City Manager)**

Mr. Quintanilla stated staff recommends approval of the Special Use Permit.

Mayor Suarez supports the SUP and stated that some builders have not fulfilled plans as in building parks in the subdivisions.

Mr. Koger and Mr. Otto said the plans are to have restrooms and an outside shower. Councilman Selko shared his concern of use of water the city's water restrictions. Mr. Ortiz asked if the HOA has a liability rate increase for the pool. Ms. Burkhart asked if there are laws that govern an HOA pool as far as testing the water and having life guards.

Councilman Brown made a motion to approve the special use permit for the community pool center. Councilwoman Richel seconded the motion. The motion passed unanimously.

- K. Discussion and Appropriate Action to Approve a Request for a Special Use Permit (SUP) a parcel of land located at 101 Gibbs Sprawl, Converse Texas (CB5563 ARB P-1E-N, East of BLK D-1) The property owner is requesting a SUP for which the principal activity will be tavern for the property formerly known as the "Sportsman's Bar". (Assistant City Manager)**

Mr. Quintanilla reported that the Planning and Zoning Commission unanimously approved a special use permit.

Ms. Guzara paid for an SUP that was not necessary and asked if her money would be refunded. Mr. Ortiz replied that she would not be able to receive a refund due to the administrative work done with her request. Ms. Guzara asked to withdraw her request for an SUP. Ms. Dowell stated \$60.00 will be applied to further permits that may be required with the property formally known as the Sportsman's Bar.

- L. Discussion and Appropriate Action to Approve Resolution #680, a Resolution Adopting an Amendment to the Articles of Incorporation and the Bylaws of the Cibolo Valley Local Government Corporation (CVLGC) to Reflect the Change in Membership of the CVLGC; Executing an Amendment to the Memorandum of Understanding with the Corporations' Membership; Providing for Severability; Repealing Conflicting Resolutions; and Establishing an Effective Date. (City Manager)**

Ms. Burkhart said this resolution allows the City of Selma and the City of Seguin to step out of the organization. All five member cities have to vote to release or to keep their commitments. Mr. Ortiz reiterated that this resolution approves the change to the bylaws and article of incorporation from five members to three members.

Mayor Pro Tem Pannell made a motion to approve Resolution #680 that changes the membership from five members to three. Councilwoman Beehler seconded the motion. The motion passed with four in favor, (Pannell, Beehler, Suarez and Paschall) and three oppositions (Selko, Brown and Richel).

M. Discussion and Appropriate Action to Approve Resolution #681, a Resolution Authorizing the Establishment of a Bank Account at TEXSTAR National Bank for the City of Converse Public, Educational & Government (PEG) Funds and Authorizing Account Signatories. (City Manager)

Ms. Burkhart reported that Resolution #681 authorizes the establishment of a bank account at TexStar for the public educational and government funds and authorizes account signatories. The funds are currently in the general fund and have to have a separate account based on the newest legislation.

Councilman Selko made a motion to approve Resolution #681 to establish a bank account at TexStar National Bank for the public educational and government funds and to authorize account signatories. Mayor Pro Tem seconded the motion. The motion passed unanimously.

10. CITY COUNCIL AND STAFF REPORTS:

A. Mayor's Report/Items of Interest.

Mayor Suarez reported he will be in Washington DC for the Presidential inauguration and Mayor Pro Tem Pannell will be available for emergency operations.

B. Councilmember's Reports/Items of Interest.

Mayor Pro Tem Pannell asked the City for assistance to Sam Perez for the Lions Club to take over Night In Ole Converse. He, the Mayor and Councilman Brown attended the Northeast Partnership meeting. Recognized Mayor Suarez for the election to the Judson Education Foundation as President.

Councilman Brown will attend a demonstration and training of subdivision building. Suggested a quarterly employee recognition program. Has received complaints from citizens and discussed regulating portable toilets in developing subdivisions not be placed too close to existing homes.

Councilman Selko announced that the American Legion Post 593 is holding a chili cook-off this weekend.

C. City Commission Liaison Reports.

-Mayor Pro Tem Pannell had nothing to report for the Planning and Zoning Commission.

-Councilwoman Richel had nothing to report for the Beautification and Environmental Commission.

-Councilwoman Beehler reported the Parks and Recreation Commission approved an agreement with St. Monica's School and the youth organization and also discussed goals for the coming year.

-Councilman Brown reported the Building and Standards Commission will meet January 30, 2013.

-Councilwoman Paschall reported the EDC will hold a meeting February 12, 2013 and the Council will hold a newly elected and appointed officials workshop.

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

-Ms. Burkhart reported City Hall's computers were down for 1 ½ days due to a worm via a flash drive or an email.

i. City Council Orientation Session Scheduled for 01.26.13

ii. INCODE Conversion Process Update

- Ms. Burkhart has the City Council Orientation session set up for January 26, 2013 from 10:00 AM to 3:00 PM.

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- The morning session will include a review of the budget with the auditors and after lunch, a tour of the facilities will take place.
- Has invited Maranatha Church and the Alamo City Black Chamber of Commerce to help diversify the applicant pool.
- Waiting to hear from Waste Management on the audit of recycle bins.
- \$1500 might not be a sufficient amount to make all the corrections needed at the swimming pool.

11. EXECUTIVE SESSION:

- A. Executive Session In Accordance With Section 551.072, Texas Open Meetings Act DELIBERATION REGARDING REAL PROPERTY; Closed Meeting. A governmental body may conduct a closed meeting to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person, namely the Bridge Haven Subdivision Development Fee Allocation. (City Attorney)**

Mayor Suarez called for a recess at 10:19 P. M. to convene in Executive Session.

Mayor Suarez opened the Executive Session at 10:26 PM and closed the Executive Session at 10:57 PM.

12. RECONVENE TO OPEN SESSION:

- A. Discussion and Appropriate Action in Accordance with Texas Open Meetings Act Section 551.072 regarding real estate issues related to the Bridge Haven Subdivision Development Fee Allocation. (City Attorney)**

Mayor Suarez reconvened the regular meeting to order at 11:03 P.M.

Mayor Suarez reported there is not action taken on the Bridge Haven Subdivision Development Fee Allocation.

13. ADJOURNMENT

Mayor Suarez adjourned the meeting at 11:04 P.M.

PASSED AND APPROVED THIS 5TH DAY OF FEBRUARY, 2013.



Al Suarez

Al Suarez, Mayor

ATTEST:
Jackie Gaines

Jackie Gaines, City Secretary