CONVERSE TEXAS Expanding Horizons
CITY OF CONVERSE
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MINUTES
CITY OF CONVERSE
CITY COUNCIL MEETING
February 19, 2013 - 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, February 19, 2013 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 PM

2. INVOCATION

The invocation was given by Mayor Suarez.

3. PLEDGE OF ALLEGIANCE

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

Mayor Suarez introduced the City Council and the City Staff. A quorum was present. Mayor Suarez recognized Mr. Arnold Salinas and Mr. Daniel Kershner of Judson ISD.

5. CONSENT AGENDA:

A. Approve Minutes of City Council/Planning & Zoning Commission Workshop on January 31, 2013.
B. Approve Minutes of City Council Meeting on February 5, 2013.
C. Accept Parks & Recreation Commission minutes for September 17, 2012 meeting.
D. Accept Parks & Recreation Commission minutes for October 23, 2012 meeting.
E. Accept Parks & Recreation Commission minutes for November 19, 2012 meeting.
F. Accept Parks & Recreation Commission minutes for December 10, 2012 meeting.
G. Accept Beautification & Environmental Commission minutes for November 26, 2012 meeting.

Mayor Pro Tem Pannell asked to pull items H and I. Councilman Brown made a motion to approve items 5A-5 G. Councilwoman Richel seconded the motion. The vote was unanimous. The motion carried.

H. **Re-Appointment of Everet Taylor as a Member of the Park & Recreation Commission for a Two (2) Year Term Ending February 19, 2015.**

I. **Appointment of Robert Thomas as a Member of the Park & Recreation Commission for a Two (2) Year Term Ending February 19, 2015.**

Mayor Pro Tem Pannell asked to have all commissions consistent with a 2 year term limit; the Parks and Recreation Commission have a four year term and asked to revise the ordinance to a 2 year term. Ms. Burkhart added that the Parks and Recreation Commission was set up for a 4 year term due to working with Night In Ole Converse.

Mayor Pro Tem Pannell made a motion to approve agenda item 5H and 5I as a typo on the term limit and approve the item with a four year term. Councilwoman Paschall seconded the motion. The vote was unanimous. The motion carried.

6. **SPECIAL CONSIDERATION ITEMS:**

A. **Recognition of Ms. Lu Ann Holden, Member the Building & Standards Commission from August 2008 through January 2013. (Mayor Suarez)**

The City Council recognized Ms. Lu Ann Holden for her leadership as Chair on the Building and Standards Commission and announced her resignation effective January 31, 2013. Ms. Holden thanked the Council for their support, thanked former Chair Ms. Gloria Weers, the current commission members and gave a special recognition to Vice-Chair Lacarde for his work as acting chair in her absence.

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.

-Jeff Beehler-Norris Drive East. Asked for consideration to be notified when the pumping station is turned on for use of the non-potable water.

-Jim Sherman-Plumas. Stated he had asked the City Manager for supporting documents to the agenda regarding amending the Charter and the City Manager had no documents to provide. Asked why amending the Charter was being discussed when the Charter was just amended in the November election.

8. **PUBLIC HEARINGS**

A. **NONE.**

9. **OLD BUSINESS**

A. **Discussion and Appropriate Action on Ordinance #2013-218, An Ordinance Levying an Assessment Against Benefitted Property and Its Owner for Reimbursement of the Cost of the Improvements to the Southeastern Sector of the City Sewer System; And Superseding City of Converse Ordinance #218 Dated July 15, 2008. (City Attorney) (City Manager) (Second Reading)**

Mr. Ortiz reviewed the ordinance to ensure the reimbursement for the cost of improvements to the City of Converse.

Councilman Brown made a motion to approve Ordinance 2013-218. Councilman Selko seconded the motion. The motion passed with six in favor (Brown, Selko, Beehler, Richel, Paschall and Suarez). Mayor Pro Tem

Pannell abstained due to not attending the City Council meeting's first reading of the Ordinance. The motion carried.

10. **NEW BUSINESS**

A. Briefing by the Building & Standards Commission Chairman. (Mayor Suarez)

Mr. Lacarde gave a report of two properties the commission has been working on. 7687 Upper Seguin is an involved and complicated case. The City Attorney is looking into documents to establish ownership. 202 Ash, Apartment 102 is a case the commission took up at the last meeting. The next meeting is set for February 27, 2013. Councilman Brown is the newly appointed liaison for the commission.

B. Briefing by the Beautification & Environmental Commission Chairman. (Mayor Suarez)

Mr. Dennes reported the commission membership has gone down from 7 members and 2 alternates to 4 members and no alternates. Thanked former Council liaison Beehler for her leadership and guidance. The commission planted trees at the Justice Center and worked on a project with the Library. Projects not completed due to lack of time or funding were the Christmas lighting and bricks for the waking trail. The brick project was turned over to the Parks and Recreation Commission. Projects for 2013 are new entrance signs into the city and planting trees at City Hall. Thanked the newly appointed Council liaison, Kathy Richel for her guidance and enthusiasm. Also expressed his gratitude for commission members Temkin, James, Droneburg and thanked Amanda Oscar for work provided as the Secretary for the commission.

C. Discussion of Section 9.005 of the Texas Local Government Code. (City Attorney) (Councilman Brown)

Councilman Brown gave an update to an issue that a citizen brought up at a prior Council meeting as to why the charter amendments have not been updated. A statement was also made that the City has to wait until the Secretary of State (SOS) receives and submits something back to the City in order for the amendments are enforced. Councilman Brown stated that the election results do not have to be submitted to the SOS for approval; the SOS just receives the results for record keeping on the amendments to the Charter.

Section 9.005 (b) states "A charter or an amendment does not take effect until the governing body of the municipality enters an order in the records of the municipality declaring that the charter or amendment is adopted". Councilman Brown stated that the charter amendments were approved three months ago and asked the city attorney what is the process to getting these adopted.

Mr. Ortiz replied that the Local Government Code does not require the Council to adopt the charter amendments. Section 9.005 (a) of the Texas Local Government Code states "A proposed charter for a municipality or a proposed amendment to a municipality's charter is adopted if it is approved by a majority of the qualified voters of the municipality who vote at an election held for that purpose". Mr. Ortiz said that this is all that has to be done. There is not anything the Council can do to undo how the citizens have voted. There is an administrable matter in subsection b; the Council has to enter an order declaring the amendments are adopted. By canvassing the election, the Council has approved the election and amendments. There are no requirements for a written resolution or an ordinance. The Council canvassing and approving the minutes are all that is necessary.

Section 9.007 Certification of Charter Amendments. (a) As soon as practicable after a municipality adopts a charter or charter amendment, the mayor or chief executive officer of the municipality shall certify to the secretary of state an authenticated copy of the charter or amendment under the municipality's seal showing the approval by the voters of the municipality. Mr. Ortiz added that the City Secretary has certified an authenticated copy of the amendments under the municipality's seal showing approval by the voters. The action is official. The Charter does need to be retyped to reflect the amendments.

D. Discussion and Appropriate Action to amend the City Charter in accordance with the Local Government Code Section 9.004 Charter Amendments. And Amend Section 3.04(A) Canvassing Election Results. And placing on the Ballot for an Election in May 2013. (Mayor Protem Pannell)

Mayor Protem Pannell said to avoid confusion amongst the citizens on canvassing; the language in the charter should say to canvass the election in accordance with state law. Mr. Ortiz added that due to the change in our election date from May to November, this would clarify the process. Mr. Ortiz was asked to bring the proposed language back to the Council at the next meeting.

Mayor Suarez stated there is no action required.

E. Discussion and Appropriate Action to amend the City Charter in accordance with the Local Government Code Section 9.004 Charter Amendments. And Amend Section 2.01(A) Number, Selection, and Term: Composition and Form. And placing on the Ballot for an Election in May 2013. (Mayor Protem Pannell)

Mayor Protem Pannell requested to change the terms of office from a two-year term to a three-year term for the following reasons:
-The cost of holding an election from every 2 years to 3 years will save the city money.
-On a two-year term, a Council person has to start campaigning after the first year for the upcoming re-election.
-For continuity.

Councilman Brown asked why this item has to be voted on in May and not in November.

Mayor Pro Tem replied that he would like this to take effect in May for those getting elected in November.

Councilman Selko said the return on the investment would not save the city any money by having an election in May for a three-year term in the November election. The only savings would be to the candidate that runs three years instead of every two years. This would be a waste of city staff's time and a waste of city funds.

Mayor Suarez disagreed and said due to the write-ups in the newspaper; citizens say we violated the charter with the canvassing, and if the charter is wrong, we need to change this. As we go to the voters, we can add this item.

Mr. Ortiz said that if we change subchapter a, then we will need to change subchapter b.

Mr. Brown asked MPT Pannell was there was a complaint brought forward the reason for this item to be placed on a May election instead of the November election. MPT Pannell replied no, but has been thinking about this for a long time and since we have to change the charter, we may as well add this item.

Councilman Selko said that the Charter Commission just completed a review of the charter. Why was this item not brought to the attention of the Charter Commission? MPT Pannell responded that he did bring this item up to a few members and the suggestion was disregarded.

Mayor Suarez said he does respect the Charter Review Commission for the work they've done, but the City Council has the ability to put charter amendments [to a vote] at any time as they so desire. Mr. Ortiz agreed that the change can be through the adoption of the commission's decision or as the Council sponsoring the items.

Mayor Suarez said there is no action taken and asked to wait for the City Attorney's wording on the next agenda.

F. Discussion and Appropriate Action to amend the City Charter in accordance with the Local Government Code Section 9.004 Charter Amendments. And add Section 2.01(C) Number, Selection,

and Term: Composition and Form. And placing on the Ballot for an Election in May 2013. (Mayor Protem Pannell)

Mayor Protem Pannell stated he would like to propose adding item C to section 2.01 of the charter to read: If any Council member that has a year or more remaining on his or her present term files to run for another seat on this Council, automatically resigns his or her current position.

Councilwoman Beehler clarified that this would not take effect unless the term limits were changed from 2 years to 3 years.

Mr. Ortiz asked if we are only taking about running for Mayor. MPT Pannell replied yes. Mr. Ortiz replied the proposal needs to clarify running for Mayor only.

Mayor Suarez asked Mr. Ortiz to bring the proper wording back for the next Council meeting. Mayor Suarez did not take any action. Councilman Selko asked Mr. Ortiz to bring precedents back to the Council as well.

G. Discussion and Appropriate Action to approve a Special Election Setting for May 11, 2013 as the date for the Election on the proposed City Charter Amendments. (Mayor Protem Pannell)

MPT Pannell asked for no action to be taken due to asking the City Attorney to bring this item back with proper wording.

Mayor Suarez stated there is not action for this item.

H. Discussion and Appropriate Action to a Request to Award a Construction Contract to provide for the removal of existing pool deck and installation of new pool deck, removal of existing fiberglass pool lining and the installation of a new plaster surface with the Converse City Pool located at 307 School Street, Converse Texas. (Assistant City Manager)

Mr. Quintanilla reported that staff recommends awarding the construction contract to Interpool, Inc. Interpool, Inc. is the lowest bid and the most qualified. The deadline for the pool project is no later than May 10, 2013. Ms. Burkhart added that TML has addressed the cracking of the deck needing repair in order to continue insurance coverage. The budged amendment (agenda item 10 I) will address the additional cost.

Councilwoman Paschall made a motion to approve awarding the construction contract to Interpool, Inc. Mayor Pro Tem seconded the motion. The motion passed unanimously.

I. Discussion and Appropriate Action on a Request to Approve a Budget Amendment #108B-2013. (City Manager) (First Reading).

Ms. Burkhart reported this budget amendment reflects an increase of General Fund expenditures to the contract for replacing the City's Pool fiberglass liner and repairing concrete decking around the pool per Texas Municipal League Intergovernmental Risk Pool insurance requirements. Increase Expenditures-Major Capital Outlay-100-50-52-57950 of $12,000.

The budget amendment also reflects the use of fund balance for a Water System Analysis identifying Water Supply Options for the City of Converse. Increased Expenditures-Contractual Services-Engineering Services of $25,000.

10. **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 reported he has received several phone calls praising the Library upgrades.

B. Councilmember's Reports/Items of Interest.

Councilman Brown asked Ms. Burkhart when the Municipal Judge's contract was initiated. Ms. Burkhart replied approximately one year and 3 months ago. Councilman Brown announced FBI agents will hold a CREST training seminar for the Converse Citizens Police Academy in the City Hall Conference Room Saturday, February 22, 2013 from 9:00 AM to 3:00 PM.

Mayor Suarez added the Mayor's call will be held in the City Manager's office.

C. City Commission Liaison Reports.

Councilman Brown reported the Building and Standards Commission will meet Wednesday, February 27, 2013.

Ms. Burkhart reported the CVLGC Advisory meeting has been moved to February 20, 2013, the monthly meeting will be held on February 28, 2013.

Councilwoman Paschall reported the EDC and City Council Joint Workshop was organized and well attended.

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

Ms. Burkhart discussed the following items:
-Parks and Recreation Commission's Ordinance will come to Council for a revision of the term limit.
- Asked citizens to call City Hall for missed trash/recycle pickup in order notify Waste Management and asked citizens to bring their trashcans in for the evening, and then set them back out for pickup.
-Water main break on an 18" pipe will cost approximately $285,000 to replace. Union Pacific has been contacted to plan for the adjustment around the railroad tracks. Currently the Utility Department has three crews working on three main breaks.
-The City has staked out the North Park walking trail and is awaiting the location approval from San Antonio River Authority.
-The Converse Police Department Annual Contact Report was submitted to the City Council at the dais.

11. EXECUTIVE SESSION:

A. Executive Session in Accordance with Texas Open Meetings Act Section 551.074, PERSONNEL MATTERS; CLOSED MEETING. Personnel Matters to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee. (Department-wide Employment Report) (City Manager)

B. 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 Toepperwein Road Reconstruction Project. (Mayor Suarez) (City Attorney)

Mayor Suarez called for a recess at 8:13 PM to meet in Executive Session.

12. RECONVENE TO OPEN SESSION

Mayor Suarez reconvened the regular meeting at 8:52 PM.

Councilwoman Beehler did not attend the reconvening of the regular meeting.

A. Discussion and Appropriate Action in Accordance with Deliberations regarding deliberation on Personnel Matters on the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee. (City Manager)

Mayor Suarez said there is no action taken at this time.

B. Discussion and Appropriate Action in Accordance with Texas Open Meetings Act Section 551.071 regarding potential litigation related to Toepperwein Road Reconstruction Project. (Mayor Suarez)

Mayor Suarez said there is no action taken at this time.

13. ADJOURNMENT

Mayor Suarez adjourned the meeting at 8:53 PM.

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

CITY OF CONVERSE, TEXAS

Al Suarez, Mayor

ATTEST:

Jackie Gaines, City Secretary