



Expanding Horizons

CITY OF CONVERSE
CITY ADMINISTRATION

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**MINUTES
CITY OF CONVERSE
CITY COUNCIL MEETING
March 19, 2013 - 7:00 PM**

Be it known that the City Council of the City of Converse will meet for a regular meeting at the City Council Chambers at 402 South Seguin Street on Tuesday, March 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.

Mayor Pro Tem Pannell gave the invocation.

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
Councilwoman Renee Paschall, Place 2
Mayor Pro Tem Randy Pannell, Place 4
Councilman Steve Brown, Place 6
Mr. Ray Ortiz, City Attorney

Councilwoman Kathy Richel, Place 1
Councilwoman Laura Beehler, Place 5
Ms. Shawna D. Burkhart, City Manager
Mr. John Quintanilla, Assistant City Manager
Ms. Jackie Gaines, City Secretary

Councilman Selko was out of town and not able to attend the meeting.

Mayor Suarez established a quorum. Recognitions were made to Mr. Arnold Salinas, Steve Salyer, Richard LaFoile, and Daniel Kershner.

5. CONSENT AGENDA.

A. Approve Minutes of City Council Meeting on March 5, 2013.

B. Accept Economic Development Corporation minutes for January 8, 2013 Meeting.

Councilwoman Beehler asked to pull item 5A. Mayor Pro Tem Pannell made a motion to approve item 5B. Councilwoman Paschall seconded the motion. The vote was unanimous. The motion carried.

Councilwoman Beehler asked to have the minutes reflect that she was not in attendance for the meeting of March 5, 2013.

Councilwoman Paschall made a motion to approve the Minutes of March 5, 2013 amending the minutes to reflect Councilwoman Beehler not in attendance for the meeting. Mayor Pro Tem Pannell seconded the motion. The vote was unanimously. The motion carried.

6. SPECIAL CONSIDERATION ITEMS.

A. Recognition of Gina Marsh, Lieutenant, Fire Department, for her Five (5) Years of Service with the City of Converse. (Mayor Suarez).

Lt. Gina Marsh received a certificate of appreciation from Mayor Suarez and City Council for her five years of service not only to the Fire Department, but to the Emergency Service District No. 1. Lt. Marsh thanked everyone for her recognition and expressed her gratitude to her department.

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.

Dan Norris announced the 7th Annual Public Servants Breakfast that will be held Saturday, April 13th from 7:30 AM to 10:00 AM. The event is sponsored by New Hope United Methodist Church and the Universal City United Methodist Church to honor those serving as a public servant.

Celeste Morris thanked the Police Department for assisting with speeding traffic through her neighborhood during spring break, announced the 7th Annual Public Servants Breakfast and is opposed to having another RV/storage unit in the City.

Arnold Salinas shared the Judson ISD's gratitude for the agreement to assist with the flashing safety lights.

8. PUBLIC HEARINGS.

A. Public Hearing on City of Converse Ordinance #701 dated March 16, 2010 that Establishes a Curfew. This Section of the City of Converse Code of Ordinance, namely Chapter 24-Miscellaneous Offenses, Article III-Curfew for Minors, Section 24-110- Periodic Review.

Mayor Suarez opened the public hearing at 7:16 PM.

Celeste Morris is in support of the Curfew Ordinance.

Mayor Suarez closed the public hearing at 7:18 PM.

B. Public Hearing on a Rezoning Request on a parcel of land located in the 800 Block of School Street, Converse Texas (CB 5063, P-63, ABS 431 (PID# 310479)). The property owner is requesting a change in zoning from the current R-1-Single-Family Dwelling District to B-3-Commercial District. The purpose of the rezoning request is to operate a recreational vehicle (RV) parking facility at the 800 Block of School Street.

Mayor Suarez tabled the item on the request received by Mr. Quintanilla by the petitioner to pull the item from the agenda.

- C. Public Hearing on a Rezoning Request on a parcel of land located at 805 Station Street, Converse Texas (CB 5063, P-90A, ABS 431 (PID# 310543)). The property owner is requesting a change in zoning from the current R-1-Single-Family Dwelling District to B-3-Commercial District. The purpose of the rezoning request is to operate a recreational vehicle (RV) parking facility at 805 Station Street.**

Mayor Suarez tabled the item on the request received by Mr. Quintanilla by the petitioner to pull the item from the agenda.

- D. Public Hearing on a Request for Special Use Permit (SUP) on a parcel of land located near the intersection of FM 78 & Crestway, along the 8400 block of Crestway, Converse Texas (CB 5071E, Blk. 02, Lot 3, Converse Ranch Subdivision "City of Converse Annexation"(PID# 1010669)). The property owner is requesting a SUP for which the principal activity will be a constructing and operation of a climate controlled self-storage units.**

Mayor Suarez opened the public hearing at 7:19 PM.

Celeste Morris opposed the special use permit for the use of another self-storage unit.

Perry Donop, owner of Rocket Storage, opposed the SUP for the use of this self-storage unit.

Mayor Suarez closed the public hearing at 7:26 PM

9. OLD BUSINESS.

- A. Discussion and Appropriate Action on a Request to Amend City of Converse Ordinance #701 dated March 16, 2010 that Establishes a Curfew. This Section of the City of Converse Code of Ordinance, namely Chapter 24-Miscellaneous Offenses, Article III-Curfew for Minors, Section 24-110-Periodic Review. This City of Converse Ordinance Regulates Miscellaneous Offences. (Second Reading) (City Manager) (Chief of Police)**

Ms. Burkhart stated that this Ordinance is a renewal for curfews and recommended approval.

Councilwoman Paschall verified the curfew hours and made a motion to approve Ordinance # 701. Councilwoman Beehler seconded the motion. The vote was unanimous. The motion carried.

- B. Discussion and Appropriate Action on a Request to Amend City of Converse Ordinance #305 dated December 20, 2011. This Section of the City of Converse Code of Ordinance, namely Chapter 46-Utilites, Article IV-Water, Division II-Regulations, Section 46-110-Tampering & Damaging Prohibited. This City of Converse Ordinance Regulates Utilities. (Second Reading) (City Manager) (Director of Utilities)**

Ms. Burkhart reported that this Ordinance eliminates installation or permitting of residential irrigation services. Customers wishing to install irrigation systems must supply water to such systems from the domestic water line at their own expense.

Mr. Perez stated the fee schedule for tampering and water theft is now listed in the ordinance.

Mr. Ortiz requested additional information regarding an appeal process.

Mayor Pro Tem Pannell made a motion to approve Ordinance #305 to include the amended appeal process. Councilman Brown seconded the motion. The vote was unanimous. The motion carried.

- C. Discussion and Appropriate Action on a Request to Amend City of Converse Ordinance #620 dated September 4, 2012. This Section of the City of Converse Code of Ordinance, namely Chapter 8-Buildings & Building Regulations, Article III-Building Code, Division II-Permits, Section 8-103-Schedule of Permit Fees. This City of Converse Ordinance Regulates Building Construction. (Second Reading) (City Manager) (Director of Utilities)**

Mr. Quintanilla stated that staff is recommending irrigation meters to be prohibited.

Councilman Brown made a motion to approve Ordinance #620. Mayor Pro Tem Pannell seconded the motion. The vote was unanimous. The motion carried.

- D. Discussion and Appropriate Action on a Request to Amend City of Converse Ordinance #313 dated August 7, 2012. This Section of the City of Converse Code of Ordinance, namely Chapter 46-Utilities, Article II-Sewage Disposal, Section 46-22(I)- Building & Sewer Connections (NEW). This City of Converse Ordinance Regulates Sewage Disposal. (Second Reading) (City Manager) (Director of Utilities)**

Mr. Quintanilla reported that the current Ordinance had ambiguous information. This ordinance defines the financial responsibility when problems occur on a sewer lateral.

Councilwoman Richel made a motion to approve Ordinance #313. Mayor Pro Tem Pannell seconded the motion. The vote was unanimous. The motion carried.

10. NEW BUSINESS.

- A. Discussion and Presentation of Proposed Judson Independent School District (JISD) 2013 Bond Election. (Executive Director of Operations)**

Mr. Kershner presented a video on the 2013 Bond Proposal. In May of 2013, the Board of Trustees passed a Resolution supporting the \$83 million bond proposal. The bond will build one new elementary school and one new high school without raising the tax rate.

Mayor Suarez asked to move to Item 10 J.

- J. Discussion and Appropriate Action on a Request to Amend City of Converse Ordinance #401 dated June 15, 2010 that Regulates Vehicular Speed Limits. This Section of the City of Converse Code of Ordinance, namely Chapter 44-Traffic & Motor Vehicles, Article III-Specific Street Regulation, Section 44-155-Stop Intersection. This City of Converse Ordinance Regulates Traffic and Motor Vehicles. (First Reading) (City Manager) (Chief of Police)**

Chief Jamison stated he has received calls from long-time residents that live on and near Lone Shadow. Residents are asking to have a stop sign erected at the corner of Lone Shadow and Rock

Cove Lane. Since January of 2012, there have been 22 warnings and 22 citations that were mostly from speeding. Chief Jamison recommends approval of the amended Ordinance.

Mr. Howard Bellamy suggested two additional speed limit signs on Lone Shadow and adding a speed bump.

Councilman Brown made a recommendation for Chief Jamison to look at a 4-way stop sign at Meadow Lark and Shawnee Bluff once the development of the third phase has been completed.

Mayor Suarez asked Chief Jamison for an assessment of possible placement of additional stop signs and speed limit signs before the second reading of this ordinance.

Councilman Brown made a motion to approve Ordinance # 401. Mayor Pro Tem Pannell seconded the motion. The vote was unanimous. The motion carried.

B. Discussion and Appropriate Action to Approve the Final Plat known as the TOPPERWEIN MARKET, Plat #133. (City Engineer) (Assistant City Manager)

Mayor Suarez deferred 10B due to item not ready for discussion.

C. Discussion and Appropriate Action on a Request to Approve Change Order #1 to INTERPOOL for an Amount Not To Exceed Forty-Two Thousand Seven Hundred Dollars (\$42,700.00). (Assistant City Manager)

Mr. Quintanilla reported that as the renovation has been developing on the pool, discoveries have been made that additional repair is required that was not originally assessed. Existing piping for the water filtration system has significant leaks. Staff recommends approval of the change order request.

Ms. Burkhart added that this installation of new PVC piping is for only two sides of the pool. This repair can last up to 15-20 years.

Councilman Brown made a motion to approve the change order #1 in the amount not to exceed \$42,700.00. Councilwoman Paschall seconded the motion. The vote was unanimous. The motion carried.

D. Discussion and Appropriate Action to Approve a Rezoning Request on a parcel of land located in the 800 Block of School Street, Converse Texas (CB 5063, P-63, ABS 431 (PID# 310479)). The property owner is requesting a change in zoning from the current R-1-Single-Family Dwelling District to B-3-Commercial District. The purpose of the rezoning request is to operate a recreational vehicle (RV) parking facility at the 800 Block of School Street. (Assistant City Manager)

Mayor Suarez deferred item 10D on the request of the property owner.

E. Discussion and Appropriate Action to Approve a Rezoning Request on a parcel of land located at 805 Station Street, Converse Texas (CB 5063, P-90A, ABS 431 (PID# 310543)). The property owner is requesting a change in zoning from the current R-1-Single-Family Dwelling District to B-3-Commercial District. The purpose of the rezoning request is to operate a recreational vehicle (RV) parking facility at 805 Station Street. (Assistant City Manager)

Mayor Suarez deferred item 10E on the request of the property owner.

- F. Discussion and Appropriate Action to Approve a Request for Special Use Permit (SUP) on a parcel of land located near the intersection of FM 78 & Crestway, along the 8400 block of Crestway, Converse Texas (CB 5071E, Blk. 02, Lot 3, Converse Ranch Subdivision “City of Converse Annexation”(PID# 1010669)). The property owner is requesting a SUP for which the principal activity will be a constructing and operation of a climate controlled self-storage units. (Assistant City Manager)**

Mr. Quintanilla reported that the Planning and Zoning Commission met last night and there was significant discussion on this item. A motion was made to approve the SUP and the motion failed with a vote of 4 against and 2 in favor. A second motion was made to deny the SUP. The vote was 4 in favor of denying the SUP and 2 in favor of the SUP. Mr. Quintanilla reported that staff recommends approval of the SUP.

Mr. Bakke acquired property at the corner of Crestway and FM 78 for a multiple-tenant shopping center in 2002. At the time of the completion of the shopping center, he had acquired an additional 26-27 acres of excess land owned by Wal-mart and built a 2-phase apartment community.

Mr. Jeff Dallenbac of Archcon Architectures plans to build a multi-story self-storage facility that initially will not have a boat or recreational vehicle storage area. Councilwoman Paschall asked about security. Mr. Dallenbac replied that 15 to 20 cameras will be installed.

Councilman Brown addressed Ordinance #617 regarding an application for a special use permit shall be submitted with the site plan drawn to scale to show the general arrangement of the project with essential requirements listed in the ordinance. Mr. Quintanilla replied that he has the plans and disseminated the documents to the Council. Mr. Quintanilla added that the documents listed in the ordinance will be provided to staff before going into construction.

Mr. Dallenbac stated that the project documentation will be completed in four months and the project will be complete within one year per the requirements of the special use permit.

Councilwoman Paschall made a motion to approve a Special Use Permit for the use of a climate controlled self-storage unit. Councilwoman Beehler seconded the motion. The vote passed with four in favor (Paschall, Beehler, Pannell and Suarez) and two oppositions from Richel and Brown. The motion carried.

- G. Discussion and Appropriate Action to Approve Resolution # 684, A Resolution Adopting the Amendment of the Articles of Incorporation and Bylaws of the Cibolo Valley Local Government Corporation (CVLGC) to Reflect an Increase in the Number of Directors of the CVLGC and the Terms Thereof; Amending Provisions Related to the Submission of the Corporation’s Annual Budget; Executing a Second Amendment to the Memorandum of Understanding (MOU) with the Corporation Related to the Submission of the Corporation’s Annual Budget; Providing for Severability; Repealing Conflicting Resolution; and Establishing an Effective Date. (City Manager)**

Ms. Burkhart stated the CVLGC is a Local Government Corporation that included five cities; Schertz, Seguin, Converse, Cibolo and Selma. Through approval of the Corporation and the five cities, Selma and Seguin recently pulled out of the Corporation. This agenda item has three different

actions merged into one document. The first is approving the amendments into the Corporation, increasing the Board of Directors to six (two per existing member-cities) and restating the Articles of Incorporation to include this change.

The second item is on the condition that all member cities approve the changes of the Articles of Incorporation, the Bylaws need to reflect the same change.

The third item is amending the Articles of Incorporation and Bylaws that the Board shall adopt a proposed budget of expected revenues from sources set out in Section 4.5 of the Article and proposed expenditures for the next fiscal year. The City will hereby approve the second amendment to the Memorandum of Understanding among the Cities of Cibolo, Converse and Schertz and the Cibolo Valley Local Government Corporation. We will need to have City Council fill the position of the second Director within the next month. The Director has to be a citizen of Converse

Councilwoman Beehler made a motion to approve Resolution #684. Mayor Pro Tem Pannell seconded the motion. The vote was unanimous. The motion carried.

H. Discussion and Appropriate Action on a Request to Approve City of Converse Ordinance #209-2013, Tax Abatements for use by the Executive Director of the Converse Economic Development Corporation for the Purpose of Economic Development. (First Reading) (EDC Executive Director) (City Manager)

Ms. Silvas gave a power point presentation that included the timeline and procedures of the tax abatement. The tax abatement is governed by Texas Property Redevelopment and Tax Abatement Act found in Chapter 312 of the Tax Code. The protection provisions were detailed for termination and recapture of abated taxes.

Councilman Brown made a motion to approve Ordinance #209-2013. Councilwoman Richel seconded the motion. The vote was unanimous. The motion carried.

I. Discussion and Appropriate Action on a Request to Appoint a Chairperson for the Building & Standards Commission. (Assistant City Manager)

Mr. Quintanilla stated he placed this item on the agenda prematurely. Councilman Brown asked to table the item until the 30-day period is up, per the discussion at the February 27, 2013 Building and Standards Commission Meeting. Mayor Suarez agreed with Councilman Brown and deferred 10 I due to the item not ready for action.

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 gave an update on the Community Development Block Grant. Staff was told that the City did not have to attend a public hearing to become eligible for the grant and then the requirements were changed without staff's knowledge. Commissioner Adkisson was able to assist the City with becoming eligible for the grant.

-The Northeast Partnership received an update on the Loop 1604 expansion. The partnership also approved a resolution supporting home buyers. Wal-mart has hired off-duty Converse Police officers to assist with security.

B. Councilmember's Reports/Items of Interest.

Mayor Pro Tem Pannell thanked the Police Department, Mr. Quintanilla, Ms. Burkhart, Ms. Silvas and Mr. Roy Schaufefe for their service to the City.

Mayor Suarez read a letter of resignation from Councilwoman Laura Beehler effective tonight, March 19, 2013. City Council and staff shared their gratitude for Councilwoman Beehler's commitment and service to the City.

Mr. Ortiz replied that the Council has 30 days from tonight to fill the City Council Place 5 seat.

Mayor Suarez asked the City Manager to place the notice to fill the vacancy of Place 5 on the website. The letters of interest will be directed to the Mayor and copies given to the Council members, with the deadline of two weeks from today; April 2, 2013.

C. City Commission Liaison Reports.

- Planning and Zoning Commission, Mayor Pro Tem Pannell - nothing to report.
- Building and Standards Commission, Councilman Brown - nothing to report.
- Parks and Recreation Commission, Mayor Pro Tem Pannell - met last night and discussed the movie in the park. The next meeting is a special called meeting that is set for March 28, 2013 to finalize the details of the movie in the park.
- Economic Development Corporation, Councilwoman Paschall - nothing to report.
- CVLGC-Ms. Burkhart stated that the next meeting is scheduled for March 28th at 9:00 AM in the City of Schertz.
- Beautification and Environmental Commission, Councilwoman Richel - The Commission is pending additional membership.

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

a. Update of INCODE Conversion

- Ms. Burkhart reported that FM 5302 is being repaved and resurfaced by TXDOT. The road will be closed 30-45 days. Judson ISD has been notified as well as the police and fire department.
- Encouraged the Council to look at the accomplishments from the staff working on the walking trail in North Park.
- Staff is in the last week of INCODE training.
- Mr. Quintanilla will be out of the office at a TCMA training March 21st and 22nd.
- Ms. Piatt will be taking time off March 22nd and 25th.

12. 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, relating to IT Department. (City Manager)

B. 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 - City Manager.

C. 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)

Mayor Suarez called for a recess at 9:08 PM to convene into Executive Session.

Councilwoman Beehler departed at 9:08 PM.

13. RECONVENE TO OPEN SESSION.

Mayor Suarez reconvened the open session at 10:26 PM

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, relating to IT Department. (City Manager)

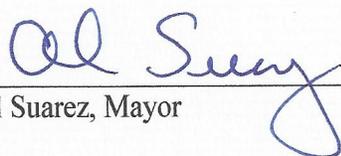
B. Discussion and Appropriate Action in Accordance with Deliberations regarding deliberation on Personnel Matters on the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee - City Manager.

Mayor Suarez reported that no action will be taken for item 13A and 13B.

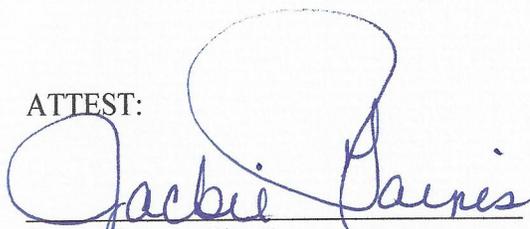
14. ADJOURNMENT.

Mayor Suarez adjourned the City Council meeting at 10:27 PM.

PASSED AND APPROVED THIS 2ND DAY OF APRIL, 2013.



Al Suarez, Mayor

ATTEST:


Jackie Gaines, City Secretary