



Expanding Horizons

CITY OF CONVERSE
CITY ADMINISTRATION

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**MINUTES
CITY OF CONVERSE
CITY COUNCIL MEETING
April 16, 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, April 16, 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.

Invocation by Donnie West, Church on the Rise.

3. PLEDGE OF ALLEGIANCE.

Mayor Suarez led the Pledge of Allegiance to the United States 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

Councilman Andy Selko, Place 3

Ms. Shawna D. Burkhart, City Manager

Mr. John Quintanilla, Assistant City Manager

Ms. Jackie Gaines, City Secretary

5. CONSENT AGENDA:

A. Approve Minutes of City Council Meeting on April 2, 2013.

B. Accept Parks & Recreation Commission Minutes for March 18, 2013 meeting.

C. Approve City Council Minutes of Joint Workshop with EDC of February 12, 2013.

D. Appoint Angela Branum as a Member of the Parks & Recreation Commission for a Two (2) Year Term Ending May 1, 2015.

E. Appoint Anthony C. Woods as a Member of the Parks & Recreation Commission for a Two (2) Year Term Ending May 1, 2015.

Mayor Pro Tem Pannell made a motion to approve consent agenda items 5A -5E. Councilwoman Paschall seconded the motion. The vote was unanimous. The motion carried.

6. SPECIAL CONSIDERATION ITEMS.

A. Recognition of Former Councilwoman Laura Beehler for her Years of Service on City Council and Beautification & Environmental Commission. (Mayor Suarez)

Mayor Suarez and the City Council presented Ms. Beehler with a plaque for serving as a City Council member and for serving on the Beautification and Environmental Commission. Ms. Beehler shared her gratitude and encouraged the citizens to volunteer and become active within the community.

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B. Recognition of Police Officer Ray Moehrig for his Twelve Years (12) of Service to the City of Converse. (Mayor Suarez)

Officer Ray Moehrig was unable to attend the meeting due to other obligations.

C. Proclamation #276 Designating April 17, 2013 as Don "Doc" Handley Day in the City of Converse, Texas. Mr. Don "Doc" Handley Served the Citizens of the City of Converse as a Volunteer on the Converse Police Academy Alumni for Twelve Years (12). (Mayor Suarez)

The City Council presented Don Handley with a Proclamation designating April 17, 2013 as "Don Handley Day" for his service to the Converse Citizen's Police Academy for twelve years. Chief Jamison spoke on the work and time Mr. Handley devoted to the Police Department and to the Converse Citizen's Police Academy Alumni Association.

D. Proclamation #277 Designating April 14th, 2013 to April 20th, 2013 as National Public Safety Tele-communicators Week in the City of Converse. (Mayor Suarez)

Mayor Suarez and the City Council presented Ms. Niemietz, Dispatch Supervisor, with a Proclamation in honor of National Public Safety Tele-communicators week. Ms. Niemietz accepted the Proclamation on behalf of the department and said she and her department enjoy working for the City of Converse and the many challenges dispatching brings each day.

E. Resolution of Thanks to Meritage Homes. (Councilman Brown)

The item was not ready for action and was deferred.

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.

-Celeste Morris, Arabian King- discussed transportation.

-Guadalupe Perez, Senior at Judson High School-discussed Project Graduation that will take place at Boysville June 5, 2013 and asked for support with security.

8. PUBLIC HEARINGS.

A. Public Hearing on a Request to Rezone a parcel of land located at 8537 FM 78, Converse Texas (CB 5071 E BLK, LOT 7, (Scarpulla Subdivision UT-4 (PID# 313123)). The property owner is requesting a change in zoning from the current B-3-Commercial District to B-4-Special Commercial District. The purpose of the rezoning request is to improve the ability to lease the property.

Mayor Suarez opened the Public Hearing at 7:19 PM and closed the Public Hearing at 7:20. No one came before Council to speak.

B. Public Hearing on a Request to amend Ordinance #728-Food Establishments and adding a NEW SECTION to Chapter 10-BUSINESSES, the section of the City of Converse Codification that regulates businesses. The purpose of this ordinance amendment is to define, permit and regulate mobile food establishments.

Mayor Suarez opened the Public Hearing at 7:21 PM.

Celeste Morris spoke on mobile vending.

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Mayor Suarez closed the Public Hearing at 7:22 PM.

- C. Public Hearing on a Request to Rezone a parcel of land located at 8960 FM 78, Converse Texas (CB 5071 P-6 (.151 AC) & P-37E (.039AC) (PID# 312806)). The property owner is requesting a change in zoning from the current B-2-Retail Business District to B-3-Commercial District. The purpose of the rezoning request is to operate an alcohol beverage store.**

Mayor Suarez opened the Public Hearing at 7:23 PM.

-Alex Garcia, property owner of 8960 FM 78, stated the building has been vacant for five months. He would like to develop the property for multi-use and will improve the property on the flood issues.

-Celeste Morris discussed alcohol beverage store and the proximity to the High School.

-Mario Montalvo, owner of adjacent property, is concerned with customers of the liquor store vandalizing his business.

Mayor Suarez closed the Public Hearing at 7:28 PM

9. OLD BUSINESS.

- A. Discussion and Appropriate Action to Approve a Request for Appropriate Action on a Request to Amend Two (2) Sections of City of Converse Ordinance #303-2013, an Ordinance that Establishes and Regulates the Parks & Recreation Commission. This Section of the City of Converse Code of Ordinance, namely Chapter 30-Parks & Recreation, Article II-Administration, Division II-Parks & Recreation Commission, Section 30-40 Establishment; Membership; Terms. (Second Reading) (City Manager)**

Ms. Burkhart stated the current writing of the ordinance reflects the Parks and Recreation Commission conducting Night In Ole Converse (NIOC) and the reason for the four year term was for continuity for NIOC. This amendment will reduce the term limit to two years and allow the Council to delegate the planning of NIOC.

Councilwoman Richel made a motion to approve the amendments to Ordinance 303-2013. Councilman Brown seconded the motion. The vote was unanimous. The motion carried.

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

Ms. Burkhart reported the budget amendment to the general fund includes four amendments. The increase of revenues of \$584.00 and expenditures is for the sell of scrap metal by the Street Division to be used for office supplies. The second amendment is for the contribution by Meritage Homes for stop signs, street signs and poles in the amount of \$1,650.00. The third amendment is addition/transfer in the amount of \$90,000.00 for estimated engineering costs for the 2013 projects. The last addition/transfer to the budget amendment is \$42,700.00 for the repair to the swimming pool.

Councilwoman Paschall made a motion to approve budget amendment 108C-2013. Mayor Pro Tem Pannell 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)**

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Mr. Quintanilla reported this ordinance reflects the fee schedule that is found on pages 2 through 4 that were left off when staff presented the Ordinance in November of 2012. Councilman Brown pointed out typos and asked for corrections to be made.

Mayor Pro Tem Pannell made a motion to approve Ordinance 620 as amended and correcting the typos. Councilman Brown 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 said that section II had a typo error that has been corrected from the ordinance Council previously approved.

Councilman Brown made a motion to approve Ordinance 313-2013A. Mayor Pro Tem Pannell seconded the motion. The vote was unanimous. The motion carried.

10. NEW BUSINESS.

A. Discussion and Appropriate Action to Appoint City Council Place 5 in accordance with City of Converse Charter, Article II, Section 2.04B. (Mayor Suarez)

Mayor Suarez reported four citizens have submitted a letter of interest for the vacant City Council Place 5 seat. Ms. Deborah James withdrew her letter. The three candidates are John Shadron, Joseph Guastella and Jorge Topete. Mayor Pro Tem Pannell nominated all three candidates for Place 5. City Council took a roll call vote for each candidate:

City Council took a vote for John Shadron as City Council Place 5 for the unexpired term. Mayor Suarez, Mayor Pro Tem Pannell and Councilwoman Paschall voted in favor of Mr. Shadron. Councilman Brown, Councilman Selko and Councilwoman Richel voted against Mr. Shadron. The vote was a tie. The motion failed.

City Council took a vote for Jorge Topete as City Council Place 5 for the unexpired term. Mayor Suarez, Mayor Pro Tem Pannell and Councilwoman Paschall voted in favor of Mr. Topete. Councilman Brown, Councilman Selko and Councilwoman Richel voted against Mr. Topete. The vote was a tie. The motion failed.

City Council took a vote for Joseph Guastella as City Council Place 5 for the unexpired term. The vote was unanimous to appoint Joseph Guastella as City Council Place 5. The motion carried.

Mr. Guastella thanked the City Council for the appointment and said he is humbled and honored.

B. Discussion and Appropriate Action on a Request to Approve Employee Health Insurance Plan for Fiscal 2014. (City Manager)

Ms. Burkhart gave a summary of the current health insurance plan benefit and asked to continue with the same health insurance plan. Mayor Suarez asked if the employees had concerns with the plan. Ms. Burkhart replied yes, the employees expressed concerns with the high deductible. The health reimbursement account (HRA) helps the employees to meet their deductibles. The flexible spending account helps to assist the employees for the portion they are responsible.

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Mr. Villemain, President of EBS, Incorporated, added that this plan idea has met the goals the City gave to him last plan year. The City has saved \$400,000 due to this plan.

Mayor Pro Tem Pannell made a motion to approve the employee health insurance plan for fiscal year 2014. Councilman Selko seconded the motion. The vote was unanimous. The motion carried.

C. Discussion and Appropriate Action to Approve the Acquisition of Three Parcels of Land Owned by the San Antonio River Authority. (City Manager)

Ms. Burkhart introduced Mr. Claude Harding and stated he will be giving a presentation by the San Antonio River Authority on a proposed financial plan for the sale of three parcels of land.

Mr. Claude Harding's presentation included a presentation of the three parcels. Tract A is 5.53 acres priced at \$22,000, Tract B is .31 acres priced at \$1,200 and Tract C is 14.44 acres priced at \$57,000. Tract C represents 30% of the appraised value (\$190,000) due to the proposed deed restriction for park purposes only. The loan amount is \$80,200.00 and interest of \$12,420.00 for a total of \$92,620.90. Terms of the agreement would be no down payment, a 5-year note with 5% interest. The first payment is due one year from the closing date.

Ms. Burkhart will present a budget amendment to the City Council before the first payment is due.

Councilwoman Paschall made a motion to acquire the three parcels of land owned by the San Antonio River Authority for the loan amount of \$80,200 with 5% interest and first payment due one year from the closing date. Mayor Pro Tem Pannell seconded the motion. The vote was 5 in favor and one opposition from Councilwoman Richel. The motion carried.

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

Mr. Quintanilla said this item was presented to the Planning and Zoning Commission and the members approved the final plat unanimously. The water issues will be addressed. Staff has met with the consulting and design engineers. Ms. Burkhart added that the secondary source of water has been resolved. They will be receive water from the Cimarron Well. Ms. Horne with Kimley-Horne and Associates, Inc. representing the property owner said the closing of the property will be within two weeks and the construction time is approximately one year.

Councilman Brown made a motion to approve the Toepperwein Market final plat #133. Mayor Pro Tem Pannell seconded the motion. The vote was unanimous. The motion carried.

E. Discussion and Appropriate Action to Approve a Request to Rezone a parcel of land located at 8537 FM 78, Converse Texas (CB 5071 E BLK, LOT 7, (Scarpulla Subdivision UT-4 (PID# 313123)). The property owner is requesting a change in zoning from the current B-3-Commercial District to B-4-Special Commercial District. The purpose of the rezoning request is to improve the ability to lease the property. (Assistant City Manager)

Mr. Quintanilla said the Planning and Zoning Commission met with the property owner at the Planning and Zoning meeting. The Commission voted 4-1 to deny the zoning request. Staff does not support the request.

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Councilwoman Paschall made a motion to disapprove the request for a rezoning of 8537 FM 78. Mayor Pro Tem Pannell seconded the motion. The vote was unanimous to disapprove the zoning request. The motion carried.

- F. Discussion and Appropriate Action on a Request to Rezone a parcel of land located at 8960 FM 78, Converse Texas (CB 5071 P-6(.151 AC) & P-37E(.039AC) (PID# 312806)). The property owner is requesting a change in zoning from the current B-2-Retail Business District to B-3-Commercial District. The purpose of the rezoning request is to operate an alcohol beverage store. (Assistant City Manager)**

Mr. Quintanilla said this location was brought before Council and received approval for a Special Use Permit for a transmission shop approximately 18 months ago. Mr. Quintanilla reported the Planning and Zoning Commission denied the request for rezoning unanimously. Staff has concerns with the septic tank; the city does not provide sewer service to this location and staff cannot determine a drain field for the septic tank. Staff feels this is not the highest and best use of the property. Discussions continued and included the distance from the High School would not be an issue and that changing the type of business would improve the aesthetics of the building.

Councilwoman Richel made a motion to approve the request to rezone from B-2 Retail to B-3 Commercial District. Councilwoman Paschall seconded the motion. The vote was 5 in favor and one opposition from Mayor Pro Tem Pannell. The motion carried.

- G. Discussion and Appropriate Action on a Request to Amend Ordinance #728-Food Establishments and adding a NEW SECTION to Chapter 10-BUSINESSES, the section of the City of Converse Codification that regulates businesses. The purpose of this ordinance amendment is to define, permit and regulate mobile food establishments. (First Reading) (Assistant City Manager)**

Mayor Pro Tem Pannell asked to table the item until more information and feedback can be established. Mayor Suarez deferred the item.

- H. Discussion and Appropriate Action on a Request to Approve a Contract for EMS Billing Collections Services with ABS INC. (City Manager) (Fire Chief)**

Ms. Burkhart and Chief Wendt spoke on pricing and service comparisons that were provided to the Council for three billing collection vendors. Chief Wendt added that his department has exceeded the capability to keep track of billing with the increase in runs and the demands with insurance and Medicaid regulations. The fee is 5% of funds collected. Staff recommended Ambulance Billing Systems. Mr. Ortiz approved the contract.

Councilwoman Richel made a motion to approve the Ambulance Billing Systems, Inc. contract for EMS billing services. Councilman Brown seconded the motion. The vote was unanimous. The motion carried.

- I. Discussion and Appropriate Action to Approve a Request for a Variance by the Property Owner from City of Converse Codification Section 50-138(f), the requirement that no storage shed shall be built within 5 of the property lines. The 12' X 12" storage shed has been set 2' from the property line at 9504 Misty Meadow (CB5063K BLK 2, Lot 31, MEADOW HILLS/CIMARRON VALLEY (PID#311592)), Converse, Texas 78109. (Assistant City Manager)**

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Mr. Quintanilla reported the Planning and Zoning Commission unanimously approved the variance for the storage shed. Mayor Suarez told Ms. Burkhart that the City Council gave the City Manager's office the authority to approve variances without City Council's decision.

Mayor Suarez said he would call for a vote since this item was placed on the agenda. Councilman Selko made a motion to approve the request for a variance for the 12X12 storage shed. Mayor Pro Tem Pannell seconded the motion. The vote was unanimous. The motion carried.

- J. Discussion and Appropriate Action to Approve a Request for a Variance by the Property Owner from City of Converse Codification Section 40-5, the requirement that no building be constructed, encroach upon or project into. The proposed 33' above ground pool is to be located at 8738 Gavel Gate (CB5062B BLK 18, Lot 23, MIRAMAR Unit 8A (PID 1129548)), Converse, Texas 78109. The purpose of this pool is to provide hydrotherapy. (Assistant City Manager)**

Mr. Quintanilla reported the Planning and Zoning Commission and staff recommends approval. Ms. Burkhart added that Stage II water restrictions only allow 8,000 gallons of water into a swimming pool. Additional water will have to be brought in from an outside source.

Councilman Brown made a motion to approve the variance for the swimming pool. Mayor Pro Tem Pannell seconded the motion. The vote was 5 in favor and one abstention from Councilman Selko. The motion carried.

- K. Presentation of Roadway Reclassifications Approved by the MPO and How the New Classifications Compare to the City of Converse Major Thoroughfare. (City Manager) (City Engineers)**

Ms. Johnson briefed the City Council with a presentation that included streets that were reclassified due to either increased traffic volume or the MPO added these streets to their plan. Three streets submitted for reclassification were not added to the MPO plan and will be reconsidered at the next 5-year cycle review (Copperway from Copperhurst to Thornton and 1604 two-way frontage roads). Streets reclassified are FM 1516, S. Seguin Road and Toepperwein Road-Judson to FM 1976. Street additions now eligible for federal funding in the future are Graytown Rd to IH 10 E, Citadel Peak, Gibbs Sprawl from FM 1976 to Toepperwein, Upper Seguin Rd, Ware-Seguin Rd, the extension of Citadel Peak from Lower Seguin to Rocket Lane and from Ware-Seguin to Graytown Rd., extension of Crestway from FM 1976 to existing stub-out northwest of FM 78, and from FM 1516 to Loop 1604. The next steps are to wait for direction from staff to update the Major Thoroughfare Plan (MTP) and bring to Council for approval.

- 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 thanked the City Manager and staff for the work on the marquee sign. Congressman Cuellar has an event Saturday, April 20th to meet with the citizens of Converse.

B. Councilmember's Reports/Items of Interest.

Mayor Pro Tem Pannell attended the funeral services for an employee that had passed. MPT Pannell

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also stated he has been working on a turn lane project in Rolling Creek Subdivision for a few weeks and was told that the lanes were painted, but the turn arrows were not painted as of tonight and asked the City Manager to check into this. A citizen came to MPT Pannell and made a request for the home at 105 D to be cleaned up. The location has many code violations and MPT Pannell made a request for volunteers to help clean up the yard at 105 Avenue D. The cleanup date is Saturday, April 27th at 9:00 AM.

Councilman Brown stated that on Friday April 18th, he will have a presentation of the responsibilities and duties of the Red Cross.

Mayor Suarez asked Ms. Burkhart to thank Mr. Hoppes for putting in a sidewalk on the vacant land on Toepperwein Road from Esplanade Gardens to Good Year Tire Company. CPS Energy installed lights on Toepperwein to the border of the Live Oak city limits .

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

1. CENTER POINT Energy 2013 Annual GRIP Adjustment.

Ms. Burkhart discussed the Center Point Energy Cost Adjustment. The current base charge per customer per month was \$15.28; the 2013 interim adjustment is \$1.61 per customer per month bringing the adjusted charge to \$16.89 per customer per month. The Lions Club will present the Library with a \$2,700 check Saturday, April 20th to be used for various projects. CVLGC will meet April 18, 2013 in Cibolo and the EDC will hold a special called meeting April 18, 2013.

12. EXECUTIVE SESSION.

Mayor Suarez called for a recess at 9:38 PM to convene into 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 Toepperwein Road Reconstruction Project. (Mayor Suarez) (City Attorney)**
- 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 final acceptance of Meadows Copperfield, Unit 6A. (Mayor Suarez) (City Attorney)**

13. RECONVENE TO OPEN SESSION.

Mayor Suarez reconvened the Open Session at 10:11 PM.

- A. 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)**

Councilman Selko made a motion to proceed as discussed in Executive Session. Councilwoman Richel seconded the motion. The vote was unanimous. The motion carried.

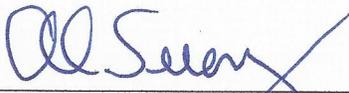
- B. Discussion and Appropriate Action in Accordance with Texas Open Meetings Act Section 551.071 regarding potential litigation related to final acceptance of Meadows Copperfield, Unit 6A. (Mayor Suarez)**

Mayor Suarez announced there was no action taken.

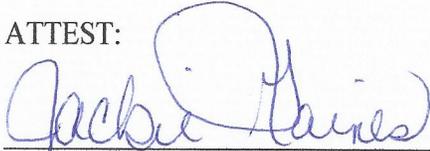
14. ADJOURNMENT.

Mayor Suarez adjourned the meeting at 10:11 PM.

PASSED AND APPROVED THIS 7TH DAY OF MAY, 2013.



Al Suarez, Mayor

ATTEST:


Jackie Gaines, City Secretary

