



*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  
September 17, 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, September 17, 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 Regular Meeting to order at 7:00 PM.

**2. INVOCATION.**

The invocation was led by Mayor Pro Tem, Randy Pannell.

**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  
Councilman Joe Guastella, Place 5  
Ms. Shawna D. Burkhart, City Manager  
Mr. Ray Ortiz, City Attorney

Councilwoman Kathy Richel, Place 1  
Mayor Pro Tem Randy Pannell, Place 4  
Councilman Steve Brown, Place 6  
Mr. John Quintanilla, Assistant City Manager  
Ms. Holly Nagy, City Secretary

**5. CONSENT AGENDA.**

- A. Receive Minutes of the Parks & Recreation Commission Meeting on July 8, 2013.**
- B. Receive Minutes of the Economic Development Corporation Meeting on July 15, 2013.**
- C. Approve Minutes of City Council Meeting on August 20, 2013.**

Councilwoman Paschall asked to pull Item B from the Consent Agenda.  
Councilman Brown asked to pull Item C from the Consent Agenda.

Councilman Richel made a motion to approve Item A, Councilwoman Paschall seconded the motion. The vote was unanimous. The motion carried.

Item B- Councilwoman Paschall stated that in the EDC Minutes- Pg. 4 liaison report it should be amended to say the Councils priority at that time is the budget.

Councilman Brown made a motion to approve the Minutes as amended. Councilman Guastella seconded the motion. The vote was unanimous. The motion carried.

Item C- Councilman Brown stated that the City Council minutes of September 3, 2013 Pg. 3 Section B Paragraph 3 should be amended to say that Councilman Brown challenged all Mayoral Candidates to a Townhall style debate.

Mayor Pro Tem Pannell made a motion to approve the Minutes as amended. Councilman Guastella seconded the motion. The vote was unanimous. The motion carried.

**6. SPECIAL CONSIDERATION ITEMS.**

**A. Recognition of Mr. Carlos Cardec, Fire Department Lieutenant, for his Five (5) Years of Service.**

Mr. Cardec received special recognition from Mayor Suarez and the City Council for his five (5) years of service to the City of Converse and was given a certificate of appreciation.

**B. Recognition of Mr. Anthony Clary, Police Department, for his Five (5) Years of Service.**

Mr. Clary received special recognition from Mayor Suarez and the City Council for his five (5) years of service to the City of Converse and was given a certificate of appreciation.

**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.

Ms. Michelle Stout of 8207 Brisbane, Converse - had an issue involving the actions of the Converse Police Department and the treatment of an injured dog. Ms. Stout suggested having an Animal Control Officer available for all animal related calls.

Mr. Jim Sherman requests the council to carefully consider Item 10G. Judson wouldn't approve such requests from citizens.

Mr. Jose Perez 9202 Shadow long Circle, Converse – Propose to use the property for up to 14 months only. Church is after business hours only, would like to build a church in Converse.

Ms. Misty Suarez of 10211 South Creek, Converse- Stated for the record that the concern wasn't that certain council members should or shouldn't be allowed to pay property taxes but rather that the concern is neither member understand the burden it would place on many residents.

**8. PUBLIC HEARINGS**

**A. Public Hearing on the City of Converse Fiscal Year 2013/2014 Budget.**

City Manager Shawna Burkhart gave a presentation on the Fiscal Year 2013/2014 Budget.

- General Fund assumptions- based the budget on use of tax rate .606675 same as current fiscal year
- Decrease to proposed tax rate would require a decrease to the budget.
- General Fund- SARA Properties for Park Lands.
- Priority for budget to improve pay for city employees.
- Merger of titles.
- Cost of Living at 2%
- Unallocated balance \$33,220

Discussion ensued regarding various funds and priorities.

- B. Public Hearing on a Request for a Special Use Permit (SUP) on a parcel of land located at 9150 FM 78, Converse, Texas within Legal Description: CB 5063H BLK 2 LOT 1 THRU 4, PID# 311394. The property owner is requesting a Special Use Permit (SUP) to allow for the operation of a house of worship. This property is currently zone I-1, Light Industrial District.**

Mr. Jim Sherman- This would be a tax income loss, property is zoned I1 and feels place is inappropriate for a church.

Ms. Marilyn Wallace- Respectfully asks in the future say a little about the location so residents can better locate where a property is.

**9. OLD BUSINESS.**

None.

**10. NEW BUSINESS.**

- A. Discussion and Appropriate Action to Approve the City of Converse Compensation System Design Supplemental Report.**

- Titles were evaluated and full comprehensive review done and duplicates merged.
- Original report done in March 2011.
- Pay grade changes only.
- Longevity is now rolled into base rate.

Councilman Guastella made a motion to approve the Compensation System Design Supplemental Report Councilwoman Paschall seconded the motion. The motion carried.

- B. Discussion and Appropriate Action to Approve the City of Converse Ordinance #108-2013; An Ordinance Providing Funds for the Fiscal Year Beginning October 1, 2013 and Ending September 30, 2014, by Approving and Setting Aside the Necessary Funds Out of the General Fund and Other Revenues of the City of Converse for Fiscal Year 2013-2014 for the Maintenance and Operations of the Various Departments, Capital Projects, Payments to Debt Service Needs for the 2013-2014 Fiscal Year. (First Reading)(City Manager)**

- Mayor proposed using Townsquare/CEID fund money to buy down tax rate.
- 2008 some Townsquare revenue used for drainage project in front of Townsquare.
- Without adjusting budget downward, City will have to increase tax rate next year or supplement with sales tax.
- Past 3 months seeing decline in sales tax that goes into the general fund.
- One capital project- SARA Project.
- Any increase in valuation that allows your effective rate to drop is to be considered an increase. Required by state law to make that statement and the increase is solely based on increase in valuation.

Councilman Brown made a motion to approve Ordinance # 108-2013 Mayor Pro Tem Pannell seconded the motion and asked for a roll call vote. The motion passed unanimously with the votes of Council members Brown, Richel, Paschall, Guastella, Pannell and Mayor Suarez.

**C. Discussion and Appropriate Action to Approve City of Converse Ordinance #201-2013; An Ordinance of the City of Converse Levying the Ad Valorem Taxes for the 2013-2014 Fiscal Year at a Rate of \$0.606675 per \$100 Assessed Valuation on All Taxable Property Within the Corporate Limits of the City of Converse as of January 1, 2014, to Provide Revenue for the Maintenance and Operations and Debt Service Needs for the 2013-2014 Fiscal Year. (First Reading) (City Manager)**

- Tax rate presentation 2013-2014 Fiscal Year.
- Effective tax rate for 2014 = .599249 is the tax rate it would take to generate same amount of revenue that the city brought in to the general fund through property tax. Not including additional values for new properties.
- Rate itself will not change, but does affect the properties that have increased in value. Effect may change per property based on ones property increasing.
- When you decrease the M&O portion of tax rate but have an expansion of growth in the community when services such as additional Police Officers, Fire Fighters, etc. are affected.

Councilman Guastella made a motion to approve Ordinance # 201-2013 Mayor Pro Tem Pannell seconded the motion and asked for a roll call vote. The motion passed with the votes of Council members Brown, Richel, Paschall, Guastella, and Pannell all in favor and Mayor Suarez against. 5:1

**D. Discussion and Appropriate Action to Approve Resolution # 689, a Resolution of the City of Converse City Council Approving a Balanced Budget for the City of Converse Economic Development Corporation for Fiscal Year 2014 as \$1,028,265 for revenues and \$1,028,625 for expenditures and adopting and anticipates end of year fund balance for FY 2014 as \$2,058,066.00. (City Manager)(Economic Development Executive Director)**

- Approved unanimously by EDC Board on September 10, 2013.

Councilwoman Paschall made a motion to approve Resolution #689. Mayor Pro Tem Pannell seconded the motion. The vote was unanimous. The motion carried.

**E. Discussion and Appropriate Action to Approve Financials and Investment Reports through June, 2013. (City Manager)(Finance Director)**

- General Fund
- 79% Collected = \$7.7 mil.
- 63% Expenditures = \$6.1 mil.
- \$1.5 mil balance- Property taxes collected in January. The \$1.5 mil balance will be used for remaining expenditures for the rest of the calendar year. A few projects still haven't been paid for.
- Utility Fund
- Collected =\$5.3 mil.
- Expenditures= \$4.7 mil.
- \$567k includes impact fee revenue collect balance = \$314k

Mayor Pro Tem Pannell made a motion to approve the Financials and Investment Reports through June 2013. Councilwoman Paschall seconded the motion. The vote was unanimous. The motion carried.

**F. Discussion and Appropriate Action to Approve Resolution #688, a Resolution to Review and Approve the City of Converse Investment Policy. (City Manager) (Finance Director)**

- Public Funds Investment Act-original act approved in 1987.
- Council required to review Act annually.
- Same as last year, only exception is extending the type of training as TML is limited in number of classes held.

- Required for audit.

Mayor Pro Tem Pannell made a motion to approve Resolution #688, a Resolution to review and approve the City of Converse Investment Policy. Councilwoman Paschall seconded the motion. The vote was unanimous. The motion carried.

**G. Discussion and Appropriate Action to Approve a Request from the Judson School District (JISD) to Approve Waiver of Penalty & Interest on Ad Valorem Taxes owed. (City Manager)**

- City received request from JISD.
- Property is for a future elementary school.
- Asking for waiver for penalty fees.
- \$153.30 = Past due
- \$383.27 = Interest charges
- \$362.82 = Penalty
- Asking for reimbursement.

Mayor Pro Tem Pannell made a motion to approve the request from JSID for a waiver of penalty and interest fees for taxes owed. Councilwoman Paschall seconded the motion. The motion passed 4:2.

**H. Discussion and Appropriate Action on a Request to Amend Ordinance 702, Section (Chapter 46-Utilities, Article IV, Water, Division-Water Conservation, Subdivision III. Water Drought-Emergency Declarations, Section 46-Utilities 191 through 46-195), the City of Converse ordinance that mandates water conservation measures during drought stages. (City Manager) (Director of Utilities)**

- Change Stage Restrictions from EAA (Edwards Aquifer Authority) from SAWS (San Antonio Water System).
- Major change from April 2011. Originally amended Ordinance to follow SAWS standards.
- SAWS has reserves that keep them out of Stage 3 longer. Converse does not.
- Counsel added penalty section.
- Meter replacement-anticipated timeframe 1 budget year
- Financial impact would only be for high water consumption.
- Fix leaks ASAP to prevent excessive water consumption charges.

Mayor Pro Tem Pannell made a motion to approve a request to amend Ordinance 702, Section 46- 191-195). Councilwoman Paschall seconded the motion. The vote was unanimous. The motion carried.

**I. Discussion and Appropriate Action to Set the Date, Time and Location for "Meet the Candidates." (City Manager)**

- October 14, 2013 at 7 PM.
- Assistance needed finding moderator for event.

Mayor Pro Tem Pannell made a motion to set the date, time and location for "Meet the Candidates", Councilman Brown seconded the motion. The vote was unanimous. The motion carried.

**J. Discussion and Appropriate Action on a Request to Approve Change Order #1 to the ELM STREET 2012 CDBG Project with HAYDEN PAVING, INC., in the amount of \$25,767.93 the Contract Amount will increase from \$103,071.71 to \$128,839.62 and provides for the construction of specified sidewalks and driveways within the ELM STREET 2012 CDBG Project. (Assistant City Manager)**

- \$8,060.67= 194 square yards of sidewalk.
- \$17,707.06= All driveways on Elm Drive.

- Bexar County has additional funds available to be used for this project. (\$25,000)
- Complete sidewalk = \$35,000 therefore only partial being done.

Councilwoman Paschall made a motion to approve change order #1 to the Elm Street 2012 CDBG Project; Mayor Pro Tem Pannell seconded the motion. The vote was unanimous. The motion carried.

**K. Discussion and Appropriate Action on a Request to Approve a Special Use Permit (SUP) on a parcel of land located at 9150 FM 78 7, Converse, Texas within Legal Description: CB 5063H BLK 2 LOT 1 THRU 4, PID # 311394. The property owner is requesting a Special Use Permit (SUP) to allow for the operation of a house of worship. This property is currently zone I-1, Light Industrial District. (Assistant City Manager)**

- 140 congregants. Services are after business hours
- Temporary asking for 12 month no more than 14 month SUP
- P&Z Approved
- In talks with Mr. Quintanilla about building a 5000 sqft church

Councilman Brown made a motion to approve a Special Use Permit for 9150 FM 78; Mayor Pro Tem Pannell seconded the motion. The motion carried. 5:1

**L. Discussion and Appropriate Action on a Request to Approve Final Acceptance of MEADOWS of COPPERFIELD UNIT 6 (Assistant City Manager) (City Engineer)**

- All essential items completed.

Councilman Brown made a motion to approve final acceptance of Meadows of Copperfield Unit 6; Mayor Pro Tem Pannell seconded the motion. The vote was unanimous. The motion carried.

**M. Discussion and Appropriate Action on a Request to Approve Final Acceptance of MIRAMAR UNIT 8 "C" (Assistant City Manager) (City Engineer)**

- All essential items completed.

Councilwoman Paschall made a motion to approve final acceptance of Miramar Unit 8 "C"; Mayor Pro Tem Pannell seconded the motion. The vote was unanimous. The motion carried.

**N. Discussion and Appropriate Action on a Request to Approve Final Acceptance of MIRAMAR UNIT 9 (Assistant City Manager) (City Engineer)**

- All essential items completed.

Mayor Pro Tem Pannell made a motion to approve final acceptance of Miramar Unit 9; Councilwoman Paschall seconded the motion. The vote was unanimous. The motion carried.

**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.**

- Leasing water from Live Oak 350 acre feet.
- Magnetic political signs are allowed on vehicles parked on city property as long as you are conducting

business at the location. (paying water bill, etc.)

**B. Councilmember's Reports/Items of Interest.**

Mayor Pro Tem- Pannell –

- Address grass growing in streets
- Address city vehicles left running on city property
- Suggested notifying residents of rate increases on bottom of water bills
- Go Green- concerned about waste of paper for council packets
- Employees need training for answering phones

Councilwoman Paschall-

- Required to have 10 hours of training
- 2 hours budget training
- Other 8 hours various training
- Would like training brochures reproduced into council packets
- Requested annual EOO report to see demographics of applicants
- Mr. Ortiz stated that he will review to see if the city can ask if applicants want to provide information relating to race, sex, and religion
- EEOC controls investigations and reports on demographics of applicants

Councilman Brown-

- Requesting House Bill 2414 on the agenda
- JYSF kick -off of 2013/2014 football season, why weren't the rest of council invited
- Submitted for record proof of disabled veteran status

Councilman Guastella-

- Requested the format for Meet the Candidates be reviewed.

**C. City Commission Liaison Reports.**

- Councilman Guastella reported the Parks and Recreation Commission had no liaison present, discussion was on JYSF contract.
- Mayor Pro Tem Pannell- Planning & Zoning no action has been taken.
- Ms. Burkhart CVLGC- Sept. 26 at 9:00 AM in Schertz, visitors are welcome.

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

- Vacation request: October 4-13, 2013.
- Preparing for audit.

**12. EXECUTIVE SESSION- (Entered 10:05 PM)**

- A. Executive Session in Accordance with Texas Open Meetings Act Section 551.074, Personnel Matters. Closed Meeting. To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee- City Manager's Annual Evaluation. (Mayor) Personnel matters to deliberate the evaluation of the City Manager.**
- B. 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 is an open meeting would have a detrimental effect on the position of the governmental body in negotiation with a third person [Water Resources]. (Mayor Suarez) (City Manager).

**13. RECONVENE TO OPEN SESSION-(Reconvened 10:38 PM)**

- A. Executive Session in Accordance with Texas Open Meetings Act Section 551.074, PERSONAL MATTERS; CLOSED MEETING. To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee- City Manager's Annual Evaluation. Personnel matters to deliberate the evaluation of the City Manager. (Mayor)**

Councilman Brown made a motion to go with version 2 as selected by council members; Councilman Guastella seconded the motion. The vote was unanimous. The motion carried.

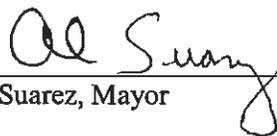
- B. Executive Session in Accordance with Section 551.072, Texas Open Meetings Act, DELIBERATION REGARDING REAL PROPERTY; CLOSED MEETING. A governmental body may conduct a closed meeting to deliberate the purchase, exchange, lease or value of real property if deliberation is an open meeting would have a detrimental effect on the position of the governmental body in negotiation with a third person [Water Resources]. (Mayor Suarez) (City Manager).**

Mayor Pro Tem Pannell made a motion to approve with a cap not to exceed \$25,000 as discussed in executive session; Councilwoman Paschall seconded the motion. The vote was unanimous. The motion carried.

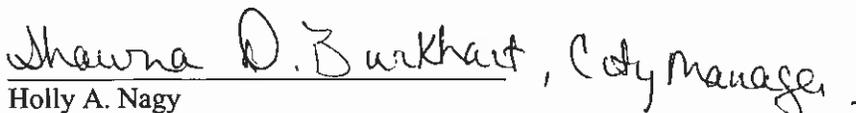
**13. ADJOURNMENT.**

Mayor Suarez adjourned the meeting at 10:40 PM.

**PASSED AND APPROVED THIS 15<sup>th</sup> DAY OF October, 2013.**

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

ATTEST:

  
\_\_\_\_\_  
Shawna D. Burkhardt, City Manager  
Holly A. Nagy  
City Secretary