CONVERSE TEXAS Expanding Horizons

CITY OF CONVERSE
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AMENDED
MINUTES
CITY OF CONVERSE
CITY COUNCIL MEETING
MARCH 18, 2014 - 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, March 18, 2014 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 Ms. Kate Silvas

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 Rick Davis, Place 5
   Mr. Felix Arambula, City Attorney
   Ms. Shawna Burkhart, City Manager
   Ms. Holly Nagy, City Secretary
   Councilwoman Kathy Richel, Place 1
   Councilwoman Deborah James, Place 3
   Councilman Jon Lindgren, Place 4
   Councilman Steve Brown, Place 6
   Mr. John Quintanilla, Assistant City Manager

5. **CONSENT AGENDA:**

   A. **Approve Minutes of City Council Meeting of March 4, 2014.**
   Councilwoman Paschall pulled Item 5A.

Councilman Paschall: Page 5 of 10 Item B: Correction- Councilwoman Paschall abstained from voting for Mr. Beehler as she previously received a non-monetary gift from him and voting for Mr. Beehler would be a conflict of interest.

Councilwoman James: Page 5 of 10 Item G. Councilwoman James would like the minutes to reflect that she accepted Councilman Brown's proposed compromise for the silencing of cell phones during council meetings.

Councilwoman Paschall made a motion to approve the March 4, 2014 minutes as amended; councilwoman Richel seconded the motion. Motion was unanimous.

6. 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.

-Mr. Jeff Beehler
- Mr. Beehler wanted to clarify that the non-monetary gift Councilwoman Paschall is referring to is a partial bottle of liquor meant for Councilwoman Paschall's husband. Not specifically for Councilwoman Paschall.

-Mr. Charles Chaplin
- Client petitioning for Zoning Change.

-Mr. Andy Herrera
- Owner of Lone Star Car Wash
- Agreed to Zoning Change for church, Mr. Herrera doesn't want a bar or a liquor store opening up beside him.
- Would be more open to change if there was a definite idea of what would go there.

- Ms. Rosa Gary
- Applied to be a part of the Economic Development Commission.
- Missed meeting due to spring break, doesn't want absence to represent interest.

- Mr. Robert Raney
- Great response from Code Enforcement officer and animal control.

-Mr. Rudy Museralli
- Owns business and would like to see his business reflected on the City website.
- Brush and refuge collection portion of site does not work.

- Ms. Melissa Youngblood
- Issues with code compliance and complaints made about her property.

- Mr. George Riaz
- President of neighborhood watch.
- Only police have names and addresses of neighborhood watch volunteers.
- Concerned about children playing basketball in the street, afraid someone will get hurt.

7. PUBLIC HEARING: (Entered 7:23 PM)

A. Public Hearing on a Request to Approve a Rezoning Request by the Property Owner of several parcels of land located adjacent to FM 78 and Center Street, namely:

1. CB 5063M, BLK 1 LOT SW IRR 174.77 FT of LOT 4 JUDSON SQUARE COM'L SUBD.
2. CB 5063M, BLK 1 LOT 11 (Converse Town Square)
3. CB 5063M, BLK 2 LOT 1 (Converse Town Square)
4. CB 5063M, BLK 2 LOT 3 (Converse Town Square)

The property owner is requesting a Rezoning from the current B-2, Retail District to B-3, Commercial District to allow for the development of various uses permitted within the B-3 Commercial District designation in order to broaden the marketability of the property.

Mr. Charles Chaplin- Realtor was present on behalf of his client.

- Client petitioning for zoning change.
- Same class of zoning as across the street.
- Converse is growing and to be able to remain competitive with other areas the zoning would need to be changed for this property.

Closed: 7:28 PM.

8. **NEW BUSINESS:**

A. Discussion and Appropriate Action on a Request to Approve a Rezoning Request by the Property Owner of on several parcels of land located adjacent to FM 78 and Center Street, namely:

1. **CB 5063M, BLK 1 LOT SW IRR 174.77 FT of LOT 4 JUDSON SQUARE COM'L SUBD.**
2. **CB 5063M, BLK 1 LOT 11 (Converse Town Square)**
3. **CB 5063M, BLK 2 LOT 1 (Converse Town Square)**
4. **CB 5063M, BLK 2 LOT 3 (Converse Town Square)**

The property owner is requesting a Rezoning from the current B-2, Retail District to B-3, Commercial District to allow for the development of various uses permitted within the B-3 Commercial District designation in order to broaden the marketability of the property. (City Manager)

Mr. Charles Chaplin- Realtor was present on behalf of his client.

- Mr. John Quintanilla-

- Have been trying to sell this parcel for 5 years with no luck.
- Staff supports zoning change and such change would help promote business to increase tax base.
- Received unanimous support of the Planning & Zoning Committee.

- Mr. Charles Chaplin-

- With zoning change, there is potential for the property.
- 80% of Converse Residents travel outside of city limits to do their shopping.
- Presentation ensued.

Councilman Davis asked if the city has control over what kinds of businesses occupy the space; Ms. Burkhart stated that outside of the platting process the city has no jurisdiction over the type of business as long as it's in the permitable B-3 list of businesses.

Councilwoman Paschall made a motion to consider the recommendation of the Planning & Zoning Committee, Councilman Brown seconded the motion. Councilmembers Davis and Richel against. Motion passed **(5:2)**

B. Update on Strategic Planning Process.

- **Mayor Suarez**
  - March 29, 2014 Strategic Planning Workshop for Council 10 AM-2 PM
  - Imperative that the City Manager is present at the meeting.

C. Discussion of Team Building Training.

- **Mayor Suarez**
  - Mat Matecko & James Vinci will facilitate.
  - 2 full Saturdays or 2 evenings off-site.
  - More specifics will come at a later date.
  - Consensus of Council- agreeable.

D. Action to Approve January 2014 Financials & Investment Report.

- **Ms. Le Ann Piatt**
  - 1/3 through the year.
  - Revenues 2.8 Mil over expenses at this time.
  - Ad Valorem Tax collected in January.
  - Utility Fund
  - Revenue at 34 % some of the funds restricted.
    - Utility Impact Fees
    - Debt Payments. = $262,000
  - Expenses at 32%
  - Investment Report included.

E. Discussion of status of the rewriting of the building permit fees for minor plumbing, electrical, and roofing repairs.

- **Councilwoman Paschall**
  - Concerned about the fee to fix a minor repair.
- **City Manager**
  - Challenge that will be presented at the Strategic Planning Workshop.
  - 2 Inspectors- 125 inspections a week.
  - Permit fees are in alignment with other cities.
- **Councilman Davis**
  - Converse Building Permit fees are cheaper than surrounding areas.

F. Discussion and Appropriate Action to Appoint Chief Rick Jamison of Converse Police Department to the Economic Development Corporation Board of Directors.

- **Mayor Suarez**
  - Perfect pick, lives in the city, has been the Police Chief for years and is a valuable asset.
- **-Chief Jamison**
  - Asking to come on the board as a resident, not as the Police Chief.
- **-Kate Silvas**
  - 2 remaining vacancies to fill.
  - received several applications.

Councilwoman Richel made a motion to appoint Chief Rick Jamison to the EDC Board of Directors, Councilwoman James seconded. The motion was unanimous.

G. Discussion on the MPO Project costs incurred to date.

- Discussion ensued regarding the necessary bond issuance.
- If not bonded city could possibly be charged environmental costs.
- Imperative to bring back $3.2 mil Certificate of Obligation for MPO project.
- $3.2 mil would include Union Pacific relocation and submersible pump.
- Discussion ensued regarding other possible projects.
- Councilman Lindgren questioned if future maintenance costs would be the responsibility of the City.
- Ms. Burkhart
  - TxDOT suggested road resurfacing and the bridge for the railroad trellis (Old Cimmaron Trail) the city can apply for bridge funds.
  - $1.2 mil would need to be financed by the Economic Development Commission.
  - Councilman Brown suggested making another presentation to the entire EDC Board to explain the details.

H. Appointment of a CVLGC Board Member for the City of Converse for Term ending September 30, 2016.

- 2 voting members and an ex-officio.
- Mr. Bob Browning is a member; Councilman Brown is ex-officio.

Councilwoman James nominated Councilman Lindgren, Councilwoman Paschall seconded the motion. The motion passed. Mayor Suarez against. **(6:1)**

I. Discussion and Appropriate Action on Request For Proposal (RFP) for a Health Insurance Broker and Third Party Adjuster (TPA).

- Mr. Rudd was unavailable due to a family emergency.

Councilman Brown made a motion authorizing the Broker to issue an RFP for health insurance services. Councilwoman Paschall seconded the motion. The motion passed unanimously.

J. **Discussion and Appropriate Action Under General Provisions of the Converse Code of Ordinances Section 1-3 definitions of Terms the word "Shall" Change the definition of "Shall" from : "Shall" The term "Shall" is always mandatory and not merely directory. Change to: "Shall" The term "Shall is always mandatory.**

Councilman Brown-
- The word shall is not directory but mandatory.
- Thinks definition should align with the State Law.

Mr. Arambula-
- Thinks there was a typo it may have meant not merely discretionary.
- Up to Council to decide if it needs amended.

Councilman Brown made a motion to rewrite Converse Code of Ordinances: Section 1-3 Definitions to change the definition of the word "Shall". Councilman Lindgren seconded the motion. The motion passed with Mayor Suarez against. **(6:5)**

K. **Discussion & Appropriate Action to amend a portion of Ordinance 2-46 Paragraph (B) Agendas: Current reading: The Mayor may defer items for later agendas if it is determined that items submitted would constitute an unmanageable workload for the City Council. The Mayor is authorized to approve requests to withdraw items from the agenda that are not ready for Council consideration. The Mayor shall inform the City Council of his approval to withdraw the item when it becomes the next issue to be considered during the meeting.**

- Councilman Brown requested this item to be pulled as it is a duplicate of Item L.

L. **Discussion & Appropriate Action to amend a portion of Ordinance 2-46 Paragraph (B) Agendas: (Add to Ordinance): The Mayor may defer items for later agendas if it is determined that items submitted would constitute an unmanageable workload for the City Council. The Mayor is authorized to approve requests to withdraw items from the agenda that are not ready for Council consideration. The Mayor shall inform the City Council of his approval to withdraw the item when it becomes the next issue to be considered during the meeting. (ADDITION) In the event the Mayor removes an item from the agenda the Mayor or his designee shall notify the sponsor(s) prior to the final agenda's release.**

- **Councilman Brown**
  - Would like to add that the person who added an agenda item be notified by email if an item is being removed prior to the final release of the agenda.

- **Mayor Suarez**
  - It was asked in a workshop that everyone be notified when items are pulled. The only time an item is removed is for an unmanageable workload.

- Discussion ensued regarding timelines for draft agenda and final agenda releases to Council members.

Councilman Brown made a motion to amend a portion of Ordinance 2-46 Paragraph B- adding that a sponsoring councilmember be notified upon removal of their agenda item. Councilwoman James seconded the motion. The motion passed, with Mayor Suarez against. **(6:1)**

M. Discussion and Appropriate Action on a request to establish an Ethics Review Board in Accordance with Article 3- General Provisions Section 8.01 Boards, Committees, Commissions, of the City of Converse Charter. The Purpose of the ethics Review board shall be to develop a City Ordinance for a Code of Ethics.

- Councilwoman James
- Would like to establish Ethics Commission.
- Post Commission openings on digital marquee and website.
- 2 week posting with applications being reviewed at the end of April.

Councilwoman James, Councilwoman Paschall seconded the motion, the motion was unanimous.

9. **CITY COUNCIL & MANAGER 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.

- Northpark Lighting
- Donations for City parks.

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

- Ms. Nagy gave presentation on new Code Compliance page on website.

C. Councilmember's Reports/Items of Interest

- Councilman Brown
- Planning & Zoning Liaison
  - Rezoning request.
  - 4 variance requests.
  - KB Homes will now be sending a representative for each variance request.
  - City Engineer expressed concerns about some drainage issues along Kitty Hawk.
  - EDC
  - Vice President vacancy has been tabled to review more applicants.
  - Board President Mr. Gilbert has been asked to start attending the City Council meetings.

- Ms. Burkhart
  - CVLGC meeting on May 27, 2014 at 9 AM being held in Cibolo. Further information and agendas will be sent at a later time.

- Councilwoman James
  - Eventually would like to see a City animal shelter in Converse for the abandoned animals.
  - Ms. Burkhart this is being discussed through the Strategic Planning process.

- Councilwoman Richel
  - Concerned about abandoned vehicles in her neighborhood.

- Councilman Brown
  - April 3-5 Small Town Resolution Conference in Nacogdoches.
  - Councilman Brown will be out of state from April 16, 2014 to April 23, 2014.

- Would like to see the Beautification & Environmental Committee started back up.
- Councilwoman James offered to sit on Parks and Recreation Committee.

- Mayor Suarez

- Thanks to Police Dept. and Fire Dept. for doing an outstanding job.
- Comments made in the Herald by Councilman Brown regarding the City Manager are not endorsed by the City of Converse or the Mayor, and is Councilman Brown's personal opinion.

10. EXECUTIVE SESSION (Entered 9:53 PM)

A. Executive Session in Accordance with Texas Open Meetings Act Section 551.071 CONSULTATION WITH ATTORNEY. CLOSED MEETING. Impact Fees (City Manager) (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 the Cibolo Valley Local Government Corporation (CVLGC) Project. (Mayor Suarez) (City Attorney) (City Manager)

C. Executive Session in Accordance with Texas Open Meetings Act Section 551.071. CONSULTATION WITH CITY ATTORNEY; CLOSED MEETING. Consultation with City Attorney regarding litigation related to Toepperwein Road Reconstruction Project. (Mayor Suarez) (City Attorney) (City Manager)

D. Executive Session in Accordance with the Texas Open Meetings Act Section 551.074. PERSONNEL MATTERS; CLOSED MEETING. To deliberate and take appropriate action regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee. - City Manager (Councilman Lindgren) (Councilwoman Paschall)

11. RECONVENE TO OPEN SESSION (Returned 12:05 AM)

A. Discussion and Appropriate Action regarding Executive Session in Accordance with Texas Open Meetings Act Section 551.071 CONSULTATION WITH ATTORNEY. CLOSED MEETING. Impact Fees (City Manager) (City Attorney).

- No Action required at this time.

B. Discussion and Appropriate Action regarding Executive Session in Accordance with Texas Open Meetings Act Section 551.071. CONSULTATION WITH CITY ATTORNEY; CLOSED MEETING. Consultation with City Attorney regarding the Cibolo Valley Local Government Corporation (CVLGC) Project. (Mayor Suarez) (City Attorney) (City Manager)

- No Action required at this time.

C. Discussion and Appropriate Action regarding Executive Session in Accordance with Texas Open Meetings Act Section 551.071. CONSULTATION WITH CITY ATTORNEY; CLOSED MEETING. Consultation with City Attorney regarding litigation related to Toepperwein Road Reconstruction Project. (Mayor Suarez) (City Attorney) (City Manager)

- No Action required at this time.

D. Discussion and Appropriate Action regarding Executive Session in Accordance with the Texas Open Meetings Act Section 551.074. PERSONNEL MATTERS; CLOSED MEETING. To deliberate and take appropriate action regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee. - City Manager (Councilman Lindgren) (Councilwoman Paschall)

- No Action required at this time.

12. ADJOURNMENT.

Mayor Suarez adjourned the meeting at 12:06 AM.

PASSED AND APPROVED THIS 6th DAY OF MAY, 2014.

Al Suarez, Mayor

ATTEST:

Holly A. Nagy
City Secretary