

City Council Minutes – 8/28/07

CITY OF CONVERSE
CITY COUNCIL MEETING
MINUTES OF AUGUST 28, 2007
7:00 PM

The City Council of the City Of Converse met in a special meeting at the Converse Municipal Complex on Tuesday, August 28, 2007 at 7:00 PM to discuss various items on the agenda. The following were present:

Mayor Al Suarez	Mayor Pro Tem Scott Jauregui, Place 4
Councilwoman Nancy Bazany, Place 1	Councilwoman Robin Benbrook, Place 2
Councilman Billy Schindler, Place 3	Councilwoman Gloria Weers, Place 6
Mr. Sam Hughes, City Manager	Ms. Laura Arens, Assistant City Manager (arrived at 7:13 PM)
Mr. Rick Jamison, Police Chief	Mr. Richard Wendt, Fire/EMS Chief
Mr. Jerry Wilson, Finance Director	Mr. Mark Luft, COC EDC Exe. Director (arrived at 7:13 PM)
Mr. Ray Ortiz, City Attorney	Ms. Penny Hieronymus, City Secretary

{Tape 1, Side A}

1. Call City Council Meeting to Order

At approximately 7:00 PM, Mayor Suarez called the meeting to order.

2. Invocation by Pastor Dennis Thompson, New Hope United Methodist Church

Pastor Thompson gave the invocation.

3. Pledge of Allegiance

Mayor Suarez led all those present in the Pledge of Allegiance.

4. Roll Call and Recognition of Visitors

Mayor Suarez asked the record to reflect that Councilman Uballe was absent.

5. Consent Agenda. All of the following Items May Be Acted Upon By One Motion. No Separate Discussion or Action on Any of the Items Is Necessary Unless Desired By A Council Member

A. None

Mayor Suarez stated there was no "Consent Agenda".

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.

Mayor Suarez stated there were no "Citizens To Be Heard".

7. Special Consideration Items

A. None

Mayor Suarez stated there were no "Special Consideration Items".

8. Public Hearings

A. Public Hearing on the City of Converse Fiscal Year 2007-2008 Municipal Budget and Program of Services

At approximately 7:05 PM, Mayor Suarez opened the public hearing.

City Council Minutes – 8/28/07

At this time, there were no visitors to speak.

At approximately 7:05 ½ PM, Mayor Suarez closed the public hearing.

- B. Public Hearing on the Proposal to Increase Total Tax Revenues from Properties on the Tax Roll in the Preceding Tax Year by 7.45 Percent (Percentage by which proposed tax rate exceeds lower of roll back tax rate or effective tax calculated under Chapter 26, Tax Code). Individual Taxes May Increase at a Greater or Lesser Rate, or Even Decrease, Depending on the Change in Taxable Value of Their Property in Relation to the Change in Taxable Value of All Other Property and the Tax Rate that is adopted.

At approximately 7:06 PM, Mayor Suarez opened the public hearing.

At this time, there were no visitors to speak.

At approximately 7:06 ½ PM, Mayor Suarez closed the public hearing.

9. Old Business

- A. None

Mayor Suarez stated there was no “Old Business”.

10. New Business

- A. Discussion and Appropriate Action on a Request to Allow an In-Home Daycare at 10321 Little Sugar Creek (Assistant City Manager)

Mr. Hughes stated this issue was presented to the Zoning Commission and recommended approval with 1 descending vote. Staff has no recommendation on this & this is a policy decision for CC.

Ms. Emma Kuhn of 10321 Little Sugar Creek presented handbook on her policies & procedures to CC & staff. She has received a letter from the State & Texas Dept. of Child Protective Services (CPS). She has completed all of her requirements from the CPS & they have accepted her application & she has received her certificate. By State law, she is required to take 20 hours per year. She typed up a letter & got some signatures from her neighbors, most of them are supportive. She is allowed up to 12 children with 3 of her own she is allowed to have 9 children. She is going to be doing pre-schooler's & after schooler's.

At this time, there were questions & answers.

Councilman Schindler made a motion to approve agenda item #10 A. Councilwoman Bazany seconded the motion.

It passed with 5 members (Suarez, Bazany, Benbrook, Schindler & Weers) voting to approve agenda item #10 A & 1 member (Jauregui) against.

- B. Discussion and Appropriate Action to Approve a Request for a Variance to Ordinance 604 to Allow Digital LED Signage with Flashing Lights for the Two (2) Sonic Drive-In Restaurants (8134 Kitty Hawk and 9080 FM 78) Converse, Texas (Assistant City Manager)

Mr. Hughes stated this is a request by Sonic to be allowed to put up a sign that is standard with Sonic franchise. As it is designed, it does not meet the requirements of our Ord. Zoning Commission has recommended approval.

Councilman Schindler stated he toured some of the surrounding Sonics & does not find it out of line & adds to the restaurant.

Councilwoman Weers was concerned with how many we are going to allow.

Ms. Arens stated we would be having another variance come in next month.

Councilwoman Benbrook made a motion to approve agenda item #10 B. Councilman Schindler seconded the motion.

It passed with 5 members (Suarez, Jauregui, Bazany, Benbrook & Schindler) voting to approve agenda item #10 B & 1 member (Weers) against.

City Council Minutes – 8/28/07

- C. Discussion and Appropriate Action on a Request to Approve the Installations of Lighting at the City Park Pavilion at a Cost of \$4,000; and to Authorize Payment of \$4,000 from General Fund Reserves (City Manager)

Mr. Hughes stated the City park pavilion currently has a spotlight on each of 10 legs that can be switched on to provide light on the pavilion floor. The light is adequate for dancing & non-sporting events. P&R is considering hosting sporting events & specifically last year at NIOC we held an "Extreme Night" (allowed skate boarders to put on a demonstration). This year we plan to do the same thing & also considered holding a wrestling event & that has been postponed until next year for consideration. The goal is to have sporting events on the floor of the pavilion. The standard for out door lighting is 20' candles. This involves installing 9 lights with the conduit wiring to support this. He explained the concept that the lights could be put up for the event & has a twist connector so after the event is over we go up & take the twist connector & set them down so they are not always there & available for vandals. The cost for wiring & conduit - \$1,950; lights - \$2,050 = \$4,000. Gerard Electric has agreed to donate \$800 back to the City; net cost is \$3,200 for the City. If we are going to do sporting events, we need invest in the adequate lighting & if we don't invest in the lighting then we should say we are not going to have events that have a greater risk than perhaps dancing. Mr. Eddie Moore from Gerard Electric is present. Mr. Hughes has \$4,000 to be paid from GF Reserves & thanks to the donation of Gerard Electric that would only be \$3,200 & we could make this happen. It is about a 5 wk. process & this is about the last decision point if we expect to have these up by the 2007 NIOC. We have been borrowing 2 light sets from the City of Live Oak (on trailers with their own generators & erected & extended up & adjustable); they are eight 1,500-watt lights on this tower. There was criticism in that the lights were blinding & the noise of the generator.

Councilwoman Bazany stated she was not at last year's NIOC on Thursday night. Why did the Commission wait until now & how come this isn't part of the master plan for the parks?

Councilman Schindler stated up until recently the opinion of most of the P&R people that there is conduit in places to screw lights in. The original thought was we would just put bulbs in those sockets & it would be fine. But, when they finally got into it they discovered the wiring & bulbs were not adequate. The way to correct it is to have an electrician come out & take a look & tell us what we need & that is eventually what happened.

Mr. Hughes stated another aspect is there wasn't enough experience on conducting these events to realize the light requirements. Last year, there was planning all along to have this Extreme Night with the skateboard demonstration, but there was no mention of lights or requirements for the lights until the night it happened. The event began & we moved the trailer (located by the swimming pool) down & backed it in to make that adjustment. The Extreme Night last year brought in gate receipts of about \$1,150. If you are counting on Extreme Night to pay for it, then we are looking at a 4 yr. pay back.

MPT Jauregui stated he is all for sporting events & does appreciate the Gerard Electric donation. But, if we realized this concern last year with a temporary fix, why wasn't it discussed in the budget this year? He stated the current pavilion across from the Fire/EMS; can the lights be moved over? He asked if there was an opportunity to move the timetable up, so that it would not require the evening lights? He is just looking for some alternative solutions.

Mr. Hughes said if we could move the lights over, we are still looking at the \$1,950 to put new conduit & wiring in the existing pavilion in order to hook up any lights. In the 2007-2008 budget, there is capital money for park lights. But, in the concept of the master plan those were for security lights/street lights fixtures to go in North Park to improve the overall lighting on the grounds there. This money could be charged against that & it wouldn't depict all of those funds, it would just reduce the scope of the project in North Park.

At approximately 7:30 PM, Mayor Suarez called for a 5 min. recess.

At approximately 7:33 PM, Mayor Suarez called the meeting back to order.

Mr. Hughes stated there is probably \$1,500 remaining in the 2006-2007 budget & we would sacrifice for this year's budget would be picnic tables. His concept is not to rent the pavilion for every event with these lights, only special events. It is probably a couple of hours to put the lights up & a couple of hours to take them down. The lights are set to achieve the level of lighting to make safe the event you have in mind. If you take the \$1,500, you are not going to do the picnic tables.

{Tape 1, Side B}

Mr. Hughes explained what extreme sports are: skate boarding (ramps, rails & stair steps) & BMX bike riding. He does not believe we have any newspaper ads, etc. He saw videotape that Time Warner is going to run for us (30 sec. ad). We do believe this is a dangerous sport & would be easy for some kid to break some thing. He stated this particular event is meant to spur the excitement of Thursday night & increase the gate revenue. The event could be held Sat. or Sun. afternoon, but the level of support in gate receipts probably would not be as high.

City Council Minutes – 8/28/07

Mr. Ortiz, City Attorney stated anytime you have an injury there is a good opportunity that you are going to have a claim filed against you & at the very least for the medical bills if not more. We do have liability ins. under certain circumstances, but we are required to maintain our facilities in good working order for the events we are having. Things that are obvious, we have an obligation to maintain & fix them.

Councilwoman Weers stated the name extreme to her is extreme & she thinks it is dangerous. She is against this.

Ms. Joella Schindler, P&R Chairwoman stated last year was the 1st time they had this event & it was a big success. She thinks it will be even bigger this year because we have a TV commercial, word of mouth has gotten around, etc. She did not know the wiring was bad. We are looking at skate boarding, guitar hero tournament & a BMX demonstration professionally done.

Councilman Schindler made a motion to approve agenda item #10 C. Councilwoman Benbrook seconded the motion.

It failed with 4 members (Suarez, Jauregui, Bazany & Weers) voting to disapprove agenda item #10 C & 2 members (Benbrook & Schindler) for this item.

- D. Discussion and Appropriate Action on a Request to Approve Final Acceptance of the Infrastructure for Hanover Cove Subdivision, Unit #2 (City Manager)

Mr. Hughes stated our Public Works & engineer have inspected this subdivision. Recommend approval.

MPT Jauregui made a motion to approve agenda item #10 D. Councilwoman Weers seconded the motion.

It passed unanimously to approve agenda item #10 D.

- E. Discussion and Appropriate Action on a Request to Approve the Purchase of Two 2007 ½ Ton Pickup Trucks for \$31,058.08, In Lieu of Two 2008 ½ Ton Pickup Trucks that are Included in the FY 2007-2008 Utility Fund Budget, and to Authorize Payment from the Utility Fund Reserves (City Manager)

Mr. Hughes stated under the Utility Fund (UF) budget for 2007-2008 are 2 ½ ton pickups. They are programmed to replace a 1998 Ford Ranger & a 2000 Ford Ranger. We have an opportunity to pick up 2007 ½ ton pickups at a lower price than we expect to pay for a 2008 ½ ton pickup. We are getting these for around \$15,500 & we think the market price for a 2008 will be \$18,000. These are brand new vehicles & want to save money.

Councilwoman Weers made a motion to approve agenda item #10 E. Councilwoman Bazany seconded the motion.

It passed unanimously to approve agenda item #10 E.

11. Reports

A. City Council Reports

(1) Report and Discussion of the Fire and EMS Commission Meeting

Councilwoman Weers reported:

- Oct. 8 - Firefighters Appreciation lunch from 11 AM to 1 PM, invitations will be going out to CC; food will be provided by all attending except the Fire Dept. & families, who are their guests
- Fireman of the Quarter – Chief Wendt has qualifications & names to be submitted & presentation will be at the CC mtg. on Sept. 18
- NIOC – Plans are being made for the hamburger booth & Air Life will be landing on one of the ball fields on Oct. 7
- Dec. 1 - Breakfast with Santa from 8 AM to 11 AM; picture swill be taken as a fundraiser for perhaps \$4
- Future of fundraisers; perhaps a swap meet the 1st of the year
- They will have jars of “change to change your City” will possibly be placed in business establishments in the City
- Sept. 24 – Their next meeting

(2) Report and Discussion of Items of Interest to City Council Members

None

B. Staff Reports

City Council Minutes – 8/28/07

(1) Report and Discussion of Proposed Agreement for Central Magistration and Detention Services

Chief Jamison reported the last 3 Tues., the cities of Windcrest, Live Oak, Selma, Schertz, Kirby Universal City & ourselves met with Police Chief's, several City Mgrs. & several municipal Judges to discuss the memorandum of understanding (MOU) that the City of SA has presented them starting that effective Oct. 1 they were going to charge \$100 per person that was going to be taken to the cities facilities for magistration purposes for Class B's & higher. The NE cities got together & this morning they had a meeting with the Chief of Staff from Nelson Wolff's office, the gentleman from the SA Municipal Court, Mr. Dennis McKnight - Bexar County Jail Administrator along with several municipal Judges. We found out today that this MOU is not set in concrete & has not been approved by the City of SA Council & that it is negotiable at this time. Municipalities agreed that it should & probably will cost some thing to use the City of SA facilities, but cost has not been determined. Bexar County is looking at taking back the magistration services if they can, probably by Nov. or Jan. Magistration of a prisoner can take anywhere from 2 hrs. to 12-16 hrs. to get them through the system before they can be booked into Bexar Co. jail. The City of SA stated that we could start our own magistration if we want to, but we are going to have to follow rules set by the City of SA & by Bexar Co. Some figures given to the cities over a 2 yr. time period ending Dec. 06, the COC made 338 overall arrests that were taken to Bexar Co. Of that, 241 were on-site arrests which by their termination the City would be charged (roughly 120 people a year = to about 10 a month on an average); so if this \$100 stays we will be charged about \$1,000 a month to be booking people into jail. Right now, everything is on hold & is looking for some more dialogue & business as usual.

(2) Report and Discussion of Emergency Management Law and Procedures

Mr. Hughes reported: this is SB 11, Homeland Security. He briefed on the new requirements of the bill.

-In Texas the Mayor is the Emergency Management Officer (EMO) & Texas law gives the Mayor substantial authority & he becomes a surrogate of the Governor for a local disaster

-In the near future, anyone that has to do with emergency mgmt. will have to sit down & view a tape & earn some training

-The standard coming out from Federal Emergency Management Agency (FEMA) is called the Incident Command System (ICS) & it prescribes how an organization should organize itself to respond to disasters

-The EMO has liaison officer(s) 1 or more; in our case, we propose the Mayor/EMO has 2 liaison officers (Allen James from the Police Dept. & Ray Christianson from Fire/EMS – they will have books with phone numbers for everyone

-This requires a Safety Officer, we are proposing our Sr. Building Inspector Ward Richmond, he is familiar with a lot of things (electricity to plumbing)

-This requires a Public Information Officer (PIO) – Penny Hieronymus (TV, radio stations, etc.) & answering questions; the Mayor can assist

-Op Section – Sam Hughes – Responsibilities of hazmat, fire, EMS, rescue & mortuary & Chief Wendt has these; Chief Wendt will be augmented by park, street personnel & about ½ of the Water Dept.

-Under Operations are roads – Director of Facilities) – Karl Hoppes & his grounds crew: in just about any disaster, roads would be interrupted (trees, railroad derailment, etc.)

-Utilities – We bought a 500 KWJ generator that sits on a 1,200 gal. diesel tank & is mobile; we envision we would pull it up to the N. Cimarron Well & be able to pump water

-Heavy rescue – Jon Smith in the Utility Dept. & the 2 other building inspectors: people trapped, need backhoe or heavy equipment

-We have plans in the Intel division - Chief Jamison; all of the plans are available at the Police Dept. & he has the patrols on the streets & can feed back information as exactly where the limits of the disaster are, what the situation looks like, what roads are open, etc.

-Logistics – Laura Arens & Tracy Campos: Food/supplies/etc.

-Finance & administration – Jerry Wilson & Kim Jacobs

-CC – Suggestions are: we need someone on CC to set up & recruit volunteers & where they have been assigned

-We will need shelter operations-just about any kind of disaster you will need shelter because someone has lost their home & will need some place to stay

-First Aid station: In all likelihood we will be overwhelmed by medical requests for service

-Mortuary Operations – Likely, we will have fatalities

-Public Affairs: The TV & if we have a problem we are going to get a lot of requests from citizens calling, walking through the door to find out the status of some one, etc.

-Put on an exercise sometime in Dec. or Jan. to conduct an exercise where we actually put some of these teams together, let them organize, get their equipment & at least do a table top to rehearse this

-SB 11 provides that a sudden re-location of a large number of residents from the area of a declared disaster to a City is considered a reasonable unforeseeable situation for a reasonable period immediately following the re-location & thus would be an emergency pursuant to the 2-hr. posting requirement of the Open Meetings Act provided that the members of the news media are notified not later than 1 hr. before the meeting.

{Tape 2, Side A}

City Council Minutes – 8/28/07

- SB 11 provides that we make deliberations of a security audit grounds for a closed meeting; if we had a problem that we wanted to talk about we could do that in closed session & not in public session
- Clarify emergency vehicles are exempt from paying tolls on Texas toll ways regardless of the circumstance (does not apply to us yet)
- Define a utility as a critical infrastructure for the purpose of a Homeland Security loss (maps, diagrams, etc. of our wells would not be subject to Open Records request
- Provide the utilities with the power of eminent domain & have limited disclosure duties to the owners of property being condemned
- Provide members of an urban search & rescue team are entitled to a paid leave of absence from work when engaged in training or duties
- Allow a Mayor's declaration of a local disaster to include fireworks restrictions
- The disaster response would be conducted entirely in the new Council Chambers & the reason is that this building has emergency power
- There is a generator sitting behind the building across the street, but it is a paperweight; at some point we probably need to look at resourcing a real generator that could provide emergency power
- The City has a total of 20 cell phones & we think cell phones are likely to survive; all of the cell phones would be called in & reissued to be able to support communications
- Fire Station (FS) #2 has emergency power; we have generators at FS #1 but not the capability of putting all of the station on; Public Works has small generators-probably two 5 KW generators which could operate 4 computers & a few lights
- Presently, the 1st place to assemble would be this building
- Look at designating shelters

(3) Report and Discussion of Future Agenda Items

Mr. Hughes reported:

- We have had 2 public hearings, now we need to conduct a vote on the proposal to increase total taxes as we have had the public hearings
- 2nd Reading of the budget Ord.
- 1st Reading of the Ord. that sets the Operation & Maintenance tax rate
- 1st Reading of the Ord. that sets the Debt Service tax rate
- Dr. Larry Miller, lined up to be the Medical Director & we propose to appoint him as the Medical Director for our Converse Fire/EMS effective Oct. 1, 2007 & this is in order to notify our ins. carrier that we have a new Medical Director & be able to pick him up on our staff & also to give the present Medical Director that we are changing
- 1st Reading of Ord. 618 – Home Hobby & Occupation
- 1st Reading of Ord. 308 – Regulating water payments & turn offs
- Executive Session – Conduct a performance appraisal on City Manager

12. Adjournment

Mayor Suarez thanked the audience for attending the meeting.

At approximately 8:16 PM, Mayor Suarez adjourned the meeting.

PASSED AND APPROVED THIS 18th DAY OF SEPTEMBER 2007.

Al Suarez, Mayor

ATTEST:

Adriana I. Hieronymus, City Secretary