

CITY OF CONVERSE
CITY COUNCIL MEETING
MINUTES OF NOVEMBER 19, 2007
7:00 PM

The City Council of the City Of Converse met in a special meeting at the Converse Municipal Complex on Monday, November 19, 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	Councilman Jim Uballe, Place 5
Councilwoman Gloria Weers, Place 6	Mr. Rene Rodriguez, Jr., (Council Elect Place 2)
Ms. Laura Arens, Assistant City Manager	Mr. Rick Jamison, Police Chief
Mr. Richard Wendt, Fire/EMS Chief	Mr. Jerry Wilson, Finance Director
Mr. Mark Luft, COC EDC Exe. Dir.(Arrived at 7:41 PM)	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 Charles Lewis, New Life Baptist Church

Pastor Charles Lewis 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 all Council members are present.

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. Approval of City Council Minutes – City Council Meeting November 6, 2007
- B. Receive Park and Recreation Commission Minutes for Meeting Conducted on October 1, 2007
- C. Receive Beautification and Environmental Commission Minutes for Meeting Conducted on October 1, 2007
- D. Receive Beautification and Environmental Commission Minutes for Workshop Conducted on October 15, 2007
- E. Receive Economic Development Corporation Minutes for Meeting Conducted on October 9, 2007
- F. Action to Appoint Mr. Jeff Beehler, 112 Norris Drive East, as a Member of the Park and Recreation Commission
- G. Action to Appoint Mr. Jim Neeley, 322 Jeanette, for a New Term as a Member of the Park and Recreation Commission
- H. Action to Appoint Ms. Tonya Drake, 8342 Copperglen, as the Chairman for the Park and Recreation Commission
- I. Action to Appoint Mr. Mark Perez, 8338 Coppergate, as a Member of the Planning Commi8ssion
- J. Action to Approve City of Converse Resolution #611; a Resolution Casting Eight Votes for Helen Dutmer as Member of the Board of Directors for the Bexar Appraisal District

K. Action to Approve City of Converse Ordinance #401 A; an Ordinance to Amend City of Converse Ordinance #401 Dated August 21, 2007 Supplementing Section I, Speed Limits for FM 1976 (Second Reading)

Councilman Uballe requested that items #5 F and #5 H be pulled for separate consideration.

Councilwoman Weers made a motion to approve agenda items #5 A, B, C, D, E, G, I, J and K. Councilwoman Benbrook seconded the motion.

It passed unanimously to approve agenda items #4 A, B, C, D, E, G, I, J and K.

Councilman Uballe made a motion to table item #5 F. Councilman Schindler seconded the motion.

It failed to table agenda item #5 F with 5 members (Suarez, Jauregui, Bazany, Benbrook & Weers) against tabling and 2 members (Schindler & Uballe) for tabling.

Mayor Suarez asked for a motion on agenda item #5 F.

Councilwoman Bazany made a motion to approve agenda item #5 F. Councilwoman Weers seconded the motion.

Councilman Schindler asked if this appointment is a replacement for a member? The last time he looked there were 11 members on the P&R Commission. Who is it replacing?

Mayor Suarez stated yes this is a replacement. There is a member whose term expired in Jan. 2007, which will also relate to item #5 H for replacement & we are considering a replacement.

Councilman Schindler stated before May of this year, Commission terms that became due were considered extended to a new term. Since May, this practice has not changed until now. If this is a proposed change in dealing with Commissions, then it should first be discussed & appropriate changes made to all Commission Ord. There are currently numerous Commission members of various Commissions with their terms apparently expired. Or is this a personal attack on a long term Commission member?; a way to improperly remove a member for political reasons? To remove any Commission member without notification is simply not acceptable & has not been done before.

Mayor Suarez responded he did have a meeting with Ms. Joella Schindler, who by the way involves Councilman Schindler's wife, & he needs to refrain from this discussion & he does have a direct conflict of interest.

A citizen/CC member asked if citizens to speak.

Mayor Suarez stated no.

Mayor Suarez & MPT Jauregui met with Ms. Schindler & did indicate to her that they were going to be considering a new member to replace her expiration. The Mayor stated as per the Ord., the Mayor appoints 11 members of the P&R Commission. Mayor Suarez read item A of the Ord., into the record. Mayor Suarez stated they did indicate they were going to replace the Chairman & also her as a member. Mayor Suarez is not allowing comments from the floor.

Councilman Schindler stated prior to this meeting & prior to the agenda, he had asked for this item (#5 H) to be placed on the regular agenda & not on the consent agenda.

Councilman Uballe stated the Mayor had pointed out that the action item was to appoint Mr. Beehler & we should concentrate on that & that is fine. He does not see a conflict of interest if a Councilman member can speak up on behalf of a fellow citizen who is in this particular situation where they are being asked to brief a Commission that they haven't resigned from. He understands that from the surface of it, the Mayor may have an Ord. to do things this way, but just because an Ord. says you can do things this way doesn't mean you should overlook what is right about these things. Councilman Uballe cannot support this action. If there is a legitimate vacancy on the P&R – ok, you step up & fill it. At a P&AR meeting, there was some type of form to separate sub-Commissions of the P&R. There seems to be some different direction that apparently somebody wants to take to P&R; & this is fine. It wasn't that long ago that someone said it is time for a change & the changes ought to be discussed in open forum & put it on the agenda as an open discussion with the P&R & see the direction they want to go. Then, with that direction, see who is the best person with leadership. There has been no consensus & has never been put on the agenda. He would like to see that happen before CC makes any personal changes.

Mayor Suarez stated they did discuss this with the Chairperson; 1 on 1 & unfortunately they are bound by the Open Meetings Act. He thinks we need to move forward on this.

Ms. Joella Schindler stated she was told at the meeting they wanted to replace her as Chairperson, but they never said they were taking her off the P&R.

MPT Jauregui stated his understanding of the deal is he is still absolutely for Ms. Schindler remaining on the Commission.

They referenced Ord. 303, which are 4-year terms.

There was a lengthy discussion, approximately 45 minutes, on this discussion & the P&R members.

Mr. Ortiz stated if it is an 11 member Commission & there are 11 members there now, then there is no room. If there are 9 members, then there is room for 2 members.

Mr. Neeley is being re-appointed.

Ms. Schindler stated at this moment, yes, she would take the member position.

Mr. Rene Rodriguez stated he was at the P&R meeting. The P&R's are trying to create 2 separate Commission's; they even went for a 2nd attempt & it didn't fly. Mr. Rodriguez stated a lot of people publically praised NIOC as a great success, praised the Commission members, City staff, P&R, etc. He is very appalled & very disgraceful if this is the way we treat our citizens in Converse for the volunteer work they do.

Mayor Suarez explained that they are trying to bring new ideas & new people.

Councilman Schindler stated right now across the street the Zoning Commission is meeting & there are apparently 4-7 members with expired terms.

Mayor Suarez asked if there was a motion to agenda item #5 F.

Councilwoman Bazany made a motion to approve agenda item #5 F. Councilwoman Weers seconded the motion.

It passed to approve agenda item #5 F with 4 members (Suarez, Bazany, Benbrook & Weers) voting for the action & 23 members (Jauregui, Schindler & Uballe) voting against the action.

Mayor Suarez then went to agenda item #5 H.

{Tape 1, Side B}

Councilman Uballe made a motion to table agenda item #5 H. Councilman Schindler seconded the motion.

It failed to table agenda item #5 H with 5 members (Suarez, Jauregui, Bazany, Benbrook & Weers) against tabling and 2 members (Schindler & Uballe) for tabling.

Mayor Suarez asked for the vote on agenda item #5 H.

Councilwoman Weers made a motion to approve agenda item #5 H. Councilwoman Bazany seconded the motion.

Councilman Schindler had a point of order. Last week he asked for this item to be placed, not on the consent agenda but as an item on the regular agenda. Prior to this he was told by the Mayor that any Council can place any item on the agenda & there wasn't anything he could do about it. He said, Well, I guess that must mean MOST any Council member. And, looking at the P&R roster he sees there is a current Chair on the P&R & he looks at Ord. 303 that addresses the P&R Commission. It states in Section 1, paragraph A – "The Chairman of the Commission shall be appointed by the City Council & may be removed by majority vote of the City Council". Only one Chairman is authorized for this Commission. The removal of the Chairman has not been authorized by Council unless a majority of Council has decided this prior to tonight's meeting. But then that presents a more serious problem. I believe the Mayor's replacement of the P&R Chairman, if on his own initiative or with others, exceeds his authority & is not in accordance with Ord. #303. I do not support this appointment.

Mayor Suarez clarified Ms. Schindler is the Chair right now & her term expired in 2007.

Councilman Uballe stated we keep going back to see when a term has expired. So, between Jan. & now, we didn't have a Chair & all the work the Commission did under the leadership of the non-Chair was for naught. He heard it was a most successful NIOC we had under the leadership of this non-Chairman. He hasn't heard about the resignation of the Chairperson because it expired in Jan. Up until now he has not heard of any complaints. The liaison is the voice of the Council & relies on the liaison to give factual representation. Councilman Uballe is concerned because at the last CC meeting there was no mention made of a Chairperson being replaced & amazed that the liaison did not report that. He was amazed that there was no notification given to CC members so that all CC members would have an opportunity to canvass the citizens of Converse. He stated Ms. Drake has a very impressive resume & wondered at what point did she know there

was going to be an opening for Chair. He can't say anything against Ms. Drake's qualifications a P&R member since May. Still feels we need to do things morally correct.

It passed to approve agenda item #5 H with 5 members (Suarez, Jauregui, Bazany, Benbrook & Weers) voting for the motion and 2 members (Schindler & Uballe) opposed.

At approximately 7:41 PM, Mr. Mark Luft arrived.

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.

-Ms. Rhonda Payne of 9160 FM 78, House of Payne, Inc.-U.S. Martial Arts Trading Center, stated she has a new business in the COC. She wanted to say "thank you" to the COC, Mr. Luft, Mr. Hughes, Ms. Arens, Ms. Gaines & everybody that has been incredibly helpful to relocate & expand her business.

-Mr. Rik Sarver of 10610 Mustang Ridge stated that the Kitty Hawk widening project has started & it is exciting. He is asking for the Police Dept. to increase its presence during the prime time of this area. Second, he is a member of a major radio station in SA. NIOC is a success over last years compared to the one before. He sees NIOC as an event that is stagnant & continues to fail to grow & suggested tapping into the younger market; it needs to be brought up to the 21st century.

-Ms. Hope Olds of 8306 Copperside stated on the Ord. that are being challenged here tonight; it may be time to look at these Ord. & clean them up. As volunteers, they create new ideas & new blood; the economic dev. is on the move. It is imperative that the P&R Commission structure itself to allow for specific leadership, support & to complete special projects that can be marketed State wide as tourism destination. While NIOC has been a small local event for several years, its potential to become a fiesta type event has not been maximized. As the quality & quantity of the participants improve so will ticket cost rise, this will increase revenue & the City will make money. She mentioned the skate park & the meeting requested by Ms. Brenda Swanson of the P&R Commission (May 12, 2007).

Ms. Olds ran over her 3 minutes.

Councilman Uballe asked the Mayor for the record, are we going to waive the 3 minutes on all those to speak?

Mayor Suarez responded, yes, we would go to 5 minutes.

-Ms. Janie Olds of 9822 Coppercreek stated she has been involved with the City in some fashion since mid-year of 2001. She was recruited to the P&R Commission until early 2003. During those months there were 2 NIOC events, one Queen Coronation & 2 Christmas Decorating Contest during that time; during those times they focused on those events. Prior to her joining the P&R, she was told the ball field was established in the park; that is what the P&R needs to focus on, is to developing parks. NIOC is a very important event for our City to help it grow. She feels this should be totally separate to P&R. She realized they tabled the discussion to separate these Commissions. Her view is we need 2 Commission's (P&R & NIOC) & focus on the youth – safe & recreational. We need to look at the skateboard issue & for the more mature-nature trail for the citizens.

-Carlton Degenhardt of 8203 Cattle Bend stated he moved to Converse about 18-19 years ago, been a CC member & resigned due to recruitment. He has worked with Ms. Schindler off & on for about 5 years. He thinks we have neglected to tell her, "Joella, you have done a tremendous job for the COC & please accept his personal thanks for that service". He was a little confused because the Ord. says the Chair of P&R Commission, & yes her term ran out in Jan., & he deals with contracts in private sector all of the time & there is a certain thing that is called an automatic extension of the contract. Mr. Degenhardt stated the MPT offered her the position back a few minutes ago. Mr. Degenhardt stated the Ord. if he recalls (& he may have helped write it) is that the Chair can be removed only by vote of CC & today at this meeting he has not heard that happen; it is not on the agenda. It sounds to him like someone has voted her out & she has given a lot of herself to the City getting rid of her by omission. He is not sure that's what the COC stands for.

-Mr. Steve Brown of 8515 Coppermine wanted to say thank you to Councilwoman Benbrook & her service to the City has been commendable. He welcomed our new Councilman. He wished that everybody could do what is best for the City & the individuals themselves. He thanked Ms. Schindler for her service to the City & everyone here servicing the City; he very well appreciates it. He appreciates what everybody does & again said thank you.

7. Special Consideration Items

- A. Action to Canvass City Election Votes and Certification

Councilman Schindler made a motion to approve agenda item #7. Councilman Uballe seconded the motion.

Mayor Suarez read the canvass of the General Election held November 6, 2007 (official tabulation):

CITY COUNCIL PLACE 2:	<u>VOTES:</u>
Rene Rodriguez, Jr.	236
Robin Benbrook	178

It passed unanimously to approve agenda item #7.

8. Action to Swear in New City Council Member by Judge Mark Sideman

Councilman Schindler made a motion to approve agenda item #8. Councilman Uballe seconded the motion.

Judge Sideman swore in Councilman Rene Rodriguez, Jr.

It passed unanimously to approve agenda item #8.

Councilman Rodriguez thanked former Mayor Martin & his wife Lisa, Dr. Jerry & Dr. Mary Riley, God, mother, father, wife, people that work for him, Ester Garza, Irma Brown, Mr. & Mrs. Williams, retired soldier friend-Mario & his wife, Godchild, brother-Robert & Juliana, Mr. & Mrs. Clauss, Mark Key, Mark Perez, Mr. Woolery, Mr. Bowers, Mr. & Mrs. Sargeant, Mr. Degenhardt & the many others he thanked & for those that supported him. He promised he would not let them down; he will serve the citizens of Converse, rightfully, respectfully & hopes to meet their expectations. He thanked Ms. Schindler, who has stood strong & for what she believed & he believes in her. He thanked Councilman Uballe & Councilman Schindler for their words of encouragement & belief in him. He thanked those for the phone calls he received on the night of the election. He is glad to be part of the team. He presented his mother with roses.

9. Recognition of Departing City Council Member Robin Benbrook

Mayor Suarez stated Councilwoman Benbrook stood up the B&E Commission as Chair & with her guidance started on the TCEQ guidelines with the Commission. She was appointed in June of 2007 to Nov. 2007. The Mayor presented her with a plaque and thanked her for her time.

Councilman Rodriguez presented Councilwoman Benbrook with roses. They both wished each other the best of luck.

At approximately 8:07 PM, Mayor Suarez called for a recess.

At approximately 8:23 PM, Mayor Suarez called the meeting back to order.

10. Assignment of City Council Seating by the Mayor

Mayor Suarez stated the seating arrangement would remain the same (Councilman Rodriguez sitting where Councilwoman Benbrook sat).

11. Assignment of City Council Liaison Responsibilities by the Mayor

Mayor Suarez stated Councilman Rodriguez would take over the B&E Commission.

{Tape 2, Side A}

12. Special Consideration Items

- A. Presentation by Ms. Lori Felix, President, San Antonio Chapter of Bikers Against Child Abuse, (BACA) of a Plaque a Plaque to the Converse Fire and EMS Department (Mr. Chuck Felix)

Ms. Arens stated she did not see anyone from BACA & suggested having this on the next agenda.

13. Public Hearings

- A. None

Mayor Suarez stated there were no "Public Hearings".

14. Old Business

A. None

Mayor Suarez stated there was no "Old Business".

15. New Business

- A. Discussion and Appropriate Action on a Request to Approve the Exchange of the Southwestern Half of the 125.95' X 140.5' Parcel of City Property Fronting on Kneupper Avenue with Troy and Jamie Lott for 25' of Additional Right-of-Way Along the South Seguin Street Frontage of the .748 Acre Parcel at 103 Kneupper Avenue in Accordance with the Provided Diagrams (Assistant City Manager)

Ms. Arens stated they are wanting to build a building on the lot that is owned next to/or across the street from the old Dausin building. They have the vacant lot, which is next to the Amy Voges property. But, when TXDOT comes in & widens South Seguin that will take 25' of their frontage along South Seguin. What Mr. Hughes has worked out with them, we have a lot that is close to 125' long & 120'-140. 5' wide (large lot); dividing that lot in 1/2 & are requesting that they give us 25' frontage on the lot that they have; just do a swap so they can have off-site parking & they would have required parking. Mr. Hughes recommends approval.

Mr. Luft respectfully requested CC to consider a motion that would require the structure to hereto the current scheme of the Town Square. He has mentioned this to Mrs. Lott & she said they would consider that & they were more focused on the land swap.

Councilman Uballe made a motion to approve agenda item #15 A with the above stipulation that the structure hereto the current scheme of the Town Square. Councilman Schindler seconded the motion.

Mr. Ortiz stated the City is not obligated to exchange this land in any form or fashion, so by doing this we are entering into an agreed negotiation with them, which is perfectly fine. He wanted to make sure that CC is clear that we are conditioning this on something that they have not apparently formally agreed to do yet. He wants to make sure that the parameters are clear because once we approve the exchange of the land, this is actually done & if we are going to tie something to it, it needs to be clear what we are tying to it as clearly as we can state it; and maybe the design has to be of the satisfaction of the City or the design has to be substantially in compliance with whatever. Whoever makes the motion, make it clear as to what it is we are conditioning this on.

Councilman Uballe made amended his motion to include the transfer of land with the provision that the building that is going to be constructed for River City Gym meets the specifications for the Town Square be similar in appearance to the Justice Center, City Hall & all of the other structures that are being built on South Seguin. Councilman Schindler seconded the motion.

It passed unanimously to approve agenda item #15 A with the above stipulation.

B. Discussion of Town Square Apartments and the Apparent Foundation Cracks (Councilman Schindler)

Councilman Schindler stated this item was brought to his attention by several citizens. Very large cracks were observed in at least 3 foundation slabs in the new apt. complex next to the Justice Center. He personally observed these cracks Monday of last week. He was also concerned because these cracks were jagged & were approximately a quarter of an inch wide. They were completely across the center of the slab. But, he was happy to report after an investigation by the City Manager, an additional survey of the site with our building inspector & a conversation with the professional engineer who designed the slabs, that the slabs were actually part of the design to separate the large slabs into 2 slabs. The engineer also said that this was not a common design in this area yet & his engineering firm has had many calls about cracked slabs. The engineer assured him that the slabs were designed to crack in the center a fraction of an inch. He is satisfied & hopes this will also remove concerns by other citizens who observed this.

Mr. Hogan of Hogan Real Estate was present to answer any questions. He gave an explanation & has a lot of money involved & at risk & if something is wrong, he wants it fixed. He gave a short report; they are 90 days behind the original schedule due to the rains. The Club House should be finished by the end of Feb. There will be a lot of framing going on. They have made 2 major upgrades that were promised to CC; they were able to give an all-metal roof & all concrete paving.

16. Reports

A. City Council Reports

(1) Report and Discussion of the EDC Commission Meeting

Mr. Luft reported:

- Had a brief meeting, the most important item discussed was the 1st public hearing for the marquee project
- Will have a 2nd public hearing at their next scheduled meeting in Dec.
- Have some on-going negotiations for acquisition on Toepperwein realignment project, will go back & work with the family on this project

(2) Report and Discussion of the Environmental and Beautification Commission Workshop

Mayor Suarez stated Councilman Rodriguez would give a report at the next CC meeting.

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

Councilman Schindler stated he was asked by a concerned citizen why our Mayor wanted to form a Park Relocation Committee to move our Park. This citizen wanted to make the Mayor & CC aware of the fact that moving the Park would result in loss of the 29 acres that is known as the "City Park". He was asked to give the Mayor a copy of the 2 warranty deeds, prepared & properly filed by the Lions Club giving the 29 acres to the COC for use as a park. A special section of each warranty deed reads as follows:

"This property is donated to the City of Converse by the Converse Lions Club for use as a City Park and public recreation area only. Any other use of this property shall invalidate this deed and subject property shall revert back to the Converse Lions Club".

This citizen enjoys the use of the park and does not want to lose it.

B. Staff Reports

(1) Report and Discussion of Significant Fire and EMS Events

Chief Wendt reported:

- This last week they have surpassed their total number of requests for service then they did last year & expect to finish somewhere around 2,800 calls for the year
- Today, they received a new breathing air compressor for the breathing apparatus; this has been something they have been looking forward to & to ensure that they have an unlimited supply of breathing air for the guys to continue to do their job; was asked to pass on the appreciation to get a new one for each station
- Dept. appreciates all of CC's support

(2) Report and Discussion of Significant Police Events

Chief Jamison reported:

- Things going good & staying busy
- Wished CC, those in the audience & citizens a Happy Thanksgiving

(3) Report and Discussion of Significant Economic Development Activity

Mr. Luft reported:

- Ms. Rhonda Payne of the "House of Payne" will have a ribbon cutting on Dec. 14 at 10 AM at Judson Plaza
- Grady's & Bush's Fried Chicken anticipate having a ribbon cutting in mid-Dec.
- He attended the Zoning Commission meeting to ask them to consider adopting the "Smart Code". The Commission unanimously voted to table the item. However, on Dec. 17, they want to have a workshop to discuss the "Smart Code" & its guidelines. The "Smart Code" is designed to help re-create the suburban movement (themes, setbacks, lighting, etc.) & after their review the "Smart Code" will come before CC for their approval. His & the EDC's intent is to use it for Gibbs-Sprawl Road redevelopment & then the overlay district off of FM 78 & take it to the outskirts.

(4) Report and Discussion of Future Agenda Items

Ms. Arens reported:

- A variance on a deck, which was approved tonight
- Presenting Mr. Jon Smith with 15 year service
- Have a preliminary plat for Smith-Lewis: Toepperwein Subdivision (small strip center by the Blockbuster along Old Toepperwein)
- Should have final plats for Bridge Haven 1 & 2
- Possibly our CDBG Grant for \$90,000
- Sat., Dec. 1: Tree lighting ceremony at the City Park starting at 4 PM, Santa Claus will arrive about dark: 30 PM, he will arrive on the fire truck
- CC meeting tomorrow at 6:30 PM, who needs to attend from the Dais?

Mayor Suarez stated CC, Assistant City Manager, Attorney Mr. Ortiz & City Secretary

Mr. Luft stated the CDBG Grant is on the agenda for tomorrow at Bexar Co. to award the City a \$90,000 grant for street repairs within the Placid Park Subdivision.

12. Adjournment

Mayor Suarez thanked the audience for attending the meeting.

Mayor Suarez thanked Mayor Craig Martin for coming out and visiting us this evening.

Mayor Suarez welcomed Councilman Rodriguez.

At approximately 8:44 PM, Mayor Suarez adjourned the meeting.

PASSED AND APPROVED THIS 4th DAY OF DECEMBER, 2007.

Al Suarez, Mayor

ATTEST:

Adriana I. Hieronymus, City Secretary