

CITY OF CONVERSE
CITY COUNCIL MEETING
MINUTES OF FEBRUARY 19, 2008
7:00 PM

The City Council of the City Of Converse met in a regular meeting at the Converse Municipal Complex on Tuesday, February 5, 2008 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	Councilman Rene Rodriguez, Jr., Place 2
Councilman Billy Schindler, Place 3	Councilman Chris Drake, Place 5
Councilwoman Gloria Weers, Place 6	Mr. Sam Hughes, City Manager
Ms. Laura Arens, Assistant City Manager	Mr. Rick Jamison, Assistant Police Chief
Mr. Richard Wendt, Fire/EMS Chief	Mr. Jerry Wilson, Finance Director
Mr. Mark Luft, COC EDC Executive Director	Mr. Chez Estes, Police Personnel
Mr. Ray Ortiz, City Attorney	Ms. Penny Hieronymus, City Secretary

{Tape 1, Side A}

1. Call to Order

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

2. Invocation: By Pastor Jesse Aguilar of Converse Hispanic Baptist Church

Pastor Aguilar gave the invocation.

3. Pledge of Allegiance: To the U. S. Flag led by Mayor Suarez
To the Texas Flag led by Mayor Pro Tem Jauregui

Mayor Suarez led all those present in the Pledge of Allegiance to the U.S. Flag.

MPT Jauregui led all those present in the in the Pledge of Allegiance to the Texas Flag.

4. Roll Call and Recognition of Visitors

Mayor Suarez asked the record to reflect that all Council members are present. He recognized members of the Judson ISD, Board President-& former Mayor of Converse-Mr. Rick Maas, Vice-President of JISD Board-Joan Ohnheiser; Board Member-Ms. Diane Gonzales Bagley, Board Member-Mr. Johnny Harris, Superintendent of JISD-Dr. Willis Mackey, Associate Superintendent-Mr. Marcus Nelson, Board Member-Ms. June Adair, City Council Candidates: Place 6-Ms. Janie Olds & Place 2-Mr. John Shadron, Commission members & Chairs.

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 February 5, 2008
- B. Receive Beautification and Environmental Commission Minutes for Meeting Conducted on January 7, 2008
- C. Receive Park and Recreation Commission Minutes for Meeting Conducted on January 14, 2008
- D. Receive Fire and EMS Commission Minutes for Meetings Conducted on January 28 and February 6, 2008
- E. Receive Economic Development Corporation Minutes for Meetings Conducted on December 11, 2007 and January 28, 2008
- F. Receive Zoning Minutes for Meeting Conducted on January 22, 2008
- G. Action to Approve City of Converse Proclamation #244; a Proclamation Designating February 22, 2008 as “Lieutenant Colonel Karen J. Wagner Day” (Mayor Suarez)

Councilman Schindler asked that agenda items #5 A, C and D be pulled for discussion & a separate vote.

Councilwoman Weers made a motion to approve agenda items #5 B, E, F & G. Councilman Rodriguez seconded the motion.

It passed unanimously to approve agenda items #5 B, E, F & G.

Councilman Schindler asked to have this pulled because at the last meeting CC was discussing how things would come out on the CC minutes. He referred to what Mr. Ortiz stated, “the State statute requires the City to maintain a record of meeting, it can be a tape recording or it can be written minutes. We do both,”.... On the minutes being considered tonight, there are at least 3 incidents where there is a notation that says “attached with minutes” & at the end of the minutes there were no attachments. The reason why he pulled “C & D”, upon those 2 during the minutes it says attached with minutes & that case he got a copy with the minutes. But, on the web site there is no attachment. If he could make a motion it would be to go back to the way we were doing it.

Mr. Ortiz stated the State statute is being complied with & it is CC’s prerogative to go back to the way we were doing them.

Mayor Suarez stated we would table this item & get the right information

Councilman Schindler said items “C & D”, is only a 1 page document & if they would attach that with the web site minutes that would comply to what he is looking for & only table the CC minutes.

Councilman Schindler made a motion to table agenda item #5 A. Councilman Rodriguez seconded the motion.

It passed unanimously to table agenda item #5 A.

Councilman Schindler made a motion to approve agenda item #5 C with the attachment sent to the web site & including that with those minutes. Councilwoman Bazany seconded the motion.

It passed unanimously to approve agenda items #5 C with the attachment sent to the web site & including that with those minutes.

Councilman Schindler made a motion to approve agenda item #5 D with the attachment sent to the web site & including that with those minutes. Councilwoman Bazany seconded the motion.

It passed unanimously to approve agenda items #5 D with the attachment sent to the web site & including that with those minutes.

6. Special Consideration Items

- A. Presentation of City of Converse Proclamation #244; a Proclamation Designating February 22, 2008 as “Lieutenant Colonel Karen J. Wagner Day” (Mayor Suarez)

Mayor Suarez invited CC, staff & JISD members to join him in a presentation to Ms. Karen Wagner, who was a hero & killed in the 9/11 attack & we have many heroes. Ms. Karen Rankin accepted the Proclamation on behalf of Ms. Wagner’s mother. The Mayor read a biography of Ms. Karen Wagner & then read Proclamation #244. Mayor Suarez presented a duplicate copy of the Proclamation to Wagner HS.

At approximately 7:27 PM, Mayor Suarez called for a recess.

At approximately 7:34 PM, Mayor Suarez called the meeting back to order.

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. No personal attacks shall be allowed.

- Dr. Mary Riley will speak on agenda item #10 C.
- Ms. Robin Benbrook will speak on agenda item #10 B.
- Ms. Marie Gutierrez will speak on agenda item #10 B.
- Ms. Trish Neil will speak on agenda item #10 B.
- Ms. Betty Harkins will speak on agenda item #10 C, Smart Code.
- Ms. Pliny Meier will speak on agenda item #10 C, Smart Code.

8. Public Hearings

A. None

Mayor Suarez stated there were no “Public Hearings”.

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 Approve a Variance to City of Converse Ordinance #604 to Allow Jackson Hewitt Tax Service Bandit Signs to be Placed Along FM 78 Seven Days Per Week During the Period January 1 Through February 28 and on Weekends During the Period March 1 Through April 15 (Assistant City Manager)

Ms. Arens stated there are 2 Jackson Hewitt Tax Services in our City on 78 & they are requesting bandit signs during their peak times.

Mayor Suarez stated FM 78 is a State Highway & we can't grant this.

Councilwoman Weers made a motion to disapprove agenda item #10 A. Councilman Drake seconded the motion.

It failed unanimously to disapprove agenda item #10 A.

B. Discussion and Appropriate Action on a Request to Approve a Variance to City of Converse Ordinance #717; Section IV, to Allow Ms. Maria E. Gutierrez to Keep Seven Dogs at Her Residence at 306 Kneupper (City Manager)

Mr. Hughes stated this situation came to our attention by report & unrelated to animals. We have substantiated that there are 7 animals at this residence. There are provisions where the City Manager can grant exceptions to this particular paragraph & he has done so with the rationale being sufficient to stand before CC to make a good case. We have not had the case where the neighbor has complained from noise or odor & he believes the animals are well cared for.

Ms. Gutierrez of 306 Kneupper stated she is here to request under Ord. 717 that CC allow her to keep her 7 dogs. The dogs are 12 lbs. & under, spayed or neutered & current on their shots. She has a 6' privacy fence & explained how she got the 7 dogs. The dogs are mostly indoors & has an enclosed porch for them. She does not intend to have any more than she has right now. She has never had any complaints about her dogs until now when Ms. Neil, her neighbor at 308 Kneupper is retaliating for Ms. Gutierrez turning her in for the neglect of Ms. Neil's dogs in poor condition (no water, food, barking, etc.) & leaving 3 dogs behind when she moved.

{Tape 1, Side B}

Ms. Robin Benbrook of 302 Ave A stated Ms. Gutierrez is her neighbor, directly adjacent. Ms. Gutierrez has built a sleeping porch on the back of the house for the dogs. The dogs are spayed, neutered, well-fed & very well cared for and said there is no problem whatsoever in the neighborhood from those dogs. She believes the community is better off for a person that does the right thing in this case & hopes CC will consider letting her keep the 7 dogs.

Dr. Betty Harkins of 302 Kneupper stated this is not about Ms. Neil & does not wish her any ill. She stated the dogs are well fed & don't bother anybody. She doesn't think Ms. Gutierrez will acquire more dogs. Dr. Harkins would not like to see Ms. Gutierrez have to give up any of the dogs she already has.

Ms. Trish Neil of 308 Kneupper stated she did not come to fight about the variance & it is not a matter of how many dogs Ms. Gutierrez has. Ms. Neil did not expect Ms. Gutierrez to say that she was retaliating & she said she was not retaliating. She stated the Animal Control Officer (ACO) came to her house & said yes, we are aware she has 7 dogs, so she went & talked to Chief Jamison. Ms. Neil feels retaliated against right now; neither 1 of the neighbors (Benbrook or Harkins) lives next door. Her daughter is afraid to go next to the fence because the dogs growl at her & there are openings in the fence. They mediated with Officer Scogins & Ms. Neil offered the materials to Ms. Gutierrez to help repair the fence. She said she

would move her pen to the other side & clean up all of the debris. Ms. Neil stated in the meantime, there has not been much done to the fence. She really does not have a problem with the 7 dogs; the problem she has is the noise & is asking that Ms. Gutierrez control the barking of the dogs. She is not against the variance being passed, she just wants to be able to go in her back yard & her daughter not be afraid to go up to the fence.

Mr. Hughes & Chief Jamison commented they have not had any complaints over there.

Chief Jamison stated he did meet with Ms. Neil & Cpl. Scogins. There was an issue/complaint about Ms. Neil's back yard. Officer Moehrig, Code Compliance Officer (CCO), did go by. Then, Cpl. Scogins did meet with Ms. Gutierrez & Ms. Neil to mediate & it was amicable; Ms. Neil would donate the wood & Ms. Gutierrez's son would repair the holes in the fence & the agreement was for 30 days (March 7). Finally, Officer Moehrig would go back & re-check the back yard. The fence is a civil matter between the 2 of them.

There was a lengthy discussion with questions & answers by CC members. Suggestions/comments included: Ms. Gutierrez provide proof of the vaccinations for the dogs, get City tags for the dogs & agree as a stipulation to the variance that she would not replace any of these animals until the number went below 3. Ms. Gutierrez's yard was clean & dogs looked taken care of & well fed. Can have a barking issue with even 1 dog. Ms. Neil & daughter visit Ms. Gutierrez & meet the animals so they won't be afraid of each other. Both, Ms. Gutierrez & Ms. Neil were visited by some of the CC members. Every variance that is written in the COC says requests for variances shall be considered on a case-by-case & judged on the merits of the case. Having a pet can be like losing a family member. With mediation, can be easily resolved & compromise. CC has a very difficult situation to make, but there is compromise. Should approve this variance with exceptions.

Councilman Drake made a motion to approve agenda item #10 B with stipulations of fixing the fence, no more dogs or replacements, appoint Cpl. Scogins to be a mediator & after March 7, we will go back & check the fence. Councilman Rodriguez seconded the motion.

It passed unanimously to approve agenda item #10 B with the above stipulations made by Councilman Drake.

- C. Discussion and Appropriate Action on a Request to Approve City of Converse Ordinance #633; an Ordinance Defining and Establishing a Smart Code to Regulate and Place Restrictions for the Revitalization of the City of Converse (First Reading) (Councilwoman Bazany, Councilman Drake)

There was a brief discussion with questions & answers by CC members on the Smart Code. Comments included: Thanked Mr. Luft for his preparation in doing this. They took it to the Planning Commission & they were all for it & thought it was a great idea. Thinks the Smart Code is definitely needed & will allow us to implement, monitor & ensure the downtown & historical districts that we can inherit that they are built to our specifications & kept up. Exactly what we need to make a real difference in our revitalization efforts of our major thoroughfares in Commercial areas. Will help attract more businesses & more residents while enhancing the charming small town feel that Converse has. There are other little cities throughout the U.S. that have incorporated the Smart Code in their own communities with great success. Smart Code makes it a more attractive place to work, live & run your business.

Mr. Luft stated we are trying to do pedestrian friendly areas & bring in some sense of place, purpose, centerpiece for the community & civic pride; take the master plan & just enhance it. He wants to build what the Texas heritage is all about, it is a start. The majority of the Zoning Commission supports it & EDC Board supports it. He has a developer, Mr. Pliny Meier who supports this in a positive manner. He is requesting CC to support this effort on their behalf.

Dr. Mary Riley of 214 Ave D & Planning Commission Chair stated she spoke with Vice Chair Robert Kneupper & they are in support of the Smart Code.

Ms. Becky Johnson and Mr. Pliny Meier stated they support this.

Councilman Schindler supports this but has some reservations, variances can always be granted.

MPT Jauregui made a motion to approve agenda item #10 C. Councilwoman Bazany seconded the motion.

It passed unanimously to approve agenda item #10 C.

{Tape 2, Side A}

- D. Discussion and Appropriate Action on a Request to Approve Tax Phase-In Guidelines for Bexar County and the City of Converse (Executive Director, Economic Development Corporation)

Mr. Luft stated this is the same exact documents with the same exception that documents are set to expire on Feb. 27, 2008. He did not change anything except the cover sheet & the 2-year period that is there; it is going to coincide with Bexar County Commissioner's Court & it is a joint effort with them. Staff recommends approval.

Councilman Drake made a motion to approve agenda item #10 D. Councilman Rodriguez seconded the motion.

It passed unanimously to approve agenda item #10 D.

- E. Discussion and Appropriate Action on a Request to Approve City of Converse Ordinance #619; an Ordinance of the City of Converse Established for Regulating Maintenance and Appearance of the City in Accordance with Recognized Standards of Property and Building Upkeep for the Purpose of Promoting the General Welfare of the City of Converse, Texas and Superseding Other Ordinances in Conflict (First Reading) (Beautification and Environmental Commission)

Ms. Beehler-Chair & Mr. George Tully-Vice Chair of the B&E addressed CC stating the changes are there in their packets. They believe this administration is looking to clean up the City. The B&E has worked many hours & compromised on many of the things that would be for the benefit of all citizens. Ms. Beehler went over the changes item by item (bolded).

At approximately 8:45 PM, Mayor Suarez called for a recess so we could make copies of pages 6 & 7.

At approximately 8:50 PM, Mayor Suarez called the meeting back to order.

Ms. Beehler continued going over the changes.

Mr. Hughes met with the Commission while we deliberated the final provisions & staff concurs with the language written. Recommend approval.

Councilman Schindler thanked the Commission but did have a concern with page 4, paragraph D, 1st sentence.

This is on a case-by-case basis & variances can be requested.

CC members thanked the B&E Commission for all of their time on this Ord. This is a good compromise, something we can work with & what we need to do to clean up Converse.

MPT Jauregui made a motion to approve agenda item #10 E. Councilman Rodriguez seconded the motion.

It passed unanimously to approve agenda item #10 E.

- F. Discussion and Appropriate Action on a Request to Approve City of Converse Ordinance #710; an Ordinance Defining "Junk Vehicles"; Declaring Such Vehicles a Nuisance; Providing Procedures for Disposition of Such Vehicles; Declaring Certain Violations and Related Penalties and Repealing All Previous Ordinances Regulating These Issues (First Reading) (Beautification and Environmental Commission)

Mr. George Tully-Vice Chair of the B&E addressed CC stating the changes are there in their packets. He said they made some changes: Page 1, Section 1 C, Page 2-Section 4, Page 3-#4 A. The Smart Code will have to do with the whole City.

Mr. Hughes stated he just learned from the City Attorney that we need to amend Page 1, Section 1 A-C, "Definition". He recommended changing & taking the words directly from the Transportation Code & current law & insert them into the definition & this would be reflected in the second reading.

Mr. Ortiz stated there is a sequence of steps we are required to follow.

There were brief comments made by Chief Jamison & CC. B&E was thanked for a good job.

Councilman Drake made a motion to approve agenda item #10 F. Councilwoman Weers seconded the motion.

It passed unanimously to approve agenda item #10 F.

11. Reports

- A. Councilmember's Report/Items of Interest

-Councilman Schindler had an inquiry about the Recycling Program, about how much do we get a year, can we increase our recycling efforts & where does the money go. He suggested challenging 1 of our Commissions to come up with some ideas to come up with recycling.

Mr. Hughes responded we get about \$2,800 +/- a month. The new contract says 100% of the recycling sales are rebated back to the City & each month we receive a check from Waste Mgmt. The money goes into the General Fund & is part of the revenue we show for solid waste franchise fees. At one point, we attempted to motivate increase participation by promising we would spend the money on park playground equipment, but it did not increase participation significantly. It is probably an opportunity. We have somewhere under 30% participation on any given week on recycling.

-Councilwoman Weers stated she has very little trash anymore, everything goes into recycling; it can be great for the City.

-Councilman Drake stated they have a Planning Commission coming up Monday & it will be his 1st one as liaison.

-Councilman Rodriguez proposed a challenge to all of our citizens & to CC: “Relay for Life” which is a cancer awareness held May 2 & 3 in Cibola at the old High School. The person chairing it this year is Stacy & she can be reached at 830/570-2063 it starts at 7 PM & it runs the next day; you have a team member that walks around the track. He would like to get the Commissions maybe to form their own teams. The money goes towards cancer awareness.

-Councilman Rodriguez would also like to challenge the CC to Project Graduation Class 2008. JHS is getting ready to have their next meeting Feb. 26 at JHS Red Campus Library at 7 PM. They are looking at a golf tournament, casino night dealers, bingo callers, publicity & clean up. If you would like to volunteer get with JISD for the Project Graduation 2008.

B. Mayor’s Report/Items of Interest

-Mayor Suarez asked if we were having any more problems with Waste Mgmt & would like to hold them to their contract.

Mr. Hughes replied yes & is not aware of any unresolved issue on Mr. Caudell’s issue. Waste Mgmt. assured Mr. Hughes they would take action to correct that problem. He believes all things to be satisfactory at this moment.

-Mayor Suarez stated Kitty Hawk roadway expansion is very heavily underway right now.

-Mayor Suarez, Mr. Hughes, Mr. Luft & Mr. Harris attended a Tax Increment Funding Seminar.

C. Boards/Commission Reports:

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

Councilwoman Weers reported:
-Discussed the Fireman’s Picnic

(2) Report and Discussion of the Park and Recreation Commission Meeting

Councilwoman Bazany reported:

- Feb. 9 – Met at East Park (62 acres) & given a tour by Mr. Hughes to see how they would like to see it developed/undeveloped
- Feb 11 – Regular meeting, Ms. Sandy Laskowski was elected as new Vice Chair
- Voted 6-1 to discontinue the Christmas Light Decorating Contest & discussion on how to use the approximate \$1,000 that the City was spending on the contest-possibly for decorations for the City or to enhance the Tree Lighting Ceremony & Christmas celebration at the Park
- Discussed an Easter Egg Hunt in City Park, but the idea was tabled until next year due to time constraints
- Discussed NIOC & job assignments as well as adding different events
- Notified that 30 more trees will be donated to the Parks & if the trees are not conducive to their needs they could be used in other areas of the City

(3) Report and Discussion of the Zoning Commission Meeting

Councilman Schindler reported:

-Special meeting to discuss only the Smart Code & Zoning Commission approved it

(4) Report and Discussion of the Economic Development Corporation Meeting

Mr. Luft reported:

- Board received & reviewed the audit for 2006-2007 & voted to accept it after presentation by the auditors
- Tabled the marquee issue, staff has requested to proceed with this next year
- Mr. Mendoza & Councilwoman Weers are proceeding with the strategic planning phase 1 with a workshop in March
- Discussed the Smart Code & all in attendance supported it
- Had an executive session & voted in open session about accepting an offer/counter offer for a house on Toepperwein Road

D. City Manager's Report:

(1) Report and Discussion of Future Agenda Items

- 3 Ord. passed tonight (1st reading) will be receiving their amendments & coming back for the 2nd reading (Ord. 619, 710 & 322)
- Auditor to give a briefing on the audit for the EDC, Utility Fund & General Fund for the City followed by formal review & approval on both

(2) Report and Discussion of Items of Interest

Mr. Hughes reported:

- Tonight that overlaps with significant Public Works events
- Water & sewer work in Placid Park that was required as a requisite for reconstructing the streets-will be finished tonight; they owe Penny an insurance certificate & then we will be ready to proceed the street repairs on Dream, Pensive & Trance
- Coppergate Street-It was brought to our attention that the seal coat has failed, we have gotten in touch with the contractor & said it is failing & they will make it right. But, they want to get the oil company out & look at it & do an analysis as to what went wrong.
- Piers for the pavilion at North Park are marked, CPS Energy has agreed to drill the piers but we need to do a line locate then we will get that project started
- Have completed building 6 additional steel picnic tables & they have gone down for galvanizing; by the end of the week we should have the tables (placing 2 at City Park & moving 4 to North Park under the pavilion)

Ms. Hieronymus reported on the COC General Election to be held on Sat., May 10. Sign ups for candidates include:
CC Place 2-Mr. John Shadron on our B&E Commission, currently held by Councilman Rene Rodriguez, Jr.
CC Place 4-Mr. Carlton Degenhardt, currently held by MPT Scott Jauregui
CC Place-5-Councilman Chris Drake, which is a 1-year term until next May
CC Place 6-Ms. Janie Olds & Mr. Jim Evans currently held by Councilwoman Gloria Weers

Last day to file for a place on the ballot is Mon., March 10 by 5 PM in the City Secretary office. Voter registration cards are available at City Hall & have until April 10 for the General Election.

Regarding the March 4, Primary Elections – Early Voting is being held at Universal City, City Hall & information is on the Bexar County web page. The Library has a “Voter’s Guide” which is very helpful.

E. City Staff Reports:

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

Chief Wendt reported:

- Currently continuing to upgrade their EMS services to the standards set forth by the Medical Director
- Level of activity has seemed to level off to what it was right before the holidays, but it is still fairly busy
- Caution everybody to be careful with all kinds of fires & weather conditions
- Safety vests have been purchased & they took them to KD Logo for labeling, even have some spares

(2) Report and Discussion of Significant Police Events

Chief Jamison reported:

- The Chief & Mr. Hughes were invited this morning over to meet with Dr. Mackey, his staff & the Police Chief from Judson to open up lines of communication to improve communication between the Police Depts.
- They are setting up a meeting for the area Police Chief's to meet next week with the Chief from Judson
- This past Sat., we had officers go out on a Warrant Round Up; we were able to clear 24 warrants & another 10 come in today; they worked from 6 AM to 2 PM
- Everything is running smooth

(3) Report and Discussion of Significant Public Works Events

Mr. Hughes reported he has covered this

(4) Report and Discussion of Economic Development Activity

Mr. Luft reported:

-Items have already been discussed tonight

12. Adjournment

At approximately 9:34 PM, Mayor Suarez adjourned the meeting.

PASSED AND APPROVED THIS 4th DAY OF MARCH, 2008.

Al Suarez, Mayor

ATTEST:

Adriana I. Hieronymus, City Secretary