

CITY OF CONVERSE
CITY COUNCIL MEETING
MINUTES OF AUGUST 5, 2008
7:00 PM

The City Council of the City Of Converse met in a regular meeting at the Converse Municipal Complex on Tuesday, August 5, 2008 at 7:00 PM to discuss various items on the agenda. The following were present:

Mayor Al Suarez	Mayor Pro Tem Billy Schindler, Place 3
Councilman Jon Lindgren, Place 1	Councilman Rene Rodriguez, Jr., Place 2
Councilman Carlton Degenhardt, Place 4	Councilman Chris Drake, Place 5
Councilwoman Mary Riley, Place 6	Mr. Sam Hughes, City Manager
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 Executive Director	Mr. Chez Estes, Police Data Entry
Mr. Ray Ortiz, City Attorney	Ms. Penny Hieronymus, City Secretary

1. Call to Order

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

2. Invocation: By Pastor Rander Draper, Maranatha Bible Church

Pastor Draper gave the invocation.

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

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

MPT Schindler 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. The Mayor recognized several people in the audience such as: JISD Board of Trustees Ms. Diane Gonzales-Bagley, JISD Superintendent Dr. Willis Mackey, some members of the Converse Salatrillo Liederkrantz dance club & members of the SA Liederkrantz, Commander of the American Legion Post #593 Mr. Jack Leanhart & Vice Commander Darrell Goemmer & Chaplain Dennis Ducharme & to the audience.

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 July 15, 2008
- B. Approval of City Council Minutes – City Council Meeting July 29, 2008
- C. Receive Zoning Commission Minutes for Meeting Conducted on June 16, 2008
- D. Receive Park and Recreation Commission Minute for Meeting Conducted on June 9, 2008
- E. Receive Building and Standards Minutes for Meetings Conducted on June 19, 2008
- F. Receive Fire and EMS Commission Minutes for Meeting Conducted on June 23, 2008
- G. Action to Approve City of Converse Proclamation #249; a Proclamation Designating the August 5, 2008 as “SCORE” Appreciation Day in the City of Converse (Mayor Suarez)
- H. Action to Approve City of Converse Proclamation #250; a Proclamation Designating the Month of August 2008 as “Salatrillo Liederkrantz Month” (Mayor Suarez)

- I. Discussion and Appropriate Action on a Request to Appoint Ms. Gloria Weers, 104 Norris Drive West, as a Member of the Building & Standards Commission

Councilman Degenhardt asked that agenda items #5 F and #5 I be pulled for discussion after the “Special Consideration Items”.

MPT Schindler made a motion to approve agenda items #5 A, B, C, D, E, G and H. Councilman Degenhardt seconded the motion.

It passed unanimously to approve agenda items #5 A, B, C, D, E, G, and H.

6. Special Consideration Items

- A. Presentation of Proclamation #249 to Dr. Dave Palmer, Counselor to America’s Small Business; a Proclamation Designating August 5, 2008 as SCORE Appreciation Day in the City of Converse, Texas (Mayor Suarez, Mayor Pro Tem Schindler)

Mayor Suarez asked City Council & staff to join him in presenting Proclamation #249 to Dr. Dave Palmer. Dr. Palmer, Counselors to America’s Small Business had some flyers to help people get started in a small business. Mayor Suarez read the Proclamation #249. They are having a workshop on Thursday, Aug. 14 & the cost is \$40 & covers all day, a wonderful opportunity with 41 experts.

- B. Presentation of the Salatrillo Liederkrantz Banner to the City of Converse by Mr. Clarence Scheel (Mayor Suarez, Mr. Clarence Scheel)

Mayor Suarez asked City Council & staff to join him in presenting Proclamation #250 to Mr. Clarence Scheel.

Mr. Scheel gave a brief history of the Liederkrantz & recognized many people that were in attendance for this special occasion. He unveiled a banner & gave an explanation of the banner & 3 photos that are now displayed in the Court/Council Chambers. Some of the members sang a song to those in attendance.

At approximately 7:32 PM, Mayor Suarez called for a 5-minute recess.

At approximately 7:36 PM, Mayor Suarez called the meeting back to order.

5. F. Receive Fire and EMS Commission Minutes for Meeting Conducted on June 23, 2008

Councilman Degenhardt stated he heard that there was a resignation at this meeting & did not see it reflected in the minutes.

Mayor Suarez commented he believed there was a resignation, but did not know the details. He questioned a letter in the Fire/EMS minutes & was curious as to how it got there.

Councilman Rodriguez replied that Mr. Pannell did resign that evening. He stated there was a letter that was given to the Chair Ms. Jauregui & from his understanding it was taken to the City staff. Councilman Rodriguez stated he did read the letter & it was a letter of interest & that is why it was read at the Fire/EMS. The Mayor & him discussed this. Councilman Rodriguez thought he was doing the right thing by providing all of the relevant information that was being provided to them as Council members to our Commission members.

Mayor Suarez questioned this because this was never discussed at the CC meeting & the liaison provides information as deliberated here to the members directly from here to there & nothing in between, this precludes from violating the Open Meetings Act of inputting a wide scope of information. We just need to be cautious as to the information we are providing without prior notice to the public.

Councilman Rodriguez stated the Mayor was right, but it was also sent to 800 voters.

Councilman Rodriguez made a motion to approve agenda item # 5 F. MPT Schindler seconded the motion.

It passed unanimously to approve agenda item #5 F.

5. I. Discussion and Appropriate Action on a Request to Appoint Ms. Gloria Weers, 104 Norris Drive West, as a Member of the Building and Standards Commission (Mayor Suarez)

Councilman Degenhardt stated when the position became open; he initially leaned towards Ms. Weers based on her experience & everything she has done for the City. But, as liaison it is not his decision & brings the recommendation of the Commission to the Council. He got with Laura to make sure he was on the right track & put out an e-mail letting everyone on the Commission know that the position was open & CC would be considering it & asked her to poll the members for recommendations/wishes were. There were 3 members that specifically recommended Ms. Weers & the rest had another suggestion. When he discussed this with the Mayor he thought that he was pretty much summarily dismissed that there were qualified vote of confidence that the 3 of the 4 regular members without due consideration for the other 11 people (counting members, alternates, staff, etc.). The opinion of all of the members count with him & not just a few. Based on this, his recommendations & his feelings & respect for all Ms. Weers has done for the community, he can't support the nomination. He has no question about Ms. Weer's qualifications, experience or contribution to the community. He has nothing but respect & affection for her.

Mayor Suarez stated 3 members e-mailed him & indicated that Ms. Weers was well qualified. He received an e-mail from Ms. Martin who nominated another individual & got another e-mail, which Councilman Degenhardt had forwarded, to him from Mr. Castillo, opposing Ms. Weers other than speaking to Councilman Degenhardt. The Mayor said what he gets all of this information & 1 of the reasons she does not weigh heavily on the alternates is because the alternates had never attended a meeting & as a matter of fact they were appointed at the meeting before. Mayor Suarez does understand that the alternates do have to work with them. In all fairness, he didn't think their vote should weigh heavily as opposed to the 4 City members, which 1 of them was the Acting Vice-Chairman, Ms. Olds who wholeheartedly recommended Ms. Weers. He stands by that & Ms. Weers has the qualifications & life experience to draw from. The Mayor has the authority to appoint the person & that is how she got here. It is always a difficult thing to do when you have more than 1 qualified person.

Councilman Drake made a motion to approve agenda item #5 I. Mayor Suarez seconded the motion.

Councilman Rodriguez stated there is nothing written in the City Charter & to define/re-define what some of the qualifications are for Commission members when CC votes on them.

MPT Schindler stated appointments to all Commissions should have probably 4 basic things: The liaison, Chair of the Commission, City staff & the Mayor should be in agreement with it.

It failed with 4 members (Schindler, Degenhardt, Lindgren & Rodriguez) voting against agenda item #5 I & 3 members (Suarez, Drake & Riley) voting for.

Mayor Suarez stated it is a sad day in Converse that an individual who has so much experience cannot become a Commission member in the City anymore for the mere fact that they don't subscribe to the current political ideas of some of the members.

Councilman Degenhardt & Councilman Rodriguez called "Point of Order" to the Mayor.

Mayor Suarez stated point taken.

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.

-Ms. Laura Beehler of 112 Norris Drive East commented on behalf of the B&E, they would like to extend their sincere appreciation for the CC members & citizens that came out for their last clean-up. She reported the next clean up is Sat., Aug. 16 & will always be the 3rd Sat. of the month. They meet at 7:30 AM & convene at Dante's; they are working on Toepperwein & 1976 & appreciate everybody's help.

-Ms. Phyllis Freeborn of 8819 Dream Ave. commented her apologies to the CC for the following remarks; she has no other venue to address the writer(s) of the amount of mis-letters that have been going out to voters & concerned citizens of Converse. A few things seem to have been-overlooked in their assessment of things & we are dealing with the last appointment of Councilman Lindgren to the CC. Both candidates were & are qualified. Mr. Lindgren was defeated by 11 votes in our last election by Chris Drake & Mr. Lindgren still received more votes than Mr. Jauregui who chose not to run for whatever reason. The majority of our current CC was duly elected by the citizens of Converse. Therefore, they have the right to choose whom they appoint. There is also, in their sarcasm in this letter, you (anonymous) stated there was the "Fabulous 5"; there are "7" on our CC. Ms. Freeborn would hope the anonymous person would put aside past animosities & differences & if a label is necessary let's call you all the "Magnificent 7". She is trying to learn more about our City government so she can become more active & those sending anonymous letters cannot help her learn what she needs to know. Therefore, she does talk to current CC members. Save a tree & some stamps & don't send them any more letters.

Instead, donate that money to 1 of the Commissions; she is sure none of the Commissions would mind an anonymous donation.

-Ms. Kathy Selko of 7327 Trance Lane commented she would have donated her time to Ms. Freeborn if she had needed.

-Ms. Janie Olds of 9822 Coppercreek commented on concerns she has over Ord. 619, Section 2, Item F – Trash Can issue. She is asking that the CC look at the wording & take into consideration with wheelchair bound citizens, elderly people that can not haul their cans from behind the house/behind the fence, or shrubs. She personally being one, she make look healthy but is not & she depends on her 16-year old son. If we can work together, we could come up with an equitable solution.

-Mr. Earnest Rodriguez of 10202 Pony Corral signed up, but did not speak.

-Mr. Dave Palmer was there for agenda item #6 A, Proclamation #249.

-Mr. Gilbert & Ms. Vernell Fey signed up, but did not speak.

-Mr. Jack Leanhart will speak on agenda item #10 A, American Legion Post #593 Legion Jubilee.

-Mr. Darrell Goemmer will speak on agenda item #10 A, American Legion Post #593 Legion Jubilee.

-Mr. Willis Mackey of JISD thanked CC & Mr. Hughes or all of the help with Judson in being able to meet them to discuss issues we can work together on. It is always a pleasure to have a good working/customer service relationship. With all of working together we can make all things possible for the community & citizens.

8. Public Hearings

- A. Public Hearing on the Following Described Property for the Purpose of Regulating Zoning in Accordance with a Comprehensive Plan for the Purpose of Promoting Health, Safety, Morals and the General Welfare of the City of Converse, Texas and Superseding Other Ordinances in Conflict. The Property Owners, Emiliano S. and Magdalena L., Chavez, 916 Toepperwein Road, Converse, Bexar County, Texas, CB 5052 B Lots 7 A (.827 AC) and 7 B (.246 AC), are Requesting the Property to be Rezoned from R-1 (Residential) to B 3 (Commercial) (Assistant City Manager)

Ms. Arens stated this went before the Zoning Commission. Some people were concerned with the realignment of Toepperwein Road, what the expansion would be & would it help or hinder the area.

At approximately 8:07 PM, Mayor Suarez opened the public hearing.

No one spoke on this item.

At approximately 8:08 PM, Mayor Suarez closed the public hearing.

- B. Public Hearing on the Following Described Property for the Purpose of Regulating Zoning in Accordance with a Comprehensive Plan for the Purpose of Promoting Health, Safety, Morals and the General Welfare of the City of Converse, Texas and Superseding Other Ordinances in Conflict. The Property is Located at 115 School Street (CB 5063 P-92 ABS 431) and Adjacent Vacant Lot Described as CB 5063 J BLK 1 Lot 25 PROC-VOG Subdivision, Converse, Bexar County, Texas. The Property to be Rezoned from R-3 (Multi Family) to B 3 (Commercial) (Assistant City Manager)

Ms. Arens stated this went before the Zoning Commission. There was no one to speak against this issue. Ms. Arens said she had a correction & the owner is requesting not a B 3, but a B-2 Retail & the owner does not want it to go Commercial.

At approximately 8:09 PM, Mayor Suarez opened the public hearing.

Mr. J.D. Boggus was present & is owner of the property. He explained this particular parcel; there is a small parcel right next door; which is only 43' wide. They have purchased this to be able to go forward with the entire rezoning as well as re-platting the property as 1 parcel. This is the only parcel that is on the block that is not B-2. This will become a salon with CC's approval. He is talking about changing the brick house into a salon; it will have 18 slots for parking.

At approximately 8:12 PM, Mayor Suarez closed the public hearing.

9. Old Business

A. None

Mayor Suarez stated there was no “Old Business”.

10. New Business

- A. Briefing by Commander Jack Leanhart, Vice Commander Darrell Goemmer, and Chaplain Dennis Ducharme from the American Legion Post #593 on the After Action Report for the Legion Jubilee (Chaplain Dennis Ducharme)

Commander Leanhart reported that in June they had their Legion Jubilee. It was their 1st attempt for a major fund-raiser so eventually they could build a new post home at the end of Legion Drive. They have rapidly expanded in their membership to exceed what that hall could do for them; 1,200 people in membership between the 3 organizations. They want to forward the progress on the relationship with the COC. The City bends over backwards for them & Mr. Hughes explained to him how we made NIOC work. They were here to thank us for all we do & if they can do anything on a joint venture to let them know. Initially, they are hoping to get in with us on NIOC.

Chaplain Ducharme reiterated his thanks that the City provided for their Jubilee. They want to publicize the fact that there is an American Legion in Converse & that they need a new building. They spent approximately \$23,000 to put this on & ended up making a little over \$5,000. They are here to ask the City to allow them to continue to put on a Legion Jubilee every year (annual). They would like to partner with the City like they did this past time & ask the City for help in sponsoring them & letting them use the City Park. At the same time, he invited the entire CC & staff & to come out on Sat., Aug. 30 for a small recognition ceremony for those that helped at 6 PM & at 7 PM they will have a recognition ceremony followed by a spaghetti dinner, karaoke & dancing.

- B. Briefing by Mr. Mark Luft, Executive Director, Converse Economic Development Corporation, and Discussion of 2008 CDBG Funds and Grants (Mr. Mark Luft)

Mr. Luft stated on July 22 we received our allocation for this fiscal year for \$86,984. Our initial request was \$240,000. There were 3 sheets in the CC packets & he referred to page 2 – the score the City received was a “92” & we were the highest-ranking City of all of the County applications. Based on County Commissioner’s Court, they divided the monies fairly equally between the 4 Precincts. The Commissioner has stood by this community. Based on the funds we received, staff is proposing to re-pave Phase 2 – Sleepy & Drowsy. The 3rd phase, we will look to see what streets we can do. Mr. Luft & Mr. Hoppes believes this will be a 4-year Phase project. We are diligently getting these funds & will continue to do so. Mr. Hughes & Mr. Luft are working with the Congressional leaders to see if the funding for CDBG Programs in the next legislation can be upgraded for the percentages that are there. Right now, we are asking for 38% increase nationwide for this program. We are trying to get more infrastructure dollars.

Councilman Degenhardt stated Mr. Luft, Mr. Craig Martin & Dr. Jerry Riley have assisted with their connections & contacts into play & to get various other funding sources to build roads, re-pave & improve the infrastructure using other peoples money.

Mayor Suarez stated he has a meeting with Commissioner Adkisson in 2 weeks to discuss possibly getting some type of funding for Toepperwein Road & possibly sidewalks. The Mayor is trying to set an appointment with Judge Wolff to tour Toepperwein Road.

- C. Briefing by Mr. Karl Hoppes and Discussion of the City of Converse Street Maintenance and Improvement Program (Councilman Drake)

Mr. Hoppes briefed on:

-Tier 1:

This time of year is the busiest time of year for any street dept. in any City. Currently, we have about 30 streets that have been completed on the chip seal program. We originally set out to do 44 streets to accomplish the goal that we set out to do; we are at 62%. The truck mounted oil distributors that we purchased have proven to be a huge benefit in accomplishing what our goals are. In addition to that, the Tier 1 Program – he thinks the quantities are here. To date, we have sprayed 32,000 gallons to date at \$1.67 a gallon = \$54,000. The quantity of the trapp rock that we are using now – we used 855 tons of that at \$33 a ton = \$28,000. Together, it comes to \$82,615.25 for the oil & the rock. We currently drive to Pleasanton to get the oil, a 50-mile trip 1-way & that takes a little bit of diesel fuel to get there. We have moved into the Cimarron South Subdivision. NIOC is right around the corner.

-Tier 2:

Main objective is to identify the arterial & collector streets that need major upgrades. The improvement we are about to do, is it going to be adequate for future years?

-Toepperwein Road - Widening

Mr. Hoppes & the City Engineer have driven the road. They think we can widen the road & put curbs on the road for the same amount of money. We are advocating a 14' turn lane from 1976 to Meadow Forge & a 12' driving lane on either side of that & a curb on each side = about 38' & with the curbs maybe 40'. We are very tight on the ROW out there & he has an alternative (Option 2). We are looking at about \$494,000.

Mr. Hughes stated we have a lot of help with this project. One of the major issues is drainage & we are wrestling with trying to get the water at the proper cubic ft. per second rates that will be accepted by TXDOT. He thinks with drainage & everything we are probably around \$520,000 to get the 3 lanes of road, the curbs to be able to set in inlet boxes, pipe it underground & then daylight the inlet boxes going east off of the bar ditch on 1976. He believes that we are going to consume every bit of FY 07-08 Tier 2 money plus get into 08-09 money to get this job finished. We are looking at having Request for Bids out last week of Aug.; expect the bids to be returned about Oct. 1, CC will have to approve the bid/contract/proposal. Then, we begin construction early Oct.

At this time there were questions, answers & comments, including: CC come together on this as soon & fast as they can – now asphalt is tied to the price of oil & is starting to sky rocket, Engineer is trying to save as much money as possible & that is to re-claim every bit of the road base & asphalt that is on that road now. Working with Tarragon to come up with the chemical mixture that would rejuvenate that & be able to use all the material that we have there now. The 08-09 proposed budget has \$460,000 in Tier 2 money & assuming the bill is around \$520,000 we are looking at taking \$60,000 off of the 08-09 Tier 2 leaving \$400,000 to address projects beyond Toepperwein Road. In Tier 2, Coppergate & Windburn Trail are done. Kitty Hawk is way underway & will be completed. It is prudent to bite this off at a major street or two a year & get it done & over time we will bring our streets up consistently & we have a continually improving street program in Tier 1 & Tier 2 Programs. There are no funds available with MPO funds until 2019, which is unacceptable. EDC's budget is being focused on the new routed Toepperwein Road. EDC has to be a commercial designed street, can't do a residential street.

-Kitty Hawk Road:

Universal City side is completed. Ryan Materials is working our side of the project & have laid some new asphalt & moving along pretty good. Will be some conflict with some storm drainage there at the convenient store side.

-Center Street:

Complete with Evans & Evans. There is another step in the project, roughly 300' of some more RCP pipe dug & installed with a collection inlet grated box.

-Rocket Lane/Schaeffer Road:

Traffic study done & recommended that not much improvements be made to Rocket Lane from the bridge to 1604. D.R. Horton & Paul Denim w/Denim Remone Engineers has offered an additional 18' of ROW so we can put a sidewalk there. The study talks about widening the pavement along Schaeffer Road. This would give us 2 lanes to go from the bridge to 1516 & 1 north & south lane that goes from 1516 to 1604 with a continuous turn lane from the bridge to 1516.

Mr. Hughes stated the traffic study was professional engineer out of Schertz & has experience with TXDOT. Mr. Hughes & Chief Jamison met people & in short we believe the right answer is to bring the buses out on 1516 or Schaeffer Road or both & keep them away from 78 until we can get them on a street with a light for safety reasons. Brought ideas to Dr. Mackey of JISD attention & indicated there would be no problem on dedication of ROW & in general he thought a 50/50 share of the cost was a fair way to go. We will fix problems as part of the platting; we have a solution for traffic, drainage & space for the non-portable line.

-School Street Rehabilitation and Drainage:

R.L. Jones has installed all the concrete pre-cast boxes & concrete riprap at the outfall is complete. Basically, ready for asphalt on School Street & have a little issue with the parking lot in the swimming pool area. Street will be ready before opening day of the school.

-Chickasaw Bluff/Colt Crossing/Cherokee Ridge Drainage Project:

Public Works has installed all of the line from the lower end at Lone Shadow back to Chickasaw Bluff & including the concrete drainage structure & metal grates & are now able to capture the water that comes off of the hill. We had to further that project with an additional 300' of pipe, which meant that we had to get an easement. Then, engineer will stake it & at the cul-de-sac at Colt Crossing, Ms. Myers house is affected, Public Works will go in & install two 18" pipes with a collection box behind her fence on Schuman Road.

-Coers Street Drainage:

Yantis Corp. currently has the pipe installed across the road now on Coers & will be doing the black base. Public Works will assist with demolition on the concrete riprap on the outfall side so the new forms can be set in concrete & poured.

-CDBG Grant Funding/EDC:

Mr. Luft has already given this report.

Mr. Hoppes stated the 1,000 tons of rock that he bought recently is quickly being used. There is a company that rents the machine by the month at \$10,000 a month. But, being a municipality – they could give us a special cut rate. Mr. Hoppes would like to re-utilize all of the rock that he has at their yard. The additional piping on the Chickasaw Bluff & cost estimate on those materials is about \$1,700.

Councilman Rodriguez asked about the gentleman's corner house of Coers & Pensive Street & when they put in the curb they took out a big chunk of that corner lot & there is about a 6' drop off.

Mr. Hoppes stated Yantis Corp. & the developer would have to install a retaining wall. The wall should go up within the next 30 days.

- D. Discussion and Appropriate Action on a Request to Approve Contract with Thompson, Williams, Biediger, Kastor and Young, L.C. to Perform an Audit of City Financial Activity in Accordance with GASB 34 for Fiscal Year 2007-2008 for \$32,500 (City Manager)

Mr. Hughes stated State Law requires audit of City funds. Auditor works for CC & briefs CC. This is a fair price at today's market & recommends approval.

Councilman Degenhardt made a motion to approve agenda item #10 D. Councilman Lindgren seconded the motion.

It passed unanimously to approve agenda item #10 D.

- E. Discussion and Appropriate Action on a Request to Change the Zoning for 916 Toepperwein Road, Converse, Bexar County, Texas, CB 5052 B Lots 7 A (.827 AC) and 7 B (.246 AC) from R-1 Family Dwelling to B-3 Commercial (Assistant City Manager)

Ms. Arens stated this went before the Zoning Commission. There is a letter enclosed in the CC packets from Shady Oaks Learning Center & they have some concerns on this parcel of property & having it re-zoned & what business would go in there since they are a daycare. The owners want to re-zone it so if they should sell it, it would be a business like the other area. They don't want an undesirable business to go in there. The Zoning Commission recommended unanimously to approve the zoning change to a B-3 Commercial District.

Mr. Hughes went over the zoning on Toepperwein as a major thoroughfare. There is probably a 1/3 - R-1, 1/3 - B 3 & 1/3 B-2 that is along Toepperwein Road. If you look at this somewhere in the future, probably 100% ought to be B-3 & should discourage residential use of it & promote commercial use of the property.

Councilman Drake made a motion to approve agenda item #10 E. Councilman Degenhardt seconded the motion.

It passed unanimously to approve agenda item #10 E.

- F. Discussion and Appropriate Action on a Request to Rezone 115 School Street (CB 5063 P-92 ABS 431) and Adjacent Vacant Lot (CB 5063 J BLK 1 Lot 25 PROC-VOG Subdivision) from R-3 (Multi Family) to **B-2** (Commercial) (Assistant City Manager)

Ms. Arens stated this went before the Zoning Commission & had some concerns about parking. Mr. Boggus was at that meeting & stated he had purchased the property next door & there was a copy of the contract & are working with the building inspectors. Zoning Commission recommended approval to **B-2**.

Councilman Rodriguez made a motion to approve agenda item #10 F & that it state it be **B-2**. Councilman Degenhardt seconded the motion.

It passed unanimously to approve agenda item #10 F to B-2.

- G. Discussion and Appropriate Action on a Request for a Variance to Ordinance 619; Section II, Residential District, Item #5 Fences for a 4-Foot Fence (Already Constructed Without a Permit) to Extend from the Existing Privacy Fence Along the Property Line Between 803 and 801 Station Street to Within Approximately 4.5' from the Back of the Curb Line at 803 Station Street (Assistant City Manager)

Ms. Arens stated Mr. Davila sent a letter & did not realize that a permit was required to put up a fence. The way the fence Ord. reads now is that if it protrudes into the front yard it needs to be a decorative fence no higher than 3'. His fence is a 4' chain link fence-not decorative & is in violation of the Fence Ord. The Zoning Commission recommends disapproval by a 3 to 2 vote. The Building Dept. went by & saw the violation & brought it to Ms. Arens attention.

At this time, there were questions, answers & comments, including: It is a new fence & the shrubs are higher than the fence. critical that we educate the public on the Ord. – this puts our City staff in a very curious position because they are doing their job & we need to do something. Maybe, CC could give Commissions/staff/Build. Dept. some leigh way on decks, covered patios, etc. Commissions' need to be more involved. "Help us help you"; there is no right answer.

Mr. Hughes would like to hear from the person who makes the motion their words as to why this particular circumstance is different.

MPT Schindler made a motion to approve agenda item #10 G with a double permit building fee. Councilwoman Riley seconded the motion.

It passed unanimously to approve agenda item #10 G with a double permit fee.

- H. Discussion and Appropriate Action on a Request for a Variance to Ordinance 604 XI Special Sign Use Districts (SSUD-1) to Allow for the Sign for Bush's Chicken #2 on Toepperwein to Exceed the Height Restrictions of 25-Feet and the Gross Face Area of 64 Square Foot (Assistant City Manager)

Ms. Arens stated this came before the Zoning Commission & they voted against this item. The exact sign is exactly the sign at the Bush's Chicken on FM 78; the difference is the Special Sign District. Ms. Arens feels if Toepperwein is going to become a thoroughfare for the COC we should allow the same signs & change that Ord. to where Toepperwein Road is the same Special Sign District as 78, 1604, etc. This is the sign they put up at all of their Bush's Chicken.

Mr. Luft stated Mr. Deorald Finney has been an exceptional corporate citizen for the City. Staff does not have a problem with this. His interest is that we attract business coming from Kitty Hawk to 1604 down; the higher the height you will be able to see it bigger & faster, their sign is distinctive.

Mr. Finney thanked the CC & expressed how much of a pleasure it is to work with a City like us; EDC Director & staff are very refreshing to work with. He believes they are a good addition to the City. They have committed \$20,000 to the new Judson stadium. They are happy to be here & signage is very important part of their business. Looking to save trees.

Mr. Hughes stated this is a very tough issue. The sign Ord. bounced around & had a couple of workshops. CC delegated the problem to EDC. It is real hard to get the consensus on what the rules ought to be in any particular district.

Mayor Suarez stated we need to look at this & keep up with the times & the needs of the City.

MPT Schindler made a motion to approve agenda item #10 H. Councilman Rodriguez seconded the motion.

It passed unanimously to approve agenda item #10 H.

- I. Discussion and Appropriate Action on a Request for a Variance to Ordinance 617 Section III R-1 Residential C-4 Rear Yard Setback to Allow the Homeowners to Cover the 10'X18' Patio Which Would Extend Approximately 11to 12 Feet into the 20 Foot Setback at 350 Lucille, Astoria Place Subdivision (Assistant City Manager)

Ms. Arens stated this item came before the Zoning Commission. Zoning Commission recommended approval.

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

It passed unanimously to approve agenda item #10 I.

- J. Discussion and Appropriate Action on a Request for a Variance to Ordinance 617 Section III R-1 Residential C-4 Rear Yard Setback to Allow the Homeowners to Build a Deck 14'X16' Which Would

Cover the Existing 12'X12' Patio Slab Extending the Right Corner of the Deck Approximately 6 Feet into the 20 Foot Setback at 522 Candy, Astoria Place Subdivision (Assistant City Manager)

Ms. Arens stated this item came before the Zoning Commission. Zoning Commission recommended approval.

Councilman Drake made a motion to approve agenda item #10 J. Councilman Lindgren seconded the motion.

It passed unanimously to approve agenda item #10 J.

11. Reports

A. Councilmember's Report/Items of Interest

-MPT Schindler asked about Ord. 619 & we have an outstanding variance for the basketball goal.

Councilman Lindgren stated the B&E Commission looked at this & will have a modification to the verbiage, which they will present at the next CC meeting. At that time, they will extend the variance until the end of Sept.

-MPT Schindler asked that a consideration and action item for Ord. 101; possible workshop on Ord. 101

-Councilman Rodriguez would like to see brought forward is some type of workshop or diversity & unity of the CC. He would like to involve our City staff, possibly bring in a private non-bias person & possibly have some type of diversity training – to better unite this CC.

B. Mayor's Report/Items of Interest

Mayor Suarez reported:

-Mayor, Mr. Hughes & Mr. Mackey met & discussed: Judson has agreed to go 50/50 on Schaeffer Road on expenses to work the problems, work the traffic problems with the bus, utilize the gray water & have meetings with the Police Depts.

-Last month, Mayor Suarez was appointed as Vice Chairman of the NEP & appointed Chairman of the Greater Bexar County Council of Cities by the surrounding Mayors. The Mayor looks forward to possibly securing grants for the City especially for the recycling & training from AACOG

C. Boards/Commission Reports:

(1) Report and Discussion of Building and Standards Commission Meeting

Councilman Degenhardt reported:

-Discussion of Ord. 602 & they will look at this again at their next meeting

(2) Report and Discussion of the Zoning Commission Meeting

Councilman Drake reported:

-The items were brought to CC tonight & approved

-2 Ord. were tabled until the next meeting

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

Councilman Rodriguez reported:

-Met July 28

-Re-elected Mr. Chris Bazany as Vice Chair for another year

-Approved the final Mass Plan, which will be brought forward with changes

-Tabled the "Change-for-Change" campaign jars, they felt it needed to be routed to our City staff for final approval

-Brought up prices for the NIOC

-Ms. Nancy Garcia & Captain Joshua Everett were presented awards

-Feels we need to support our Commissions & our employees, we all need to be present for these awards

-Next meeting - Aug 25 at 7 PM in Conference Room at City Hall

Mayor Suarez stated the awards were not put on the agenda of the Fire & EMS & we need to make sure we put them in there because some people just read the agendas, let Mr. Hughes or Mayor know before hand

(4) Report and Discussion of the Beautification and Environmental Commission Meeting

Councilman Lindgren reported:

- Met last night, his first meeting – was interesting & he learned quite a bit
- They proceeded with many activities with no problems & few discussions
- Made sure that Ord. 619, Paragraph 2 A 1 – basketball court was discussed; they did reach an agreement on the verbiage they submitted by Mr. John Shadron & should be submitting this for the next CC meeting for review
- Looked at a proposal for Ord 619, Paragraph 2 A7 – trash can issue. Had a very lively discussion, the verbiage that had been presented was defeated by the members of the B&E Commission; CC may have to give them more guidance as to what the concerns are about the trash cans
- Had clean up on the 16 & there will be no clean up during the month of Oct. due to the NIOC
- All members were present
- They look forward to the next meeting & support from the CC on their recommendations for Ord. 619

D. City Manager's Report:

(1) Report and Discussion of Future Agenda Items

Mr. Hughes reported:

- Should have our notices in the newspaper coming out Thurs.; we have 2 requirements 1 from the State Law that says we have to publish a ¼ page ad that reflects the results of our July 29 CC mtg. that is who voted for this proposal to consider a tax increase & it further goes into analysis as to what last year's average homestead home was appraised at & the tax rate & what they paid per year & if we do the effective tax rate what that bill would be & if we do the proposed tax rate what that bill would be.
- In addition, our Charter requires that we publish a summary of the budget & invite people to come to the public hearings
- 2 Resolutions that will be coming out of EDC for CC to support condemnations for property required for the Toepperwein ROW
- Ord. 619 – First Reading. He has the verbiage from the B&E about how they would propose to change Ord. 619. He is getting feedback that some of them are uncomfortable with some of the language
- Pony League will give a briefing & presentation
- Election – In the old days, we did paper ballots, clerks & counters appointed by the CC & spent about \$1,500-\$1,700 conducting an election for the City. Legislature helped us with a mandate for computers & vote by computers now & the price went to \$3,800. Last year, we had a proposition to do a joint election with the County; we did the election & received a bill for over \$7,600. The County goes back & says you were a percentage of this & therefore you need to pay your fair percentage of that. Well, what that ignores is that every citizen of Converse pays the same tax to the County as everybody else. We have already paid the County taxes for election & now we have to pay a little bit of City taxes & turn that over to the County for the election. We need to roll this out on the table, discuss the bill & how we are going to do. On 1 hand the County is charging us & on the other hand we have a request from the County to use 601 S. Seguin to use our facility to conduct their election & they expect it to be free. We would like CC to discuss this & come back to us with guidance & say this is our stand on that issue.
- Do the extension of the basketball
- Workshop for Ord. 101 - Mr. Hughes needs additional information before he puts this on the agenda & needs to talk with Councilman Rodriguez on the diversity training & who he has in mind for this 3rd party & how we make this work

(2) Report and Discussion of Items of Interest

Mr. Hughes reported:

- He put an e-mail from the EAA before CC announcing that both of our Rep. on the EAA (part of Converse in District 5 & other part in District 6) – both of those seats are up for election in Nov. Any candidate can sign up between Aug. 6 & Sept. 5. If anyone knows a person that could represent us, it is time to get that person signed up.
- Ord. that talks about the City Managers authority to use conference rooms when they are not in use says that he can allow a for-profit organization to use it but he needs to come & explain to the CC what & why he did this. We allowed Wal-Mart today to use the conference room at City Hall for a loss prevention-training seminar. Loss & theft prevention is in the publics' interest & for a public purpose & Wal-Mart is a good partner in the City & have donated substantial grants to the Parks, Library & Fire Dept. They used it today fee free with about 60 people
- Reported on the Schumann Road water main break: We are down to just the fine-tuning of things. The property on Schumann Road/Friesenhahn property – we have some 2 x 4's , forms & debris to clean up & a little bit of grating to do. We are essentially done with 10202 Pony Corral & Mr. Rodriguez wants to talk to us about some drainage. 10205 Pony Corral – have finished the wall, scheduled tomorrow to deliver some top soil & we have purchased the rubber eyes/mulch that was washed away & that is available for him to put back in as he re-establishes roses, etc. We are 98% complete & out of the \$15,000 allocation we have spent right at \$9,000. Mr. Hughes gave credit to Tracy Campos, she did a suburb job chasing contractors & negotiating prices, looking for the best place we could get items & that is ½ of the reason we are at \$9,000 & the other ½ is we did a lot of work in-kind (raking, laying sod, etc.) to complete the job.

Councilman Degenhardt stated that he has some people asking him about Commission seats & asked if we could do an audit & let CC know where the gaps are it would be great to get the Commissions up to speed on membership. If Council liaisons could do this for everybody or Mr. Hughes has a book that has all of the Commissions with names & date of appointment.

E. City Staff Reports:

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

Chief Wendt reported:

- Had a couple of personnel attend a Texas A&M fire school this month
- Last week, Roadrunner Towing brought a couple of wrecked cars for training
- Working on updating Hazmat equipment
- This month's activity seems to be traffic related incidents
- Guys have been staying busy

(2) Report and Discussion of Significant Police Events

Police Chief Rick Jamison:

- At the last CC meeting, Chief advised CC that Sgt. Coker was involved in an accident & his car was damaged, insurance totaled the vehicle. We were able to get in a new 2008 vehicle & the equipment is being put in & should have the car back tomorrow or Thurs. & have him up & running. Total cost from the Seized Fund is about \$18,000.
- Mr. Hughes & Chief have a meeting with Dr. Mackey & Mr. Gonzales at 1 PM to discuss patrolling issues of the campus & security for athletic events
- Had a meeting with CPS yesterday morning with regards to adding more lights in the MacArthur Park (4) & Placid Park (3) Subdivisions
- Last night about 11 PM, 3 young ladies were walking home from Jay's Food Store along FM 1976 & 2 of the girls were struck by a hit-n-run driver. One of the girls had to be air lifted to a University Hospital. The vehicle we are looking for is between a 1999-2004 GMC Jimmy or a Chevrolet Blazer, white in color. The investigators have been out with the pieces that were collected & are talking to body shops & have contacted the news media & put out information asking for the public's help for any leads
- Staying busy
- Getting geared up for school

Mayor Suarez gave a personal thanks to Detective Scogins for assisting the Town Meeting at the Fields of Dover last week, it was very effective. They were impressed & asked to be annexed.

(3) Report and Discussion of Significant Public Works Events

Mr. Hughes reported:

- We have completed our pre-construction meeting for the Bridgehaven lift station; work will start within a week, we expect the lines (gravity main & forced main) to be complete by 30-days, looking at mid-Sept. & the lift station is predicted to be operational by mid- Nov.
- The School Street/Town Sq. drainage – We are working on a couple of change orders
- We captured an opportunity to re-do entire School St. for an additional \$14,000 as a part of the School St. drainage. We got a very good deal; School St. will get a new re-construction as the streets in Placid Park

(4). Report and Discussion of Economic Development Activity

Mr. Luft reported:

- Shared 2 letters in the CC packets; 1 from Congress of the US – Henry Cuellar, Lamar Smith & Charlie Gonzalez & he read a sentence from the 6/27/08 letter:

"We understand that there are many transportation projects that are important to the Greater San Antonio Area, and we will continue to work on behalf of the City and County in an effort to ensure that both the Texas Department of Transportation as well as the San Antonio – Bexar County MPO have adequate resources to complete critical transportation infrastructure initiatives."

The 2nd letter is from Congressman Henry Cuellar. Staff wanted you to see these letters as evidence of our efforts that we have been working with them & is work in progress. He is optimistic that we are going to get funding but don't know when it is going to be. Commissioner Tommy Adkisson is Vice Chair of the MPO & he knows what we are doing.

Mayor Suarez stated Ms. McNeil, Chairwoman of the MPO, called & indicated that she is still attempting to get funding to get sidewalks on both sides from Woodlake to 1516.

14. Adjournment

At approximately 10:20 PM, Mayor Suarez adjourned the meeting.

PASSED AND APPROVED THIS 19th DAY OF AUGUST, 2008.

Al Suarez, Mayor

ATTEST:

Adriana I. Hieronymus, City Secretary