

CITY OF CONVERSE  
CITY COUNCIL MEETING  
MINUTES OF OCTOBER 21, 2008  
7:00 PM

The City Council of the City Of Converse met in a regular meeting at the Converse Municipal Complex on Tuesday, October 21, 2008 at 7:00 PM to discuss various items on the agenda. The following were present:

Mayor Al Suarez  
Councilman Jon Lindgren, Place 1  
Councilman Carlton Degenhardt, Place 4  
Mr. Sam Hughes, City Manager  
Mr. Rick Jamison, Police Chief  
Mr. Jerry Wilson, Finance Director  
Ms. Trisha Neeley, Municipal Court Clerk  
Mr. Ches Estes, Data Entry Clerk  
Mr. Kody Hallmark, Fire/EMS  
Mr. Ryan Barnes, Fire/EMS  
Mr. Ray Ortiz, City Attorney

Mayor Pro Tem Billy Schindler, Place 3  
Councilman Rene Rodriguez, Jr., Place 2  
Councilman Chris Drake, Place 5  
Ms. Laura Arens, Assistant City Manager  
Mr. Richard Wendt, Fire/EMS Chief  
Mr. Mark Luft, COC EDC Executive Dir.  
Ms. Joyce Sheldon, Court Clerk  
Ms. Leigh Ann Rogers, EDC Assistant  
Mr. Chris Willis, Fire/EMS  
Mr. Matt Hayden, Fire/EMS  
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 Charles Lewis, New Life Baptist Church

Pastor Lewis stated he appreciates the City & CC to allow them as a religion community coming in & have the invocations. Pastor Lewis 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 with the exception of Councilwoman Mary Riley, who has a medical excuse this evening.

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 September 16, 2008
- B. Receive Beautification and Environmental Commission Minutes for Meeting Conducted on September 11, 2008
- C. Receive Economic Development Corporation Board of Directors Minutes for Meeting Conducted on August 12, 2008
- D. Receive Park and Recreation Commission Minutes for Meeting Conducted on August 25, 2008
- E. Receive Planning Commission Minutes for Meeting Conducted on August 26, 2008
- F. Action to Approve Financial Statements for July 2008
- G. Action to Approve Investment Report as of August 31, 3008
- H. Action to Approve Financial Statements for August 2008
- I. Action to Approve Investment Report as of September 30, 2008

MPT Schindler made a motion to approve agenda item #5 A – I. Councilman Lindgren seconded the motion.

It passed unanimously to approve agenda item #5 A – I.

6. Special Consideration Items

Mayor Suarez asked CC & staff to join him.

- A. Recognition of Ms. Trisha Neeley, for More Than 20 Years Service to the City of Converse (Mayor Suarez)

Mayor Suarez presented Ms. Trisha Neeley with a Certificate of Appreciation, lapel pin & a City coin.

Ms. Neeley stated Mr. Kent Myers & Mr. John Klaiber took a chance on an 18 year old, right out of High School & she has been here ever since, 20 years, it is like her family & she hopes to have more. Ms. Neeley was represented by her mother & father – Mr. & Mrs. Newman; husband Jim who sat on the P&R Commission, daughter Miranda & friend & 2-year old son Cody.

- B. Recognition of Captain Joshua Everetts, for More Than 5 Years Service to the City of Converse (Mayor Suarez)

Mayor Suarez stated Capt. Everetts was unable to attend due to an illness.

C. Recognition of Fireman of the Quarter by Councilman Rodriguez and Chairperson Jauregui (Councilman Rodriguez)

Chair Dorian Jauregui stated the Fire/EMS Commission earlier this year started a Firefighter of the Quarter award at the CC meeting due to the larger audience. They like to show their appreciation to the fire fighters & the fabulous dept. that they have. She gave some history of the fire fighter, worked with the COC since Nov. 2004, recently promoted to Lt., does training on his free time, he volunteers for the Fire Dept. where he lives, earned the respect of his peers; he is Lt. Kody Hallmark. She presented him with a set of fire dept. knives.

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.

-Lion Ada Wear & Lion Carl Mutschler – President of the Converse Lions Club stated Lion Ada Wear, Ms. Mary Rodriguez & Mr. Jim Neeley relinquished their time to him. He handed out some brochures to the CC & staff. The Converse Lions Club thanked the COC & the P&R Commission for allowing them to serve beer at NIOC. They have provided contract proceedings for approximately \$18,000 for the past 9 years. On behalf of the Converse Lions Club they presented a check to Mr. Sam Hughes & P&R Chairperson Joan Lindgren for \$2,440.29.

-Ms. Janie Olds of 9822 Coppercreek had some issues with agenda item #10 G & the free pick up for the head of the households by persons 65 years of age & older & setting rates for the pick up for the accounts & names for those under 65 years. There are a lot of disabled people that are on fixed income that are under the age of 65 that needs to be considered; we have low income families that are on fixed incomes that are under 65. She is not sure on the bulk & brush pick up; could that have not been negotiated with the trash pick up at that time?

-Mr. Chris Bazany signed up to speak, but was not present at this time.

-Mr. John Mendoza of 8359 Copperglen recognized & applauds the COC Police Dept. for their consistent & effective investigating process. He stated about a month ago (9/17/08) 2 female teenagers entered the Main Street Salon & asked to use the telephone. About 5 min. later, they walked out with a purse that belonged to 1 of the employees & moments later they drove off with the employee's car. The next day, our City Police located the vehicle abandoned, trashed & damaged. There are many steps in this process & reports to be written. Police Investigators communicated what they were doing & kept up their progress with the Main Street Salon owners & employees. This type of communication relations is encouraging & helps bond the community together building trust & confidence. People know our Police Officers care. They are vigilant & are on location to safeguard the well being of the people of Converse. He thanked Mr. Hughes & Chief Jamison & asked to share this message with the select Police team of the COC.

-Ms. Hope Olds relinquished her time to Mr. Mendoza.

Mr. Mendoza continued & asked CC if it is true that a mission statement, vision & value builds a strategic framework for a City? He asked CC to consider some questions on the Economic Development Corporation (EDC) role, mission, grants & responsibility.

-Ms. Dawn Paden of New Dawning, 9210 FM 78, commented on Mr. Mark Luft & benefiting positive things he has done for her & her business. She received a grant, which helped her with equipment, advertising & reaching out in the community. She does a lot for the City, but the City does a lot for her & it is not possible without Mr. Luft on her side.

-Ms. Sandy Laskowski of 103 Ave B & also the President of Converse Pony Baseball was here to clear up a couple of items that have been discussed here without them being present. On July 1, she was put on the agenda to discuss Converse Pony League (CPL) operations & as she stated that day, she was not aware that she was on the agenda. She gave an update as to what had taken place during Aug. & Sept (meetings, vacation, financial reports, grievance meeting, etc.). She met with Mr. Hughes on things they needed to correct & would be ready for Sept. 2. She set her web page to hold an election of new Board members, new plan of action to make sure their debts were paid & their business part of the organization was up to par. She was never given that chance. She went to turn in her financial report, new plan of action & election of Board members.

-Mr. Glenn Laskowski relinquished his time to Ms. Laskowski.

Ms. Laskowski continued & she was taken off of the agenda & that another organization was putting in another proposal & a new agreement & was told she did not need to be there. On Sept. 2, she received an ugly, threatening letter & did not attend the CC meeting. When they did this program it was from their hearts (Sandy & Glenn). Ms. Whitney Higby (parent & Director) said they were endorsing JYSF to do baseball. CPL never said they were a perfect organization & there was nothing they could not fix. She commented at no time did they ever refuse to turn over financial statements.

-Ms. April Washington of 1660 Willow Top Lane in Schertz stated she was here & speaking for Angela Mitchell & Jana Ortiz. They are the proud owners of Family First Care Clinic at 9135 Schaefer Road. Ms. Mitchell had written a letter, which states they appreciate Mr. Luft in Feb. Ms. Rhonda Payne recommended that she speak to Mr. Luft in regards to opening a business in Converse. It was essential that Mr. Luft & Ms. Leigh Ann were on their side to help things get coordinated at their grand opening reception. Mr. Luft guided & directed them in an orderly fashion. Ms. Washington said their group says thank you to CC & Mr. Luft. They received a grant for their business & it helped with the advertising. They want to service the community & participated in the NIOC parade. She thanked Mr. Luft again.

-Ms. Gloria Weers signed up to speak, but did not need to.

-Ms. Katharine Gibbs of 10427 Mustang Ridge was present on behalf of the B&E Commission. They have cookbooks for sale at \$10 each & it is to help offset some of the cost of the B&E Commission. She will be out in the lobby.

8. Public Hearings

A. None

Mayor Suarez stated there were no Public Hearings.

9. Old Business

A. Discussion and Appropriate Action on a Request to Approve a Mutual Support Agreement Between Judson Youth Sports Foundation and the City of Converse to Provide a Youth Baseball Program for Calendar Year 2009 (City Manager)

Mr. Hughes stated he & Mr. Rex Brien had a conversation about what changes would be desired for this agreement compared to what was presented last time. He brought 3 recommended changes, 2 of which he supports & 1 he disagrees with. The 1<sup>st</sup> has to do with the words on the debt of the Pony League & assumption of their assets. Mr. Hughes believes there is insufficient information for Mr. Brien to comfortably make that assumption & it is probably not prudent for the City to lien on them not knowing anymore about that debt. The 2<sup>nd</sup> recommendation is that we remove the requirement for background checks. Mr. Brien said he does not have control with the umpires. Mr. Hughes recommended that we stay with that & start with all youth programs & require a background check. Mr. Brien would like to see the agreement go from a 1-year contract to a 3-year contract & Mr. Hughes supports this.

Mr. Brien stated they do not want to remove the stipulation on the background check & the people within their organization they are going to run a background check. Their Board of Directors, coaches & team parents will be subject to background checks; they have no control over the referees, it was just the umpires. He had a pretty solid list for the background check. He provided handout sample reports from Volunteer Select Plus through the Kids Sports Network, JYSF pays them a fee & for every volunteer that comes in \$1.75 fee is to run the background with immediate results. This is a safeguard for City & JYSF.

This was a very long & lengthy discussion.

At this time, there were questions, answers & comments, including: The original proposal for JYSF & 1 of the requests was to assume the CPL debt if any & obtain the inventory or take possession of the assets. The City was asked to insist in verifying this, he has not received the financial statements for the CPL. The latest information we have is the 2007 report & it did indicate there was just over \$52,000 in equipment (both baseball equipment & field maintenance). The City has no direct invoices.

There was much discussion on paragraph 16, relating to JYSF will inventory & take possession of equipment & assets of the CPL & assume responsibility for the unfulfilled

financial obligations of the CPL. The request to have this removed is from Mr. Brien. & JYSF. This was the initial proposal & can remove it, because they don't know what is out there. Mr. Ortiz was asked to clarify some things on umpires & background checks & they probably have their own requirements for background checks. What was said is if CPL has serviceable equipment they can use & come to an agreement on a price, then JYSF would turn around & write a check to a vendor that money is owed to. Want to protect kids. Background check is a \$25 set up fee & \$1.75 for every background check.

Councilman Rodriguez noted that 1 of the things they approved on the City agenda was 5 A. He asked Mr. Steve Thomas who was a Board member to the CPL about the equipment. He asked how was the equipment being managed? He stated in the CC minutes of Sept. 16, 08, "They are willing to take on the liability of the debt(s)" & if you look at the proposal presented by Mr. Brien it says, "They will establish an action plan to resolve unpaid debts to vendors. We will base the action plan on total outstanding balances.

Mr. Thomas did not know & did not have a key to any of the facilities. When equipment was checked out to the coaches, the CPL requested they leave copies of their DL. JYSF is asking the COC to help get the inventory of the assets.

Mr. Hughes stated the contract was presented in the packets last time, tabled & there was no guidance to do any amendments & it was all awaiting for further coordination between JYSF & CPL.

Ms. Laskowski stated she has discussed the outstanding debts with Mr. Brien (twice). CPL owes Jara a little over \$4,000 & that JYFS would pay this debt. CPL owes a little over \$8,000 to Sports Supply Group & CPL never said they would not pay this debt. She said they/CPL does not owe Mission. She commented that Mr. Brien said JYSF/he had no problem paying the McGregor. Right now, there are 2 scoreboards probably priced at about \$5,000 a piece (\$10,000 & 2-years old). They left some equipment in the equipment room, some is on ball fields 3 & 4, there is some in the Laskowski's possession & some coaches still have some equipment. She said the equipment is in excellent condition & is worried about the debts.

Mr. Brien stated as a Board & because of the discussion held here, JYSF decided if they have the equipment they could put a \$ amount on it & turn around & pay the vendor. He said they did not agree to item #16. They do this as volunteers & so does the CC.

At this time, there was a more lengthy discussion.

Mr. Ortiz did not know if the contract with the CPL addressed the signs & if that contract is terminated. He would have to look at the contract that the City had with the CPL, but does not believe it was addressed. He stated we have 2 non-profit groups discussing terms of some kind of an arrangement between the 2 of them & the City owns the property they all want to play on. The non-profits are bound by their directors. He recalled the sodas for NIOC is what was driving it at the last meeting & CC gave them the right to sell the sodas. Unless there is something in the agreement, then the property is theirs so long as they remove it in a reasonable manner & act in a reasonable fashion.

The main issues were: background checks, equipment, debts. & the 1-year contract.

Mr. Brien brought up the 3-year contract, because item 15 says the Baseball/Softball Board of Dir. (BOD) would be replaced every 1/3 of the BOD every 3 years & to run through the cycle.

Councilman Drake made a motion to recess so Mr. Hughes could get the revisions & move forward.

The CC still needed to finish the discussion.

Mayor Suarez asked if Councilman Drake could wait.

MPT Schindler referred to the CC minutes of the last meeting they had & it stated: “He stated if we should find that the outstanding financial obligations are not in the neighborhood of \$10,000-\$12,000 & that they are in the neighborhood of \$30,000-\$50,000, then we would have to back up & look at this”. Now, CC is being asked to take this item out of the contract. His version of giving JYSF the coke sales was to give them an opportunity to start making money towards paying off these debts that were going to be negotiated out. He would not like to see this taken off the board (pay Jara & McGregor-in line with agreement). He suggested a 1-year contract & then they can talk about making it a longer contract.

Mr. Hughes stated there was a lot of discussion & opinions. He needs the consensus of what CC wants to support.

Discussion continued: CC supports a 1-year contract & on paragraph 16 – City couldn’t enforce it. The City’s role is limited & is not on the hook for any of the debts. The City can act as a mediator. Mr. Brien said the JYSF has to have equipment in hand & not to exceed \$13,000 & have serviceable equipment with reasonable market value. Have JYSF & Laskowski’s get together & have a smooth the transition. Suggestion to table this item.

Mr. Hughes stated the City cannot take authority on debts & does not have authority over the finances. It is in the best interest of our citizens & not has outstanding debts by a youth program, because if we allow these to go unpaid for whatever reason it is going to make it harder for other sports program to get credit to buy equipment. It is not good business to keep buying new equipment as we rotate from different provider of youth programs. He provided a copy of the inventory that was declared in 2007 & has over \$50,000 of equipment. He would not expect to be able to recover 100%, but we ought to recover more than ½. If we were to recover more than ½ of that inventory then that is more economical for the JYSF organization to start there with a \$13,000 bill & that equipment then it would be to go out & try to purchase them new. He thinks it is in the best interest of the City to see this go & whether or not we can actually nail it with contract & force it through. He thinks the Laskowski’s are better off to turn over the equipment & have somebody else pick up the debt & get it paid for rather than to spill back on them & the JYSF is better off in getting the equipment & assuming an inventory of some \$25,000 or \$30,000 worth of equipment with a debt of \$13,000. This needs to be worked out & even though we don’t technically have authority by

the Attorney to do that, if we can meet & say this will be delivered & start making an inventory & develop a value. He would like to see the assets continue to support youth baseball under JYSF & the debt resolved. The majority of CC agrees a 1-year contract & stay with the background checks. Mr. Hughes asked if the JYSF had a supply person that will be willing to inventory & take possession or accountability? Will JYSF have or get a Board meeting by Nov. 4, so the Board can approve equipment & value?

Mr. Brien stated they have a Board meeting scheduled for Sun., Oct. 26. He asked if they could use the same facility to store the equipment & if not they can get another storage shed at North Park?

The Laskowski's will try to get the inventory by this Fri., Oct. 24.

Mr. Thomas will do the inventory at sites & contact Mr. Hughes.

More discussion included: get resolved before next CC meeting & get equipment situated with Mr. Hughes to mediate; bring back to CC Nov. 4 meeting for action & contract.

Mayor Suarez made a motion to table this item until Nov. 4 with the stipulations as indicated tonight.

Councilman Degenhardt made a motion to postpone agenda item #9 A until Nov. 4. MPT Schindler seconded the motion.

It passed unanimously to postpone agenda item #9 A until Nov. 4.

10. New Business

A. Discussion and Appropriate Action on a Request to Approve Preliminary Plat for Miramar Subdivision, Unit 8 A (City Manager)

Mr. Hughes stated Miramar Unit 8 A is in the SW corner of Miramar & the corner of Rocket Lane & FM 1604. This is a plat of about 30 lots. This has been reviewed by the Engineer, Planning Commission & staff. Recommend approval.

Councilman Degenhardt made a motion to approve agenda item #10 A. MPT Schindler seconded the motion.

It passed unanimously to approve agenda item # 10 A.

B. Discussion and Appropriate Action on a Request to Approve Preliminary Re-Plat for Hanover Cove Subdivision, Unit 3 (City Manager)

Mr. Hughes stated Unit 1 & 2 was primary completed by Pulte Homes. Pulte pulled out & another builder, Centex has moved in. Basically, you have a new subdivision & it is still Hanover Cove. This re-plat is taking the rather large lot & breaking off a piece of that lot so

that it will belong to the Homeowners Assoc. & they will be able to construct a monument that would announce that particular unit.

This has been reviewed by the Engineer, Planning Commission & staff. Recommend approval.

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

It passed unanimously to approve agenda item # 10 B.

C. Discussion and Appropriate Action on a Request to Approve Final Plat for Converse Business Park, Lot 32, Block 2 (City Manager)

Mr. Hughes stated the location of this plat is directly across the street from our Street Dept. on Converse Business Park. This plat takes 2 lots & consolidates it into 1; enough room for building & parking.

This has been reviewed by the Engineer, Planning Commission & staff. Recommend approval.

MPT Schindler made a motion to approve agenda item #10 C. Councilman Lindgren seconded the motion.

It passed unanimously to approve agenda item # 10 C.

D. Discussion and Appropriate Action on a Request to Approve a Resolution Authorizing Amendment No. 38 to the Sewage Transportation, Treatment and Disposal Contract Establishing New Points of Entry Within the Salitrillo Outfall Line (City Manager)

Mr. Hughes stated this 1<sup>st</sup> came to CC in April 2008 & because of some in decision on the part of Sage Western & he asked that this be pulled from the agenda. Basically, this is tied to the lift station & this allows this agreement to downstream all of the way to our newly annexed area to use the Salitrillo Plant for treatment & it allows the lift station at Placid Park the equipment generators & pumps to be turn over to the City & when the new lift station is constructed the flow from Placid Park will flow on down. We are basically eliminating 1 older lift station & will be using the generator & the pumps at Astoria Place & we get an agreement from SARA that we will not have to go downstream to the Martinez or another area. All of our citizens will be able to use the Salatrillo Creek Plant. This is in our best interest & guarantee that all of our citizens will have the rate of sewer. Recommend approval.

There was a question that some of the folks over at the Placid Park area have been talking about the water flow/pressure. Mr. Hughes stated he has not received complaints about pressure. We had an 18” main break on Fri. night & another 18” main break at 6<sup>th</sup> & Patsy. When that main line fails, we route around using smaller lines to still deliver water & the

quantity you can deliver per time is less than what you would normally have if you had all of your systems up.

Councilman Degenhardt 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 a Variance to City of Converse Ordinance #604 to Allow Jackson Hewitt Tax Service to Advertise on an A-Frame Sign Each Weekend (Friday thru Sunday) at 9150 FM 78 Suite 3, Beginning September 26, 2008 thru November 30, 2008 or a Period of 30 Days Beginning October 21 thru November 21, 2008 (Assistant City Manager)

Ms. Arens stated the Zoning Commission met last night & on this issue they voted 4 to 2 to allow them to have the A-frame for a period of 30-days beginning Oct. 21 thru Nov. 21. This is to advertise for individuals to come in & take their tax courses for employment.

Councilman Drake made a motion to approve agenda item #10 E with the stipulation not to sit on TXDOT ROW for a period Oct. 21 thru Nov. 21. Councilman Degenhardt seconded the motion.

It passed unanimously to approve agenda item # 10 E with the stipulation not to sit on TXDOT ROW for a period Oct. 21 thru Nov. 21.

- F. Briefing by Executive Director, EDC and City of Converse Public Works Director on Proposed Improvements to a Section of Commercial Roadway Owned by the City for Gibbs Sprawl Road at FM 1976 Associated with the Union Pacific Railroad Bridge Replacement and Upgrade (Chairman, Board of Directors, EDC)

Councilman Degenhardt gave a brief background; this was presented at their last EDC meeting. This is a result of probably 5-6 years worth of work by previous administrations (Mr. Luft & a lot of people). He wanted everyone to be aware of what is going on & discuss what the right way to take on this project would be. He asked for approval to move item #10 H to follow this item.

Mr. Luft shared handouts to CC & staff. They have been working very diligently on this. When he 1<sup>st</sup> came on board with the City, he identified & observed that the trestles were in pretty bad shape. He made some contacts with Union Pacific, it was determined that those trestles were in excess of 100 years old. He was concerned about a public health & safety issues. Union Pacific took the information down based on telephone conversations we have had with their officials & they did their own study on it. The railroad sent an e-mail to Mr. Hoppes saying they hired a company out of Nebraska saying that we were in dialogue with them. In April 2007, Mr. Luft was able to orchestrate a meeting (Mr. Luft, Mr. Hughes, Congressman Gonzales & Commissioner Adkisson) & then he referred to his handouts under Union Pacific Railroad Safety & the basis of asking for assistance rectifying the conditions of

the bridge. Mr. Luft explained the current conditions of the bridge (height, width, clearance & sharpness of the corner).

Chief Wendt stated the ladder truck, currently at this time, would not fit under that bridge & they use this bridge almost every day. The condition of the trestle itself has been a major concern of his for quite a long time. The amount of damage that can be done to the environment & the neighborhood from a train derailment is astronomical. He is glad to see this project undertaken. His hats off to Mr. Luft & staff that got this going.

Mr. Luft checked our ballot the voters had passed & this type of project can allow us to do certain things & this is 1 of them. The EDC held a public hearing on the 14<sup>th</sup>. They are informing CC tonight what happened at their Board meeting. They will place it on the agenda of their Jan. 2009 meeting; Action to Approve the Project.

Mr. Hoppes gave an explanation to the job (make two 12' ten driving lanes through there & increase the height. Public Works role is to continue a storm drain an additional 30' of storm drain that will have to be installed at about \$3,000, re-build the asphalt about 575 sq. yards of asphalt treated base at about \$16,000, there are some ballards/protectors & we are still in negotiations with the railroad on who is actually going to pay for that, put in a 2" asphalt cap on top of that at about \$4,000, put some new pavement markings to show that we have a curve there & put in flood controlled gates. He has asked for an additional 30-days of barricades to put there showing this is closed. The railroad will take about 12 weeks to do this project & could be longer depending on the weather & may cause traffic problems. The latest traffic count was Feb. 2008 & was right at 2,800 to 2,900 cars in a 23-hour period. The trains will be moving the whole time work is being done & this will be done in intervals. The engineer estimates there is a sewer manhole that needs to be raised & fiber optics that makes this challenging. He stated Mr. Luft deserves much of the credit & very instrumental on getting this project.

Mr. Luft stated this road construction project is not a budgeted item in the budget. The EDC has some money in their Reserves Account for this worthy project. We might be able to save some funds since we are doing some of it internally. He wrote a grant with Mr. Hoppes help & we had received CDBG funds to pave all of this several years ago. He is not committing to this, but he will talk to CPS about some kind of lighting. This will be a definite improvement. He has advocated for the next trestle to be done also. We are trying to protect our 1<sup>st</sup> responders & the residents in this area.

Councilman Degenhardt thanked Mr. Luft for bring this to us & working on it. He summarized: this is good for the City, help Fire Dept.& Police Dept. & help traffic flow. Union Pacific is talking about starting this Nov. 10. The EDC has Prior Year Funding & has no problem pitching in & doing this as a joint project with the City.

At this time, there were questions, answers & comments, including: Mr. Hoppes will be the Project Manager, railroad will re-build the bridge & we will do the road & expansion, the ladder truck will have 4-5" of clearance, overall estimated cost by the engineer is \$45,000 & his engineer fee is \$3,200, railroad will start Nov. 10, the evidence is there that the bridge is in

jeopardy, goal is to get in & out in 30-days & there should be no delays & road will be totally be shut down, hope to be done Jan./Feb. 2009 & they will still be doing some chip seal repair work while this project is going on.

Mr. Hughes stated the major project is Toepperwein & we are going to do this by contract. Thurs. Herald should have the advertisement request for bids. We have a pre-construction meeting on the Nov. 6 & intend to receive bids on Nov. 13, CC accepts on the 20 & we will have very little involvement other than traffic control on Toepperwein (Tier 2). Our Tier 1 is seal coat & a little bit of clean up-can't do in winter. The major bill payer will be crack sealing & yes there will be a 30-day time out & we will be diverting resources to this. He said there would be rail traffic & he does not believe this will happen in 12 weeks (between weather & rail traffic). This is not a big project (220' x 22' wide). Usually, residential is a City project & commercial is an EDC project.

CC supports this project.

- H. Discussion of the Project Concept and Public Need for Improving Commerce and Public Safety for the General Welfare for the Conveyance of Traffic (Chairman, Board of Directors, EDC)

Councilman Degenhardt stated he got the answer & for us to move on with the project.

- G. Discussion and Appropriate Action on a Request to Approve City of Converse Ordinance #218; an Ordinance Providing for Free Brush and Bulk Pick Up for Households Headed by Persons 65 Years of Age or More and Setting New Rates for Brush and Bulk Pick Up for Accounts in the Names of Persons Under 65 Years of Age (First Reading) (Councilman Rodriguez)

Councilman Rodriguez deferred this to Mr. Hughes because he put the numbers together. He said basically it is \$3.96 per year savings to our seniors; & with the economics the way it is – this just fits right into what is happening right now at the national level at the national level & how everybody is struggling to make ends meet. This is our way of the CC uniting & showing our citizens, senior citizens that we do care about them & are there for them. He is asking CC's support on this. There are government grants to help some of the folks that are under privileged.

Mr. Hughes stated this Ord. actually ordains what was agreed to in the workshop. The numbers in paragraph 2 are exactly what was discussed before. We are changing the bulk rate from .89 cents to .98 cents & changing from \$1 to \$1.18 on the brush. The result will be about \$21 savings for the over 65 years & the  $12 \times .33 = \$3.96$  additional for all under 65 years to pick this up. Recommend approval.

The resident would have to come in & apply for this service.

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

It passed unanimously to approve agenda item # 10 G.

At approximately 9:43 PM, Mayor Suarez called for a recess to go into Executive Session.

At approximately 9:46 PM, Mayor Suarez called the Executive Session to order.

- I. Executive Session in Accordance with Section 551.071, Texas Open Meetings Act to Consult with the City Attorney Regarding the Joint Election Contract with Bexar County and a Settlement Offer (Mayor Suarez)

At approximately 10:14 PM, Mayor Suarez closed the Executive Session.

At approximately 10:15 PM, Mayor Suarez called the CC meeting back to order.

- J. Discussion and Appropriate Action on a Request to Approve Payment in the Amount of \$7,632.36 to Bexar County for the Joint Election Conducted in May 2008 (City Attorney)

MPT Schindler made a motion that CC handle this matter in the manner as discussed in Executive Session. Councilman Rodriguez seconded the motion.

It passed unanimously to approve agenda item # 10 J.

## 11. Reports

### A. Councilmember's Report/Items of Interest

There were none.

### B. Mayor's Report/Items of Interest

Mayor Suarez stated to Chief Jamison the National Night Out went very well. He thanked the Police & Fire/EMS Dept. for their cooperation. The Mayor thanked everyone for NIOC, there is a long list & we will wait until the next meeting to hand out some certificates & awards.

### C. Boards/Commission Reports:

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

Councilman Rodriguez reported:

- Discussed Fireman of the Quarter
- Have not had a meeting since their last meeting
- Next meeting he will brief on Fire/EMS NIOC booth & have all of the figures
- Would like to have the Chairperson come before CC & brief on the budget report

(2) Report and Discussion of the Planning Commission Meeting

MPT Schindler reported:

-They had 3 items & they were all discussed on the agenda tonight

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

Councilman Lindgren reported:

-They had their meeting & they are interested in some bids to make some adjustments in the entry signs to Converse

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

Councilman Degenhardt reported:

-Discussed the public hearing as briefed this evening & they have marching orders on that (trestle) & they are happy to help

-Approved several proceedings on several properties on Toepperwein Road expansion project  
-Accepted the proposals they discussed a couple of meetings ago for the ED strategies & the marketing proposal with a company called Marketing Plus; Mr. Luft & Mr. Cone will be entering into further contract discussions on this; if anyone is interested in seeing the proposals & criteria for evaluation-he will be glad to share this with them

(5) Report and Discussion of the Zoning Commission Meeting

Councilman Drake reported:

-There was 1 item & it was discussed this evening & voted on

D. City Manager's Report:

(1) Report and Discussion of Future Agenda Items

(2) Report and Discussion of Items of Interest

Mr. Hughes reported:

-Water Ord. similar to what we approved tonight for Bulk & Brush; the Water Ord. did away with the minimum quantity & that will be coming as well as a consolidation of Water Ord. for a 1<sup>st</sup> reading

-2<sup>nd</sup> Reading of Bulk & Brush, approved tonight

-JYSF Agreement

-3 Workshops that have been pending

\*1<sup>st</sup> Deals with the over 65-property tax: Freeze & the economic impact that would have & to increase the exemption for over 65 homesteads

\*Discuss the Ords. that establishes & regulates our Commissions

\*Select a proposal for Codification of our Ords. (he has received 3 & are they are available for review & determination on how we want to go

- \*NIOC financial report
- \*Fire/EMS operations & financial report
- \*Due to do a performance evaluation of the City Manager

Mayor Suarez asked CC to get with the City Manager on a date for the workshop.

E. City Staff Reports:

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

Chief Wendt reported:

- Have been going out & doing various fire prevention activities; Fire Prevention Week was The 2<sup>nd</sup> week in Oct.
- Participated in NIOC
- Participated in National Night Out
- Last week set a record of 90 responses in 7days
- Seems this months activity is traffic accidents, made several pretty serious accidents in
- Converse & the surrounding areas
- Staying busy

(2) Report and Discussion of Significant Police Events

Chief Jamison reported:

- Dept. participated in 9 National Night Out parties
- NIOC, from their perspective was very successful on their end & they had very little problems
- This past weekend, they supported JISD for their endeavor with 2 officers & the Mayor going out into the community to talk to people & kids to try to get them back in school
- Hired 1 new officer & still looking to hire 2 more
- Staying busy

(3) Report and Discussion of Significant Public Works Events

Mr. Hughes reported:

- Started Mon. on the drainage problem at 8502Cherokee Ridge, Ms. Myers property & expect to be there about 3 weeks
- Advertised for the work for Toepperwein Road
- Advertised & actually received bids for an upgrade to Bob Grubb well; we expected that job to cost considerably less than the bid; we received only 1 bid & rejected that bid & are going out again for bids – work we want to do is to upgrade the motor & pump; our long range goal is to have 3 wells each with 250 horsepower motors; he expects those bids to come back & be for CC’s consideration the 2<sup>nd</sup> meeting in Nov.
- Working on refurbishment of the Bob Grubb tower (rust, cross braces, painted outside, clean & painted inside, there are some OSHA changes on ladders & catwalks – looking to put about \$70,000 into bringing this system/well/tower back into good state of repair

- Still working on Bridgehaven lift station, that is going well; the gravity main has about 1 week left & then we will be ready to start working on the actual lift station
- Had a main break on the 18” at Patsy & 6<sup>th</sup> Street
- Finished all of the work on Pony Corral

(4) Report and Discussion of Economic Development Activity

Mr. Luft reported:

- Provided a letter from the US Dept. of Transportation & we have made some headway with them; the lady that was referred to him is out of the office until tomorrow & he will follow up with this
- He is going to keep on doing what he does

Councilman Degenhardt stated this is huge movement in the 1604 project.

Mayor Suarez asked if needed support from Randolph? He can get a letter together.

Mr. Luft replied he could always use support from Randolph. He will work on the Governor’s office on this & he is very grateful for Mr. Clay Smith’s (rep. from TXDOT) support.

12. Adjournment

At approximately 10:29 PM, Mayor Suarez adjourned the meeting.

PASSED AND APPROVED THIS 4<sup>th</sup> DAY OF NOVEMBER, 2008.

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Al Suarez, Mayor

ATTEST:

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Adriana I. Hieronymus, City Secretary