

January 6, 2009

CITY OF CONVERSE  
CITY COUNCIL MEETING  
MINUTES OF JANUARY 6, 2009  
7:00 PM

The City Council of the City Of Converse met in a regular meeting at the Converse Municipal Complex on Tuesday, January 6, 2009 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, Acting City Manager	Mr. Rick Jamison Police Chief
Mr. Richard Wendt, Fire/EMS Chief	Mr. Lupe Perez, Utility Facility Director
Mr. Mark Luft, EDC Executive Director	Mr. Ron Noble, Police Sergeant
Mr. Ray Ortiz, City Attorney (Arrived @ 7:25 PM)	
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 Darrell Thomas, Rock of Faith Missionary Baptist Church

Assistant Pastor John Woolery 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 stated all Council members are present.

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

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- A. Approval of City Council Minutes – City Council Meeting November 11, 2008
- B. Approval of City Council Minutes – City Council Meeting December 16, 2008
- C. Receive Zoning Commission Minutes for Meeting Conducted on November 17, 2008
- D. Receive Fire and EMS Commission Minutes for Meeting Conducted on November 24, 2008
- E. Acton to Approve the Investment Report as of November 30, 2008

MPT Schindler asked that agenda item #5 B be pulled.

Councilman Rodriguez asked that agenda item #5 A be pulled.

Councilman Degenhardt made a motion to approve agenda items #5 C - E. MPT Schindler seconded the motion.

It passed unanimously to approve agenda items #5 C - E.

Mayor Suarez stated agenda item #5 B would be tabled to allow sufficient time to be reviewed by the CC members.

Councilman Rodriguez asked for a clarification on agenda item #5 on what was changed for the rest of CC & the audience.

City Secretary Ms. Hieronymus stated upon listening to the tape item #5 A stands as written with the corrections made at the last mtg. There was a question on a statement the Mayor made, which he did make.

Councilman Rodriguez made a motion to approve agenda item #5 A. Councilman Drake seconded the motion.

It passed unanimously to approve agenda item #5 A.

## 6. Special Consideration Items

- A. Recognition of Sergeant Ron Noble, for More Than 15 Years Service to the City of Converse (Mayor Suarez)

Mayor Suarez asked CC & staff to join him in presenting Sgt. Noble with a Certificate of Appreciation, lapel pin & City coin.

Chief Jamison stated Sgt. Noble has been with us just over 15 yrs., after spending 20+ yrs. in the Army as a Military Policeman. He has been 1 of the Patrol Sgts. for the last 6-½ yrs.; very proud to have him work for us, great influence on the younger officers

Sgt. Noble stated he has enjoyed his time here & working with Chief & the team.

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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. Hope Olds of 8306 Copperside stated she no longer had to speak.

-Ms. Joan Lindgren of 8904 Liberty View stated she would speak on agenda item #10 A.

-Mr. Robert Thomas of 9914 Autumn Arch stated he is speaking on City Ord. 713 – noise & nuisance & City Ord. 717 – keeping dogs & cats within the COC. In his subdivision, he has some fellow residents who constantly violate these City Ords. The result is his residence/home is anything but a place to relax & be rejuvenated for the next day. He is asking CC what recourse he should take.

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 to Approve, Amend, Modify, Replace, or Repeal City of Converse Ordinance #602; An Ordinance to Establish and Regulate the Building and Standards Commission for the City of Converse; Establishing Authority and Procedures, and Superseding City of Converse Ordinance #602 Dated January 16, 2001 (Councilman Lindgren) (Mayor Pro Tem Schindler)

Councilman Lindgren stated this Ord. requires modification to our agreed upon establishment requirements. This Ord. as it stands does not fully explain or require all of the steps required by the Municipal Code of Tx. & needs to be revised before he believes they can take it for review.

Councilman Degenhardt made a motion to table agenda item #10 A until the 1<sup>st</sup> mtg. in Feb. to allow the Commission to review & confer with the Attorney regarding statutory requirements. Councilwoman Riley seconded the motion.

It passed unanimously to table agenda item #10 A until the 1<sup>st</sup> mtg. in Feb. to allow the Commission to review & confer with the Attorney regarding statutory requirements

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- B. Discussion and Appropriate Action to Approve, Amend, Modify, Replace, or Repeal City of Converse Ordinance #630; an Ordinance to Establish and Regulate the Planning Commission for the City of Converse; and Superseding City of Converse Ordinance #630 Dated March 7, 2000 (Councilman Lindgren) (Mayor Pro Tem Schindler)

Councilman Lindgren stated this needs the standardized phraseology in it & should be considered.

\*At approximately 7:25 PM, City Attorney Mr. Ortiz arrived.

There were questions & comments that included CC giving their opinions. The Commission gets their direction & guidance from CC.

Planning Chair Mr. Paul Clauss stated he like to create committees/liaisons from the Planning Commission to the other Commissions to meet & have a focal point with all of this information.

Mr. Hughes stated we have 2 matters before us in 2009; we have to figure out where we are headed with water & we have to figure out what to do with our shortage of park & recreational facilities.

MPT Schindler, liaison for the Planning Commission, stated he agrees with all & the Ord. as written gives enough guidance & direction.

MPT Schindler made a motion to amend this to the portions in Section 1 A, C & H as agreed to with the others standardized phraseology. Councilman Degenhardt seconded the motion.

It passed unanimously to amend this to the portions in Section 1 A, C & H as agreed to with the others standardized phraseology.

- C. Discussion and Appropriate Action to Approve, Amend, Modify, Replace, or Repeal City of Converse Ordinance #631; an Ordinance to Establish and Regulate the Zoning Commission for the City of Converse; and Superseding City of Converse Ordinance #631 Dated March 7, 2000 (Councilman Lindgren) (Mayor Pro Tem Schindler)

Councilman Lindgren stated this needs the standardized phraseology & should be considered. In talking with Chair Mr. Bruce Cannon, they have no problem with the Ord. as written.

Councilman Lindgren made a motion to approve item #10 C with the changes as previously mentioned with standardized items A, B & C. MPT Schindler seconded the motion.

It passed unanimously to amend this with the changes as previously mentioned with standardized items A, B & C.

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- D. Discussion and Appropriate Action to Approve a Proposal for CGI Communications, Inc. to Provide a Website Welcome Video and Other Video Services in Return for a Letter of Introduction and Other Promotional Consideration (Mayor Suarez)

Mayor Suarez stated GCI was referred to him by TML & did not need to take any action. This company is offering the COC a free 1-minute video & in return we allow them to solicit our businesses.

Mr. Hughes stated it looks like the City does not incur any financial obligations if we sign this contract. Our obligations are to introduce or put on our letterhead a letter of introduction that would go to the businesses & it would be up to them if they sign up for the services or not.

- E. Discussion and Appropriate Action on a Request to Approve the Purchase of a 2009 Ambulance for the Fire and EMS Department, and to Approve an Expenditure of \$20,000 from General Fund Reserves (City Manager)

Mr. Hughes stated currently the City has 4 ambulances. When we had the budget workshop in July we talked about the need to plan for a future ambulance. We have set aside in the budget \$55,000 to buy an ambulance, which is exactly ½ of what you need to buy an ambulance. The plan was we would put away \$55,000 this yr., set aside \$55,000 next yr. & pay cash for a 2010 ambulance. There was an opportunity to apply for a Tx. Dept. of Health grant for an ambulance. We applied for the other ½ & did not get the \$55,000, but did get \$35,000. We have a contract that is signed, sealed & they are ready to reimburse the COC up to \$35,000 on a new ambulance. We have \$55,000 in the bank, \$35,000 in the contract & we need \$20,000 with CC's approval to go ahead & put the ambulance out for bid & buy it in 2009. We would pull the money from General Fund Reserves. Recommend approval.

Chief Wendt stated the \$110,000 is the basic cost of an ambulance. We do have some items that we can be used in the ambulance & will look at some of the big items that we would have to purchase.

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

It passed unanimously to approve agenda item #10 E.

- F. Discussion and Appropriate Action on a Request for a Variance to Ordinance 612, Article IV, Section 18, Paragraph B to Allow Partial Completion of the Sidewalk Requirements to Qualify for a Certificate of Occupancy, with the Remainder of the Sidewalk Requirements to be Completed on or Before July 1, 2010; and to Place the Sidewalk Between 1.5 Feet and 4 Feet from the Curb to Protect Existing Mature Live Oak Trees at 115 School Street (Sarah Salazar, City Manager)

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Mr. Hughes stated 115 School St. is at the corner of School & Station; a previous residence of Ms. Boggus, it was sold, we went through & changed the zoning to allow for this hair salon operation. It was built some yrs. back & does not meet the code, specifically the sidewalk requirements & parking is an issue. Ms. Salazar is working the parking & the size of the parking lot. Being on the corner, our Ord. 612 specifies how sidewalks are to be built from property line to property line. We are asking for a variance to move the 4' sidewalk to be just over 18" from the curb. Second, she wants to build a sidewalk from the driveway & the parking lot down to the sidewalk that goes to the house first some 80'. Then, within 18 months after that build the remaining 180' to go around on down towards Station St. & then cover the Station St. frontage. She has agreed to put in a second sidewalk that goes directly from the parking lot to the front door. Recommend approval.

At this time, there were questions, answers & comments, including: we are moving the sidewalk closer within 18" of the curb & it would still be 4' wide, possibly put in her Certificate of Occupancy (C of O) if the 18 months comes across & the sidewalk does not get built we would revoke the C of O. We are granting her a temporary C of O with the stipulation that these things be corrected. There was some concern with wheelchairs & there would be the ramps at the intersection of Station & School St.

Mr. David Schooman stated they have done as much as they could do to keep the trees & comply with the Ord.

Councilman Rodriguez made a motion to approve agenda item #10 F as written. Councilman Degenhardt seconded the motion.

It passed unanimously to approve agenda item #10 F as written.

G. Discussion of Issues to be Presented to State Senators and Representatives for Consideration During the 81<sup>st</sup> Legislative Session (Mayor Suarez)

Mayor Suarez stated they are getting issues ready for the Northeast Partnership (NEP). He would like to give CC & the Attorney the opportunity to see if there are any issues, besides the fact that we would like to see more money from the legislatures.

MPT Schindler would like to discuss their increasing support of federal funding of the streets. He would like to see an effort towards lowering property taxes for the average citizen.

Mr. Hughes stated we passed out a brochure that is proposing the County Commissioner's Court the ability to grant authority to counties to create a multi-jurisdictional body to determine land use in & around military installations and thinks we ought to present our side to say that this is not necessary.

Mayor Suarez will see if he can gather information & bring it to CC from the NEP when they meet on Thurs.

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- H. Discussion and Appropriate Action to Request to Approve City of Converse Ordinance #632; an Ordinance to Establish a Beautification and Environmental Commission for the City of Converse to Promote Community Pride and Deter Property Depreciation with a View of Conserving the Value of Buildings and Land as Well as Preservation of National Resources (First Reading) (City Manager)

Chair Ms. Beehler stated there has been discussion on standardizing Section 1 Establishment, of all of the Commissions to read the same.

Mr. Hughes stated CC had 2 versions of Ord. 632 for consideration of a 1<sup>st</sup> reading. The 1<sup>st</sup> version on top is the version submitted by Chair Beehler. This is a new & different provision than the standard Section 1 Responsibility. The 2<sup>nd</sup> version behind that lists the same provisions of the Ord. with the exception that it has standard Section 1 language. Both are revised & offered for consideration of 1<sup>st</sup> reading.

Mayor Suarez stated he would open this up for discussion on the modification, B: “No person related within the second degree of affinity, or within the third degree of consanguinity, to a member of this Commission may be appointed to this Commission”, to care on the caution side.

Councilman Drake made a motion to approve the 2<sup>nd</sup> Ord. (version) to include Section B under the 1<sup>st</sup> Ord. to include/read: “No person related within the second degree of affinity, or within the third degree of consanguinity, to a member of this Commission may be appointed to this Commission”. Mayor Suarez seconded the motion.

It failed with 2 members (Suarez & Drake) voting to approve the above motion & 5 members (Schindler, Degenhardt, Lindgren, Riley & Rodriguez) disapproving.

Mr. Ortiz stated there is adequate notice on the agenda to amend, adopt, repeal, etc. The public reading this agenda would know that the B&E Ord. is going to be discussed tonight.

Councilman Rodriguez made a motion to repeal Ord. 632. Councilman Degenhardt seconded the motion.

Mr. Ortiz asked the Mayor for a recess.

At approximately 8:45 PM, Mayor Suarez called for a recess.

At approximately 8:57 PM, Mayor Suarez called the meeting back to order.

Mr. Ortiz stated to repeal is much more than amending something & for that reason if CC wants to repeal, they need to word it on the agenda. The motion on the table is not proper & is open for another motion.

MPT Schindler made a motion to bring back this item at the next mtg. with the appropriate verbage as written on Nov. 11 & Dec. 16. Councilman Degenhardt seconded the motion.

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It passed unanimously to bring back this item at the next mtg. with the appropriate verbage as written on Nov. 11 & Dec. 16.

- I. Discussion and Appropriate Action on a Request to Approve City of Converse Ordinance #303; an Ordinance to Establish and Regulate the Park and Recreation Commission for the City of Converse; and Superseding City of Converse Ordinance #303 Dated March 7, 2006 (First Reading) (City Manager)

Mr. Hughes stated he met with the Council liaison & P&R Chair & try to work out terms for this Ord. to agree on & come back with a new 303. Under the language, under Section 1-Establishment that had already been worked out. Under Section II-Responsibility, paragraph C – the elements of responsibility were divided as indicated in their packets: 1.-P&R shall be responsible for A-K & 2.-City staff shall be responsible for A-J.

Chair Ms. Lindgren stated the 3 of them met & it was her understanding they were not finished & would re-write the rest of this Ord. She thought this was coming back Jan. 20 for discussion & does not feel this Ord. should be voted on at this time.

Councilwoman Riley stated she would like to meet with the P&R Chair & Mr. Hughes again & agreed on tabling this item until Jan. 20, 2009.

Councilman Rodriguez personally apologized to Ms. Lindgren, as Chair for the P&R & to the P&R Commission members for not been given the opportunity to get up & speak.

There was no action taken on agenda item #10 I.

11. Reports. In consideration of Texas Attorney General Opinion GA-0668, information provided on subjects not on the agenda shall be limited to statements of specific factual information; or recitation of existing policy. Any deliberation of or decision about a subject not on the agenda shall be limited to a proposal to place the subject on the agenda for a subsequent meeting.

- A. Councilmember's Report/ Items of Interest

-Councilman Rodriguez reported he would like to have the Fireman of the Quarter placed on the next CC agenda mtg. for recognition.

- B. Mayor's Report/Items of Interest

Mayor Suarez had no report.

- C. Boards/Commission Reports

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

Councilman Rodriguez reported:

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- He opened the mtg. & Mr. Steve Brown was the Acting Chair & did a great job
- Selected the Fireman of the Qtr. & will be brought to the next CC mtg. for recognition
- Treasure report was given, they discussed the expenses & revenues for Breakfast with Santa, present Fire/EMS budget is \$4,011.55
- Next mtg. Jan .26 at 7 PM
- Personally thanked Mr. Brown for Chairing the mtg.

D. City Manager's Report:

- (1) Report and Discussion of Future Agenda Items
- (2) Report and Discussion of Items of Interest

- Fireman of the Qtr.
- First readings – Ord. 630, 631, 303 & with all of the language going to 632
- Will not have the plat for Judson although it is submitted to us it will need to go to Planning & will come to CC in the 1<sup>st</sup> mtg. in Feb.

E. City Staff Reports

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

Fire/EMS Chief Wendt reported:

- Responses are down however, the severity of the calls are up a little bit
- Did have a couple of structural fires in our area & assisted Windcrest & Kirby with both having 2 in their areas
- As far as New Years, fairly quiet during the day – partly due to the fireworks ban
- Ambulances were busy after dark, made 17 runs overnight
- Get to work on the specs for the ambulance

- (2) Report and Discussion of Significant Police Events

Police Chief Jamison reported:

- On behalf of the employees of the Police Dept. & the entire City – thanked them for the extra time off for the holidays, very nice & very appreciated
- New Years Eve for them was quiet, only got 5 calls through dispatch for fireworks
- Tied up a lot with disturbances & assaults, other than that – pretty good
- New Citizen's Police Academy starts this Thurs. & have 25 signed up
- Looked at placing a 4-way stop sign at Coppergate & Copperway & will bring back an amendment to Ord. 401
- He was also asked to look at Lone Shadow & Chickasaw Bluff area for a 4-way stop sign there, his recommendation is no
- Officer Licea was able to apprehend a suspect that was in the process of robbing the Mgr. of the Dollar Tree located on FM 78
- Looking forward to the New Year

- (3) Report and Discussion of Significant Public Works Events

Mr. Perez reported:

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-Utility side: Finished installing sewer line on Bent Meadows, started Dec. 8 & completed Dec. 29, notified Mr. Lott that he could do his connection into the sewer system

-This month will be replacing about 400' of 6" water main starting at Gibbs Sprawl & Station going to Station & Ave. B, be there about 3 wks. to replace old cast iron pipes & replace with PVC pipe

-Bob Grubb Well site – Pittsburgh Tank came in & did all of the repairs to the tank & start today painting the inside & outside, take about 3 wks. & should finish by the end of Jan., after that we will work the 250 horsepower motor that they are going to be replacing

-Dec. 11 had State Inspections & had no violations; next inspection should be in about 3 yrs.; the Mayor will be getting a letter from the State on their inspection

Mr. Hughes reported:

-The railroad bridge is finished & we are getting ready to do our part (repair the road)

-Toepperwein Road should start Monday, there will be closures & detours & in 2 phases: 1 phase complete by April 1 & 2 phase completed on or about May 15

Councilman Degenhardt stated EDC would be addressing roadwork under the Union Pacific Bridge, which will need to be brought to CC because it is prior year funds.

At approximately 9:36 PM, Mayor Suarez called for a recess.

At approximately 9:47 PM, Mayor Suarez called Executive Session to order.

12. Executive Session in Accordance with Section 551.074, Texas Open Meetings Act, to Discuss Grievance Filed by Mr. John Mendoza Against Five Members of City Council (Mayor Suarez)

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

At approximately 10:11 PM, Mayor Suarez called the meeting back to order.

13 Adjournment

At approximately 10:11 PM, Mayor Suarez adjourned the meeting.

PASSED AND APPROVED THIS 17<sup>th</sup> DAY OF FEBRUARY, 2009.

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Al Suarez, Mayor

ATTEST:

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Adriana I. Hieronymus, City Secretary