

CITY OF CONVERSE
CITY COUNCIL MEETING
May 4, 2010
7:00 PM

The City Council of the City of Converse met in a regular meeting at the Converse Municipal Complex on Tuesday, May 4, 2010 at 7:00 PM to discuss various items on the agenda. The following were present:

Mayor Al Suarez	Mayor Pro Tem Carlton Degenhardt, Place 4
Councilwoman Renee Paschall, Place 1	Councilman John Shadron, Place 3
Councilman Jon Lindgren, Place 5	Councilwoman Mary Riley, Place 6
Mr. Sam Hughes, City Manager	Mr. John Quintanilla, Assistant City Manager
Mr. Rick Jamison, Police Chief	Mr. Richard Wendt, Fire/EMS Chief
Mr. Jerry Wilson, Finance Director	Mr. Karl Hoppes, Director of Facilities
Mr. Lupe Perez, Director of Utilities	Mr. Mark Luft, EDC Executive Director
Mr. Ray Ortiz, City Attorney	Ms. Penny Hieronymus, City Sec. (arrived at 7:10 PM)

1. CALL TO ORDER

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

2. INVOCATION

Minister Donnie West, Church on the Rise, gave the invocation.

3. PLEDGE OF ALLEGIANCE: To the U.S. Flag led by Mayor Suarez
To the Texas Flag led by Mayor Pro Tem Degenhardt

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

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

4. ROLL CALL AND RECOGNITION OF VISITORS

Mayor Suarez stated all Council members are present with the exception of Councilman Cannon who was given an excused absence.

Mayor Suarez recognized JISD Board Member, Mr. Arnold Salinas.

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 Conducted on April 20, 2010
- B. Receive Planning Commission Minutes for Meeting Conducted on March 23, 2010
- C. Receive Zoning Commission Minutes for Meeting Conducted on March 15, 2010
- D. Action to Approve the Financial Statements for February 2010
- E. Action to Approve the Investment Report as of February 28, 2010

MPT Degenhardt made a motion to approve agenda item #5 A – E. Councilwoman Riley seconded the motion. It passed unanimously.

6. SPECIAL CONSIDERATION ITEMS

- A. None

Mayor Suarez stated there were no Special Consideration Items.

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.

-Mr. David Kensing of 515 W. 5th Street stated he was present to speak on agenda item #10 C & is requesting a variance for an agricultural Special Use Permit (SUP) to raise & breed rabbits for the 4-H organization.

8. PUBLIC HEARINGS

- A. Public Hearing on a Request for a Special Use Permit (SUP) on a parcel of Land Located at 8316 FM 78 (CB 5080A Blk. 31 Lot 3), Approximately 0.001 Acres out of 04.9960 Acres of Land of the Lotts Landing Subdivision to allow for the installation of an automated ice vending machine that measures 101” X 48” X 109” (L X W X H). This automated ice vending machine will be installed adjacent to the facility located at 8316 FM 78 (Mr. Fernando Aristeguiea)

At approximately 7:05 PM, Mayor Suarez opened the Public Hearing.

Ms. Jeanning Aristeguieta & Mr. Fernando Aristeguieta of 279 Kentucky Blvd., New Braunfels & Ms. Harriet Aristeguieta of 982 Parkdale Drive of New Braunfels were present.

Mr. Aristeguieta stated this is a small vending machine, comparable to the Red Box that can be found at Walgreens or McDonald's. The machine is affordable, can be picked up with a forklift, has an ELT listing, will compliment any site it is placed, will be maintained by their company & will bring in tax revenue to the City.

At approximately 7:10 PM, Mayor Suarez closed the Public Hearing.

*At approximately 7:10 PM, City Secretary Ms. Hieronymus arrived.

- B. Public Hearing on a Request for an Agricultural Special Use Permit (SUP) to breed and raise show rabbits at 515 W. 5th Street; a lot zoned R-1, Single Family Dwellings (Mr. David Kensing)

At approximately 7:11 PM, Mayor Suarez opened the Public Hearing.

There were no public comments.

At approximately 7:12 PM, Mayor Suarez closed the Public Hearing.

9. OLD BUSINESS

- A. Discussion and Appropriate Action on a Request to Approve City of Converse Ordinance #112; an Ordinance Adopting and Enacting a New Code for the City of Converse, Texas; Providing for the Repeal of Certain Ordinances Not Included Therein; Providing a Penalty for the Violation Thereof; Providing for the Manner of Amending Such Code; and Providing When Such Code and this Ordinance Shall Become Effective (Second Reading) (City Manager)

Mr. Hughes recommended approval.

MPT Degenhardt made a motion to approve agenda item #9 A. Councilwoman Paschall seconded the motion. It passed unanimously.

- B. Discussion and Appropriate Action on a Request to Approve City of Converse Ordinance #212; an Ordinance Authorizing and Approving the Creation of the City of Converse Economic Development Corporation to Act on Behalf of the City of Converse, Texas; Levying an Additional Sales and Use Tax as Provided in the Development Corporation Act of 1979, as Amended (Articles of Incorporation and By Laws) (Second Reading) (MPT Degenhardt and City Attorney)

MPT Degenhardt recommended approval.

MPT Degenhardt made a motion to approve agenda item #9 B. Councilwoman Paschall seconded the motion. It passed unanimously.

10. NEW BUSINESS

- A. Discussion and Appropriate Action on a Request for a Variance to Ordinance #612, Section VI, **“BUILDING SET BACK LINE:** to allow the construction of a patio deck that measures 16’ X 16’ which will encroach approximately three feet (3’) into the 20’

rear setback line at 8247 Pioneer Oak (Lot 21, Block 86, CB 5052D), The Loma Alta Estates, Unit #2 (Mr. Ruben M. Avila)

Mr. Quintanilla stated staff & the Zoning Commission recommends approval.

Councilwoman Paschall made a motion to approve agenda item #10 A. Councilman Lindgren seconded the motion. It passed unanimously.

- B. Discussion and Appropriate Action on a Request for a Special Use Permit (SUP) on a Parcel of Land Located at 8316 FM 78 (CB 5080A Blk. 31 Lot 3), Approximately 0.001 Acres out of 04.9960 Acres of Land of the Lotts Landing Subdivision to Allow for the Installation of an automated ice vending machine that measures 101” X 48” X 109” (L X W X H). This automated ice vending machine will be installed adjacent to the facility located at 8316 FM 78 (Mr. Fernando Aristeguieta)

Mr. Quintanilla stated staff & the Zoning Commission recommend approval.

Councilwoman Riley made a motion to approve agenda item #10 B. Councilman Shadron seconded the motion. It passed unanimously.

- C. Discussion and Appropriate Action on a Request for an Agricultural Special Use Permit (SUP) to breed and raise show rabbits at 515 W. 5th Street; a lot zoned R-1, Single Family Dwellings (Mr. David Kensing)

Mr. Quintanilla stated staff & the Zoning Commission recommended to disapprove. The concern was the amount of animals in the small area.

Mr. Kensing stated he plans to keep this within the regulations & it is clean. He has had them for about a yr. & did not know there was an Ord. to show & breed rabbits. He is doing this for the school kids & 4-H programs.

Mr. Hughes stated it was brought to our attention by one of the neighbors & our Animal Control Officer (ACO) investigated this situation.

MPT Degenhardt made a motion to approve the agricultural SUP with a limit of 10 rabbits, 10 cages & a limit of 5 wks for breeding purposes to move the kits (baby bunnies) & providing our ACO has access to the cages as necessary. Councilwoman Riley seconded the motion. It passed unanimously.

- D. Discussion and Appropriate Action on a Request for a Variance to Ordinance #612, Section VI, **“BUILDING SET BACK LINE:** to allow the construction of one corner of the foundation of a two story brick and frame house to encroach approximately two feet into the 20 feet rear setback on Lot 35, Block 6, Judson Valley Subdivision. The encroachment is necessary to permit driveway alignment from the 535 Erica Street Cul de sac (City Manager)

Mr. Hughes stated this is in a cul de sac & we want to get the driveway lined up to the garage & this is necessary due to geography. Recommends approval.

MPT Degenhardt made a motion to approve agenda item #10 D. Councilwoman Paschall seconded the motion. It passed unanimously.

- E. Discussion and Appropriate Action on a Request to Approve Acceptance of a Bid from Ramming Paving Company in the Amount of \$176,063.55 to Perform Phase III Street Reconstruction Work in the Placid Park Subdivision with Funding being Provided with a Community Development Block Grant (CDBG) as Previously Approved by Bexar County Commissioners Court and the U.S. Department of Housing & Urban Development Program Year (PY) 2009 (Assistant to the City Manager/EDC Executive Director and Director of Facilities)

Mr. Hoppes stated this is Phase 3 of the Placid Park Subdivision (Slumber, Tranquil, Peaceful & Coers) & then 1 street will remain. He briefed on the scope of work.

Mr. Luft stated this is a CDBG phase in project. He wrote a \$240,000 original grant & Mr. Hughes approved the grant. He briefed CC on the bid process.

Staff recommends approval.

Mayor Suarez thanked Mr. Luft & Mr. Hoppes for their work.

Councilwoman Paschall made a motion to approve agenda item #10 E. Councilwoman Riley seconded the motion. It passed unanimously.

- F. Briefing by Mr. Gerald Wilson, Finance Director, and Discussion of the Status of the City's Self-Funded Health Insurance Plan for the City Employees (City Manager)

Mr. Wilson gave an explanation on how he got his figures & briefed on the analysis for next year's medical. He recommends that we raise the City's contribution by \$10 & the employee's payroll deduction will increase an additional \$5 per payroll. The projections do not include Cobra.

At approximately 7:40 PM, Mayor Suarez recessed to go into Executive Session.

At approximately 7:47 PM, Mayor Suarez opened #10 G, Executive Session.

- G. Executive Session in Accordance with Section 551.072, Texas Open Meetings Act, DELIBERATION REGARDING REAL PROPERTY as it relates to the possible issuance of Certificates of Obligation; Closed Meeting. A governmental body may conduct a closed meeting to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person. (806 Toepperwein Road-CB 5052, P-10E, Abstract 46 (4.680 Acres) – Toepperwein Road Realignment

Project) (City Manager, Assistant to the City Manager/EDC Director, Finance Director/EDC Treasurer and City Attorney)

Present: Mayor Suarez, MPT Degenhardt, Councilwomen Paschall & Riley, Councilmen Lindgren & Shadron, Mr. Hughes, Mr. Quintanilla, Mr. Wilson, Mr. Luft, Mr. Ortiz & Ms. Hieronymus.

At approximately 8:17 PM, Mayor Suarez closed #10 G, Executive Session.

At approximately 8:17 PM, Mayor Suarez opened #10 H, Executive Session.

H. Executive Session In Accordance With Section 551.072, Texas Open Meetings Act DELIBERATION REGARDING REAL PROPERTY; Closed Meeting. A governmental body may conduct a closed meeting to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person. (308 Toepperwein Road – CB 5951, Blk 3, Lot 13 only -Toepperwein Road Realignment Project) (Assistant to City Manager/EDC Executive Director)

Present: Mayor Suarez, MPT Degenhardt, Councilwomen Paschall & Riley, Councilmen Lindgren & Shadron, Mr. Hughes, Mr. Quintanilla, Mr. Wilson, Mr. Luft, Mr. Ortiz & Ms. Hieronymus.

At approximately 8:25 PM, Mayor Suarez closed #10 H, Executive Session.

At approximately 8:26 PM, Mayor Suarez called the meeting back to order.

I. Discussion and Appropriate Action to Approve a Request by the City of Converse Economic Development Corporation for Resolution #634 Authorizing the City of Converse Economic Development Corporation on Behalf of the City of Converse, Texas to Acquire Property Rights Necessary for the Toepperwein Road Realignment Project; Authorizing the Executive Director of the Converse Economic Development Corporation Together with Legal Counsel to Establish Just Compensation for the Property Rights to be Acquired; Authorizing the Executive Director Together with Legal Counsel to Take All Steps Necessary to Acquire the Needed Property Rights in Compliance with All Applicable Laws and Regulations; and Declaring and Providing an Open Meetings Clause. (308 Toepperwein Road – CB 5951, Blk 3, Lot 13 only – Toepperwein Road Realignment Project) (Assistant to City Manager/EDC Executive Director)

Mr. Hughes recommends approval.

MPT Degenhardt made a motion to approve agenda item #10 I. Councilwoman Riley seconded the motion. It passed unanimously.

J. Discussion and Appropriate Action on a Request to Approve a Plat Amendment – MIRAMAR UNITS 8 “A” & “B” (City Manager)

Mr. Hughes stated this amendment adjusts/cleans up the property lines & allows the fence to be on the property associated & maintained. Recommends approval.

Councilman Lindgren made a motion to approve agenda item #10 J. Councilman Shadron seconded the motion. It passed unanimously.

11. REPORTS

A. Councilmember’s Report/Items of Interest

-There were no Reports/Items of Interest

B. Mayor’s Report/Items of Interest

-Thanked Mr. Hughes & Dr. Mackey for their assistance in “Meet the Candidates”

C. Boards/Commission Reports

(1) Report and Discussion of Park and Recreation Commission

Councilman Shadron reported:

- April 28 – Discussed park budget, proposed around \$74,000 for improvements to the parks (increase pool furniture, handicap location set up, move playscape, repair volleyball courts, repair fence line, replace/repair lights, add cameras, discussed bleachers, etc.)
- May 1 – Painted the pool area

(2) Report and Discussion of Planning Commission

Councilman Lindgren reported:

- Had a guest speaker – we are going in the same generalized planning direction
- Approved item #10 J on tonight’s agenda

(3) Report and Discussion of Zoning Commission

Councilwoman Paschall reported:

- All of the items they had discussed were brought up on tonight’s agenda, which CC approved
- Discussed postponing mtgs.

D. City Manager/Secretary Report

(1) Report and Discussion of Future Agenda Items

Ms. Hieronymus reported:

- Approve April 22 Meet the Candidates minutes
- Approve May 4 CC minutes
- Canvass of City General Election results
- Swearing in of CC Place 2, 4 & 6
- Recognition of departing CC members
- Action to Select MPT
- Assignment of CC seating
- Assignment of CC liaison responsibilities
- Possibly approve 1st reading of FEMA flood map
- Qtrly. report by Chair member Mr. Clauss of Planning Commission
- Qtrly. report by Chair member Ms. Weers of B&S Commission
- Action on EDC for CC to approve Cert. of Obligation for 5-yrs. for \$800,000 – ROW Toepperwein Rd. Realignment Project
- Possibly Discuss Action on RFQ for Audit of City & EDC Depts.

(2) Report and Discussion of Items of Interest

Mr. Hughes reported:

- Add to the next agenda - we discovered the Comptroller is holding just under \$1,700 that belongs to the City that is loss & recovered funds; we need a Resolution authorizing him to apply for that money
- He received a letter from EAA; they assert that we have 2,127-acre ft. pumping rights & for calendar yr. 2009 we pumped 2,164, we were over pumping by just under 37 acre-ft. for that error/violation they assert we should send \$31,000 by May 14; we have leased from the City of Schertz & another gentleman & are well under. He will have a letter in the mail tomorrow explaining this back to them, this should resolve this issue.

E. City Staff Reports

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

Chief Wendt reported:

- Had a lightning strike at corner of Ave. F & Station St. at 1 – 2 AM
- Last wk. early Fri. about 2:30 AM – assisted with City of SA on 1604 with a fatality accident
- Averaging about 60 – 65 calls a wk.
- Received notification from Homeland Security that we did not receive the assistance for firefighters 2009 grant, currently in the process of applying for the assistance for firefighters grant for 2010
- This AM, Mr. Luft, Chief Wendt & Asst. Fire Chief Christian had a conference call over the legislative liaison to assist us with our grants; appreciates Mr. Luft's efforts & assistance

(2) Report and Discussion of Significant Police Events

Chief Jamison reported:

- Briefed on Project Graduation – they have 3 events: Texas Hold'em & Golf Tournament = raised over \$15,000 & this Thurs. is the Annual Basketball Tournament at 6:30 PM at the Judson gym

-Staying busy

(3) Report and Discussion of Significant Public Works Events

Mr. Hoppes reported:

- Ralston Street – Mostly completed with some minor issues to work out (205 Ralston - French drain)
- North Park Road & Parking Lot Improvements – Road base complete, asphalt should be installed Thurs., Public Works will do the parking lot
- Grounds Dept. – tilled new football field at North Park, Parks Dept. seeded it, Street Dept. will spray with reclaimed water to get grass growing; new goal poles have been ordered & will be arriving this week
- Placid Park Phase 3 – Contract from Ramming Paving contract was approved tonight for \$176,063.55
- Schaefer Rd. & Drainage Improvement Project – Ready for the lime to be mixed with the sub-grade, then road base, curbs & asphalt
- Ave. B Reconstruction – Working with Mr. Luft on funding
- Norris Dr. – Still working on resolving some issues
- Aware of asphalt failure on Gibbs Sprawl
- Park Road – Was some additional cost to support the road

Mr. Perez reported:

- Placid Subdivision - Completed Phase 3 of the water line replacement
- North Park restrooms – Completed final tie-in on the lift station sewer
- Norris Dr. W. – Have 3 more water taps to do on the purple pipe main
- Last month - Had 7 main breaks, 27 service leaks & 5 sewer line repairs

12. ADJOURNMENT

At approximately 8:45 PM, Mayor Suarez adjourned the meeting.

PASSED AND APPROVED THIS 18th DAY OF MAY, 2010.

Al Suarez, Mayor

ATTEST:

Adriana I. Hieronymus, City Secretary