

CITY OF CONVERSE
CITY COUNCIL MEETING
MINUTES OF NOVEMBER 16, 2010
7:00 PM

The City Council of the City of Converse met in a regular meeting at the Converse Municipal Complex on Tuesday, November 16, 2010 at 7:00 PM to discuss various items on the agenda. The following were present:

Mayor Al Suarez	MPT John Shadron, Place 3
Council Member Renee Paschall, Place 1	Council Member Grant Lopez, Place 2
Council Member Randy Pannell, Place 4	Council Member Robin Benbrook, Place 5
Council Member Steve Brown, Place 6	Mr. John Quintanilla, Interim City Manager
Mr. Richard Wendt, Chief of Fire/EMS	Mr. Karl Hoppes, Director of Facilities
Mr. Jerry Wilson, Finance Director	Mr. Ray Christian, Assistant Chief of Fire/EMS
Ms. Jackie Gaines, Human Resource (arrived 9:35 PM)	Mr. Ray Ortiz, City Attorney
Various Members from the Fire/EMS Department	Ms. Penny Hieronymus, City Secretary

1. Call to Order

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

2. Invocation

Mayor Suarez 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 Shadron

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

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

4. Roll Call and Recognition of Visitors

Mayor Suarez stated all CC members are present & introduced CC, staff members & City Attorney. Mayor Suarez recognized City of Selma Council member Melba Gregory & JISD Director of Operations Mr. Daniel Kershner.

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. Action to Approve City Council Minutes for Meeting Conducted on October 19, 2010
- B. Receive Parks and Recreation Commission Minutes for Meeting Conducted on October 11, 2010
- C. Receive Economic Development Corporation Minutes for Meeting Conducted on October 12, 2010
- D. Receive Planning & Zoning Commission Minutes for Meeting Conducted on October 18, 2010

MPT Shadron made a motion to approve agenda items #5 A-D. Council member Paschall 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.

-Dr. Mary Riley of 214 Ave. D commented on 1) The new auditing firm, even though she is very familiar with this firm & has worked for them in the past & they are a good firm; when a business is asked to bid on a particular job they always come in & they low ball it as if they have not yet had any experience which really is going to be required to complete the job – this is standard business practices. However, we need to make sure on any clauses in the contract on the raise of prices as they proceed due to more work required than they first figured; it could end up that the new auditing firm would cost us more then the present one we are using. 2) The statement by CC that it was unfair to make lateral promotions or even promotions within the City before offering those positions to others, why would CC want to deviate from standard business practices for the COC – this is how we reward our employees for doing a good job. In a lateral promotion, it still leaves 1 job open for others who are looking for work. Is CC doing more homework & making decisions for the City that are in the best interest of the City & not personal agendas? Why would we not want the COC to follow standard business practice?

-Mr. Andy Selko of 7327 Trance Lane commented on term limits, in the past 2 elections at least 2 candidates brought up term limits as part of their campaigns. To date, no one on CC has approached the subject. He spoke with several residents & the consensus is that term limits need to be enacted & there should be no Grandfathering for current sitting members. Consensus of the citizens he spoke with was if a CC member brings forward a good idea to help our City, it should not take 4, 6 or 8 yrs. to bring them to fruition. If the idea is a sound one, it should have no trouble being accepted by the residents of this City & it would be to everyone's advantage to get it done quickly. It seems here lately that some of our Senior Council members personal agenda items have taken precedence over items that would improve our City; that their personal beliefs have taken precedence over what some of majority of citizens want & what in the end the use of strong arm tactics, corrosion & blatant threats have made starting a business, volunteering for or working for the City most unpleasant. Mr. Selko requests & expects term limits be placed on the agenda for the next CC mtg. for discussion & be placed on upcoming election ballot as a referendum item to let the citizens of Converse decide on how long CC members should occupy a seat on the CC.

-Ms. Kathy Selko of 7327 Trance Lane stated this coming Sat., the Converse Citizens Fire Alumni Assoc. will be having a food drive/donation of any items for Boysville in front of Wal-mart at noon until the fire truck is filled.

8. Public Hearings

- A. Public Hearing on a Request to Rezone a Portion of a Parcel of Land Located at 9175 FM 78 (CB 5063 P74C, ABS 431, (Property ID 310492), for a Total of Approximately 0.5700 Acres of Land from B-2, Retail District to B-3, Commercial District (Mr. Michael Berlanga)

At approximately 7:14 PM, Mayor Suarez opened the public hearing.

Mr. Mike Berlanga, owner of the former Citgo Gas Station, presented & briefed on the location. He was not aware that the zoning would revert to something other than a fuel stop. His intentions & hopes with the rezoning of the property to B-3, that he could meet the opportunity to sell food & fuel. The design is within his parameters of his property line boundaries would also require & enable him to justify tearing down the existing structure. He respectfully requests that Council give him that direction, knowing that should a better opportunity come along to work with his neighboring (Mr. & Ms. Ellis) property owner, who he has had previous business relations with. He has a lot invested in the City then just this property. He is trying a project something like a Rudy's, but needs CC's assistance & support.

At approximately 7:19 PM, Mayor Suarez closed the public hearing.

- B. Public Hearing on the Request to Rezone a Portion of a Parcel of Land Located at 9260 FM 78 (CB 5053 P-102B, ABS 745, (Property ID 307012), for a Total of Approximately 1.2870 Acres of Land from B-3, Commercial District to B-4, Special Commercial District. The B-4 Special Commercial District description is composed of land and structures used to furnish commercial needs where the activity may have higher than average levels of traffic, noise or odor (Blanca Hernandez)

At approximately 7:20 PM, Mayor Suarez opened the public hearing.

-Ms. Blanca Hernandez, owner of Blanca's Café, stated when the CC re-zoned the B-4 Special Commercial District to B-5 in 2006, she was never notified that her property would be affected by this proposed change or after the change was made. She did not know until last night that the City only informs property owners by the public notice in the Herald Newspaper. She didn't understand why the City did not send a certified letter to the property owners. She stated when they bought the property 19 years ago, it was zoned B-3. Ms. Hernandez talked of the P&Z mtg., which was last night & when 1 of the owners wanted to speak, she was shut down & they did not allow her to talk. Three of the 5 people of the surrounding properties agree to be re-zoned.

-Ms. Tara Ballard of 9818 Autumn Arch stated many reasons & is opposing to bar

-Ms. Sheila Ellis of Chestnut Manor Drive did not speak

-Ms. Sandra Dungan of 8906 Scenic Creek, is a resident & small business owner in Converse, urges CC to approve the request for re-zoning of 9260 FM 78 from B-3 to B-4 & asked CC to make a decision on fact not emotion; alcohol is legal & when consumed irresponsibly can be dangerous. This CC should have approved the request for a Special Use Permit (SUP) recommended unanimously by the P&Z Commission. To her knowledge, there are no records indicating any type of alcohol related accidents or incidents for the past 10 years. She gave many facts for CC & asked to approve Ms. Hernandez request to re-zone her property from B-3 to B-4. Small businesses are the backbone to this country & this community. They increase economic development & revenue to the City. She is a firm believer in the American free enterprise system.

-Ms. Kate Marquis, partner of Crystal Ship Ent., LLC, 9260 FM 78, & her business partner, Mr. Jim Keienburg, are tenants of Ms. Hernandez, who is requesting the re-zoning of this property. Ms. Marquis & Mr. Keienburg have done much research on issues & citizens concerns. They are able to sub-lease the commercial kitchen located on the common law, which they have in their tenants' space & will be able to serve food. If this zoning request is

denied, they are in fact going to be a restaurant & as such, can serve alcoholic beverages. Due to the time & money invested in this location, they will open the business & have no choice but to allow children & minors into an establishment that serves alcohol.

-Mr. Jim Keienburg confirmed that they will be opening as a restaurant & it is insidious for any City to re-zone someone's property without any notice other than just open a paper. He is hoping as a business owner & future resident of Converse, that the City will review the process & look into a more notification that allows for a more positive & a more accountable notification to the people who are having their properties re-zoned.

-Ms. Melba Gregory of 8282 Woodcliff Blvd. in Selma stated she was banning with her Church, Maranatha Bible Church, in opposition of this bar

-Mr. Willie Broadnax from Maranatha Bible Church is opposed of the re-zoning & shared some stores of the City of SA & the issues of the bars (fights, disturbance, more ambulances in service, etc.–costing more)

-Ms. Florence Broadnax of 6310 Brook Falls a member of the Maranatha Church, understands the establishment has been in the COC for quite some time, however, change is inevitable & a bar/tavern does not fit & it is about good common sense

-Ms. Doris Sargeant of 8803 Dream Ave. is very opposed to alcohol, it ruins families, children & communities; alcohol has no place in a family oriented community

-Mr. Harold Sargeant of 8803 Dream Ave. took the Converse Police Alumni Class & learned that Texas is 2nd to California in drunk drivers & fatality incidents that happen because of drunk drivers; alcoholism is an addiction & is legal & there are enough places to drink beer & alcohol in Converse without having any more of them

-Mr. Randell Draper of 7855 E. Loop 1604, Pastor of Maranatha Bible Church is adamantly opposed to the re-zoning & having a bar/tavern in the COC, they do wonderful things in this community, bar too close to JHS & is a negative attraction

-Mr. Amos Wilson of 9723 Gypsy Cove is opposed of the re-zoning, he did some research & found that Austin & SA rank #5 & #7 in the entire Country in alcohol consumption, tonight CC has an opportunity to uphold their duty & responsibilities that come with their office

-Mr. Stuart Perryman of 9730 Gypsy Cove stated the hours of operation is 1 thing that grabbed him at last night's mtg., the hours would be 3 PM–2 AM & he was concerned about JHS games, activity, etc.

-Mr. Bruce Cannon of 10839 Laurel Creek shared 3 concerns: community, citizen involvement & doing what is right & is opposed to the re-zoning

-Mr. John Woolery of 10064 Spruce Ridge & Assoc. Pastor at New Life Baptist Church of 101 N. St. stated beverage alcohol we don't consider it to be good for our community & unfortunately, it is a reality, but we can try to prevent it, make FM 78 a desired exit for people traveling in/around Converse, he asked CC to choose against this re-zone

-Mr. Mike Wilhorte of 2831 Olive Ave. in Schertz member of Maranatha Bible Church is opposed for lots of reasons & his concerns are for his family

-Ms. Vickie Bowen a member of Maranatha Bible Church trusted CC would make wise & right decisions & just the appearance alone makes a difference & she is opposed

-Mr. Ken Keyszak of 129 N. Meadow stated the entire issue is the rights of the owner to either let everybody in or limit the access to minors; if CC changes the zoning the owners can issue the access

-Ms. Sarah Salazar stated it (drinking) is a personal choice, many people who spoke tonight do not live in the COC, Ms. Hernandez was done an injustice by not being notified of the zone change

-Ms. Eleanor Christopher of 8315 Copper Glen Lane is opposed & asked CC to stand by their original vote & vote no

-Mr. Jeff Beehler of 112 Norris Dr. E. is a business owner-not in Converse, but has no problem with this bar being opened; he was at the mtg. last night & as he watched the goings on of the mtg., the Commission members, he felt were virtually strong armed into voting this down by 1 person sitting at the table & left him with the impression that this person has a lot to lose if he doesn't get this issue voted down

-Ms. Sheila Ellis of 8023 Chestnut Manor Dr. is opposed of this bar

- Mr. Andy Selko of Trance Lane quoted some facts from the Police Dept.: 2008-14 DWI's in Converse 3 were Converse residents, 2009-9 DWI's in Converse & none were Converse residents, Jan. 1, 2010-Dec. 30, 2010-5 DWI's in Converse—1 was a local resident, most of the DWI's in this City come from outside our City limits & use 78 as a pass through, he researched the TABC web site & in the last 6 yrs. there have been 2 incidents (1 @ Sportsman's Bar dealing with gambling & 1 @ Chili's for sales of alcohol to a minor) – he thinks CC needs to make the right decision & it is the freedom of a business owner to run the business the way they see fit, this is a free country - he is not opposed of the re-zone
- Mr. Ruben Ramon of Woodlake is opposed to the re-zone
- Mr. Tony Hasque of 3418 Orando Fields –opposed
- Mr. Tony Willis – Maranatha member, does not live in Converse, but does spend money here in Converse – opposed
- Mr. Samuel Allen – 8069 Chestnut Bar - opposed
- Mr. Paul Boeing – Maranatha member, a young teenager stated the kids know how to get what they want when they want it & asked CC to not put the bar there
- Mr. Jim Sherman of 10218 Plumas is in favor of this change; 1 point that has been missed is that right next to JHS there are 2 businesses that provide alcohol without food to walk-in customers
- Ms. Kathy Selko of 7327 Trance Lane stated kids will get what they want, to re-zone it to B-4 at least the proprietors of the business will have control as to who comes in
- Ms. Renee Hollis of 321 Jeanette Dr. – opposed to the re-zoning, alcohol is not positive
- Ms. Alene Bray of 9706 Covered Wagon - opposed
- A gentleman from Universal City stated in the Bible it says there is a time to drink

At approximately 8:41 PM, Mayor Suarez closed the public hearing.

- C. Public Hearing on a Request for a Special Use Permit (SUP) on a Parcel of Land located at 9190 FM 78 (CB 5063E, Blk. 1, Lot 2), approximately 0.001 Acres out of 0.520 Acres of Land of the Southland 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 9190 FM 78 (Fernando Aristeguieta)

At approximately 8:41 ½ PM, Mayor Suarez opened the public hearing.

Mr. Fernando Aristeguieta of 279 Kentucky Blvd. in New Braunfels stated they are requesting a SUP to install a small ice vending machine on the 9190 FM 78 property. Apparently what they brought to the consumers in Converse was something that they see value in & have sold out of ice & they need a little more volume. They were approached by the owner of this property to place a machine on his property.

At approximately 8:44 PM, Mayor Suarez closed the public hearing.

9. Old Business

- A. Discussion and Appropriate Action on Ordinance 714, an Ordinance Identifying the Need for Additional Water by Demand Source and Quantity, Establishing a Water Acquisition Fee for All New Residential Living Unit Equivalent Constructed or Occupied after October 1, 2010; Establishing a Water Acquisition Fee for New Swimming Pools Constructed, Installed or Erected after October 1, 2010; and Superseding City of Converse Ordinance 714 Dated October 21, 2004 (City Manager) (Second Reading)

Mr. Quintanilla stated at the last mtg., they discussed this & there were concerns on the water acquisition fees. We did survey the other cities & we are the only City that actually collects a water acquisition fee. We need to make the case that the COC is still growing. This Ord. secures pumping rights. Recommends approval.

Council member Lopez made a motion to approve agenda item #9 A. Council member Pannell seconded the motion. It passed unanimously.

10. New Business

- A. Briefing by the Chair of the Committee for the 50th Celebration (Mayor Suarez)

Mayor Suarez stated we would defer this item until the Chair Ms. Gaines is present.

- B. Discussion and Appropriate Action to Approve the Preliminary Plat Amendment for Cimarron Landing Phase II, Plat #121 (City Manager)

Mr. Quintanilla stated in CC's packets are exhibits, which identifies the proposed plat amendment to Cimarron Landing Phase II. The P&Z Commission passed this item unanimously. Recommends approval.

Council member Lopez stated his main concern is with another builder coming in, how is this going to affect the current property value of the homes that are there first, what price range are these homes going to be in?

Mr. Quintanilla stated the developer, Mr. Gordon Wood is negotiating with Vela Vista Homes, DR Horton & New Leaf to secure a builder for this development & that the value of the homes will not decrease.

MPT Shadron made a motion to approve agenda item #10 B. Council member Brown seconded the motion. It passed with 6 members (Suarez, Shadron, Benbrook, Brown, Pannell & Paschall) & 1 member (Lopez) opposed.

- C. Discussion and Appropriate Action on the Request to Rezone a Portion of a Parcel of Land located at 9175 FM 78 (CB 5063 P74C, ABS 431, (Property ID 310492), for a Total of Approximately 0.5700 Acres of Land from B-2, Retail District to B-3, Commercial District (Mr. Michael Berlanga)

Mr. Quintanilla stated this item was addressed at last night's P&Z Commission & there was discussion. The P&Z voted unanimously to disapprove the re-zoning request. Staff's position was that we had not received any information prior to the mtg. last night. Mr. Quintanilla placed a call to Mr. Gene Ellis the neighboring property owner & we have not heard from Mr. Ellis as of today (on the previous re-zone Mr. Ellis was not in support of the request).

Mr. Berlanga stated staff has worked very hard & he has had prior experience with the City. He felt that he was held to a higher standard last night at the P&Z mtg. (parking, size of building, etc.). The reality of his request is to give the citizens of Converse the option to buy gasoline other than Valero, only in addition to the opportunity to initiate a business development. He asks CC to vote in favor of the opportunity to have a business that will inspire his neighbor & other businesses.

Mayor Suarez stated this item was brought up in April & it was voted down, with the biggest concern being the parking & the parking did not belong on his land. The Mayor is looking for a scale model of the plat. He said if Mr. Berlanga is going to use these drawings to state his case the building & parking must be on the plat on his

property. Mayor Suarez stated we need a detailed survey/drawing to be reviewed by our staff & some dialogue with Mr. Quintanilla, Mr. Ellis & Mr. Berlanga.

Mr. Berlanga deferred to the CC to guide him, this is not intended to be misleading in anyway. He was asked to determine whether he had significant parking & he determined that he does, if he needs to come back at a later date he can do that, otherwise he will never be granted a permit in the first place, possibly respectfully withdraw his request? He is working within the boundary lines of his property & the calculations that he put forth earlier are generous to the conservative interpretation of the code. Mr. Berlanga has a current survey & did not have it on him; all of the dimensions are on Mr. Berlanga's property. He is asking for a list from CC on what we are looking for.

Mr. Ortiz said if CC is not going to vote on this tonight, Mr. Berlanga needs to withdraw his request & initially start the process over.

Mr. Berlanga appreciated the opportunity to withdraw his request pending further information.

- D. Discussion and Appropriate Action on the Request to Rezone a Portion of a Parcel of Land Located at 9260 FM 78 (CB 5053 P-102B, ABS 745, (Property ID 307012), for a Total of Approximately 1.2870 Acres of Land from B-3, Commercial District to B-4, Special Commercial District. The B-4 Special Commercial District description is composed of land and structures used to furnish commercial needs where the activity may have higher than average levels of traffic, noise or odor (Ms. Blanca Hernandez)

Council member Pannell stated this is a hard decision to make, just last week he was watching a special on the news in reference to alcohol that stated alcohol did more damage then any other drug in the world. His personal experience with alcohol is that it came real close to destroying the Pannell family. He does not support this request.

Council member Benbrook stated she was pleased to hear that they have been able to secure the restaurant portion of the property & whatever the out turn is of this vote, she understands we will be able to welcome them to this community as proprietress of a business & she applauds them for bringing this into the community.

MPT Shadron stated in the military he was a substance abuse counselor & has seen what alcohol can do to individuals & military careers ruined. He does not support this request.

Council member Brown stated he did a lot of research after the last CC mtg. & only got 1 negative feedback. He thinks the biggest issue is that these individuals did everything they could do since Aug. 2009 to secure the proper zoning & the proper permits. The people have put in over \$60,000 into this establishment. He is going to change his vote & approve this because he thinks these people were not treated fairly by the City.

Council member Lopez stated the owners seem to be good responsible people. He did his homework & talked to people & had 1 negative feedback. People have the right to be responsible for themselves & their actions. He does not see this as greed, but as the American dream allowing a business owner to do what they are trying to do, everyone has the right to either succeed or fail, but the right to try. He sticks with his vote on the last time & they have his vote.

Council member Paschall respects Ms. Marquis & her explanation & the outcry of the public. She is going to deny the request for re-zoning.

Mr. Quintanilla stated this item was discussed at the P&Z last night & a vote of 5 to deny the request & 2 in favor. Staff recommends to deny this re-zoning request.

Mayor Suarez stated when this was zoned B-3 in the past, it was done for a reason & it is what the City has plans to do in that area. We have to look at all of the factors & there seems to be a lot of obstacles, re-zoning cannot be revoked. He sticks with his original vote & will vote against this.

*At approximately 9:35 PM, Ms. Jackie Gaines, Human Resource arrived.

Council member Benbrook made a motion to disapprove agenda item #10 D. Council member Pannell seconded the motion. It failed with 5 (Suarez, Shadron, Benbrook, Pannell & Paschall) voting to disapprove the rezone & 2 (Brown & Lopez) voting to approve the request.

- E. Discussion and Appropriate Request for a Special Use Permit (SUP) on a Parcel of Land located at 9190 FM 78 (CB 5063E, Blk. 1, Lot 2), approximately 0.001 Acres out of 0.520 Acres of Land of the Southland 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 9190 FM 78 (Fernando Aristeguieta)

Mr. Aristeguieta stated this is a small vending ice machine & a compliment/appealing to whatever property it is put on.

Mr. Quintanilla stated this item was presented to the P&Z last night & received a unanimous approval. Recommends approval.

Council member Paschall made a motion to approve agenda item #10 E. MPT Shadron seconded the motion. It passed with 6 members (Suarez, Shadron, Benbrook, Brown, Pannell & Paschall) voting yes & 1 member (Lopez) opposed.

- F. Discussion and Appropriate Action on Ordinance #620, an Ordinance Regulating and Restricting the Construction of Buildings and Other Structures; Adopting the Latest Editions of the International Codes as Published by the International Code Council and the National Fire Protection Association; Requiring a Surety Bond for All Persons Contracted to Perform Home Improvements, Sign Installation, Fence Installation and Electrical Business; Establishing Appropriate Fees for the Required Permits and Inspections; and Superseding Other Ordinances in Conflict (City Manager) (First Reading)

Mr. Quintanilla stated we have surveyed the other cities in terms of what their building permits costs are. We are proposing to CC that we escalate our fees & applying this new schedule for the building permits for the COC. Recommends approval.

Council member Lopez had a point of correction on Page 1, Under Section 1, Item B:

Should read: The Building Department shall, in addition to all other duties and functions imposed by ordinances, furnish administrative assistance to the **Planning and Zoning** Commission and the Building and Standards Commission in the performance of their duties.

Mayor Suarez stated we need to add the emergency Certification of Occupancy (C of O) clause for the second reading.

MPT Shadron made a motion to approve agenda item #10 F with the amendment to add the emergency C of O clause to the Ord. Council member Lopez seconded the motion. It passed unanimously.

- G. Discussion and Appropriate Action on Ordinance #619, an Ordinance of the City of Converse Established for Regulating Maintenance and the Appearance of the City in Accordance with Recognized Standards of Property and Building Upkeep for the Purpose of Promoting the General Welfare of the City of Converse, Texas and Superseding Other Ordinances in Conflict (City Manager) (First Reading)

Director of Facilities, Mr. Hoppes gave a briefing of his presentation, he had a map & explained the proposed brush program changes & do the City in 4 zones (pick up brush, pick up bulk & do street sweeping). This will be a training curb to get all of the citizens up to speed on the new plan, we have 31 subdivisions in the City = about 300 streets. He looked at this crew (7 people) & the City & asked how can we get the best use of our equipment & people.

Mr. Quintanilla stated we will need to educate the citizens, equipment is 10 years old, this will require the cooperation of the residents, put plan on the web site, this will also have a provision in the Ord. should someone want to trim their trees out of cycle we can provide the service with a cost, start in Jan. 2011, might have a little increase in the fee (from .86 cents to \$2.00 per month).

There was discussion on the fee, lost trees from disease, winds or accidents. There were concerns on asking the citizens to pay more for less service. Discussed the mulch & we do keep a large enough of a pile at the Park for residents to pick up. Council member Lopez suggested tabling this item & having a public hearing.

MPT Shadron did not agree with the statement on Page 3, Paragraph 2: "There will be a small increase to this service" & he would like to see a map of the zone in the Ord. Also, include waiving the fees for 65 years of age & older & we will provide a notice to the public.

MPT Shadron made a motion to approve agenda item #10 G with the above-recommended changes. Council member Paschall seconded the motion. It passed unanimously.

- H. Discussion and Appropriate Action on a Request to Approve an Amendment to the Fiscal Year 2010-11 General Fund Budget to Authorize Expenditure from Prior Year Funds in the amount of \$25,000 to Secure Electronic Hardware and Software to Support an Emergency Operations Center (EOC) within the facility located at 402 South Seguin (City Manager)

Mr. Quintanilla stated in the packets there is a budget that reflects the estimate to stand up an EOC. This was an unfunded mandate by Homeland Security & is a recommendation from FEMA that each City establish an EOC to their best ability. Our initial budget is \$25,000 & is from Prior Year Funds. This is an investment that we need to make at this time & every year we will budget money for this item.

Council member Paschall made a motion to approve agenda item #10 H. Council member Pannell seconded the motion. It passed unanimously.

I. Discussion and Appropriate Action to Award the Contract for the Installation of the Digital Marquis at City Hall (Mayor Suarez) (City Manager)

Mr. Wilson gave a briefing & slide show presentation of the 4 bidders (Aetna Sign Group, Ads LED Inc., Budget Signs & Stewart Sign Co.). There are 3 things to look at: high sign, low sign (like a monument) & a monochrome LED display or a color LED display. Many of the sign companies provided designs with options, ranging from \$37,980 – \$56,472 & we budgeted \$60,000; the materials will match our building.

Mayor Suarez made a motion to approve Ads LED, design C option without the star for \$45,480. Council member Pannell seconded the motion. It passed with 6 members (Suarez, Shadron, Brown, Lopez, Pannell & Paschall) voting yes & 1 member (Benbrook) opposed.

J. Briefing on Fire Fighting Apparatus (Chief Wendt)

Chief Wendt gave a long briefing on all of the fire apparatus (approximately 10:51 PM – 11:15 PM).

The CC liked this briefing & thought it would be good to get a briefing from all of the Depts. on their equipment.

10 A. Briefing by the Chair of the Committee for the Converse 50th Celebration (Mayor Suarez/City Manager)

Ms. Gaines reported:

- Committee is energetic
- Celebration is Sat., April 9, 2011 @ the City Park
- Parade @ 10:30 AM
- No reception prior to the Parade
- Ms. Weers & Mr. Marbach - heading up the historical committee
- VIP tent have a tape of an audio/video looping
- \$40,000 Budget
- Chili-cookers
- Mr. Beehler - possibly set up the car show
- Various things
- Have a Queen & King Court- Money raised for their election we give back to the Judson Education Foundation
- Rain Out date – proposing April 30
- Fireworks @ 9:45 PM
- Close event @ midnight
- Bands@ main stage & side stage
- Lots of youth activity
- Mr. Harris - looking at a design for the commemorative coin (any ideas you can get with him)
- Looks like we are on target with what CC is wanting to doing in regards to giving back to the community/citizens
- Ms. Husek - Time capsule for this ceremony & do it in a 50 year burial; possibly JHS build the time capsule; possibly bury @ North Park
- Plan to meet in 2 wks. & then every month until crunch time
- Committee can use CC's support

At approximately 11:29 PM, Mayor Suarez called for a recess.

At approximately 11:40 PM, Mayor Suarez opened the Executive Session.

- K. Executive Session in Accordance with 551.071, Texas Open Meetings Act, to Consult with City Attorney and Discuss a Contract with Schertz-Seguin Local Government Corporation (SSLGC) to Purchase 500 Acre Feet of Water (City Attorney) (City Manager)

Present: Mayor Suarez, MPT Shadron, Council members: Benbrook, Brown, Lopez, Pannell, Paschall, Mr. Quintanilla, Mr. Ortiz & Ms. Hieronymus.

At approximately 11:55 PM, Mayor Suarez closed the Executive Session.

At approximately 11:55 PM, Mayor Suarez opened the Executive Session.

- L. Executive Session in Accordance with Section 551.071, Texas Open Meetings Act, to Consult with the City Attorney and Discuss the establishment of a New Local Government Corporation (LGC) with Other Municipalities and the Schertz-Seguin Local Government Corporation (SSLGC) to Develop Water Resources (City Attorney) (City Manger)

Present: Mayor Suarez, MPT Shadron, Council members: Benbrook, Brown, Lopez, Pannell, Paschall, Mr. Quintanilla, Mr. Ortiz & Ms. Hieronymus.

At approximately 12:05 AM, Mayor Suarez closed the Executive Session.

At approximately 12:10 AM, Mayor Suarez called the City Council meeting back to order.

- M. Discussion and Appropriate Action in Accordance with Consultation with the City Attorney Regarding the Contract with Schertz-Seguin Local Government Corporation (SSLGC) to Purchase 500 Acre Feet of Water (City Attorney) (City Manager)

Mayor Suarez made a motion to accept the best rates as discussed in executive session & to approve the contract presented. Council member Benbrook seconded the motion. It passed unanimously.

- N. Discussion and Appropriate Action in Accordance with Consultation with the City Attorney Regarding the Establishment of a New Local Government Corporation (LGC) with Other Municipalities and the Schertz-Seguin Local Government Corporation (SSLGC) to Develop Water Resources (City Attorney) (City Manager)

Mayor Suarez made a motion to approve agenda item #10 N. Council member Pannell seconded the motion. It passed unanimously.

- 11. REPORTS: In consideration of Texas Attorney General Opinion AG-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. Mayor's Report/Items of Interest

Mayor Suarez reported:

-Reminded everyone of the Thanksgiving Feast

-Regarding Commissions, we have liaisons that are tasked to a Commission & when they go to their mtgs. they have to have the right to speak, when 4 Council members show up they can no longer speak otherwise it is a violation of the Open Mtgs. Act & if caught all 4 could go to jail – it is just a professional courtesy, CC just needs to be very careful

-He spoke with Mr. Quintanilla & if CC is dealing with any Dept. Head (e-mail, phone call, etc.) you need to inform Mr. Quintanilla; you could be walking the fine line giving an employee an order & CC can't do that according to the Charter & CC are elected officials, CC is allowed administrative assistance (Kie, Odie, Penny)

-We will have an agenda item on Mr. Steve Bissell, who was running the video of CC mtgs. on TV & we will explore the use of cameras – it shouldn't cost very much

Mr. Ortiz stated the Mayor was correct, anytime there is a quorum to where anyone of CC deliberate about a matter of public concern, it is a violation, the best thing to do is avoid there being a quorum & if you have to be there as a quorum don't say a word; if CC is copying e-mails to John – don't copy each other.

B. Councilmember's Report/Items of Interest

Council member Lopez reported:

-Nov. 5 – he was invited to speak at Paschall Elementary to the 1st grade call on community government & thanked the Water, Fire/EMS, Library & Police Depts. for putting together packets; the whole 1st grade presented him with a key to Paschall Elementary

-On the home issue, if they could present a price then he would have a better understanding of what they are looking to do

-The idea of starting a newsletter, we should put it on as an agenda item

Council member Benbrook reported:

-Was wondering if we could set up a buffet before CC mtgs. possibly by 6:15 PM to eat & socialize, CC can't talk business

C. Boards/Commission Reports

(1) Parks & Recreation Commission

MPT Shadron reported:

-Last mtg. was Nov. 8

-Commission has 7 members & 2 alternates

-Had guest speakers

-Planning a Park & Shine Car Show to be held the 2nd Sat. in Jan. with an entry fee

-North Park has bird watching

-Discussed a possible 50th Anniversary fund raiser

-Discussed the solar lights

-Dec. 13 – next mtg.

(2) EDC Board of Directors Meeting

Mr. Quintanilla reported:

-Discussed the new approach to marketing the EDC & Buy Converse campaign

-Discussed the process for filling the EDC Director position

-Good mtg.

(3) Planning & Zoning Commission

Council member Paschall reported:

- All of the items P&Z discussed are on record tonight
- Welcomed the new members & the Chair for stepping up
- Full Commission, possibly 1 member needs to be an alternate
- Dec. 20 – next mtg.

D. City Manager

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

Mr. Quintanilla reported:

- Discussed the newsletter tonight
- Received a contract from the new auditing firm & he will deliver this to Mr. Ortiz for his review; this will be on our next agenda
- Ord. 620 & 619 – 2nd readings (modified as requested)
- Dec. 2 - Christmas Tree Lighting Ceremony @ 6 PM in front of 402 South Seguin
- Dec.10 – City Christmas Party, RSVP by Dec. 23
- Dec. 11 – Christmas in the Park @ 4 PM – all are invited
- Nov. 25 & 26 – City offices closed for Thanksgiving
- Thanked CC for the increase in pay for the additional assignments
- RSVP's to the Dec. 10 included: Mayor Suarez-1, MPT Shadron-2, Council members Benbrook-2, Lopez-1, Pannell-2, Paschall-2.
- Planning Commission is full, but they need to make an alternate member

Mr. Ortiz stated we would need an executive session to update CC on the R.L. Jones matter.

12. Adjournment

At approximately 12:31 AM, Mayor Suarez adjourned the meeting.

PASSED AND APPROVED THIS 21st DAY OF DECEMBER, 2010.

ATTEST:

Al Suarez, Mayor

Adriana I. Hieronymus, City Secretary