

CITY OF CONVERSE
CITY COUNCIL MEETING
MINUTES OF JANUARY 19, 2010
7:00 PM

The City Council of the City of Converse met in a regular meeting at the Converse Municipal Complex on Tuesday, January 19, 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 Bruce Cannon, Place 2
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. Mark Luft, EDC Executive Director
Mr. Ray Ortiz, City Attorney	Ms. Penny Hieronymus, City Secretary

1. Call to Order

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

2. Invocation by Minister Bruce Cannon, Maranatha Bible Church

Minister Cannon 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.

Mayor Suarez recognized JISD Board of Trustees, Mr. Johnny Harris & 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 – City Council Meeting December 15, 2009
- B. Approval of City Council Minutes – City Council Meeting January 5, 2010

- C. Receive Zoning Commission Minutes for Meeting Conducted on November 16, 2009
- D. Receive Park and Recreation Commission Minutes for Meetings Conducted on November 9, 2009 and December 14, 2009
- E. Receive Economic Development Corporation Minutes for Meetings Conducted on November 30, 2009 and December 8, 2009

Councilman Shadron asked to pull agenda items # 5 B and E.

Councilman Lindgren asked to pull agenda items # 5 C and D.

Councilwoman Riley asked to pull agenda item #5 A.

Councilwoman Riley stated on agenda **item #5 A**, she wanted clarification & everything was accurate. She knows that Councilwoman Paschall would want her to make the correction in the minutes she (Paschall) called MPT Degenhardt Executive Director & he actually is the Chairman (she wanted it corrected before it went on the web site).

Councilwoman Paschall made a motion to approve agenda item #5 A. Councilman Shadron seconded the motion. It passed unanimously.

Councilman Shadron stated on agenda **item #5 B**, he wanted to make sure Councilwoman Riley was satisfied with the correction/change.

Councilwoman Riley replied she shared her information with Penny, who in turn interpreted it; Councilwoman Riley was satisfied with the correction/change.

Councilman Lindgren made a motion to approve agenda item #5 B. Councilwoman Paschall seconded the motion. It passed unanimously.

Councilman Lindgren stated on agenda **item #5 C**, Page 1, Paragraph/Item #3 “Chair Escobedo stated if there were no further corrections the minutes are approved as distributed & corrected.”; this is a legal way to do this, although the action item here is to approve & he did not see an approval action; he believes if the Chair wants to do the acceptance of the minutes as distributed then the statement should be something besides action to approve. He would like to have this clarified or however the Zoning wants to do this. Possibly go back & review/correct it.

Mr. Ortiz stated if you reflect to read & accept then “Read & Accept” is the appropriate language.

Councilman Lindgren made a motion to approve agenda item #5 C. Councilman Shadron seconded the motion. It passed unanimously with the correction noted.

On agenda **item #5 D, P&R minutes of Nov. 9, 2009**, were not included in the Council packet and therefore not received.

Councilman Lindgren stated under, **item #5 D, P&R minutes of Dec. 14, 2009**, Page 2, #8 Briefing by City Council liaison:

It reads: “-Bid for Schaeffer road came in \$8,000 over budget.”

Should read: “-Bid for Schaeffer road came in \$8,000 under budget.”

Councilman Lindgren made a motion to approve agenda item #5 D, P&R minutes of Dec. 14, 2009 with the above correction noted. Councilman Cannon seconded the motion. It passed unanimously.

Councilman Shadron stated on agenda **item #5 E**, both sets of the EDC minutes do not show if City Attorney Mr. Ortiz was or was not absent.

MPT Degenhardt stated he thought Mr. Ortiz was present at both mtgs.

Councilman Shadron made a motion to approve agenda item #5 E with the above correction noted.

6. Special Consideration Items

- A. Recognition of Ms. Deborah McKenzie, Data Clerk, Converse Police Department, for More Than 5 Years Service to the City of Converse (Mayor Suarez)

Mayor Suarez stated this item would be deferred until the next mtg., due to illness of Ms. McKenzie.

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. Stephen Higby of the JYSF had stepped out of the mtg.

-Ms. Tulita Harris with the Converse Cardinals spoke on behalf of agenda items #10 K & #10 L. The JYSF's contract infringes on the current Cardinals contract that they have with the COC & any future contracts they may request.

-Mr. Daniel Lara of 202 Station was present for agenda items # 8 A & #10 A. He is the owner of the property in question & would like to use the property as a Hobby Shop to repair family vehicles & train his kids on mechanics.

-Mr. Steve Brown of 8551 Lone Shadow deferred his rights to speak at this time.

-Ms. Becky Johnson of 707 Seguin & Mr. Leon Stubbs of 8618 Chickasaw Bluff spoke on a plan they have been working on to bring a conference to Converse on the 1st weekend in March & possibly the 2nd weekend in March. They made a presentation to the Planning Commission & EDC about this event & things have been progressing. A group in Florida wants to come to Converse to share a conference with us on culture, commerce & community. They are using the Old Spanish Trail as a promotional tool. They think this is a prime opportunity for Converse to be show cased on the National map & perhaps the Global map. They want to work with Council & the City to get feedback on how to make this a big success. They see this as opportunity to 7work with other countries on education, the space program, etc.

-Ms. Ada Wear of 205 Station gave her time to Ms. Shannan Lynde.

-Ms. Shannan Lynde of 107 Legion/110 Ave. B spoke against agenda item # 8 A & #10 A. She & Ms. Wear are opposed to the Hobby Shop with concerns on having this type of business that is not structured or set up for this type of space, property is on zero property line, upper story extends into her property & the air conditioner extends into her property, this is a business & not zoned correctly, lot is only 35' wide & there are many obstacles in his way.

-Mr. Steve Higby stated he would not speak at this time.

8. Public Hearings

- A. Public Hearing on a Public Hearing on a Request for a Special Use Permit on a Parcel of Land Located at 202 Station (CB 5563 Blk. Lot West 35 Feet of North 140 Feet of East ARB P-5), approximately 00.1125 Acres of the Old Converse Subdivision to allow for the Operation of a Hobby Shop for automotive repairs of vehicles owned by the applicant’s family. These automotive repairs services at no time will be offered to the general public.

At approximately 7:22 PM, Mayor Suarez opened the public hearing.

Mr. Daniel Lara of 5211 Gordon Cooper, Kirby, stated he is asking for a Special Use Permit (SUP) & this is a good opportunity to expand the business. He shared a folder with some photos & gave a briefing on why he is asking for a Special Use Permit (SUP). He is willing to work with the neighbors on any issues; on the noise issue – they will keep the doors closed. He wants to teach his kids to be mechanics.

Mr. Jeff Beehler of 112 Norris Drive East asked CC to look at this carefully because we don’t want to set a precedence.

At approximately 7:31 PM, Mayor Suarez closed the public hearing.

- B. Public Hearing on the Rezoning of a Parcel of Land located at 207 Ave. “A” (CB 5063 Blk. 5, West 22.8’ of Lot 7 and East 38.6’ of Lot 8, Converse Heights Addition), for a total of approximately 0.2118 Acres of Land from R-1, Residential District to B-2, Retail Business District to allow for religious educational activities as provided by New Life Baptist Church located at 101 North Street, Converse, Texas.

At approximately 7:32 PM, Mayor Suarez opened the public hearing.

There were no citizens to speak on this item.

At approximately 7:33 PM, Mayor Suarez opened the public hearing.

9. OLD BUSINESS

- A. None

Mayor Suarez stated there was no Old Business.

10. NEW BUSINESS

- A. Discussion and Appropriate Action on the Request for a Special Use Permit on a Parcel of Land Located at 202 Station (CB 5563 Blk. Lot West 35 Feet of North 140 Feet of East ARB P-5), approximately 00.1125 Acres of The Old Converse Subdivision to allow for the operation of a Hobby Shop for automotive repairs of vehicles owned by the applicant’s family. These automotive repairs services at no time will be offered to the general public. (Assistant City Manager)

Mr. Hughes stated the Zoning Commission voted unanimously to disapprove the request for a SUP. Mr. Hughes gave some background history of the building; it has failed to pass a Certificate of Occupancy (C of O) inspection since his time here. The land is zoned Multi Family & the lot is 35' x 140', which has insufficient sq. ft. by any of today's standards to build either a residential dwelling or a business. This is a piece of property that is a real challenge & he doesn't know if this property has a purpose that we could allow. If we draw the case where we are not going to allow you to do anything, then we have deprived an individual of his property rights. If we can come to some agreement on controlling the noise, no more than 2 cars on the property at 1 time. no outside storage & no power tools on after a certain hours, then this is probably something we can do. He encourages CC to discuss this & see if we can work this with stipulations.

Discussion included: CC would like to see a common ground, meet with the neighbors & work this out, discussed what would need to be done to get a C of O, parking, noise, stipulations, they would need to meet minimum standards, which can be achieved & bring back to Council.

Mr. Lara stated he would be teaching his kids mechanical work & is keeping an open mind.

Councilman Cannon made a motion to table agenda item #10 A until the 2nd mtg. in Feb. Councilman Lindgren seconded the motion. It passed unanimously.

- B. Discussion and Appropriate Action on a Request for a Variance to Ordinance #617, Section III, C, 2. **SIDE YARD:** The minimum side yard shall be five (5') feet except that on a corner lot the side yard shall be no less than ten (10') feet." This Variance request will approve the construction of a patio cover over an existing concrete slab that measures approximately 16' X 10'. This patio cover encroaches upon the minimum side yard requirements at 801 Meadow Dale (CB 5052E, Lot 23, Block 52), The Meadow Ridge Subdivision, Unit 1 (Simon Edington) (Assistant City Manager)

Mr. Hughes stated the Zoning Commission passed unanimously to approve agenda item #10 B. Staff recommends approval.

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

- C. Discussion and Appropriate Action to Approve the Rezoning of a Parcel of Land located at 207 Ave. "A" (CB5063 Blk. 5, West 22.8' of Lot 7 and East 38.6' of Lot 8, Converse Heights Addition), for a total of approximately 0.2118 Acres of Land from R-1, Residential District to B-2, Retail Business District to allow for religious educational activities as provided by New Life Baptist Church located at 101 North Street, Converse, Texas (Assistant City Manager)

Mr. Hughes stated at the Zoning Commission meeting there was a citizen that was opposed & her main objection was the security lighting. Pastor Lewis stated he would get with her & make the resident feel more at ease. Zoning Commission approved the request with 5 members voting to approve & 1 abstention due to being a member of the Church. Staff recommends approval.

Councilman Lindgren made a motion to approve agenda item #10 C. Councilman Cannon seconded the motion. It passed with 6 members (Suarez, Degenhardt, Cannon, Lindgren, Paschall & Shadron) voting to approve agenda item #10 C & 1 member (Riley) abstaining due to being a member of the Church.

K. Discussion and Appropriate Action on a Request to Approve an Agreement Between the City of Converse and JYSF to Conduct a Youth Baseball/Softball Program Using City Park Facilities (City Manager)

Councilman Shadron stated there is a current contract with the Cardinals. Ms. Gaines had suggested a meeting with everyone involved to iron out the issues.

Mr. Hughes stated there is no issue with the Baseball contract. The new contract has P&R support. Pages 3 & 4 – outlines the special requests. He has a little concern on the record for park light usage & a 5 yr. agreement. We all have restrictions opposed by the Edwards Aquifer Authority (EAA), bad year with drought & water restrictions for the fields. We did receive the quarterly financial statements on the baseball. We would like for them to provide a list of Board of Directors.

Mr. Brien has the record for the park usage & will get a check to the City.

Mr. Ortiz stated the City could only bind itself for the current budget year.

Discussion included: We can give them a commitment but for the budget year that we are in now, concerns from last year under the drought/water restrictions & the condition of the fields, CC can amend & adjust to the priorities the citizens agree to do, reduce the contract/commitment to 3 yrs., they need to comply with finance reports, we have de-conflict the times for St. Monica's, organization has proved itself & has committed themselves & us, they want to do grants & get 2 batting cages, financial reports have been thorough.

MPT Degenhardt recommended a 1 yr. term & then "evergreen clause" for the other 4 yrs. (contract term is for a year & automatically renews unless one or both parties says we are not going to renew). He would like CC to get a final copy.

MPT Degenhardt made a motion to approve agenda item #10 K to include the stipulations that were discussed to move to approve the agreement in principal, pending a final copy of the agreement. Councilwoman Riley seconded the motion. It passed unanimously.

L. Discussion and Appropriate Action on a Request to Approve an Agreement Between the City of Converse and JYSF to Conduct a Youth Football and Cheerleading Program Using City Park Facilities (City Manager)

Mr. Hughes explained some history: the Buccaneers played under the leadership of Mr. Mike Malato on the City Park fields. The Judson Jr. Rockets then became JYSF & the Longhorns played on North Park fields. Now, the contract comes up & JYSF is asking to be given a 5 yr. contract & to take the fields at City Park & play there rather than North Park. Council approved a contract with the Cardinals, Mr. Malato left the Buccaneers – when it came to Council we approved a contract with the stipulation that they file the necessary paperwork with the Secretary of State (SOS) & they get a letter of certification that they qualify for a 501-C 3, tax exempt organization from the IRS. If they have that paperwork, then they have a contract with the City for the use of the land at the City Park & then we would have to violate our contract with them in order to approve JYSF. Ms. Harris has stepped up & is interested in the leadership & maintaining the field, etc. Basically, does tenure get preference (City Park or North Park). Mr. Hughes received the certificate from SOS & the certificate from Tx. Comptroller saying no franchise tax was owed to Montgomery Sports Foundation. City could build another field next to the pavilion at North Park (can be upgraded & invest some money to achieve the quality). Can have field ready by the 1st game on Labor Day weekend providing that P&R agrees that is where they want to

spend our money. He explained that the City just went through some bad experiences with baseball & football, they ran up bills, left them unpaid & walked with the residual equipment.

Mr. Brien stated JYSF would like to keep every thing in 1 place if possible/centralized. He would need to talk to his Board. He can get with Councilman Shadron & Mr. Hughes to go over options.

Councilman Shadron stated both organizations are great. We might have to wait & see what happens to their contract in May. North Park is nice & a great location.

Mr. & Ms. Harris stated they plan to renew the contract. The Harris' found out the previous owners (Mr. Kermit Thomas & Ms. Brenda McClinton) did not fulfill their contract. The Harris' are in the works of completing the contract (working 501-C 3, etc.). Ms. Harris stated they are in good standing with the SOS & St. Comptroller. Mr. Harris explained they are trying to save the organization & make sure our kids have somewhere to play the following year. Mr. Harris is on another youth organization, which is Montgomery Area Youth Sports League (MAYSL) & are trying to get the Converse Cardinals as a DBA as MAYSL. The players know where they practice & play. Need to have good customer service & she prefers to stay at the City Park.

Councilman Shadron made a motion to table agenda item #10 L until the 2nd mtg. in Feb. (Feb. 16). Councilman Cannon seconded the motion. It passed unanimously.

- I. Discussion and Appropriate Action on a Request to Approve an Agreement with St. Monica's School for the Use of One Softball Field for Calendar Year 2010 (City Manager)

Mr. Hughes stated this is allowing St. Monica to use our baseball field #2 in the City Park in the afternoon to support their softball program. We have de-conflicted the schedule with JYSF, has gone to the P&R. Recommend approval.

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

- D. Discussion and Appropriate Action to Amend the Economic Development Corporation Articles of Incorporation & By Laws in accordance with Article 8B of the Articles of Incorporation (Mayor Suarez)

Mayor Suarez stated we put these up for review from the CC in Dec. & allowed the EDC to have feedback on their mtg.

Mr. Luft stated EDC felt they were keeping with the Council, promoting EDC, staff was utilizing their skills to produce tangible deliverables to Mr. Hughes, Council & the Board. The Articles & By Laws have been amended at least 1 time & it is best to let the Corp. Attorney draw up the final documents.

Councilwoman Paschall shared her concerns on the Bylaws/Articles of Inc.

-Article 2, Board of Directors (BOD), #B, Number: She recommends this Article be changed/amended to read that the Board shall consist of 7 Directors, each of whom shall be appointed by the Council. She suggested "No more than 1 of the 7 Directors may be employed or an officer of the City". She emphasized on accountability & it is easier to hold a staff member accountable.

-Article 3, #B, Powers and Duties of the Chairman: She recommends that it should be a staff member, specifically CC shall appoint the City Mgr. or any other employee/officer designated by the City Mgr. of the City

& subject to the authority of the Board & CC as Chair of the Corp. The Chairman shall be in general charge of the properties & affairs of the Corp. A CC person could be a liaison to the EDC.

-Article 10, #A, Board of Directors: Changes include – Each Dir. must be a resident of the City, & no more than 1 of the 7 Dir. may be employees or officers of the City. No Dir. shall be a member of the Council but shall be appointed by the CC as liaison to the Board.

Councilwoman Paschall stated there is too much conflict & influence on the Chair's behalf.

Mr. Hughes stated if CC appoints someone, they are held accountable & CC can remove them at any time with/without cause.

Councilwoman Riley disagrees with the changes, did not see any conflict of interest & as a Councilperson feels obligated to do her job. She complimented the Weers when Ms. Weers was a Council member & Mr. Weers was Chair of the EDC Board for 2 yrs.

Councilman Shadron shared his concerns: E-mail with no response, has concerns with the attitude of the Board members, concerned with an EDC mtg. of June 2008-EDC appointments & the Chair of EDC, in 2009-Councilwoman Paschall was removed from the EDC because she was newly elected, questioned whether Chair Degenhardt has the ability & time to do the job, seems the Board has been finagled. He does not agree that MPT Degenhardt has the right to nominate people for the EDC, should not vote for those members & should be abstaining.

MPT Degenhardt explained to date only 1 member has been removed prior to the end of their term, Mr. Harris time expired in May 31, 2008, was not reappointed & resigned, Ms. Paschall reached the end of her term. When he cannot attend a ribbon cutting, he calls them & wishes them congratulations – he can't always get away from his job. His responsibility is to make sure that he follows guidance from Council. He thinks the Industrial Park was the best thing for this City & was out voted by CC. He asked Councilman Shadron to tell/show him where he should be denied the right to vote.

Mr. Ortiz stated if Council has a 4 to 3 vote, it passes it becomes a City Ord., adopted & everybody has to obey it (free speech rights). CC has the right to amend the Art. of Inc.

After more a lengthy discussion, Mayor Suarez asked for the vote.

Councilwoman Paschall made a motion to table agenda item #10 D until the 1st mtg. in Feb. (Feb. 2) for a workshop to amend the EDC Art. of Inc. & By Laws in accordance with Art. B of the Art. of Inc. MPT Degenhardt seconded the motion. It passed unanimously.

At approximately 9:59 PM, Mayor Suarez called for a 5 min. recess.

At approximately 10:08 PM, Mayor Suarez called the meeting back to order.

- E. Discussion and Appropriate Action on a Request to Approve a Variance to the Beer Sales Contract with the Converse Lions Club that would reduce the base fee from \$1,200 to \$600 for the Calendar Year 2009 Night In Ole Converse Event (City Manager)

Mr. Hughes stated this past NIOC we got rained out & this was beyond his authority. Recommends approval.

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

- F. Discussion and Appropriate Action on a Request to Change the Mileage Reimbursement Rate From \$0.55 Per Mile to \$0.50 Per Mile for the Use of a Privately Owned Vehicle for Official City Business Effective January 1, 2010 (City Finance Director)

Mr. Hughes stated the fuel prices fluctuate; we rely on the IRS rate. Recommends approval.

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

- G. Briefing by the City Secretary and Discussion of Changes in the Texas Election Law (City Secretary)

Ms. Hieronymus stated she had included a calendar in the CC packets from the State of Texas on the legislative summary. She went over the following dates:

- Feb. 6 – Sat. - First day to file for office, 8 AM; \$25 Filing Fee (Work days M-F closed noon)
- Mar. 8 – Mon. – Last day to file for office, 5 PM
- Mar. 10 – Wed. – Drawing for place on the ballot; City Sec. Office @ 9 AM, 403 S. Seguin
- Mar. 16 – Tues. – Last day to withdraw as candidate, 5 PM
- Apr. 8 – Thurs. – Last day to register to vote for the May 8, 2010 Election
- Apr. 26 – Mon. – Begins early voting by personal appearance
- May 4 – Tues. - Ends early voting by personal appearance
- May 8 – Sat. – Election Day – 405 South Seguin 7 AM- 7 PM

- H. Discussion and Appropriate Action on RFQ for Auditing Firm for the City of Converse (Councilwoman Paschall)

Councilwoman Paschall stated she would like to see us research other law (actually auditing) firms for best practice purposes.

Mr. Hughes stated the firm has been with us for some time. The name is the same, but the faces have changed. Our firm performs the audit for the General, Utility & EDC accounts. The firm works for Council. He explained the RFQ (Request for Qualifications) process/contract between the COC & CPA to audit the financial records for accurate finances. It is a lengthy process & now is the time to start.

Councilwoman Paschall made a motion to get RFQ for the Auditing firm for the COC. Councilman Shadron seconded the motion. It passed unanimously.

Councilwoman Paschall will be the Chair of the Committee & contact person.

- J. Discussion and Appropriate Action on a Request to Approve a Community Needs Assessment Survey and to Approve Polling 25 Percent of the Residents of Converse (City Manager)

Mr. Hughes stated this has gone to the P&R & come up with a good set of questions & put this out to ¼ of the Converse residents/households (about 2,000 copies). This is an opportunity to get more than just P&R issues back for citizens' input for just a minimal cost. CC can appoint a Committee.

Councilman Shadron stated the Planning Commission & Councilman Lindgren are working on updating the City Master Plan. Mr. Brien helped put the survey together & did an excellent job. Councilmen Lindgren & Shadron will work together on this.

Councilman Shadron made a motion to table agenda item #10 J & bring back in 60 days. Councilman Cannon seconded the motion. It passed unanimously.

- M. Discussion and Appropriate Action on a Request to Approve City of Converse Resolution #630; a Resolution to Review and Approve the City of Converse Investment Policy. (City Manager)

Mr. Hughes stated St. law requires that anyone who handles City money & investment contents has to receive training every 2 yrs.; Mr. Hughes, Mr. Quintanilla, Mr. Wilson & Ms. Rogers just completed the training. St. law requires annually the Investment Policy must be approved by the CC & approved by Resolution. The only thing that has changed on the policy is the date. Recommend approval.

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

- N. Discussion and Appropriate Action to Approve Resolution #629; a Resolution of City of Converse Authorizing the Filing of a Grant Application(s) with the County of Bexar State of Texas for a U.S. Department of Housing and Urban Development Community Development Block (CDBG) and Home Grants for Funding FY 2010; Authorizing the City Manager to Act on Behalf of the City of Converse in All Matters Related to the Application; and Pledging that if the Grant(s) is Received the City of Converse Will Comply with the Grant(s) Requirements of the County of Bexar State of Texas and U.S. Department of Housing and Urban Development (Mr. Mark Luft)

Mr. Luft stated this document is needed to submit with the application. Recommends approval.

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

- 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 Lindgren reported:

-Asked about the web site & codification – Mr. Hughes will follow up & update CC

-Asked about the status of the restroom at the City Park – Mr. Hughes stated it was arson & the Police have identified 2 individuals who set the fire & we will prosecute; we have a \$2,500 deductible, TML claim has given us an estimate of the cost, we put out bids & work has begun to clean up the Park, weather permitted should have back open in about 3 wks.

-Would like to see NIOC report – Mr. Hughes stated the report he gave earlier is valid with the exception of the \$1,329 that will be added

-Asked about the results with the mtg. with the developer, Mayor, Mr. Hughes & MPT Degenhardt – The dialogue was positive & they will meet again in 2 wks., took cautious approach, land cost was high & that is something we don't have control over & developer still interested, possibly have a briefing at the next mtg.

Councilman Shadron reported:

- Worked with Mr. Karre's community service kids, picked up between 12–15 bags on Toepperwein; thanked Mr. Chris Pryor of Fatty's for providing lunch for them on Sat.
- Perhaps the Planning Commission can get involved with Mr. Karre & the beautification, would be good public relations
- Sat in on Court Wed. – Officers very professional
- At the last Fire/EMS Academy – they did a great job of instruction
- At the last CC mtg. Councilwoman Riley had a list of the businesses & he would like to see all of the CC get a copy of that
- Stated Councilwoman Riley had made a comment on some of the businesses coming here, sharing information & showing some dissatisfaction – they went to her & asked that they remain confidential
- He is willing to work together with Councilwoman Riley & bury any hatchet

B. Mayor's Report/Items of Interest

Mayor Suarez reported:

- “Citizens to be Heard” – they are clear on what they say/want (can use harsh words) & won't allow some of the personal attacks; he gets his direction from TML, he will try his best to maintain the order, CC needs to learn to agree to disagree, we will continue to move forward on that, they will continue to criticize & it comes with the territory as an elected official
- When he established the Mayor's Call there was a controversy, perception is everything, Council Call needs to be careful on how many are in attendance-need to maintain the higher standards
- Toepperwein Road – Mr. Hughes stated not totally complete (some striping to do & retaining wall to put in)
- Schaefer Road – still pending
- Kitty Hawk – Has an ADA flaw, we wrote letter to them & they have not replied, it was proper & they put in the drainage inverts when they put the asphalt back in it was not put back up to grade & does not meet standards, State inspected & said it failed, it was their job & they need to fix it

C. Boards/Commission Reports:

- (1) Report and Discussion of the Zoning Commission

Councilwoman Paschall reported:

-No report

- (2) Report and Discussion of the Park and Recreation Commission

Councilman Shadron reported:

- Ms. Gaines is helping the Commission & is very knowledgeable, they appreciate her help
- Had a presentation by Mr. Leon Stubbs & Ms. Becky Johnson & invited them to come back to their next mtg.
- Made recommendation for Mr. Hughes to purchase additional pool equipment
- Approved St. Monica's contract
- Discussed JYSF contract

- Came up with the Community Needs Assessment Survey
- Approved an “Adopt a Bench Program” – let a business buy a bench for the park

(3) Report and Discussion of the Economic Development Corporation

MPT Degenhardt reported:

- Had a briefing by Marketing Plus on what/where they should target their efforts & will bring to Council
- Authorized & are proceeding on their initial plan for “Buy Converse” marketing plan & bring out in early March
- Need CC’s consideration & approval on a realignment project & a Resolution for a friendly condemnation on the next CC agenda

D. City Manager’s Report:

(1) Report and Discussion of Items of Interest

Mr. Hughes reported:

- He attended the Zoning Commission & all the Zoning issues were on tonight’s agenda
- Received letter saying unless they hear different that the new flood plain maps, we have until Jan. 15 to comment; he sent a letter that stated we have serious errors, especially in the Flatland Trail area & they are obvious elevation errors & there are people that have been placed in the flood plain that are well above the elevation. He would like to get a workshop for 2 purposes:
 - *To show Flatland Trail (with boundaries & houses that are actually included in this new 2010 flood map; and
 - *He would like to get a hospital & needs consensus of CC that this is something we want/don’t want. Mr. Luft & Mr. Hughes have talked to a couple of hospital managers & we think we understand their decision/cycle process & what it can do for the economy. If we have a workshop, he asks that it not be on a Council night.
- Briefed on Ralston Road: the main pipe, non-potable line on Ralston Rd. is finished & loaded, we are now connecting services to provide non-potable service to the residents & have 5 connected & proceeding down the rd., within the past 4 days we have had main breaks, on the mud in the streets we are turning the repair over from the Water Dept. to the Street Dept., Mr. Hoppes is looking for a contractor who would re-do the curbs that were damaged & re-pave the area that we cut with the water line
- We submitted an energy conservation grant request from the State Energy Conservation Office for \$50,000 & we had to justify how we were going to use it, our plan is to re-do the outdated systems at City Hall with replacing air conditioner & heat pumps, we may have to spend \$4,000-\$5,000 in electrical upgrades & within the next 30 days we should know how much we receive
- Dean Word won the contract for Rocket Lane, Thornton Lane & the construction of the road parking lot at North Park, will have a pre-construction mtg. with them tomorrow afternoon, they will start with North Park then Rocket Lane & Thornton Lane
- Schaefer Road Project – has a major glitch, the contractor came in & informed us that they were no longer capable/interested in doing the work, we had a discussion & the project is bonded/insured by them & it could take up to 3 yrs. to complete, so we explored some more rapid options, the 1st is we asked the 2nd low bidder if he would do the job for the price they bid & they said yes they would & the low bidder bonding company pay the difference (just under \$14,000) & we go to the 2nd bidder, we put enough pressure on Silverado Brothers & then went to V.K. Knowlton & it looks like they have V.K. Knowlton about to agree to do the job for the same price Silverado Brothers bid the job, we expect V.K. Knowlton to come in, do the work & get the bonds; then it comes to the lawyers & is it lawful, we want to get back on track as quick as possible

(2) Report and Discussion of Future Agenda Items

Ms. Hieronymus reported:

- Recognition of Ms. McKenzie & Mr. Nickles for 5 years of service with the City
- Mayor's goals & objectives
- RFQ for Legal Services
- City Holiday Schedule (asking Thurs.-Dec. 23 as a holiday)
- Adopt a Bench Program
- Executive Session – Eminent Domain for EDC
- Resolution #628
- Planning issue – Plat for Miramar Unit 8 C
- Contract with COC & JYSF (baseball/softball program)
- Workshop on EDC Art. of Inc. & By Laws

12. Adjournment

At approximately 11:19 PM, Mayor Suarez adjourned the meeting.

PASSED AND APPROVED THIS 16th DAY OF FEBRUARY, 2010.

Al Suarez, Mayor

ATTEST:

Adriana I. Hieronymus, City Secretary