

City of Natalia, Texas
Regular City Council Meeting
September 23, 2014 at 7:00 pm
Minutes

Roll Call: Mayor Ruby Vera - Present Alderman Sam Smith - Present
Alderman Mike Fernandez - Present Alderman Tommy Ortiz - Present
Alderman Sam Bluemel - Present Alderman Ruben Juarez - Present

Call to Order:

- 1) Mayor Vera called the regular city council meeting to order at 7:00 pm followed by the pledge of allegiance led by Alderman Sam Smith, and the invocation led by Alderman Sam Bluemel.

Citizens to be Heard:

- 2) None.

City Council Comments:

- 3) Alderman Fernandez questioned accounts payable checks written to SAMS, Urban Metal, Torres Printing, and Verizon Wireless.

Consent Agenda:

- 4) a. Approval of Minutes: August 18, 2014, September 4, 2014, September 11, 2014
b. Financial Activity Report
c. Municipal Court Activity Report
d. Police Department Activity Report
e. Code Compliance Activity Report
f. Utility Department Activity Report

Mayor Vera expressed crucial concern of the 100 acre feet remaining for September, October, November, and December, that the left over balance would not be enough to accommodate the city's needs at which the City would most likely need to seek additional acreage. Alderman Fernandez and Alderman Smith agreed to the concerns, and by the calculations of current consumption with the mandatory reduction the City would end up over pumping. Alderman Fernandez asks for Public Works Director to contact him during the week to assist with seeking additional water supply resources.

Motion: Alderman Bluemel made the motion approving the consent items. Alderman Ortiz seconds the motion.

Vote: 5-0; Passed by a unanimous vote.

Discussion/Consideration of Action Items:

- 5) **Discussion/Consider Action on Ordinance No.14-0923-5; Closing, Vacating and Selling the Alley of Block 52, and Authorizing the City Administrator to execute the quit claims or deed without warranty, and issue certificate of compliance upon receipt of payment and conditions; and depositing proceeds for the purpose of street improvements.**

Discussion: Mayor Pro-Tem Smith opened the item for discussion. Petitioner Elizabeth Cargile provided the City Council with the status of the survey, plat, and relocation of utility pole; also stating the associated costs for relocating the electric pole \$1,600 and the surveyors cost was about \$2,400.

Motion: Alderman Fernandez made the motion adopting the ordinance for closing and selling the alley. Alderman Ortiz seconds the motion. City Administrator Hernandez explained the ordinance has a selling cost of 25% of appraised value, but the City Council can choose to sell the property to the abutting property owners for as little as \$1.00. Alderman Fernandez made an amending motion to approve the ordinance, and to sell the alley to abutting property owners for \$1.00. Alderman Ortiz seconds the motion. The amending motion passed by a unanimous vote.

Vote: The initial motion passed unanimously by a 5-0 vote. Mayor Vera abstained from discussion and vote.

- 6) **Discussion/Consider Action on Ordinance No.14-0923-1; Levying Ad Valorem Taxes for the Fiscal Year beginning October 1, 2014 and ending September 30, 2015 for a Tax Rate of \$0.8752 on each \$100 valuation of property.**

Discussion: Mayor Vera mentioned that two public hearings were held on September 4 and 11, 2014 allowing the public to speak on the proposed tax rates.

Motion: Alderman Smith made the motion adopting Ordinance No.14-0923-1, moving that the property tax rate be increased by the adoption of a tax rate of \$0.8752 on each \$100 valuation for Tax Year 2014, which is effectively a 5.55% increase in the tax rate. Alderman Fernandez seconds the motion.

Record Vote: 5-0; Passed by a unanimous vote.

FOR: Aldermen Ruben Juarez, Sam Smith, Tommy Ortiz, Sam Bluemel, Mike Fernandez

AGAINST: None.

ABSENT: None.

ABSTAIN: None.

PRESENT and NOT Voting: Mayor Vera

- 7) **Discussion/Consider Action on Ordinance No.14-0923-2; Ratifying the Adoption of Fiscal Year 2014/2015 Municipal Budgets.**

Discussion: None.

Motion: Alderman Bluemel made the motion ratifying the adoption of the fiscal year municipal budgets. Alderman Juarez seconds the motion.

Vote: 5-0; Passed by unanimous vote.

- 8) **Discussion/Consider Action on Resolution 14-09; Adopting an Investment Policy; and Designating Investments Officers of City Funds.**

Discussion: City Administrator Hernandez explained that the City currently has an investment policy in place; however, because changes are being made designating the officers, it must be approved by Council.

Motion: Alderman Fernandez made the motion approving the Resolution, and Alderman Smith seconds the motion.

Vote: 5-0; Passed by unanimous vote.

- 9) **Discussion/Consider Action of designating an official newspaper for city publications and notices for fiscal year 2014/2015.**

Discussion: City Administrator Hernandez explained that the resolution appointing the official newspaper ends at the fiscal year, and a resolution approving next fiscal year official newspaper is required. The City has two newspapers that circulate conveniently within the city limits, Devine News and Medina Valley Times. City Administrator Hernandez explained that the City Council should consider alternating newspaper companies. Mayor Vera mentioned that Devine Newspaper is currently the City's official newspaper, but believe they aren't providing the City the coverage or attendance as they used to, and Medina Valley Times frequently attends meeting and ceremonies or highlights events within the City; and request Council consider the designation.

Motion: Alderman Bluemel made the motion designating Devine News as the City's official newspaper for fiscal year 2014/15. Alderman Juarez seconds the motion.

Vote: 4-1; Passed by a majority vote, with Alderman Fernandez voting against the motion.

- 10) **Discussion/Consider Action of Order authorizing the City Administrator (Records Management Officer) to destruct the expired retention records as recorded on the destruction log pursuant to the Records Management Program adopted.**

Discussion: City Administrator Hernandez explained records aging back from 1968 have housed in storage facilities that have met their retention period, and is requesting approval to destruct by shred or burn of files that have exceeded their records retention period according the records management program adopted.

Motion: Alderman Fernandez made the motion ordering the destruction of records, recorded and logged to the order. Alderman Bluemel seconds the motion.

Vote: 5-0; Passed by a unanimous vote.

11) Discussion/Consider Action on Resolution 14-10; establishing utility policies and billing procedures.

Discussion: Alderman Fernandez questioned if the procedures for disconnecting services for not making payment of garbage services is enforceable. City Administrator Hernandez explained that any services provided by the city and not paid for can have their water services disconnected; payment for services are not itemized when collected, and the system only recognizes balances owed for utility services. The adoption of utility procedures will provide staff a guide of consistency that will be applied to all customers.

Motion: Alderman Smith made the motion adopting the resolution establishing utility policies and billing procedures. Alderman Ortiz seconds the motion.

Vote: 5-0; Passed by a unanimous vote.

12) Discussion/Consider Action on Resolution 14-08; Declaration of Surplus Property.

Discussion: City Administrator Hernandez explained that with the approval of the finance contract to purchase new utility equipment, the city has surplus to liquidate; the 2005 Chevrolet Pickup and the 1996 John Deer Backhoe.

Motion: Alderman Bluemel made the motion approval the resolution; and Alderman Fernandez seconds the motion.

Vote: 5-0; Passed by a unanimous vote.

13) Discussion/Consider Action on Ordinance No.14-0923-4; prohibiting loitering in public or private places where “No Loitering” signs are specifically posted.

Discussion: Mayor Vera explained that there have been several complaints in regards to loitering at public buildings, and to prevent and enforce loiterers from lingering after hours the adoption of an ordinance is appropriate. This ordinance authorizes all addresses within the city, public or private, to post “no loitering” signs at locations having these issues.

Motion: Alderman Smith made the motion adopting the ordinance; and Alderman Ortiz seconds the motion.

Vote: 5-0; Passed by a unanimous vote.

14) Discussion/Consider Action on Resolution to participate in a coalition with Alliance of West Texas Gas Company Municipalities (AWM) in proceedings before the Railroad Commission of Texas and the Texas Legislature related to the City’s authority to review and regulate utility rates.

Discussion: City Administrator Hernandez explained the continued efforts Attorney Alfred R. Herrera & Boyle, PLLC, have provided to halt the Railroad Commission and other utility providers from passing rules that would not require, or would limit, for Cities to approve rate changes, and would also provide that costs for rate case studies performed would be imposed onto the City’s. The Railroad Commission is also going to suggest the rulemaking proposition to be adopted during the 2015 Legislative Session. All attorneys’ costs would be divided by an estimated 225 participating entities by size; Natalia’s share would be \$1,825. City Administrator Hernandez mentioned she discussed the cost with Mr. Herrera, and how the City supports the efforts but could not afford the attorney’s costs to participate. However, because of the City’s

current circumstances, Mr. Herrera assured Ms. Hernandez that no costs would be burdened onto this City, and highly suggests Council approve the resolution.

Motion: Alderman Smith motioned to approve the resolution, and Alderman Fernandez seconds the motion.

Vote: 5-0; Passed by a unanimous vote.

15) **Discussion/Consider Action on Agreement for a Fire Marshal/Inspector.**

Discussion: Mayor Vera and City Administrator Hernandez explained the lack of response the City has received from Fire Marshal Ivan Hernandez, and determined that the City should seek someone who is more available and closer to the City. Mrs. Hernandez mentioned that two candidates were scheduled for an interview, but one of the candidates withdrew his resume; however, Denea R. Chase was interviewed, and though not as experienced as Mr. Hernandez she meets all the certification requirements, and has served over 20 years with Castroville VFD. Mrs. Chase would be available to conduct inspections Monday thru Friday, weekends as needed, for \$40 an inspection excluding plan reviews. It was also explained that if Council selects a new Fire Marshal, a 30-day termination would be issued to Mr. Hernandez and thereafter would commence Mrs. Chase's agreement.

Motion: Alderman Bluemel made the motion appointing Mrs. Denea R. Chase as the City's Fire Marshal; and Alderman Juarez seconds the motion.

Vote: 5-0; Passed by a unanimous vote.

16) **Executive Session:** Mayor Vera and City Council convened into Executive Session at 7:59pm pursuant to Texas Government Code, Chapter 551 to discuss the following:

a) \$551.072; Deliberations about Real Property: Consider MDD property purchase at White Star Subdivision

17) **Regular Session:** The City Council reconvened into Regular Session at 8:14pm.

Action of Executive Session items - Motion: Alderman Juarez made the motion authorizing the Mayor and City Administrator to negotiate the purchase costs of the property. Alderman Bluemel seconds the motion.

Reports:

18) **City Administrator's Report:** 1) The City received Medina County Appraisal District 2015-2016 Reappraisal Plan, and will be filed in the City Administrators office should Council request to view or make copy. 2) ACI Recycling & Disposal scheduled the bulky item pickup beginning October 6, 2014, which all allowable bulky items are to be out by the curbside no sooner than two weeks before and no later than October 5, 2014.

19) **Chief of Police Report:** 1) National Night Out is scheduled for Tuesday, October 7, 2014 from 6:00pm to 8:00pm at the Police Department on 300 Third Street, all are welcome to attend.

20) **Mayor's Report:** 1) Wal-Mart will have their grand opening celebration on Wednesday, October 8, 2014 at 7:30am, and request City Council attendance. 2) For qualifying individuals Lone Star Script Care will host a free prescription sign-up on October 15, 2014 from 9:00am to 3:00pm. 3) Natalia ISD Homecoming Parade is scheduled for September 25, 2014 at 6:00pm, the parade route will begin at the NISD High School down through Kearny, around Hwy 132, and back up through Miller Street ending at the NISD Jr. High School.

21) **Adjournment.**

Motion: Alderman Fernandez made the motion to adjourn at 8:25pm. Alderman Bluemel seconds the motion.

Vote: 5-0; Passed by a unanimous vote.

Passed and Approved this 20th day of October, 2014.

Ruberta C. Vera, Mayor

Attest:

Lisa S. Hernandez,
City Administrator/Secretary