

City of Natalia, Texas
Regular City Council Meeting
October 20, 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) Citizen, Elizabeth Cargile reserved her speech for Item.14.

City Council Comments:

- 3) Alderman Bluemel expressed gratitude to the great work city employees have been doing; and mentioned the NISD High School Band received the highest score of 1 at competition, and enjoyed how the community rallied to cheer them on upon their arrival. Alderman Smith also mentioned that the NISD did not advance only because this year was not the year for 3A schools. Alderman Fernandez also commended Joe Allejano, Code Compliance, great work and assistance to residents. Alderman Fernandez questioned if reading meters on Sundays was normal, or new? Public Works Director Art Smith stated that no, reading meters on the weekends does not take place, however, random collection of water samples for chlorine residual was probably what the utility worker was doing.

Presentations/Ceremonial Events:

- 4) Mayor Vera read the proclamation declaring November 3 – 7, 2014 as Municipal Courts Week.

Consent Agenda:

- 5) a. Approval of Minutes: September 23, 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 pulled Item-f to be discussed with Item-11, as the report provides information for the needs of leasing additional water.
Motion: Alderman Bluemel made the motion approving Items-a through e. Alderman Fernandez seconds the motion.
Vote: 5-0; Passed by a unanimous vote.

Discussion/Consideration of Action Items:

- 6) **Discussion/Consider Action on Natalia Youth Organization (NYO), Jacob Amesquita request to lease the Natalia Ball Fields for a one-year term.**
Discussion: Mayor Vera, though not able to vote on issue, mentioned her concern for leasing the city fields for a period of one-year, rather than for a specific period for the activities being hosted. Mayor Vera also mentioned, with knowledge of new Little League board members, believed that this City should consider leasing to Little League before making any other arrangements, and questioned Amesquita if he was open to alternative dates. Mr. Amesquita explained that he would be leasing the fields to City Council terms to provide youth sporting activities such as flag football, soccer, and baseball, the lease would also allow for outsiders to contract the fields with them for practices or tournaments, and all maintenance and upgrades to facilities will be

included as their responsibility. Alderman Ortiz stated that the City has an amended deed to that property that restricts the City to lease the fields to outside entities during Little League season, and it specifically stated that the fields are donated for the purpose of Little League. Jacob Amesquita and City Administrator Hernandez both inquired of such document and Hernandez requested a copy be provided for city records. Alderman Smith and Ortiz feel the Little League should have first priority of leasing the fields, and suggests no action be taken until after Little League brings their request to Council in November.

Motion: None.

Vote: Item died for lack of motion.

- 7) **Discussion/Consider Action on Resolution 14-14; Accepting the Natalia Veteran's Memorial Library Non-Profit filing status as Natalia Public Library Foundation; Authoring the transfer of Library Funds; and providing for the City's support.**

Discussion: To receive broader grant funding and other services, the Natalia Veterans Memorial Library has to become a nonprofit organization, and have worked on the filing paperwork for over a year. Alderman Fernandez questioned who paid for the filing fee. Mayor Vera replied that a donation was made for this purpose. Alderman Smith questioned if the library will be changing their name, and thought that libraries were already exempt? City Administrator Hernandez explained that the Library did change their name to Natalia Public Library Foundation; however, they will still be doing business as Natalia Veteran's Memorial Library. This resolution will also authorize the Library to manage their own funding with continued support from the City, and any library funds received will be transferred to the library, at which they will also be establishing a library committee.

Motion: Alderman Bluemel made the motion approving Resolution 14-14, and Alderman Juarez seconds the motion.

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

- 8) **Discussion/Consider Action on Ordinance No. 14-1020-1; Repealing Telecommunication Services Tax Exemption.**

Discussion: City Administrator Hernandez explained that under state law, telecommunication services are exempt from local sales and use tax; however, the City Council may adopt an ordinance to repeal the application of the exemption. Should the ordinance be approved, the City would not start collecting local sales and use tax until after a whole one-quarter of the calendar elapses from the filing date with the State Comptroller's Office.

Motion: Alderman Smith made the motion approving Ordinance No.14-1020-1 repealing the exemption of local sales and use tax for telecommunication services. Alderman Juarez seconds the motion.

Vote: 5-0; Passed by unanimous vote.

- 9) **Discussion/Consider Action on Ordinance No. 14-1020-2; Amending Drought Management Plan Restrictions, Authorizing Drought Surcharges Rates and Violation Fees.**

Discussion: City Administrator Hernandez explained that City Council adopted a Drought Management Plan which was filed with TCEQ; however, since the adoption of restrictions and during these drought stages, reports reflect that citizens are not abiding to the restrictions, in fact, the water usage has gone up, and something needs to be done that would make residents respond to the shortage of water supply issues the city is already dealing with. Mayor Vera explained last month's water report reflects 81 customers using more than 10,000 gallons per month. Under current drought conditions, these individuals need to take conservation seriously and having drought surcharges may be what needs to be done. Mayor Vera also explained that repeated violators of drought restrictions will be warned once, thereafter violation fees will be applied to the customer water account, and the amount increases depending on the number of violations the customer has received. Alderman Smith stated that doesn't agree with surcharges being implemented in Stage 2, nor the stricter restrictions in Stage 4 allowed watering times.

Motion: Alderman Bluemel made the motion approving Ordinance No.14-1020-2, Drought Management Plan revised restrictions, surcharges, and violation fees with changes that Drought Stage 4 Restrictions for allowed watering time between the hours of 5:00 am to 10:00 am and

between 8:00 pm to 10:00 am each Wednesday; and to remove drought surcharges from Stage 2 to be started at Stage 3. Alderman Juarez seconds the motion.

Vote: 5-0; Passed by unanimous vote.

- 10) **Discussion/Consider Action on Ordinance No. 14-1020-3; Adopting permit procedures and local fees for alcoholic beverages and providing regulations for the sale and consumption within city limits.**

Discussion: City Administrator Hernandez explained that the City has no current regulations and permit procedures for alcohol within city limits. Currently all TABC Permit holders must receive the City Secretary's approval for sale and consumption of beer and wine on and off premises when filing their application and makes payment to TABC; however, the City has the right to establish permit procedures and collect a local fee not to exceed one-half of the state's fee for each permit issued.

Motion: Alderman Smith made the motion approving Ordinance No.14-1020-3 permit procedures and regulations for the sale and consumption of alcoholic beverages. Alderman Bluemel seconds the motion.

Vote: 5-0; Passed by unanimous vote.

- 11) **Discussion/Consider Action on Authorizing the Mayor and City Administrator to seek, negotiate and engage into water transfer-lease agreements for additional acre feet of water supply for the City.**

Discussion: Mayor Vera discussed the Utility Department's Monthly Water Usage Report, and according to the figures based off current consumption, reduction, and restriction measures, the City, by the end December 31, 2014 will have over pumped by an estimated 20 acre feet. To avoid EAA's per acre foot fine of \$5,000 for over pumping our permit, the City needs to lease additional water. Dr. Calvin Finch presented to City Council a Water Leak Detection Conservation Program that could possibly find some additional water that is continuously being reported as lost. The Program will authorize for Dr. Finch and Texas A&M students and guides to detect lost water by utilizing several reporting tools, equipment for detection, and studies of how its lost, where its gone to, and how to recover it? These methods, in turn, may detect leaks that can be recovered and repaired, adding that several resources are available that can be applied to this project, including providing and installing water efficient appliances into homes within the City. The idea, if lost water can be recovered, is to put aside half of the amount of acre feet lost into a trust for 15 years which will be unavailable for the city to use, but will revert back to the City after the end of the term. Dr. Finch simplified the experiment is to help detect recoverable lost water and to assist in finding the resources to conserve it. City Administrator Hernandez mentioned that request for quotes are all within range from \$185 - \$225, and some as outrageous as \$1,200; however, the City has discussed our situation with the City of Castroville, and their City Council will be considering a leasing option with Natalia.

1st Item - Motion: Alderman Bluemel made the motion approving the Utility Department's Monthly Activity Report, and Alderman Fernandez seconds the motion.

Vote: 5-0; Passed by unanimous vote.

2nd Item - Motion: Alderman Fernandez made the motion Authorizing the Mayor and City Administrator to seek, negotiate and engage into water transfer-lease agreements for additional acre feet of water supply for the City. Alderman Smith seconds the motion.

Vote: 5-0; Passed by unanimous vote.

- 12) **Discussion/Consider Action on Ordinance No.14-1020-4; Adopting Pass-Through Utility Charges and/or Fees imposed to pay for services provided by the City's Utility Department.**

Discussion: Mayor Vera explained that the City has always needed to lease additional acres of water, and have absorbed those costs through operation funds; however, the City could no longer continue absorbing those costs especially if citizens aren't willing to conserve within our permit. City Administrator Hernandez explained that the ordinance will authorize the Utility Department to bill customers the lease costs, and other fees related, that will be calculated each calendar year based on the costs of water lease, divided by each billing month, and number of

customers from the preceding year. Based on current calculations, at a lease rate of \$225 per acre foot for 60 acre feet, each customer will see a Pass-through Charge of \$2.00 added onto their bill; and each year this fee may change. Approving this ordinance will authorize the City to impose and collect for utility services provided in amounts sufficient to pay for additional charges incurred by the Utility Department.

Motion: Alderman Bluemel made the motion approving Ordinance No.14-1020-4; and Alderman Fernandez seconds the motion.

Vote: 5-0; Passed by unanimous vote.

13) Discussion/Consider Action on Groundskeepers Contract; authorizing the use of the ball field lights, and reimbursement of electricity costs.

Discussion: City Administrator Hernandez explained the City's contract with the Groundskeepers provide for the use of the ball fields but not the lights, and the average light bill each month for the ball fields is about \$250; and should the City Council authorize the use, how would we bill for the charges. Coach Albert LaQue is requesting for the use on Wednesday's practice between 6-8pm, due to the time change its getting dark earlier which doesn't provide his team much daylight to practice. Alderman Ortiz mentioned, because lack of staff, that he will personally read the meter each Wednesday to determine the reimbursement costs LaQue/Castro will have to pay, and will submit the readings each month to the City.

Motion: Alderman Ortiz made the motion authorizing the Groundskeepers to utilize the ball field's lights with reimbursement to be paid to the City for electricity use. Alderman Fernandez seconds the motion.

Vote: 5-0; Passed by unanimous vote.

14) Discussion/Consider Action to Schedule a Workshop to discuss city streets.

Discussion: City Administrator Hernandez explained that the City has several dedicated streets that have not been declared open, and are considered closed. Alderman Smith mentioned that his request was in reference to DelMonte (Miller) Street being closed, and would like to discuss this street further. City Council will meet at the November Regular Meeting to discuss further of the opening and closures of city streets. Citizen Elizabeth Cargile requests for 8th and 9th Streets to be declared open.

Motion: Alderman Ortiz made the motion, and Alderman Fernandez second the motion.

Vote: 5-0; Passed by unanimous vote.

Reports:

15) City Administrator's Report: 1) Medina County Fee Electronic Recycling Program is schedule for November 22, 2014, more information will be available at a later date. 2) The City has joined with Medina County in the Free Tire Disposal Round-up; this will be a curb-side service for Natalia residents. Residents will be allowed to dispose of 4 tires at no costs, simply call the City Office with your address, place your tires at curbside and field staff will make arrangements to pick them up before October 23rd. 3) Recycling of Paper products new location will be at the old impound lot at the Police Department, and will be open during regular business days between 9am-4pm, and on Saturday mornings. 4) The NISD High School is having their 1st Annual Health Fair on October 27th between 5:30-7:30 should anyone be interested in attending.

16) Chief of Police Report: 1) National Night Out scheduled on Tuesday, October 7, 2014 was a success, the attendance doubled from last year; and thanked Alderman Mike Fernandez and wife, Brenda Fernandez for hosting this annual event each year for the past 20 years.

17) Public Works Director Report: 1) Progress on the TxCBDG Wastewater Treatment Plant Improvements is on schedule, Contractor has installed three valves and took measurements for filtration fabrication which the process could take up to 4-6 weeks before any installation and construction begins.

18) Mayor's Report: 1) AACOG Department of Energy has extended the Weatherization Program for qualified counties in which residents can receive funds for home energy repairs, such as

windows and units. 2) Veteran's Day Ceremony is scheduled to commence at 11am, November 11, 2014, and requests everyone's attendance. 3) Mayor Vera and Beth Leonesio provided Council some plan updates of Haywood Park Project.

19) **Adjournment.**

Motion: Alderman Fernandez made the motion to adjourn at 9:10pm. Alderman Juarez seconds the motion.

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

Passed and Approved this 17th day of November, 2014.

Ruberta C. Vera, Mayor

Attest:

Lisa S. Hernandez,
City Administrator/Secretary