

City of Natalia, Texas
Regular City Council Meeting
November 17, 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 - Absent

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 Darin Frazier spoke on the water crisis this city is facing, and of educating residents of planting drought tolerant grass and plants as an investment. Mr. Frazier also suggested that the City needs to consider re-connecting the Carrizo wells, and possibly testing the old well for operation; and possibly engaging into an agreement with Benton City for interconnect.

City Council Comments:

- 3) None.

Presentations/Ceremonial Events:

- 4) Mayor Vera swore in unopposed elected officials for another two-year term on the City Council; Aldermen Sam Smith, Tommy Ortiz, and Mike Fernandez.

Consent Agenda:

- 5) a. Approval of Minutes: October 20, 2014
b. Financial 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 separately.

Discussion: Alderman Fernandez questioned why payments were made for storage and to Tractor City in Alice, Texas? Finance Officer Beth Leonesio explained that after the removal and destruction of several items this was the last payment for the storage unit, and the payment to Tractor City in Alice, Texas does not mean we purchased items from an outside store, it is the remittance address for accounts payable.

Motion: Alderman Bluemel made the motion approving Items-a through e. Alderman Smith seconds the motion.

Vote: 4-0; Passed by a unanimous vote.

- 5f) Mayor Vera questioned if the water usage on the recent fire on Miller Street was calculated into this report. PW Director responded that the water used is in the gallons shown under "fire trucks". Mayor Vera also mentioned the drought levels reduced to Stage 3, and if calculations persist under same or less restrictions and reductions that this could reduce the amount of water to be leased.

Motion: Alderman Fernandez made the motion approving Item 5f, and Alderman Ortiz seconds the motion.

Vote: 4-0; Passed by a unanimous vote.

Discussion/Consideration of Action Items:

- 6) **Discussion/Consider Electing an Alderman to serve as Mayor Pro-Tem for a term of one year.**
Discussion: None.
Motion: Alderman Fernandez made a motion nominating the re-appointment of Alderman Sam Smith as Mayor Pro-Tem for a one-year term, and Alderman Bluemel seconds the motion.
Vote: 4-0; Passed by a unanimous vote.
- 7) **Discussion/Consider Action authorizing the Mayor and City Administrator to participate the City of Natalia in the Leak Detection and Lost Water Conservation Program with Dr. Calvin Finch with Texas A&M University.**
Dr. Calvin Finch presented the idea to the City Council during last month's meeting, and the purposes of the program. City Administrator Hernandez and Alderman Ortiz also attended a Lost Water Seminar hosted by TAMU, EAA and TWDB to learn how the assessment and lost water recovery would affect this City. The program will essentially determine if any water is lost and recoverable, and/or will also provide some reporting tools to determine if it is a calculation error. If the City proceeds with the program, half of any recoverable water will be held in a trust account for the number of years determined by the term of the contract, which is usually 15 years.
Discussion: Mayor Vera explained that this program is at no cost to the City, unless water leak repairs are done and that is if the City chooses to proceed with the recover portion of the program. Dr. Finch confirmed that the City will burden no cost for the assessment of water leaks, and should the City continue with the program after the assessment that there are some resources available to fund the repairs through grants by EAA or TWBD. Alderman Fernandez questioned if TAMU recovers a total of 20-acre feet of lost water, then 10 of those acre-feet will be held in a trust for 15 years, but afterwards, would EAA use those trusted acres against us by reducing our permitted acre-feet per year? Because it would reflect as those 10-acre feet was not a needed source for 15 years. Dr. Finch and an EAA Representative present assured that the water held in trust will not determine the City's permit. Dr. Finch also assured that the City can opt out of the program at any time after the assessment is done, and before any measures are taken for lost water recovery.
Motion: Alderman Smith made the motion to participate the City in the Leak Detection and Lost Water Conservation Program with Dr. Finch. Alderman Bluemel seconds the motion.
Vote: 4-0; Passed by a unanimous vote.
- 8) **Discussion/Consider Action on Resolution 14-13; Entering into an agreement with GrantWorks Inc. for as the City's Grant Writer.**
Discussion: Mayor Vera explained that she met with GrantWorks Representative Betty Collier in regards to several grants available for the City, specifically to updating the City's Master Plan. The proposed update to the master plan also comprises a zoning ordinance, and grant funds are available for the performances of these studies. The City's portion would be 10% of the project costs, which would be \$3,971.00, and any additional costs to studies not included in the grant options, such as the City's interest in updating the subdivision ordinance would cost \$2,310.00.
Motion: Alderman Bluemel made the motion approving Resolution 14-13, entering into an agreement with GrantWorks Inc. to proceed with updating the City's Master Plan. Alderman Ortiz seconds the motion.
Vote: 4-0; Passed by a unanimous vote.
- 9) **Discussion/Consider Action on Natalia Little League request to least Natalia Ball Fields for the Little League Season, and consider leasing concession facility during off-season.**
Discussion: Mayor Vera mentioned that several Little League board members met with city officials to negotiate terms of the contract previously, and the proposed draft is the result of those discussions. NLL President, Mike Gonzales explained that the board is comprised of several new members, and would like to lease the ball field and concession facilities from the City, and submitted some revisions to the proposed draft agreement, to include sole control of

the concession facility. Mayor Vera requests Council to postpone this item to the next regular meeting to allow the Council and City Administrator to review NLL proposed revisions.

Motion: Alderman Bluemel made the motion postponing discussion and consideration to the next city council meeting. Alderman Fernandez seconds the motion.

Vote: 4-0; Postponed by a unanimous vote.

10) Discussion/Consider Action on Authorizing the Mayor and City Administrator to engage into water transfer-lease agreement for additional acre-feet of water supply with the City of Castroville.

Discussion: Mayor Vera mentioned that the City of Castroville's proposed agreement cost per acre-foot of water is \$135 plus \$84 EAA Management Fee, plus a one-time \$100 Consideration Fee; however, the deadline date to avoid fines for transfer is the last day of December. Public Works Director Art Smith calculated with current conditions and reductions, the City's need to lease water have decreased from 20-acre-feet to less than 10-acre-feet, with an approximate estimated shortage of 8.994 acre-feet. City Administrator Hernandez explained that with a lease amount for 10 acres plus the consideration fee would cost the City \$229.00 per acre foot. Mayor Vera stated that being able to reserve transferring water at the last minute with the City of Castroville would allow us more time to determine exactly how much water, if any, would need to be transferred.

Motion: Alderman Bluemel made the motion authorizing the Mayor and City Administrator to engage in a water transfer-lease agreement with the City of Castroville, and determine the amount needed, if any. Alderman Fernandez seconds the motion.

Vote: 4-0; Passed by a unanimous vote.

11) Discussion/Consider Action on disconnecting ball field electrical meter, and other options for providing electricity service to facilities.

Discussion: Alderman Smith mentioned that he has spoken with AEP and CPL in regards to the billing charges for the electricity to the ball field, and explained that he understands that AEP charges will be billed no matter if we use 1 or 100 kilowatts; they were demand charges for turning on the lights even if it was just for a few minutes a month. Alderman Smith suggests we eliminate the electric meter, and consider purchasing a 60-amp generator to supply electricity to the ball fields, which would cost about \$5,000. City Administrator Hernandez stated that she also spoke with AEP and CPL, and according an AEP Rep., the AEP charges are billed no matter if the meter is used or not; it is for having the capability of turning the electricity on and off. Alderman Fernandez suggests we get some quotes on generators, because he believes \$5,000 for a 60-amp would cost much more than that. Alderman Fernandez asked if the generator at the sewer plant can be used for the ball fields, if available? Mayor Vera suggest City Council table this item to determine the demands of the having no electricity used and costs associated.

Motion: Alderman Bluemel made the motion to table this item for further research. Alderman Fernandez seconds the motion.

Vote: 4-0; Tabled by a unanimous vote.

Executive Session: The City Council convened into executive session at 8:17pm, pursuant to Texas Government Code, Chapter 551 to discuss the following:

17a) §551.072, Deliberations about Real Property: Old Palm Courts Property, 3.22 acres of Block

Regular Session: The City Council reconvened into regular session at 8:57pm, and took the following actions on items discussed in executive session.

18a) Old Palm Courts Property, 3.22 acres of Block 4.

Motion: Alderman Bluemel made the motion authorizing Mayor Vera and City Administrator Hernandez to continue negotiations of the 3.22 acres of Block 4. Alderman Ortiz seconds the motion.

Vote: 4-0; Passed by a unanimous vote.

Discussion/Consideration of Action Items:

12) Discussion/Consider Action on Amending Ordinance No.14-0520-2; Rental hours and use of utilities.

Discussion: None. City Administrator Hernandez stated consideration of this ordinance depends on Council's decision for providing electricity service to the ball field facilities (Item 11), and recommends postponing until Item 11 is brought back to the table.

Motion: Alderman Smith made the motion to postpone this item, and Alderman Ortiz seconds the motion.

Vote: 4-0; Postponed by a unanimous vote.

13) Discussion/Consider Action on opening and closures of city streets.

Discussion: City Administrator Hernandez explained that the issue was brought up by the closure of DelMonte Street, which was technically never opened by the City nor permitted by TxDOT. The City received several complaints from the neighboring residents of speeders, in addition, to the school complaining of students speeding through the street to make lunch hour, and have caused damage to the valve-risers placed aside the roadway. Alderman Smith disagrees with closing off the street, as many people were utilizing the street that could be used by the school, and does not see how the valve risers could be damaged because they are not in driving path. Mayor Vera explained she discussed with TxDOT what needed to be done to make this street compliant with state regulations because it intersects onto a state roadway (FM-471). City Administrator Hernandez stated that TxDOT would have to perform certain studies before opening up this street, in addition to widening and laying base material because of the sandy ground before placing stop and speed limit signs. Alderman Fernandez asked if the base material from the highway construction that was once made available for 8th Street by Commissioner Beck was still available. City Administrator Hernandez stated that after the plan of construction on 8th Street stopped because of budgetary reasons that Commissioner Beck said he would be able to use that material elsewhere, but would call and check if it would still be available for the city.

Motion: Alderman Ortiz made the motion to re-open DelMonte Street, and Alderman Smith seconds the motion.

Vote: 4-0; Passed by a unanimous vote.

14) Discussion/Consider Action on City Office Holiday Closures for the Christmas Holiday.

Discussion: City Administrator Hernandez explained because of a tight budget, employees would not be receiving their usual annual \$200 holiday-pay adjustment, and suggests authorizing offices be closed the day after Christmas, December 26, 2014 in addition to the holiday-off schedule for this year.

Motion: Alderman Fernandez made the motion approving the closure of city offices for the day after Christmas on December 26, 2014. Alderman Bluemel seconds the motion.

Vote: 4-0; Passed by a unanimous vote.

Reports:

15) City Administrator's Report: 1) Medina County Fee Electronic Recycling Program is schedule for Saturday, November 22, 2014 from 8:00am – 4:00pm at the Medina County Building in Devine. 2) The repeal of telecommunication services exemption from local sales and use taxes was filed with the State Comptroller's Office, and effective April 1, 2015 those services will be required make payment of local sales and use taxes to the City. 3) Attorney Alfred R. Herrera of Herrera & Boyle, PLLC, released notice that the Railroad Commission does not appear to be moving forward with the proposed rule, which essentially would eliminate the city's ability to participate or evaluate gas-utilities rate increases; but does not mean the proposed 2015 Legislative Rulings are off the table.

16) Mayor's Report: 1) Effective Monday, November 9, 2014 the City's drought stage has moved from Stage 4 to Stage 3 restrictions. 2) Veteran's Day Ceremony will commence at 11:00am, November 11, 2014; the NISD Band and DISD Choir will be participating in the event.

Executive Session: The City Council convened into executive session at 9:36pm, pursuant to Texas Government Code, Chapter 551 to discuss the following:

17b) §551.074; Personnel Matters: Six (6) Month evaluation of City Administrator.

17c) §551.074; Personnel Matters: One (1) Year evaluation of Chief of Police.

Regular Session: The City Council reconvened into regular session at 10:22pm, and took NO ACTION on the following items discussed in executive session.

18b) §551.074; Personnel Matters: Six (6) Month evaluation of City Administrator.

18c) §551.074; Personnel Matters: One (1) Year evaluation of Chief of Police.

19) **Adjournment.**

Motion: Alderman Fernandez made the motion to adjourn at 10:25pm. Alderman Smith seconds the motion.

Vote: 4-0; Passed by a unanimous vote.

Passed and Approved this 19th day of January, 2015.

Ruberta C. Vera, Mayor

Attest:

Lisa S. Hernandez,
City Administrator/Secretary