

City of Natalia, Texas
Regular City Council Meeting
June 15, 2015 at 7:00 pm
Minutes

Roll Call: Mayor Ruby Vera - Present Alderman Sam Smith - Present
Alderman Mike Fernandez - Absent 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, and the invocation led by Alderman Sam Bluemel.

Citizens to be Heard:

- 2) Darin Frazier discussed the City's park location is not in a great location, infrastructure improvements are needed, and park maintenance and labor costs are not cheap. Frazier discussed the possibilities of the use of Palm Courts for park location, and the use of 1st Street which is a closed and abandoned street. Frazier stated that there are many flaws in the purposed park property, including no streets, no parking, and no shade or trees, and asks City Council to reconsider.

City Council Comments:

- 3) Alderman Bluemel thanked the Utility Crew and Public Works Director Smith on their hard work and efforts they've put in through these recent storms. Alderman Smith requests that the road block posts at the end of Miller Street and by the Dollar General be removed as previously voted on by City Council as soon as possible. Alderman Ortiz thanked Darin Frazier for his comments and concern, and knows that the park location needs improvements, and believes a different location is best suited for a park.

Presentations and Recognitions:

- 4) a. Mayor Vera recognized and proclaimed June 15, 2015 as Jorge Saldana Day, for being the recipient of the 2015 Bronze Medal World Bench Press, and ranking 1st in the State of Texas in the 123lb. Class Division in 2014-2015 year.
b. Mayor Vera and members of the Haywood Park Committee presented proposed plans and layout for the Haywood Park located at 704 Bennett. Mayor Vera announced that the Natalia Municipal Development District awarded \$40,000 towards this project, which will be applied towards the construction of park pavilions, restrooms, electrical and plumbing. Members of the Haywood Park Committee are seeking bids for electrical and plumbing work, and County Commissioner Beck and Bobby Rangel will be performing and donating their time for the site-prep of the property for clearing, leveling and grading before construction is set to begin; additionally, donations are being accepted in form of labor, monetary or park supplies and equipment. After comments made by City Council and citizens, City Administrator Hernandez recommended a joint entity meeting between the City Council and Natalia Municipal Development District to be schedule to discuss the park plans and location further.

Consent Agenda:

- 5) a. Approval of Minutes: May 18, 2015 Regular Meeting
b. Approval of the Financial Activity Report: May 2015
c. Approval of the Police Department Activity Report: May 2015
d. Approval of the Municipal Court Activity Report: May 2015
e. Approval of the Code Compliance Activity Report: May 2015
f. Approval of the Utility Department Activity Report: May 2015
Discussion: 5b) City Administrator Hernandez explained the new format of the Fund Balance Report, distinguishing that unrestricted funds are for maintenance and operations of city services, and the restricted fund balances are dedicated funds for grant projects, special purposes, or restricted for payment of bonds or debt; for the end of May 2015 the unrestricted fund balance is \$101, 217.14, and the restricted fund balance is \$229,489.96 which includes customer utility deposits of \$63,465.75.

Motion: Alderman Bluemel made the motion approving the consent agenda. Alderman Smith seconds the motion.

Vote: 3-0; Passed by a unanimous vote.

Discussion/Consideration of Action Items:

6) **Discussion/Consider Action on Elena Gonzales request for community efforts towards park and trails.**

Discussion: Ms. Elena Gonzales, 9 year old Natalia ISD student and resident, wrote a letter to the Mayor and came before the City Council presenting a bike/walking trail for the kids to go, possibly at the junk yard next to Beverage Express because its large and its fenced in. Ms. Gonzales is willing to go door-to-door, make posters and get volunteers to help raise money to fix the yard up, to include concrete, gardening tools, trees and plants. Mayor Vera explained that the property is privately owned by Russell Johnson, and asks that a member of the City Council to consider taking on the task of contacting Mr. Johnson and discuss Ms. Gonzales idea. Alderman Bluemel stated that Elena rides his school bus, and would like to try and help her.

Motion: Alderman Bluemel moved to contact Mr. Johnson regarding the property. Alderman Smith seconds the motion.

Vote: 3-0; Passed by a unanimous vote.

7) **Presentation and Acceptance of FY 2013-14 Financial Audit.**

Discussion: Wayne Beyer, Auditor, discussed the Financial Audit for fiscal year beginning October 1, 2013 and ending September 30, 2014 financial activities and practices, observations and financial findings. The General Fund Revenues exceeded the Expenditures by \$39,502. The Utility Fund Revenues over Expenditures were at a loss of \$57,615. Mr. Beyer explained the findings noted were immaterial matters but should be addressed; such as considering engaging into a depository contract with the City's financial institute. That comp-time earned and payment policy should be implemented, and a data retention policy for recovering records should be developed. It was also found that eight utility customers were billed incorrectly. Overall the City's Financial Statement is in good status with a remaining balance of unrestricted net position of \$102,505 which may be used to meet ongoing obligations to citizens and creditors. City Administrator Hernandez mentioned the City had recently engaged in a depository contract which will reflect in fiscal year 2014/15 audit, the new policy manual to be adopted does address payment of comp-time, and USTI has reviewed the utility rate schedules and made needed corrections.

Motion: Alderman Smith made the motion to accept Fiscal Year 2013-2014 Financial Audit as presented; and Alderman Ortiz seconds the motion.

Vote: 3-0; Passed by a unanimous vote.

8) **Discussion/Consider Action of Medina County Appraisal District 2015 Proposed Budget.**

Discussion: Chief Appraiser Johnette Dixon corrected the year as "2016 Budget" which provides for a reduction in salaries and benefit costs for a total of \$758,752.00 and operations and maintenance of \$254,650.00 to bring a total budget amount of \$1,013,402.00. The 2016 Preliminary Budget also reflects the 2014 Levy total of \$48,571,161.52 2014 with Natalia's Levy portion of \$267,668.14 (.55%) having a Pro-Rata Share cost of \$5,573.71 which is slightly less than last year's costs.

Motion: Alderman Bluemel made the motion approving MCAD's 2016 Proposed Budget, and Alderman Ortiz seconds the motion.

Vote: 3-0; Passed by a unanimous vote.

9) **Discussion/Consider Action on Natalia ISD's payment for maintenance and improvements made on the Carrizo Well.**

Discussion: NISD Business Manager, Claudia Garcia explained to the City Council of actions taken upon NISD Staff for the repair and maintenance of the Carrizo Well, which led to a bill of \$5,963.15 for the repairs made by Frio Water Well Services (Pawlik's Ace Hardware), and questioned the previous agreement by and between the City and School in regards to the use and maintenance of the well. Mayor Vera stated that there is no current written agreement with the school on the use and repair of the well; however, in the past, the City agreed to arrangements for the repairs made to put the well in service for the use of irrigation to school fields in exchange for payment up to \$10,000.00, thereafter payments for usage was billed. Alderman Bluemel questioned why the Edwards Aquifer meter was disconnected, and why

couldn't the school utilize the Edwards water for the fields. Mayor Vera explained that at the time the school was pumping an extremely high amount of water onto the fields and the City was facing a drought situation, after repeatedly notifying the school's maintenance supervisor and superintendent on cutting back, the high usage continued, and because the meter could not be locked, it was instructed to remove it. Public Works Director Smith explained that the school still had access to the Carrizo Well; however, because of low pressure, which has been fixed, they chose not to use it and continued using the Edwards Aquifer. City Administrator Hernandez explained watering the fields is not the City's priority for the use of the Edwards Aquifer especially under drought conditions, the school still has the capability of using the Carrizo and at a lower cost per 100 gallons than that of the Edwards; additionally, the City is only permitted a certain number of acre feet each year on the Edwards, which is most importantly to be used for household and business necessities and consumption. City Administrator explained that the City had to lease additional acre feet of water to avoid EAA fines and fees, which the City paid for out of utility fund operations, if the City continued allowing the school to use the Edwards then it would've definitely put us over our allotment sooner and would've required more water to be leased, and most likely the school wouldn't have paid for the leasing fees nor the fines imposed by EAA. NISD Business Manager Garcia apologizes for the misunderstanding, and asked if the School and City could work out arrangements for these costs, and possibly consider a written agreement or understanding on future maintenance and repairs of the Carrizo Well.

Motion: Alderman Smith made a motion authorizing the City Administrator to enter into a written understanding with NISD for the maintenance and operations of the Carrizo Well, and not to invoice NISD for the consumption of the Carrizo Well until billing totals reach \$5,963.15 as a reimbursement for the repair costs paid for by NISD. Alderman Ortiz seconds the motion.

Vote: 3-0; Passed by a unanimous vote.

- 10) **Discussion/Consider Authorizing the Mayor and Chief of Police to negotiate terms and engage into a contract with Natalia ISD to employ a Natalia Police Officer as a School Resource Officer for the 2015/2016 School Year.**

Discussion: Mayor Vera explained that negotiations of the contract will be discussed with the Superintendent as soon as the NISD School Board allows him to do so, and until then is asking for authorization to negotiate and engage into contract when that time comes. Alderman Ortiz stated that the City Administrator should be included in the negotiations to determine the financial terms. Mayor Vera explained that the Police Department falls under her authority and supervision, and not the City Administrator.

Motion: Alderman Smith made the motion authorizing the Mayor, City Administrator and Chief of Police to negotiate the terms of the contract; and Alderman Ortiz seconds the motion.

Vote: 3-0; Passed by a unanimous vote.

- 11) **Discussion/Consider Action on Resolution No. 15-13; repealing all previous versions of the City of Natalia Personnel Policy Manual (Employee Handbook), adopting a new version, and setting an effective date.**

Discussion: Mayor Vera mentioned that several reviews and revisions were made to the drafts that were received by the Chief of Police, Public Works Director, Mayor and any that were addressed by City Council. Alderman Ortiz asked if staff has reviewed it. City Administrator Hernandez stated that all questions and concerns were researched and necessary changes were made; and all staff members have copies of the proposed final handbook which will become effective on the first day of the next pay period, being June 18, 2015. The new version does address the payment of comp-time, vacation and sick leave time, and training/travel policy.

Motion: Alderman Bluemel made the motion adopting Resolution No. 15-13, and Alderman Smith seconds the motion.

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

- 12) **Discussion/Review the proposed ordinance making it unlawful for registered sex offenders to reside or come near a prohibited distance from premises where children commonly gather and safety zones, and prohibiting property owners from renting real property to registered sex offenders within the prohibited distance.**

Discussion: City Administrator Hernandez stated she and Chief Rodriguez have been working on the enforcement of the sex offender's regulations, in addition to determining the distance by physically measuring the 1,000 foot distance. Chief Rodriguez explained that Texas DPS records currently reflects

five registered sex offenders within the city limits, and none having conditions of community supervision. City Administrator Hernandez explained that the ordinance has been reviewed by Legal, and changes to the ordinance have been made; however, before the City Council can adopt this ordinance a Public Hearing would be required because of residency restrictions. Mayor Vera asks that City Council review the ordinance and contact the City Administrator with any questions. No action was taken; a public hearing is to be scheduled.

Reports:

- 13) **City Administrator's Report:** 1) A proposed Budget & Tax Calendar was prepared establishing dates for Budget Workshops, Special Meetings and Public Hearings, and asks City Council to mark their calendars, and to determine meeting times. 2) Notice of filing deadline has been posted, and period begins July 25, 2015 and ends August 24, 2015; however the 25th is a Saturday so the actual first day to file is July 27th; the positions up for election this year are Mayor and two Aldermen. 3) A copy of the City's Nuisance Procedures checklist was provided to City Council and includes abatement fees and filing of liens for failure to pay the City if work is performed by the City. 4) A Mobile Home Variance Request was filed for 619 Aubrey Street, however, the Property Owner/Applicant need to address three issues before it can be brought before City Council: 1) Property Owner is not the applicant, requiring a notarized affidavit permitting Applicant to place mobile home on property; 2) the dimensions of the mobile home do not meet setback requirements because it would sit on three lots of Block 141, Lots 30, 31, 32, requiring lots to be replatted into one single lot; 3) a dilapidated structure must be demolished before structure is installed.
- 14) **Utility Director's Report:** 1) The 2014 Consumer Confidence Annual Drinking Water Quality Report is available for public review and posted on the city's website, which also addresses one violation that is to be resolved by the end of June 2015. 2) An Application and Intent to Obtain Water Quality Permit Renewal has been filed with TCEQ, and has been reviewed and accepted. 3) The filtration process updates at the wastewater treatment plant is complete, and are currently waiting on state's approval of a change order request to include a new-used generator for the wastewater treatment plant for the remaining grant/matching funds balance.
- 15) **Mayor's Report:** 1) A Blood Drive is scheduled for Saturday, June 27, 2015 from 9:00am to 2:00pm in the City Hall Council Chambers, all donors are welcome. 2) A Child Passenger Seat Inspection is also scheduled for Saturday, June 27, 2015 from 10:00am to 2:00pm at TxDOT's Devine Maintenance Office.
- 16) **Executive Session:** The City Council convened into executive session at 9:08pm, pursuant to Texas Government Code, Chapter 551 to discuss the following:
 - a) **§551.074; Personnel Matters: One (1) Year evaluation of City Administrator.**
- 17) **Regular Session:** The City Council reconvened into regular session at 9:45pm, and took no action on items discussed in executive session.
- 18) **Adjournment.**
Motion: Alderman Smith made the motion to adjourn at 9:50pm. Alderman Ortiz seconds the motion.
Vote: 3-0; Passed by a unanimous vote.

Passed and Approved this 20th day of July, 2015.

Ruberta C. Vera, Mayor

Attest:

Lisa S. Hernandez,
City Administrator/Secretary