

City of Natalia, Texas
Regular City Council Meeting
February 27, 2017 at 7:00 pm
Minutes

Roll Call: Mayor – Position Vacant Alderman (Mayor Pro-Tem) Sam Smith – Present
Alderman Mike Fernandez – Absent Alderman Tommy Ortiz - Present
Alderman Sam Bluemel – Present Alderman Ruben Juarez – Present

Call to Order:

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

Citizens to be Heard:

- 2) Doug Blevins, and Maxwell Lumsden, spoke to City Council in regards to their objection of approving a variance for Item #5; stating that many variances approved have not all worked out, and still waiting for one property owner to complete his house that's been prolonged throughout several years. Additionally, Blevins explained that the property owners were given many broken promises by the previous City Administrator when the city annexed Mustang Estates; stating that the properties were annexed for tax value purposes only because the city had no services to offer, except strict code and police compliance. Lumsden added that they'd like to see homes built before the property owners place storage buildings on the properties, the deed restrictions state the "additional structures must be of all new material of equal construction quality and harmonious design with the residence," this property has no home nor has pulled for a home building permit.

City Council Comments:

- 3) None.

Consent Agenda:

- 4) a. Approval of Minutes: January 16, 2017 Regular Meeting
b. Approval of Financial Activity Report: January 2017
c. Approval of Police Department Activity Report: January 2017
d. Approval of Municipal Court Activity Report: January 2017
e. Approval of Code Compliance Activity Report: January 2017
f. Approval of Utility Department Activity Report: January 2017

Action: Alderman Bluemel made the motion approving the consent agenda, and Alderman Ortiz seconded the motion. Vote: 4-0; Motion carried unanimously.

Discussion/Consideration of Action Items:

- 5) **Discussion/Consider variance to the City's Zoning Ordinance, Section 5 Zoning Regulations, Subsection D2, Accessory Buildings and Uses; to permit the placement of an accessory building (storage building) by Rudy Rodriguez, at Mustang Estates Subdivision Lot 21, 155 Colt Trail, Natalia, Texas 78059.**

Discussion: City Administrator Hernandez explained that she denied the issuance of the permit to place a storage building on the lot because of the definition and interpretation of the term "accessory use or structure – a use or structure on the same lot with and of a nature customarily incidental and subordinate to the principal use structure, such as storage sheds, temporary construction trailers, utility sheds, garage/carports, etc." The term of an accessory use building is defining it "with" and "secondary" to the principal use, which in this case would be a residence/home. City Administrator Hernandez also explained that according to the City's Attorney, the City has no control over regulating the deed restrictions set forth by the Developer of Mustang Estates, that's strictly between the Developer, Property Owner, and HOA/POA for that subdivision; the City may only regulate a law of the state or city ordinance, and interfere in such restrictions if the laws of the city conflict with the deed restrictions, in which the city's laws overrule the subdivision restrictions. Property Owner Rudy Rodriguez explained that he eventually wants to build his home, and when he does he'll make sure the home is built to match the design of the storage building; the storage building will be used to store his lawn mower and weight equipment. Alderman Ortiz commented that the storage building is secondary to the home, not the other way around. Several discussions between City Council, Property Owner, and Citizens were made; however, with previous history of noncompliance to variances issued City Council expressed their reasons for denial.

Action: Alderman Bluemel made a motion denying the request, and Alderman Juarez second the motion. Variance Denied, by a Vote of 4-0; Motion carried unanimously.

6) **Discuss the schedule of events for the 2017 Natalia Bluebonnet Festival; contracting with Garry Moore Amusements for the festival; beginning March 23 and ending March 26, 2017.**

Discussion: Librarian Amy Edge stated the expected carnival activities and the parade entry deadline is one-week before the parade, March 20th; adding that several Tejano and Country bands will be performing on Saturday following the parade, the Library will be applying for a TABC license to sell beer as they did last year, and also requesting Council and anyone who'd like to donate brand-named soft drinks and water for this event.

Action: None.

7) **Discussion/Consider Casting Vote for Texas Rural Water Development; Electing a Director to District 2; Voting on the Propositions for Amending the Bylaws; and Appointing delegation and representation on behalf of the City of Natalia Public Water Supply.**

Discussion: Mayor Pro-Tem Smith expressed Alderman Fernandez's suggested vote and interest for Danny Smith of Bandera County FWSD #1 as TRWA District 2 Director. Mayor Pro-Tem Smith asked PWD Art Smith if he had any recommendations of electing a director; none were expressed.

Action: Alderman Bluemel made the motion electing the City's vote to Danny Smith as TRWA District 2 Director; voting "Yes" to Proposition 1: Deletion of Article 5.01, subsection 3, pertaining to Individual Membership and amending Article 5.02 to remove the reference to Individual Membership; voting "Yes" to Proposition 2: Deletion of Article 9.09 pertaining to the Awards and Scholarships Committee; voting "Yes" to Proposition 3: Amending the TRWA Bylaws Article 8.04, Subsection 3, to add the language – "Any vacancy occurring in an Alternate Director positions may be filled by the Board of Directors until the next Annual Meeting of the Membership or a Special Meeting called by the District Members for the purpose of electing an Alternate Director to fill said vacancy for the unexpired term;" and appointing City Administrator Lisa Hernandez to act on behalf of the City of Natalia Public Water Supply. Alderman Ortiz second the motion. Vote: 4-0; Motion carried unanimously.

8) **Discussion/Consider on the Natalia Police Department Racial Profile Report from the period of January 1, 2016 through December 31, 2016.**

Action: Alderman Ortiz made a accepting the report; and Alderman Juarez second the motion. Vote: 4-0; Motion carried unanimously.

Staff Reports:

9) **City Administrator's Report:**

- i. Status on the TxCBDG Contract No.7215349 Wastewater Treatment Improvements Project.
- ii. Kick-Off Meeting for TxCBDG Contract No.7216074 Master Plan Update is scheduled for Tuesday, March 7 at 2:30pm. A Land Use Fundamental Conference on the Zoning Process is scheduled for April 5-7; this conference would be beneficial to the conduct and planning for the City's revised master plan.
- iii. Update on the Financial Audit for Fiscal Year Ending September 30, 2016.
- iv. Status of the Revised-Draft of the Utility Rate Study prepared by Communities Unlimited is scheduled for Special Meeting for March 9 at 7pm, a quorum of four members is required.
- v. Bulky Item Pickup starts the week of March 6, 2017 performed by ACI Recycling and Disposal; fliers of the rules and prohibitions were delivered to each customer serviced by garbage.

10) **Adjournment.** Alderman Bluemel motioned to adjourn the meeting at 8:00pm, and Alderman Juarez seconded the motion. Motion carried unanimously.

Passed and Approved this 20th day of March, 2017.

Approval:

Sam Smith

Sam Smith, Mayor Pro-Tem

Attest:

Lisa Hernandez

Lisa S. Hernandez, City Administrator/Secretary