

2078 State Hwy. 132 N. • P.O. Box 270 • Natalia, TX 78059-0270
(830) 663-2926 • Metro (830) 665-2206 • Fax (830) 663-3806

MINUTES

Mayor Pro-Tem Sam Smith – Absent
Alderman Darin Frazier - Present
Alderman Selica Vera – Present

- #### **4. CONSENT AGENDA:**

- a) Approval of the Minutes: 19 September 2022 Regular Meeting
26 September 2022 Special Meeting
- b) Approval of the Financial Activity Report: September 2022
- c) Approval of the Utility Department Activity Report: September 2022
- d) Approval of the Municipal Court Activity Report: September 2022
- e) Approval of the Police Department Activity Report: September 2022
- f) Approval of the Police Code Enforcement Activity Report: September 2022

5. INFORMATIONAL ITEMS:

- a) **City Administrator/Secretary**
Nikki reported STRD will be scheduling bulk/brush pick soon. The Clarifier project is in the final stages of closeout. The close out public hearing was held on October 10, 2022. The city's match dropped down to \$11,797.62 because we did not use all the TDA funds. A meeting was scheduled with the site director for the project across from Love's to discuss annexation, water, and sewer services. There will be active shooter training on November 18th at 3pm in the council chambers.
- b) **NMDD – Ruby Vera** reported that the NMDD sign has been installed on the MDD building. The Veterans ceremony will be held on 11/11/22 at 11am. Phase one of the landscaping has been completed. Phase 2 will begin in the spring of 2023. The NMDD has asked the businesses along SH 132 and FM 471 to participate in decorating the community for the fall and Christmas seasons. There will be a first and second prize awarded. The MDD will host their annual Fall/Christmas Garage Sale

on November 12, 2022. The annual Christmas tree lighting and photos with Santa will be held on December 5, 2022.

DISCUSSION/CONSIDERATION OF ACTION ITEMS:

6. Discuss/Consider action plan on request from AEP to remove or possibly relocate palm trees within the city limits of Natalia; Don Fields and Jimmy Earnest from AEP were in attendance. Jimmy Earnest discussed LED lighting option for streetlights. Don Fields stated that AEP wants to preserve the palm trees as much as possible. AEP did an underground locate study. In the future someone from the forestry division will contact the city to discuss possible relocation should a tree need to be removed. No action.
7. Discuss/Consider a resolution of the City of Natalia, Texas declaring certain city vehicles and equipment surplus property; and authorizing the liquidation of said surplus property. Alderman Fernandez made a motion to surplus said property; Alderman Ortiz seconded the motion. Motion carried; 4-0.
8. Discuss/Consider a 25 x 30 metal building placed on city easement at 115 E. 4th Street. Property owner Michael Lozada stated that he hired a plumber to dig on the location to ensure the building was not sitting on the sewer line. The sewer line falls approximately 4 - 5 feet away from the sewer line. Alderman Frazier stated that this also poses a drainage issue in the area between 5th, 6th streets and Hwy 132. Attorney Dan Santee explained to Mr. Lozada that he could buy the easement, move the building, pay the cost to move and or replace the sewer line. Dan Santee explained that the property will never be able to be sold without fixing this issue as it is an obstruction of title. Alderman Fernandez explained that should there ever be a problem with the sewer main the city needs access to do repairs. Nikki Bermea stated that right now the building does not meet setback requirements and permits have not been paid for. Mr. Lozada requested that he be given a little bit of time and he will have the building moved out of the easement to meet setback requirements. Alderman Frazier made a motion to give Mr. Lozada six (6) months to move the building and pay the permit fees. Alderman Fernandez seconded the motion. Motion carried; 4-0.
9. Discuss/Consider annexation and utility rights in city of Natalia ETJ. Attorney Dan Santee discussed current annexation laws, CCN rights and the city's need for a subdivision interlocal agreement with Medina County to determine who reviews plats and has final authority. No action.

EXECUTIVE SESSION

10. City Council will convene in closed session pursuant to Section 551.071 of the Texas Government Code, to seek the advice of legal counsel on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act; to wit: The Preliminary Investigative Report of a personnel investigation into complaints filed against the former chief of police, conducted by the City Attorney; Alderman Fernandez made a motion to convene into executive session at 7:49 pm. Alderman Frazier seconded the motion; Motion carried; 4-0.

REGULAR SESSION

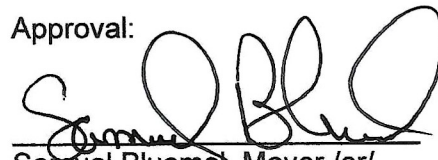
11. Following consultation with attorney and deliberation in closed session, the City Council will re-convene in open session for any action necessary regarding the item discussed in closed session; The city council reconvened into regular session at 9:01 pm. Alderman Frazier made a motion to accept the Investigative report of complaints filed against the former Chief of Police

conducted by the city attorney. Alderman Fernandez seconded the motion. Alderman Frazier made a motion to request a proposal from the city attorneys for the handling of the F-5 appeal; Alderman Ortiz seconded the motion. Alderman Fernandez made a motion to request a proposal from Max Westbrook and Associates for the purpose of consulting and handling of the hiring of a new police chief. Alderman Ortiz seconded the motion. All motions carried; 4-0.

12. **ADJOURNMENT:** Alderman Fernandez made a motion to adjourn at 9:04 pm. Alderman Ortiz seconded the motion. Motion carried; 4-0.

Passed and Approved this 21st day of November, 2022.

Approval:



Samuel Bluemel, Mayor /or/
Sam Smith, Mayor Pro-Tem

Attest:


Nichole M. Bermea
Interim City Administrator/Secretary