# Minutes Flatonia City Council Regular Meeting November 13, 2012

# Present:

Mayor

Scott Mica

**Mayor Pro Tem** 

Chris Kubesch

Councilpersons

Matt Freytag Tyler Mica Jan Lahodny

**City Staff** 

Scott Dixon – City Manager Melissa Brunner – City Secretary Jack Pavlas – Utility Director

Gregory Robinson - Code Compliance Officer

Angela Beck – City Attorney Mike Noak – Police Chief David Vire – Fire Chief

## **Opening Agenda**

Mayor Mica called the meeting to order at 6:00 p.m. Code Compliance Officer Gregory Robinson led the invocation Mayor Mica led the Pledge of Allegiance.

## Citizen's Participation

Trace Siptak voiced his concerns concerning Brenda's Restaurant receiving a conditional use permit for a bar or nightclub.

Jodie Siptak voiced her concerns concerning Brenda's Restaurant receiving a conditional use permit for a bar or nightclub.

Sally Dynis voiced her concerns concerning Brenda's Restaurant receiving a conditional use permit for a bar or nightclub.

Lee Morris spoke in favor of Brenda's Restaurant receiving a conditional use permit for a bar or nightclub.

Sue Isaac spoke about concerns she had when the driveway was going in to her new house, the garbage can not arriving when she thought it should and about the owners of the lot next to hers not mowing.

Bryan Wolter spoke about concerns he has with the proposed new rate increases.

### Workshop

The October 2012 Police Department Activity Report was presented to the Council

Fire Chief Vire reported that \$2314.66 had been donated through the utility bills during the third quarter of 2012.

City Manager Dixon presented information to the Council concerning the street survey, capital improvement plan, AMTRAK, manufactured home rental ordinance, Prosperity Bank building and the downtown revitalization grant.

Carol Littlefield made a presentation and led a discussion with Council on economic development.

# **Public Hearing**

opened at 6:45 p.m.

PH11-2012.1 Public Hearing on request from Raul & Frances Vasquez for a variance to reduce the Mill Street side yard setback from twenty-five (25) feet to zero (0) feet for the following property: 330 W 7<sup>th</sup> St., PID 27880, Faires Addn., BLK fraction of 26. This request has been submitted in order to enlarge the kitchen area of the existing residential structure.

No citizens wished to speak

PH11-2012.2 Public hearing on request from Brenda Ray for a conditional use permit for a bar or nightclub at 1143 E US Hwy 90, PID 25372, an establishment known as Brenda's, Hwy 90 East Annex.

Citizens spoke during Citizen's Participation closed at 6:47 p.m.

#### **Consent Agenda**

Jan Lahodny motioned to adopt the consent agenda including the Minutes of the October 9, 2012 Regular Meeting, the October 2012 Financial Report and the LCRA System Study. Tyler Mica seconded the motion. None opposed. Motion carried.

#### **Deliberation Agenda**

- 11-2012.1. Matt Freytag motioned that the request for a variance to reduce the Mill Street side yard setback from twenty-five (25) feet to zero (0) feet for the following property; 330 W 7<sup>th</sup> St., PID 27880, Faires Addn., BLK fraction of 26 from Raul and Frances Vasquez be approved. Jan Lahodny seconded the motion. None opposed. Motion carried.
- 11-2012.2. Matt Freytag motioned that the request from Brenda Ray for a conditional use permit for a bar or nightclub at 1143 E US HWY 90, PID 25372, an establishment known as Brenda's, Hwy 90 East Annex be denied. Chris Kubesch seconded the

- motion. Matt Freytag, Chris Kubesch and Jan Lahodny voted in favor. Tyler Mica opposed. Motion carried.
- 11-2012.3. No action was taken on the ordinance extending hours of operation for certain businesses.
- 11-2012.4. Jan Lahodny motioned to approve the reports from EA Arnim Museum and Archives, Flatonia Special Projects and the Flatonia Chamber of Commerce regarding expenditures of the hotel Occupancy Tax Monies. Matt Freytag seconded the motion. None opposed. Motion carried.
- 11-2012.5. Jan Lahodny motioned that the new fire station be located at an Old Hallettsville Road Location. Tyler Mica seconded the motion. Jan Lahondy and Tyler Mica voted in favor. Chris Kubesch and Matt Freytag voted against. Mayor Mica voted against to break the tie. Motion failed.
- 11-2012.6. Matt Freytag motioned to not adopt the ordinance amending the electric fee schedule for the City of Flatonia. Jan Lahodny seconded the motion. None opposed. Motion carried.
- 11-2012.7. No action was taken on the ordinance amending the water and sewer rate schedule.
- 11-2012.8. Jan Lahodny motioned to adopt the resolution reaffirming eminent domain. Chris Kubesch seconded the motion. None opposed. Motion carried.

# Executive Session – opened at 7:25 p.m.

ES11-2012.1 As authorized by Texas Government Code 551.071 – consultation with City Attorney about pending or potential litigation and claims, administrative hearings, settlement offers, or attorney-client privileged matters, including the following matters:

Robert Wood v. City of Flatonia appeal

ES11-2012.2 As Authorized by Texas Government Code Sec. 551.074 deliberations about an employee of the governmental body:

Review of City Manager

#### Deliberation Agenda – re-opened at 9:35 p.m.

- 11-2012.9. Jan Lahodny motioned to authorize the city attorney to respond to Robert Wood's offer in accordance with the terms discussed in executive session. Matt Freytag seconded the motion.
- 11-2012.10. No action was taken on the review of the City Manager.

The meeting was adjourned at 9:40 p.m.

Approved this 8<sup>th</sup> day of January, 2013.

Signed

Scott Mica Mayor

Attest

Melissa Brunner, TRMC, CMC City Secretary