

**Minutes
Flatonia City Council
Regular Meeting
March 8, 2011**

Present:

Mayor	Scott Mica
Mayor Pro Tem	Bryan Milson
Councilpersons	Jan Lahodny Kathy Collins Tyler Mica Teri Wilks
City Staff	Kenneth Knight – City Manager Melissa Brunner – City Secretary Jack Pavlas – Utility Director Mike Noak – Police Chief Angela Beck – City Attorney Gregory Robinson – Code Compliance Officer

Opening Agenda

Call to Order	Mayor Mica called the meeting to order at 6:00 p.m.
Invocation and Pledge	Code Compliance Officer Robinson led the invocation and Mayor Mica led the pledge.
Citizen’s Participation	Dennis Geesaman spoke in favor of 24/7 coverage with the Flatonia Police Department. Mike Whitten spoke about the “ongoing debate and controversy regarding the operations at the wastewater treatment plant.” Margaret Flood also spoke in favor of 24/7 coverage with the Flatonia Police Department.

Reports

Council Members’ Reports	Kathy Collins stated that TCEQ has informed her that they are investigating the City of Flatonia and the Outhouse Company for violations including but not limited to failure to maintain records and that the outcomes of these investigations are a matter of public record and she would be keeping the Council and community informed of the status as these investigations progress. She further reported that the AMTRAK task force welcomed the TEMPO
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executives on February 11th and further thanked local and state dignitaries for their support and Chair Mark Eversole and Committee member Kirk Pate for their efforts on behalf of this station.

City Manager's Report

City Manager Knight stated that there was nothing new to report on the 2020 Comprehensive Plan. Knight reported that the HVAC unit and interior walls were complete at the new warehouse complex and fencing was the next step. Knight further reported that the construction of the skate park is underway and discussion would take place at the next Parks meeting on a pre-fab restroom. Knight lastly reported that there was an issue with the contractor ordering the wrong valves. Therefore the valves issue on the arsenic project should be taken care of by the end of April or the first part of May and construction would be able to continue.

City Secretary Report

City Secretary Melissa Brunner reported that she was continuing to make progress on the new map of Oak Hill Cemetery. She further reported that the last day to file for a place on the City of Flatonia's May 14th ballot is March 14th and that any candidates who will have signed up are welcome to come to draw for their place on the ballot on March 15th and notices would be going out to all who sign up. Early voting will take place May 2 – 6 from 8 – 5 and also on May 9 and 10 from 7 – 7. She reported that she had spoken to two of the previous election workers and they are willing to work again. A new election judge will have to be appointed and she has one in mind and will be speaking to him in the next week or so.

Police Chief's Report

Chief Noak presented the February 2011 Police Report. Noak also reported that the final training for the Citizens on Patrol would be taking place that week and then will be doing the ride along training. He also reported that there is some interest in a Neighborhood Watch program and he will be starting to work on that when the training of these initial Citizens on Patrol persons are trained. He is also considering another session of training if there is interest from more people for Citizens on Patrol.

Consent Agenda

Kathy Collins motioned to accept the Consent Agenda, including the minutes of the February 8, 2011 regular meeting and the February 2011 Financial Report. Bryan Milson seconded the motion. None opposed. Motion carried.

Executive Session – began at 6:23 p.m.

ES1-2011.1 As authorized by Texas Government Code 551.071 – consultation with attorney

Wood appeal

Ended at 6:46 p.m.

Deliberation Agenda – reopened at 6:47 p.m.

- 3-2011.1. No action was taken on City Attorney Beck’s collection plan in reference to the Wood lawsuit.
- 3-2011.2. Bryan Milson motioned to approve the Audit for fiscal year 2009 – 2010 as presented by Jamie Notz of Goldman, Hunt and Notz at the February 8, 2011 meeting. Teri Wilks seconded the motion. None opposed. Motion carried.
- 3-2011.3. Bryan Milson motioned to approve the quarterly reports on the expenditures of Hotel Occupancy Tax funds as presented by the Flatonia Chamber of Commerce, EA Arnim Museum and Archives and Flatonia Special Projects. Kathy Collins seconded the motion. None opposed. Motion carried.
- 3-2011.4. Kathy Collins motioned to contract with Fayette County for the use of electronic voting equipment for the City of Flatonia’s May 14, 2011 General Election. Bryan Milson seconded the motion. None opposed. Motion carried.
- 3-2011.5. Kathy Collins motioned to contract with Flatonia ISD to conduct a joint election on May 14, 2011. Teri Wilks seconded the motion. None opposed. Motion carried.
- 3-2011.6. Bryan Milson motioned to approve the City’s Investment Policy. Kathy Collins seconded the motion. None opposed. Motion carried.
- 3-2011.7. Kathy Collins motioned that the Council compel all city staff members follow our local ordinance that payment be made for sludge transporters at the time of the deposit. The City must be in compliance with all TCEQ laws as well. Bryan Milson seconded the motion. Tyler Mica and Jan Lahodny opposed. Kathy Collins, Bryan Milson and Teri Wilks voted in favor. Motion carried.
- 3-2011.8. Teri Wilks had requested that a review of the city manager be on the agenda.

Bryan Milson stated that he was proud to call Ken Knight the City of Flatonia’s Manager and thinks that he’s done a fantastic job.

Mayor Mica agreed.

Councilmember Teri Wilks continued the discussion as follows: Mr. Knight has stated he prefers that council members bring issues to his attention as they arise rather having a form for conducting annual reviews. Councilmember Wilks stated that there were two points that she wanted to bring to Mr. Knight’s attention.

The first point has to do with Mr. Knight’s loss of composure in stressful situations, including situations with citizens as well as council members, which she considered unprofessional. She went on to state that maintaining control in interactions is imperative and that Mr. Knight should refrain from outbursts with citizens and council members and that calmness, confidence and an attentive ear to the issue would be more conducive to resolution rather raising one’s voice in disagreement. Ms. Wilks stated that Mr. Knight needs to show more restraint in discussing

heated topics. Ms. Wilks asked Mr. Knight what his response about her comments was or whether he thought that her comments were unfounded. Mr. Knight responded that the point was taken.

The second point concerns the Council's January directive to Mr. Knight that Councilmember Wilks believes was not followed. Councilmember Wilks inquired if the wastewater treatment plant policy mirrored the ordinance. Mr. Knight responded that the policy he presented to Council in January was superseded by the directive to follow the letter of the ordinance and that he had discussed the letter of the ordinance with the City Attorney and the fee schedule adopted to implement the ordinance. Mr. Knight then stated that the ordinance does not require that prepayment be on the day of the discharge into the Wastewater Treatment Plant and that the person discharging is to be charged by the number of gallons. Each discharge must be prepaid and the current practice corrected the incorrect application of the ordinance in the past. Mr. Knight stated that staff now keeps a log at the plant and, based on that, he has calculated, going as far back as the log has been kept, total amounts discharged as compared to the total amount of payment. Mr. Knight stated that the commercial hauler has paid all of the fees based on amounts dumped since the logs have been kept.

Councilmember Wilks disputed the fact that there has been accountability. Mr. Knight disagreed with this assessment. Mr. Knight inquired if it was the Councilmember's allegation that he is not following the ordinance. Councilmember Kathy Collins interjected that he was not. Ms. Wilks stated that he is not following the ordinance with prepayment and a trip ticket and that the City Manager had stated in January that he would rectify that situation. Mayor Mica interjected that the City does not have to keep a trip ticket. Mr. Knight clarified that if the City had been required to keep trip tickets, he would have rectified the fact. Mr. Knight went on to state that the City is not required to keep a trip ticket and that TCEQ has advised him that the log is sufficient. Therefore, Mr. Knight stated, he is following the law. Ms. Wilks continued with her observation that she had gone to City Hall and inquired how the new policy was working and that she had been told it was not, that things were still the same. And that there had been no reconciliation between the amounts paid by the hauler and the amount of waste discharged as reflected in the log as of December, 2010. Mayor Mica then inquired of Mr. Knight if the Outhouse Company owed the City of Flatonia any money. Mr. Knight responded that it did not; that a reconciliation has been performed. Mr. Knight then described in detail the procedure for prepayment and reconciliation. As of the date of the meeting, the Outhouse Company is carrying a credit of \$180.00. Given the minimal amount that was paid by the hauler when the reconciliation was completed, Mr. Knight stated that

he hoped the Council would be as concerned with other violations of rules including the theft of services by another elected official.

Councilmember Kathy Collins was recognized. Councilmember Collins inquired as to when the City Manager began keeping a log and when he performed the reconciliation. Mr. Knight responded that he has been keeping copies of the WWTP logs in his office since the January Council meeting and did the final reconciliation to bring things up to date on February 28. Mr. Knight pointed out that the hauler, though not required to do so, has paid for any money owed due to discrepancies that were created before the City began to keep the logs and that any discrepancy was created as a result of the way things had previously been done. A discussion between Councilmember Collins and the City Manager regarding who brought any deficiency to the City's attention and who advised the hauler of the discrepancy and when the discrepancy was rectified ensued. Mayor Mica inquired of Councilmember Collins if she wanted to make a motion to stop the Outhouse Company from doing business with the City. Councilmember Collins responded she did not. Councilmember Collins asked the Mayor not to interrupt her, at which point the Mayor gavelled the meeting adjourned.

The meeting was adjourned at 7:10 p.m.

Signed



Scott Mica
Mayor

Approved this 12th day of April, 2011

Attest



Melissa Brunner, TRMC, CMC
City Secretary

