

**Minutes  
Flatonia City Council  
Regular Meeting  
September 9, 2014**

**Present:**

<b>Mayor</b>	Bryan Milson
<b>Councilpersons</b>	Mark Eversole Dennis Geesaman Ginny Sears Catherine Steinhauser Ed Hulsey
<b>City Staff</b>	Scott Dixon - City Manager Melissa Brunner – City Secretary Mike Noak – Police Chief Jack Pavlas – Utility Director Gregory Robinson – Code Compliance Officer

**Opening Agenda**

Mayor Milson called the meeting to order at 6:00 p.m.  
City Manager Scott Dixon led the invocation  
Mayor Milson led the Pledge of Allegiance and the Pledge to the Texas Flag.

**Reports**

August Police Activity Report and August Code Compliance Activity Report were presented to Council in their agenda packets by Chief Noak.

August Fire Department Activity Report was presented to Council in their agenda packets by Fire Chief John Burlison.

Building Official August Activity Report was presented to Council in their agenda packets.

**Consent Agenda**

Dennis Geesaman motioned to approve the minutes of the August 12, 2014 Regular Meeting and the August 6 and 19, 2014 Special Meetings as presented. Catherine Steinhauser seconded the motion. None opposed. Motion carried.

**Public Hearing – opened at 6:09 p.m.**

- PH9-2014.1 Public Hearing on the request from Glen & Kelly Dvorak for a variance to reduce the Mulberry St. side building setback from twenty-five (25) feet to twelve (12) feet for the following property: PID 27903, 315 N La Grange St. This request has been submitted in order to remove and replace an existing accessory building.
- PH9-2014.2 Public Hearing on request from Ignacio Castillo for a variance to reduce the Penn St. front yard building setback from twenty-five (25) feet to ten (10) feet for the following property: PID 27569, 507 S Penn St. This request has been submitted in order to construct an addition to the north side of the existing house.
- PH9-2014.3 Public Hearing on request from Chris & Leigh Ann Sodek for abandonment of the alley in City Block 17 - If abandonment is not an option, they request reducing the side yard setback from five (5) feet to zero (0) feet for the following property PID 27518, 617 S Hudson. The requests have been submitted in order to better utilize an existing paved driveway to access a proposed accessory building.

**PH – close at 6:12 p.m.**

**Deliberation Agenda**

- 9-2014.1 Dennis Geesaman motioned to approve the request from Glen & Kelly Dvorak for a variance to reduce the Mulberry St. side building setback from twenty-five (25) feet to twelve (12) feet for the following property: PID 27903, 315 N La Grange St. Ed Hulseby seconded the motion. None opposed. Motion carried.
- 9-2014.2 Dennis Geesaman motioned to approve the request from Ignacio Castillo for a variance to reduce the Penn St. front yard building setback from twenty-five (25) feet to ten (10) feet for the following property: PID 27569, 507 S Penn St. Catherine Steinhauser seconded the motion. None opposed. Motion carried.
- 9-2014.3 Catherine Steinhauser motioned to approve the request from Chris & Leigh Ann Sodek for abandonment of the alley in City Block 17 - If abandonment is not an option, they request reducing the side yard setback from five (5) feet to zero (0) feet for the following property PID 27518, 617 S Hudson. Ginny Sears seconded the motion. None opposed. Motion carried.
- 9-2014.4 Catherine Steinhauser motioned to adopt the ordinance closing and abandoning the alley in City Block 17. Ed Hulseby seconded the motion. None opposed. Motion carried.
- 9-2014.5 Catherine Steinhauser motioned to adopt the certified appraisal roll as the Tax Roll for the City of Flatonia. Ginny Sears seconded the motion. None opposed. Motion carried.
- 9-2014.6 Catherine Steinhauser motioned to adopt the ordinance setting the budget for the City of Flatonia for FY 2014-15. Ed Hulseby seconded the motion. None opposed. Motion carried.
- 9-2014.7 Catherine Steinhauser motioned to ratify the property tax revenue as reflected in the budget for FY 2014-15. Ginny Sears seconded the motion. None opposed. Motion carried.

- 9-2014.8 Ginny Sears motioned to adopt the ordinance setting the property tax rate for 2014 for the City of Flatonia at \$0.3316 per hundred dollar valuation. Catherine Steinhauser seconded the motion. None opposed. Motion carried.
- 9-2014.9 Ed Hulseley motioned to adopt the ordinance amending the solid waste rates as presented. Catherine Steinhauser seconded the motion. None opposed. Motion carried.
- 9-2014.10 Catherine Steinhauser motioned to adopt the ordinance amending the base electric customer service charges and commercial lighting program as presented. Ed Hulseley seconded the motion. None opposed. Motion carried.
- 9-2014.11 Dennis Geesaman motioned to accept the bid of \$1600.00 from Jamie Ramirez for property identified as PID 51390. Catherine Steinhauser seconded the motion. None opposed. Motion carried.
- 9-2014.12 Catherine Steinhauser motioned to appoint Ed Hulseley to serve as the Council's Representative to the Flatonia Volunteer Fire Department Pension Board. Ginny Sears seconded the motion. None opposed. Motion carried.

**Executive Session – opened at 6:40 pm**

ES9-2014.1 As authorized by Texas Government Code Sec. 551.071 consultation with attorney:

- 1) To seek advice regarding leases of City property for oil and gas production, including amendments to prior leases
- 2) To seek advice regarding an on-going or pending legal matter re: Richard Valdez

Executive Session closed at 6:57 pm

**Deliberation Agenda – reopened at 6:57 pm**

- 9-2014.13 Catherine Steinhauser motioned to authorize Mayor Milson to sign and execute the amendment to Oil, Gas and Mineral Lease dated June 21, 2012, relating to several tracts, including a 35.3351 acre tract, executed by City of Flatonia, as Lessor, of which a Memorandum of Oil, Gas and Mineral Lease is recorded in Volume 1614, Page 219 of the Official Public Records of Fayette County, Texas (the "Lease"), as requested by Sabine River Energy LLC. Ginny Sears seconded the motion. None opposed. Motion carried.
- 9-2014.14 Dennis Geesaman motioned to authorize Mayor Milson to sign and execute the oil and gas lease relating to 2.548 acres, more less, being situated in the Miguel Muldoon League No. 14, A-76, Fayette County, Texas and being further described in two (2) tracts as follows: Tract No. 1: 8738.28 square varas or 1.548 acres, more less, being situated in the Miguel Muldoon League No. 14, A-76, Fayette County, Texas and being the same land more particularly described in that certain Warranty Deed dated April 13, 1920 from R.C. Foitik, et ux, Bertha Foitik to M. Fernau, Mayor of the City of Flatonia and recorded in Volume 118, Page 488 of the Deed Records of Fayette County, Texas; Tract No. 2: 1.0 acres of land, more or less, being situated in the Miguel Muldoon League No. 14, A-76, Fayette County, Texas and being the same land more particularly described in that

certain Warranty Deed dated April 5, 1875 from John Pecek et ux, Catharine Pecek to the City of Flatonia and to the Masonic Fraternity of Flatonia, recorded in Volume 3, Page 625 of the Deed Records of Fayette County, Texas; and being the same land in that Deed dated June 20, 1888 from the Flatonia Lodge No. 436 A.F. & A.M. by L.B. Allen Et Al to the City of Flatonia, recorded in Volume 32, Page 556 of the Deed Records of Fayette County, Texas, as requested by Sabine River Energy LLC. Catherine Steinhauser seconded the motion. None opposed. Motion carried.

- 9-2014.15 Dennis Geesaman motioned to authorize Mayor Milson to sign and execute the oil and gas lease relating to 21.936 acres of land, more or less, situated in the M. Muldoon Survey No. 14 A-76 & W. A. Faires Survey A-180, Fayette County, Texas and being described in five (5) tracts, as follows: Tract One: 17,840 Square Feet of land, more or less, and being further described in that Warranty Deed dated November 18, 1964 from F. X. Brunner and Annette Brunner to City of Flatonia recorded in Volume 365, Page 133 of the Official Public Records of Fayette County, Texas; Tract Two: 10 acres, more or less, and being further described in that Warranty Deed dated September 22, 1938 from E. A. Arnim to City of Flatonia recorded in Volume 175, Page 12, of the Official Public Records of Fayette County, Texas; Tract Three: 10 & ½ acres of land, more or less, and being further described in that Warranty Deed dated June 19, 1949 from Quinn Braddock, Lee Braddock, and Edwin Lee Barber to L. A. Wheeler, Mayor of City of Flatonia recorded in Volume 234, Page 39 of the Official Public Records of Fayette County, Texas; Tract Four: 2970 Square Varas of land, more or less, and being further described in that Warranty Deed dated October 7, 1925 from E.A. Arnim and Mary A. Johnson to City of Flatonia recorded in Volume 127, Page 78 of the Official Public Records of Fayette County, Texas; Tract Five: ½ acre of land, more or less, and being further described in that Warranty Deed dated September 15, 1925 from John Farek and wife Louise Farek to City of Flatonia recorded in Volume 127, Page 79 of the Official Public Records of Fayette County, Texas, as requested by Sabine River Energy LLC. Catherine Steinhauser seconded the motion. None opposed. Motion carried.

- 9-2014.16 No action was taken on the on-going or pending legal matter re: Richard Valdez.

**The meeting was adjourned at 7:06 p.m.**

Signed  
  
Bryan Milson  
Mayor

Approved this 14<sup>th</sup> day of October, 2014

Attest  
  
Melissa Brunner, TRMC, CMC  
City Secretary