

**Minutes
Flatonia City Council
Regular Meeting
January 11, 2011**

Present:

Mayor	Scott Mica
Mayor Pro Tem	Bryan Milson
Councilpersons	Jan Lahodny Kathy Collins Tyler Mica
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 – questioned the use of the City's wastewater treatment plant by the Outhouse Company.

Mike Whitten questioned the administrative policy that is being followed for dumping by commercial haulers at the City's wastewater treatment plant. He further questioned the accountability of the city manager and the city council.

Angeline Boehnke commented on the rules being implemented regarding poultry in residential yards.

Regina Lighteard commented on roosters disrupting rest and running loose in neighborhoods.

Alan Weiss commented on the use of the City's wastewater treatment plant us by the Outhouse Company. He further commented that a policy should be in place and the law should be enforced.

Reports

Council Members' Reports Councilmember Collins reported that the AMTRAK Task Force had met with the Capital Area Rural Transportation representatives. She further reported that there was a delegation from AMTRAK that would be coming to visit Flatonia in February. Collins also reported that there would be an article in *Texas Rail Advocates* in support of Flatonia's efforts to get an AMTRAK stop here.

Police Chief's Report Chief Noak presented the December 2010 Police Report.

City Manager's Report City Manager Kenneth Knight reported that the City had received a notice to proceed on the Seven Acre Park. He is working with Langford Community Management to move forward.

Knight also reported that due to the holidays and emergency situations and contract work that was going on, the work on the new warehouses was slow this month.

Knight further reported that he is continuing to work with Kent Milson on the 2020 Comprehensive Plan.

Knight also reminded Council that there were five vacant positions on the Flatonia Economic Development Commission and there was no Flatonia representative on the I-10 Corridor Association..

Consent Agenda

Kathy Collins motioned to accept the Consent Agenda, including the minutes of the December 14, 2010 regular meeting and the December 2010 financial. Bryan Milson seconded the motion. None opposed. Motion carried.

Executive Session – began at 6:28 p.m.

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

ES1-2011.2 As authorized by Texas Government Code 551.086 – Certain Public Power Utilities – Competitive Matters

Ended at 7:22 p.m

Deliberation Agenda

- 1-2011.1. Jan Lahodny motioned to rezone properties PID27756, 302 E North Main; PID 27757, 306 E North Main and PID 27758, 312 E North Main from Central Business District to General Commercial. Bryan Milson seconded the motion. None opposed. Motion carried.
- 1-2011.2. Bryan Milson motioned to grant a variance exempting properties identified as PID 27756, 302 E North Main; PID 27757, 306 E North Main and PID 27758, 312 E North Main; from the parking location requirements as specified in the Zoning Ordinance, Article IV, Section 4 C – Size and Location. Jan Lahodny seconded the motion. None opposed. Motion carried.
- 1-2011.3. Bryan Milson motioned to place the Council on the record of supporting Staff's interpretation of the Flatonia Code of Ordinances that a Conditional Use Permit runs with the applicant/business and not with the property owner. Kathy Collins seconded the motion. None opposed. Motion carried.
- 1-2011.4. Bryan Milson motioned to place the Council on the record of supporting Staff's interpretation of the Flatonia Code of Ordinances that Parking Variances run with the use and not with the property owner. Kathy Collins seconded the motion. None opposed. Motion carried.
- 1-2011.5. No action was taken on modifying the off street parking requirements in Highway Commercial District.
- 1-2011.6. Jan Lahodny motioned to enter into an agreement approving Interlocal Cooperation Contract regarding the Fayette County Narcotics Unit. Tyler Mica seconded the motion. Kathy Collins and Bryan Milson opposed. Jan Lahodny and Tyler Mica voted in favor. Mayor Scott Mica broke the tie by voting in favor. Motion carried.
- 1-2011.7. Kathy Collins motioned to authorize City Attorney Beck to negotiate a settlement with Robert Wood's attorney the amounts and terms stipulated in Executive Session. Bryan Milson seconded the motion. None opposed. Motion carried.
- 1-2011.8. Kathy Collins motioned to authorize Angela Beck to pursue enforcement action against Grumpy's Motor Inn and its owners in connection with the water leak on the property. Bryan Milson seconded the motion. None opposed. Motion carried.
- 1-2011.9. Kathy Collins motioned to authorize Mayor Mica to call the City of Flatonia's May 14, 2011 General Election. Tyler Mica seconded the motion. None opposed. Motion carried.
- 1-2011.10. Bryan Milson motioned to order the City of Flatonia's General Election to be held on May 14, 2011 for the purpose of electing 3 councilpersons. Kathy Collins seconded the motion. None opposed. Motion carried.
- 1-2011.11. Bryan Milson motioned to approve a two-year Vendor Agreement with Combined Community Action. Kathy Collins seconded the motion. Kathy Collins motioned to amend the motion to strike the portion of the agreement that states "Vendor agrees not to consider the portion of the Certified Customer's account to be paid by the Agency delinquent if said payment is received within the above mentioned forty-five day period and Vendor is provided with a signed pledge from the Agency within five days of identifying a Certified Customer and making the

pledge.” Bryan Milson seconded the motion to amend. None opposed. The motion to amend passed. All voted in favor of the motion as amended. Motion carried.

- 1-2011.12. Mayor Mica stated that the Council voted to approve the Amended and Restated Wholesale Power Agreement between the City of Flatonia and the Lower Colorado River Authority in Executive Session as authorized by Texas Government Code 551.086 – Competitive Electric Matters.
- 1-2011.13. Jan Lahodny motioned to adopt the City Manager’s administrative policy concerning commercial discharges at the wastewater treatment plant. Motion died for lack of a second. Kathy Collins motioned that our current city code on wastewater dumping be enforced as written and that there be a full investigation and report back to Council on how this matter was allowed to continue for years unabated. Motion died for lack of a second. Bryan Milson motioned that the City go by the Codes and Ordinances as written. Bryan Milson and Kathy Collins voted in favor. Jan Lahodny opposed. Councilman Tyler Mica abstained (a Conflict of Interest Affidavit is on file with the City Secretary). Motion carried.
- 1-2011.14. Kathy Collins motioned that the city manager recognize that it is the duty and obligation of each councilman to ensure our city and state laws are followed and will be allowed to confer with the city attorney, as per our contract, as they deem prudent and necessary. Bryan Milson seconded the motion. Jan Lahodny, Tyler Mica opposed. Bryan Milson and Kathy Collins voted in favor. Mayor Scott Mica broke the tie by opposing the motion. Motion failed.
- 1-2011.15. No action was taken on establishing council rules. Staff was instructed to place item back on agenda for discussion and possible action at the February 8, 2011 meeting.

The meeting was adjourned at 8:04 p.m.



Signed

Scott Mica
Scott Mica
Mayor

Attest

Melissa Brunner
Melissa Brunner, TRMC, CMC
City Secretary

Approved this 8th day of February, 2011