

**Minutes
Flatonia City Council
Regular Meeting
August 10, 2010**

Present:

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| Mayor | Scott Mica |
| Mayor Pro Tem | Bryan Milson |
| Councilpersons | Jan Lahodny Kathy Collins Teri Wilks 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

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| 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 | Robert Etlinger spoke about his concern for the town's economy. He encouraged everyone to shop locally. Dennis Geesaman spoke of his concerns about Mayor Mica and about the duties of a mayor. Alan Weiss spoke of his concerns about Mayor Mica. |

Reports

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| Police Chief's Report | Chief Noak presented the July 2010 Police Report. |
| City Manager's Report | City Manager Knight presented the first draft of the FY 2010 – 2011 budget to Council and announced budget workshops for August 17 th and 24 th . |
| Economic Development | Chair of the Economic Development Commission, Bob Duncan reported that there had been non new incentive activity. The Commission would have recommendations for items to be budget for economic development to council after their next meeting. |

- Fire Department** It was reported that the donations given through the utility bills had amounted to \$2,316.63 in the second quarter of 2010.
- Utility Director Report** Utility Director Pavlas reported that the crew was finishing up with the other half of the downtown parking lot and that the paving should begin soon.

Public Hearing – opened at 6:23 p.m.

- PH8-2010.1 Judy Langford gave an overview of the Community Development Block Grant program. One of the changes was that the grants are now for \$275,000 and require a \$13,750 match from the City.

Public Hearing closed at 6:25 p.m.

Consent Agenda

Bryan Milson motioned to accept the Consent Agenda, including the minutes of the July 13, 2010 regular meeting, the July 2010 financial report and Resolution 8-2010.1. Kathy Collins seconded the motion. None opposed. Motion carried.

Deliberation Agenda

- 8-2010.1 Kathy Collins motioned to return the seating of the Council Chamber prior to that of the July meeting in acknowledgement of long standing tradition and in further acknowledgement that in the State of Texas Class A Municipal Law cities with a City Manager form of government, the mayor has no authority to dictate otherwise. Teri seconded the motion. Jan Lahodny and Tyler Mica opposed. Motion carried.
- 8-2010.2 Kathy Collins motioned to approve the report from the Flatonina Chamber of Commerce on the hotel Occupancy Tax Expenditures. Teri Wilks seconded the motion. None opposed. Motion carried.
- 8-2010.3 Bryan Milson motioned to approve the resolution authorizing submission for a Texas Community Development Block Grant for water or wastewater improvements. Kathy Collins seconded the motion. None opposed. Motion carried.
- 8-2010.4 Teri Wilks motioned to adopt the resolution appointing Curtis Granberry as a member of the Fayette County Appraisal District Board of Directors. Bryan Milson seconded the motion. None opposed. Motion carried.
- 8-2010.5 Jan Lahodny motioned to modify the size of the school zone as the school district recommended. Tyler Mica seconded the motion. None opposed. Motion carried.
- 8-2010.6 Bryan Milson motioned to approve the placement of signs to prohibit the use of handheld cell phones within the school zone. Tyler Mica seconded the motion. None opposed. Motion carried.
- 8-2010.7 Jan Lahodny motioned to abandon the street right-of-way for E 10th Street between N. Middle St. right-of-way and N. Converse St. right-of-way and the right-of-way for N. Converse between E. 11th Street and E. 10th Street while

- maintaining a utility easement along N. Converse for the entire width of the existing right-of-way allowing for no permanent structures to be built thereon. Bryan Milson seconded the motion. None opposed. Motion carried.
- 8-2010.8 Kathy Collins motioned that the mayor has no authority to dictate City policy on the utilization of police vehicles. That matter is left to the discretion of the Chief of Police with the approval and consent of his supervisor, City Manager Knight. Teri Wilks seconded the motion. None opposed. Motion carried.
- 8-2010.9 Bryan Milson motioned to extend the contract between the City of Flatonia and Texas Disposal Systems by one month with the expiration date of September 30, 2010. Teri Wilks seconded the motion. None opposed. Motion carried.
- 8-2010.10 No action was taken on renewing the contract between the City of Flatonia and Texas Disposal Systems for five years with the expiration date of September 30, 2014.
- 8-2010.11 Kathy Collins motioned to award the bid for the Community Development Block Grant project to Hoffman Dozer for \$258,106.19. Teri Wilks seconded the motion. None opposed. Motion carried.
- 8-2010.12 Kathy Collins motioned to deny the mayor any use of a city radio that can be used for monitoring or directing police or any of the City of Flatonia staff based on the mayor's propensity to do so. The mayor does not have the authority to direct any city employee in any matter, that duty and obligation belongs to the city manager of Flatonia exclusively. Teri Wilks seconded the motion. Jan Lahodny and Tyler Mica abstained. Motion carried.
- 8-2010.13 Teri Wilks motioned to extend the city manager's contract to September 30, 2012. Bryan Milson seconded the motion. Jan Lahodny opposed. Motion carried.
- 8-2010.14 Kathy Collins motioned to extend the police chief's contract to September 3, 2012. Teri Wilks seconded the motion. None opposed. Motion carried.

Executive Session

- ES8-2010.1 As authorized by Texas Government Code 551.071 – consultation with attorney
Update on Wood appeal
- ES8-2010.2 As authorized by Texas Government Code 551.074 – personnel matters
Discussion of misuse of office of mayor of City of Flatonia

Deliberation Agenda

- 8-2010.15 No action was taken on consultation with attorney regarding the Wood appeal.
- 8-2010.16 Kathy Collins motioned that the Flatonia City Council adopt the resolution censuring Flatonia Mayor Scott Mica for improper behavior and misuse of the office of mayor. Bryan Milson seconded the motion. Jan Lahodny and Tyler Mica opposed. Motion carried.

The meeting was adjourned at 7:50 p.m.



Signed

A handwritten signature in blue ink, appearing to read "S. Mica".

Scott Mica
Mayor

Attest

A handwritten signature in blue ink, appearing to read "Melissa Brunner".

Melissa Brunner, TRMC, CMC
City Secretary

Approved this 14th day of September 2010