

Notice of Flatonia City Council Special Meeting

In accordance with the provisions of the Texas Open Meetings Act, Chapter 551, Texas Government Code, Notice is hereby given that a City Council Meeting will be held in the City Hall Council Chambers located at 125 E. South Main St., Flatonia, Texas, for the purpose of considering the following agenda items:

Special Meeting Agenda

Thursday, March 27, 2025, at 6:00 p.m.

Opening Agenda

Call to Order

Invocation & Pledge

Citizens Participation

Public Hearing

1. Public hearing on the variance request from Christian Castillo for the property located at 121 East 8th Street, Flatonia, Texas 78941. The request is to lower the setback requirements on a residential dwelling.

Report

1. Report on the filming schedule for the advertising commercial.

New Business

1. Consider and take appropriate action on the variance request from Christian Castillo for the property located at 121 East 8th Street, Flatonia, Texas 78941. The request is to lower the setback requirements on a residential dwelling.
- 2a. Consider and take appropriate action on hiring Dennis Geesaman as the interim city manager.
- 2b. Swearing in thereof.
3. Consider and take appropriate action to approve Ordinance 2025.3.4, an ordinance of the City of Flatonia, Texas, amending recently approved definitions and regulations for the regulation of residential and commercial collections, disposal, and recycling services of tires within the city limits; codifying such provisions in Article 8.05.006, nuisances on private property - tires; repealing all ordinances or parts of ordinances in conflict herewith; providing a savings clause; providing a severability clause; providing for codification; finding and determining that the meeting at which the ordinance was passed was open to the public as required by law; and providing an effective date.
4. Consider and take appropriate action to approve an FEDC contract with Texas Highways Magazine for \$10,997 to publish three print ads.
5. Consider and take appropriate action on adding a line item to the FEDC budget for advertising and moving \$4,511 from the Business Incentive Program grant line item to the advertising line item.

Executive Session

1. As authorized by the Texas Government Code, Sections 551.074 (Personnel) and 551.071 (Advice of Legal Counsel), the Council may convene into closed or executive session to discuss the following personnel matters:

Discuss the proposed contract from Le Ann Piatt for financial consulting.

Regular Session

2. The City Council will reconvene from the Executive Session and take any action concerning Executive Session Item 1.

Adjournment

I, the undersigned authority do hereby certify that the Notice of Meeting was posted on the bulletin board outside the front door of the City Hall of the City of Flatonia, Texas, a place convenient and **readily accessible to the general public at all times** and said Notice was posted on the following date and time **March 24, 2025, by 5:00 p.m.** and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Jacqueline Ott, City Secretary

**NOTICE OF ASSISTANCE
AT THE PUBLIC MEETING**

The Flatonia City Hall is wheelchair accessible. Access to the building is available at the primary entrance facing Main Street. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, or large print are requested to contact the City Secretary's Office at 361-865-3548 or by FAX 361-865-2817 at least two working days prior to the meeting so that appropriate arrangements can be made.

EXECUTIVE SESSION STATEMENT

The City Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Government Code, Section 551.071 (Consultations with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations Regarding Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations Regarding Security Devices or Security Audits), 551.086 (Certain Public Power Utilities: Competitive Matters) and 551.087 (Deliberation Regarding Economic Development Negotiations).

Agenda Removal Notice

This Public Notice was removed from the official posting board at the Flatonia City Hall on the following date and time:

Date and Time

Jacqueline Ott, City Secretary

CITY OF FLATONIA

Agenda Summary Form

City Council

| | |
|--|---|
| Agenda # | Title: |
| Item 1 | Consider and take appropriate action on the variance request from Christian Castillo for 121 East 8th Street. |
| Summary: In August 2023, Christian Castillo submitted a permit request to construct an accessory building. At that time, he was provided the setback requirements for such a building. In April 2024, it was brought to the attention of Ms. Hernandez that the building constructed was not the same as permitted. In May 2024, Ms. Hernandez and Ms. Schaffner performed a site check and determined that the building is intended to be a dwelling unit with greater setback requirements. Ms. Schaffner advised Mr. Castillo that the building had been built outside the required setback and is roughly seven to eight feet into his setback designation. A stop work order was issued in June 2024. Mr. Castillo is now requesting a variance for the setback requirements for a dwelling unit. | |
| Suggested Motion(s): <input type="checkbox"/> I move to approve the variance request from Christian Castillo for 121 East 8th Street. <input type="checkbox"/> I move to _____ _____ _____ _____ _____ | |
| Maker of Motion: _____ Second: _____ | |
| Sears: _____ Homan: _____ Kocian: _____ Cockrell: _____ | |
| Mayor Pro Tem Eversole: _____ Mayor Seale: _____ | |

PID 46234

CITY OF FLATONIA

City of Flatonia
Zoning Review Request

REC#: 00238301 3/07/2025 1:47 PM

OPER: JO TERM: 008

REF#: 135

- ☐ Request for Zoning Change (\$100.00)
- ☒ Request for Variance (\$100.00 Appli
- ☐ Request for Conditional Use Permit (
- ☐ Other -explain below (Application F

TRAN: 121.0000 Permit & Zoning Fees

VARIANCE REQ

CHRISTIAN CASTILLO

Other Licenses & Pe 100.0000

Date turned in to City Offices 3/7/2025

TENDERED: 100.00 CHECK

APPLIED: 100.00

Name of Property Owner Christian Castillo

CHANGE: 0.00

Physical address of property affected 121 East 8th St.

Appraisal District Property ID Number 55221

Zoning of property (if known) _____

Requested change variance to setback requirement
for residential building.

Mailing address of property owner Po Box 1115 / Flatonia, TX 78941

Contact phone number of property owner (361) 258-1024

Other Information (attach additional page if necessary):

Represented by Alexander Ross Hernandez, Attorney.

Additional information may be necessary.



Signature of Property Owner

FOR CITY USE ONLY:

Date of notification to City 3-7-25

Deadline for publication in paper 3-10-25

Deadline for notification of property owners by mail 3-10-25

NOTES:

Fayette CAD Property Search

Property Details

Account

| | | | |
|---------------|-------|----------------|---------------------|
| Property ID: | 46234 | Geographic ID: | 22-0077-0011000-030 |
| Type: | R | Zoning: | |
| Property Use: | | Condo: | |

Location

| | |
|-----------------------|--|
| Situs Address: | 8TH ST FLATONIA, TX 78941 |
| Map ID: | Mapsco: |
| Legal Description: | CITY OF FLATONIA (400) LOT 15-16 BLK 33 .287 100 X 125 = 12,500 SFT, NO BLDGS OR M H |
| Abstract/Subdivision: | S22000 |
| Neighborhood: | |

Owner

| | |
|-----------|----------------------------------|
| Owner ID: | 172489 |
| Name: | RAMIREZ CHRISTIAN & NIETO RACHEL |
| Agent: | |

| | |
|------------------|----------------------------------|
| Mailing Address: | P O BOX 597 WAELDER, TX 78959 |
|------------------|----------------------------------|

| | |
|--------------|--------|
| % Ownership: | 100.0% |
|--------------|--------|

| | |
|-------------|--|
| Exemptions: | For privacy reasons not all exemptions are shown online. |
|-------------|--|

Property Values

| | |
|---------------------------------|--------------|
| Improvement Homesite Value: | \$0 (+) |
| Improvement Non-Homesite Value: | \$0 (+) |
| Land Homesite Value: | \$39,500 (+) |
| Land Non-Homesite Value: | \$0 (+) |
| Agricultural Market Valuation: | \$0 (+) |
| Market Value: | \$39,500 (=) |
| Agricultural Value Loss:🔒 | \$0 (-) |

| | |
|--------------------|--------------|
| Appraised Value: ② | \$39,500 (=) |
| HS Cap Loss: ② | \$0 (-) |
| Circuit Breaker: ② | \$0 (-) |

| | |
|-----------------|----------|
| Assessed Value: | \$39,500 |
| Ag Use Value: | \$0 |

Information provided for research purposes only. Legal descriptions and acreage amounts are for Appraisal District use only and should be verified prior to using for legal purpose and or documents. Please contact the Appraisal District to verify all information for accuracy.

Property Taxing Jurisdiction

Owner: RAMIREZ CHRISTIAN & NIETO RACHEL **%Ownership:** 100.0%

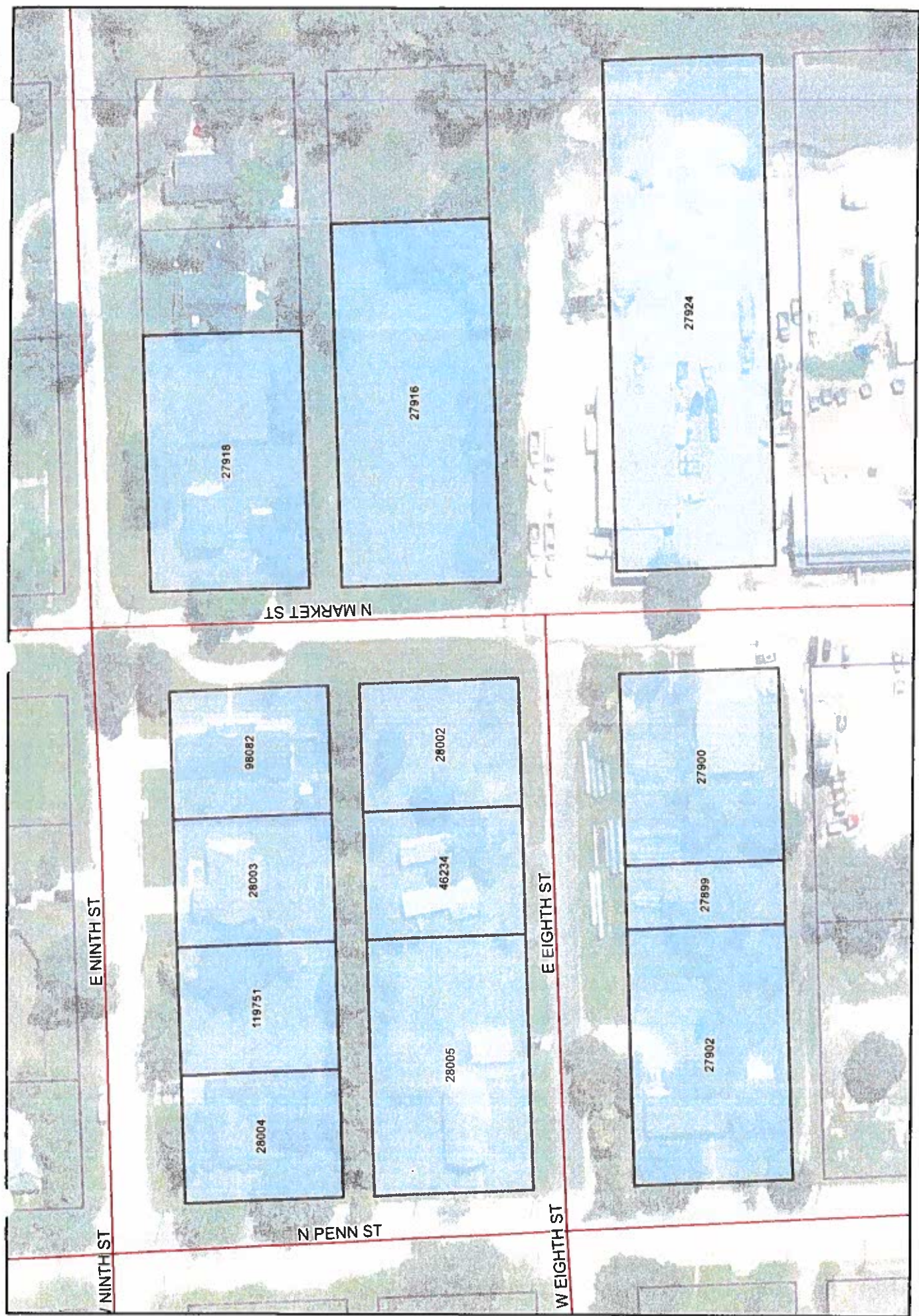
| Entity | Description | Tax Rate | Market Value | Taxable Value | Estimated Tax | Freeze Ceiling |
|--------|----------------------------|----------|--------------|---------------|---------------|----------------|
| GFA | FAYETTE COUNTY | 0.281510 | \$39,500 | \$39,500 | \$111.20 | |
| RFM | ROAD AND BRIDGE | 0.130380 | \$39,500 | \$39,500 | \$51.50 | |
| CFL | CITY OF FLATONIA | 0.283590 | \$39,500 | \$39,500 | \$112.02 | |
| WFC | FAYETTE CO GWCD | 0.008000 | \$39,500 | \$39,500 | \$3.16 | |
| SFL | FLATONIA ISD | 0.839200 | \$39,500 | \$39,500 | \$331.48 | |
| CAD | CENTRAL APPRAISAL DISTRICT | 0.000000 | \$39,500 | \$39,500 | \$0.00 | |

Total Tax Rate: 1.542680

Estimated Taxes With Exemptions: \$609.36

Estimated Taxes Without Exemptions: \$609.36

| prop_id | file_as_na | situs_num | situs_stre | situs_st_1 | situs_city | situs_stat | situs_zip | addr_line1 | addr_line2 | addr_city | addr_state | zip |
|---------|----------------------------------|-----------|------------|-------------|------------|------------|-----------|---------------------------|------------|-----------|------------|-------|
| 27899 | FAYETTE COUNTY | 120 | E | EIGHTH ST | FLATONIA | TX | 78941 | 151 N WASHINGTON ROOM 301 | | LA GRANGE | TX | 78945 |
| 27900 | FAYETTE COUNTY | 217 | N | MARKET ST | FLATONIA | TX | 78941 | 151 N WASHINGTON ROOM 301 | | LA GRANGE | TX | 78945 |
| 27902 | GUERRERO JOSE & LUZ MARIE | 218 | | N PENN | FLATONIA | TX | 78941 | P O BOX 142 | | FLATONIA | TX | 78941 |
| 27916 | KLOZIK BRUCE | MARKET ST | | & 8TH ST | FLATONIA | TX | 78941 | P O BOX 40 | | FLATONIA | TX | 78941 |
| 27918 | FAREK ALEX | 318 | N | MARKET | FLATONIA | TX | 78941 | 318 N MARKET ST | | FLATONIA | TX | 78941 |
| 27924 | FAYETTE COUNTY PRECINCT #3 | 216 | | N MARKET | FLATONIA | TX | 78941 | | | FLATONIA | TX | 78941 |
| 28002 | JARAMILLO FERNANDO & JULIANA | 305 | | N MARKET ST | CARMINE | TX | 78941 | P O BOX 956 | | FLATONIA | TX | 78941 |
| 28003 | BEL JOAN | 116 | E | 9TH STREET | FLATONIA | TX | 78941 | P O BOX 452 | | FLATONIA | TX | 78941 |
| 28004 | CLEVER HOME SOLUTIONS LLC | 316 | N | PENN | FLATONIA | TX | 78941 | 403 ARNIM | | MOULTON | TX | 77975 |
| 28005 | TALPUR IMRAN & RAHINA | 304 | N | PENN ST | FLATONIA | TX | 78941 | 1217 N ST HWY 95 | | FLATONIA | TX | 78941 |
| 46234 | RAMIREZ CHRISTIAN & NIETO RACHEL | 8TH | | ST | FLATONIA | TX | 78941 | P O BOX 597 | | WAEIDER | TX | 78959 |
| 98082 | MIKULENKA ZACHARY & KELLAN | 317 | | N MARKET ST | FLATONIA | TX | 78941 | P O BOX 355 | | FLATONIA | TX | 78941 |
| 119751 | HAFLEY LEE TRAVIS & TRACI NICOLE | 110 | E | NINTH ST | FLATONIA | TX | 78941 | 1815 FM 1295 | | FLATONIA | TX | 78941 |



Properties that are within the
city limits of Flatonia and within 200'
of 121 E Eighth St - PID 46234

City Limits

FCAD Parcels Jan 2025



The information on the map has been compiled by Fayette County staff from
a variety of sources and is subject to change without notice. Fayette County
makes no claims, guarantees, or promises about the accuracy or completeness
of this data and explicitly disclaims accountability for any errors or omissions.
Represented boundaries are approximate and should not be used for exact
measurement or legal documentation.

2024 Texas Imagery Service





CITY OF FLATONIA

125 E. South Main Street
P.O. Box 329
Flatonia, TX 78941
(361) 865-3548
(361) 865-2817 fax

March 11, 2025

Notice to Landowners Variance Application

An application has been filed by Christian Castillo with the City of Flatonia requesting a variance to lower the required setback distance for a residential structure at 121 East 8th Street, Flatonia, Texas 78941, PID 46234.

A public hearing with the Flatonia City Council will be held on Thursday, March 27, 2025, at 6:00 p.m. at Flatonia City Hall (125 E. South Main Street). The Council will make a decision on the request at a Special Council Meeting immediately following.

The public hearing is open to any interested person. Opinions, objections, and/or comments on this matter may be expressed in writing or in person at the hearing. The reply form included in this letter can be used if you would like to submit written comments.

Notice of the public hearing has already been published in the Flatonia Argus. If you have any questions regarding this notice or the Zoning Change Application, please contact City Secretary Jackie Ott at citysecretary@ci.flatonia.tx.us or 361-865-3548.

Reply Form

To be on record, this form may be filled out and mailed to:

City of Flatonia
Planning & Zoning
P.O. Box 329
Flatonia, TX 78941

REPLY

Name: _____

Address: _____

Phone: _____

☐ In Favor

☐ Opposed

Reasons and/or Comments:

☐ I do plan to speak at the public hearing on March 27, 2025.

☐ I do not plan to speak at the public hearing on March 27, 2025.

Signature: _____

CITY OF FLATONIA

BUILDING PERMIT

PERMIT #: 200229

10/26/2023

ADDRESS: 121 E EIGHTH STREET
SUBDIVISION:
LOT:
BLOCK:
PROP ID #

PROJECT: ACCESSORY BUILDING
VALUATION: \$ 4,000.00
BLDG USE:
OCCUPANCY:
TYPE:

OWNER: CHRISTIAN CASTILLO

CONTRACTOR: CHRISTIAN CASTILLO
ADDRESS: 121 E EIGHTH STREET
FLATONIA TX 79941

PROJECT INFORMATION

MINIMUM SETBACKS

SQ FT: 700.00
BEDROOMS:
BATHROOMS:
STORIES:

FRONT YARD: 25FT
BACK YARD: 5FT
SIDE YARD: 5FT
CORNER: 5FT

PERMIT FEES:

ADDITION/REMODEL FEE 110.00

100.00

0.00

SPECIAL NOTES:

- COMPLY WITH THE 2021 INTERNATIONAL BUILDING CODE, INTERNATIONAL RESIDENTIAL CODE, INTERNATIONAL PLUMBING CODE, INTERNATIONAL FIRE CODE, INTERNATIONAL MECHANICAL CODE, INTERNATIONAL FUEL GAS CODE, INTERNATIONAL PROPERTY MAINTENANCE CODE, INTERNATIONAL ENERGY CONSERVATION CODE
- COMPLY WITH THE 2021 NATIONAL ELECTRIC CODE
- COMPLY WITH ALL PLAT REQUIREMENTS
- COMPLY WITH THE FLATONIA MUNICIPAL CODES, INCLUDING ZONING ORDINANCES
- OBTAIN ALL REQUIRED INSPECTIONS INCLUDING ELECTRICAL, PLUMBING, HVAC, AND IRRIGATION. TO REQUEST AN INSPECTION CALL BUREAU VERITAS (937) 335-3111
- KEEP SITE CLEAN

SET OF "APPROVED" PLANS REQUIRED TO BE ON JOB-SITE AT ALL TIMES DURING CONSTRUCTION. YES NO

THIS PERMIT BECOMES NULL AND VOID IF WORK OR AUTHORIZED CONSTRUCTION IS NOT COMMENCED WITHIN 180 DAYS. IF THIS PROJECT IS NOT COMPLETED WITHIN 360 DAYS A NEW PERMIT MUST BE OBTAINED.

I CERTIFY THAT I HAVE READ AND EXAMINED THIS APPLICATION AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. THE GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY OTHER STATE OR LOCAL LAW REGULATION OR THE PERFORMANCE OF CONSTRUCTION. I UNDERSTAND THAT AT LEAST A 24-HOUR NOTICE IS REQUIRED FOR ALL INSPECTIONS.

CONTRACTOR/OWNER SIGNATURE

DATE

BUILDING DEPT. REPRESENTATIVE

DATE

Building Permit Application

Construction, Maintenance & Repair

BP# 220229

City of Flatonia

125 E. South Main Street - PO Box 329 - Flatonia, TX 78941

Phone (361) 865-3548 - Fax (361) 865-2817

Please complete form by printing legibly.

Date: 2-11-23

Applicant's Name: Christian Castillo

Phone: 361-750-1024

I am the: ☒ Property Owner ☐ Contractor ☐ Agent

Project Address: 121 East 8th St
Flatonia TX 78941

Property Owner: Christian Castillo

Phone: 361-750-1024

Project is RESIDENTIAL ☒

Is this the property owner's HOMESTEAD? ☐ Yes ☐ No

If yes, will you be acting as your own Contractor? ☒ Yes ☐ No

Project is COMMERCIAL/PUBLIC ☐ TDLR EAB Project Registration#

Tell us about your project:

☐ Demolition

Minor repairs/upgrades: ☐ Electrical ☐ Plumbing ☐ Mechanical

☐ Re-roof (without structural alterations), new roof material is:

☐ Irrigation

Construction type: ☐ New Construction ☐ Remodel ☒ Addition ☐ Fence

☐ Carport- with electricity ☐ with water ☐ without electricity OR water ☐

☐ Deck- with electricity ☐ with water ☐ without electricity OR water ☐

☒ Accessory Building- with electricity ☐ with water ☐ without electricity OR water ☒

A project plan must be submitted for all construction projects.

Dimensions: 14x20

Total Sq Ft: 280

Valuation of project: \$ 4000

Description of work to be done: add on shed to back
of the home

Date to start work on project: 2-1-23 Estimated date of work completion:

Complete this section for new construction, remodels and additions:

Square Feet: Living Garage Covered Porch Total:

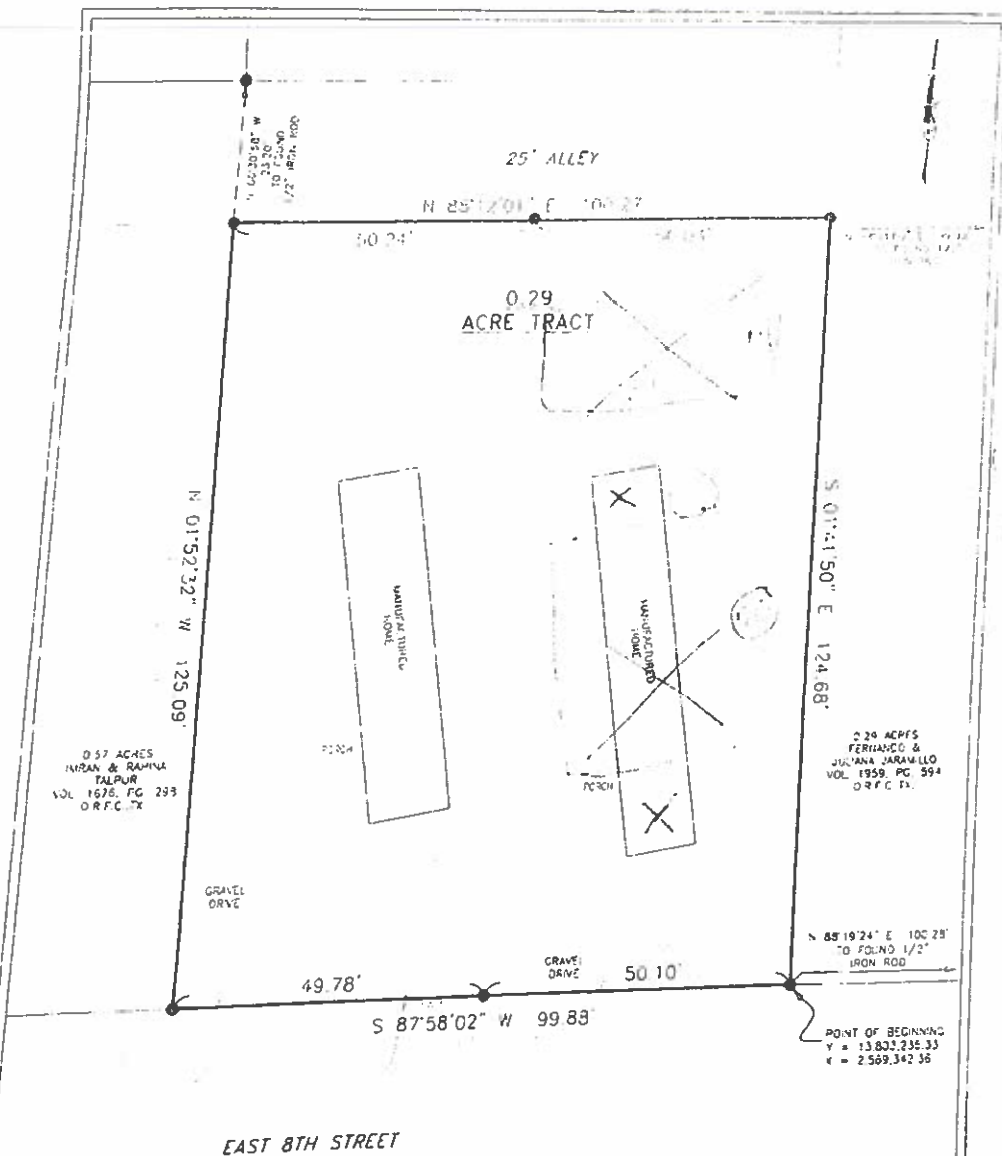
Number of: Stories Bedrooms Bathrooms

This project involves: Electrical ☐ Plumbing ☐ Mechanical ☐ Irrigation ☐ Demolition ☐

For remodels and additions, will the current use of this building change? Yes ☐ No ☐

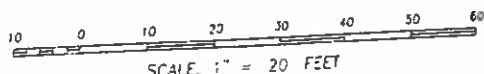
If yes, current use is:

change of use to:



NOTES

1. BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83) SOUTH CENTRAL ZONE. PER GPS OBSERVATIONS.
2. (BEARING DISTANCE) INDICATES RECORD BEARING AND DISTANCE.



I HEREBY STATE THAT THIS PLAT SHOWS THE SUBJECT LOCATION AS SURVEYED ON THE GROUND 01/09/23. THIS PLAT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Cole E. Barton
COLE E. BARTON
 REGISTERED PROFESSIONAL LAND SURVEYOR
 LICENSE NO. 6368



LEGEND

| | |
|---|----------|
| <p>0.29 ACRE TRACT BEING OUT OF THE W. FARMS SURVEY, ABSTRACT 180, FAYETTE COUNTY, TEXAS, ALSO BEING LOTS 15-18, BLOCK 33, OF THE WEST END ADDITION IN THE CITY OF PLATONIA AND THAT SAME LAND CONVEYED BY LOIS FAY AND ROBERT C. FIRKINS TO SAMUEL LEE BROWN BY WARRANTY DEED DATED JULY 19, 1983 AND RECORDED IN VOLUME 695, PAGE 852 OF THE DEED RECORDS OF FAYETTE COUNTY, TEXAS.</p> | |
| Computed by Date | 01/16/23 |
| File Name | 0.29AC |
| Scale | 1"=20' |
| Drawn by | DU |
| Reviewed by | CB/LB |
| Checked by | AF/CB |

JOB # 2301006

June 3, 2024

Re:

Violation of Building Permit No. 220229:

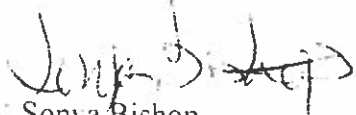
Dear Mr. Christian Castillo,

On or about October 26, 2023, you provided to the City of Flatonia ("City") an application for a building permit for construction at 121 E Eighth Street. In such application, you indicated that you were building an accessory building. We have been informed that such representation and in fact have built a structure with living quarters. Immediately cease all work and do not perform any services on this property.

Please see the attached sections from the Residential Building Code, 2015 Edition, that the City has adopted and set out in Sec. 3.02.10.

If you believe this Stop Work Order has been issued in error, please provide the proper documentation to the City Manager immediately, but in no event later than 48 hours, who will verify the accuracy. The Building Permit may be modified and amended based upon the information that the City has or becomes aware of because of this matter.

Respectfully,



Sonya Bishop
City Manager
City of Flatonia

SECTION R105 PERMITS

R105.6 Suspension or revocation.

The *building official* is authorized to suspend or revoke a *permit* issued under the provisions of this code wherever the *permit* is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

R105.8 Responsibility.

It shall be the duty of every person who performs work for the installation or repair of building, structure, electrical, gas, mechanical or plumbing systems, for which this code is applicable, to comply with this code.

SECTION R113 VIOLATIONS

R113.1 Unlawful acts.

It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or *equipment* regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

R113.2 Notice of violation.

The *building official* is authorized to serve a notice of violation or order on the person responsible for the erection, construction, *alteration*, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a detail statement or a plan *approved* thereunder, or in violation of a *perm* or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

R113.3 Prosecution of violation.

If the notice of violation is not complied with in the time prescribed by such notice, the *building official* is authorized to request the legal counsel of the *jurisdiction* to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

R113.4 Violation penalties.

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the *approved construction documents* or directive of the *building official*, or of a *permit* or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

SECTION R114 STOP WORK ORDER

R114.1 Notice to owner or the owner's authorized agent.

Upon notice from the *building official* that work on any building or structure is being executed contrary

to the provisions of this code or in an unsafe and dangerous manner, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's authorized agent or to the person performing the work and shall state the conditions under which work will be permitted to resume.

R114.2 Unlawful continuance.

Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

CITY OF FLATONIA

Agenda Summary Form

City Council

| | |
|---|---|
| Agenda # | Title: |
| Item 2a. | Consider and take appropriate action on hiring Dennis Geesaman as the interim city manager. |
| Summary: The City of Flatonia is currently without a City Manager. Mr. Geesaman has offered his services up to May 23, 2025, free of charge. Mr. Geesaman is the most recent former Mayor and, therefore, is familiar with city business, the City Council, and city staff. | |
| Suggested Motion(s): <input type="checkbox"/> I move to approve hiring Dennis Geesaman as the interim city manager. <input type="checkbox"/> I move to _____ _____ _____ _____ _____ | |
| Maker of Motion: _____ Second: _____ | |
| Sears: _____ Homan: _____ Kocian: _____ Cockrell: _____ Mayor Pro Tem Eversole: _____ Mayor Seale: _____ | |

CITY OF FLATONIA

Agenda Summary Form

City Council

| | |
|--|--|
| Agenda # Item 3 | Title: Consider and take appropriate action to approve Ordinance 2025.3.4, an ordinance of the City of Flatonia, Texas, amending recently approved definitions and regulations for the regulation of residential and commercial collections, disposal, and recycling services of tires within the city limits; codifying such provisions in Article 8.05.006, nuisances on private property - tires; repealing all ordinances or parts of ordinances in conflict herewith; providing a savings clause; providing a severability clause; providing for codification; finding and determining that the meeting at which the ordinance was passed was open to the public as required by law; and providing an effective date. |
| Summary: The City of Flatonia recently passed an ordinance regulating the storage and disposal of tires. The ordinance clarifies sections and amends information set forth in such an ordinance. | |
| Suggested Motion(s): <input type="checkbox"/> I move to approve Ordinance 2025.3.4. <input type="checkbox"/> I move to _____ _____ _____ _____ _____ | |
| Maker of Motion: _____ Second: _____ | |
| Sears: _____ Homan: _____ Kocian: _____ Cockrell: _____ Mayor Pro Tem Eversole: _____ Mayor Seale: _____ | |

Ordinance 2024.11.1

AN ORDINANCE OF THE CITY OF FLATONIA, TEXAS, ADOPTING AND ENACTING A NEW CODE OF ORDINANCE; PROVIDING DEFINITIONS AND REGULATIONS FOR THE REGULATION OF RESIDENTIAL AND COMMERCIAL COLLECTION, DISPOSAL, AND RECYCLING SERVICES OF TIRES WITHIN THE CITY LIMITS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR CODIFICATION; FINDING AND DETERMINING THAT THE MEETING AT WHICH THE ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS Tires left near roadways, waterways, open fields, or buildings can create safety, environmental, and health hazards. For example, tires can pose a fire hazard and provide a habitat for disease-causing vectors. The City of Flatonia, for the safety and health of the citizens of Flatonia, hereby sets the following:

Sec. 1 Definitions

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

~~*Driver* means a person designated to act as a driver of a permittee's trucks pursuant to the permit.~~

Elements of nature means rainfall, snow, sleet, hail, or other natural precipitation.

~~*Public highway* means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.~~

Tire means any tire, whether new or used, whether serviceable or unserviceable, made wholly or partially of rubber which was manufactured for use on any vehicle propelled by a motor (including vehicles pushed or pulled by a vehicle propelled by a motor), regardless of whether such vehicle is intended for use on a public highway, provided that such tire is not mounted upon a wheel or rim and in service upon or carried as a component spare part of a vehicle.

Tire disposer means any person who, in compliance with all applicable state, federal, and local laws, rules, and regulations, disposes of or converts tires to another purpose, including, without limitation, persons who:

- a. landfill, incinerate, or otherwise dispose of tires as waste or as fuel; or
- b. by shredding, grinding, chemical treatment, or other means to reduce tires into basic components for oil, steel, carbon black, rubber, road paving, or other marketable salvage materials; or
- c. convert tires into other useful items such as doormats and sandal soles.

Tire re-processor means any person who regrooves, recaps, retreads, or otherwise remanufactures unserviceable tires into serviceable tires.

Truck means a vehicle designated to be operated by a permittee's drivers for the transport of unserviceable tires pursuant to the permit.

Unserviceable tire means any tire that is worn, defective, or damaged so that it is not fit for use upon a vehicle, regardless of whether such tire is in such condition that it can be remanufactured by a tire re-processor or not. Any tire manufactured for use on a public highway that is worn, defective, or damaged so that it fails to meet any one or more of the standards adopted by the Department of Public Safety for inspection of tires in conjunction with the state's inspection of vehicles program conducted pursuant to Article 6701d of the Revised Civil Statutes of Texas shall constitute an unserviceable tire. In the application of such standards, it shall be presumed that a tire was manufactured for use upon a public highway unless it is marked "not for highway use," "farm use only," "for racing purposes only," or with other use restrictions that would indicate the tire is not meant for highway use. The term "unserviceable tire" shall not include any tire that has been shredded, ground, or cut up into pieces one quarter or less the size of the whole tire from which they were derived.

Unserviceable tire generator means any person (including, but not limited to, a person engaged in the sale and mounting of new, used, or remanufactured automobile, truck, and equipment tires who receives unserviceable tires in the exchange process associated therewith and a person who owns or operates fleets of trucks, taxicabs, buses, implements or other vehicles and services all or a portion of their own tire needs) who in the course of his normal business activities generates 100 or more unserviceable tires per calendar year.

Sec. 2 Open storage of tires declared a nuisance Combined with Sections 3 and 4.

Additions were made.

The storage of any tire upon any premises within the city in such a manner that the tire is exposed to the elements of nature is hereby declared to be a nuisance which is subject to abatement at the expense of the owner of such premises as provided by law.

Sec. 3 Open storage of tires prohibited Combined with Sections 2 and 4. Additions were made.

It shall be unlawful for any person to store or to suffer or permit the storage of any tire or tires upon any premises within the city in such a manner that the tire or tires are exposed to the elements of nature.

Sec. 4 Tire business and mobile tire road repair service Combined with Sections 2 and 3. Additions were made.

Tires or pieces must be stored in any enclosed building or other type of covered enclosure as defined by the Texas Commission on Environmental Quality, preventing the tire from being exposed to the elements of nature. Additionally, tires must be enclosed behind a privacy fence.

A new section was added here for inspections.

Sec. 5 Penalty for article violations

A violation of any of the provisions of this article constitutes a misdemeanor that shall be punishable, upon conviction, by a fine of not less than \$250.00 nor more than \$2,000.00, and each day that any violation continues shall constitute a separate offense; provided, however, that an offense provided in this article which also constitutes an offense under state law shall be punishable as provided in the applicable state law.

Sec 6. Texas State Law Sec 343.011 Public Nuisance

~~(a) A person may not cause, permit, or allow a public nuisance under this section.~~

~~(b) A public nuisance is:~~

~~a. keeping, storing, or accumulating refuse on premises in a neighborhood unless the refuse is entirely contained in a closed receptacle.~~

~~b. keeping, storing, or accumulating rubbish, including newspapers, abandoned vehicles, refrigerators, stoves, furniture, tires, and cans, on premises in a neighborhood or within 300 feet of a public street for 10 days or more, unless the rubbish or object is completely enclosed in a building or is not visible from a public street.~~

~~c. maintaining premises in a manner that creates an unsanitary condition likely to attract or harbor mosquitoes, rodents, vermin, or other disease-carrying pests.~~

Three sections were added here for a repealer, severability, and enforcement.

Sec 7. Effective Date **Now Section 9.**

- (a) The effective date for this ordinance is ~~April 15, 2025~~, **May 3, 2025**, allowing ample time for current tire businesses to comply with the changes.

Section 10 was added for proper notice.

PASSED AND APPROVED by the City Council of Flatonia, Texas, on the **10th day of December 2024.**

CITY OF FLATONIA, TEXAS

Travis Seale
Mayor

ATTEST

Jacqueline Ott
City Secretary

APPROVED AS TO FORM

Barbara Boulware-Wells
City Attorney

Ordinance 2025.3.4

AN ORDINANCE OF THE CITY OF FLATONIA, TEXAS, AMENDING RECENTLY APPROVED DEFINITIONS AND REGULATIONS FOR THE REGULATION OF RESIDENTIAL AND COMMERCIAL COLLECTION, DISPOSAL, AND RECYCLING SERVICES OF TIRES WITHIN THE CITY LIMITS; CODIFYING SUCH PROVISIONS IN ARTICLE 8.05.006, NUISANCES ON PRIVATE PROPERTY – TIRES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR CODIFICATION; FINDING AND DETERMINING THAT THE MEETING AT WHICH THE ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Flatonia, Texas, has been presented with a review of environmental, safety, and health hazards that can be sustained within the community from tires left near roadways, waterways, open fields, or buildings;

WHEREAS, based upon information provided, certain items can create safety, environmental, and health hazards. Tires are one item that can pose a fire hazard and provide a habitat for disease-causing vectors; and

WHEREAS, the City Council, in order to improve the safety and health of the community for the citizens of Flatonia, desires to adopt certain provisions that will reduce such safety, environmental, and health hazards that may be associated with tires.

WHEREAS, the City Council is authorized to regulate such area by virtue of the Texas Health and Safety Code, the Texas Administrative Code, the city's police power, and by Chapters 51, 54, 211, 212, 214, 216, and 217 of the Texas Local Government Code; and

WHEREAS, the City Council now hereby amends and adopts the following rules and procedures.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FLATONIA, TEXAS, AS FOLLOWS:

Section 1: FINDINGS OF FACT: The foregoing recitals are incorporated into this ordinance by reference as findings of fact as if expressly set forth herein.

Section 2: DEFINITIONS: As used in this ordinance, these terms shall be defined as follows. Terms appearing in this ordinance but not defined herein shall have the meanings provided in the city's code of ordinances, or if not defined by the city, then the common meanings in accordance with ordinary usage.

Sec. 8.05.006. NUISANCES ON PRIVATE PROPERTY – TIRES.

(1) Definitions

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Elements of nature means rainfall, snow, sleet, hail, or other natural precipitation.

Tire means any tire, whether new or used, whether serviceable or unserviceable, made wholly or partially of rubber which was manufactured for use on any vehicle propelled by a motor (including vehicles pushed or pulled by a vehicle propelled by a motor), regardless of whether such vehicle is intended for use on a public highway, provided that such tire is not mounted upon a wheel or rim and in service upon or carried as a component spare part of a vehicle.

Tire disposer means any person who, in compliance with all applicable state, federal, and local laws, rules, and regulations, disposes of or converts tires to another purpose, including, without limitation, persons who:

- a. landfill, incinerate, or otherwise dispose of tires as waste or as fuel; or
- b. by shredding, grinding, chemical treatment, or other means to reduce tires into basic components for oil, steel, carbon black, rubber, road paving, or other marketable salvage materials; or
- c. convert tires into other useful items such as doormats and sandal soles.

Tire re-processor means any person who regrooves, recaps, retreads, or otherwise remanufactures unserviceable tires into serviceable tires.

Truck means a vehicle designated to be operated by a permittee's drivers for the transport of unserviceable tires pursuant to the permit.

Unserviceable tire means any tire that is worn, defective, or damaged so that it is not fit for use upon a vehicle, regardless of whether such tire is in such condition that it can be remanufactured by a tire re-processor or not. Any tire manufactured for use on a public highway that is worn, defective, or damaged so that it fails to meet any one or more of the standards adopted by the Department of Public Safety for inspection of tires in conjunction with the state's inspection of vehicles program conducted pursuant to Article 6701d of the Revised Civil Statutes of Texas shall constitute an unserviceable tire. In the application of such standards, it shall be presumed that a tire was manufactured for use upon a public highway unless it is marked "not for highway use," "farm use only," "for racing purposes only," or with other use restrictions that would indicate the tire is not

meant for highway use. The term "unserviceable tire" shall not include any tire that has been shredded, ground, or cut up into pieces one quarter or less the size of the whole tire from which they were derived.

Unserviceable tire generator means any person (including, but not limited to, a person engaged in the sale and mounting of new, used, or remanufactured automobile, truck, and equipment tires who receives unserviceable tires in the exchange process associated therewith and a person who owns or operates fleets of trucks, taxicabs, buses, implements or other vehicles and services all or a portion of their own tire needs) who in the course of his normal business activities generates 100 or more unserviceable tires per calendar year.

Section 3: Handling and storage of tires:

(1) Open storage of tires declared a nuisance

The storage of any tire(s) upon any premises located within the City limits in such a manner that the tire is exposed to the elements of nature and is, thereafter, not handled and/or treated in a manner that is aimed at reducing, removing or addressing the elements of nature or the by-products that can result therefrom – stagnant water and mosquitoes - is hereby declared to be a nuisance which is subject to abatement at the expense of the owner of such premises as provided by law.

(2) Methods to reduce or remove elements of nature/by-products

Steps that any premises located within the City limits can undertake to reduce and/or remove/address the elements of nature or the by-products are:

1. Covering any such stacks of tires located on such premises;
2. Dumping of stagnant water that may accumulate in such tire on a basis of not less than every two to three weeks;
3. Regular spraying of mosquito repellant on the tires;
4. Removal of random tires that may have been dumped on such property and/or cutting up such tires such that they don't hold elements of nature or the by-products.
5. The City has a spring City-wide clean-up for its residential customers under which a roll-off will be provided for disposal of non-commercial, passenger vehicle tires only.

(3) Open storage of tires prohibited

It shall be unlawful for any person to store or to suffer or permit the storage of any tire or tires upon any premises within the city in such a manner without undertaking the above-noted steps to prevent the tire or tires from being exposed to the elements of nature.

(4) Tire business and mobile tire road repair service

In addition to the steps outlined in (3) above, tires or pieces may be stored in any enclosed building or other type of covered enclosure as defined by the Texas Commission on Environmental Quality, preventing the tire from being exposed to the elements of nature. Additionally, tires that are not being regularly switched out, or in excess of 400 must be enclosed behind a privacy fence unless the Fire Marshal sets a different maximum.

Section 4: Inspections.

- (1) The City may inspect any business that handles or stores tires during regular business hours to determine compliance with this ordinance.
- (2) After conducting an inspection, the City shall inform the business of any findings.
- (3) If a violation is found, the City shall:
 - (a) prescribe a reasonable time period for correction of violations. Re-inspections at prescribed time intervals will be conducted to determine whether required corrections have been made.

Section 5. Penalty.

A violation of this ordinance is considered a violation pertaining to public health and/or sanitation and is punishable by a fine of not less than Two Hundred Fifty Dollars (\$250.00) nor more than Two Thousand Dollars (\$2,000.00) in accordance with City Code and each day that any violation continues shall constitute a separate offense; provided, however, that an offense provided in this article which also constitutes an offense under state law shall be punishable as provided in the applicable state law.

Section 6: Repealer: In the case of any conflict between the other provisions of this ordinance and any existing ordinance of the City, the provisions of this ordinance will control.

Section 7: Severability: If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, that invalidity or the unenforceability will not affect any other provisions or applications of this ordinance that can be given effect without the invalid provision.

Section 8. Enforcement: The City shall have the power to administer and enforce the provisions of this ordinance as may be required by governing law. Any person violating any provision of this ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations, and such violation is hereby declared to be a nuisance.

Nothing in this ordinance shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this ordinance and to seek remedies as allowed by law and/or equity.

Section 9. Effective Date: This ordinance shall be effective on May 3, 2025.

Section 10. Proper Notice and Public Meeting. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

PASSED AND APPROVED by the City Council of Flatonia, Texas, on the **27th day of March 2025.**

CITY OF FLATONIA, TEXAS

Travis Seale
Mayor

ATTEST

Jacqueline Ott
City Secretary

APPROVED AS TO FORM

Barbara Boulware-Wells
City Attorney

CITY OF FLATONIA

Agenda Summary Form

City Council

| | |
|---|--|
| Agenda # | Title: |
| Item 4 | Consider and take appropriate action on approving an FEDC contract with Texas Highways Magazine for \$10,997 to publish three print ads. |
| Summary: | |
| The City of Flatonia Economic Development Corporation Board recently voted to contract with Texas Highways Magazine to publish print advertising. The ads will be published in November 2025, April 2026, and September 2026. | |
| Suggested Motion(s): | |
| <input type="checkbox"/> I move to approve an FEDC contract with Texas Highways Magazine for \$10,997 to publish three print ads. | |
| <input type="checkbox"/> I move to _____ | |
| _____ | |
| _____ | |
| _____ | |
| _____ | |
| Maker of Motion: _____ Second: _____ | |
| Sears: _____ Homan: _____ Kocian: _____ Cockrell: _____ | |
| Mayor Pro Tem Eversole: _____ Mayor Seale: _____ | |

Texas Highways

Texas Highways Magazine

Vol. 51 No. 1

March 2015

Account Representative: Connie Blair

Representative Email: connie@ajrmediagroup.com

Invoice Preference: Email

Client: Flatonía Economic Development Corporation

Contact: Sonya Bishop

Contact Email: manager@ci.flatonia.tx.us

Address:

Flatonía Economic Development Corporation
Sonya Bishop
PO Box 100
Flatonia, Texas 77841

Billing Information:

Contact: Ginny Sears

Bill To Email: gsears@cmfoods.com

Address:

Flatonía Economic Development Corporation
Ginny Sears
PO Box 100
Flatonia, Texas 77841

| Product | Rate | Discount | Taxable | Net |
|--------------------------------------|------------|----------|---------|--------------------|
| Texas Highways | | | | |
| November 2025 - 1/2 Page Horizontal | \$4,511.00 | \$0.00 | | \$4,511.00 |
| April 2026 - 1/3 Page Horizontal | \$3,243.00 | \$0.00 | | \$3,243.00 |
| September 2026 - 1/3 Page Horizontal | \$3,243.00 | \$0.00 | | \$3,243.00 |
| Sub Total: | | | | \$10,997.00 |

Contract Notes:

Deadline to confirm space in the Nov/2025 issue is Aug 15

Materials for the Nov/2025 issue are due by Aug 29

| | |
|-------------------|-------------|
| Sub Total: | \$10,997.00 |
| Tax: | \$0.00 |
| Total: | \$10,997.00 |

Materials Contact:

Email:

newspaper@theflatoniaargus.com

Materials Terms & Conditions:

All materials are due **approximately 2 MONTHS PRIOR** to your scheduled run. Materials outstanding beyond the due date for your scheduled run will be subject to information being pulled from your prior runs if available.

Reader Service Information: Flatonía Economic Development Corporation, Ginny Sears, gsears@cmfoods.com, www.visitflatoniatexas.com

Contract Terms & Conditions:

Payments shall be cash with order of Net 30 from invoice date. It is understood and agreed that all terms and conditions are subject to acceptance by the publisher.

Unacceptable items include, but are not limited to, out-of-state travel-tourism features, locations, destinations, facilities, or services, unless augmenting Texas travel or tourism, alcoholic beverages, tobacco products, sexually-oriented products and services, advertising considered misleading or a misrepresentation of facts, advertising

that discriminates against customers on the basis of race, color, creed, religion, sex, or national origin, or other subjects not related to Texas travel and tourism. All orders

subject to approval by Publisher. Special positions are offered on a first-come, first-served basis, confirmed by an insertion order.

Client Signature: _____

Date: _____

CITY OF FLATONIA

Agenda Summary Form

City Council

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|--|--|
| Agenda # | Title: |
| Item 5 | Consider and take appropriate action on adding a line item to the FEDC budget for advertising and moving \$4,511 from the Business Incentive Program grant line item to the advertising line item. |
| Summary: The City of Flatonia Economic Development Corporation Board recently voted to contract with Texas Highways Magazine to publish print advertising. They wish to amend the FEDC budget to add a line item for advertising and move funds from the BIP line item to the new advertising line item. | |
| Suggested Motion(s): <input type="checkbox"/> I move to approve adding a line item to the FEDC budget for advertising and moving \$4,511 from the Business Incentive Program grant line item to the advertising line item. <input type="checkbox"/> I move to _____ _____ _____ _____ _____ | |
| Maker of Motion: _____ Second: _____ | |
| Sears: _____ Homan: _____ Kocian: _____ Cockrell: _____ Mayor Pro Tem Eversole: _____ Mayor Seale: _____ | |

CITY OF FLATONIA

Agenda Summary Form

City Council

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| Agenda # Executive Session Item 2 | Title: Action concerning Executive Session Item 1. |
| Summary: The City of Flatonia is currently without a Financial Director. Le Ann Piatt has submitted a proposal for contracted work as a financial consultant. She is a former Finance Director, City Administrator, and City Manager and has knowledge and experience with Incode. | |
| Suggested Motion(s): <input type="checkbox"/> I move to _____ _____ _____ _____ _____ | |
| Maker of Motion: _____ Second: _____ | |
| Sears: _____ Homan: _____ Kocian: _____ Cockrell: _____ | |
| Mayor Pro Tem Eversole: _____ Mayor Seale: _____ | |