

## **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 on **Thursday, August 22, 2024**, beginning at **5:00 p.m.** in the City Hall Council Chambers located at 125 E. South Main St., Flatonia, Texas, for the purpose of considering the following agenda items:

### **PUBLIC HEARING**

#### **Public Hearing Agenda**

**PH8.3.2024.1** Public Hearing on the proposed tax rate for Fiscal Year 2025.

### **MEETING AGENDA**

#### **Opening Agenda**

*Call to Order*

*Invocation & Pledge*

*Citizens' Participation*

#### **Workshop Agenda**

**WS8.3.2024.1** Budget Workshop for all funds.

#### **Consent Agenda**

**C1.** Consider and take appropriate action on the meeting minutes from August 13, 2024.

#### **Deliberation Agenda**

**DA8.3.2024.1** Consider and take appropriate action on the requested increases in the maximum funds allowed per quarter in the Promotion and Tourism contracts.

**DA8.3.2024.2** Consider and take appropriate action on Ordinance 2024.8.2, an ordinance levying ad valorem taxes for Fiscal Year 2025.

**DA8.3.2024.3** Consider and take appropriate action on Resolution 2024.8.3, a resolution to transfer ownership of the softball field at McWhirter Park to the Flatonia Independent School District.

#### **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 **August 19, 2024, 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

**Minutes**  
**Flatonia City Council**  
**August 13, 2024**  
**Regular Meeting at 6:00 p.m.**

**Present:**

Mayor	Travis Seale
Mayor Pro Tem	Joanye Eversole
Councilmembers	Ginny Sears
	Allen Kocian
	Donna Cockrell
	Josh Homan
City Manager	Sonya Bishop
City Secretary	Jacqueline Ott
Utility Director	Jack Pavlas
Police Chief	Lee Dick
Fire Chief	Chris Swenning

**Opening Agenda**

*Call to Order* Mayor Seale called the meeting to order at 6:00 p.m.

*Invocation & Pledge* Councilman Kocian led the invocation and pledges.

*Citizen Participation* none

**Reports**

*Fire Chief* July Report

*Police Chief* July Report

*Utility Director* July Report  
Utility Director Pavlas introduced Steve Cobler.

*Code Enforcement* July Report

*City Manager* July Report  
City Manager Bishop added that City Secretary Ott received a letter from the IRS regarding missing 941 tax deposits. Ms. Ott researched the issue and discovered that the outstanding balance is lower than anticipated, and she will continue to work with an IRS agent to resolve the debt.

## **Consent Agenda**

- C1.** Councilwoman Cockrell motioned to approve the August 6, 2024, meeting minutes. Councilwoman Sears seconded the motion. None opposed. Motion carried unanimously.
- C2.** Councilwoman Sears motioned to approve the July 2024 financial statements. Councilman Homan seconded the motion. None opposed. Motion carried unanimously.

## **Discussion Agenda**

- D1.** Casey Ring from the Chamber of Commerce and Judy Pate from the EA Arnim Museum and Archives submitted requests for a raise in the maximum allowable amount receivable per quarter from the Hotel Occupancy Tax in their contracts. City Manager Bishop expressed concerns about the HOT spending. Mayor Seale requested that each entity send a calendar of events when they submit their quarterly expenditure reports. The Council will vote on the Promotion and Tourism contracts in the next meeting.
- D2.** Councilwoman Sears informed the Council that the Economic Development Corporation board voted in June to amend their by-laws only to require one Councilmember. Mayor Pro Tem Eversole opposed this change. The Council will vote on the change at the next regular meeting.

## **Deliberation Agenda**

- DA8.2.2024.1** Mayor Seale requested a comparison of the previous fees to the proposed changes. He also asked that “Residential” be added to Section 4 to clarify the list of fees. Councilwoman Sears motioned to approve Ordinance 2024.8.1, an ordinance amending permit fees. Councilwoman Cockrell seconded the motion. None opposed. Motion carried unanimously with the requested change.
- DA8.2.2024.2** City Manager Bishop informed the Council that the previously requested change has been made. City Secretary Ott will meet with each employee to go over the explanation and proposed pay scale to ensure everyone understands the pay scale and has the necessary information to make an informed choice. Mayor Pro Tem Eversole motioned to approve Resolution 2024.8.1, a resolution to adopt a salary scale for City employees. Councilman Homan seconded the motion. None opposed. Motion carried unanimously.
- DA8.2.2024.3** Councilman Homan presented Resolution 2024.8.2, a non-binding resolution opposing commercial wind turbine projects in Fayette County and surrounding areas. He has heard opposition from Flatonia citizens and would like to represent that opinion formally. Mayor Pro Tem Eversole expressed concern because no facts have been presented to support the

resolution. Councilwoman Sears stated that she opposed the resolution because this issue does not affect the city in any way. It is a county issue, which the Fayette County Commissioners Court has already addressed. Mayor Seale suggested contacting the county for the information they received and possibly holding a public hearing to determine the position of Flatonia's citizens. No action was taken at this time.

**DA8.2.2024.4**

No action was taken at this time.

**Adjournment**

Mayor Pro Tem Eversole moved to end the meeting. Councilman Kocian seconded the motion. None opposed. Motion carried unanimously. Mayor Seale adjourned the meeting at 7:53 p.m.

**Signed**

\_\_\_\_\_  
Travis Seale  
Mayor

**Attest**

\_\_\_\_\_  
Jacqueline Ott  
City Secretary

# CITY OF FLATONIA

## Agenda Summary Form

<b>Agenda #</b>  DA8.3.2024.1	<b>Title:</b>  Consider and take appropriate action on the requested increases in the maximum funds allowed per quarter in the Promotion and Tourism contracts.
<b>Summary:</b>  Approve an ordinance.	
<b>Option(s):</b>  <input type="checkbox"/> I move to approve the requested increases in the maximum funds allowed per quarter in the Promotion and Tourism contracts.  <input type="checkbox"/> If you are opposed to not 2 <sup>nd</sup> or make any motion. If a motion is not made, the item is dead.	
Sears: _____ Homan: _____ Kocian: _____ Cockrell: _____  Mayor Pro Tem Eversole: _____ Mayor Seale: _____	

"Negative" motions are generally not permitted. To dispose of a business item, the motion should be phrased as a positive action to take, and then, if the group desires not to take this action, the motion should be voted down. The exception to this rule is when a governing body is asked to take action on a request and wishes to create a record as to why the denial is justified.

Chamber of Commerce

Current: 45% or \$33,750 cap  
Proposed: 45% or \$48,875 cap

EA Arnim Museum and Archives

Current: 35% or \$26,250  
Proposed: 35% or 30,000

Special Projects

Current: 20% or \$15,000

**Re: agreement for promotion and tourism**

Flatonia Chamber of Commerce <flatoniatxchamber@gmail.com>

Wed 7/31/2024 2:14 PM

To: Jackie Ott <CitySecretary@ci.flatonia.tx.us>

Hello Jackie -

The Finance Committee met last night and we have our HOT funds budget ready as well as our proposed changes to the Agreement for Promotion and Tourism for October 2024 - September 2027. With the current rate of inflation expected to stay on trend, and the fact that we have been at the current fund cap in Section II for two years now, we request an increase from \$33,750 to \$39,000. This is reflected in our budget submission where we forecast our *recurring* charges for *this* fiscal year to be \$36,875. Included in our budget are funds for *one-time* expenses totaling \$12,000. Overall, our ask for this year is \$48,875.

<b>Category</b>	<b>2024</b>	<b>2025</b>
<b>Recurring</b>		
Salary (60%)	\$24,000	\$24,000
Advertising	\$3,200	\$3,520
Office Supplies	\$1,300	\$1,430
Website	\$1,750	\$1,925
Billboard	\$500	
CZ Advertising	\$3,000	\$6,000
<b>One-Time</b>		
Float		\$8,000
Printer		\$500
CZ Banners		\$3,500
<b>TOTAL</b>	<b>\$33,750</b>	<b>\$48,875</b>

Regards,  
Casey Ring  
Flatonia Chamber of Commerce President



**Flatonia**  
Chamber of Commerce

1000 West 1st Street

Flatonia, TX 75845

713.466.6100

www.flatonia.com

On Wed, Jun 26, 2024 at 11:56 AM Flatonia Chamber of Commerce <flatoniatxchamber@gmail.com> wrote:  
Thank you Jackie! Great chatting with you and look forward to meeting you in person.



**E. A. Arnim Archives & Museum of Flatonia**

**Projected Budget, Fiscal Year beginning 10/01/2024**

**ANNUAL HOT TAX INCOME** **\$ 30,000.00**

**ANNUAL HOT TAX EXPENSES**

Utilities		
Electric & Water	\$6,600.00	
Telephone & Internet	<u>\$2,200.00</u>	
TOTAL Utilities		\$8,800.00
Wages		\$10,300.00
Security		\$1,200.00
Conservation		\$1,000.00
Insurance		\$2,700.00
Advertising and Promotion		<u>\$6,000.00</u>
<b>TOTAL EXPENSES</b>		<b>\$30,000.00</b>

# CITY OF FLATONIA

## Agenda Summary Form

<b>Agenda #</b>	<b>Title:</b>
DA8.3.2024.2	Consider and take appropriate action on Ordinance 2024.8.2, an ordinance levying ad valorem taxes for Fiscal Year 2025.
<b>Summary:</b>	
Approve an ordinance.	
<b>Option(s):</b>	
<input type="checkbox"/> I move to approve Ordinance 2024.8.2, an ordinance levying ad valorem taxes for Fiscal Year 2025.	
<input type="checkbox"/> If you are opposed to not 2 <sup>nd</sup> or make any motion. If a motion is not made, the item is dead.	
Sears: _____ Homan: _____ Kocian: _____ Cockrell: _____	
Mayor Pro Tem Eversole: _____ Mayor Seale: _____	

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**Ordinance # 2024.8.2**

**AN ORDINANCE LEVYING AD VALOREM TAXES FOR USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF FLATONIA, TEXAS FOR THE 2024-2025 FISCAL YEAR; PROVIDING FOR APPORTIONING EACH LEVY FOR SPECIFIC PURPOSES; PROVIDING WHEN TAXES SHALL BECOME DUE AND WHEN SAME SHALL BECOME DELINQUENT IF NOT PAID. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FLATONIA, TEXAS:**

**WHEREAS**, the City of Flatonia, Texas (“City”) depends on property taxes to obtain income for the necessary operating expenses of the City; and

**WHEREAS**, the City is authorized by the State of Texas to assess property taxes for such purpose; and

**WHEREAS**, the cost of funding public safety programs and additional city staffing hours has increased; and

**WHEREAS**, all provisions of the Truth in Taxation Laws of the State of Texas concerning the computation of the tax rate, the establishment of the proposed tax rate, and the posting of required notices therefor have been duly met in good faith; and

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

**SECTION 1:** That there is hereby levied and there shall be collected for the use and support of the municipal government of the City of Flatonia, Texas, for the 2024-2025 Fiscal Year, upon all property, real, personal, and mixed, within the corporate limits of said City subject to taxation, a tax of \$0.28359 on each \$100.00 valuation of property, said tax being so levied and apportioned:

For the maintenance and support of the general government (General Fund), \$ 0.28733 on each \$100.00 valuation of property.

For the Interest and Sinking Fund, \$0 on each \$100.00 property valuation.

**SECTION 2:** That taxes levied under this ordinance shall be due October 1, 2024, and if not paid on or before January 31, 2025, shall immediately become delinquent.

**SECTION 3:** That all taxes shall become a lien upon the property against which assessed, and the Fayette County Tax Appraisal District is hereby authorized and empowered to enforce the collection of such taxes according to the Constitution and laws of the State of Texas and Ordinances of the City of Flatonia, Texas. The Fayette County Tax Appraisal District, by virtue of the tax rolls certified, is hereby authorized and empowered to fix and establish a lien by levying upon such property, whether real, personal, or mixed, for payment of said taxes, penalty, and interest, and, the interest and penalty collected from such delinquent taxes shall be apportioned to

the General Fund of the City of Flatonia, Texas. All delinquent taxes shall bear interest from the date of delinquency at the rate prescribed by state law.

**SECTION 4.** That this ordinance shall become effect from and after its passage.

PASSED AND APPROVED on the **22nd day of August 2024,**

Mayor Travis Seale:	Aye _____; Nay _____; Abstain _____; Absent _____
Mayor Pro Tem Joanye Eversole:	Aye _____; Nay _____; Abstain _____; Absent _____
Councilwoman Ginny Sears:	Aye _____; Nay _____; Abstain _____; Absent _____
Councilman Josh Homan:	Aye _____; Nay _____; Abstain _____; Absent _____
Councilman Allen Kocian:	Aye _____; Nay _____; Abstain _____; Absent _____
Councilwoman Donna Cockrell:	Aye _____; Nay _____; Abstain _____; Absent _____

**CITY OF FLATONIA, TEXAS**

\_\_\_\_\_  
Travis Seale  
Mayor

\_\_\_\_\_  
Jacqueline Ott  
City Secretary

**APPROVED AS TO FORM**

\_\_\_\_\_  
Barbara Boulware-Wells  
City Attorney

# CITY OF FLATONIA

## Agenda Summary Form

<b>Agenda #</b> DA8.3.2024.3	<b>Title:</b> Consider and take appropriate action on Resolution 2024.8.3, a resolution to transfer ownership of the softball field at McWhirter Park to the Flatonia Independent School District.
<b>Summary:</b> Approve a resolution.	
<b>Option(s):</b> <input type="checkbox"/> I move to approve Resolution 2024.8.3, a resolution to transfer ownership of the softball field at McWhirter Park to the Flatonia Independent School District. <input type="checkbox"/> If you are opposed to not 2 <sup>nd</sup> or make any motion. If a motion is not made, the item is dead.	
Sears: _____ Homan: _____ Kocian: _____ Cockrell: _____ Mayor Pro Tem Eversole: _____ Mayor Seale: _____	

"Negative" motions are generally not permitted. To dispose of a business item, the motion should be phrased as a positive action to take, and then, if the group desires not to take this action, the motion should be voted down. The exception to this rule is when a governing body is asked to take action on a request and wishes to create a record as to why the denial is justified.

**RESOLUTION #2024.8.3**

**A RESOLUTION OF THE CITY OF FLATONIA, TEXAS,  
AUTHORIZING THE CITY MANAGER AND MAYOR TO  
ENTER INTO A CONTRACT TO TRANSFER OWNERSHIP  
OF THE SOFTBALL FIELD AT MCWHIRTER PARK TO  
THE FLATONIA INDEPENDENT SCHOOL DISTRICT**

**WHEREAS**, the softball ballfield currently owned by the City of Flatonia (hereinafter “City”) and located at McWhirter Park cannot be used for any other purpose under their current zoning and applicable laws;

**WHEREAS**, the Flatonia Independent School District (hereinafter “District”) has the power of eminent domain under Texas Law;

**WHEREAS**, the District currently uses and maintains the softball field at its own expense;

**WHEREAS**, the softball field requires significant re-grading and other work requiring considerable financial investment;

**WHEREAS**, the District desires to perform the required work to repair and improve the softball field for its own use as well as ongoing public use;

**WHEREAS**, the District cannot invest the level of money required into land that they do not own;

**WHEREAS**, the City Council held a public hearing on the issue of the transfer on June 21, 2023;

**WHEREAS**, the City desires to transfer the softball field to the District in accordance with § 272.001(b)(1) and (5), Texas Local Government Code, as well as in accordance with the terms and conditions as set forth herein;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FLATONIA, TEXAS, THAT:**

1. **Findings of Fact.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.
2. **Action Authorized.** The City Manager and Mayor are hereby authorized to take all steps necessary to transfer ownership of the softball field to the District pursuant to Sections

272.001(b)(1) and (5) of the Texas Local Government Code. The Mayor is authorized to enter into agreements to effectuate the transfer on behalf of the City.

- 3. Value Determined; How Transfer Effectuated.** The District had an appraisal performed on the softball field, which resulted in a valuation of \$50,000.00. Such valuation and ultimate “payment” of such valuation shall be addressed as “credits” given for the various ongoing permanent improvements to be made by the District related to the softball field. Upon reaching a final total of “credits” reaching \$50,000.00, the softball field shall be transferred to the FISD in the form of a Special Warranty Deed. No actual money shall be exchanged between the Parties.

PASSED AND APPROVED by the City Council of the City of Flatonia, Texas, on first reading on the 22<sup>nd</sup> day of August 2024.

CITY OF FLATONIA, TEXAS

By: \_\_\_\_\_  
Travis Seale  
Mayor

ATTEST:

\_\_\_\_\_  
Jacqueline Ott  
City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Barbara Boulware-Wells  
City Attorney