



**HORIZON CITY**

**Incorporated 1988**

**AGENDA  
PUBLIC MEETING  
BOARD OF ADJUSTMENT  
THE TOWN OF HORIZON CITY, TEXAS  
Wednesday, September 29, 2021, 6:00 PM**

Notice is hereby given that a Board of Adjustment of the Town of Horizon City, Texas will be held on **Wednesday, September 29, 2021 at 6:00 PM** at City Council Chambers Room, 15001 Darrington Road, Horizon City, TX 79928, at which time the following will be discussed and considered:

**1. CALL MEETING TO ORDER, DETERMINATION OF QUORUM:**

**2. OPEN FORUM:**

**3**

**Note:** The Zoning Board of Adjustment encourages public comment on all matters of interest listed on this agenda. Speakers from the audience will be given an opportunity to discuss each item in order in which it appears on the agenda, prior to the Commission discussing the item unless otherwise approved by the Chairman. A "Speaker Request" form is available for those who wish to sign up on the day of the meeting. This form is also available in advance by downloading the attached form and submitting it to the Board Secretary prior to the meeting. The Commission retains the option to set reasonable limits on the number, frequency, and length of presentations. Please contact the Board Secretary with any additional questions at (915) 852-1042 ext 404.

**3. PUBLIC HEARINGS**

**NOTICE TO THE PUBLIC AND APPLICANTS:**

The staff report for an agenda item may include conditions, exceptions or modification. The Board motions to approve an item in accordance with the staff report or with all staff comments means that any modification, waivers, exceptions requested by the applicant and recommended for approval by staff and any staff recommended conditions, have been approved, without necessitating that the Board restate the modifications, exceptions, waivers, or conditions as part of the motion to approve and that any findings required to be made by the Board, have been made. If the Board does not wish to approve an exception or modification, or require a condition, then the Board's motion will state which have not been approved, otherwise, the staff report, with all modifications, exceptions and conditions, is approved and the applicant shall comply with all provisions of the staff report.

**A. DISCUSSION AND ACTION:**

**4**

On a variance request application for **15096 Homestead Dr, Horizon City, Texas, 79928**, *legally described as Lot 8, Block 11, Horizon Heights Unit Two*. Variance request is to allow for a reduced side yard setback. Application submitted by owner, Emanuel Quijas

**4. OTHER BUSINESS**

**A. DISCUSSION AND ACTION:**

**19**

To approve the Board of Adjustment minutes for the August 2, 2021 special meeting

**B. DISCUSSION AND ACTION:**

On the selection of a Chair for the Zoning Board of Adjustment

**5. ANNOUNCEMENTS**

A. The next regular scheduled meeting: **Wednesday, November 3, 2021 at 6:00 pm**

Adjournment:

Motion to Adjournment: \_\_\_\_\_ 2nd \_\_\_\_\_

Dated this

By: \_\_\_\_\_  
Elvia Schuller, City Clerk

I, the undersigned authority, hereby certify that the above notice of the Board of Adjustment of the Town of Horizon City, Texas is a correct copy of this notice, and that I posted this notice at least seventy-two (72) hours preceding the scheduled meeting at the City Hall Bulletin Boards of the Town of Horizon City, Texas on this by 5:00 p.m.

Agenda Removed: \_\_\_\_\_ Time \_\_\_\_\_ By \_\_\_\_\_

In compliance with the Americans with Disabilities Act, the Town of Horizon City will provide for reasonable accommodations for persons attending meetings. Requests for auxiliary aids and services must be made 48 hours prior to this meeting by calling the City Clerk at (915) 852-1046.

# SPEAKER REQUEST FORM

*(for all persons who wish to address the Board or Commission)*

Date of Meeting: \_\_\_\_\_

Your Name: \_\_\_\_\_

Residence Address: \_\_\_\_\_

City: \_\_\_\_\_ Contact Number: \_\_\_\_\_

## **IF SPEAKING FOR AN ORGANIZATION:**

Name of Organization: \_\_\_\_\_

Speaker's Official Capacity: \_\_\_\_\_

Agenda Item No.: \_\_\_\_\_ Public Hearing Agenda Item No.: \_\_\_\_\_

For (if applicable)       Against (if applicable)

## **OPEN FORUM:**

To speak on an item not listed on the agenda, known as **OPEN FORUM**, please indicate area of interest:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please remember to step to the podium as soon as you are recognized by the chair; state your name and address before beginning your presentation. If you have written notes you wish to present to the Chair and the Board/Commission, PLEASE FURNISH AN EXTRA COPY FOR THE BOARD/COMMISSION.

The Board/Commission will appreciate each speaker limiting an address on any one item to three minutes.

Thank you for your cooperation.

**PLEASE CARRY THIS FORM TO THE  
BOARD SECRETARY AT THE DESK PRIOR  
TO THE BEGINNING OF THE MEETING.**



**TOWN OF HORIZON CITY  
Board of Adjustment Staff Report**

**Application Type:** Variance Request Application  
**Case Number:** BOA002484-2021  
**BoA Hearing Date:** September 29, 2021  
**Staff Contact:** Michelle Padilla  
915-852-1046 ext.105; [mpadilla@horizoncity.org](mailto:mpadilla@horizoncity.org)

**Address/Location:** 15096 Homestead Dr.  
**Legal Description:** Lot 8, Block 11 Horizon Heights Unit Two  
**Lot Size:** 14,761 square feet  
**Existing Use:** Residential Single-Family Unit  
**Existing Zoning:** R-1 (Residential)  
**Request:** Variance request is to allow the carport structure to remain within the side yard (street) setback.  
**Zoning Reference:** Horizon City Municipal Code, Chapter 14, Zoning, Chapter 4, Residential Districts, Section 405.2, Set-Back Requirements  
**Owner:** Emanuel and Lydia Quijas  
**Applicant:** Emanuel Quijas

**Surrounding Zoning and Land Use:**

**North:** R-1 (Residential) Single Family Units  
**South:** S-1 (Open Space) Golf Course  
**East:** R-4 (Residential) Single Family Units  
**West:** S-1 (Open Space) Golf Course

**Current Land Use Designation:** Residential Single-Family Units  
**Nearest Park:** Desmond “Corky” Corcoran Park  
**Nearest School:** Horizon Heights Elementary (SISD)

**Application Description:**

The owner requests a variance to the required side yard setback, where it abuts a street, to allow a carport structure to remain. The structure is attached to the house and it encroaches into the fifteen (15) foot required side yard setback. The structure encompasses approximately all of the required fifteen feet (15’) of the required side yard (abutting a street) setback.

The structure was constructed without an issued permit and the property owner was issued a notice of violation for not having a permit. The property owner has since applied for a permit; however, it has not been issued due the encroachment.

**Zoning Ordinance Setbacks for all zones prior to codification of Municipal Code:**

**405.2 Setback Requirements**

|                      | Minimum Front Yard                              | Minimum Side Yard Abutting a Street | Minimum Side Yard | Minimum Rear Yard |
|----------------------|---|-------------------------------------|-------------------|-------------------|
| R-1                  | 20 feet   | 15 feet                             | 10 feet           | 20 feet           |
| R-2, R-3, R-4        | 20 feet   | 10 feet                             | 5 feet            | 20 feet           |
| R-PD                 | 20 feet   | 10 feet                             | 5 feet            | 20 feet           |
| R-MH                 | 20-30 feet                                      | 15 feet                             | 5 feet            | 20 feet           |
| Other Permitted Uses | 20 feet without parking<br>45 feet with parking | 15 feet                             | 15 feet           | 20 feet           |

**Neighborhood Input:**

Notice of Public Hearing were mailed to the adjacent neighbors on September 16, 2021. The Planning Department has not received any letters or phone calls in support of or in opposition to the variance request; however, any responses received by staff, will be presented to the Board at the meeting.

**Staff Recommendation:**

Staff recommends *denial* of the requested variance to allow the carport to encroach into the entire side setback as the information provided does not identify a special condition that applies to the property.

**Planning Comments:**

If the variance is granted, any existing and future accessory structures will need to maintain a minimum distance of fifteen feet (15') from the side property line where it abuts Homestead Drive, in accordance with the requirements of the Municipal Code.

**Building Services Department:**

As per attachment No. 5: The notice of violation was on July 27, 2021 for building without a permit. The owner submitted for a permit the same day; however, the structure was found to be non-conforming.

**Additional Requirements:**

If variance is granted by the Board of Adjustment, a building permit will be obtained from the Building Services Department. Applicant is to present the “Board Determination Notice” with plans and/or other requirements when applying for the building permit. Applicant must obtain a building permit within one (1) year after Board authorization.

**Options available to the Board of Adjustment:**

The Board of Adjustment having considered the record (testimony, documents & other evidence) will render a decision on each case with criteria that is provided on the Variance Worksheet attachment.

**Attachments:**

- |                                    |  |
|------------------------------------|--|
| <b>1 – Aerial View</b>             | <b>6- Response to Questions Letter 2-4</b> |
| <b>2 – Zoning Map</b>              | <b>7- Pictures</b>                         |
| <b>3 – Survey</b>                  | <b>8-Variance Worksheet</b>                |
| <b>4 - Application</b>             |  |
| <b>5 - Building Services Dept.</b> |  |

**Attachment 1: Aerial View**



**Attachment 2: Zoning Map**



**Attachment 3-Survey/Site Plan**



 **SITE PLAN**  
1"=10'-0"



*E. Rey*

**Attachment 4: Application**



**TOWN OF HORIZON CITY**  
 14999 Darrington Road  
 Horizon City, Texas 79928  
 Phone 915-852-1046 Fax 915-852-1005

**VARIANCE REQUEST  
 APPLICATION**

Site Address/Location 15096 Homestead Dr. Zoned: \_\_\_\_\_  
 Legal Description B 11 Horizon Heights Unit two  
 (Lot) (Block) (Subdivision Name)

If the legal description of the complete tracts or if plat are not available, the required Metes & Bounds Description with a survey map is attached?  Yes  No

IS THE VARIANCE REQUEST AS A RESULT OF A NOTICE OF VIOLATION?  YES  NO (IF YES, PLEASE ATTACH COPY)

**APPLICANT INFORMATION**

APPLICANT Emanuel Quijas CONTACT: Emanuel Quijas  
 ADDRESS 15096 Homestead Dr.  
 CITY/STATE Horizon City TX ZIP CODE 79928  
 EMAIL: elim13@msn.com PH. No. 915-301-6562 CELL No. 915-301-6562

APPLICANT IS: PROPERTY OWNER  TENANT  REPRESENTATIVE   
 Affidavit required for tenants/representative. Affidavit Attached? Yes  No  N/A

**PROPERTY OWNER INFORMATION**

OWNER'S NAME Emanuel Quijas CONTACT: Emanuel Quijas  
 ADDRESS 15096 Homestead Dr.  
 CITY/STATE Horizon City TX ZIP CODE 79928  
 EMAIL: elim13@msn.com PH. No. 915-301-6562 CELL No. 915-301-6562

- VARIANCE REQUEST IS FOR (A): Metal Porch  
 WHICH IS FOUND TO BE:  IN VIOLATION OF ZONING ORDINANCE 0102  NON-COMPLIANT OF ZONING ORDINANCE 0102  
 SECTION OF THE TOWN'S ORDINANCE A VARIANCE IS SOUGHT AFTER \_\_\_\_\_  
 VARIANCE REQUEST IS FOR (B): \_\_\_\_\_  
 WHICH IS FOUND TO BE:  IN VIOLATION OF ZONING ORDINANCE 0102  NON-COMPLIANT OF ZONING ORDINANCE 0102  
 SECTION OF THE TOWN'S ORDINANCE A VARIANCE IS SOUGHT AFTER \_\_\_\_\_
- DESCRIBE IN DETAIL ANY SPECIAL CONDITIONS YOU BELIEVE WILL RESULT IN UNNECESSARY HARDSHIP TO YOU IN THE TERMS OF THIS ORDINANCE ARE STRICTLY OR LITERALLY ENFORCED. (MAY ATTACH LETTER) Please see letter attached
- WHAT OTHER REASONABLE ALTERNATIVE HAVE YOU CONSIDERED? WHY WON'T THESE OTHER OPTIONS ALLEVIATE THE DIFFICULTY OR HARDSHIP THAT YOU THINK EXISTS? (MAY ATTACH LETTER) \_\_\_\_\_
- WHY DO YOU BELIEVE YOUR VARIANCE DOES NOT VIOLATE THE INTENT OF THE ZONING ORDINANCE OR THE GOALS OF THE CITY'S COMPREHENSIVE PLAN? (MAY ATTACH LETTER) Please see letter attached
- WHY DO YOU BELIEVE YOUR VARIANCE WILL NOT SUBSTANTIALLY INJURE NEIGHBORING PROPERTIES OR INTERFERE WITH THE ENJOYMENT OF THESE PROPERTIES BY THEIR OWNERS? (MAY ATTACHED LETTER) There are no neighbors next to the metal porch. Porch was built adjacent to Homestead street.

**FEE SCHEDULE (NONREFUNDABLE): ORDINANCE NO. 22**  
**RESIDENTIAL:** \$75 FOR CONVENING THE BOARD AND \$25 FOR NOTIFICATION OF ADJACENT PROPERTY OWNERS FOR APPEALS.  
**COMMERCIAL:** \$150 FOR CONVENING THE BOARD.  
**OTHER:** APPLICANT WILL BE RESPONSIBLE FOR ALL FEES INCURRED BY THE CITY IN CONNECTION WITH THIS VARIANCE REQUEST WHICH MAY INCLUDE: PUBLICATION, POSTAGE, ENGINEERING FEES AND ATTORNEY FEES. APPLICANT'S INITIALS \_\_\_\_\_

Emanuel Quijas  
 (APPLICANT'S SIGNATURE)

7-30-2021  
 (DATE)

Application & Submittal Due Date: \_\_\_\_\_  
 BoA Scheduled Date: \_\_\_\_\_  
 Case #: \_\_\_\_\_  
 Application Received By: \_\_\_\_\_  
 Date Application Rec'd: \_\_\_\_\_

Attachment 5- Building Services Department

Plan Review Notes



Date: 7.27.21

Address: 15096 Homestead

Applicant: \_\_\_\_\_

Residential:  Commercial:

Construction documents submitted by a design professional:  Yes  No

Construction documents sealed:  Yes  No

**Discipline:**

Building

Irrigation

Electrical

Civil

Plumbing

Fire

Mechanical

Zoning

Site Plan

**Comments:**

- Structure must maintain 15 ft. clear from  
side property line.

- Metal structures require plans sealed by an  
engineer.

Reviewed by: K. Rodin Date: 7.27.21

Phone call by: \_\_\_\_\_ Date: \_\_\_\_\_



HORIZON CITY  
 14999 DARRINGTON ROAD  
 HORIZON CITY, TEXAS 79928  
 (915)852-1046 / www.horizoncity.org  
**CODE ENFORCEMENT**

CASE #: \_\_\_\_\_

Date: 7.27.2021

| OFFICIAL NOTICE OF CODE VIOLATION    |                              |
|--------------------------------------|------------------------------|
| Address: <u>15096 Att. Homestead</u> | Property Owner/Tenant: _____ |
| Business: _____                      | Phone: _____                 |

A recent field inspection made by official personnel from the Code Enforcement Department revealed the following violation of the Town of Horizon City Municipal Code for:

- \_\_\_ Chapter 1; Article 1.10.044      Displaying or distributing advertising matter
- \_\_\_ Chapter 2; Article 2.01          Animal Control
- \_\_\_ Chapter 4; Article 4.02          Business Registration
- \_\_\_ Chapter 4; Article 4.03          Peddlers, Solicitors, Canvassers & Vendors
- \_\_\_ Chapter 8; Article 8.03          Duty to Maintain Property In Sanitary Condition
- \_\_\_ Chapter 12; Article 12          Parking
- \_\_\_ Chapter 13; Article 13.02        Municipal Separate Storm Water Sewer System (MS4)
- \_\_\_ Chapter 14; Section 103        Permits and Approvals
- \_\_\_ Chapter 14; Section 806        Sightlines Standards, Stormwater Quality Protection
- \_\_\_ Chapter \_\_\_; Section \_\_\_\_\_

Violations require to be :     REMOVED     PERMIT     PROPERTY CLEANED

Property must be brought into compliance with the Municipal Code within TEN (10) days from date of delivery by the USPS.

Corrective Action: Front side signature  
Requires an approved permit

Should you be unable to respond to this Notice within this time frame, the Town of Horizon City has the authority to proceed with Sec. 8.03.003 Criminal Penalty; Civil Remedies; misdemeanor punishable by a fine. Each separate occurrence of a violation or each day that a violation continues shall constitute a separate offense. A copy of the Municipal Code is available on the City's Website at [www.horizoncity.org/Municipal-Code-of-Ordinances/](http://www.horizoncity.org/Municipal-Code-of-Ordinances/)

Any questions regarding this matter, contact the office at (915) 852-1046 Ext. 501  
 \_\_\_\_\_ Code Enforcement Officer 7.27 Date

## Attachment 6 – Response to Questions 2-4 of Application

Variance Request application Questions 2-4 (15096 Homestead Dr. Lot 8, Block 11, Horizon Heights Unit 2)

**Explanation Question #2 Describe in detail any special conditions you believe will result in unnecessary hardship to you in terms of this ordinance are strictly or literally enforced.**

The metal porch was being built between the weeks of June 26<sup>th</sup> to July 26. In that time frame, the code enforcement officers had driven by my property and clearly saw the construction of the metal porch and I was never told I was not in compliance. The code enforcement officer would go by my property because, the house on 3804 Addy Ct. is under construction. This property on Addy court is visible to my property therefore the code enforcement officer was able to see the metal porch being constructed. I only got the notice of non-compliance once construction was completed. I had already spent over \$10,000.00 to build the metal porch. If I would have been told to get the adequate permits, I would have done it, as I have been doing for all the upgrades I have done to the property. I believe the code enforcement officers could have avoided for this situation to happen had they advise me to stop and get the permits. They had done it before when I was building the rock wall on the property, and I went ahead and got the permit for the rock wall, and all other construction being done.

**Explanation Question #3 What other reasonable alternatives have you considered? Why won't these other options alleviate the difficulty of hardship that you think exists?**

I paid a professional engineer, (please see plans submitted) to do a plan of the metal structure (metal porch) to see that the porch had been done properly with all the specifications on the metal that was used. I also went to the city to get the permit paid. I am trying to comply with out having to tear down the construction already built.

**Explanation Question #4 Why do you believe your variance does not violate the intent of the Zoning ordinance or goals of the city's comprehensive plan?**

The metal porch was evaluated by a professional engineer and a plan has or will be submitted to the city with the seal of a professional engineer. The porch was built adjacent to Homestead RD, I have no neighbors that can cause any interference or injury. The metal porch is not covered on the sides, as it was made of metal and does not create a fire hazard. Also, on the same Homestead Street and Jasper RD, there are similar porches that were constructed (please see exhibits A and B of two properties being mentioned 16022 Homestead Dr and 3802 Jasper) both properties are corner lots like mine, and they don't have neighbors.

Again, please take this into consideration as I have spent the money to try to make my home and the neighborhood look more enticing to not only my neighbors but the whole horizon community.

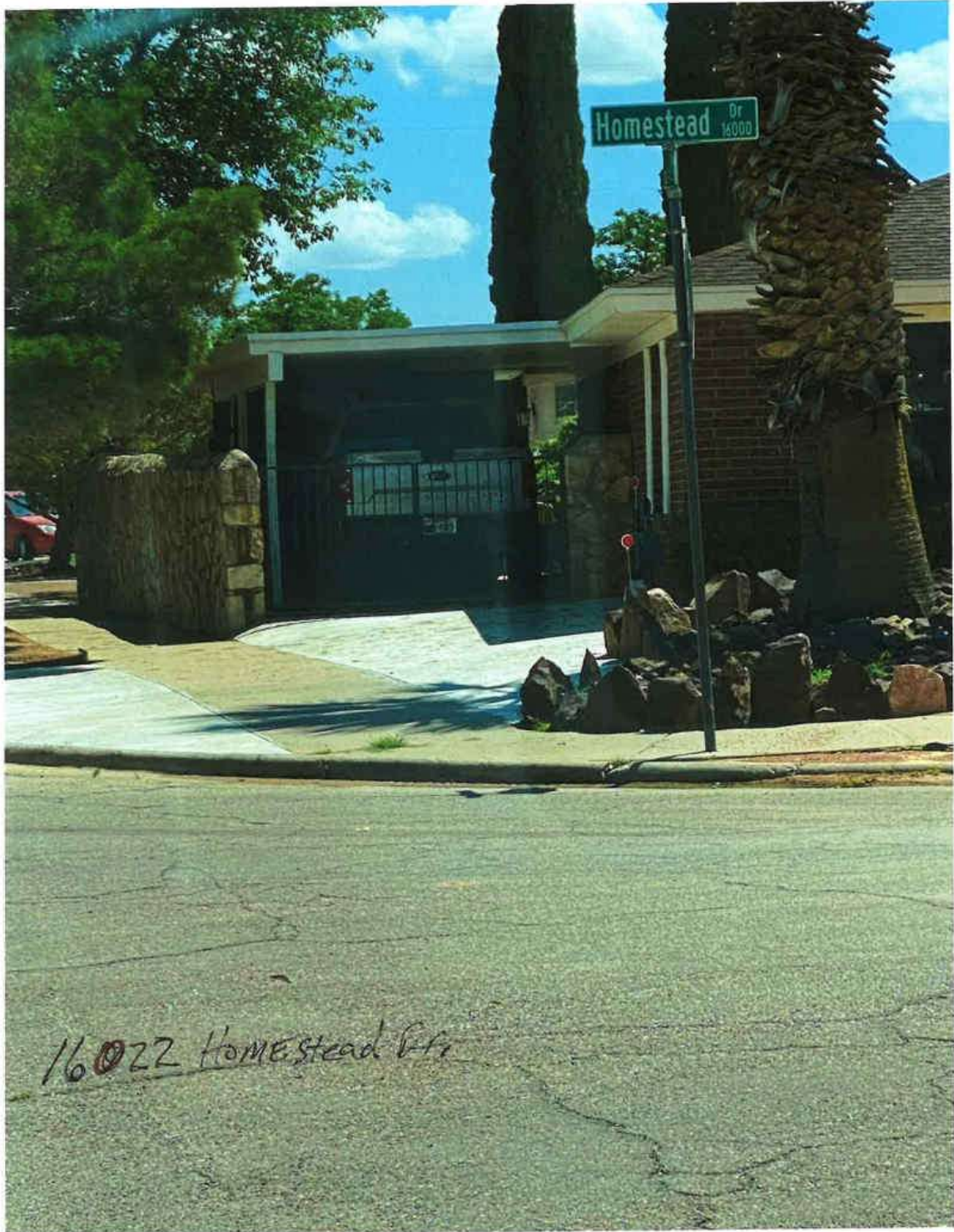
Thank you for your consideration

Sincerely,

Emanuel Quijas







**Attachment 7 – Pictures**





**Attachment 8- Board of Adjustment Variance Worksheet**

|                          |  |              |       |       |
|--------------------------|--|--------------|-------|-------|
| Applicant's Name:        | Emanuel & Lydia Quijas   |              |       |       |
| Property Address         | 15096 Homestead Dr.  | Horizon City | TX    | 79928 |
|                          | (Street)   | (City)       | (ST)  | (Zip) |
| Legal Description:       | Horizon Heights Unit Two   | 11           | 8     |       |
|                          | (Subdivision)  | (Block)      | (Lot) |       |
| Zoning Reference:        | Municipal Code, Zoning Chapter 14, Section 405.2, Minimum Setbacks for residential zone; R-1.                        |              |       |       |
| Description of Variance: | Variance request is to allow a side yard setback encroachment to remain when a 5 foot side yard setback is required. |              |       |       |

*Having considered the record (testimony, documents & other evidence), the Board of Adjustment (Board's) finds as follows:*

| Yes | No | Law / Ordinance   |
|-----|----|---|
|     |    | Strict or literal enforcement of the City's ordinance will result in an unnecessary hardship in the development of the property because of special conditions<br><i>(State Law)</i>       |
|     |    | Granting the variance will be in harmony with the spirit and purpose of the City's planning and zoning ordinances and will ensure that substantial justice is done.<br><i>(State Law)</i> |
|     |    | Granting the variance will not violate the intent of the City's ordinance (is in harmony with the spirit and purpose of the planning and zoning ordinances). <i>(State Law)</i>           |
|     |    | The use of the neighboring property will not be substantially injured. <i>(Municipal Code)</i>  |

*Consistent with the above findings, state law, and the Code of Ordinances, the requested variance should be:*

**GRANTED or DENIED**

Should the Board's approval of the request variance be conditional? (to include any conditions or safeguards deemed appropriate, such as site arrangements, landscaping, or hours of operation, as allowed per Municipal Code). If so, the Board's approval of the request variance should be expressly conditioned on the following conditions or safeguards. The applicant's failure to satisfy these conditions renders the variance void.

Conditions if any:

|   |  |
|---|--|
| 1 |  |
| 2 |  |
| 3 |  |
| 4 |  |



1. **CALL MEETING TO ORDER, DETERMINATION OF QUORUM:**

2. **OPEN FORUM:**

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A. **DISCUSSION AND ACTION:**

On a variance request application for **12504 Weaver Road, Horizon City, Texas 79928**, *legally described as Lot 1, 2, 3, 4, and Portion of 14, Block 3, Horizon Industrial Park Unit 1, El Paso County, Texas*. The applicant is requesting a setback variance. Application submitted by Air System Components, Inc.

**ACTION:** Motion to **approve** the variance request made by **LOPEZ**, 2<sup>nd</sup> by **OJEDA** as recommended by staff comment as follows:

- Reduced Front Setback from 45' to 37'
- Reduced Side Yard Setback from 45' to 32' and to allow existing open storage accessory area to remain within the side street setback as is. Such open storage area shall not be enlarged.

**AYES: LOPEZ, ALVAREZ, OJEDA, McELROY AND LAEMLEIN. MOTION CARRIED**

B. **DISCUSSION AND ACTION:**

On a variance request application for **18007 Carson, Horizon City, Texas 79928**, *legally described as Lot 59, Block 17, Horizon Heights Unit Three, El Paso County, Texas*. The applicant is requesting a setback variance. Application submitted by John E. Balliew

**ACTION:** Motion to **approve** the variance request made by **LOPEZ**, 2<sup>nd</sup> by **McELROY** as recommended by staff comments as follows:

- Approval of the reduced side setback of 5.2 feet.
- Approval of the reduced dwelling size of 972 square feet.
- Approval of the reduced rear setback of 13.5 feet. This requires that any portion of the enclosed porch within that 13.5-foot setback will need to be demolished. The applicant has indicated this is feasible in his letter to the Board. In addition, no further rear yard encroachments will be allowed.

**AYES: LOPEZ, ALVAREZ, OJEDA, MCELROY AND LAEMLEIN. MOTION CARRIED**



4. **OTHER BUSINESS**

A. **DISCUSSION:**

Update the Zoning Board of Adjustment on new appointment or reappointment members.

B. **DISCUSSION AND ACTION:**

To approve the Board of Adjustment meeting minutes of March 3, 2021.

**ACTION:** Motion to **approve** the meeting minutes of March 3, 2021 made by **LAEMLEIN**, 2<sup>nd</sup> by **OJEDA**.

**AYES:** **LOPEZ, ALVAREZ, OJEDA, MCELROY AND LAEMLEIN. MOTION CARRIED**

5. **ANNOUNCEMENTS**

A. The next regular scheduled meeting: **Wednesday, September 29, 2021, at 6:00 pm**

B. In person meetings to resume September 1, 2021.

**EXECUTIVE SESSION: NONE**

ADJOURNMENT: Meeting adjourned at 6:48 PM

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**Jorge Ojeda, Chairman**

ATTEST:

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Elizabeth S. Luna – Secretary to the Boards

**DISTRIBUTION OF MINUTES:**

Original: Town of Horizon City Administrative File

Copy: Chair & BoA Members

Posted: Internet Website: [www.horizoncity.org](http://www.horizoncity.org)