

REGULAR SESSION

FEBRUARY 9, 2015

The City Council of the City of Athens met in Regular Session on Monday, February 9, 2015, 5:30 p.m. in the Council Chambers of the City Hall Annex with the following members present, to-wit:

Jerry D. Vaught, Mayor  
Monte Montgomery, Mayor Pro-Tem  
Charles Elliott  
Joe Whatley  
Tres Winn

David Hopkins, Interim City Administrator  
Bonnie Hambrick, City Secretary

others present: Gary Crecelius, John McQueary, Buddy Hill, Haven Cox, Sherri Skeeters, Lisa Denton, Phil Becker, Tom Trimble, Mike Head, Corey Frentress, Rich Flowers, Michael Hannigan, D.J. Warren, Jess Laird, Steve Grant and other interested citizens;

constituting a quorum at which time the following proceedings were enacted, to-wit:

The invocation was given by Councilmember Montgomery.

DECLARATION OF CONFLICT OF INTEREST

No action was taken.

SUPPLEMENTAL ITEM:  
DISCUSS/CONSIDER EMPLOYMENT OF ATTORNEY DUE TO ABSENCE OF  
CITY ATTORNEY

Mayor Vaught explained that Conor Bateman, City Attorney will be absent for 30 days and the City will need assistance in the form of an Attorney. He explained that Mike Head has agreed to be a co-counsel to the City's Attorney if needed.

Councilmember Whatley stated that Mark Smith has also offered to assist as a co-counsel to the City Attorney if needed.

A motion was made by Councilmember Montgomery, seconded by Councilmember Elliott to appoint Mike Head to assist as City Attorney due to the absence of Conor Bateman on an as needed basis. The motion carried unanimously.

DISCUSS/CONSIDER CANCELING FEBRUARY 18, 2015  
SPECIAL SESSION

Mayor Vaught explained he and Councilmember Montgomery are attending "Athens Day" in Austin on February 18, 2015; and due to the scheduling of events he is uncertain if they will be back for the 5:30 p.m. Special Session meeting. Mayor Vaught asked Council to cancel the February 18, 2015 Special Session. A motion was made by Councilmember Winn, seconded by Councilmember Whatley to cancel the February 18, 2015 Special Session. The motion carried unanimously.

DISCUSS/CONSIDER AGREEMENT BETWEEN THE CITY OF ATHENS AND  
ATHENS FARMERS MARKET FOR USE OF CITY PARKING LOT FOR 2015,  
AS REQUESTED BY D.J. WARREN

David Hopkins, Interim City Administrator explained that D.J. Warren, Market Manager is requesting use of the City Parking Lot for 2015 from April 2015-April 2016 from 5:30 a.m. until 2:00 p.m. on Saturdays and a Tuesday Evening Market from 4:30 p.m. until 8:00 p.m. He made Council aware the agreement does prohibit the sale of animals at the Farmers Market.

Mayor Vaught asked D.J. Warren if she had reviewed the agreement. Ms. Warren explained she had reviewed the agreement and understands the sale of animals is prohibited at the Farmers Market.

A motion was made Councilmember Elliott, seconded by Councilmember Winn to approve the agreement between the City of Athens and Athens Farmers Market for the use of City Parking Lot for 2015 as requested by D.J. Warren. The motion carried unanimously.

DISCUSS/CONSIDER A RESOLUTION ORDERING THE MAY 9, 2015 CITY OF ATHENS GENERAL ELECTION. *DISCUTA UNA RESOLUCIÓN ORDERNAR 9 DE MAYO, 2015 LA CIUDAD DE ATHENS ELECCION GENERAL*)

David Hopkins explained the Resolution is ordering the May 9, 2015 City of Athens General Election. A motion was made by Councilmember Whatley, seconded by Councilmember Montgomery to approve a Resolution Ordering the May 9, 2015 City of Athens General Election. The motion carried unanimously.

DISCUSS/CONSIDER A RESOLUTION AUTHORIZING JOINT ELECTION AGREEMENT WITH ATHENS INDEPENDENT SCHOOL DISTRICT

David Hopkins explained the Resolution will allow a joint agreement with Athens Independent School District to conduct joint election day polling at the Henderson County Election Center located at 201 East Larkin St. A motion was made Councilmember Elliott, seconded by Councilmember Whatley to approve a Resolution authorizing joint election agreement with Athens Independent School District. The motion carried unanimously.

DISCUSS/CONSIDER AUTHORIZING INTERLOCAL AGREEMENT WITH HENDERSON COUNTY FOR ELECTION SERVICES AND CONDUCTING ELECTION DAY VOTING

David Hopkins, explained that this Resolution will authorize an Interlocal Agreement with Henderson County for Election Day services and conducting Election Day voting at the Henderson County Election Center located at 201 East Larkin St. A motion was made Councilmember Montgomery, seconded by Councilmember Winn to authorize an Interlocal Agreement with Henderson County for Election services and conducting Election Day voting. The motion carried unanimously.

DISCUSS/CONSIDER BOARD APPOINTMENT TO ATHENS ECONOMIC DEVELOPMENT CORPORATION

Lisa Denton, Executive Director Athens Economic Development Corporation, informed the Council that the AEDC Board has recommended Will Traxson to fill the recently vacated position on the AEDC Board of Directors and is seeking Council approval.

Councilmember Montgomery stated that Mr. Traxson is active in the community, has a good business and he personally thinks he will be a good candidate.

Councilmember Winn stated he knows Mr. Traxson from a business stand point and knows him personally and feels he has the interest of the City at heart.

Councilmember Elliott asked if this appointment will interfere with his Chamber responsibilities with Ms. Denton explaining the AEDC Board did visit with Mr. Traxson and he feels he can devote the time. A motion was made by Councilmember Whatley, seconded by Councilmember Winn to accept the appointment of Will Traxson to Athens Economic Development Corporation's Board. The motion carried unanimously.

DISCUSS/CONSIDER POSSIBLE APPROVAL OF AMENDED FARM AND RANCH CONTRACT BETWEEN AEDC AND CUATRO ROJOS LAND PROPERTIES, LLC, FOR PURCHASE OF 296.142 ACRES LOCATED AT 1501 AIRPORT ROAD

Steve Grant explained after performing surveys and a Title Review it was determined the Farm and Ranch contract between the Athens Economic Development Corporation and Cuatro Rojos Land Properties LLC for the purchase of 296.142 acres located on Airport Road would need amending to obtain an easement adjacent to Airport Road.

Mr. Grant explained by amending the contract the closing date would change.

Councilmember Montgomery asked if the City would incur any penalties since the closing date would change. Mr. Grant explained the City would not incur any penalties.

A motion was made by Councilmember Elliott to approve the amended Farm and Ranch contract between A.E.D.C. and Cuatro Rojos Land Properties, LLC for the purchase of 296.142 acres located at 1501 Airport seconded by Councilmember Whatley. The motion carried unanimously.

DISCUSS/CONSIDER POSSIBLE HOTEL/MOTEL TAX INCREASE FOR CAIN CENTER FUNDING

David Hopkins explained after the Public Hearing it was never determined if the City Council will pursue or not pursue hotel/ motel tax increase for Cain Center funding, and the item was on the agenda to provide direction to Staff.

Councilmember Whatley stated an increase would have an impact on the hotels.

Councilmember Winn stated the increase in tax would not generate enough revenue. A motion was made by Councilmember Winn to not pursue a hotel/motel tax increase for Cain Center funding, seconded by Councilmember Elliott. The motion carried unanimously.

DISCUSS ITEMS FOR FUTURE CONSENT AGENDA;

- A) CONSIDER APPROVING MINUTES OF THE JANUARY 7, 2015 SPECIAL SESSION, JANUARY 12, 2015 REGULAR SESSION, JANUARY 21, 2015 SPECIAL SESSION, JANUARY 26, 2015 REGULAR SESSION
- B) RECEIVE 2014 RACIAL PROFILING REPORT

No action taken.

OPPORTUNITY FOR CITIZENS TO EXPRESS ITEMS OF CONCERN RELATING TO THE CITY OF ATHENS

There was no discussion.

EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE,  
SECTION 551.071 CONSULTATION WITH ATTORNEY; CONSULTATION  
REGARDING PENDING OR CONTEMPLATED LITIGATION, SECTION 551.072  
DELIBERATION REGARDING REAL PROPERTY; POSSIBLE SALE OF REAL  
PROPERTY OWNED BY THE CITY ATHENS AND SECTION 551.074  
PERSONNEL MATTERS; DELIBERATION REGARDING THE APPOINTMENT,  
EMPLOYMENT AND DUTIES OF THE CITY ADMINISTRATOR

The City Council adjourned to Executive Session.

The City Council returned to Regular Session.

CONSIDER ACTION RESULTING FROM DELIBERATIONS IN EXECUTIVE  
SESSION REGARDING PENDING OR CONTEMPLATED LITIGATION

No action was taken.

CONSIDER ACTION RESULTING FROM DELIBERATIONS IN EXECUTIVE  
SESSION REGARDING REAL PROPERTY; AND POSSIBLE SALE OF REAL  
PROPERTY OWNED BY THE CITY ATHENS

No action was taken.

CONSIDER ACTION RESULTING IN DELIBERATIONS IN EXECUTIVE SESSION  
REGARDING THE APPOINTMENT, EMPLOYMENT AND DUTIES OF THE CITY  
ADMINISTRATOR

No action was taken.

The meeting was adjourned.

PASSED AND APPROVED THIS THE 9<sup>TH</sup> DAY OF MARCH, 2015.

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Jerry D. Vaught, Mayor

ATTEST:

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Bonnie Hambrick, City Secretary