

SPECIAL SESSION

AUGUST 20, 2014

The City Council of the City of Athens met in Special Session on Wednesday, August 20, 2014, 5:30 p.m. in the Council Chambers of the City Hall Annex with the following members present, to-wit:

Jerry D. Vaught, Mayor  
Tres Winn  
Joe Whatley  
Charles Elliott

Pam Burton, City Administrator

others present: Haven Cox, David Hopkins, Gary Crecelius, John McQueary, Sherri Skeeters, Glen Herriage, Hayden Elder, Michael Hannigan, Rich Flowers, Brian Malone, Tyler Henderson, Ernest Jenkins, Bonnie Hambrick, Terri Murdock;

with the following member absent: Monte Montgomery;

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

The invocation was given by David Hopkins.

DECLARATION OF CONFLICT OF INTEREST

No action was taken.

DIRECTOR OF PLANNING & DEVELOPMENT'S REPORT

A) STATUS REPORT ON CURRENT AND PROPOSED PROJECTS

Gary Crecelius, Director of Planning & Development, updated on the following:

- 1) Cotton Patch, 1413 East Tyler, received TCEQ clearance
- 2) Seafood Restaurant, 300 North Pinkerton, progressing
- 3) MUD Technology, 2610 Hwy 31 West, framing work
- 4) O'Reilly Auto Parts, 505 West Corsicana, expansion
- 5) New home, 408 Timber Hills, framing
- 6) New home, 616 Timber Hills, framing
- 7) Arabella of Athens, Gibson Rd., finishing up
- 8) Liberty Tax, 734 East Corsicana, foundational framing
- 9) Steritic Project, 1705 Enterprise Street,
- 10) Cowboy Church, 902 North East Loop 7, preparing for foundation
- 11) Daniels Project, finish wells

FINANCIAL REPORT

David Hopkins, Director of Finance

- 1) Presented the June financials
- 2) Presented an update of the latest sales tax figures

DISCUSS ITEMS FOR FUTURE AGENDAS;

A) DISCUSS FIRST PUBLIC HEARING ON TAX INCREASE FOR FISCAL YEAR 2014-2015

David Hopkins explained tax increase for Fiscal year 2014-2015. The first public hearing will be on Monday August 25, 2014. Mr. Hopkins explained that the tax increase will occur only if appraised values increased for the City.

**B) DISCUSS ATHENS ECONOMIC DEVELOPMENT CORPORATION'S  
BUDGET FOR FISCAL YEAR 2014-2015**

Brian Malone, A.E.D.C. Executive Director presented A.E.D.C. 2014-2015 Budget. The item will appear on the agenda Monday.

**C) DISCUSS ATHENS ECONOMIC DEVELOPMENT CORPORATION'S  
INCENTIVE PACKAGE FOR STERITEC, INC. AND APPROVING  
PERFORMANCE AGREEMENT**

Brian Malone, A.E.D.C. Executive Director presented Incentive Package for Steritec expansion and explained the project has two components: an investment incentive of \$42,000 and job creation incentive of \$7,250. Mr. Malone stated that Steritec wants to upgrade its current facility by adding ANW Sterilization Chamber which requires renovations to accommodate the new equipment. He also stated that the project expansion will result in the addition of 2-3 employees. Councilmember Charles Elliott thanked Steritec for growing in the City of Athens. The item will appear on the agenda Monday.

**D) DISCUSS PUBLIC HEARING CONCERNING REZONING OF LOT 55D,  
T. PARMER SURVEY FROM INDUSTRIAL TO COMMERCIAL,  
OWNED BY LUMBERJACK PARTNERS LLC (1220 S. PALESTINE ST.)**

Gary Crecelius, Director of Planning & Development, reported that the Zoning Board approved the rezoning of this property on 08-19-14. Present owner of Wulf Sporting Goods has changed the zoning from Commercial to Industrial while their business was open. Lumberjack has requested to rezone back to Commercial. Mr. Crecelius also stated the building may be sold for a Medical facility. The item will appear on the agenda Monday.

**E) DISCUSS ANGELINA & NECHES RIVER AUTHORITY NECHES  
COMPOST FACILITY BUDGET FOR FISCAL YEAR 2015**

Glen Herriage, Director of Public Utilities presented the budget for the Angelina & Neches River Authority Neches Compost facility for fiscal year 2015 in the amount of \$174,894.63. This is an increase of the City's portion of 2.2%.

Councilmember Whatley and Councilmember Elliott asked the length of the City's obligation before it could withdraw. Mr. Herriage explained two (2) years. The item will appear on the agenda Monday.

**F) DISCUSS RENEWAL OF PROPERTY/LIABILITY/WORKERS'  
COMPENSATION INSURANCE**

Pam Burton explained that the City's insurance is scheduled for renewal on 10-01-14. She stated that Council received a copy the pending renewal in their packets with an additional letter seeking to add the Cain Center with the cost shown. The item will appear on the agenda Monday.

**G) DISCUSS BIDS RECEIVED FOR REMOVAL OF SLUDGE FROM  
SURFACE WATER PLANT LAGOONS AND DISPOSAL TO SLUDGE  
DISPOSAL SITE OWNED BY ATHENS MUNICIPAL WATER  
AUTHORITY**

Glen Herriage, Director of Public Utilities reported the City had received three (3) bids for the removal of sludge; Terra Renewal, Richardson, Texas at a cost of 0.038 per gallon, SWS Environmental, Kilgore, Texas at a cost 0.052 per gallon and AAA Sanitation Inc., Tyler, Texas at a cost of 0.06 per gallon. He reported that the low bidder, Terra Renewal, does a good job. The item will appear on the agenda Monday.

H) DISCUSS BIDS RECEIVED FOR ONE (1) NEW 2015 MODEL ½-TON PICKUP FOR USE IN WASTEWATER TREATMENT DEPARTMENT

Glen Herriage, Director of Public Utilities reported five (5) total bids were received. He stated the low bid for a 2015 ½-Ton Pickup came from Caldwell Country Chevrolet in the amount of 19,893.00.

Councilmember Elliott asked if the City was obligated to take the low bid. City Administrator, Pam Burton explained the law regarding an expenditure of more than \$50,000 must follow the Competitive Requirements for purchases. The item will appear on the agenda Monday.

I) DISCUSS REQUEST FOR PROPOSALS RECEIVED FROM EXECUTIVE SEARCH FIRMS FOR CITY ADMINISTRATOR POSITION

Pam Burton explained the City received four (4) proposals from Executive Search Firms for the City Administrator position. The four (4) proposals were given to the Mayor and Council for review. The item will appear on the agenda Monday.

J) DISCUSS APPOINTMENT TO ZONING BOARD OF ADJUSTMENTS

City Administrator Pam Burton explained that Bob McDonald has resigned from the Zoning Board of Adjustments. Councilmember Whatley recommended Morgan Jones as a replacement. The item will appear on the agenda Monday.

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

Hayden Elder, 5621 Impala, expressed to the Council his feelings regarding bids received for one (1) new 2015 model ½-ton pickup for use in the Wastewater Treatment Department. He stated that his dealership had not received the 2015 pickup models, and his dealership would offer additional oil changes and tire rotations to the City.

EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE, SECTION 551.071 CONSULTATION WITH ATTORNEY; CONSULTATION REGARDING PENDING LITIGATION IN CAUSE NO. 2013A-1145, ATHENS MUNICIPAL WATER AUTHORITY V. CITY OF ATHENS IN THE 173<sup>RD</sup> JUDICIAL DISTRICT COURT, HENDERSON COUNTY, TEXAS; AND CASE NO. 12-14-00017, THE CITY OF ATHENS, TEXAS, A MUNICIPAL CORPORATION OF THE COUNTY OF HENDERSON, TEXAS V. ATHENS MUNICIPAL WATER AUTHORITY, A MUNICIPAL UTILITY DISTRICT AND POLITICAL SUBDIVISION OF THE STATE OF TEXAS, IN THE TWELFTH COURT OF APPEALS, TYLER, TEXAS

The City Council did not enter executive session.

CONSIDER ACTION RESULTING FROM DELIBERATIONS IN EXECUTIVE SESSION REGARDING PENDING LITIGATION IN CAUSE NO. 2013A-1145, ATHENS MUNICIPAL WATER AUTHORITY V. CITY OF ATHENS IN THE 173<sup>RD</sup> JUDICIAL DISTRICT COURT, HENDERSON COUNTY, TEXAS; AND CASE NO. 12-14-00017, THE CITY OF ATHENS, TEXAS, A MUNICIPAL CORPORATION OF THE COUNTY OF HENDERSON, TEXAS V. ATHENS MUNICIPAL WATER AUTHORITY, A MUNICIPAL UTILITY DISTRICT AND POLITICAL SUBDIVISION OF THE STATE OF TEXAS, IN THE TWELFTH COURT OF APPEALS, TYLER, TEXAS

No action was taken.

SUPPLEMENTAL AGENDA

DISCUSS/CONSIDER POSSIBLE ACTION REGARDING A NEW AGREEMENT  
WITH ATHENS MUNICIPAL WATER AUTHORITY

No action was taken.

ADJOURN.

The meeting was adjourned.

PASSED AND APPROVED THIS THE 22<sup>nd</sup> DAY OF SEPTEMBER, 2014.

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Jerry D. Vaught, Mayor

ATTEST:

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Bonnie Hambrick, City Secretary