

REGULAR SESSION

AUGUST 11, 2014

The City Council of the City of Athens met in Regular Session on Monday, August 11, 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  
Monte Montgomery  
Tres Winn  
Joe Whatley  
Charles Elliott

Pam Burton, City Administrator  
Pam Watson, City Secretary  
Conor Bateman, City Attorney

others present: Glen Herriage, Gary Crecelius, Buddy Hill, John McQueary, David Hopkins, Haven Cox, Sherri Skeeters, Tyler Hendrickson, Michael Hannigan, Charles Spann, Kelly Morgan, Rich Flowers 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.

DISCUSS/CONSIDER APPROVING ANGELINA & NECHES RIVER  
AUTHORITY NECHES COMPOST FACILITY BUDGET FOR FISCAL  
YEAR 2015

After discussion, a motion was made by Councilmember Elliott, seconded by Councilmember Winn to table this item. The motion carried unanimously.

DISCUSS/CONSIDER AUTHORIZING UPGRADES AT CAIN PARK PHASE I,  
FIELD 3, AS REQUESTED BY TRINITY VALLEY COMMUNITY COLLEGE

City Administrator Pam Burton explained that Trinity Valley Community College is requesting authorization to make grading and dirt work improvements to the softball field at Cain Park (Phase I, Field 3), at the college's expense. After discussion, a motion was made by Councilmember Montgomery, seconded by Councilmember Whatley to authorize upgrades at Cain Park Phase I, Field 3, as requested. The motion carried unanimously.

DISCUSS/CONSIDER APPOINTMENT OF AUDITOR

David Hopkins, Director of Finance, explained that one (1) bid was received for Auditor from Smith, Lambright & Associates at a cost of \$18,500 for 2014; a cost of \$19,000 for 2015; and a cost of \$19,500 for 2016. He recommended that if the bid be awarded to Smith, Lambright & Associates, it be awarded for a three (3) year period.

A motion was made by Councilmember Montgomery, seconded by Councilmember Elliott to appoint Smith, Lambright & Associates as Auditor for a three (3) year period. The motion carried unanimously.

DISCUSS/CONSIDER AUTHORIZING BUDGET ADJUSTMENT FOR  
MUNICIPAL BUILDING

Mr. Hopkins explained that this budget adjustment in the amount of \$26,109 is necessary to cover painting expenses at Athens City Hall that were not completed during last year's budget. A motion was made by Councilmember Elliott, seconded by Councilmember Winn to authorize a budget adjustment for Municipal Building in the amount of \$26,109. The motion carried unanimously.

**DISCUSS/CONSIDER AUTHORIZING BUDGET ADJUSTMENT FROM  
UTILITY FUND RESERVE TO GENERAL FUND FOR LITIGATION AND TO  
UTILITY FUND FOR OPERATING EXPENSES**

Mr. Hopkins explained that this budget adjustment has a net increase of \$314,319, which includes \$250,000 to cover litigation with Athens Municipal Water Authority and \$64,319 for rejected Athens Municipal Water Authority expenses. A motion was made by Councilmember Whatley, seconded by Councilmember Montgomery to authorize the budget adjustment, as presented. The motion carried unanimously.

**CONSENT AGENDA;**

- A) CONSIDER APPROVING MINUTES OF THE JULY 15, 2014 SPECIAL SESSION
- B) CONSIDER AUTHORIZING STAFF TO ADVERTISE FOR CHEMICALS FOR USE IN WATER AND WASTEWATER DEPARTMENTS
- C) CONSIDER AUTHORIZING STAFF TO ADVERTISE FOR ONE (1) ½-TON PICKUP FOR WASTEWATER TREATMENT DEPARTMENT

A motion was made by Councilmember Whatley, seconded by Councilmember Winn to approve the Consent Agenda. The motion carried unanimously.

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

Charles Spann, 702 Mulberry, Athens

- 1) Discussed agendas and meeting places
- 2) Discussed internet and website
- 3) Discussed ammonium nitrate

**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 adjourned to Executive Session at 5:44 p.m.

The City Council returned to Regular Session at 6:30 p.m.

**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. Mayor Vaught stated that the City Council is closer to a resolution with Athens Municipal Water Authority.

ADJOURN

The meeting was adjourned.

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

---

Jerry D. Vaught, Mayor

ATTEST:

---

Pam Watson, City Secretary