

REGULAR SESSION

JANUARY 27, 2014

The City Council of the City of Athens met in Regular Session on Monday, January 27, 2014, 5:30 p.m. in the Council Chambers of the City Hall Annex with the following members present, to-wit:

Jerry Don Vaught, Mayor  
Carol Barton  
Monte Montgomery  
Elaine Jenkins  
Aubrey Jones

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

others present: Glen Herriage, Gary Crecelius, Buddy Hill, John McQueary, David Hopkins, Sherri Skeeters, Rich Flowers, Corey Frentress and other interested citizens;

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

The invocation was given by Councilmember Jenkins.

DECLARATION OF CONFLICT OF INTEREST

No action was taken.

CONSIDER FIRST READING OF AN ORDINANCE GRANTING A FIVE (5)  
YEAR BUS FRANCHISE TO THE CHARIOT BUS LINES

City Administrator Pam Burton explained that The Chariot Bus Lines is at the end of their one (1) year bus franchise and are requesting renewal for a five (5) year franchise. She stated that they have agreed to pay all fees prior to final reading of the Ordinance. City Secretary Pam Watson read the Ordinance aloud. A motion was made by Councilmember Jenkins, seconded by Councilmember Jones to approve FIRST READING OF AN ORDINANCE GRANTING A FIVE (5) YEAR BUS FRANCHISE TO THE CHARIOT BUS LINES. The motion carried unanimously.

DISCUSS/CONSIDER AUTHORIZING PURCHASE OF 0.130 ACRE LOT  
LOCATED IN B.C.WALTERS LEAGUE, A-797, FROM JERRY SPENCER LP,  
TO BE UTILIZED FOR LIFT STATION

Glen Herriage, Director of Utilities, stated that this location has been selected for a lift station due to it's location and being able to service more people in the future. He explained that the property owner has offered the property to the City at a cost of \$10.00. A motion was made by Councilmember Jones, seconded by Councilmember Barton to authorize the purchase of 0.130 acre lot located in B.C. Walters League, A-797, at the purchase price of \$10.00. The motion carried unanimously.

DISCUSS/CONSIDER AUTHORIZING LEASE AGREEMENT WITH  
CHRISTOPHER WILSEY FOR T-HANGAR NO. 12 AT ATHENS MUNICIPAL  
AIRPORT

Gary Crecelius, Director of Planning & Development, explained that Dylan Forney has vacated T-Hangar #12 and Christopher Wilsey is the next person on the waiting list. A motion was made by Councilmember Montgomery, seconded by Councilmember Barton to authorize Lease Agreement with Christopher Wilsey for T-Hangar No. 12 at Athens Municipal Airport. The motion carried unanimously.

**DISCUSS/CONSIDER AUTHORIZING PURCHASE ORDERS, AS REJECTED  
BY ATHENS MUNICIPAL WATER AUTHORITY**

Ms. Burton explained that an email has been received from Wylie Pirkle, Athens Municipal Water Authority Executive Director, concerning two (2) Purchase Orders that were provided to him by the City for approval. She explained that Mr. Pirkle rejected the Purchase Orders and did not take them forward to the A.M.W.A. Board of Directors for consideration. She reviewed the Purchase Orders, with one (1) totaling \$587.04 for repairs to raw water pump #3 at the water treatment plant and one (1) totaling \$15,600.00 for the annual purchase of fluoride. She explained that in the A.M.W.A. minutes of June 4, 1987, it reflects that the A.M.W.A. Board of Directors voted to begin adding fluoride to the water and to pay for the fluoride, with A.M.W.A. having paid for the fluoride since that date. She stated that fluoride is not a requirement of State law and has nothing to do with the public safety of the water. She stated that in light of the fact that these Purchase Orders have been rejected by the A.M.W.A. Executive Director, they are being brought forward to the Council for consideration of payment so that current operations are not changed.

Councilmember Montgomery asked if A.M.W.A. voted and approved for the original expenditure of fluoride, and if they have paid for the fluoride every year since the inception up to this point, with Ms. Burton responding that they have.

Mr. Herriage explained that before fluoride can be removed from the water, the State must be notified and approve of the removal, stating that the benefit of fluoride still exists.

Mayor Vaught questioned when additional fluoride will be needed, with Mr. Herriage stating that the State requires a 30 day supply to be on hand, therefore, it will need to be ordered within the next two (2) weeks.

Councilmember Jones expressed his feelings that although it pains him to pay for the fluoride which has been paid by A.M.W.A. all of these years, it is a responsibility that the Council has to the public to continue providing the fluoride and cover the cost, explaining that this could be included when sorting out claims with A.M.W.A. in the future.

Mayor Vaught expressed his feelings that the City needs to take care of the purchase of fluoride, feeling that this is another example as to why it was the best decision to dissolve A.M.W.A.

Councilmember Jenkins questioned if these funds would come from the City's Utility Fund, as these items were not budgeted, with Ms. Burton explaining that this would be correct. Ms. Burton explained that A.M.W.A. did, however, include these expenditures in their operating budget.

After discussion, a motion was made by Councilmember Jones, seconded by Councilmember Barton to authorize the Purchase Orders totaling \$16,187.104, as rejected by Athens Municipal Water Authority. The motion carried unanimously.

**CONSENT AGENDA;**

- A) CONSIDER APPROVING MINUTES OF THE DECEMBER 23, 2013 SPECIAL SESSION; DECEMBER 23, 2013 REGULAR SESSION; JANUARY 3, 2014 SPECIAL SESSION; AND JANUARY 13, 2014 SPECIAL SESSION**

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

**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 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

The City Council did not enter into 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

No action was taken.

ADJOURN

The meeting was adjourned.

PASSED AND APPROVED THIS THE 24<sup>TH</sup> DAY OF FEBRUARY, 2014.

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Jerry D. Vaught, Mayor

ATTEST:

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Pam Watson, City Secretary