

REGULAR SESSION

MARCH 28, 2016

The City Council of the City of Athens met in Regular Session on Monday, March 28, 2016, 5:30 p.m. in the Derek D. Daniels Conference Room of the Athens Partnership Center, 201 W. Corsicana St., Athens, Texas with the following members present, to-wit:

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

Philip Rodriguez, City Manager  
Bonnie Hambrick, City Secretary  
Blake Armstrong, City Attorney

others present: David Hopkins, Buddy Hill, Gordon Mayer, John McQueary, Thanasis Kombos, Lisa Denton, Kevin Lilly, Lawrence Cutrone, Gary Whittle, Chris Tinsley, Mike and Pam Burton, Chris Baker, Bryan Barker, J.W. Lambright, Janet Melancon, Steve Barksdale, Tom Leathem, Jeremiah Diamond, Dan Rogers, Tiffany Rodriguez, Lacey Lowry, Jami Ivey, Rusty Lay, Kyle Henderson, Seth Davidson, Robert Risko, Scott Shelton, Ed McCain, Larry Christian, Blake Stiles and other interested citizens;

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

The invocation was given by Monte Montgomery.

DECLARATION OF CONFLICT OF INTEREST

No action was taken.

READING OF PROCLAMATION HONORING LYNN ALLEN

Mayor Vaught presented a Proclamation honoring Lynn Allen to her daughter Kyle Planas.

RECOGNITION OF PROFESSIONAL CONTRIBUTIONS OF GORDON  
MAYER AND GARY WHITTLE

Philip Rodriguez, City Manager recognized Gordon Mayer, Interim Director of Development and Gary Whittle, Interim Operations Manager for their professional contributions to the City of Athens. He stated they both gentleman have given staff a tremendous amount of advice, and wisdom. He stated they have been a huge asset to the City.

CONSENT AGENDA:

- a) PUBLIC HEARING CONCERNING AN AMENDMENT TO THE ZONING ORDINANCE NO. O12-01 TO ADD MOBILE FOOD UNITS (FOOD TRUCKS). THIS ITEM IS BEING TABLED UNTIL THE APRIL 25, 2016 MEETING PENDING A RECOMMENDATION FROM THE ZONING COMMISSION
- b) CONSIDER AUTHORIZING LEASE AGREEMENT WITH TORY HARRELL FOR T-HANGAR NO. 6 AT ATHENS MUNICIPAL AIRPORT

A motion was by Councilmember Montgomery, seconded by Council Member Whatley to approve the Consent Agenda. The motion carried unanimously.

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

1. Tom Leathem stated his concern regarding the disposition of the Old Henderson County Hospital property. He stated he is opposed to selling the property to a private developer for apartment complexes. He stated he is in favor of a park.
2. Larry Christian stated he is opposed to the Old Henderson County Hospital property being developed into Multi-Family residences. He stated he has a petition with 74 signatures of individuals in the neighborhood who do not want to see apartments developed.

DISCUSS TRAFFIC FLOW AND TRAFFIC SIGNALS AROUND HISTORIC  
SQUARE IN ATHENS

Mr. Rodriguez stated that citizens have expressed frustration of getting through the square during certain times of the day based on the amount of signal lights and how the patterns go. He stated that he has meet with TxDOT regarding the rerouting of traffic in a different pattern and perhaps doing some different things with parking around the square. He stated that TxDOT has stated that perhaps we have too many lights.

After discussion Mayor Vaught stated in the past they have discussed ways to increase parking on the square and possibly closing it down. He stated he would like to go forward with allowing Mr. Rodriguez and staff to determine what alternatives could be done to increase parking and possibly close the streets. It was the consensus of the Council for Mr. Rodriguez and staff to move forward with looking at alternatives.

PUBLIC FORUM – DISCUSS ABANDONING A PORTION OF DULL  
AVERIETTE STREET, AS REQUESTED BY ATHENS INDEPENDENT  
SCHOOL DISTRICT

Ms. Hambrick read aloud the following names of individuals who emailed City Hall in support of closing Dull Averiette Street: Stan Brown, Sarah Grey, Kari Wilmeth.

Ms. Hambrick read aloud the name of Leona Bruce who stated she protests the proposed closing of a block on Dull Averiette.

1. Steve Barksdale stated he supports closing Dull Averiette Street.
2. Jeremiah Diamond stated he supports closing Dull Averiette Street.
3. Dan Rogers stated he supports closing Dull Averiette.
4. Tiffany Rodriguez stated she supports closing Dull Averiette.
5. Lacey Lowry opposes the closing of Dull Averiette.
6. Jami Ivey stated she supports the closing of Dull Averiette.
7. Rusty Lay stated he is very much in support of closing Dull Averiette.
8. Kyle Henderson stated he supports the closing and feels it is the very best thing to do.
9. Seth Davidson stated he supports the closing of Dull Averiette.
10. Robert Risko, stated he urges the Council to close that section of the street that was requested.
11. Scott Shelton asked the Council to support this change and he supports the closing of Dull Averiette.

12. Ed McCain stated he supports the closing and stated it would mitigate safety concerns.
13. Blake Stiles thanked the Council he stated the closing would be good for the kids and the community. He stated progress is hard.

**DISCUSS/CONSIDER ABANDONING A PORTION OF DULL AVERIETTE STREET, AS REQUESTED BY ATHENS INDEPENDENT SCHOOL DISTRICT**

Mr. Rodriguez stated the item is before the Council for the actual consideration of the item. Mr. Rodriguez read the following from Agenda Memorandum that the Councilmembers received on March 14, 2016.

**SUMMARY:** AISD requests abandoning a portion of Dull Averiette Street in order to address safety concerns, meet UIL requirements and benefit students and fans with new facilities.

**BACKGROUND INFORMATION:** Athens ISD is currently in the process of designing new facilities in order to satisfy the strategic plan created by our community members. Part of that plan involves new public restroom and concession facilities at Bruce Field. The Athens ISD requests that the City abandon to the Athens ISD Dull Averiette St. between Owen and Royall Streets. The school district states many reasons for the request. First, Dul Averiette presents safety concerns for students both during the school day and during nighttime events. Second, the current stadium is landlocked, which presents problems in separating the home and visiting fans, and makes it impossible to separate the fans from players, coaches, and officials. The latter has caused AISD to receive complaints from the University Interscholastic League. The Athens ISD believes this move will benefit its students, but also believes that the much improved facilities will also benefit the City. City also believes this will greatly assist TVCC in securing bowl games which will benefit the City's economy.

**ISSUE:** Street as configured presents clear safety issues for pedestrian and student safety as well as logistic problems for forecasted facility improvements.

**ALTERNATIVES:** The City can deny the request, but will need to find additional safety measures if Dull Averiette Street remains as configured.

**RECOMMENDATION:** Staff has worked with AISD's Architects and Administration, and recommends abandoning the street per their request with the following modifications:

**Recommended Action:** City Council to agree to abandoning the street with modifications made per Staff direction listed above.

Councilmember Montgomery asked who pays for the rerouting with Mr. Rodriguez stating the school picks up the cost. He stated there is no fiscal impact to the City.

After much discussion a motion was made by Councilmember Winn, seconded by Councilmember Elliott to abandoning a portion of Dull Averiette Street, as requested by Athens Independent School District. The motion carried unanimously.

**PLANNING & DEVELOPMENT REPORTS:**

- a) STATUS REPORT ON CURRENT AND PROPOSED DEVELOPMENTS PROJECTS

Mr. Mayer updated Council on the following projects:

1. Coleman Park new concession stand is progressing, Foundation is complete. Framing is nearing completion. Asbestos survey report on old concession stand has been received, no asbestos found, demolition can proceed
2. Jewelry store, 2009 Crestway, has not progressed since last report
3. Fresenius Medical Center, no information at this time
4. Winery on the Square is progressing. Work has begun on the limited kitchen phase of construction. Wrap up of construction is expected this week
5. Country Place Living, 209 Wood St., framing is complete, roof covering and brick work complete. Interior inspections are ongoing
6. HVAC building, 1010 W. Corsicana has permanent electrical power to building. No inspections have been called other than electric service
7. 43 permits issued since last meeting and 39 inspections completed

b) STATUS REPORT ON CURRENT AND PROPOSED UTILITY PROJECTS

Mr. Whittle updated Council on the following projects:

1. Progress report on South 19 Elevated Storage Tank Rehab:  
The contractor, J & A Coating is proceeding on schedule. The interior of the bowl is completed and work continues on the outside.  
The completion date is scheduled for the middle of May. Currently, the contractor is about 35% complete. (\$128,091.45 of \$374,900)
2. Street Department: 2016 Proposed rehabilitation/Overlay and Chip Seal Program:  
The Street Department is gearing up for the rehab/overlay program. Request for quotes on the hot mix asphalt is on the website now.  
Estimated Cost: \$169,495
3. The Proposed Chip seal will be based on a late date depending on the temperature.  
Estimated Cost: \$205,505  
Budgeted amount: \$375,000

DISCUSS/CONSIDER ACCEPTING AUDIT REPORT FOR FISCAL YEAR  
ENDING SEPTEMBER 30, 2015

J.W. Lambright, with Lambright & Associates presented the Audit Report for fiscal year ending September 30, 2015. Mr. Lambright included discussion of GASB 68 implementation to record TMRS Pension Liability in the government wide financials.

A motion was made by Councilmember Elliott, seconded by Councilmember Whatley to accept the Audit Report for Fiscal year ending September 30, 2015. The motion carried unanimously.

FINANCIAL REPORT

David Hopkins, Director of Finance, presented February Financials.

DISCUSS/CONSIDER AWARDING BID FOR BANK DEPOSITORY  
CONTRACT

Mr. Hopkins informed the Council that three (3) proposals were received for the City's Bank Depository Contract, recommending that the bid be awarded to Prosperity Bank for a five (5) year period. A motion was made by Councilmember Winn, seconded by Councilmember Montgomery to award the bid for Bank Depository Contract to Prosperity Bank for a (5) five year period. The motion carried unanimously.

DISCUSS/CONSIDER APPOINTMENTS TO ZONING COMMISSION

Bonnie Hambrick, City Secretary, stated that Chris Tinsley and Donna Meredith have served two (2) consecutive terms on the Zoning Commission, and are not eligible for reappointment. She stated that Mr. Brady Autry and Mr. Paul Ingram have expressed interest in serving and a copy of their board application was provided in the packet.

A motion was made by Councilmember Montgomery, seconded by Councilmember Elliott to appoint Mr. Brady Autry and Mr. Paul Ingram to the Zoning Commission. The motion carried unanimously.

**DISCUSS/CONSIDER AUTHORIZING THE CITY MANAGER TO EXECUTE  
A CONTRACT FOR ARCHITECTURAL SERVICES FOR THE TEXAN  
THEATER PROJECT WITH ARCHITECTURAL FIRM, ARCHITEXAS**

Mr. Thanasis Kombos, Community Development Manager informed Council that City Staff has reviewed the proposal submitted by ArchiTexas for architectural services for the Texas Theater project and recommend that the City Council authorize the City Manager to execute the contract.

After discussion a motion was made by Councilmember Elliott, seconded by Councilmember Whatley authorizing the City Manager to execute a contract for architectural services for the Texan Theater Project with Architectural Firm, ArchiTexas. The motion carried by the following vote: Ayes: Mayor Vaught, Councilmembers Elliott, Whatley, Winn; Nays: Councilmember Montgomery; Abstained: None.

**Discuss/consider authorizing Lease Agreement with Edwin Torbett for Hangar  
LH3 at Athens Municipal Airport**

Mr. Kombos informed Council that on November 24, 2015, Athens Jet Center provided notice to cancel the lease agreement with the City of Athens for Hanger LH3, effective December 31, 2015. Prior to executing the lease agreement with Athens Jet Center, an informal bid process was utilized by City Staff to determine market value for the hanger. Three parties submitted bids: 1) Athens Jet Center, 2) Jim Hudson 3) Edwin Torbett. Upon the cancellation of the lease agreement by Athens Jet Center, the only party still interested in leasing the hanger was Edwin Torbett. Mr. Kombos provided Council with the recommended lease agreement stipulates.

Councilmember Montgomery stated he wanted to clarify that Mr. Torbett does not have plans of being a fixed based operator at the airport. Mr. Kombos stated he will remove the reference of FBO from the contract.

A motion was made by Councilmember Montgomery, seconded by Councilmember Winn to authorize the Lease Agreement with Edwin Torbett for Hangar LH3 at Athens Municipal Airport. The motion carried unanimously.

**DISCUSS/CONSIDER FIRST READING OF ORDINANCE REPEALING  
PREVIOUS ORDINANCES RELATED TO THE CITY'S OUTDOOR BURN  
POLICY**

Chief John McQueary explained the purpose is to repeal Ordinance O-49-07 and establish a new City of Athens Outdoor Burn Policy. He stated the current regulations do not supply enough adequate information to the public.

Ms. Hambrick read the Ordinance aloud.

A motion was made by Councilmember Winn, seconded by Councilmember Whatley to approve the first reading of an Ordinance repealing previous Ordinances related to the City's Outdoor Burn Policy. The motion carried unanimously.

DISCUSS/CONSIDER FIRST READING OF AN ORDINANCE  
ESTABLISHING THE CITY'S OUTDOOR BURN POLICY

Chief McQueary explained the purpose of the policy is to comply with Texas Commission on Environmental Quality (TCEQ) regulations as addressed in the Texas Administrative Code (TAC), Title 30, Environmental Quality, Part 1. Texas Commission on Environmental Quality, Chapter 111. Control of Air Pollution from Visible Emissions and Particulate Matter, Subchapter B. Outdoor Burning. He stated establishing the outdoor burn policy will allow a broader allowance and define pile sizes.

Ms. Hambrick read the Ordinance aloud.

A motion was made by Councilmember Montgomery, seconded by Councilmember Winn to approve the first reading of an Ordinance establishing the City's Outdoor Burn Policy. The motion carried unanimously.

Executive Session pursuant to Texas Government Code, Section 551.071  
(CONSULTATION WITH ATTORNEY REGARDING CONTEMPLATED OR  
PENDING LITIGATION OR SETTLEMENT OFFER)

a) VELVIN AND WEEKS

EXECUTIVE SESSION PURSUANT TO TEXAS GOVERNMENT CODE,  
SECTION 551.074

(PERSONNEL MATTERS; CLOSED MEETING)

a) ASSISTANT CITY MANAGER, DIRECTOR OF FINANCE AND  
TECHNOLOGY

EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE,  
SECTION 551.087 (DELIBERATION REGARDING ECONOMIC  
DEVELOPMENT NEGOTIATIONS; CLOSED  
MEETING)

a) PROSPECT #1524

b) ATHENS INTEREST, LLC

The City Council adjourned to Executive Session at 8:04 p.m.

The City Council returned to Regular Session at 10:18 a.m.

CONSIDER ACTION RESULTING FROM DELIBERATIONS IN EXECUTIVE  
SESSION PURSUANT TO TEXAS GOVERNMENT CODE, SECTION 551.071  
(CONSULTATION WITH ATTORNEY REGARDING CONTEMPLATED OR  
PENDING LITIGATION OR SETTLEMENT OFFER)

a) VELVIN AND WEEKS

A motion was made by Councilmember Winn, seconded by Councilmember Whatley to authorize the City Attorney to finalize settlement agreement with Velvin and Weeks. The motion passed unanimously.

CONSIDER ACTION RESULTING FROM DELIBERATIONS IN EXECUTIVE  
SESSION PURSUANT TO TEXAS GOVERNMENT CODE, SECTION 551.074  
(PERSONNEL MATTERS; CLOSED SESSION):

a) ASSISTANT CITY MANAGER, DIRECTOR OF FINANCE AND  
TECHNOLOGY

No action was taken.

CONSIDER ACTION RESULTING FROM DELIBERATIONS IN EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE, SECTION 551.087 (DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS; CLOSED MEETING):

b) PROSPECT #1524

No action was taken.

c) ATHENS INTEREST, LLC

No action was taken.

CITY MANAGER UPDATE

Mr. Rodriguez stated he will formally introduce the new Operations Manager Lawrence Cutrone at the next City Council meeting.

MAYOR AND COUNCIL UPDATE

No updates.

ADJOURN

PASSED AND APPROVED THIS THE 11<sup>th</sup> DAY OF APRIL, 2016.

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Jerry D. Vaught, Mayor

ATTEST:

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Bonnie Hambrick, City Secretary