

REGULAR SESSION

APRIL 11, 2016

The City Council of the City of Athens met in Regular Session on Monday, April 11, 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: Ed McCain, David Hopkins, Buddy Hill, Gordon Mayer, Thanasis Kombos, Amy Williams, Lawrence Cutrone, John McQueary, Bryan Barker, Chris Baker, Jack Bailey, Lisa Denton Carol Morton, Rachel Cox, Nell Velvin, Michael Hannigan, Rich Flowers, Donna Rogers, Dave Thomas, 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 - NATIONAL LIBRARY WEEK

Mayor Vaught asked Rachel Cox, Director of the Clint W. Murchison Memorial Library and board members of the Clint W. Murchison Memorial Library to stand, as he read aloud a Proclamation for National Library Week.

INTRODUCTION OF NEW OPERATIONS MANAGER

Philip Rodriguez, City Manager, introduced Lawrence Cutrone, Operations Manager.

CONSENT AGENDA

- a) CONSIDER APPROVING MINUTES OF THE MARCH 14, 2016 REGULAR SESSION AND MARCH 28, 2016 REGULAR SESSION
- b) CONSIDER FINAL READING OF ORDINANCE REPEALING PREVIOUS ORDINANCES RELATED TO THE CITY'S OUTDOOR BURN POLICY
- c) CONSIDER FINAL READING OF AN ORDINANCE ESTABLISHING THE CITY'S BURN POLICY

Bonnie Hambrick, City Secretary read the Ordinances aloud. A motion was made Councilmember Whatley, seconded by Councilmember Montgomery 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.

DISCUSS/CONSIDER POSSIBLE ACTION ON THE FOLLOWING ITEMS ASSOCIATED WITH ATHENS ECONOMIC DEVELOPMENT CORPORATION AND CMH INC., D/B/A CLAYTON HOMES

a) ADOPTION OF CITY RESOLUTION IN SUPPORT OF AEDC INCENTIVE PACKAGE FOR JOB CREATION, IN AN AMOUNT UP TO \$300,000

Lisa Denton, Athens Economic Development Corporation's (AEDC), Executive Director explained that at the AEDC special board meeting on 4/1/16, the AEDC Board approved an incentive package for CMH, INC., d/b/a as Clayton Homes for job creation in the amount of \$300,000. She stated the company has purchased a facility on Hwy 31W. At least 51% of Company products or services are ultimately exported outside of the local economy of Athens. Company plans to make capital investment in excess of \$6.5 million and add up to 240 new full-time employees in Athens, over a five year period. The expansion of Company's business in Athens will encourage economic development in Athens and will add to the tax rolls of Athens and other local taxing entities and AEDC is willing to grant Company up to \$300,000.00 for the creation of new jobs in Athens. Incentives will be paid out over a five year period for up to 150 full time positions. Ms. Denton explained the Resolution from the City is in support of AEDC's commitment of funds in the amount of \$300,000.

A motion was made by Councilmember Montgomery, seconded by Councilmember Winn to adopt the City's Resolution in support of AEDC's incentive package for job creation, in an amount up to \$300,000. The motion carried unanimously.

b) APPROVAL TO MOVE FORWARD WITH 380 AGREEMENT FOR THE REBATE OF CITY PROPERTY TAX, RELATED TO NEW INVESTMENT

Ms. Denton explained the Chapter 380 Agreement for CMH, Inc. d/b/a Clayton Homes to rebate a portion of property tax on new investment. She stated the Company has requested tax rebates from local taxing authorities in the form of a 380 Agreement. AEDC is proposing a sliding scale over a 5 year period. (100%, 65%, 45%, 25%, 25%) The total amount of possible tax rebated over the term of the agreement could be \$109,963.

A motion was made by Councilmember Whatley, seconded by Councilmember Elliott to approve the 380 Agreement for the Rebate of City Property Tax, related to the new investment (100%, 1st year, 65% second year, 45% third year, 25% fourth year, and 25% fifth year). The motion carried unanimously.

DISCUSS/CONSIDER A RESOLUTION ABANDONING UNNAMED ALLEYWAY ATHENS ORIGINAL TOWNSITE, THOMAS PARMER SURVEY, ABSTRACT NUMBER 782 (310 W. LARKIN ALLEY)

Amy Williams, Director of Development explained the City was approached by Cristina Cazares with interest to abandon the alley which solely lies between two (2) property owners, Cristina Cazares and mother, Pilar Romero. Ms. Williams stated the alley lies between three (3) lots at 310 W. Larkin. Ms. Cazares and Ms. Romero are the sole owners of the three (3) lots that abut the alley. No others would have a vested interest in the subject alleyway. All utility companies have been contacted to verify current and future needs. She stated Oncor has an existing street light in the center of the alleyway which will be removed at the property owner's expense. There are no other utilities involved. A survey has been prepared at the owner's expense. Filing with the County will be done by the City subject to the approval by the City Council.

Councilmember Elliott stated he wants to know that the Mother and daughter both want this. He requested that the Mother provide written consent to the City stating her approval.

A motion was made by Councilmember Elliott, seconded by Councilmember Winn to approve a Resolution abandoning unnamed alleyway Athens Original Townsite, Thomas Parmer Survey,

Abstract Number 782 (310 W. Larkin Alley) contingent upon written consent from Ms. Pilar Romero. The motion carried unanimously.

DISCUSS/CONSIDER A RESOLUTION ABANDONING A PORTION OF
DULL AVERIETTE BETWEEN OWEN AND ROYALL STREETS

Mr. Rodriguez explained the City Council approved the abandoning of a portion of Dull Averiette between Owen and Royall Streets during the Regular City Council meeting on March 28, 2016. He stated the Resolution will effectuate the abandonment of a portion of Dull Averiette between Owen and Royall Streets.

A motion was made by Councilmember Whatley, seconded by Councilmember Elliott to approve a Resolution abandoning a portion of Dull Averiette between Owen and Royall Streets. The motion carried unanimously.

DISCUSS/CONSIDER AUTHORIZING CITY MANAGER TO EXTEND
ELECTRICITY CONTRACT FOR A PERIOD NOT TO EXCEED 60 MONTHS

David Hopkins, Director of Finance, stated the City's electricity contract with Reliant expires in July 2017. He stated that due to lower electricity prices it benefits the City to lock in the lower prices now. Mr. Hopkins introduced Jack Bailey. Mr. Bailey stated that the City's current price of .047567 cents per KWH could decrease to between .03627 to .03935 depending upon the prices on the day of signing. He further stated the rate is a 17 year low.

A motion was made by Councilmember Whatley, seconded by Councilmember Montgomery authorizing the City Manager to extend electricity contract for a period not to exceed 60 months. The motion carried unanimously.

DISCUSS/CONSIDER AUTHORIZING STAFF TO ADVERTISE PREPARE
AND ISSUE BID PACKAGE FOR THE 2016 PROPOSED SEAL COAT
PROGRAM

Lawrence Cutrone, Operations Manager, explained in the FY16 budget it included funds for a Seal Coat Program within the Streets Department. He stated a bid process must be followed. A motion was made by Councilmember Elliott seconded by Councilmember Winn to authorize staff to advertise prepare and issue bid package for the 2016 proposed Seal Coat Program. The motion carried unanimously.

DISCUSS/CONSIDER APPOINTMENT TO SUBSTANDARD BUILDING
COMMISSION

Mayor Vaught stated this item is being pulled, as the candidate for appointment to the Substandard Building Commission was not present.

DISCUSS/CONSIDER POSSIBLE ACTION ON THE FOLLOWING ITEMS
ASSOCIATED WITH ATHENS ECONOMIC DEVELOPMENT
CORPORATION AND CMH INC., D/B/A CLAYTON HOMES:

- a) ADOPTION OF CITY RESOLUTION IN SUPPORT OF AEDC
INCENTIVE PACKAGE FOR JOB CREATION, IN AN AMOUNT UP
TO \$300,000

A motion was made Councilmember Whatley, seconded by Council member Winn to Winn to adopt the City's Resolution in support of AEDC's incentive package for job creation, in an amount up to \$300,000. The motion carried unanimously.

EXECUTIVE SESSION PURSUANT TO TEXAS GOVERNMENT CODE,
SECTION 551.072 (DELIBERATION REGARDING REAL PROPERTY;
CLOSED MEETING)

- a) CENTRAL PARK PROPERTY
- b) 405 LINDSEY LN

The City Council adjourned to Executive Session at 5:57 P.M.

The City Council returned to Regular Session at 6:57 P.M.

CONSIDER ACTION RESULTING FROM DELIBERATIONS IN EXECUTIVE SESSION PURSUANT TO TEXAS GOVERNMENT CODE, SECTION 551.072 (DELIBERATION REGARDING REAL PROPERTY; CLOSED MEETING).

- a) CENTRAL PARK PROPERTY

A motion was made by Councilmember Elliott, seconded by Councilmember Winn to authorize Philip Rodriguez, City Manager, to continue negotiations with Trinity Valley Community College regarding the conveyance of Central Park with qualifications that the property will not be donated. The motion carried unanimously.

- b) 405 LINDSEY LN

Mayor Vaught stated the item was open for discussion.

Mayor Vaught stated that Council has no intentions of going forward with any low income housing or apartments on this property. He stated that Council wants to examine and explore ways to the best use of the property. He stated it could be a new revitalization of the neighborhood. Mayor Vaught stated the City's desire is to have a developer build high quality homes. He stated housing is needed in the City.

Councilmember Winn stated he wanted to review a copy of the petition to find out the wishes of the individuals signing the petition.

CITY MANAGER UPDATE

Mr. Rodriguez updated Council on the following:

1. Coleman Park project should be completed by the end of the week
2. Staff working on plaque for donations from the private sector
3. Issue with timing of the lights downtown, issue with sensor
4. Thanked Kim Wittig and Gordon Mayhall and Kaci Koviak for
5. Updated Council on the abatement of trees at the Athens Municipal Airport.
6. Updates on the Cain Center study as to how repairs are prioritized will be presented to City Council on 4/25/16

MAYOR AND COUNCIL UPDATE

Mayor Vaught stated that funeral services for Lynn Allen are scheduled for 2:00 p.m. on Friday, April 15, 2016 at First Baptist Church.

ADJOURN

The meeting was adjourned.

PASSED AND APPROVED THIS THE 25th DAY OF APRIL, 2016.

Jerry D. Vaught, Mayor

ATTEST:

Bonnie Hambrick, City Secretary