

REGULAR SESSION

JULY 11, 2016

The City Council of the City of Athens met in Regular Session on Monday, July 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
Tres Winn, Mayor Pro-Tem
Monte Montgomery
Joe Whatley
Ed McCain

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

others present: Buddy Hill, Thanasis Kombos, Lawrence Cutrone, John McQueary, Becky Roseberry, Barbara Holly, Irene Kasujja, Tom Leathan, Laura Berry, Brad Adair, Pam Burton, Jana Livingston, Corey Rodriguez, Charlie Tidmore, Yadira Chairez, Susan Jacobs, Cody Craig, Mario Davis, Edgar Vasquez, Kathy Satterfield, Michael Hannigan, Rich Flowers, Pastor, Sergio Tinoco, Sergio L. Tinoco, Eldress Mary Henderson, other interested citizens;

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

Mayor Vaught stated after all the violence over the last several weeks, he felt it was appropriate to invite different clergy from the community to lead us in prayer for up healing and unity.

Philip Rodriguez, City Manager, read the following quote from Dr. Martin Luther King Jr.:

The ultimate weakness of violence is that it is a descending spiral,
begetting the very thing it seeks to destroy.
Instead of diminishing evil, it multiplies it.
Through violence you may murder the liar,
but you cannot murder the lie, nor establish the truth.
Through violence you may murder the hater,
but you do not murder hate.
In fact, violence merely increases hate.
So it goes.
Returning violence for violence multiplies violence,
adding deeper darkness to a night already devoid of stars.
Darkness cannot drive out darkness:
only light can do that.
Hate cannot drive out hate: only love can do that.

The invocation was given by Pastor Sergio L. Tinoco and Eldress Mary Henderson.

DECLARATION OF CONFLICT OF INTEREST

No action was taken.

CONSENT AGENDA:

- a) CONSIDER APPROVING THE MINUTES OF THE JUNE 13, 2016 SPECIAL SESSION
- b) CONSIDER APPROVING THE MINUTES OF THE JUNE 13, 2016 REGULAR SESSION
- c) CONSIDER APPROVING THE MINUTES OF THE JUNE 22, 2016 SPECIAL SESSION

- d) CONSIDER APPROVING THE MINUTES OF THE JUNE 27, 2016 REGULAR SESSION
- e) CONSIDER A RESOLUTION DESIGNATING RECORDS MANAGEMENT OFFICER

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

DISCUSS/CONSIDER A RESOLUTION APPROVING A 380 AGREEMENT WITH FUTURE MATRIX INTERVENTIONAL

Philip Rodriguez explained the Resolution is approving a 380 Agreement with Future Matrix Interventional (FMI). He stated FMI intends to make real and personal property improvements within the City with a capital investment of Three Million Three Hundred Thousand Dollars (\$3,300,000). He further explained the City would rebate property taxes as follows:

Year 1.....	2018 (1/1/2018).....	100%
Year 2.....	2019 (1/1/2019).....	65%
Year 3.....	2020 (1/1/2020).....	45%
Year 4.....	2021 (1/1/2021).....	25%
Year 5.....	2022 (1/1/2022).....	25%

A motion was made by Councilmember Winn, seconded by, Councilmember Whatley to approve a Resolution approving a 380 Agreement with Future Matrix Interventional. The motion carried unanimously.

DISCUSS/CONSIDER A RESOLUTION APPROVING A 380 AGREEMENT WITH CLAYTON HOMES

Mr. Rodriguez explained the Resolution is approving a 380 Agreement with Clayton Homes. He stated Clayton intends to make real and personal property improvements within the City with a capital investment of Six Million Five Hundred Fifty Five Thousand Six Hundred Eighty Dollars (\$6,555,680). He further explained the City would rebate property taxes as follows:

Year 1.....	2017 (1/1/2017).....	100%
Year 2.....	2018 (1/1/2018).....	65%
Year 3.....	2019 (1/1/2019).....	45%
Year 4.....	2020 (1/1/2020).....	25%
Year 5.....	2021 (1/1/2021).....	25%

A motion was made by Councilmember Winn, seconded by Councilmember McCain to approve a Resolution approving a 380 Agreement with Clayton Homes. The motion carried unanimously.

PUBLIC HEARING CONCERNING REZONING OF A PORTION OF THE THOMAS PARMER LEAGUE SURVEY A-782 FROM MULTI-FAMILY 4-(MF-4) TO MULTI-FAMILY 2-(MF-2), OWNED BY TIDMORE, INC. (NORTHEAST CORNER OF BRYSON AVENUE AND LINDSEY LANE)

Barbara Holly, Interim Planning Director, explained that Mr. Charles Tidmore is seeking to downzone his 1.064 acre property at the northeast corner of Bryson Avenue and Lindsey Lane to build duplexes. Ms. Holly stated twenty five (25) notices were sent to owners within 200' of the request and three notices were returned in favor of the request.

The public hearing was closed.

DISCUSS/CONSIDER SECOND READING OF ORDINANCE REZONING OF A PORTION OF THE THOMAS PARMER LEAGUE SURVEY A-782 FROM MULTI-FAMILY 4-(MF-4) TO MULTI-FAMILY 2-(MF-2), OWNED BY TIDMORE, INC. (NORTHEAST CORNER OF BRYSON AVENUE AND LINDSEY LANE)

Bonnie Hambrick, City Secretary, read the Ordinance aloud.

A motion was made by Councilmember Whatley, seconded by Councilmember Montgomery to approve the second reading of Ordinance rezoning of a portion of the Thomas Parmer League Survey A-782 from Multi-Family 4-(MF- 4) to Multi-Family 2-(MF-2), owned by Tidmore, Inc. (Northeast Corner of Bryson Avenue and Lindsey Lane). The motion carried unanimously.

DISCUSS FIRST READING OF AN ORDINANCE AMENDING ORDINANCE A-988 AS CODIFIED IN CHAPTER 19 OF THE CITY OF ATHENS CODE OF ORDINANCES AUTHORIZING THE CITY'S DIRECTOR OF PUBLIC WORKS AUTHORITY TO ERECT AND INSTALL TRAFFIC CONTROL DEVICES

Lawrence Cutrone, Interim Director of Public Works, explained the amendment will allow for the Director of Public Works to have authority over the City's signs, signals, and markings related to traffic.

Mr. Rodriguez explained amending the Ordinance would provide one unified process and allow the Director of Public Works authority to erect and install traffic control devices.

Councilmember Montgomery asked if setting it up this way; and a Citizen has a complaint regarding the placement of a sign; is there no recourse for the Council?

Blake Armstrong, City Attorney, stated Ordinance A-988 was ambiguous as to what authority the Public Works Director might have when placing signs. He stated the amendment would avoid having to go to Council for every sign placement.

Mr. Armstrong further stated that the City Council has discretion and authority to override the action, and it does not strip the Council of any authority.

Ms. Hambrick read the Ordinance aloud.

DISCUSS/CONSIDER ACCEPTING TEXAS CAPITAL FUND (TCF) GRANT

Mr. Rodriguez explained the City was awarded a One Million Dollar (\$1,000,000) grant related to Future Matrix Interventional's real and property improvement.

A motion was made by Councilmember Whatley, seconded by Councilmember Winn to accept the Texas Capital Fund (TCF) Grant in the amount of One Million Dollar (\$1,000,000). The motion carried unanimously.

DISCUSS/CONSIDER DEVELOPING AND ISSUING A REQUEST FOR PROPOSAL (RFP) FOR A FORENSIC AUDIT OF THE CITY'S FINANCES

Mr. Rodriguez explained a request was received from a Councilmember to perform a Forensic Audit of the City's finances. He stated the Request for Proposal (RFP) has not been developed, however if it is the Council's desire Staff would develop and issue a RFP for a Forensic Audit.

There was discussion regarding the City's finances and prior year's fund balance.

After discussion, a motion was made by Councilmember McCain, seconded by Councilmember Winn authorizing the developing and issuing of a Request for Proposal (RFP) for a Forensic Audit of the City's finances. The motion carried unanimously.

DISCUSS/CONSIDER DEVELOPING AND ISSUING A REQUEST FOR PROPOSAL (RFP) FOR THE FISCAL YEAR 2016 AUDIT

Mr. Rodriguez explained that the City has used an audit firm locally, and the firm has recently hired the City's former Director of Finance. He further stated the firm sent the City a letter notifying this would be a conflict of interest. He stated the City would need to issue a Request for Proposal (RFP) for the Fiscal Year 2016 Audit.

A motion was made by Councilmember Whatley, seconded by Councilmember McCain authorizing the developing and issuing of a Request for Proposal (RFP) for the Fiscal Year 2016 Audit. The motion carried unanimously.

DISCUSS/CONSIDER PROPERTY LOCATED AT 405 LINDSEY LANE

Councilmember Winn explained he has been asked what the plans are for the property located at 405 Lindsey Lane. He stated he thinks the City should keep it and not do anything with it and allow the Citizens to use the property for soccer practices and picnics. Councilmember Winn further stated the City should keep it mowed and looking good as we do any other city property.

After discussion, there was no action was taken.

**EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE, SECTION 551.072 (DELIBERATION REGARDING REAL PROPERTY; CLOSED MEETING)
a) 405 LINDSEY LANE**

The City Council did not enter into Executive Session.

**DISCUSS/CONSIDER ACTION RESULTING FROM DELIBERATIONS IN EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE, SECTION 551.072 (DELIBERATION REGARDING REAL PROPERTY)
a) 405 LINDSEY LANE**

No action was taken.

CITIZENS COMMUNICATIONS

1. Mr. Corey Rodriguez invited everyone to a Community Prayer on Tuesday, July 12, 2016 at 6:30 p.m. at Victorious Praise and Worship 6390 State Highway 19 North
2. Mr. Corey Rodriguez requested funding to upgrade O. D. Baggett Park

MAYOR, CITY COUNCIL AND/OR CITY MANAGER UPDATES INVOLVING COMMUNITY EVENTS AND ISSUES OF PUBLIC SAFETY

1. Mr. Philp Rodriguez stated a Community Budget Forum will be held on Tuesday, July 12, 2016 at 5:30 p.m. at the Cain Center

MAYOR AND CITY COUNCIL REQUEST FOR FUTURE AGENDA ITEMS

Councilmember Winn requested that Citizens Communication be moved to earlier on the agenda.

ADJOURN

The meeting was adjourned.

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

Jerry D. Vaught, Mayor

ATTEST:

Bonnie Hambrick, City Secretary