

REGULAR SESSION

SEPTEMBER 12, 2016

The City Council of the City of Athens met in Regular Session on Monday, September 12, 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  
Ed McCain  
Joe Whatley

Philip Rodriguez, City Manager  
Bonnie Hambrick, City Secretary

others present: Buddy Hill, Thanasis Kombos, Lawrence Cutrone, John McQueary, Barbara Holly, Sandi Pulley, Mike Finney, Marty Coursey, Ann Perryman, Will Traxson, Deborah Deas, Beth McConnell, Jane Joslin, Pat Ingram, Dan Rogers, Christina Henry, Allen Ross, Tom & Lynn Leatham, Steve Barksdale, Michael Hannigan, Rich Flowers, Susan Jacobs, Lee Bush, Berta Winn, Wayne Weeks and other interested citizens;

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

INVOCATION

The invocation was given by Dan Rogers.

DECLARATION OF CONFLICT OF INTEREST

No action was taken.

READING OF PROCLAMATION – NATIONAL ASSISTED LIVING WEEK

Mayor Vaught read aloud a Proclamation for National Assisted Living Week.

READING OF PROCLAMATION – CONSTITUTION WEEK

Mayor Vaught read aloud a Proclamation for Constitution Week.

CONSENT AGENDA:

- a) CONSIDER APPROVING THE MINUTES OF THE AUGUST 22, 2016 REGULAR SESSION AND AUGUST 29, 2016 SPECIAL SESSION
- b) CONSIDER FINAL READING OF AN ORDINANCE RECOMMENDING APPROVAL OF THE 3.078 ACRES OUT OF THE JAMES B. ATWOOD SURVEY, A-19, FROM PLANNED DEVELOPMENT AGRICULTURE (PD-A) TO PLANNED DEVELOPMENT COMMERCIAL (PD-C) WITH A SPECIFIC USE PERMIT TO ALLOW FOR A NURSERY AND RETAIL PORTABLE BUILDING SALES, LOCATED AT THE NORTHEAST CORNER OF LOOP 7 AND HIGHWAY 31 OWNED BY LEE BUSH (Z07-16-003)
- c) CONSIDER FINAL READING OF AN ORDINANCE AS REQUESTED BY JERRY HORN FOR A TEXT CHANGE TO THE ZONING ORDINANCE TO ALLOW A FREESTANDING VENDING ICE MACHINE WITH VEHICULAR VACUUMS. (Z08-16-001)
- d) FINANCIAL REPORT

Councilmember Montgomery asked that item a) Consider approving the minutes of the August 22, 2016 Regular Session and August 29, 2016 Special Session; be pulled from the Consent Agenda for discussion.

Mayor Vaught stated the Council will vote on items b) through d).

Bonnie Hambrick, City Secretary read the Ordinances aloud.

A motion was made by Councilmember Whatley, seconded by Councilmember Winn to approve the Consent Agenda of items b) through d). The motion carried unanimously.

Councilmember Montgomery stated the August 29<sup>th</sup> minutes were when the City Council voted on the \$12.8 million General Fund Capital Improvement Program. He stated during the meeting he had given his explanation for voting against the project, however his explanation was not in the formal minutes. He stated he would like for his explanation to be added to the minutes for history.

Ms. Hambrick stated she would add his comments to the minutes and bring back to the City Council for consideration on the next agenda.

Mayor Vaught stated that Item a) on the Consent agenda was tabled.

#### CITIZENS COMMUNICATIONS:

There was no discussion.

#### CONSIDER FINAL READING OF AN ORDINANCE ADOPTING THE PROPOSED ANNUAL BUDGET FOR FISCAL YEAR 2017

Ms. Hambrick read the Ordinance aloud.

Mayor Vaught moved to approve the final reading of an Ordinance adopting the proposed Annual Budget for Fiscal Year 2017; the motion was seconded by Councilmember McCain.

Councilmember Winn asked if anything was included in the annual budget for running the Cain Center such as the cost for electricity and personnel. Mr. Rodriguez stated it would be in the next budget in the form of an amendment.

Mr. Rodriguez stated he provided Council with an updated copy of the proposed budget and the only change in the budget was the additional amount of \$3,000 for the Henderson County Library and the FTE Count reflecting the changes for the Police Department.

The budget was passed and approved by roll call vote as follows:

Mayor Jerry Don Vaught, Aye  
Councilmember, Place 1 Monte Montgomery, Nay  
Councilmember, Place 2 Joe Whatley, Aye  
Councilmember, Place 3 Ed McCain, Aye  
Councilmember, Place 4 Mayor Pro-Tem Tres Winn, Aye  
4 voted in favor of the motion and  
1 voted against the motion.

The motion passed by majority vote.

DISCUSS/CONSIDER A RESOLUTION RATIFYING A PROPERTY TAX  
INCREASE FOR FISCAL YEAR 2017 BUDGET

Mayor Vaught moved to approve the Resolution Ratifying a property tax increase for the Fiscal Year 2017 Budget for the use and support of the Municipal Government for the City of Athens, seconded by Councilmember Whatley.

The Resolution was passed and approved by roll call vote as follows:

Mayor Jerry Don Vaught, Aye  
Councilmember, Place 1 Monte Montgomery, Aye  
Councilmember, Place 2 Joe Whatley, Aye  
Councilmember, Place 3 Ed McCain, Aye  
Councilmember, Place 4 Mayor Pro-Tem Tres Winn, Aye  
5 voted in favor of the motion and  
0 voted against the motion.

Motion carried unanimously.

CONSIDER FINAL READING OF AN ORDINANCE ADOPTING THE  
PROPOSED TAX RATE INCREASE FOR FISCAL YEAR 2017

Ms. Hambrick read the Ordinance aloud.

Mayor Vaught stated "I MOVE THAT THE PROPERTY TAX RATE BE INCREASED BY THE ADOPTION OF A TAX RATE OF \$0 .685221, WHICH IS EFFECTIVELY A 5.3% PERCENT INCREASE IN THE TAX RATE.

THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$40; the motion was seconded by Councilmember Winn.

The Ordinance was passed and approved by roll call vote as follows:

|                                |            |
|--------------------------------|------------|
| Mayor Jerry Don Vaught         | <u>Aye</u> |
| Councilmember Monte Montgomery | <u>Aye</u> |
| Councilmember Joe Whatley      | <u>Aye</u> |
| Councilmember Ed McCain        | <u>Aye</u> |
| Councilmember Tres Winn        | <u>Aye</u> |

5 voted in favor of the motion and

0 voted against the motion.

Motion carried unanimously.

On the following motion by Mayor Jerry Don Vaught; seconded by Councilmember Ed McCain, I move to approve the SECOND reading of an ordinance adopting a Maintenance and Operations Tax Rate of \$0.586721.

|                                |            |
|--------------------------------|------------|
| Mayor Jerry Don Vaught         | <u>Aye</u> |
| Councilmember Monte Montgomery | <u>Aye</u> |
| Councilmember Joe Whatley      | <u>Aye</u> |
| Councilmember Ed McCain        | <u>Aye</u> |
| Councilmember Tres Winn        | <u>Aye</u> |

5 voted in favor of the motion and  
0 voted against the motion.  
Motion carried unanimously.

On the following motion by Mayor Jerry Vaught; seconded by Councilmember Monte Montgomery, I move to approve the SECOND reading of an ordinance adopting an Interest and Sinking Tax Rate of \$.0985.

|                                |            |
|--------------------------------|------------|
| Mayor Jerry Don Vaught         | <u>Aye</u> |
| Councilmember Monte Montgomery | <u>Aye</u> |
| Councilmember Joe Whatley      | <u>Aye</u> |
| Councilmember Ed McCain        | <u>Aye</u> |
| Councilmember Tres Winn        | <u>Aye</u> |

5 voted in favor of the motion and  
0 voted against the motion.  
Motion carried unanimously.

DISCUSS/CONSIDER AWARDING ENGINEERING CONTRACT TO SPI,  
INC. FOR REHABILITATION OF 5 REMAINING STORAGE TANKS

Lawrence Cutrone, Director of Public Works introduced Mike Finney as the new Water Production Superintendent.

Mr. Cutrone stated that Texas Commission has mandated the City to perform various forms of rehabilitation on its seven (7) storage tanks. He stated SPI has successfully rehabbed South Palestine OHST and Lane Street GST. He further stated the City has a deadline of October 26, 2016 to present documentation that demonstrates compliance action is being undertaken for all tanks.

Mr. Cutrone stated SPI has submitted a proposal and scope of work for the remediation of the remaining five of the City's seven potable water storage tanks. He stated SPI will also include the annual TCEQ mandated Tank Inspections Report for all seven tanks.

A motion was made by Councilmember Whatley, seconded by Councilmember McCain to award the engineering contract to SPI, Inc. for rehabilitation of 5 remaining storage tanks.

The motion carried unanimously.

DISCUSS/CONSIDER AWARDING BIDS FOR REMEDIATION OF THE  
WEST WASTE WATER TREATMENT PLANT

Mr. Cutrone explained that sealed bids were received and opened on August 25, 2016 for the Remediation of the West Waste Water Treatment Plant. He stated one (1) bid was received, and staff is recommending the bid be awarded to AAA Sanitation, Inc. He explained the cost per gallon at standard landfill .59 extended \$192,420 and the cost per gallon special landfill .80 extended \$270,000 and \$15,000 to re-install the primary clarifier rake arm assembly.

Councilmember Montgomery stated he has always preferred that the City had multiple bids. He asked when it was put out to bid was the local paper used and if any construction services were used? Mr. Cutrone stated the bid, was placed on the website as well as a notice in the local paper.

Ms. Hambrick stated a bid list is maintained in the City Secretary's office and a copy of the scope of work was mailed to the bidders list. Mr. Cutrone further stated that he also solicited four (4) quotes.

A motion was made by Councilmember Whatley, seconded by Councilmember McCain to award the bid for Remediation of the West Waste Water Treatment Plant to AAA Sanitation. The motion carried unanimously.

DISCUSS FIRST READING OF AN ORDINANCE AMENDING ORDINANCE O-14-12, AS CODIFIED IN SECTION 10-53 OF THE CITY OF ATHENS CODE OF ORDINANCES PROVIDING EXEMPTIONS FROM SMOKING PROHIBITIONS IN PUBLIC PARKS

Thanasis Kombos, Community Development Manager, explained that earlier this summer, the Parks Advisory Board voted to recommend an ordinance change, as it applies to non-smoking regulations in Athens public parks. He stated the Board's intent was to strengthen the non-smoking rules in Athens Parks. He stated after conferring with the Police Department, Staff is recommending an amendment to the parks non-smoking ordinance. The recommended change will prohibit smoking in any public park, excluding park parking areas.

Ms. Hambrick read the Ordinance aloud.

DISCUSS FIRST READING OF AN ORDINANCE AMENDING ORDINANCE #O-16-08, CLASSIFICATION PLAN FOR POLICE OFFICERS AND FIREFIGHTERS

Sandi Pulley, Human Resources Manager, explained the ordinance will designate the approved staffing by classification of the Athens Police and Fire Departments. She stated it will increase the number of officers from twelve (12) to eighteen (18) in Fiscal Year 2017.

Ms. Pulley stated The Texas Local Government Code and the City of Athens Civil Service Rules and Regulations require that the number of authorized positions in the classifications of the Police and Fire Departments be prescribed by City Ordinance.

Ms. Hambrick read the Ordinance aloud.

DISCUSS FIRST READING OF AN ORDINANCE ADOPTING A MUNICIPAL COURT BUILDING SECURITY FUND

Ms. Hambrick explained the Ordinance will assess a fee in the amount of \$3.00 against all Defendants convicted of a misdemeanor offense by the Municipal Court. She further stated passage of the Ordinance will allow special revenue funds that can be used specifically for the purchase of the following:

- Handheld metal detectors
- Walkthrough metal detectors
- Signage
- Baliffs

Ms. Hambrick read the Ordinance aloud.

DISCUSS/CONSIDER FUTURE WATER RESOURCE DEVELOPMENT WITH ATHENS MUNICIPAL WATER AUTHORITY

Mr. Rodriguez stated a letter from Athens Municipal Water Authority (AMWA) was received in August that was addressed to the City Council and the City Manager. He stated it was described as Future Water Resource Development. He stated copies of the letter was provided in the City Council packet. He further stated the City has discussed well development in the city with AMWA and at this point the City has not asked AMWA to continue the well development beyond what they already have until such time the City has the resources to maintain the wells.

Mr. Rodriguez explained the agreement states once the well is built, transferred and conveyed to the City; at that point the City assumes the maintenance cost and electricity cost. He stated the City must notify AMWA when we are ready for well development.

Mr. Rodriguez further stated that per the contract between the City and the Authority dated October 9, 2014, the City must continue to maintain the well that is currently at the plant

Mr. Rodriguez stated that he specifically wanted to bring the items to the Council's attention of the issues that we have had and concerns that we continue to have. He stated the item was to bring the letter to the Council's attention.

Councilmember Montgomery stated that two (2) years was a long time to develop the well. There was further discussion regarding the twenty four (24) months to develop the well. Councilmember Montgomery stated he wanted to ensure the City was giving AMWA enough time to develop the well.

#### DISCUSS/CONSIDER AUTHORIZING INTERLOCAL AGREEMENT WITH HENDERSON COUNTY FOR ETJ PLATS

Barbara Holly, Interim Planning Director, explained that House Bill 1445 required cities and counties to enter into agreements identifying the governmental entity who will regulate subdivision plats and their related permits in the City's ETJ.

Ms. Holly stated that effective 9/1/01, the Local Government Code required a consolidated plat approval process for plats in the ETJ, rather than a two-step process where both the City and County, often with differing regulations, each approved an ETJ plat. She further stated the City has requested, and the County has agreed, that the City of Athens will have sole jurisdiction of all plats within our ETJ. She stated the County will continue to have jurisdiction of areas outside of the City's ETJ.

Ms. Holly stated this agreement will memorialize that understanding.

A motion was made by Councilmember Montgomery, seconded by Councilmember McCain to authorize the Interlocal Agreement with Henderson County for ETJ Plats. The motion carried unanimously.

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

1. Councilmember McCain reminded everyone of the Uncle Fletch Festival on Saturday, September 17, 2016
2. Mayor Vaught stated the City has entered two (2) teams supporting the festival
3. Mr. Rodriguez stated that the Mayor, Councilmembers and Staff have created two (2) teams for the festival
4. Mr. Rodriguez reminded everyone of the second Community Forum for the Cain Center renovation project on Tuesday, September 13<sup>th</sup> at 6:30 p.m. at the Cain Center, he stated the first forum was well attended
5. Mr. Rodriguez informed Council that he has researched construction time lines for the Cain Center Project and the project will need to be done in Phases. Phase One, Cain Center and Phase Two, city facilities and any additional new facilities. Councilmember Montgomery stated that Mr. Lee Bush was in the audience and he is one of the original contractors of the Cain Center
6. Mr. Rodriguez introduced Mike Finney as the new Water Production Superintendent and stated he has his A license

MAYOR AND CITY COUNCIL REQUEST FOR FUTURE AGENDA ITEMS

There were no requests for future agenda items.

ADJOURN

The meeting was adjourned.

PASSED AND APPROVED THIS THE 26<sup>th</sup> DAY OF SEPTEMBER, 2016.

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Jerry D. Vaught, Mayor

ATTEST:

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Bonnie Hambrick, City Secretary