

REGULAR SESSION

AUGUST 22, 2016

The City Council of the City of Athens met in Regular Session on Monday, August 22, 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, Lisa Denton, Susan Jacobs, Barbara Holly, Yadira Chairez, Marty Coursey, Sandi Pulley, Bob Myers, Mike Conway, CPA, Mary Waddell, Carol Morton, Dr. Marylyn Wright, Robyn Wheeler, Ron Wheeler, Carolyn Goodman, Christopher Tinsley, Sara Jane Brown, Betty Hollowell, Kristen Jacobson, Carol Barton, Lynn and Tom Leatham, Gail Chock, Geneva Jaffa, Ed Cunningham, Beth Faulk, Rich Flowers, Lee Bush, Deborah Deas, Barry Choate, Michael Hannigan, Ann Perryman, Steve Barksdale, Berta Winn, Jeaneane Lilly and other interested citizens;

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

The invocation was given by Lee Bush

DECLARATION OF CONFLICT OF INTEREST

No action was taken.

CONSENT AGENDA

- a) CONSIDER APPROVING MINUTES OF THE AUGUST 8, 2016 REGULAR SESSION
- b) CONSIDER A RESOLUTION ADOPTING AN INVESTMENT POLICY AND DESIGNATING INVESTMENT OFFICER
- c) CONSIDER A RESOLUTION ADOPTING REVISED FINANCIAL POLICIES
- d) CONSIDER A RESOLUTION AMENDING AUTHORIZED REPRESENTATIVES FOR TEXPOOL PARTICIPANT SERVICES (INVESTMENT POOL)

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

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

Dr. Marylyn Wright made a special request to the City Council to ensure for the care and housing for the rare piano located at the Cain Center.

There was no further discussion.

Mayor Vaught stated that Agenda item number 23 would be moved up to allow Beth Faulk to leave.

DISCUSS/CONSIDER APPOINTMENT OF TOURISM ADVISORY COUNCIL

Bonnie Hambrick, City Secretary, stated that the term for Place 6 on the Tourism Advisory Council expired July 31, 2016. She further stated that Beth Faulk expressed the desire to serve on the Tourism Advisory Council.

Councilmember Whatley stated that Ms. Faulk would be a good addition.

A motion was made by Councilmember Montgomery, seconded by Councilmember Whatley to approve the appointment of Beth Faulk for Place 6 on the Tourism Advisory Council. The motion carried unanimously.

HEAR PRESENTATIONS FROM ORGANIZATIONS REQUESTING FISCAL YEAR 2017 HOTEL OCCUPANCY TAX FUNDING, AS RECOMMENDED BY THE TOURISM ADVISORY COUNCIL

- a) HENDERSON COUNTY HISTORICAL COMMISSION MUSEUM
- b) HENDERSON COUNTY FAIR PARK
- c) ATHENS TEENAGE BASEBALL ASSOCIATION

Thanasis Kombos, Community Development Manager, reviewed the process and mentioned the applicants for the Fiscal Year 2017 called for projects; there were 5 applications that were reviewed and considered by the Tourism Advisory Council on July 21, 2016 of which 3 out of the 5 were recommended for funding. He further stated the 3 applications recommended for funding are Henderson County Historical Museum, Henderson County Fair Park and the Athens Teenage Baseball Association.

Mr. Kombos stated a representative from each organization was present to address the City Council and present what their project consists of:

1. Sarah Jane Brown, Vice President of the Historical Society Museum, discussed the proposal to rid the termite problem at the building
2. Bob Myers, Chairman of Henderson County Regional Fair Park, discussed the proposal to purchase and replace 26 horse stalls.
3. Christopher Tinsley, Board of Director with the Athens Teenage Baseball Association (ATBA), discussed the proposal to place a bid for the City of Athens to host the Dixie State Youth Tournaments to include the younger age groups that would bring an average of 35 teams.

PLANNING & DEVELOPMENT REPORTS

- a) STATUS REPORT ON CURRENT AND PROPOSED DEVELOPMENT PROJECTS
- b) STATUS REPORT ON CURRENT AND PROPOSED UTILITY PROJECTS

Barbara Holly, Interim Planning Director, updated Council on the following development projects:

1. Athens Municipal Water Authority (AMWA) has been approved for the 4400 square foot building that will have permit fees of a little over \$3,700.
2. GI Lab with ETMC has been approved for the 4166 square foot building that has been approved that will have permit fees of \$2,926.

Ms. Holly further stated that the Year to Date count is 314 permits and 320 inspections with \$13.4 million in construction values.

Lawrence Cutrone, Director of Public Works, updated Council on the following utility projects:

1. Boring a new water distribution line on Prairieville from Scott Street to Edmondson Street
2. Looping a water line at the end of Tyler Street to Linden
3. Repair some fire hydrants
4. Finish installing AMR water meters on route 10
5. Wastewater is undergoing public bids on the plant with the opening of sealed bids on Thursday, August 25, 2016 at 2:00 p.m.
6. Reclaimed 700 ft. of Bunny Rabbit Road
7. Seal Coating contractor, Reynold & Kay, now have access to rock and a delivery was made today

FINANCIAL REPORT

Marty Coursey, Director of Finance, presented the June Financials.

ATHENS ECONOMIC DEVELOPMENT CORPORATION'S REPORT a) VIDEOS

Lisa Denton, Executive Director of Athens Economic Development Corporation, presented three (3) videos consisting of Location, Workforce and Quality of Life to the City Council.

PUBLIC HEARING ON PROPOSED FISCAL YEAR 2017 BUDGET

Ms. Coursey reviewed the budget highlights.

Mayor Vaught opened the public hearing.

Ms. Carol Barton presented the profit & loss report of the East Texas Arboretum. Ms. Barton stated funds have deteriorated and is asking for the City's help.

There was no further discussion.

Mayor Vaught closed the public hearing.

PUBLIC HEARING ON THE PROPOSED TAX RATE INCREASE FOR FISCAL YEAR 2017

Ms. Coursey reviewed the proposed tax rate increase.

Mayor Vaught opened the public hearing.

There were no comments on the proposed tax rate increase.

Mayor Vaught closed the public hearing.

PUBLIC HEARING CONCERNING THE ABANDONMENT OF A SEGMENT OF HAWN STREET AND THE ADJOINING VACANT PROPERTY BETWEEN WEST COLLEGE, NORTH AND SOUTH; AS REQUESTED BY ATHENS INDEPENDENT SCHOOL DISTRICT

Ms. Holly explained the abandonment is for a portion of Hawn Street. Ms. Holly stated that Athens Independent School District seeks to use the subject area as parking for the administration offices.

Ms. Holly stated seventeen (17) surrounding property owners were notified and no responses were received.

Mayor Vaught opened the public hearing.

Mr. Ed Cunningham addressed the City Council about his concern in regards to the traffic flow in the area and asked that the City consider widening the portion that will be left and enlarging the radius.

Mr. Barry Choate stated that AISD is asking for the 91' of Hawn Street and the adjacent grassy knoll.

Philip Rodriguez, City Manager, stated there are things that can be done for traffic calming.

There was further discussion regarding the surrounding area for abandonment.

Mayor Vaught closed the public hearing.

PUBLIC HEARING CONCERNING REZONING AND SITE PLAN APPROVAL FOR 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)

Ms. Holly reviewed the rezoning and site plan. She stated this zone change is to allow for retail sales of portable buildings and a nursery on the subject property. Ms. Holly stated six (6) surrounding property owners were notified and no responses were received.

Mayor Vaught opened the public hearing.

There were no comments.

Mayor Vaught closed the public hearing.

PUBLIC HEARING FOR CELLULAR WORLD (AT&T) TO PRESENT A SIGN PACKAGE CONSISTING OF FOUR WALL SIGNS AND ONE DETACHED SIGN FOR A NEW STORE AT 1103 E. TYLER STREET. (Z07-16-006)

Ms. Holly stated the item is being continued for the second time to the September meeting.

PUBLIC HEARING FOR JERRY HORN TO REQUEST A TEXT CHANGE TO THE ZONING ORDINANCE TO ALLOW A FREESTANDING VENDING ICE MACHINE WITH VEHICULAR VACUUMS (Z08-16-001)

Ms. Holly stated the request is a text change to the Zoning Ordinance to allow a freestanding vending ice machine with vehicular vacuums.

Mayor Vaught opened the public hearing.

There were no comments.

Mayor Vaught closed the public hearing.

DISCUSS FIRST READING OF AN ORDINANCE ADOPTING THE PROPOSED ANNUAL BUDGET FOR FISCAL YEAR 2017 AND SET SECOND READING FOR SEPTEMBER 12, 2016

Bonnie Hambrick, City Secretary, read the Ordinance aloud.

No action was taken.

DISCUSS FIRST READING OF AN ORDINANCE ADOPTING THE PROPOSED TAX RATE INCREASE AND SET SECOND READING FOR SEPTEMBER 12, 2016

Ms. Hambrick read the Ordinance aloud.

No action was taken.

DISCUSS/CONSIDER A RESOLUTION CONCERNING THE ABANDONMENT OF A SEGMENT OF HAWN STREET AND THE ADJOINING VACANT PROPERTY BETWEEN WEST COLLEGE, NORTH AND SOUTH; AS REQUESTED BY ATHENS INDEPENDENT SCHOOL DISTRICT

A motion was made by Councilmember Whatley, seconded by Councilmember McCain to approve a Resolution concerning the abandonment of a segment of Hawn Street and the adjoining vacant property between West College, North and South; as requested by Athens Independent School District.

The motion carried unanimously.

DISCUSS FIRST 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) AND SET SECOND READING FOR SEPTEMBER 12, 2016

Ms. Hambrick read the Ordinance aloud.

No action was taken.

DISCUSS FIRST 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) AND SET SECOND READING FOR SEPTEMBER 12, 2016

Ms. Hambrick read the Ordinance aloud.

No action was taken.

DISCUSS/CONSIDER AUTHORIZING THE CITY MANAGER TO DEVELOP AND ISSUE A REQUEST FOR QUALIFICATIONS (RFQ) FOR THE CAIN CENTER PROJECT

Mr. Rodriguez, discussed the project scope and major elements including, but not limited to, a pool renovation, and an event and multipurpose space renovation. He stated renovation would commence January 2017 with an estimated budget of eight point two million dollars (\$8,200,000).

Mr. Rodriguez stated the City will hold three (3) community forums in the next four (4) months to allow the public to have input.

A motion was made by Mayor Vaught, seconded by Councilmember McCain to approve the City Manager to develop and issue a Request for Qualifications (RFQ) for the Cain Center Project.

The motion carried unanimously.

DISCUSS/CONSIDER AWARDING BID PROPOSAL FOR INDEPENDENT
AUDITING SERVICES AND APPROVE A RESOLUTION AUTHORIZING
THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH CONWAY
& COMPANY, CPA'S PC

Ms. Coursey stated that a request for proposal was put in place for audit services in which the City received eight (8) proposals and all of them were good. She further stated that after review of all proposals received, Conway & Company, CPA's PC is the audit service that staff is recommending.

A motion was made by Councilmember McCain, seconded by Councilmember Winn to approve awarding bid proposal for Independent Auditing Services and approve a Resolution authorizing the City Manager to enter into an agreement with Conway & Company, CPA's PC.

The motion carried unanimously.

DISCUSS/CONSIDER A RESOLUTION COMMITTING TO TEN PERCENT
OF PROJECT COSTS FOR PAVEMENT MAINTENANCE PROJECTS AT
ATHENS MUNICIPAL AIRPORT

Mr. Kombos stated that the airport has significant pavement maintenance needs. He further stated that TxDOT Aviation Division has identified two pavement maintenance projects at Athens Municipal Airport that are available for funding through Federal Aviation Administration (FAA) Non-Primary Entitlement Funds. These projects include reconstruction of the north and parallel taxiways and reconstruction of the airport apron. The total cost for engineering, construction and budgeted contingency is currently estimated to be \$1,389,000; the City's ten percent matching share of the project is \$138,900.

Mr. Kombos stated that he anticipates engineering to take place in late Fiscal Year 2017, with construction taking place likely in Fiscal Year 2019. He further stated that the total amount anticipated for the project is \$1.4 million, with the City's 10% portion being \$140,000.

A motion was made by Councilmember Montgomery, seconded by Councilmember Whatley to approve a Resolution committing ten percent of project costs for pavement maintenance projects at Athens Municipal Airport.

The motion carried unanimously.

DISCUSS/CONSIDER ENTERING INTO AN INTERLOCAL AGREEMENT
WITH ATHENS INDEPENDENT SCHOOL DISTRICT

Mr. Rodriguez stated that the City would like to provide police services to the school campuses while school is in session. He further stated that this agreement would go into effect for the 2017-2018 school year.

A motion was made by Councilmember McCain, seconded by Councilmember Winn to approve entering into an Interlocal Agreement with Athens Independent School District.

The motion carried unanimously.

EXECUTIVE SESSION PURSUANT TO TEXAS GOVERNMENT CODE,
SECTION 551.071 CONSULTATION WITH ATTORNEY; CLOSED MEETING;
REGARDING CONTEMPLATED AND PENDING LITIGATION: DR.
VERNON JOHNSON

The City Council adjourned to Executive Session at 7:28 p.m.

The City Council returned to Regular Session at 8:09 p.m.

CONSIDER ACTION RESULTING FROM DELIBERATIONS IN EXECUTIVE
SESSION REGARDING CONTEMPLATED AND PENDING LITIGATION:
DR. VERNON JOHNSON

No action was taken

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

Councilmember McCain stated that he attended the AISD Convocation and commended Philip Rodriguez on his speech of the City and school system working together. He further stated that Mr. Rodriguez represented the City very well.

Mr. Rodriguez stated that the HAA5 Notices were mailed out to citizens.

Mr. Rodriguez stated that there is a Special Session scheduled for Monday August 29, 2016 at 5:30 p.m. He further stated that financial advisors have been invited to come to present the plan for financing the Cain Center.

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 26th DAY OF SEPTEMBER, 2016.

Jerry D. Vaught, Mayor

ATTEST:

Bonnie Hambrick, City Secretary