

REGULAR SESSION

MARCH 13, 2017

The City Council of the City of Athens met in Regular Session on Monday, March 13, 2017, 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  
Joe Whatley  
Ed McCain  
Aaron Smith

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

others present: Ryan Adams, Thanasis Kombos, Barbara Holly, John McQueary, Buddy Hill, Marty Coursey, Gary Whittle, Adrianna Hinds, Renee Bresson, Chet Patel, Tom and Lynn Leatham, Mary Waddell, Michael Hannigan, Keith Loper, Dawn Fulton, Pamela Smith, Monte Montgomery, Tara Rigby, Bob and Carol Morton, Allen Ross, Brad Watson, Trent Godsey, Rich Flowers, Toni Clay, Marion Klutts, Freddie Paul, Richard Haynie, Lisa Denton, Charlie Bullock, Deborah Deas, Gordon Mayhall and other interested citizens;

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

INVOCATION

The invocation was given by Gary Whittle.

DECLARATION OF CONFLICT OF INTEREST

No action was taken.

PROCLAMATION – POISON PREVENTION WEEK

Mayor Vaught read aloud a Proclamation for Poison Prevention Week.

CITIZENS COMMUNICATIONS

Mr. Keith Loper inquired about the status of the planning phase of the Cain Center Project. Philip Rodriguez, City Manager, stated the Mayor and Council are prohibited from responding. He further stated that he would be providing updates on the Cain Center during his presentation.

CONSENT AGENDA

Councilmember Smith stated he would like to pull item a) as a separate voting item. The City Council proceeding to items b) through d) of the Consent Agenda.

- b) CONSIDER APPROVING THE MINUTES OF THE FEBRUARY 27, 2017, REGULAR SESSION
- c) CONSIDER APPROVING THE MINUTES OF THE FEBRUARY 28, 2017, SPECIAL SESSION
- d) FEBRUARY 2017 FINANCIALS

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

**a) CONSIDER APPROVING THE MINUTES OF THE FEBRUARY 19, 2017  
AND FEBRUARY 20, 2017, SPECIAL SESSIONS**

Councilmember Smith stated he would abstain from voting on item a) as he was not in attendance at the Vision and Planning Strategy Sessions. A motion was made by Councilmember Winn, seconded by Councilmember Whatley to approve the minutes of the February 19, 2017 and February 20, 2017, Special Sessions. The motion carried by the following vote: Ayes: Mayor Vaught, Councilmembers Winn, Whatley, and McCain. Nays: None. Councilmember Smith abstained.

**DISCUSSION OF ALL MATTERS RELATED TO A 2017 STRATEGIC MAP  
REPRESENTING THE PLAN OF WORK AND A ROADMAP TO ACHIEVE  
THE VISION AND GOALS OF THE CITY OF ATHENS**

Mr. Rodriguez presented the City Council with the 2017 Strategic Map for the City of Athens. He stated the map is a two (2) year plan of work to achieve the vision and goals of the City of Athens. Mr. Rodriguez explained the seven (7) major themes: Heritage, Quality of Life, Community Pride, Economy, Planning and Growth, Natural Environment and Efficiency.

Mr. Rodriguez also reviewed nine (9) Budget Principles for Conservative Stewardship at the City of Athens which included the following:

1. Establish and maintain budgeted reserves for 3rd and 4th consecutive years in a row
2. Keep tax rates and user fees as flat as possible and reflective of cost recovery model
3. Focus on accounting for revenues, expenses, assets and long term liabilities
4. Understand variances and adjust as needed
5. Identify programs and what they cost - then prioritize
6. Spend within our means
7. Purchase with current resources and without use of debt; except for "inter-generational equity" projects
8. Purchase with the understanding of "useful life" and with a plan for eventual replacement
9. Provide ongoing economic analysis and long-term planning

**DISCUSSION AND CONSIDERATION OF ALL MATTERS RELATED TO  
THE FY 2017 BUDGET UPDATE AND SUPPLEMENTAL REQUESTS**

Mr. Rodriguez provided an update on the FY 2017 Budget. He informed the City Council of the following Supplemental Requests:

1. Move from a 60 to 65 day operating expense in the amount of \$149,200
2. \$85,000 for Planning and Development
3. \$57,000 in Legal Fees
4. \$672,500 Water and Sewer projects from the 2004 Water and Sewer Bond Series
5. \$3,500 Airport Advisory Board to attend Aviation Conference

After discussion of the 65 day reserve, it was the consensus of the City Council to review the operating expense in a few months for increasing the restricted reserve.

A motion was made by Councilmember Whatley, seconded by Councilmember Winn to approve the following FY 2017 Supplemental Requests: \$85,000 for Planning and Development, \$57,000 Legal Fees, \$672,500 Water and Sewer projects from the 2004 Water and Sewer Bond Series \$3,500 Airport Advisory Board. The motion carried unanimously.

The City Council recessed at 7:20 p.m.

The City Council returned to Regular Session at 7:26 p.m.

PRESENTATION OF THE FY 2018 BUDGET CALENDAR

Mr. Rodriguez presented the FY 2018 Budget Calendar.

DISCUSSION AND CONSIDERATION OF ALL MATTERS RELATED TO  
AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT  
FOR CONSTRUCTION SERVICES WITH WATSON COMMERCIAL  
CONSTRUCTION FOR THE TEXAN THEATER EXTERIOR AND INTERIOR  
REHABILITATION PROJECT

Thanasis Kombos, Managing Director of Community Services, explained that four (4) competitive bids were received through the Request for Proposal (RFP) process for the Texan Theater project. He stated that Watson Commercial Construction was selected. He explained the alternative evaluation criteria in addition to price. The criteria included the following:

1. Price (35 points)
2. Delivery Schedule (25 points)
3. Past experience on projects of similar size and scope (15 points)
4. Proposed subcontractors (15 points)
5. References (10 points)

Mr. Kombos introduced Brad Watson, President of Watson Commercial Construction and Trent Godsey. Mr. Watson gave a brief overview of Watson Commercial Construction.

After discussion, Councilmember Smith stated he would like to see a “not to exceed clause” in the contract to protect the taxpayer.

Blake Armstrong, City Attorney stated that a “not to exceed clause” could be put in the contractual agreement.

After additional discussion a motion was made by Councilmember Winn, seconded by Councilmember Smith to approve all matters related to authorizing the City Manager to execute an agreement for construction services with Watson Commercial Construction for the Texan Theater Exterior and Interior Rehabilitation project with a not to exceed clause in the amount of 1,498,000. The motion carried unanimously.

DISCUSSION AND CONSIDERATION OF ALL MATTERS RELATED TO  
ADOPTING A RESOLUTION MAKING SOLE SOURCE FINDINGS AND  
AUTHORIZING STAFF TO PURCHASE HOT MIX ASPHALT MATERIAL ABSENT  
THE COMPETITIVE BIDDING PROCESS

Mr. Kombos explained the Resolution would make sole source findings and authorize staff to purchase hot mix asphalt material absent from the competitive bidding process. He stated State Law allows for exemptions when declaring a sole source finding.

A motion was made by Councilmember Whatley, seconded by Councilmember Winn to approve a Resolution making sole source findings and authorizing staff to purchase hot mix asphalt material absent the competitive bidding process. The motion carried unanimously.

DISCUSSION AND CONSIDERATION OF ALL MATTERS RELATED TO  
AUTHORIZING THE LEASE AGREEMENT WITH BRET GRIFFITH FOR T-  
HANGAR NO.6 AT ATHENS MUNICIPAL AIRPORT

Mr. Kombos informed the Council that this T-Hangar was vacated and Mr. Griffith was identified as the first individual on the waiting list for a new lease agreement.

A motion was made by Councilmember McCain, seconded by Councilmember Winn to approve the lease agreement with Bret Griffith for T-Hangar No. 6 at Athens Municipal Airport. The motion carried unanimously.

DISCUSSION AND CONSIDERATION OF ALL MATTERS RELATED TO AUTHORIZING THE CLOSURE OF PRAIRIEVILLE STREET, WEST SIDE OF THE COURT HOUSE AND COURT HOUSE ANNEX, TYLER STREET, NORTH SIDE OF COURT HOUSE, CARROLL STREET BETWEEN E. LARKIN AND TYLER STREET AND APPROVE RESOLUTION AGREEMENT AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT WITH TXDOT FOR THE TEMPORARY CLOSURE OF STATE RIGHT-OF-WAY FOR THE FUNDRAISING EVENT "CELEBRATING THE TEXAN", AS REQUESTED BY FRIENDS OF THE TEXAN

Mr. Kombos stated the application for closure has been reviewed by the police department and this is the requirement for state highway closure. He stated the closure includes the addition of Carroll Street.

Gordon Mayhall, "Friends of the Texan" explained the event. He stated the focus is bringing in people for tourism in Athens. He stated the focus is on music, film and art. He stated this year's event will have twenty eight (28) artists on five (5) stages and eight (8) filmmakers.

Mr. Mayhall also explained the donation breakdown as follows:

City of Athens (Texan Theater) 50%  
Henderson County Performing Arts Center 16.5%  
Henderson County Arts Council 16.5%  
211 Art Gallery 17%

After discussion, a motion was made by Councilmember Whatley, seconded by Councilmember McCain to authorize the closure of Prairieville Street, west side of the Court House and Court House Annex, Tyler Street, north side of Court House, Carroll Street between E. Larkin and Tyler Street and approve a Resolution Agreement authorizing the Mayor to execute the Agreement with TxDOT for the temporary closure of State right-of-way for the fundraising event "Celebrating the Texan", as requested by "Friends of the Texan". The motion carried unanimously.

Mayor Vaught stated that he would like to move to Agenda item 15.

DISCUSSION AND CONSIDERATION OF ALL MATTERS RELATED TO THE ACCEPTANCE AND AWARDED BID IN THE AMOUNT OF \$428,900 TO A & M CONSTRUCTION & UTILITIES, INC. FOR THE REHABILITATION OF THE FAULK STREET ELEVATED STORAGE TANK AND CLEARWELL

Ryan Adams, Managing Director of Administrative Services, explained bids were opened on September 12, 2016 for rehabilitation of the Faulk Street Elevated Storage Tank and Clearwell. He stated eleven (11) bids were received. He stated this bid was the second to lowest bidder and after review by SPI, it was recommended to award the bid over the lowest bidder due to their project history and favorable references.

After discussion a motion was made by Councilmember Winn, seconded by Councilmember Smith to accept and award bid in the amount of \$428,900 to A & M Construction & Utilities, Inc. for the rehabilitation of the Faulk Street Elevated Storage Tank and Clearwell. The motion carried unanimously.

DISCUSSION AND CONSIDERATION OF ALL MATTERS RELATED TO  
AUTHORIZING THE PURCHASE OF CATERPILLAR MINI EXCAVATOR IN  
THE AMOUNT OF \$49,868 FROM HOLT CAT OF TYLER FOR USE IN LINE  
MAINTENANCE

Mr. Adams, explained the purchase is for a budgeted second Mini Excavator for use in Line Maintenance. He explained the purchase will allow the department to split personnel between jobs. He further explained the use of Buy Board; which is a Purchasing Cooperative.

A motion was made by Councilmember Whatley, seconded by Councilmember Smith authorizing the purchase of a Caterpillar Mini Excavator in the amount of \$49,868 from Holt Cat of Tyler for use in Line Maintenance. The motion carried unanimously.

DISCUSSION AND CONSIDERATION OF ALL MATTERS RELATED TO  
AUTHORIZING THE PURCHASE OF A BOBCAT COMPACT TRACK  
LOADER IN THE AMOUNT OF \$63,758.05 FROM DALLAS-CEDAR HILL  
FOR USE IN LINE MAINTENANCE DEPARTMENT

Mr. Adams explained the Line Maintenance department does not currently have a Bobcat Compact Loader. He stated four (4) bids were received and this was the second lowest bid. He stated the machine is heavy duty and the department is able to use interchangeable parts with the Parks Department.

A motion was made by Councilmember Winn, seconded by Councilmember Whatley, authorizing the purchase of a Bobcat Compact Track Loader in the amount of \$63,758.05 from Dallas-Cedar Hill for use in Line Maintenance Department. The motion carried unanimously.

EXECUTIVE SESSION PURSUANT TO TEXAS GOVERNMENT CODE  
SECTION 551.071 (CONSULTATION WITH ATTORNEY; CLOSED  
MEETING) REGARDING FINANCIAL CONTRIBUTIONS MADE BY THE  
CITY OF ATHENS TO OUTSIDE ENTITIES

The City Council adjourned to Executive Session at 8:18 p.m.

The Council returned to Regular Session at 8:52 p.m.

CONSIDER ACTION RESULTING FROM DELIBERATIONS IN EXECUTIVE  
SESSION PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071  
(CONSULTATION WITH ATTORNEY; CLOSED MEETING) REGARDING  
FINANCIAL CONTRIBUTIONS MADE BY THE CITY OF ATHENS TO  
OUTSIDE ENTITIES

No action taken.

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

There were no updates.

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MAYOR AND CITY COUNCIL REQUEST FOR FUTURE AGENDA ITEMS

There were no request for future agenda items.

ADJOURN

The meeting was adjourned.

PASSED AND APPROVED THIS THE 27<sup>th</sup> DAY OF MARCH, 2017.

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Jerry D. Vaught, Mayor

ATTEST:

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Bonnie Hambrick, City Secretary