

REGULAR SESSION

AUGUST 28, 2017

The City Council of the City of Athens met in Regular Session on Monday, August 28, 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:

Monte Montgomery, Mayor
Tres Winn, Mayor Pro-Tem
Ed McCain
Joe Whatley
Toni Clay

Gary Whittle, Interim City Manager
Bonnie Hambrick, City Secretary
Blake Armstrong, City Attorney

others present: Thanasis Kombos, Ryan Adams, Barbara Holly, Marty Coursey, John McQueary, Buddy Hill, Jennifer Robertson, Stan Taylor, Michael Hannigan, Denise York, Delores Lark, Barry Stanford, Curtis and Kathy Means, Chris Tinsley, Rich Flowers, Lacey Lowry, Tom and Lynn Leathem, Sherri Skeeters, Lisa Denton, Bob and Carol Morton, Wayne Weeks, Steve Barksdale, Jane Nettune, Bubba Smith, Lisa Montgomery, David Hopkins, Deborah Deas, 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, Interim City Manager.

DECLARATION OF CONFLICT OF INTEREST

No action was taken.

CONSENT AGENDA

- a) CONSIDER APPROVING THE MINUTES OF THE AUGUST 10, 2017 BUDGET WORKSHOP SESSION
- b) CONSIDER APPROVING THE MINUTES OF THE AUGUST 14, 2017 REGULAR SESSION
- c) TABLE - PUBLIC HEARING CONCERNING A REQUEST FROM TRITON ATHENS I, LLC FOR SITE PLAN APPROVAL AND A SPECIFIC USE PERMIT FOR RETAIL, RESTAURANT (WITH DRIVE THROUGH), AND OFFICE DEVELOPMENT AT 1006, 1010, AND 1012 E TYLER STREETS (LOTS 4, 81, 8B, AND 10, BLOCK 119 AND 23) (Z-06-17-001).
- d) TABLE - DISCUSS/CONSIDER A REQUEST FROM TRITON ATHENS I, LLC FOR SITE PLAN APPROVAL AND A SPECIFIC USE PERMIT FOR RETAIL, RESTAURANT (WITH DRIVE THROUGH), AND OFFICE DEVELOPMENT AT 1006, 1010, AND 1012 E TYLER STREETS (LOTS 4, 81, 8B, AND 10, BLOCK 119 AND 23) (Z-06-17-001).
- e) TABLE - PUBLIC HEARING CONCERNING A REQUEST FROM THE CITY OF ATHENS, TEXAS FOR A TEXT CHANGE FOR THE PLANNED DEVELOPMENT DISTRICT STANDARDS TO REDUCE THE MINIMUM SIZE FROM THREE ACRES TO ONE ACRE (Z-06-17-002)

- f) TABLE - DISCUSS/CONSIDER A REQUEST FROM THE CITY OF ATHENS, TEXAS FOR A TEXT CHANGE FOR THE PLANNED DEVELOPMENT DISTRICT STANDARDS TO REDUCE THE MINIMUM SIZE FROM THREE ACRES TO ONE ACRE (Z-06-17-002)
- g) TABLE - PUBLIC HEARING CONCERNING A REQUEST FROM REGENCY MOBILE HOME PARK FOR A SPECIFIC USE PERMIT TO ALLOW FOR RV'S AT THE MOBILE HOME PARK (Z-07-17-001- SUP)
- h) TABLE - DISCUSS/CONSIDER A REQUEST FROM REGENCY MOBILE HOME PARK FOR A SPECIFIC USE PERMIT TO ALLOW FOR RV'S AT THE MOBILE HOME PARK (Z-07-17-001- SUP)
- i) TABLE - PUBLIC HEARING CONCERNING A REQUEST FROM THE CITY OF ATHENS, TEXAS TO AMEND ARTICLE III, CHAPTER 10 OF THE CODE OF ORDINANCES TO PROVIDE TIME LIMITS FOR TRASH RECEPTACLES TO BE AT THE CURB (Z-08-17-001)
- j) TABLE - DISCUSS/CONSIDER A REQUEST FROM THE CITY OF ATHENS, TEXAS TO AMEND ARTICLE III, CHAPTER 10 OF THE CODE OF ORDINANCES TO PROVIDE TIME LIMITS FOR TRASH RECEPTACLES TO BE AT THE CURB (Z-08-17-001)

Mayor Montgomery stated that Items (c-j) would be pulled from the agenda as the items are tabled.

Councilmember Winn asked for clarification regarding the tabling of items (c-j). Barbara Holly, Managing Director of Development Services, explained the items are tabled as the required notification was not met.

A motion was made by Councilmember Winn, seconded by Councilmember Whatley to approve item a) Consider approving the minutes of the August 10, 2017 Budget Workshop Session and item b) Consider approving the minutes of the August 14, 2017 Regular Session of the Consent Agenda. The motion carried unanimously.

CITIZENS COMMUNICATIONS

Mr. Barry Stanford expressed the following concerns on behalf of the Garden of Athens residents:

- Speed limit signs on Wood Street
- The need for sidewalks on Wood Street

HEAR PRESENTATION FROM CHRIS TINSLEY, CHAIRMAN OF PARKS ADVISORY BOARD, REGARDING CAIN PARK RESTROOM IMPROVEMENTS

Chris Tinsley, Chairman of the Parks Advisory Board, provided an update regarding improvements to parks within the City. He stated the Parks Advisory Board was recommissioned in 2015 by the Athens City Council. Mr. Tinsley reviewed the accomplishments of the city parks and stated \$820,000 through public and private donations went towards park improvements.

Mr. Tinsley informed the City Council that the Cain Park restrooms are in need of improvement. He explained it is not feasible to repair the existing restrooms at the Cain Park Concession Stand as it would require compliance with the Americans with Disabilities Act. He explained the easiest solution is to build a separate restroom facility between the upper and lower fields. Mr. Tinsley stated an approximate estimated cost is between \$100,000 and \$125,000.

Additional discussion occurred.

Councilmember McCain stated Cain Park is at the Cain Center. He asked if budgeting could come from the use of the Certificate of Obligations, with Mr. Whittle stating a Resolution could be passed to use the Certificate of Obligations for improvements to Cain Park.

Mayor Montgomery stated that city staff should begin conversation with Trinity Valley Community College regarding a partnership to assist with improvements.

SECOND PUBLIC HEARING ON PROPOSED FISCAL YEAR 2018 BUDGET

Mayor Montgomery opened the public hearing.

Deborah Deas asked when the detail budget would be placed on the website, with Mr. Whittle stating the detailed proposed budget is on the website. Mayor Montgomery further expanded by stating the base budget is currently posted to the City's website. He stated he would like to see more detail, but he did see improvement this year.

Bubba Smith asked if the funds from the sale of the Old Armory property will remain in the Parks Fund Balance with Marty Coursey, Finance Director, stating the funds were earmarked for parks. Mr. Kombos further explained that in the current budget \$100,000 is budgeted for park improvements and he believed the next four (4) years the City will received \$25,000 per year, and Fiscal Year 2018 the parks balance will have \$25,000 earmarked.

There was no additional discussion from the public.

The public hearing was closed.

SECOND PUBLIC HEARING ON THE PROPOSED TAX RATE FOR FISCAL YEAR 2018

Mayor Montgomery opened the public hearing. He stated the Tax-Rate for 2018 will remain the same as the 2017 Tax Rate.

There was no discussion from the public and the public hearing was closed.

DISCUSSION AND CONSIDERATION OF ALL MATTERS RELATED TO THE FINAL READING OF AN ORDINANCE ADOPTING THE PROPOSED ANNUAL BUDGET FOR FISCAL YEAR 2018

Mr. Whittle presented the following changes to the proposed budget for Fiscal Year 2018 Budget:

- Reallocation of \$60,000 from the parks department salaries to the street department
- Allocation of Hotel Occupancy Tax Funds for the Henderson County Regional Fair Park and East Texas Arboretum and the Athens Chamber of Commerce

After discussion, Bonnie Hambrick, City Secretary, read the Ordinance aloud.

Mayor Montgomery moved to approve the 2nd reading of an ordinance adopting the 2018 budget; seconded by Mayor Pro-Tem Winn. The budget was passed and approved by roll call vote as follows:

Mayor Monte Montgomery, Aye
Councilmember Toni Clay, Aye
Councilmember Ed McCain, Aye
Councilmember Joe Whatley, Aye
Mayor Pro-Tem Tres Winn, Aye

5 voted in favor of the motion and

0 voted against the motion.

Motion carried 5-0.

The motion passed by majority vote.

MANAGING DIRECTORS – REPORTS AND PROJECT UPDATES:

a) PUBLIC SERVICES

Ryan Adams, Managing Director of Public Services, provided the following updates:

1. KSA, Inc. agreement for engineering services for replacement of West Wastewater Treatment Plant influent lines is executed
2. Rehabilitation of Faulk Street tank nearing completion, logo is in place
3. Scott Street GST will begin later in the Fall
4. Royal Mountain and North Loop tower will begin later in the year
5. Legislature update provided during the September 11, 2017 agenda (Tree Ordinance, Election related bills, Annexation bill)
6. Citizens will see the Sanitation CPI increase on the August Billing
7. Building new website, content sent to website developer, new website scheduled to go live tentatively December 1, 2017 (Mayor Montgomery requested 2 Council members review the website prior to it going live)

Mr. Adams reviewed the four (4) main menus of the website

b) DEVELOPMENT SERVICES

Ms. Holly, provided the follow updates:

1. Fifteen (15) building permits issued
2. Eleven (11) plumbing permits issued
3. Eight (8) electrical permits issued
4. Four (4) HVAC permits issued
5. Fifteen (15) building inspections
6. \$1.38 Million in construction value
7. \$25 Million in Taxable value and \$7.66 AISD Permits value
8. Code Enforcement Update, sixty eight (68) inspections, ten (10) notice of violations for the month

c) COMMUNITY SERVICES

Mr. Kombos, Assistant City Manager, provided the following updates:

1. Kiwanis Park swing project nearing completion
2. Final Site plan for O.D. Baggett Park reviewed and approved by Parks Advisory Board and Staff, sending to State for final approval next week
3. 2017 Street Rehabilitation and Overlay Program complete and within budget, two alternative streets completed

Mayor Montgomery stated he was made aware of the speed on Wood Street and it is not uncommon to see a Senior Citizen on their cart going to Brookshire's. Mayor Montgomery asked if a study had been performed on Wood Street to look at the speed. Mr. Kombos stated this will be a priority and staff will ensure signs are posted when Wood Street is complete.

Mr. Kombos continued with the following updates:

4. Seal Coat Street Program 50% complete
5. Mr. Kombos provided an update on the Wood Street Project.
6. Airport Pavement Maintenance Project is complete; kickoff meeting scheduled for September 7th
7. Downtown Façade Improvement Program 50% complete
8. Mr. Kombos stated recommendations for additional downtown improvements will appear on a future City Council agenda

DISCUSSION AND CONSIDERATION OF ALL MATTERS RELATED TO
APPROVING THE ATHENS ECONOMIC DEVELOPMENT
CORPORATION'S FISCAL YEAR 2018 BUDGET

Lisa Denton, Executive Director of Athens Economic Development Corporation (AEDC), presented AEDC's proposed 2018 Budget. She stated the AEDC Board approved the budget during their August 15, 2017 board meeting.

She presented the following highlights of the proposed budget:

1. Revenues and expenditures \$1.53 Million
2. Business Assistance Grants, increased from \$30,000 to \$50,000
3. Community Development Project Grants remain at \$45,000

After a brief discussion, a motion was made by Councilmember Whatley, seconded by Councilmember Winn to approve the Athens Economic Development Corporation's Fiscal Year 2018 Budget. The motion carried unanimously.

DISCUSSION AND CONSIDERATION OF ALL MATTERS RELATED TO A
CITIZEN'S REQUEST FOR DEANNEXATION OF PROPERTY WITHIN THE
CITY LIMITS – MAYOR MONTGOMERY
a) F.M. TRIMBLE, A-766

Mr. Stan Taylor stated he is representing James and Carolyn Ray regarding disannexation of the Ray's property. Mr. Taylor stated 4 years ago he requested disannexation for a sliver of property he owned.

Mayor Montgomery stated that Mr. Potthoff's disannexation request is very unique. Mayor Montgomery stated he would have concern disannexing property within the city limits.

Councilmember Winn asked how much of the property will encroach on the city's part, with Mr. Taylor stating approximately 10 to 15 feet as an equation.

There was discussion regarding the tax bills and how that applies to property with multiple taxing entities.

Ms. Holly explained that the land between the lot and the 448 elevation is landlocked.

Mayor Montgomery asked if the Council would like to table the item.

Councilwoman Clay expressed her concern. She stated the city may not currently be giving away revenue, however the city could potentially give away a lot of future revenue, she stated the city should use foresight and what the potential future cost to the city might be. Councilwoman Clay further stated a decision should be made based on the impact to most people.

Mayor Montgomery stated he would like staff to research the economic impact of disannexation.

Ms. Holly explained the process for disannexation. She stated Mr. Potthoff's disannexation has not taken place. She stated an Ordinance would come back to the City Council for a formal vote.

Councilmember McCain asked the value of cleaning up the surveys and replats; with Ms. Holly stating if there was a survey error, yes. She further stated staff has not seen a survey error. This is the land AMWA owned in the 1960's they are now selling. She stated it is not a survey issue, it is a property issue.

A motion was made by Councilmember Whatley, seconded by Councilwoman Clay to table discussion and consideration of all matters related to a Citizen's request for Disannexation of property within the city limits until Barbara Holly could research the impact of disannexing property within the city limits.

The motion carried by the following vote: Ayes: Mayor Montgomery, Councilwoman Clay, and Councilmember Whatley, Nay: Councilmember Winn and Councilmember McCain.

DISCUSSION AND CONSIDERATION OF ALL MATTERS RELATED TO APPROVING AN AMENDING REPLAT FOR LOT 18R, STONEBRIDGE SUBDIVISION (P08-17-01)

Ms. Holly explained the amending replat is on the South side within the city's extraterritorial jurisdiction (ETJ). She stated there is an existing plat and the amending replat will combine two (2) lots into one (1) lot.

A motion was made by Councilmember Whatley, seconded by Councilwoman Clay to approve an amending replat for Lot 18R, Stonebridge Subdivision. The motion carried unanimously.

**EXECUTIVE SESSION PURSUANT TO TEXAS GOVERNMENT CODE; SECTION 551.071 (CONSULTATION WITH ATTORNEY; CLOSED MEETING) PENDING OR CONTEMPLATED LITIGATION
a) FORENSIC AUDIT**

The City Council adjourned to Executive Session at 7:01 p.m.

The City Council returned to Regular Session at 8:34 p.m.

**CONSIDER ACTION RESULTING FROM DELIBERATION IN EXECUTIVE SESSION PURSUANT TO TEXAS GOVERNMENT CODE; SECTION 551.071 (CONSULTATION WITH ATTORNEY; CLOSED MEETING) PENDING OR CONTEMPLATED LITIGATION
a) FORENSIC AUDIT**

A motion was made by Councilmember Winn, seconded by Councilmember Whatley that no action be taken at this time. The motion carried unanimously.

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

1. Mr. Whittle reminded the City Council of the Workshop Session scheduled for Wednesday, August 30, 2017 at 5:30 p.m. at the Development Services Center
2. Mr. Whittle stated that two Councilmembers, Mr. Kombos a pool consultant along with his self would tour a facility in Grapevine, Texas to look at the swimming pool
3. Councilmember McCain reminded City Council and citizens of the upcoming Uncle Fletch Hamburger Festival in September

MAYOR AND CITY COUNCIL'S REQUEST FOR FUTURE AGENDA ITEMS

1. Councilmember Winn requested an update regarding Wood Street speed limit
2. Mayor Montgomery requested a future agenda item regarding the impact of disannexing property within the city limits

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ADJOURN

The meeting adjourned at 8:38 p.m.

PASSED AND APPROVED THIS THE 11th DAY OF SEPTEMBER 2017.

Monte Montgomery, Mayor

ATTEST:

Bonnie Hambrick, City Secretary