

REGULAR SESSION

FEBRUARY 27, 2017

The City Council of the City of Athens met in Regular Session on Monday, February 27, 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

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

others present: Aaron Smith, Ryan Adams , Thanasis Kombos, Barbara Holly, John McQueary, Rodney Williams, Marty Coursey, Lawrence Cutrone, Adrianna Hinds, Charlie Tidmore, Chet Patel, Toni Clay, Michael Hannigan, Marion Klutts, Deke Crutchfield, Carol Morton, Larry Ball, Lisa Denton, Tom and Lynn Leatham, Gary Whittle, Allen Ross, Mary Waddell, Teri Caswell, Deborah Deas, Rich Flowers, 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.

Philip Rodriguez, City Manager, stated that staff would like to pull agenda item number # 5 and bring it back to Council on March 13, 2017 during the Regular Session.

Councilmember Winn thanked the City Council, Staff and Audience for their thoughts and prayers during his time of bereavement.

Mayor Vaught stated that Councilmember Winn has the Council's deepest sympathy and condolences.

DISCUSSION AND CONSIDERATION OF ALL MATTERS RELATED TO
THE APPOINTMENT TO ATHENS CITY COUNCIL, PLACE 1, TO FILL
VACANCY CREATED BY RESIGNATION

Mayor Vaught stated that Councilmember Montgomery has resigned from the Council. He stated it is the Council's responsibility to appoint someone to fill the vacancy of Place 1 Seat.

A motion was made by Councilmember McCain, seconded by Councilmember Winn to appoint Aaron Smith to the Athens City Council, Place 1, to fill the vacancy created by Councilmember Montgomery's resignation. The motion carried unanimously.

Councilmember Smith thanked the Council for the wonderful honor: he stated he looks forward to serving the City of Athens.

Bonnie Hambrick, City Secretary administered the Oath of Office to newly appointed Councilmember, Place 1, Aaron Smith.

DECLARATION OF CONFLICT OF INTEREST

Councilmember McCain stated that he would be abstaining from discussion and voting on agenda item 12) a Resolution in opposition to Revenue Caps and Legislative Interference with Local Services due to his relationship with Representative Gooden.

Councilmember Smith filed a Conflict of Interest concerning agenda item 9) Public Hearing concerning a replat of Lots A, 1-4, Block 25, Park Highland Addition and part of the residue of a called 81 acre tract in Volume 109, Page 140 creating Lots 1-6, Block 1, Bryson Place Addition and agenda item 10) Discussion and consideration of all matters related to approving a replat of Lots A, 1-4, Block 25, Park Highland Addition and part of the residue of a called 81 acre tract in Volume 109, Page 140 creating Lots 1-6, Block 1, Bryson Place Addition; due to potential financial gain.

PROCLAMATION – HOMELESSNESS AWARENESS DAY

Mayor Vaught read aloud a Proclamation for Homelessness Day.

DISCUSSION AND CONSIDERATION 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

This item was pulled from the agenda.

CONSENT AGENDA

- a) CONSIDER APPROVING THE MINUTES OF THE FEBRUARY 13, 2017, REGULAR SESSION
- b) JANUARY 2017 FINANCIALS
- c) CONSIDER FINAL READING OF AN ORDINANCE CONCERNING PRO-RATA PERMIT FEES FOR DEVELOPMENT
- d) CONSIDER FINAL READING OF AN ORDINANCE CONCERNING AMENDMENTS TO PROVIDE FOR MOBILE FOOD VENDORS SUBJECT TO DEVELOPMENT STANDARDS AND APPLICABLE ZONING REGULATIONS

Ms. Hambrick read the Ordinances aloud.

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

CITIZENS COMMUNICATIONS

There was no discussion.

MANAGING DIRECTORS – REPORTS AND PROJECT UPDATES:

- a) ADMINISTRATIVE SERVICES

Ryan Adams, Managing Director of Administrative Services, provided the following update:

- 1. Nearing completion of arm rake repair with Clarigester at West Water Treatment plant
- 2. Bid opening today for Rehabilitation of Faulk Street Elevated Storage Tank and Clearwell; eleven (11) responses with many under the projected budget
- 3. Finalization and execution of contract with Garver for projects related to the water plant (CT Study)
- 4. Personnel policies being updated

b) DEVELOPMENT SERVICES

Barbara Holly, Managing Director of Development Services, provided the following update:

1. January 2017 seven (7) building permits
2. January 2017 forty eight (48) inspections
3. January 2017 seventeen (17) HVAC Inspections
4. \$28,000 in total value of building permits

c) COMMUNITY SERVICES

Thanasis Kombos, Managing Director of Community Services, provided the following update:

1. Cain Park Softball Project should be complete by first day of season
2. Next step Downtown Improvement Façade Program meeting with Downtown Owners and Tenants on March 14, 2017 to introduce the program to the community
3. March 23, 2017 announcement of recipient of the Smalls Communities Grant from Texas Parks and Wildlife

PUBLIC HEARING CONCERNING A REPLAT OF LOTS A, 1-4, BLOCK 25, PARK HIGHLAND ADDITION AND PART OF THE RESIDUE OF A CALLED 81 ACRE TRACT IN VOLUME 109, PAGE 140 CREATING LOTS 1-6, BLOCK 1, BRYSON PLACE ADDITION

Ms. Holly explained that the owner of this property is creating six (6) lots out of five (5) lots. She stated the land was previously zoned MF-4 and was downzoned to MF-2 to provide for duplex development. Ms. Holly stated this replat will allow for twelve duplexes to be built in the neighborhood.

There were no comments from the public.

DISCUSSION AND CONSIDERATION OF ALL MATTERS RELATED TO APPROVING A REPLAT OF LOTS A, 1-4, BLOCK 25, PARK HIGHLAND ADDITION AND PART OF THE RESIDUE OF A CALLED 81 ACRE TRACT IN VOLUME 109, PAGE 140 CREATING LOTS 1-6, BLOCK 1, BRYSON PLACE ADDITION

A motion was made by Councilmember Whatley, seconded by Councilmember McCain to approve all matters related to approving a replat of Lots A, 1-4, Block 25, Park Highland Addition and part of the residue of a called 81 acre tract in Volume 109, Page 140 creating Lots 1-6, Block 1, Bryson Place Addition. The motion carried by the following vote: Ayes: Mayor Vaught, Councilmembers Whatley, Winn and McCain, Nays: None, Abstained: None. Councilmember Smith recused himself having filed an Affidavit of Conflict of Interest.

DISCUSSION AND CONSIDERATION OF ALL MATTERS RELATED TO AUTHORIZING CONTRACT AMENDMENT TO SCHAUMBURG & POLK, INC. (SPI) FOR WATER TANK REHABILITATION

Mr. Adams stated this is a contract amendment with Schaumburg & Polk, Inc. (SPI) for Water Tank Rehabilitations. He explained during the preliminary engineering phase of this agreement, SPI determined that the Scott St. ground storage tank (GST) would require a significant expense to rehabilitate and that the work could not be guaranteed to produce lasting benefits due to its existing condition. It was recommended and approved by City Council, that the City replace the existing Scott St. (GST) with a new concrete (GST). He stated the item is to increase the funding for additional engineering services to provide for design phase, bidding phase and construction phase services for the new concrete ground storage tank.

A motion was made by Councilmember Whatley, seconded by Councilmember Winn to authorize the contract amendment to Schaumburg & Polk, Inc. (SPI) for Water Tank Rehabilitation. The motion carried unanimously.

DISCUSSION AND CONSIDERATION OF ALL MATTERS RELATED TO ADOPTING A RESOLUTION IN OPPOSITION TO REVENUE CAPS AND LEGISLATIVE INTERFERENCE WITH LOCAL SERVICES – [R. ADAMS]

Mr. Adams explained that the City Council of the City of Athens previously adopted a Legislative Agenda. He further stated this Resolution is a clear statement by the City of Athens to the Legislature that it supports current tax law and opposes Revenue Caps.

After further explanation of the Resolution and discussion a motion was made by Councilmember Winn, seconded by Councilmember Whatley to adopt a Resolution in opposition to Revenue Caps and Legislative Interference with Local Services. The motion carried by the following vote: Ayes: Mayor Vaught, Councilmembers, Winn, Whatley, and Smith. Nays: None: Councilmember McCain abstained.

DISCUSSION AND CONSIDERATION OF ALL MATTERS RELATED TO AUTHORIZING STAFF TO ADVERTISE, PREPARE AND ISSUE BID PACKAGE FOR 2017 SEAL COAT PROGRAM

Mr. Kombos explained the Seal Coat program is one of the primary street maintenance annual projects. He presented the 2017 Seal Coat Program:

STREET	STREET SECTION	SQUARE YARDS
Bunny Rabbit Road	924 Bunny Rabbit to Cayuga	10,600
Laurel Road	Robbins to dead end	2,945
S. Wofford Street	Corsicana to Tyler	1,400
Angie Lane	Entire street	2,100
Fairway Drive	Entire street	2,460
Leland Drive	Entire street	2,413
Mill Run Road	Entire street	18,860
Estimate - \$ 133,000		

He stated this item will allow Staff to begin the process of advertising, preparing and issuing the bid package for the 2017 Seal Coat Program.

A motion was made by Councilmember McCain, seconded by Councilmember Smith authorizing staff to advertise, prepare and issue the bid package for the 2017 Seal Coat Program. The motion carried unanimously.

DISCUSSION AND CONSIDERATION OF ALL MATTERS RELATED TO THE 2017 STREET REHABILITATION PROGRAM

Mr. Kombos explained this item is a significant component of the maintenance program for the streets. He stated the streets include an overlay and a complete rehabilitation of the street. He presented the recommended 2017 Street Rehabilitation Program:

STREET	STREET SECTION	INCLUDE REHAB (Y/N)
Cream Level Road	Wood to Loop 7	Y
East Scott Street	Faulk to dead end	Y
Larkin Street	Palestine to Pinkerton	Y
Hillside Drive	Oval to Oval	Y
Linda Lane	Bunny Rabbit to Concrete Linda	N
Country Club Circle	Entire street	N
Powderhorn Drive	Entire street	N
Mill Run Place	Entire street	N
Estate Drive	Entire street	N
Total - \$ 203,346		

ALTERNATE STREETS

STREET	STREET SECTION	INCLUDE REHAB (Y/N)
Ben Belt Drive	S. Palestine to Laird	Y
West College Street	Gauntt- to dead end	Y
MLK Jr. Circle	Entire Street	N
Total - \$ 50,778		

A motion was made by Councilmember Whatley, seconded by Councilmember Winn to approve all matters related to the 2017 Street Rehabilitation Program. The motion carried unanimously.

DISCUSSION AND CONSIDERATION OF ALL MATTERS RELATED TO RECEIVING 2016 RACIAL PROFILING REPORT

Mr. Rodriguez explained the Racial Profiling Report is required to be filed annually to the Texas Commission on Law Enforcement (TCOLE). He further explained the Racial Profiling Report, stating there were a total of 4,000 stops and stated none were termed as racial profiling.

A motion was made by Councilmember Winn, seconded by Councilmember McCain to receive the 2016 Racial Profiling Report. The motion carried unanimously.

EXECUTIVE SESSION PURSUANT TO TEXAS GOVERNMENT CODE, SECTION 551.087 (DELIBERATIONS REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS: DELIBERATIONS REGARDING NEGOTIATIONS WITH THE FOLLOWING PROSPECTS:

- i. PROSPECT #1556

The City Council adjourned to Executive Session at 6:17 p.m.

The City Council returned to Regular Session at 6:48 p.m.

CONSIDER ACTION RESULTING FROM DELIBERATIONS IN EXECUTIVE SESSION PURSUANT TO TEXAS GOVERNMENT CODE, SECTION 551.087 (DELIBERATIONS REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS: DELIBERATIONS REGARDING NEGOTIATIONS WITH THE FOLLOWING PROSPECTS:

- i. PROSPECT #1556

Lisa Denton, Executive Director of Athens Economic Development Corporation (AEDC), stated that Prospect #1556 was Athens Screen Printing. She stated that the AEDC Board approved a \$25,000 incentive package. She stated that Athens Screen Printing purchased the building at 112 N. Palestine Street. She stated Athens Screen Printing would be providing up to \$150,000 worth of building improvements, adding \$215,000 in equipment over a five (5) year period, and adding eight (8) primary jobs. She further explained the \$25,000 would be paid upon Certificate of Occupancy and when the first year of personal property investment is in place.

A motion was made by Councilmember McCain, seconded by Councilmember Winn to approve the AEDC's \$25,000 Incentive Package to Athens Screen Printing. The motion carried unanimously.

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

1. Mayor Vaught commended the Athens Chamber of Commerce on the Taste of Athens Event
2. Mr. Rodriguez stated citizens should be receiving HAA5's notification in the mail. He further stated there are two (2) sampling points the state looks at and the City is in compliance on one sampling point
3. Mr. Rodriguez thanked the City Council for participation in the Vision and Planning Sessions
4. Mr. Rodriguez informed the City Council and audience that on March 13th, staff will present a 2017 Strategic Map for the City

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 13th DAY OF MARCH, 2017.

Jerry D. Vaught, Mayor

ATTEST:

Bonnie Hambrick, City Secretary

