

REGULAR SESSION

JANUARY 23, 2017

The City Council of the City of Athens met in Regular Session on Monday, January 23, 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
Monte Montgomery
Ed McCain

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

others present: Ryan Adams , Thanasis Kombos, Barbara Holly, John McQueary, Buddy Hill, Gary Whittle, Mac McWilliams, Mary Waddell, Kari Wilmeth, Toni Clay, Michael Hannigan, Ann Perryman, Rich Flowers, Carol Morton, and other interested citizens;

with the following member absent: Joe Whatley;

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

INVOCATION

The invocation was given by Philip Rodriguez.

DECLARATION OF CONFLICT OF INTEREST

No action was taken.

CONSENT AGENDA

- a) CONSIDER APPROVING THE MINUTES OF THE JANUARY 5, 2017 SPECIAL SESSION
- b) CONSIDER APPROVING THE MINUTES OF THE JANUARY 9, 2017 REGULAR SESSION
- c) DECEMBER 2016 FINANCIALS
- d) DECEMBER 2016 INVESTMENT REPORT
- e) CONSIDER AUTHORIZING T-HANGAR RENEWAL LEASE AGREEMENT FOR T-HANGAR NUMBER 3 AT ATHENS MUNICIPAL AIRPORT
- f) CONSIDER A RESOLUTION EXPRESSING SUPPORT FOR A RECREATIONAL TRAILS GRANT APPLICATION
- g) DISCUSSION AND CONSIDERATION OF ALL MATTERS RELATED TO APPROVING A RESOLUTION ORDERING THE MAY 6, 2017 CITY OF ATHENS GENERAL ELECTION
DISCUTA UNA RESOLUCIÓN ORDERNAR 6 DE MAYO, 2017 LA CIUDAD DE ATHENS ELECCION GENERAL
- h) DISCUSSION AND CONSIDERATION OF ALL MATTERS RELATED TO APPROVING A RESOLUTION AUTHORIZING JOINT ELECTION AGREEMENT WITH ATHENS INDEPENDENT SCHOOL DISTRICT

Mayor Vaught requested the minutes of the January 9, 2017 Regular Session be updated to reflect that he and Councilmember McCain were absent from that meeting. A motion was made by Councilmember Winn, seconded by Councilmember Montgomery to approve the Consent Agenda with changes to the Regular Session Agenda of January 9, 2017. 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. AAA Sanitation has finished removing the solids from the clarigestor. It was discovered that the clarigestor's top rake arm has come unfixed to the ceiling in the digester unit. AAA Sanitation has been asked to give us a price on adhering it back on to the ceiling. After this is fixed, then AAA can move on to reattaching the primary clarifier's disassembled rake arm per our contract.

b) DEVELOPMENT SERVICES

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

1. 30 new building permits with a total value for the Quarter just over \$3 million dollars
2. James McClung building Modular houses that are 800 square ft. Ms. Holly stated this is new concept modular homes

c) COMMUNITY SERVICES

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

1. Texan Theater Project, construction document phase originally scheduled for completion on Friday, January 30th, however the architect needs an additional week
2. \$50,000 budget for historic renovations for downtown façade improvement program guidelines are 90% complete
3. Softball field improvements at Cain Park are 50% complete with an anticipated completion date towards the end of February, Mr. Kombos commended the City's Parks Department

Councilmember Montgomery stated he would like to learn more about specific elements of the project, in order to understand better what the facility will look and feel like.

After discussion, Mr. Kombos stated the design of the theater had not changed since the schematic design phase but that Staff would make the architect available at the next meeting to answer any questions of the Council.

**PUBLIC HEARING CONCERNING AMENDMENTS TO PROVIDE FOR
MOBILE FOOD VENDORS SUBJECT TO DEVELOPMENT STANDARDS
AND APPLICABLE ZONING REGULATIONS**

Ms. Holly, explained this process started last February and it was tabled for additional information. After review of other cities Ordinances the following recommendation is provided from staff and the Planning Commission:

- Three hundred feet minimum distance from site built restaurants unless written approval from any restaurant closer than 300'
- Extended daily hours of operation from 7 AM to 6 PM unless located on private property where the hours are from 8 AM to 9 PM or no later than the site based business is open, whichever is earlier
- Requirement for daily reporting to a bricks and mortar location (Commissary) for cleaning, food preparation, storage, and grease water disposal. If a home based operation is used, a contract is to be provided that shows proper disposal of the grease water with monthly manifest sheets. If a site built restaurant is used for grease water

disposal, daily logs of the greasy water discharge shall be maintained by the site built restaurant

- If a mobile food service unit is serviced by an on-site grease trap of sufficient capacity to meet the daily discharge of the cooking water effluent and the remaining conditions can be performed on-site, the foregoing activities may occur on-site rather than by a daily visit to a Commissary.
- No drive-through, seating, or awnings are allowed.
- Employees are to have access to the restroom facilities on the same property as the mobile food unit
- A minimum of three parking spaces are required for the use, and the parking and mobile food service unit must be on a hard surface.
- Subject to all state health department standards.
- Allowable in all business or industrial districts

Ms. Holly stated this will amend the Zoning Ordinance and the Itinerant Vendor Permit.

Councilmember McCain asked if the city could require the business to display the rating.

There was discussion regarding a Health Inspector for the City.

Bob Morton asked if the city could put in place an Ordinance to require the business to display ratings.

After discussion the public hearing was closed.

DISCUSS FIRST READING OF AN ORDINANCE CONCERNING
AMENDMENTS TO PROVIDE FOR MOBILE FOOD VENDORS SUBJECT
TO DEVELOPMENT STANDARDS AND APPLICABLE ZONING
REGULATIONS

Bonnie Hambrick, City Secretary, read the Ordinance aloud.

DISCUSS FIRST READING OF AN ORDINANCE PROVIDING ENTRY
LEVEL POLICE OFFICER – HIRING INCENTIVE

Mr. Adams explained the item is the first reading of an Ordinance providing for an incentive for police recruits. He stated it is an incentive of \$3,000 to be paid out to new recruits on their first day of employment and not greater than 364 days after the first day of employment. He further explained the city currently has six (6) positions for police officers, and the past 90 days the city has had three testing dates and no applicants have passed both the physical or written part of the exam.

Mr. Ryan stated the hope of the incentive is to gain more qualified applicants.

Mayor Vaught stated it was a great incentive.

Ms. Hambrick read the Ordinance aloud.

DISCUSSION AND CONSIDERATION OF MATTERS RELATED TO THE
APPOINTMENT OF KARI WILMETH TO THE ZONING COMMISSION

Ms. Hambrick explained that the term of Tony Kalawe has expired from the Zoning Commission and Mr. Kalawe has served two (2) consecutive terms and is ineligible for reappointment. She stated Ms. Keri Wilmeth has expressed interest in serving on the Zoning Commission. A motion was made by Councilmember McCain, seconded by Councilmember Montgomery to approve the appointment of Kari Wilmeth to the Zoning Commission. The motion carried unanimously.

DISCUSSION AND CONSIDERATION OF ALL MATTERS RELATED TO APPROVING A REQUEST FROM ATHENS ECONOMIC DEVELOPMENT CORPORATION FOR CONCURRENCE LETTER DOCUMENTING SUPPORT FROM THE CITY OF ATHENS FOR INCLUSION WITHIN THE SERVICE AREA OF FOREIGN TRADE ZONE (FTZ) NO. 269

Mr. Rodriguez provided some background information by stating the city currently has a Foreign Trade Zone area. He stated Athens Economic Development Corporation (AEDC) is seeking an expansion to the service area, to provide zone status more quickly to attract new companies and new employment opportunities for Athens citizens. He stated most cities in Texas have FTZ as it helps reduce customs and duty fees associated with products that are imported.

He stated this will establish a Foreign Trade Zone designation throughout the community with the Mayor providing a letter of support to AEDC to expand the zone.

A motion was made by Councilmember McCain, seconded by Councilmember Winn to approve a request from Athens Economic Development Corporation for Concurrence Letter documenting support from the City of Athens for inclusion within the Service Area of Foreign Trade Zone (FTZ) No. 269. The motion carried unanimously.

DISCUSSION AND CONSIDERATION OF ALL MATTERS RELATED TO AUTHORIZING LEASE AGREEMENT WITH STEVEN EDDY FOR T-HANGAR NO. 1 AT ATHENS MUNICIPAL AIRPORT

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

A motion was made by Councilmember Montgomery, seconded by Councilmember Winn, to approve the Lease Agreement with Steven Eddy for T-Hangar No. 1 at Athens Municipal Airport. The motion carried unanimously.

DISCUSSION AND CONSIDERATION OF ALL MATTERS RELATED AUTHORIZING INTERLOCAL AGREEMENT WITH HENDERSON COUNTY FOR ELECTION SERVICES AND CONDUCTING ELECTION DAY VOTING

Ms. Hambrick explained the agreement will authorize an Interlocal Agreement with Henderson County for Election Day services and conducting Election Day voting at the Henderson County Election Center located at 201 East Larkin St. A motion was made Councilmember Winn, seconded by Councilmember Montgomery to authorize an Interlocal Agreement with Henderson County for Election Day services and conducting Election Day voting. The motion carried unanimously.

DISCUSSION AND CONSIDERATION OF ALL MATTERS RELATED TO AWARDING BID FOR ONE (1) 2017 LIGHTWEIGHT MODEL BRUSH TRUCK

John McQueary, Fire Chief explained that in October the City Council authorized the Fire Department to purchase a 2017 Brush truck. He stated sealed bids were opened on January 1, 2017 with a low bid of \$96,489 from Wildfire Truck and Equipment and Sales.

A motion was made by Councilmember McCain, and seconded by Councilmember Winn to approve awarding the bid for one (1) 2017 Lightweight Model Brush Truck in the amount of \$96,489 to Wildfire Truck and Equipment Sales. The motion carried unanimously.

DISCUSSION AND CONSIDERATION OF ALL MATTERS RELATED TO A RESOLUTION ADOPTING THE 2017 LEGISLATIVE PROGRAM FOR THE CITY OF ATHENS, TEXAS; DIRECTING THE CITY MANAGER OR HIS DESIGNEE TO ACT WITH REGARD TO THE CITY'S LEGISLATIVE PROGRAM

Mr. Adams stated this was the proposed 2017 Legislative Agenda for the City of Athens. He explained the 85th Session of the Texas State Legislature is currently in session. He stated currently 1677 bills have been filed. He further explained the City of Athens may be affected by state legislation.

After review of the 2017 Legislative Agenda, and discussion; a motion was made by Councilmember McCain, seconded by Councilmember Winn to approve all matters related to a Resolution adopting the 2017 Legislative Program for the City of Athens, Texas; directing the City Manager or his designee to act with regard to the City's Legislative Program. The motion carried unanimously.

DISCUSSION AND CONSIDERATION OF ALL MATTERS RELATED TO AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT WITH STANTEC FOR STREET IMPROVEMENTS IN SUPPORT OF FUTUREMATRIX, INC. 2016 TEXAS CAPITAL FUND (TCF)

Mr. Rodriguez explained this item relates to the Texas Capital Fund Grant for the planned street in the Industrial Park. He stated a Request for Proposals (RFP) and a Request for Qualifications (RFQ) were issued at the same time and staff recommends Stantec for the professional services.

He further stated there are some pending changes from the City Attorney and Stantec has agreed to those changes. A motion was made Councilmember McCain, seconded by Councilmember Montgomery, to authorize the City Manager to execute contract with Stantec for street improvements in support of FutureMatrix, Inc. 2016 Texas Capital Fund (TCF) with any amendments from the City Attorney. The motion carried unanimously.

DISCUSSION AND CONSIDERATION OF ALL MATTERS RELATED TO SELECTION OF PGAL ARCHITECTS AS THE ARCHITECT OF RECORD FOR ALL ARCHITECTURAL/ENGINEERING SERVICES FOR THE CAIN CIVIC/AQUATIC CENTER AND NEW MUNICIPAL FACILITY, AND AUTHORIZE THE CITY MANAGER TO EXECUTE AN AGREEMENT BETWEEN OWNER AND ARCHITECT PENDING CITY ATTORNEY REVIEW

Mr. Rodriguez explained a Request for Qualifications was done in October 2016, and the top four (4) firms were identified and ranked. He stated Brinkley Sargent Wiginton was the number one firm from that process, and through the process the city was unable to negotiate a fee with BSW. He stated per State Law the city moved to the second ranked firm which was PGAL Architects.

He stated a scope of service and fee structure has been set forth in advance, with PGAL willing to limit fees to 10% of Construction/FFE Budget, plus \$20,000 maximum for direct reimbursable, and within the 10% PGAL will provide Sub Consultants for services such as Civil Engineering, and MEP Engineering.

Jeff Buella provided brochures and background information on PGAL Architects. He stated the company is looking forward to moving ahead and stated it is a challenging project.

Mr. Buella entertained questions from the City Council.

Councilmember Montgomery stated in reviewing the proposal and the separate contract he did not find anything regarding Aquatics, with Mr. Buella stating PGAL will need to add that as a line item as Aquatics is not a standard consultant.

Mr. Rodriguez informed the Council there are two (2) documents, the Scope & Fee and the working draft of AIA document B133 which is the Architectural Agreement. He stated the city will ensure the Scope & Fee document that precedes the working agreement is what the city will base its language on for the agreement. Mr. Rodriguez further stated the agreement will specify the different consultants that are involved in the project.

There was additional discussion regarding the contract, with Blake Armstrong, City Attorney, stating from a legal standpoint he has no concerns with the contract.

A motion was made Councilmember Montgomery to approve all matters related to selection of PGAL Architects as the Architect of Record for all Architectural/Engineering Services for the Cain Civic/Aquatic Center and new Municipal Facility, contingent upon Aquatics being included in the Design Professionals of the AIA document of the contract, and the assurance that staff will negotiate the contingency down to \$50,000, with the City Attorney's final review and approval of the insurance. The motion carried unanimously.

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

1. Mayor Vaught stated the Verizon parking spaces are very narrow and wants the city to contact TxDOT and designate this as a no parking area
2. Mr. Rodriguez stated Kevin Lilly's McDonald's is hosting Coffee with Cops on Tuesday, January 24, 2017 from 3:00 p.m. – 5:00 p.m.

MAYOR AND CITY COUNCIL REQUEST FOR FUTURE AGENDA ITEMS

1. Councilmember requested a future agenda item related to Declaration of Conflict of Interest. He stated for transparency upon Declaring a Conflict of Interest the City Councilmember must state the member's reason for recusals in open meeting

ADJOURN

The meeting was adjourned.

PASSED AND APPROVED THIS THE 13th DAY OF FEBRUARY, 2017.

Jerry D. Vaught, Mayor

ATTEST:

Bonnie Hambrick, City Secretary