

REGULAR SESSION

FEBRUARY 13, 2017

The City Council of the City of Athens met in Regular Session on Monday, February 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
Monte Montgomery
Ed McCain
Joe Whatley

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

others present: Ryan Adams , Thanasis Kombos, Barbara Holly, John McQueary, Buddy Hill, Joe Burkett, Renee Bresson, David Chase, Donna Dietz, Pablo Valencia, Chris Curran, Michael Hannigan, Adrianna Hinds, Gary Whittle, Lisa Denton, Lee Evans, Mary Waddell, Mike Finney, Berta Winn, Marion Klutts, Richard Grymonprez, Felicia Cain, 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.

DECLARATION OF CONFLICT OF INTEREST

Councilmember Whatley, and Councilmember Montgomery filed a Conflict of Interest concerning Discussion and consideration of all matters related to approving program guidelines for the Downtown Facade Improvement Program.

CONSENT AGENDA

- a) CONSIDER APPROVING THE MINUTES OF THE JANUARY 18, 2017 SPECIAL SESSION
- b) CONSIDER APPROVING THE MINUTES OF THE JANUARY 23, 2017 REGULAR SESSION
- c) CONSIDER A RESOLUTION TO CLOSE BANK ACCOUNTS NO LONGER USED AT PROSPERITY BANK
- d) CONSIDER FINAL READING OF AN ORDINANCE CONCERNING AMENDMENTS TO PROVIDE FOR MOBILE FOOD VENDORS SUBJECT TO DEVELOPMENT STANDARDS AND APPLICABLE ZONING REGULATIONS
- e) CONSIDER FINAL READING OF AN ORDINANCE PROVIDING ENTRY LEVEL POLICE OFFICER – HIRING INCENTIVE
- f) CONSIDER A RESOLUTION GRANTING THE CITY MANAGER, CITY SECRETARY, OR THE CITY MANAGER’S DESIGNEE AUTHORIZATION TO CORRECT TYPOGRAPHICAL AND/OR SCRIVENER’S ERRORS IN CITY ORDINANCES, RESOLUTIONS, AND RELATED DOCUMENTS

Councilmember Montgomery requested items c) Consider a Resolution to close bank accounts no longer used at Prosperity Bank and f) Consider a Resolution granting the City Manager, City Secretary, or the City Manager’s Designee Authorization to correct typographical and/or scrivener’s errors in City Ordinances, Resolutions, and related documents be removed from the Consent Agenda for further discussion.

Councilmember Winn requested item d) Consider final reading of an Ordinance concerning amendments to provide for mobile food vendors subject to development standards and applicable zoning regulations be removed from the Consent Agenda for further discussion.

Bonnie Hambrick, City Secretary, read the Ordinance aloud. A motion was made by Councilmember McCain, seconded by Councilmember Winn to approve the Consent agenda with the exception of the following Consent Agenda items c, d and f. The motion carried unanimously.

CONSIDER A RESOLUTION TO CLOSE BANK ACCOUNTS NO LONGER USED AT PROSPERITY BANK

Councilmember Montgomery stated he noticed the Airport Grant Fund account would be closed. Councilmember Montgomery asked if that account would be used. Marty Coursey, Director of Finance, explained the city would continue to use grant funds, and those funds will be accounted for in the Operating Fund and stated it does not have to be in a separate bank account.

Councilmember Montgomery questioned that citizens would not see those funds when looking at the budget. Ms. Coursey explained citizens would see this under grant reimbursement in the Airport Fund which is Fund 11.

After discussion a motion was made by Councilmember Montgomery, seconded by Councilmember McCain to approve a Resolution to close bank accounts no longer used at Prosperity Bank. The motion carried unanimously.

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

Councilmember Winn stated he was not yet comfortable with the Ordinance and the regulations associated with the mobile food vendors. He was concerned that the city was going to make it too difficult for mobile food vendors to operate in Athens.

After discussion it was the consensus of the City Council to table the final reading of an Ordinance concerning amendments to provide for mobile food vendors subject to development standards and applicable zoning regulations.

CONSIDER A RESOLUTION GRANTING THE CITY MANAGER, CITY SECRETARY, OR THE CITY MANAGER'S DESIGNEE AUTHORIZATION TO CORRECT TYPOGRAPHICAL AND/OR SCRIVENER'S ERRORS IN CITY ORDINANCES, RESOLUTIONS, AND RELATED DOCUMENTS

Councilmember Montgomery stated he was extremely concerned with this item. He stated it appears that previous Ordinances can be changed. He stated he would hate for someone to interpret a previous Council's or Mayor's intent. He stated this could result in real issues.

Councilmember Winn stated he was reading the item as typographical errors. He stated it would not be changing the intent of the Ordinance.

Councilmember Montgomery further stated he would like to see items come back to the council for clarification. He stated the city should not depend on one person, two or three people to make corrections in the City's Ordinance on the behalf of the Council.

Blake Armstrong, City Attorney, stated the Resolution is clearly for unintentional errors and does not change the meaning of the Council intent. He stated the purpose of the Resolution was to provide staff efficient ways of addressing errors.

Philip Rodriguez, City Manager, stated most cities have already addressed this issue, and it is very labor intensive as Ordinances would have to come back to the City Council; which requires publication and two readings which will delay passage.

Mayor Vaught stated the intent is for good housekeeping and he trusts staff implicitly.

After discussion, a motion was made by Councilmember McCain, seconded by Councilmember Whatley, to approve a Resolution granting the City Manager, City Secretary, or the City Manager's Designee Authorization to correct typographical and/or scrivener's errors in City Ordinances, Resolutions, and related documents. The motion carried by the following vote: Ayes: Mayor Vaught, Councilmembers Winn, McCain and Whatley. Nays: Councilmember Montgomery.

CITIZENS COMMUNICATIONS:

Ms. Felicia Cain spoke in opposition of allowing barbed wire fencing in residential areas.

Richard Grymonprez spoke in opposition of allowing barbed wire fencing in residential areas.

HEAR UPDATE FROM ARCHITEXAS REGARDING THE TEXAN THEATER APPROVED DESIGN FROM OCTOBER 10, 2016

Thanasis Kombos, Managing Director of Community Services, introduced David Chase, Representative from ArchiTexas. Mr. Chase stated that early today a pre-bid conference with roughly five (5) to six (6) general contractors on the conference call. . He stated all questions should be submitted by the end of the week and the questions would be addressed next week in the form of an addendum. Mr. Chase stated the competitive sealed bids would be submitted on March 3, 2017. He stated it is not solely on price. He stated five (5) different factors will be considered: price, schedules, best experience, references and the sub-contractors they are proposing to use.

Councilmember Montgomery stated he thought the city was going with a Construction Manager at Risk method. Councilmember Montgomery asked who chose the competitive sealed bid proposal, with Mr. Chase stating he suggested it and it was discussed with the city staff, and staff indicated to proceed with the competitive seal bid.

Mr. Chase presented design images of the completed project, which included seating arrangements. He also stated the historic Texan sign was being refurbished.

Councilmember Montgomery stated a request was made to possibly use a pre-engineered steel structure, as there are two (2) companies in town. There was further discussion.

HEAR UPDATE ON RETAIL RECRUITMENT

Lisa Denton, Executive Director, Athens Economic Development, stated that in June of 2016 the City and AEDC partnered with R360 for retail recruitment. She presented an update on retail recruitment and a list of services that R360 offers.

PUBLIC HEARING CONCERNING PRO-RATA PERMIT FEES FOR DEVELOPMENT

Ms. Holly explained the public hearing is for an Ordinance clarifying the pro-rata calculation for permit fees. She explained the methodology of using an incremental calculator. There were no comments from the audience regarding pro-rata permit fees.

DISCUSS FIRST READING OF AN ORDINANCE CONCERNING PRO-RATA
PERMIT FEES FOR DEVELOPMENT

Ms. Hambrick read the Ordinance aloud.

DISCUSSION AND CONSIDERATION OF ALL MATTERS RELATED TO
THE APPOINTMENT OF CHRIS CURRAN TO THE SUBSTANDARD
BUILDING COMMISSION

Ms. Hambrick explained there was a vacancy on the Substandard Building Commission. She stated that Mr. Chris Curran has expressed interest in serving. A motion was made by Councilmember Winn, seconded by Councilmember Montgomery to appoint Chris Curran to the Substandard Building Commission. The motion carried unanimously.

DISCUSSION AND CONSIDERATION OF ALL MATTERS RELATED TO
APPROVING PROGRAM GUIDELINES FOR THE DOWNTOWN FAÇADE
IMPROVEMENT PROGRAM

Mr. Kombos explained for Fiscal Year 2017, \$50,000 was appropriated for historic preservation from the Hotel Occupancy Tax Fund. He stated the Hotel Tax funding source is to provide local governments the opportunity to preserve historic structures. Mr. Kombos stated it is an 80:20 grant with a grant maximum of \$12,500 per façade and \$25,000 per project. The program includes reimbursement for expenses associated with “reconstruction, rehabilitation and preservation of the façade, façade cleaning, professional and consultant fees, tuck pointing, painting, and renovation or replacement of exterior lighting, awnings or other similar improvements.” Grant calculation will be made based upon the building specifications (e.g., one-story or two-story) and the amount of linear feet per façade.

After discussion, of the guidelines for the downtown façade improvement program, Councilmember Whatley and Councilmember Montgomery declared a Conflict of Interest.

A motion was made by Councilmember Winn, seconded by Councilmember McCain to approve all matters related to program guidelines for the Downtown Façade Improvement Program. The motion carried by the following vote: Ayes: Mayor Vaught, Councilmembers Winn, McCain. Nays: None, Declaration of Conflict of Interest: Councilmembers Montgomery, and Whatley.

DISCUSSION AND CONSIDERATION OF ALL MATTERS RELATED TO
UPDATING THE CITY OF ATHENS COUNCIL RULES AND PROCEDURES
REGARDING DECLARATION OF CONFLICT OF INTEREST

Mr. Rodriguez explained that Councilmember McCain requested a discussion and update to the City Council Rules and Procedures. Mr. Rodriguez stated it is recommended the Conflict of Interest Statement be added to the City Council Rules and Procedures.

After discussion, it was recommended the language be updated to reflect Upon Declaring a Conflict of Interest by a City Councilmember, said member will state the member’s reason for the conflict in open session, prior to Council action on the item. The City Secretary will ensure the necessary form describing such conflict is completed by the Councilmember and notarized by the City Secretary immediately following the adjournment of the meeting.

A motion was made by Councilmember Whatley, seconded by Councilmember Winn to approve all matters related to updating the City of Athens Council Rules and Procedures regarding Declaration of Conflict of Interest. The motion carried unanimously.

QUARTERLY BUDGET UPDATE

Mr. Rodriguez presented a Quarterly Budget Update with the following budget highlights:

- Key fleet replacement across the board
- Aggressive strategy for both water and wastewater capital improvements
- Additional funding for Henderson County Library
- Street maintenance program
- Addition of six (6) new police officers
- Fire and Rescue pay equity
- Improvement to parks
- Key equipment replacement program
- Reorganization of City Departments within the City Manager's office
- Certificate of Obligations completed
- Electronic storage of files and documents
- Migrating Finance software to the cloud
- IT Support outsourced on a needs basis
- Additional Code Enforcement Officer added
- Plotter purchased for Development Services Center
- Phase 2 of Mapping Project
- Maintaining streets that we have, starting a very intense street program and revisiting the Wood Street Project
- Asphalt Planer, purchased
- Leeboy Tack wagon and equipment trailer purchased that will allow for two (2) crews to work on streets
- Waiting on status of grant from Texas Parks and Wildlife for North Athens Park Improvements
- Cain Center Softball improvements, work exclusively performed by Parks Department

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

- Councilmember Whatley thanked the Streets Department for repairs performed on York Street
- Councilmember McCain stated that he and Mayor Vaught attended the Methodist Men's Chili Cook off
- Mayor Vaught commended City Manager, Philip Rodriguez, on being nominated and elected to serve as president-elect of Texas City Management Association (TCMA) Region 5 (East Texas City Management Association)
- Mr. Rodriguez stated a letter was received from Athens Municipal Water Authority. He stated the letter states there was potential damage from the water treatment plant employees. He reemphasized there was no damage to the well
- Mr. Rodriguez stated eighteen (18) different times the well has been repaired since February 2015
- Mr. Rodriguez stated the well repair could exceed \$100,000, however, staff contacted Mr. Hickman and it was repaired for \$10,000
- Publicly thanked Mike Finney and staff members for the work they do
- Mr. Rodriguez informed Council that Citizens would receive HAA5 notification this week
- Video being created to let citizens know what are HAA5s and what is happening at the plant

Councilmember McCain stated he would like to see the City Council working closer with AMWA. He stated the two (2) groups must work together.

MAYOR AND CITY COUNCIL REQUEST FOR FUTURE AGENDA

Councilmember Montgomery stated that water is the number one priority and he would be glad to call another meeting. He asked if another meeting could help Garver expedite the project time line. Ryan Adams thanked Councilmember Montgomery for the flexibility if any acute issues arise.

Councilmember McCain stated the City should pursue more meetings with AMWA.

ADJOURN

The meeting was adjourned.

PASSED AND APPROVED THIS THE 27th DAY OF FEBRUARY, 2017.

Jerry D. Vaught, Mayor

ATTEST:

Bonnie Hambrick, City Secretary