

REGULAR SESSION

JUNE 26, 2017

The City Council of the City of Athens met in Regular Session on Monday, June 26, 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  
Joe Whatley  
Ed McCain  
Toni Clay

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

others present: Ryan Adams, Thanasis Kombos, Barbara Holly, Gary Whittle, John McQueary, Jennifer Robertson, Marty Coursey, Gordon Mayer, Larry Ball, Bruce Lawrence, Lacey Lowery, Charlie Tidmore, Bob and Carol Morton, Donna Foster, Donald Foster, Betty Foster, Anne Perryman, John Ringler, Jennifer Morrison, William Morrison, Jon Garrett, Robert Hager, Tara Rigsby, Kristen Bennett, Deborah Deas, Rich Flowers, Adrianna Hinds, Jess Laird, Aaron Smith, John Cain, Michael Hannigan, Tom and Lynn Leathem, Mary Waddell, Wayne Weeks, Steve Grant, Conor Bateman, Jane Nettune, Taylor Martinez, Victor Morales, Tamiyah Thompson, Heather Thornton, Alexandria Lambent, Yarelli Castaneda, Richard Haynie, 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.

PRESENTATION AWARDDING TRINITY VALLEY COMMUNITY COLLEGE SCHOLARSHIPS

Mayor Monte Montgomery, Philip Rodriguez, City Manager and Kristen Bennett, Vice President of Institutional Advancement, presented the following recipients with a \$250 scholarship to Trinity Valley Community College:

- Taylor Martinez
- Victor Morales
- Tamiyah Thompson
- Heather Thornton
- Alexandria Lambent
- Yanieeli Castaneda

Not present recipients were Juan Barcenas, Tristian Chairez, Anthony Lopez and Hector Moreno.

CONSENT AGENDA

- a) CONSIDER APPROVING THE MINUTES OF THE JUNE 12, 2017 REGULAR SESSION
- b) CONSIDER APPROVING THE MINUTES OF THE JUNE 19, 2017 BUDGET WORKSHOP SESSION
- c) MAY 2017 FINANCIALS
- d) CONFIRM APPOINTMENT OF JANICE RUSSELL TO CIVIL SERVICE COMMISSION

- e) TABLE - PUBLIC HEARING CONCERNING A REQUEST FROM TRITON ATHENS I, LLC FOR SITE PLAN APPROVAL AND 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)
- f) TABLE - DISCUSS FIRST READING OF AN ORDINANCE REQUESTED FROM TRITON ATHENS I, LLC FOR SITE PLAN APPROVAL AND 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)
- g) 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)
- h) TABLE - DISCUSS FIRST READING OF AN ORDINANCE REQUESTED 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)

Mayor Montgomery stated he would like to pull item b) Consider approving the minutes of the June 19, 2017 Budget Workshop Session from the Consent Agenda for further discussion.

A motion was made by Councilmember Whatley, seconded by Councilmember McCain to approve items a), c), d), e), f), g), h) of the Consent Agenda. The motion carried unanimously.

Mayor Montgomery stated he felt the item regarding the possibility of adding a position should be clarified in the minutes. He stated he would like the minutes to show how Council prioritized the request:

- A) items to include in the City Manager's proposed Fiscal Year 2018 Budget
- B) items contingent upon available funds after receipt of the Certified Tax Rolls
- C) items to be considered in City Manager's proposed Fiscal Year 2019 Budget

After discussion, a motion was made by Councilmember Whatley, seconded by Councilmember McCain to have staff include in the minutes of the June 19, 2017 Budget Workshop Session the manner in which the City Council prioritized the supplemental request of an additional staff member for the proposed Fiscal Year 2018 Budget. The motion carried unanimously.

#### CITIZENS COMMUNICATIONS

Jane Nettune, stated she appreciates the new spirit of cooperation that she witnessed at the last Athens Municipal Water Authority Meeting (AMWA) between the AMWA Board of Directors and the City of Athens. She further asked the City Council to look into the procedures for a Citizen to enter into dialogue with the City Council.

Lacey Lowery stated she would like an update on the Texan Theater fundraiser.

Mr. L.D. McCall stated he would like to know what the City Council is doing regarding an Ordinance against "Sagging".

PUBLIC HEARING CONCERNING A REQUEST FROM THE CITY OF ATHENS, TEXAS FOR A TEXT CHANGE FOR THE PARKING REQUIREMENTS FOR RETAIL ESTABLISHMENTS FROM ONE PARKING SPACE FOR EVERY 200 SQUARE FEET OF GROSS FLOOR AREA TO ONE PARKING SPACE FOR EVERY 300 SQUARE FEET OF GROSS FLOOR AREA (Z-06-17-003)

Barbara Holly, Managing Director Development Services Department, informed Council the Public Hearing is to consider approval of changes to the Zoning Ordinance to reduce the minimum ration of parking for retail developments from one space for every 200 square feet to one space to every 300 square feet. Ms. Holly stated the Planning and Zoning Commission unanimously recommended approval of the item.

Bob Morton asked for clarification regarding parking for Nail Salons.

Mr. Lonnie McCall also asked for clarification regarding the parking spaces.

After discussion, the Public Hearing was closed.

DISCUSS FIRST READING OF AN ORDINANCE REQUESTED BY THE CITY OF ATHENS, TEXAS FOR A TEXT CHANGE FOR THE PARKING REQUIREMENTS FOR RETAIL ESTABLISHMENTS FROM ONE PARKING SPACE FOR EVERY 200 SQUARE FEET OF GROSS FLOOR AREA TO ONE PARKING SPACE FOR EVERY 300 SQUARE FEET OF GROSS FLOOR AREA (Z-06-17-003)

Bonnie Hambrick, City Secretary, read the Ordinance aloud.

DISCUSSION AND CONSIDERATION OF ALL MATTERS RELATED TO AN ATHENS ECONOMIC DEVELOPMENT CORPORATION (AEDC) REQUEST TO CANCEL THE TEXAS CAPITAL FUND GRANT

Jess Laird, President of Athens Economic Development Corporation (AEDC), explained that the AEDC and the City of Athens partnered on a grant to build a street on Industrial Park. He stated AEDC has received notification from Brookhaven Medical/FutureMatrix Interventional stating that they will not be proceeding with their expansion at this point in time.

Philip Rodriguez, City Manager, stated the City can pursue more of these types of grants.

After discussion, a motion was made by Councilmember McCain, seconded by Councilwoman Clay to approve the request from Athens Economic Development Corporation (AEDC) to cancel the Texas Capital Fund Grant. The motion carried unanimously.

**MANAGING DIRECTORS – REPORTS AND PROJECT UPDATES:  
a) ADMINISTRATIVE SERVICES**

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

1. Line replacement on North Prairieville nearing completion, and finishing taps near the new water line
2. Water Treatment Plant Optimization projects on target for completion are the Operations Manual Monitoring Plan and Cross Connection Control Program
3. Water Treatment Plant inspected on May 25, 2017 by Athens Municipal Water Authority. He stated it was a good inspection.
4. HAA5 results for 2<sup>nd</sup> quarter lower than last year due to the optimization of well water
5. Water Quality Report for 2016 and a water update will be mailed to all customers and placed on the City's website
6. Final stage of the Faulk Street EST rehabilitation is occurring
7. Compensation Study is occurring, he stated the goal of the project is to make the City competitive with its recruiting and retention

**b) DEVELOPMENT SERVICES**

Ms. Holly provided the following updates:

1. Thirteen (13) building permits issued for the month of May. Total value of Building permits \$1.5 Million
2. Year to date one hundred thirteen (113) building permits total value of \$24.8 Million
3. Ms. Holly stated beginning October 1, 2017 she will transform monthly reports to Fiscal Year numbers
4. Explained the \$992,000.00 is Mr. Tidmore' s project for the six (6) duplexes

**c) COMMUNITY SERVICES**

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

1. Engineering firm hired for the O.D. Baggett Park project
2. 2017 Street Rehabilitation Program – all streets completed with the exception of one (1) street remaining Completed one (1) and working on the second street from the alternate street list
3. Seal Coat program should begin in the next three (3) days if not by the first of August

**DISCUSSION AND CONSIDERATION OF ALL MATTERS RELATED TO THE APPOINTMENT OF JON GARRETT TO THE CULTURAL RESOURCES COMMISSION**

Ms. Hambrick explained there was a vacancy on the Cultural Resources Commission to fill the unexpired term of Councilwoman Clay. She stated the Cultural Resources Commission suggested Mr. Jon Garrett.

A motion was made by Councilmember McCain, seconded by Councilmember Whatley to approve the appointment of Jon Garrett to the Cultural Resources Commission. The motion carried unanimously.

**DISCUSSION AND CONSIDERATION OF ALL MATTERS RELATED TO AWARDED BID TO SPI ASPHALT, LLC. FOR WOOD STREET PAVEMENT REHABILITATION**

Gordon Mayer, City Engineer, explained bids were opened on June 20, 2017 for the Wood Street Pavement Rehabilitation. He stated a total of eight (8) bids were received and the engineer has reviewed the bids and recommends awarding the bid to the lower bidder SPI Asphalt, LLC. in the amount of \$195,995.08.

After discussion a motion was made by Councilmember Winn, seconded by Councilwoman Clay to award bid to SPI Asphalt, LLC. for the Wood Street Pavement Rehabilitation. The motion carried unanimously.

**DISCUSSION AND CONSIDERATION OF ALL MATTERS RELATED TO APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$36,129 FOR PROJECT EXPENSES OF THE TEXAN THEATER PROJECT AND HEAR UPDATE ON PROJECT STATUS**

Mr. Kombos stated the Texan Theater Project is proceeding very well. He provided an update on the status of the project. He explained additional appropriations were being requested for the following three (3) specific items:

- unanticipated costs associated with electrical service to the facility (\$20,854)
- unanticipated costs incurred from additional structural engineering fees (\$2,200)
- material testing and observation fees (\$13,075)

Brad Watson, General Contractor, Renee Bresson, ArchiTexas and Donna Dietz, Structural Engineer provided updates on the statues of the Texan Theater Project.

There was discussion regarding the electrical service to the facility in the amount of \$20,854.

Mr. Rodriguez stated he recommends that the City Council approve the Supplemental Allocation from the Contingency Allocation of the Capital Improvement Program budget.

After much deliberation a motion was made by Mayor Montgomery, seconded by Councilmember Whatley to hold off on the appropriation for the electrical supply to the facility in the amount of \$20,854 and look at possible cuts within the project, approve additional structural engineering fees \$2,200 and material testing and observation fees \$13,075.

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

DISCUSSION AND CONSIDERATION OF ALL MATTERS RELATED TO  
IMPLEMENTATION OF THE ATHENS MUNICIPAL AIRPORT MASTER  
PLAN

Mr. Kombos stated TxDOT Aviation has accepted the Athens Municipal Airport Master Plan without comments. He stated the last step is for the Federal Aviation Administration (FAA) to review the (ALP) Airport Layout Plan to reserve the air space.

Mayor Montgomery suggested a Special Session or Workshop for updates on the Athens Municipal Airport Master Plan.

Staff recommended pursuing other institutional partners, specifically Henderson County and surrounding municipalities. Councilmember Whatley, and Councilwoman Clay stated Staff should reach out to the County.

A motion was made by Councilmember Winn, seconded by Councilwoman Clay to approve all matters related to implementation of the Athens Municipal Airport Master Plan. The motion carried unanimously.

HEAR PRESENTATION FROM CITY STAFF REGARDING ONGOING  
DOWNTOWN IMPROVEMENTS AND IMPLEMENTATION OF  
DOWNTOWN MASTER PLAN

Mr. Kombos presented the Downtown Capital Fund and 2017 CIP. He provided a status update of the following projects:

- Phase 1 Fixtures & Furnishings
- Phase 2 Landscaping
- Phase 3 Lighting

Mayor Montgomery stated he would like to keep the Downtown owners informed of the Downtown Master Plan.

The City Council recessed at 7:40 p.m.

The City Council returned to Regular Session at 7:50 p.m.

Mayor Montgomery stated the City Council will move to agenda item 8) Hear update from City Staff regarding Wastewater System and Projects

HEAR UPDATE FROM CITY STAFF REGARDING WASTEWATER SYSTEM AND PROJECTS

Mr. Adams provided the following Wastewater System and Project updates:

- Imhoff Tank Cleaning
- North Wastewater Treatment Plant Trickling Filter Update
- Wastewater Treatment Plant Update and Planning
- Wastewater Plant Future
- Alternatives to resolve disinfection by-products

John Ringer entertained questions from the City Council regarding the Trickling Filter.

DISCUSSION AND CONSIDERATION OF ALL MATTERS RELATED TO APPROVING A CPI ADJUSTMENT TO SOLID WASTE FEES

Mr. Kombos explained that as part of the City's Contract with Republic Services for solid waste services, the agreement prescribes annual increases to solid waste fees based upon the Consumer Price Index. He stated the increase is 3.7% for solid waste services.

After discussion, a motion was made by Councilmember McCain, seconded by Councilmember Winn to approve of all matters related to a CPI adjustment to solid waste fees. The motion carried unanimously.

DISCUSSION OF REQUESTS FOR INFORMATION FROM MEMBERS OF THE CITY COUNCIL, PROCESSES AND TIMEFRAMES FOR RESPONSE

Mayor Montgomery stated he would like consensus regarding how members of the City Council receive responses to information requested.

Mr. Rodriguez stated providing information is contingent upon the complexity of the request for information.

Blake Armstrong, City Attorney, clarified the misconception of having ten (10) days to fulfil a request. He stated in some instances a request can be fulfilled sooner.

After discussion, Mr. Rodriguez stated efforts are made to provide information to Council in a timely manner.

DISCUSSION AND CONSIDERATION OF FUTURE CAIN CENTER PROJECT UPDATES AND PROCESSES

Mayor Montgomery stated that as a contractor, architects usually have a 50%, 75% and 95% review process on his plans. He stated he feels the City Council should be involved in the process for the Cain Center project.

After discussion, a motion was made by Councilmember McCain, seconded by Councilmember Whatley to approve the City Council's involvement in review of the design plans at 75% and 95% approval of the construction documents for the Cain Center project. The motion carried unanimously.

EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE: SECTION 551.071 (CONSULTATION WITH ATTORNEY; CLOSED MEETING) CITY COUNCIL TO RECEIVE LEGAL ADVICE ON THE CITY'S ZONING ORDINANCE, ZONING MAP AND ALL RELATED MATTERS

EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE: SECTION 551.074 (PERSONNEL MATTERS; CLOSED MEETING) ON MATTERS RELATED TO THE RESIGNATION OF FORMER PUBLIC WORKS MANAGER DATED APRIL 7, 2017

EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE: SECTION 551.074 (CONSULTATION WITH ATTORNEY; CLOSED MEETING) REGARDING ROLES, RESPONSIBILITIES AND DUTIES OF MEMBERS OF COUNCIL

The City Council adjourned to Executive Session at 8:51 p.m.

The City Council returned to Regular Session at 10:02 p.m.

CONSIDER ACTION RESULTING FROM DELIBERATIONS IN EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE: SECTION 551.071 (CONSULTATION WITH ATTORNEY; CLOSED MEETING) CITY COUNCIL TO RECEIVE LEGAL ADVICE ON THE CITY'S ZONING ORDINANCE, ZONING MAP AND ALL RELATED MATTERS

Robert Hager, of Nichols, Jackson, Dillard Hager, & Smith, LLP, stated after reviewing the Ordinance from its original adoption, Residential and Retail uses are appropriate and provided for under the Plan Development 1.

A motion was made by Councilmember Whatley, seconded by Councilmember Winn authorizing Barbara Holly to make recommendations according to Mr. Hager's recommendation regarding the City's Zoning Ordinance, Zoning Map and all related matters.

CONSIDER ACTION RESULTING FROM DELIBERATIONS IN EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE: SECTION 551.074 (PERSONNEL MATTERS; CLOSED MEETING) ON MATTERS RELATED TO THE RESIGNATION OF FORMER PUBLIC WORKS MANAGER DATED APRIL 7, 2017

No action was taken.

CONSIDER ACTION RESULTING FROM DELIBERATIONS IN EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE: SECTION 551.074 (CONSULTATION WITH ATTORNEY; CLOSED MEETING) REGARDING ROLES, RESPONSIBILITIES AND DUTIES OF MEMBERS OF COUNCIL

No action was taken.

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

Mr. Rodriguez provided the following updates:

1. Thanked the Cultural Resources Commission for having the Texan Concert Series
2. Stated the City did not expend dollars on the "Celebrating the Texan" event
3. Thanked the City Council for participating in the budget workshop session for 2018
4. Thanked Staff for all their hard work

MAYOR AND CITY COUNCIL REQUEST FOR FUTURE AGENDA ITEMS

1. Councilmember McCain requested staff to provide a breakdown of the Athens Independent School District's year to date permit values when presenting updates to monthly reports
2. Councilmember Winn requested an agenda item regarding a "Sagging" Ordinance
3. Mayor Montgomery requested a future agenda item regarding a request from Tom Pothoff regarding deannexation

ADJOURN

The meeting was adjourned.

PASSED AND APPROVED THIS THE 10<sup>th</sup> DAY OF JULY, 2017.

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Monte Montgomery, Mayor

ATTEST:

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Bonnie Hambrick, City Secretary