

SPECIAL SESSION

JANUARY 5, 2017

The City Council of the City of Athens met in Special Session on Thursday, January 5, 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
Joe Whatley
Ed McCain

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

others present: Aaron Munn, Renee Marcum, Debbie Hancock, Glynda Wood, Mandie Quigg, Marion Klutts, Lawrence Cutrone, Gary Whittle, Ryan Adams, Barbara Holly, Buddy Hill, Sandi Pulley, Jonathan Davila, George Hopkins, Lisa Denton, Jason Smith, and other interested citizens;

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

INVOCATION

The invocation was given by Jason Smith.

DECLARATION OF CONFLICT OF INTEREST

Councilmember Montgomery filed a Conflict of Interest for items related to the sales and lease agreement for Central Park and Old Armory Property.

RECOGNITION OF CITY EMPLOYEES

Sandi Pulley, Director of Human Resources, Mayor Vaught, and Philip Rodriguez, City Manager presented the annual service awards to the following employees:

- A) 5 Year Service Awards**
 - a) Jonathan Davila
 - b) Stephen Marsh
 - c) Charles Hoover
 - d) Dustin Cook
 - e) Larry McClure
 - f) Aaron Munn
 - g) Marshall Passons
- B) 10 Year Service Awards**
 - a) George Hopkins
 - b) Marion Klutts
 - c) James Graham
 - d) Brodrick Burton
 - e) Michael Reynolds
 - f) Tony Roberts
- C) 15 Year Service Award**
 - a) Rodney Hurd
- D) 20 Year Service Award**
 - a) Olan Timmons
- E) 25 Year Service Awards**
 - a) Buddy Hill
 - b) Greg Phillips

**CONSENT AGENDA
a) NO ITEMS**

There were no items listed on the Consent Agenda.

CITIZENS COMMUNICATIONS

There was no discussion.

**PLANNING & DEVELOPMENT REPORTS:
a) STATUS REPORT ON CURRENT AND PROPOSED DEVELOPMENT
PROJECTS**

Barbara Holly, Managing Director of Development Services, stated there has been twenty- eight (28) projects since the beginning of October that totaled 4.58 Million Dollars in the last two months. She stated during the month of December there were three single family homes that totaled \$400,000 and Clayton Homes and Heaton Eye Associates that totaled over \$2 million dollars in Commercial projects.

**DISCUSSION AND CONSIDERATION OF ALL MATTERS RELATED TO
AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT WITH
GARY TRAYLOR & ASSOCIATES 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 for Administrative Services and Engineering Services. He further stated only one response was received for Administrative Services and that was from Gary Traylor and Associates. Mr. Rodriguez stated that Mr. Traylor's compensation is no more than \$60,000.

Councilmember Montgomery inquired as to the time line for the start of construction and completion; with Mr. Rodriguez stating the city will engage in administrative services in early spring.

Councilmember Montgomery stated there were gray areas on the utilities regarding the infrastructure for water and sewer and asked if the city was paying for that. Mr. Rodriguez stated that cost was not part of the scope.

Lisa Denton, Executive Director, Athens Economic Development stated it would be done as an alternate bid and the EDC has set aside funding for this project. She further stated it is the EDC's intention to pay for water and sewer, if possible, with funds committed to the project.

A motion was made by Councilmember Whatley, seconded by Councilmember McCain to authorize the City Manager to execute contract with Gary Traylor & Associates for street improvements in support of FutureMatrix, Inc. 2016 Texas Capital Fund (TCF). The motion carried unanimously.

**DISCUSSION AND CONSIDERATION OF ALL MATTERS RELATED TO
SALES AGREEMENT FOR CENTRAL PARK AND OLD ARMORY
PROPERTY**

Mr. Rodriguez stated the item is the contract and lease agreement that Trinity Valley Community College has approved on their Board level, and is now ready for consideration by the City Council. Mr. Rodriguez stated the terms of the sale as follows: TVCC will pay \$125,000 cash at closing, then \$25,000 annually for the next five years at zero-percent interest, the first right of refusal clause.

He stated the city would lease the exterior office space through May of 2018, and there is an option to extend the lease.

Blake Armstrong, City Attorney, informed the City Council that the contract was reviewed from a legal standpoint, he stated one of the issues was insurance, and what activities would the college be performing at the Armory. He stated the insurance portion of the contract has some differences on the amount of insurance the city will carry vs. the amount of insurance the college will carry on the property. He further explained the reason for the difference is that as a municipality the city's insurance is capped at \$250,000 per claim and \$500,000 per occurrence. He stated the college has a different statutory limitations. He further explained the city will carry enough insurance to cover the city's cap and the college will carry enough insurance to cover their cap.

Mr. Armstrong further explained the contract does set forth that the college may use the Armory building for cheerleading. He stated that Dr. King is trying to get a dialogue with his cheerleader sponsor, and Dr. King has indicated the college may not need to use the Armory in any capacity including cheerleading. He stated what they agreed to is if the cheerleaders need to use the Armory for practice the city and TVCC will enter into a separate agreement that will set forth the liabilities of both parties, particularly the lack of liability on the part of the city. He further stated the alternative was in lieu of a separate agreement concerning liability the city might contemplate before any cheerleader or college personnel goes to the Armory that they sign a waiver of release to the benefit of the city.

Mr. Rodriguez stated in addition TVCC will provide 10 scholarships per academic year for five years to need base Athens residents.

A motion was made by Councilmember McCain, seconded by Councilmember Winn to approve all matters related to sales agreement for Central Park and Old Armory Property.

The motion carried by the following vote: Ayes: Mayor Vaught, Councilmembers Whatley, Winn, and McCain, Nays: None, Abstained: None. Councilmember Montgomery recused himself having filed an Affidavit of Conflict of Interest.

**DISCUSSION AND CONSIDERATION OF ALL MATTERS RELATED TO
LEASE AGREEMENT FOR CENTRAL PARK AND OLD ARMORY
PROPERTY**

Mr. Rodriguez stated this item is the lease agreement, and the city would continue to operate within the building. He stated the college is responsible for the overall liability of the building and the ongoing daily maintenance operations will fall within the city's purview. He stated the city's recommendation is to enter into the lease agreement.

A motion was made by Councilmember Winn, seconded by Councilmember Whatley, to approve all matters related to lease agreement for Central Park and Old Armory Property.

The motion carried by the following vote: Ayes: Mayor Vaught, Councilmembers Whatley, Winn, and McCain, Nays: None, Abstained: None. Councilmember Montgomery Councilmember Montgomery recused himself having filed an Affidavit of Conflict of Interest.

Mayor, City Council and/or City Manager updates involving Community Events and issues of Public Safety

1. Mr. Rodriguez informed the Council and audience that the city received a notice of HAA5 Violation from Texas Commission on Environmental Quality (TCEQ)

2. Mr. Rodriguez presented a slide of the Locational Running Annual Average (LRAA) and explained that the LRAA is a four (4) quarter running average
3. Mr. Rodriguez reviewed Organizational changes for 2017 announcing the following:
 - Ryan Adams, as the Managing Director of Administrative Services
 - Promotion of Thanasis Kombos, Managing Director of Community Services
 - Barbara Holly transitioning from interim position to the permanent role of Managing Director of Development Services

MAYOR AND CITY COUNCIL REQUEST FOR FUTURE AGENDA ITEMS

1. Councilmember Montgomery requested a future agenda item as soon as possible with a topic of water discussion
2. Councilmember McCain requested more joint sessions with Athens Municipal Water Authority

ADJOURN

The meeting was adjourned.

PASSED AND APPROVED THIS THE 23rd DAY OF JANUARY, 2017.

Jerry D. Vaught, Mayor

ATTEST:

Bonnie Hambrick, City Secretary