

REGULAR SESSION

OCTOBER 14, 2019

The City Council of the City of Athens met in Regular Session on Monday, October 14, 2019, 5:30 p.m. in the Derek D. Daniels Conference Room of the Athens Partnership Center, 201 West Corsicana St, Athens, Texas, with the following members present, to-wit:

Monte Montgomery, Mayor
Ed McCain, Mayor-Pro Tem
Robert Gross
Aaron Smith
Toni Clay

Elizabeth Borstad, City Manager
Bonnie Hambrick, City Secretary

Staff Present: Buddy Hill, Police Chief, Russell Marshall, Fire Chief, Tim Perry, Public Works Director, Jennifer Robertson, Director of Human Resources, Mandie Quigg, Finance Director, Katie Birk, Tourism and Cultural Resources Coordinator, Derek Whiteley, Director of Information Technology, David Campbell, Code Enforcement Officer, Michael Climer, Senior Building Inspector, Sheila Garrett, Development Coordinator,

others present: Val Franklin, Deborah Deas, Michael Hannigan, Rich Flowers, Mark Carroll, Ed Gatlin, Robert Haberle, Tasha Hux, Marisa Gunstanson, Gary and Joan Ahlers, Al Moellenbeck, Jody Judson, Darwin Watson, Steve Grant. Karen West, Will Traxson, Mary Waddell, Carol Morton, Danny Berry, Stephen Berry, Mary Ewing,

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

INVOCATION

The Invocation was given by Councilwoman Clay.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

DECLARATION OF CONFLICT OF INTEREST

No action was taken.

Mayor Montgomery recognized the following special guests and breast cancer survivors in attendance:

- Sheila Garrett, Development Coordinator
- Karen West

PROCLAMATION – BREAST CANCER AWARENESS MONTH

Mayor Montgomery read aloud a Proclamation proclaiming October as Breast Cancer Awareness Month.

PROCLAMATION – CHAMBER OF COMMERCE WEEK

Mayor Montgomery recognized October 14-18, 2019 as “Chamber of Commerce Week” in the City of Athens.

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

Marisa Gunstanson, President, Athens Chamber of Commerce announced the following:

- Open House with Representative Keith Bell October 16, 2019 from 4:00 p.m. – 6:00 p.m. at 100 East Corsicana Street with a Ribbon Cutting at 4:30 p.m.
- First Responders Luncheon on Friday. October 18, 2019 from 11:00 a.m. – 2:00 p.m. at The Texan with lunch provided by ATMOS Energy and fun and games by Whataburger and drinks provided by Allen Family Dentistry

Katie Birk, Tourism and Cultural Resources Coordinator, announced the following:

October Events 2019

- 17th: Holiday Canning at the East Texas Arboretum 6:30 to 8:30 p.m.
- 18th: Community Lunch – First Responders Lunch hosted by the Chamber of Commerce from 11-2 p.m. at The Texan
- 19th: Common Area Market Block Party
- 24th: Halloween at the Hatchery 6-8 p.m.
- 26th: Athens Public Education Foundation Casino Night at The Texan

Upcoming Months

November

- 1st: TVCC Jazz Quartet 7-9 p.m. at The Texan
- 14th: Ray Wylie Hubbard Concert at The Texan
- 30th: Small Business Saturday and Shop Local 10-2 p.m. at The Texan

Tim Perry, Public Works Director, provided an update on the Carroll Street Drainage Project.

Russell Marshall, Fire Chief, provided an update regarding the fire that occurred on October 8, 2019 at Dillon Manufacturing. He stated the fire is being investigated by the City of Athens Fire Marshal and the State Fire Marshal Office. Chief Marshall recognized and thanked the following entities who assisted Athens Fire and Rescue:

- City of Athens Police Department
- Henderson County Sheriff's Office
- Texas Department of Public Safety
- Texas Department of Transportation who facilitated the management of traffic around the incident
- UT Health EMS
- Red Cross
- Oncor
- Atmos
- The City of Athens Public Works and Utilities Department assisted with heavy equipment and boosting water pressure in the mains and overall water supply

Mutual Aid assistance provided by the following fire departments:

- Brownsboro
- Murchison
- North 19
- Eustace
- Malakoff
- Trinidad
- South Side

Elizabeth Borstad, City Manager, provided an update on the traffic signal at FM 1616 and State Highway 31:

- The schedule will let November of 2019 and once authorization is given there is a 12-24 week time for traffic signal poles and for purchase and fabrication with a construction start date of late spring or early summer

CITIZENS COMMUNICATIONS: ANY CITIZEN WISHING TO ADDRESS THE COUNCIL ON AN AGENDA ITEM MAY DO SO DURING THE CITIZENS' PARTICIPATION PORTION OF THE AGENDA, OR WHEN THE AGENDA ITEM IS BEING CONSIDERED BY THE COUNCIL

There was no discussion.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY,
CONFIRMING THE APPOINTMENT OF JOAN AHLERS AS DIRECTOR OF
ECONOMIC DEVELOPMENT

Ms. Borstad stated that staff advertised for the position of Director of Economic Development in June of 2019 and accepted applications until a recommendation for the position was determined. She explained the interview panel consisted of herself, Mayor Montgomery, Councilmember Gross, Will Traxson Board President, John Trent, Board Vice President, Cliff Bomer, Treasurer, and Jennifer Robertson, HR Director.

She explained 17 applications were received and four (4) applications and resumes were considered qualified. Interviews were conducted with those candidates, and Joan Ahlers was selected for the position by the interview panel.

Will Traxson, President of Athens Economic Development Board of Directors, stated he was pleased AEDC was involved in the process and he enjoyed Joan's intelligence and appearance of great drive and the Board is looking forward to working with Mrs. Ahlers.

Mayor Montgomery welcomed Mrs. Ahlers to Athens and recognized her spouse Gary Ahlers and her father Mr. Al Moellenbeck.

A motion was made by Councilmember McCain, seconded by Councilmember Gross to confirm the appointment of Joan Ahlers as Director of Economic Development. The motion carried unanimously.

CONSENT AGENDA

- a) CONSIDER APPROVING THE MINUTES OF THE SEPTEMBER 23, 2019 REGULAR SESSION
- b) CONSIDER A RESOLUTION DESIGNATING AN OFFICIAL NEWSPAPER FOR THE CITY OF ATHENS FOR FISCAL YEAR 2020
- c) CONSIDER A RESOLUTION AUTHORIZING THE RESCHEDULING OF REGULAR CITY COUNCIL MEETINGS THAT FALL ON AN OBSERVED CITY HOLIDAY
- d) CONSIDER A RESOLUTION UPDATING TEXSTAR AUTHORIZED SIGNATORIES AND POINTS OF CONTACT
- e) CONSIDER APPROVING A BUDGET AMENDMENT TO ATHENS ECONOMIC DEVELOPMENT CORPORATION'S FISCAL YEAR 2019 BUDGET IN THE AMOUNT OF \$324,800 FOR ISSUING PAYMENT TO HVAC FOR AGREEMENT #3 FOR MONEY UTILIZED TO PROVIDE HVAC FUNDING FOR A CONSTRUCTION LOAN PREVIOUSLY APPROVED BY THE CITY COUNCIL

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

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY,
CONCERNING THE APPROVAL OF A RESOLUTION AUTHORIZING THE
CITY MANAGER TO ACCEPT A PROPOSAL AND ENTER INTO A
CONTRACT WITH BERRY AND CLAY CONSTRUCTION MANAGERS AS
CONSTRUCTION MANAGER AT RISK (CMAR) FOR THE CITY OF
ATHENS CIVIC AND AQUATIC CENTER RENOVATIONS

Ms. Borstad explained staff issued a request for proposals for construction Manager at Risk (CMAR) for the Cain Center Renovations and three (3) proposals were received. She stated an evaluation committee was formed that consisted of the following:

- Elizabeth Borstad
- Councilmember Gross
- Mandie Quigg
- Tim Perry

She stated after review Berry and Clay Construction Managers received the highest scoring.

Mr. Danny Berry answered questions regarding his general conditions fees, bonding and schedule.

A motion was made by Councilmember Gross, seconded by Councilwoman Clay to approve a Resolution authorizing the City Manager to accept a proposal and enter into a contract with Berry and Clay Construction Managers as Construction Manager at Risk (CMAR) for the City of Athens Civic and Aquatic Center Renovations. The motion carried unanimously.

DISCUSS POTENTIAL PUBLIC BEACH ACCESS LOCATIONS AT LAKE
ATHENS

Councilmember Gross stated citizens do not have a safe access point to utilize the lake. He requested that the City work with Athens Municipal Water Authority (AMWA) to research a plan for citizens to utilize the lake.

After discussion, it was stated that staff will work to schedule a joint meeting with AMWA to further discuss beach access locations at Lake Athens.

UPDATE – DEVELOPMENT SERVICES

The item was not discussed.

UPDATE AND DISCUSSION ON CODE ENFORCEMENT AND
RECOMMENDATIONS

David Campbell, Code Enforcement Officer, provided the following update on Code Enforcement:

- Over 300 cases generated with approximately 100 that are currently active
- Goal is to contact as many property owners as possible, start a conversation and build a rapport in our community
- The key to improving some of the code issues is better communication and education of the recent changes
- Issues in all four (4) corners of the City

Mr. Campbell provided the following recommendations:

- Enact a Graffiti Ordinance that would compel a property owner to paint over the tagged area
- Enact an Ordinance preventing the storage of utility trailers on public streets
- Improve the communication with citizens regarding the requirement for mowing the area between the fence line and the curb or street line commonly known as the Right of Way
- Increase the administrative fee when the City abates properties

CONSIDER FINAL READING OF AN ORDINANCE DISANNEXING PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF ATHENS 2.797 ACRES, D. CHERRY SURVEY, ABSTRACT 135 (ALSO KNOWN AS 3201 SABINE STREET), AS REQUESTED BY ATHENS MUNICIPAL WATER AUTHORITY

Mayor Montgomery expressed concern with the new annexation laws and if the property is deannexed the City is unable to acquire any property back.

Ed Gatlin, Executive Director of Athens Municipal Water Authority, stated there are issues at the plant and an engineer has been hired to work on the issues. He further stated three (3) other sites were identified to drill wells.

Bonnie Hambrick, City Secretary, read the caption of the Ordinance aloud.

A motion was made by Councilmember Smith, seconded by Councilmember McCain to approve final reading of an Ordinance disannexing property within the corporate limits of the City of Athens 2.797 acres, D. Cherry Survey, Abstract 135 (also known as 3201 Sabine Street), as requested by Athens Municipal Water Authority.

After roll call vote the motion passed with the following record vote:

Monte Montgomery, Mayor	Aye
Ed McCain, Councilmember/Mayor Pro Tem	Aye
Aaron Smith, Councilmember	Aye
Toni Clay, Councilmember	Aye
Robert Gross, Councilmember	Aye

5 voted in favor of the motion and
0 voted against the motion.
Motion carried 5-0

CONSIDER FINAL READING OF AN ORDINANCE DISANNEXING PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF ATHENS 6.991 ACRES, D. CHERRY SURVEY, ABSTRACT 135 (PART OF A LARGER 739.263 ACRE TRACT) AS REQUESTED BY ATHENS MUNICIPAL WATER AUTHORITY

Ms. Hambrick read the caption of the Ordinance aloud.

A motion was made by Councilmember McCain, seconded by Councilmember Gross to approve final reading of an Ordinance disannexing property within the corporate limits of the City of Athens 6.991 acres, D. Cherry Survey, Abstract 135 (part of a larger 739.263 acre tract) as requested by Athens Municipal Water Authority.

After roll call vote the motion passed with the following record vote:

Monte Montgomery, Mayor	Aye
Ed McCain, Councilmember/Mayor Pro Tem	Aye
Aaron Smith, Councilmember	Aye
Toni Clay, Councilmember	Aye
Robert Gross, Councilmember	Aye

5 voted in favor of the motion and
0 voted against the motion.
Motion carried 5-0

PUBLIC HEARING CONCERNING A REQUEST FROM DIANA ORTIZ FOR APPROVAL OF A SPECIFIC USE PERMIT FOR A MANUFACTURED HOME FOR LOT 7D OF BLOCK 109 OF THE ATHENS ORIGINAL TOWN, B. C. WALTERS SURVEY A-797 ALSO KNOWN AS 501 EAST EDMONSON STREET.)

Ms. Borstad explained the item is for a manufactured home at 501 East Edmonson Street. She stated a Specific Use Permit is required. This property is located on the north side of East Edmonson Street in between Underwood Street and North Hamlett Street. The current zoning of the property is Single-Family – 5.

The applicant is requesting to install a manufactured home on the property. A specific use permit is required to install a manufactured home on Single-Family – 5, Single-Family – 7, or Agriculture zoned lots. Letters of notification were sent to the five (5) surrounding property owners within two hundred feet. No responses were returned. The Future Land Use Plan designates this area as Low Density Residential and the Planning & Zoning Commission recommended approval of the request by unanimous vote.

Mayor Montgomery opened the Public Hearing. There were no comments.

The Public Hearing was closed.

DISCUSS FIRST READING OF AN ORDINANCE CONCERNING A REQUEST FROM DIANA ORTIZ FOR APPROVAL OF A SPECIFIC USE PERMIT FOR A MANUFACTURED HOME FOR LOT 7D OF BLOCK 109 OF THE ATHENS ORIGINAL TOWN, B. C. WALTERS SURVEY A-797 ALSO KNOWN AS 501 EAST EDMONSON STREET

Ms. Hambrick read the caption of the Ordinance aloud.

PUBLIC HEARING CONCERNING A REQUEST FROM RIGOBERTO HERNANDEZ FOR APPROVAL OF A SPECIFIC USE PERMIT FOR A MANUFACTURED HOME FOR LOT 41 OF THE J. W. COKER TRACT, B. C. WALTERS SURVEY A-797 ALSO KNOWN AS 1125 NORTH HAMLETT STREET

Ms. Borstad explained the property is located on the east side of North Hamlett Street roughly a quarter of a mile north of O. D. Baggett Park. The current zoning of the property is Agriculture. The applicant is requesting to install a manufactured home on the property. A Specific use permit is required to install a manufactured home on Single-Family – 5, Single-Family – 7, or Agriculture zoned lots. Letters of notification were sent to the eight (8) surrounding property owners within two hundred feet. No responses were returned. The Future Land Use Plan designates this area as Low Density Residential and the Planning & Zoning Commission recommended approval of the request by unanimous vote.

Mayor Montgomery opened the Public Hearing. There were no comments.

The Public Hearing was closed.

DISCUSS FIRST READING OF AN ORDINANCE CONCERNING A REQUEST FROM RIGOBERTO HERNANDEZ FOR APPROVAL OF A SPECIFIC USE PERMIT FOR A MANUFACTURED HOME FOR LOT 41 OF THE J. W. COKER TRACT, B. C. WALTERS SURVEY A-797 ALSO KNOWN AS 1125 NORTH HAMLETT STREET

Ms. Hambrick read the caption of the Ordinance aloud.

PUBLIC HEARING CONCERNING A REQUEST FROM MARY EWING FOR APPROVAL OF A SPECIFIC USE PERMIT FOR A MANUFACTURED HOME FOR LOT 7B OF THE F. M. COKER TRACT, B. C. WALTERS SURVEY A-797 ALSO KNOWN AS 203 FOGGLE STREET

Ms. Borstad explained the property is located on Foggie Street which connects to North Hamlett Street near O. D. Baggett Park. The current zoning of the property is Agriculture. The applicant is requesting to install a manufactured home on the property. A Specific Use Permit is required to install a manufactured home on Single-Family –5, Single-Family – 7, or Agriculture zoned lots.

Letters of notification were sent to the ten (10) surrounding property owners within two hundred feet. One (1) approval was returned. The Future Land Use Plan designates this area as Low Density Residential.

Mayor Montgomery opened the Public Hearing. There were no comments.

The Public Hearing was closed.

DISCUSS FIRST READING OF AN ORDINANCE CONCERNING A REQUEST FROM MARY EWING FOR APPROVAL OF A SPECIFIC USE PERMIT FOR A MANUFACTURED HOME FOR LOT 7B OF THE F. M. COKER TRACT, B. C. WALTERS SURVEY A-797 ALSO KNOWN AS 203 FOGGLE STREET

Ms. Hambrick read the caption of the Ordinance aloud.

EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE, SECTION 551.087 (DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS; CLOSED MEETING) DELIBERATIONS REGARDING NEGOTIATIONS WITH THE FOLLOWING PROSPECTS:
a) PROSPECT # 1796
b) PROSPECT # 1797

The City Council adjourned to Executive Session 6:24 p.m.

The City Council returned to Regular Session 7:35 p.m.

CONSIDER AND TAKE ACTION, AS NECESSARY, RESULTING FROM DELIBERATIONS IN EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE, SECTION 551.087 (DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS CLOSED MEETING) DELIBERATIONS REGARDING NEGOTIATIONS WITH THE FOLLOWING PROSPECT:
a) PROSPECT # 1796

No action was taken.

b) PROSPECT # 1797

No action was taken.

MAYOR AND CITY COUNCIL'S REQUEST FOR FUTURE AGENDA ITEMS

Ms. Hambrick provided a list of future agenda items:

- Joint Meeting with AMWA to discuss potential public beach access locations at Lake Athens
- Update from TxDOT regarding FM 1616
- Impact of property values when sidewalks are installed.

Mayor Montgomery requested an update on the following:

- Woodland Springs Development
- Park Nineteen Development

ADJOURN

The meeting adjourned at 7:28 p.m.

PASSED AND APPROVED THIS THE 28th DAY OF OCTOBER, 2019.

Monte Montgomery, Mayor

ATTEST:

Bonnie Hambrick, City Secretary