

REGULAR SESSION

FEBRUARY 11, 2019

The City Council of the City of Athens met in a Regular Session on Monday, February 11, 2019, 5:30 p.m. in the Council Chambers of the City Hall Annex, 501 N. Pinkerton St, with the following members present, to-wit:

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

Elizabeth Borstad, City Manager
Bonnie Hambrick, City Secretary
Blake Armstrong, City Attorney

others present: Buddy Hill, Thanasis Kombos, Russ Marshall, Jennifer Robertson, Audrey Sloan, Randy Williams, Mandie Quigg, Katie Birk, Janicia Evans, Michael Hannigan, Anne Perryman, Lisa Denton, Kevin and Jeaneane Lilly, Cliff Barrett, Jess Laird, Scott Fullingim, Chaz Garrett, Blake Williamson, Angela Wilson, Barbara Trevino, Rich Flowers, Chris Tinsley, Steve Grant, Marisa Gunstanson, Mark Carroll, Lacey Lowry, Bob and Carol Morton, Deborah Deas, and other interested citizens;

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

INVOCATION

The Invocation was given by Councilmember Aaron Smith.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

DECLARATION OF CONFLICT OF INTEREST

No action was taken.

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

Mayor Montgomery announced the following events:

- Tues. Feb. 12th 5-6:30 p.m. Open House East Texas Arboretum
- Wed. Feb. 13th 11:30 a.m. Monthly Chamber Luncheon Athens Country Club Sponsor Athens Daily Review
- Tues. Feb. 19th 5:30-7:00 p.m. Open House Athens Screen Printing
- Tues. Feb. 26th 4-6:00 p.m. Open House Ribbon Cutting Our House

Elizabeth Borstad, City Manager, introduced Katie Birk as the Tourism and Cultural Resources Coordinator for the City of Athens.

Mayor Pro Tem McCain entered the Council Chambers at 5:33 p.m.

CITIZENS COMMUNICATIONS

There was no discussion.

Mayor Montgomery stated that the City Council will pull agenda item i) Consider a Resolution Ordering the May 4, 2019 City of Athens Special Election for the purpose of conducting a Citizen's vote to determine the use of an estimated \$5,300,000 allocated for the City of Athens Civic and Aquatic Center Renovations (Cain Center Project) from the Consent Agenda to allow for discussion.

I) CONSIDER A RESOLUTION ORDERING THE MAY 4, 2019 CITY OF ATHENS SPECIAL ELECTION FOR THE PURPOSE OF CONDUCTING A CITIZEN'S VOTE TO DETERMINE THE USE OF AN ESTIMATED \$5,300,000 ALLOCATED FOR THE CITY OF ATHENS CIVIC AND AQUATIC CENTER RENOVATIONS (CAIN CENTER PROJECT)

Mayor Montgomery stated that today was the last day to Order the Special Election, he wanted to make sure the City Council is together on the wording as it is critical that it goes before the voters in the best possible way it can.

Ms. Borstad read the language for Proposition A as it was currently written:

"The expenditure of funds received from the sale of the City's Combination Tax and Revenue Certificates of Obligation, Series 2017 for improvements to the Cain Center, estimated to be no more than \$5,300,000". Said amount shall be reduced by pledged donations for Capital Improvements.

Mayor Montgomery explained that a "Yes" vote would indicate the funds would be spent except for private funds that are raised and a "No" vote means the funds would not be spent for the Cain Center.

Mayor Montgomery opened the item for discussion.

Steve Grant provided information regarding the four (4) active Committees:

- Physical Plant Committee
- Use Planning Committee
- Budget/Financial/Operations Committee
- Public Relations and Awareness Committee

Much discussion occurred regarding the language for the proposition that would allow flexibility to the Steering Committee.

Councilmember Smith exited the Council Chambers at 6:27 p.m.

After hearing from citizens; with much discussion and deliberation between the City Council, a motion was made by Councilmember Gross, seconded by Councilmember McCain to approve a Resolution Ordering the May 4, 2019 City of Athens Special Election for the purpose of conducting a Citizen's vote to determine the use of an estimated \$5,300,000 allocated for the City of Athens Civic and Aquatic Center Renovations (Cain Center Project) with the proposition language to be "SHALL the City Council of the City of Athens, Texas expend a portion of the funds received from the sale of the City's Combination Tax and Revenue Certificates of Obligation, Series 2017, for improvements to the Cain Center, estimated to be no more than \$5,300,000?" The motion carried unanimously.

Mayor Pro Tem McCain exited the Council Chambers at 6:52 p.m.

The City Council recessed at 6:52 p.m.

The City Council returned to Regular Session at 6:58 p.m.

Mayor Montgomery stated that a Citizen has requested that Item f) Consider a Resolution authorizing support for SCS Athens 19, LP be pulled from the Consent Agenda for further discussion.

**F) CONSIDER A RESOLUTION AUTHORIZING SUPPORT FOR SCS
ATHENS 19, LP**

Ms. Angela Wilson expressed concern with the proposed housing development. She further stated she had a petition with 63 names of citizens who are against the development.

Chaz Garrett, with Salem Clark, presented background information on the company and explained the proposed development. Mr. Garrett addressed the concerns that Ms. Wilson spoke of.

After discussion, a motion was made by Councilmember Gross, seconded by Councilwoman Clay to approve a Resolution authorizing support for SCS Athens 19, LP. The motion carried unanimously.

CONSENT AGENDA

- a) CONSIDER APPROVING THE MINUTES OF THE JANUARY 28, 2019
REGULAR SESSION**
- b) DECEMBER 2018 MONTHLY REVENUE AND EXPENSE REPORT**
- c) QUARTERLY INVESTMENT REPORT ENDING DECEMBER 31, 2018**
- d) CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO
EXECUTE 2019 T-HANGAR RENEWAL LEASE AGREEMENT FOR T-
HANGAR NUMBER 3 AT ATHENS MUNICIPAL AIRPORT**
- e) CONSIDER A RESOLUTION ALLOWING THE CITY OF ATHENS
FIRE/RESCUE PARTICIPATION IN THE TEXAS INTRASTATE FIRE
MUTUAL AID SYSTEM – TIFMAS**
- g) CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO
FUND EAST TEXAS ARBORETUM’S REQUEST FOR ADVERTISING
FUNDS FROM THE EXISTING HOTEL OCCUPANCY TAX FUND
ADVERTISING BUDGET**
- h) CONSIDER A RESOLUTION ORDERING THE MAY 4, 2019 CITY OF
ATHENS GENERAL ELECTION FOR THE PURPOSE OF ELECTING A
MAYOR AND ONE COUNCIL MEMBER FOR THE CITY COUNCIL OF
ATHENS, TEXAS
CONSIDERAR UNA RESOLUCIÓN PARA CONVOCAR LA ELECCIÓN
GENERAL DE LA CIUDAD DE ATHENS DEL 4 DE MAYO DE 2019 CON EL
PROPÓSITO DE ELEGIR UN ALCALDE Y UN MIEMBRO DEL CONSEJO
MUNICIPAL DE ATHENS, TEXAS**
- j) CONSIDER A RESOLUTION AUTHORIZING A JOINT ELECTION
AGREEMENT WITH ATHENS INDEPENDENT SCHOOL DISTRICT FOR
THE MAY 4, 2019 ELECTION DAY VOTING**

A motion was made by Councilwoman Clay, seconded by Councilmember Gross to approve items A-E, G, H and J of the Consent Agenda. The motion carried unanimously.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY,
CONCERNING THE APPOINTMENT OF SCOTT FULLINGIM TO THE
PLANNING AND ZONING COMMISSION

Bonnie Hambrick, City Secretary, explained there was a vacancy on the Planning and Zoning Commission. A motion was made by Councilwoman Clay, seconded by Councilmember Gross to appoint Scott Fullingim to the Planning and Zoning Commission. The motion carried unanimously.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY,
CONCERNING THE APPROVAL OF A RESOLUTION OF SUPPORT FOR
THE PROPOSED 2018-2019 ATHENS LEADERSHIP INSTITUTE CLASS
PROJECT, SOCCER FIELD LIGHTING AT COLEMAN PARK

Blake Williamson, explained the proposed 2019 Athens Leadership Institute class project for soccer field lighting at Coleman Park.

A motion was made by Councilwoman Clay, seconded by Councilmember Gross to approve a Resolution of Support for the proposed 2018-2019 Athens Leadership Institute class project, soccer field lighting at Coleman Park. The motion carried unanimously.

PUBLIC HEARING CONCERNING A REQUEST FROM FRANCISCO
SALAZAR FOR APPROVAL OF THE REPLAT OF LOTS 8B, 9A & 9B OF
BLOCK 92 OF ATHENS OLD TOWN CREATING LOT 8R

Audrey Sloan, Director of Development Services, explained that the proposed replat combines three (3) existing lots into one (1) lot for commercial development. Ms. Sloan explained the replat complies with the City's subdivision and zoning ordinances. She stated it was approved by the Planning and Zoning Commission during a Special Session.

Mayor Montgomery opened the Public Hearing.

Lacey Lowry asked where the property is located and what businesses are going in. Ms. Sloan explained the location of the property and stated a shop and three (3) separate retail spaces.

The public Hearing was closed.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY,
CONCERNING A REQUEST FROM FRANCISCO SALAZAR FOR
APPROVAL OF THE REPLAT OF LOTS 8B, 9A & 9B OF BLOCK 92 OF
ATHENS OLD TOWN CREATING LOT 8R

A motion was made by Councilmember Gross, seconded by Councilwoman Clay to approve the replat of Lots 8B, 9A & 9B of Block 92 of Athens Old Town creating Lot 8R. The motion carried unanimously.

PUBLIC HEARING CONCERNING A REQUEST FROM BARBARA & JESSIE
TREVINO FOR APPROVAL OF A ZONING CHANGE FROM SINGLE-
FAMILY – 5 (SF-5) TO TWO-FAMILY RESIDENTIAL (MF-2) FOR LOT 6A
OF BLOCK 17 OF THE T. PARMER SURVEY A-782 ALSO KNOWN AS
223 SOUTH PINKERTON STREET

Ms. Sloan explained the property is located in a predominately residential neighborhood on S. Pinkerton Street north of LaRue Street. She stated the zoning change is being requested by the owner to re-establish the use of the existing structure as a duplex. She stated the property is currently zoned Single-Family - 5 and the zoning change to Two -Family Residential (MF-2) is required to re-establish that use on the property.

Ms. Sloan stated letters were mailed to twelve (12) surrounding property owners within 200 feet with one (1) approval being returned.

Mayor Montgomery opened the Public Hearing.

Ms. Deas asked which side of Pinkerton is the property located on, with Ms. Sloan stating the East side.

The Public Hearing was closed.

DISCUSS FIRST READING OF ORDINANCE CONCERNING A REQUEST FROM BARBARA & JESSIE TREVINO FOR APPROVAL OF A ZONING CHANGE FROM SINGLE-FAMILY – 5 (SF-5) TO TWO-FAMILY RESIDENTIAL (MF-2) FOR LOT 6A OF BLOCK 17 OF THE T. PARMER SURVEY A-782 ALSO KNOWN AS 223 SOUTH PINKERTON STREET

Ms. Hambrick read the caption of the Ordinances aloud.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY, CONCERNING A REQUEST FROM KENNETH LANE FOR APPROVAL OF THE FINAL PLAT OF A 24.82 ACRE OF THE J. B. ATWOOD SURVEY A-19 CREATING LOTS 1 THROUGH 11 OF THE HIDDEN PINES SUBDIVISION

Ms. Sloan explained the property is located on Cream Level Road. She explained the plat consists of eleven (11) lots varying in size from 1-3 acres. She stated the current zoning is Agriculture and does allow for single family residential development. She stated the plat complies with the City's subdivision and zoning ordinances and the preliminary plat for the same property was approved by the Planning & Zoning Commission on January 7, 2019.

A motion was made by Councilwoman Clay, seconded by Councilmember Gross to approve a request from Kenneth Lane for approval of the final plat of a 24.82 acre of the J. B. Atwood Survey A-19 creating Lots 1 through 11 of the Hidden Pines subdivision. The motion carried unanimously.

DISCUSS 405 LINDSEY LANE

Mayor Montgomery stated the property at 405 Lindsey Lane has been appraised. He stated the City Council needs to decide the use of the property or sell the property.

Mayor Montgomery allowed citizens comments.

Lacey Lowry stated she was speaking on behalf of Dr. Steve Woodruff who was unable to attend. She stated Dr. Woodruff would like to see the property used for a park.

Ms. Lowry stated she supports a park.

Bob Morton stated an informal survey within the immediate neighborhood was done by the Parks Advisory Board and no one said no to having a park there.

Anne Perryman stated the land is already curbed & guttered with utilities servicing the property. She stated the highest and best use of the property is housing.

Scott Fullingim asked what is the appraisal amount, with Ms. Borstad stated one hundred and fifty-two thousand dollars \$152,000. Mr. Fullingim stated the property could be multi-family with some type of common area in the middle.

Ms. Lowry stated there was also concern regarding low water pressure. If additional housing is there, the low water pressure would become a larger issue. Mayor Montgomery stated with the hospital being on the property there was massive water use.

Mayor Montgomery stated in the past the citizens have been very outspoken about it being a park or a green belt. He stated there has not been any developers stepping up.

DISCUSS CONSIDER AND TAKE, ACTION, AS NECESSARY, DIRECTING
THE CITY MANAGER ON THE FUTURE USE OF THE PROPERTY
LOCATED AT 405 LINDSEY LANE

A motion was made by Councilmember Gross, seconded by Councilwoman Clay to Table the item. The motion carried unanimously.

PRESENTATION – ATHENS ECONOMIC DEVELOPMENT CORPORATION
ACTIVITIES RECAP

Jeaneane Lilly, President, Athens Economic Development Corporation (AEDC), stated the five (5) year strategic plan re-cap was presented to the City Council in May and December of 2018. She stated in November of 2018 Councilmember Gross requested specific information from the five (5) year strategic plan recap to be presented again in December and the item was tabled at the December 10, 2018 meeting due to the Cain Center discussion. She stated Lisa Denton will be presenting the information tonight. Mrs. Lilly further stated a couple of weeks ago Councilmember Gross requested additional information regarding property taxes and salary information on these new businesses. She stated while that information is not readily available to the AEDC staff, they have worked diligently to get that information to Council. She stated Ms. Denton is available to provide the initial information requested as well as some of the new information that was requested.

She stated new business to AEDC is just a piece of the puzzle. She stated retention and expansion of existing businesses in Athens is vital.

Lisa Denton, Executive Director, presented the five (5) year AEDC activities recap and the Profit and Loss reports.

Councilmember Gross stated he receives questions from citizens regarding what is the AEDC's progress. He stated one (1) item missing is the marketing pipeline that he requested. Ms. Denton stated she asked the Office of Attorney General and that is not covered under the exception for Executive Session. She explained that only covers the deliberation on incentives. She further stated it is something that cannot be discussed in Executive Session. Ms. Denton stated she can provide a list of AEDC's prospect's numbers, and project names.

Councilmember Gross further explained his view of "new projects" as being projects that were not already in Athens and AEDC assisted in bringing the business to Athens.

Councilmember Gross requested the presentation on the March 11, 2019 City Council Agenda.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY, CONCERNING THE APPROVAL OF A RESOLUTION SUPPORTING ATHENS ECONOMIC DEVELOPMENT CORPORATION'S COMMUNITY DEVELOPMENT GRANT TO EAST TEXAS ARBORETUM IN THE AMOUNT OF \$5,000

Ms. Denton explained the grant is to East Texas Arboretum in the amount of \$5,000 that will cover a portion of the costs for placing metal benches from the office to the Veteran's Memorial and along some of the trails. She stated the grant was approved by the Athens Economic Development Corporation Board on January 15th.

Councilmember Gross expressed concern with the Community Development Grants. He stated the AEDC money should be saved for future companies coming to Athens. He stated he would prefer Hotel Occupancy Funds to be used.

After a brief discussion, Councilmember Gross stated going forward, the City Council should look at retaining those grants for business coming to Athens. He stated the remaining funds in this year's budget should be reallocated and not wait until next year.

A motion was made by Councilwoman Clay, seconded by Councilmember Gross to approve Resolution supporting Athens Economic Development Corporation's Community Development Grant to East Texas Arboretum in the amount of \$5,000. The motion carried unanimously.

DISCUSS, FIRST READING OF A RESOLUTION SUPPORTING ATHENS ECONOMIC DEVELOPMENT CORPORATION'S COMMUNITY DEVELOPMENT GRANT TO HENDERSON COUNTY REGIONAL FAIR PARK IN THE AMOUNT OF \$19,000

Ms. Denton explained that the grant is to Henderson County Regional Fair Park (HCRFP) in the amount of \$19,000. She stated this is the third year AEDC has partnered with HCRFP for stall replacement. She stated the organization plans to replace 24 stalls. Ms. Denton explained because the amount is over \$10,000 it does require two readings of the Resolution.

Ms. Hambrick read the caption of the Resolution aloud.

EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE, SECTION 551.074 (PERSONNEL MATTERS; CLOSED MEETING); TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, OF A PUBLIC OFFICER OR EMPLOYEE:
a) CITY MANAGER

The City Council adjourned to Executive Session at 7:59 p.m.

The City Council returned to Regular Session at 8:26 p.m.

CONSIDER ACTION RESULTING FROM DELIBERATIONS IN EXECUTIVE SESSION PURSUANT TO TEXAS GOVERNMENT CODE, SECTION 551.074 (PERSONNEL MATTERS; CLOSED MEETING) TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION OF A PUBLIC OFFICER OR EMPLOYEE:
a) CITY MANAGER

Mayor Montgomery stated this was the City Manager's one (1) year evaluation and the City Council that is present; unanimously feels she is doing an excellent job.

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MAYOR AND CITY COUNCIL'S REQUEST FOR FUTURE AGENDA ITEMS

Councilmember Gross requested a final report from the Athens Economic Development Corporation on the City Council's March 11, 2019 Agenda.

ADJOURN

The meeting adjourned at 8:28 p.m.

PASSED AND APPROVED THIS THE 25th DAY OF FEBRUARY, 2019.

Monte Montgomery, Mayor

ATTEST:

Bonnie Hambrick, City Secretary