

REGULAR SESSION

OCTOBER 28, 2019

The City Council of the City of Athens met in Regular Session on Monday, October 28, 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, Katie Birk, Tourism and Cultural Resources Coordinator, Randy Williams, Utilities Director, Derek Whiteley, Director of Information Technology, Audrey Sloan, Director of Development Services,

others present: Deborah Deas, Michael Hannigan, Rich Flowers, Mark Carroll, Marisa Gunstanson, Mary Ewing, Bob Miars, Steve Barksdale, John Irvin, Tom and Lynn Leathem, Sytonia Freeman, Keith Knighton, Danny Davis, David Daniels, Jennifer Browning, Blake Daniels, Beverly Peek, Michelle Zenor.

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

INVOCATION

The Invocation was given by Mayor Montgomery.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

DECLARATION OF CONFLICT OF INTEREST

Mayor Montgomery filed a Conflict of Interest for 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: Prospect #1797.

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

Katie Birk, Tourism and Cultural Resources Coordinator, provided the following updates:

November

- 1st - TVCC Jazz Quartet 7-9 p.m. at The Texan
- 9th - A Night of Stand-Up Comedy hosted by Henderson County Performing Arts 7:30 p.m.
- 11th - Veterans Day Celebration at the Memorial Wall at East Texas Arboretum and Botanical Society
- 14th - Ray Wylie Hubbard Concert at The Texan
- 30th - Small Business Saturday and Shop Local 10-2 p.m. at The Texan

December

7th - Athens Christmas Parade with the following Theme: “A Superhero Christmas”

Councilmember Smith asked when is testing for police officers occurring; with Buddy Hill Chief of Police, stating testing will occur on Saturday, November 2nd.

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

November

- 5th - Ribbon Cutting at Henderson County Fairgrounds 11:00 a.m.
- 6th - Open House at Tinsley Abstract and Title
- 13th - Open House for Athens Health Care and Rehab
- 21st - Open House for HP Door and Overhead Repair Services Installation
- 30th - Small Business Saturday and Shop Local 10-2 p.m. at The Texan

Mayor Montgomery encouraged Council and those in attendance to attend the ribbon cuttings. He stated it is a good start for the investors in our community.

Mayor Montgomery announced the Town Hall meeting on Tuesday, October 29th, 6:00 p.m. at Athens Café.

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

John Irvin addressed the City Council and asked that the Council consider opening the membership of the Airport Advisory Board to include county citizens.

Councilmember Gross requested item b) Consider a Resolution authorizing the change of City of Athens matching funds for the Fiscal Year 2020 Downtown Façade Improvement Grant from 80% to 50% of eligible costs be pulled from the Consent Agenda for further discussion.

CONSENT AGENDA

- a) CONSIDER APPROVING THE MINUTES OF THE OCTOBER 14, 2019 REGULAR SESSION
- c) CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACT/CONTRACTS FOR PROPERTY INSURANCE, LIABILITY INSURANCE AND WORKERS’ COMPENSATION INSURANCE
- d) CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT A “WHITE PAPER” LETTER OF INTENT (LOI) TO TXDOT FOR THE EXPANSION PROJECT AT ATHENS MUNICIPAL AIRPORT
- e) CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN ADMINISTRATIVE SERVICES AGREEMENT BETWEEN THE CITY OF ATHENS AND ATHENS ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS

A motion was made by Councilwoman Clay, seconded by Councilmember Gross to approve Consent Items a) Consider approving the minutes of the October 14, 2019 Regular Session c) Consider a Resolution authorizing the City Manager to enter into contract/contracts for Property Insurance, Liability Insurance and Workers’ Compensation Insurance d) Consider a Resolution authorizing the City Manager to submit a “white paper” Letter of Intent (LOI) to TxDOT for the expansion project at Athens Municipal Airport

and e) Consider a Resolution authorizing the City Manager to enter into an Administrative Services Agreement between the City of Athens and Athens Economic Development Corporation Board of Directors. The motion carried unanimously.

b) CONSIDER A RESOLUTION AUTHORIZING THE CHANGE OF CITY OF ATHENS MATCHING FUNDS FOR THE FISCAL YEAR 2020 DOWNTOWN FAÇADE IMPROVEMENT GRANT FROM 80% TO 50% OF ELIGIBLE COSTS

Councilmember Gross stated he would like to see the Downtown Façade Improvement Program possibly being transferred to AEDC for consideration, as they have much broader guidelines to approve the request.

A motion was made by Councilmember Smith, seconded by Councilmember Gross to approve a Resolution authorizing the change of City of Athens matching funds for the Fiscal Year 2020 Downtown Façade Improvement Grant from 80% to 50% of eligible costs. The motion carried unanimously.

UPDATE – HENDERSON COUNTY FAIR PARK – [B. MIARS]

Bob Miars, Henderson County Regional Fair Park Board Chairman, presented an update to the City Council regarding the Henderson County Fair Park that included the following:

- Revenues up 24%
- HOT Funds reserved for Capital Improvements
- 35% of Revenue comes from the stalls
- The arena is booked over 51 weekends

UPDATE – DEVELOPMENT SERVICES

Audrey Sloan, Director of Development Services, provided a third quarter update that included the following:

- 4 permits issued for new commercial construction are for a triplex at 413 W College St, a new building for Thrive Church to be located on Old Tyler St behind the Whataburger and a temporary building for Thrive Church at their existing location on US Hwy 175 E.
- 11 Commercial remodel permits which includes phase I of a new addition for HVAC manufacturing located at 1010 W Corsicana St and a restroom addition and fire sprinkler system extension for Biomerics at 1704 Enterprise Dr.
- 2 permits were issued for new duplex construction on Lindsey Lane and on East Clinton St.
- Eight permits were issued for new single-family homes
- 11 permits were issued for manufactured homes; with the new triplex under construction, this represents a total of 26 dwelling units added to the city's housing stock
- 123 MEP permits, 7 fence permits and 21 signage permits issued.
- 17 Certificate of Occupancy permits were issued including three new businesses in the downtown: Deja Bougie Beauty Studio at 209 N Prairieville St. Karabo's Bakery at 410 N Prairieville St, Pink Pineapple Boutique at 206 N Palestine St.
- Certificate of Occupancy issued for WaWa's Seafood Shack at 1408 E. Tyler Street and the newly remodeled Chicken Express located on Flat Creek Rd.
- 12 new townhomes located at 501 & 507 Bryson were completed recently and were issued certificates of occupancy
- Meeting scheduled for October 30th with the developers of the new Woodland Springs residential subdivision on N Wofford St to discuss steps needed to complete the civil phase of the project
- A new developer has bought the Park 19 subdivision which is located south of Hillside Dr. on S Hwy 19/Palestine St.

- TxDOT did not approve the developer's proposed drive approach entry at the light for the Triton Development on E. Tyler St.

HEAR REQUEST FROM D.J. WARREN ON BEHALF OF (ATXFM) CONCERNING TEMPORARY STREET CLOSURE TO CONDUCT SMALL BUSINESS SATURDAY AND A REQUEST FOR TEMPORARY USE OF THE CITY'S PARKING LOT TO CONDUCT THE HOLIDAY MARKET AT THE TEXAN

Jennifer Browning requested road closure on Carroll Street or Larkin Street on Nov 30, 2019 for Small Business Saturday and on December 14, 2019 she requested use of the city's parking lot for Holiday Market at The Texan.

Mayor Montgomery opened the item for Public Comments. There were no comments from the Public.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY, CONCERNING THE APPROVAL OF A REQUEST FROM D.J. WARREN ON BEHALF OF (ATXFM) FOR TEMPORARY STREET CLOSURE ON NOVEMBER 30, 2019 TO CONDUCT SMALL BUSINESS SATURDAY

A motion was made by Councilmember Gross, seconded by Councilmember McCain to approve a request from D.J. Warren on behalf of (ATxFM) for temporary street closure on November 30, 2019 to conduct Small Business Saturday. The motion carried unanimously.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY, CONCERNING THE APPROVAL OF A REQUEST FROM D.J. WARREN ON BEHALF OF (ATXFM) FOR TEMPORARY USE OF THE CITY'S PARKING LOT ON DECEMBER 14, 2019 TO CONDUCT THE HOLIDAY MARKET AT THE TEXAN

A motion was made Councilmember McCain, seconded by Councilwoman Clay to approve a request from D.J. Warren on behalf of (ATxFM) for temporary use of the City's Parking Lot on December 14, 2019 to conduct the Holiday Market at The Texan. The motion carried unanimously.

CONSIDER FINAL 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

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

A motion was made by Councilmember McCain, seconded by Councilmember Gross to approve a final 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.

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 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.

A motion was made by Councilmember McCain, seconded by Councilmember Smith to approve final 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.

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 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.

A motion was made by Councilmember McCain, seconded by Councilwoman Clay to approve final 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 Foggie Street.

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

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY,
 CONCERNING THE APPROVAL OF A RESOLUTION AUTHORIZING THE
 CITY MANAGER TO ENTER INTO AGREEMENTS WITH THE FISCAL
 YEAR 2020 TOURISM DEVELOPMENT GRANT APPLICANTS

Ms. Birk stated five (5) applications were received for the Fiscal Year 2020 Tourism Development Grant. She explained the following organizations submitted applications and their funding request amounts as follows:

Organization	Total Expense for Project/Event	Requested Funding	75% of Actual or Eligible Funds	CRC Recommendation	Final Allocation
Watson Team Roping	\$70,950.00	\$25,000.00	\$4,500.00	\$2,200.00	\$4,500.00
ETABS	\$3,000.00	\$3,000.00	\$2,250.00	\$2,250.00	\$2,250.00
HCRFPC	\$38,992.00	\$19,496.00	\$29,244.00	\$14,622.00	\$19,496.00
ATBA	\$15,000.00	\$15,000.00	\$11,250.00	\$11,250.00	\$11,250.00
Athens ISD	\$20,366.75	\$3,600.00	\$15,275.06	\$2,700.00	\$2,500.00
		\$66,096.00	\$62,519.06	\$33,022.00	\$39,996.00

A motion was made by Councilmember Smith, seconded by Councilmember McCain to approve a Resolution authorizing the City Manager to enter into agreements with the Fiscal Year 2020 Tourism Development Grant applicants. The motion carried by the following vote: Ayes: Mayor Montgomery, Councilmembers McCain, Smith, and Gross: Nays: None, Abstain: Councilwoman Clay.

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 at 6:25 p.m.

The City Council returned to Regular Session at 7:03 p.m.

Mayor Montgomery announced the City Council would convene in EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE, SECTION 551.072 (DELIBERATION REGARDING REAL PROPERTY; CLOSED MEETING) TO DELIBERATE THE PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY:

- a) 111 SLAGLE

The City Council adjourned to Executive Session at 7:04 p.m.

The City Council returned to Regular Session at 7:13 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

A motion was by Councilmember McCain, seconded by Councilwoman Clay to approve the public infrastructure project in conjunction with Winters Oil with a stipulation that the first \$75,000 is from Winters Oil personal investment, and the first money spent prior to the Economic Development Corporation's contribution of \$250,000 not to exceed that amount. The motion carried by the following vote: Ayes: Councilwoman Clay, Councilmember McCain, and Councilmember Smith, Nays: Mayor Montgomery and Councilmember Gross.

b) PROSPECT # 1797

During this agenda item Mayor Pro Tem McCain conducted the meeting.

A motion was made by Councilmember Gross, seconded by Councilmember Smith to approve the expenditure of Economic Development Corporation's funds in the amount of \$250,000 for Oakwood Place Senior Living public infrastructure project.

The motion carried by the following vote: Ayes: Councilwoman Clay, Councilmember McCain, Councilmember Gross, and Councilmember Smith. Abstain: Mayor Montgomery as a Conflict of Interest was filed with the City Secretary.

CONSIDER AND TAKE ACTION, AS NECESSARY, RESULTING FROM DELIBERATIONS IN EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE, SECTION 551.072 (DELIBERATION REGARDING REAL PROPERTY; CLOSED MEETING) TO DELIBERATE THE PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY

a) 111 SLAGLE

A motion was made by Councilmember McCain, seconded by Councilwoman Clay that the city not list the property located at 111 Slagle for sale at this time. The motion carried unanimously.

MAYOR AND CITY COUNCIL'S REQUEST FOR FUTURE AGENDA ITEMS

Councilmember McCain stated he is receiving calls regarding the homeless issues. He requested an update from Buddy Hill, Chief of Police as to how the city is handling this issue.

ADJOURN

The meeting adjourned at 7:20 p.m.

PASSED AND APPROVED THIS THE 12th DAY OF NOVEMBER, 2019.

Monte Montgomery, Mayor

ATTEST:

Bonnie Hambrick, City Secretary