

REGULAR SESSION

NOVEMBER 13, 2018

The City Council of the City of Athens met in Regular Session on Monday, November 13, 2018, 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
Ed McCain, Mayor Pro-Tem
Robert Gross
Aaron Smith
Toni Clay

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

others present: Thanasis Kombos, Buddy Hill, Ryan Adams, Randy Williams, Jennifer Robertson, Mandie Quigg, Adrianna Hinds, Russ Marshall, Janicia Evans, Marti Shew, Sharon Townsend, Kelley Townsend, Dana Hudson, Hayley Hope, Willy Robson, Bob and Carol Morton, Ginger Morton, Bob and Peggy Gould, Tere Lawyer, Nancy Griffin, Keith Kidd, Joe Boyd, Chris Tinsley, Chet Patel, Rich Flowers, Lisa Montgomery, Judy Jones, Lacey Lowry, Tom Leathem, Chip and Anne Perryman, Tyler Hendrickson, Mark Carroll, Brent Muecke, Tom and Mary Henderson, Corey Frentress, Deborah Deas, Nathan Herrington, and other interested citizens;

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

INVOCATION

The Invocation was given by Councilmember Smith.

PLEDGE OF ALLEGIANCE LED BY BOY SCOUT TROOP 343

The Pledge of Allegiance was led by Boy Scout Troop 343.

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

Councilmember McCain stated that Senator Ted Cruz's team decided to have a rally in Athens at "The Texan". He stated he heard from someone on the campaign and individuals who stated everyone was impressed with the venue. He further stated "The Texan" is getting kudos from the Senator's campaign.

Elizabeth Borstad, City Manager stated the City received an award from the Texas Downtown Association for "Best Renovation/Rehabilitation/Restoration" for the Texan, and the Mayor would formally presented the award at the next City Council meeting.

CITIZENS COMMUNICATIONS

Brent Muecke, expressed concern with the following:

- Filtration needed at the Splash Pad
- Bridge at Kiwanis Park still out
- Merry-Go- Round at Kiwanis
- Detention pond for new business on Highway 31

Mayor Montgomery stated the City Council will move to agenda item 17.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY
CONCERNING THE APPROVAL OF A RESOLUTION DIRECTING THE
CITY MANAGER TO RESCIND MATTERS PERTAINING TO THE CITY OF
ATHENS CIVIC AND AQUATIC CENTER RENOVATIONS (CAIN CENTER
PROJECT)

Ms. Borstad explained the last direction she received from the City Council was to move forward with rebidding the renovations for the Cain Center Project. She stated staff is seeking direction from the City Council regarding rebidding the project in the same format or rescinding matters pertaining to the renovations.

Mayor Montgomery provided background history regarding the project. He stated there needs to be a vote on the direction the City Council should take for the project.

Mayor Montgomery stated he would allow comments from public prior to the City Council discussing the item.

The following individuals appeared before the Council in support of the Cain Center Project:

Tere Lawyer
Ginger Morton
Dana Hudson
Bob Morton
Willy Robson
Bob Gould

Blake Armstrong, City Attorney, exited the meeting at 6:10 p.m.

Additional individuals appeared before the Council in support of the Cain Center Project:

Nancy Griffin
DJ Warren
Steve Grant
Mark Carroll
Brent Muecke
Anne Perryman
Chip Perryman
Michael Hannigan

Lacey Lowry, opposed the Cain Center Project.

Steve Grant suggested that a steering committee be formed to look at the project and determine if the Cain Center Project is viable.

After hearing from individuals, Mayor Montgomery began the City Council's discussion at 6:42 p.m.

Much deliberation between the City Council occurred.

Councilmember Smith stated it is a good ideal to allow a group of individuals to look at the figures. He stated the plan that the City currently has is too much and he felt the taxpayers' should have a say.

Councilmember Gross expressed concern that the City would not be competitive if the tax rate is raised too high. He stated he favors a bond election.

Councilmember McCain stated he wanted to move in a direction to save the Cain Center. He stated the pool appears to be the most important aspect of the project. He stated he would like see if the rest of the project could be reduced.

Councilwoman Clay stated she wanted to see the Cain Center go forward. She stated the only way the Cain Center will flourish is through a private/public coordination.

Michael Hannigan thanked the City Council, and stated this is the best example of city government.

Mayor Montgomery stated he is 100% for the Cain Center.

After much discussion and questions being answered, it was the consensus of the City Council to form a steering committee, led by Steve Grant to study the project.

A motion was made by Councilmember McCain, seconded by Councilwoman Clay to Table a Resolution directing the City Manager to rescind matters pertaining to the City of Athens Civic and Aquatic Center Renovations (Cain Center Project).

The motion carried by the following vote: Ayes: Councilmembers Montgomery, McCain, Smith and Councilwoman Clay. Nays: Councilmember Gross; Abstained: None

The City Council recessed at 7:39 p.m.

The City Council reconvened in Regular Session at 7:48 p.m.

Mayor Montgomery stated the City Council will move to agenda 18

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY CONCERNING THE APPROVAL OF THE FOLLOWING:

- a) A RESOLUTION DIRECTING THE CITY MANAGER TO PROCEED WITH CASH DEFEASANCE IN THE AMOUNT OF \$5,337,960 FOR THE 2017 CERTIFICATES OF OBLIGATIONS, ALLOCATED FOR THE CITY OF ATHENS CIVIC AND AQUATIC CENTER RENOVATIONS (CAIN CENTER PROJECT)**

Ms. Borstad introduced Marti Shew with Hilltop Securities.

Marti Shew, Director, Hilltop Securities, explained options and the impact of a partial cash defeasance (payoff) of Combination Tax & Revenue Certificates of Obligations, Series 2017. She explained the mechanics of cash defeasance and the reallocation of funds listed as purposed in the Original Certificates of Obligations.

After discussion a motion was made by Councilmember Gross, seconded by Councilmember Smith to approve A Resolution directing the City Manager to proceed with cash defeasance in the amount of \$5,337,960 for the 2017 Certificates of Obligations, allocated for the City of Athens Civic and Aquatic Center Renovations (Cain Center Project)

The motion failed by the following vote: Ayes: Councilmembers Gross, and Smith, Nays: Councilmember Mayor Montgomery, Councilwoman Clay, Councilmember McCain; Abstained: None

- b) A RESOLUTION DIRECTING THE CITY MANAGER TO REALLOCATE THE AMOUNT OF \$5,337,960 FROM THE 2017 CERTIFICATES OF OBLIGATIONS, ORIGINALLY PLANNED FOR THE CITY OF ATHENS CIVIC AND AQUATIC CENTER RENOVATIONS (CAIN CENTER PROJECT)**

No action was taken.

CONSENT AGENDA

- a) CONSIDER APPROVING THE MINUTES OF THE OCTOBER 22, 2018 REGULAR SESSION
- b) CONSIDER APPROVING THE MINUTES OF THE OCTOBER 30, 2018 WORK SESSION
- c) CONSIDER AUTHORIZING THE MAYOR TO EXECUTE THE FISCAL YEAR 2018 FEDERAL EQUITABLE SHARING AGREEMENT AND CERTIFICATION
- d) CONSIDER CONDUCTING AND APPROVING THE CHAPTER 59 ASSET FORFEITURE REPORT AND AUDIT FOR FISCAL YEAR 2018
- e) SEPTEMBER 2018 MONTHLY REVENUE AND EXPENSE REPORT
- f) QUARTERLY INVESTMENT REPORT ENDING SEPTEMBER 30, 2018

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

PUBLIC HEARING CONCERNING A REQUEST FROM FIRST HYBRID INC., PS PLAN FOR THE APPROVAL OF THE REPLAT OF LOTS 15, 16, & 17, COUNTRY CLUB PLACE CREATING LOTS 15-R, 16-R & 17-R, COUNTRY CLUB PLACE PHASE I ADDITION (P-11-18-001)

Ryan Adams, Interim Managing Director of Development Services, explained First Hybrid is requesting the replat of Lots 15, 16, 17 Country Club Place created Lots 15-R, 16-R & 17-R, Country Club Place Phase I Addition. He stated notices were mailed to surrounding property owners.

Mayor Montgomery opened the Public Hearing. There was no discussion and the public hearing was closed.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY, CONCERNING A REQUEST FROM FIRST HYBRID INC., PS PLAN FOR THE APPROVAL OF THE REPLAT OF LOTS 15, 16, & 17, COUNTRY CLUB PLACE CREATING LOTS 15-R, 16-R & 17-R, COUNTRY CLUB PLACE PHASE I ADDITION

A motion was made by Councilmember Gross, seconded by Councilmember Smith to approve the replat of Lots 15, 16, & 17, Country Club Place creating Lots 15-R, 16-R & 17-R, Country Club Place Phase I Addition. The motion carried unanimously.

PUBLIC HEARING CONCERNING A REQUEST FROM ATHENS OLD TOWN, LLC FOR APPROVAL OF THE REPLAT OF LOTS 4, 5, & 6, BLOCK 5 – PARK HIGHLANDS SUBDIVISION CREATING LOTS 4, 4A, 5 & 6, BLOCK 5 – PARK HIGHLANDS SUBDIVISION (P-11-18-002)

Mr. Adams explained the replat is for Lots 4, 5, & 6, Block 5 – Park Highlands Subdivision creating Lots 4, 4A, 5 & 6, Block 5 – Park Highlands Subdivision. He stated the replat will created four (4) lots. He stated notices were mailed to surrounding property owners.

Mayor Montgomery opened the Public Hearing. There was no discussion and the public hearing was closed.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY, CONCERNING A REQUEST FROM ATHENS OLD TOWN, LLC FOR APPROVAL OF THE REPLAT OF LOTS 4, 5, & 6, BLOCK 5 – PARK HIGHLANDS SUBDIVISION CREATING LOTS 4, 4A, 5 & 6, BLOCK 5 – PARK HIGHLANDS SUBDIVISION (P-11-18-002)

A motion was made by Councilmember Smith, seconded by Councilmember Gross to approve the replat of Lots 4, 5, & 6, Block 5 – Park Highlands Subdivision creating Lots 4, 4A, 5 & 6, Block 5 – Park Highlands Subdivision. The motion carried unanimously.

PUBLIC HEARING CONCERNING A REQUEST FROM NATHAN HERRINGTON FOR APPROVAL OF THE REPLAT OF TRACT 36, RA CLARK SURVEY CREATING TRACTS 36 & 36A, RA CLARK SURVEY (P-11-18-003)

Mr. Adams explained the item is a replat of Tract 36, RA Clark Survey creating Tracts 36 & 36A, RA Clark Survey creating two (2) lots.

Mayor Montgomery opened the Public Hearing. There was no discussion and the public hearing was closed.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY, CONCERNING A REQUEST FROM NATHAN HERRINGTON FOR APPROVAL OF THE REPLAT OF TRACT 36, RA CLARK SURVEY CREATING TRACTS 36 & 36A, RA CLARK SURVEY (P-11-18-003)

A motion was made by Councilmember Gross, seconded by Councilmember McCain to approve the replat of Tract 36, RA Clark Survey creating Tracts 36 & 36A, RA Clark Survey. The motion carried unanimously.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY CONCERNING THE APPROVAL OF A RESOLUTION DESIGNATING VELVIN AND WEEKS CONSULTING ENGINEERS AS THE ENGINEERING SERVICE PROVIDER TO COMPLETE APPLICATION AND PROJECT RELATED ENGINEERING SERVICES FOR THE TEXAS DEPARTMENT OF AGRICULTURE'S 2019-2020 TXCDBG COMMUNITY DEVELOPMENT FUNDING

Mayor Montgomery stated the item would not be discussed.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY CONCERNING THE APPROVAL OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION TO THE TEXAS WATER DEVELOPMENT BOARD (TWDB) FOR FUNDING THROUGH THE CLEAN WATER STATE REVOLVING FUND (CWSRF)

Ms. Borstad explained that a pre application was submitted to the Texas Water Development Board (TWDB) and the Resolution will allow staff to submit an application for funding.

Tyler Hendrickson, Velvin and Weeks explained the scope of the project. He stated the funding is for a sewer line replacement on North Pinkerton Street.

A motion was made by Councilmember Gross, seconded by Councilwoman Clay to approve Water Development Board (TWDB) for funding through the Clean Water State Revolving Fund (CWSRF). The motion carried unanimously.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY CONCERNING THE APPROVAL OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION TO THE TEXAS WATER DEVELOPMENT BOARD (TWDB) FOR FUNDING THROUGH THE DRINKING WATER STATE REVOLVING FUND (DWSRF)

Ms. Borstad explained the Drinking Water State Revolving Fund is a separate funding source.

Mr. Hendrickson explained the scope of the project. He stated it is for the water line replacement on Park, Prairieville, and Clinton Street.

A motion was made by Councilmember McCain, seconded by Councilwoman Clay to approve a Resolution authorizing the City Manager to submit an application to the Texas Water Development Board (TWDB) for funding through the Drinking Water State Revolving Fund (DWSRF). The motion carried unanimously.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY
CONCERNING THE APPROVAL OF A RESOLUTION AUTHORIZING THE
CITY MANAGER TO ENTER INTO AGREEMENTS AWARDED BIDS FOR
CHEMICALS USED IN WATER AND WASTEWATER TREATMENT
FACILITIES

Randy Williams, Utilities Director, explained the item is to authorize the City Manager to enter agreements awarding bids for chemicals used in water and wastewater treatment facilities. Mr. Williams explained the difference between the current bid and previous bids is the absence of fluoride.

He stated the Chemical bid tabulation was included in the packet.

Ms. Lowry asked for clarification. She asked if the City is no longer putting fluoride in the water, with Mr. Williams stating that is correct.

A motion was made by Councilmember Gross, seconded by Councilmember McCain to approve Resolution authorizing the City Manager to enter into agreements awarding bids for chemicals used in water and wastewater treatment facilities. The motion carried unanimously.

MAYOR AND CITY COUNCIL'S REQUEST FOR FUTURE AGENDA ITEMS

Councilmember Gross requested a work shop to provide guidance to the Cain Center Steering Committee and setting parameters.

ADJOURN

The meeting adjourned at 8:33 p.m.

PASSED AND APPROVED THIS THE 26th DAY OF NOVEMBER, 2018.

Monte Montgomery, Mayor

ATTEST:

Bonnie Hambrick, City Secretary