

REGULAR SESSION

NOVEMBER 14 2016

The City Council of the City of Athens met in Regular Session on Monday, November 14, 2016, 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: Rodney Williams, Thanasis Kombos, Lawrence Cutrone, John McQueary, Barbara Holly, Marty Coursey, Sandi Pulley, Rich Flowers, Michael Hannigan, Marti Shew, Carol Morton, Hal Sargent, Randy McIntyre, Susan Jacobs, Gary Whittle, Chris Tinsley, Lisa Denton, Will Traxson, Tom and Lynn Leatham, Ann Perryman and other interested citizens;

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

INVOCATION

The invocation was given by Erick Graham.

DECLARATION OF CONFLICT OF INTEREST

No action was taken.

CONSENT AGENDA:

- a) CONSIDER APPROVING THE MINUTES OF THE OCTOBER 24, 2016 REGULAR SESSION
- b) CONSIDER APPROVING THE MINUTES OF THE OCTOBER 24, 2016 WORKSHOP SESSION
- c) CONSIDER APPROVING THE MINUTES OF THE NOVEMBER 1, 2016 SPECIAL SESSION
- d) INVESTMENT REPORT – SEPTEMBER 2016

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

CITIZENS COMMUNICATIONS:

There was no discussion.

UPDATE ON WATER STORAGE TANK REHABILITATIONS

Lawrence Cutrone, Director of Public Works explained there are five (5) remaining tanks that need rehabilitation within the City. He explained that Faulk St GST (Ground Storage Tank), Faulk St EST (Elevated), Hwy 7 Loop EST, and Royal Mountain Standpipe all have different recommendations per SPI to be performed for the rehab. He stated it mainly includes sandblasting interiors and exteriors, recoating of paint, removal and installation of new pipe and other parts, calibration of cathodic protection equipment, painting of external logos.

There was a lengthy discussion regarding the use of concrete to replace the ground storage tank on W. Scott Street. It was the consensus of the City Council that concrete should be used for the replacement of the ground storage tank, as it is the best solution for longevity.

UPDATE ON TRICKING FILTER WALL REPLACEMENT

Mr. Cutrone explained that bids were open on November 8, 2016 for the Trickling Filter Wall Replacement. He stated the prices for the four bid items related to the underdrain removal and repair were approximately \$340,000 over the pre-bid estimates. Mr. John Ringler, KSA, stated he recommends that the City reject the bids.

DISCUSSION OF CITIZEN REQUEST FOR DISANNEXATION OF PROPERTY WITHIN THE CITY LIMITS

a) TRACT 4A, ABSTRACT 135 D CHERRY SUR

Barbara Holly, Interim Planning Director, explained that Mr. Tom Potthoff had inquired about the process for disannexing property he had recently purchased from Athens Municipal Water Authority that is on the east side of Lake Athens, near the spillway. Ms. Holly explained that the Local Government Code establishes who is eligible to directly petition for disannexation and the Potthoffs do not qualify. Ms. Holly further explained that the property is not currently served by utilities, it connects to the Potthoff's 56.988 acre property to the north which is served by Bluebird Lane. At the time of development, the Potthoff's would be required to extend paved access and utilities to serve the property. She stated the value of the land is about \$125,000

Ms. Holly stated that staff recommends to not allow the disannexation of the property.

Mayor Vaught stated he does not recommend the disannexation, and the City wants to get started on more annexation.

After discussion it was the consensus of the Council to not allow the disannexation.

DISCUSSION AND CONSIDERATION OF CANCELLING THE DECEMBER 26, 2016 REGULAR SESSION DUE TO HOLIDAY SCHEDULE

Mr. Rodriguez explained that December 26, 2016 is a holiday and the recommendation is to cancel the December 26, 2016 City Council Regular Session. A motion was made by Councilmember Winn, seconded by Councilmember Whatley authorizing the cancellation of the December 26, 2016 Regular Session due to the holiday schedule. The motion carried unanimously.

DISCUSSION AND CONSIDERATION OF ALL MATTERS RELATED TO AWARDING BIDS FOR CHEMICALS FOR USE IN WATER AND WASTEWATER DEPARTMENTS

Lawrence Cutrone, stated that sealed bids were opened on October 25, 2016. He explained after speaking with the Texas Department of State and Health Services, Texas cities are not required to add fluoride to drinking water.

There was discussion regarding dropping fluoride from use in the City's Water Department.

Mr. Cutrone recommended that chemical bids be awarded to the following low bidders, as presented

<u>Chemical</u>	<u>Company</u>	<u>Price</u>
CL (2) Dry 65%	Brenntag Southwest, Inc.	\$193.00/UNIT
CL (2) Gas 1-Ton	Brenntag Southwest, Inc.	\$680.00/CYL
Ammonia	Brenntag Southwest, Inc.	\$0.8849/LB
Caustic Soda (Liquid)	Brenntag Southwest, Inc.	\$0.242/LB
Cooper Sulfate	Chemtrade Chemicals	\$6.06/GAL
Liquid Ammonia Sulfate	Chemtrade Chemicals	\$2.92/GAL
CL(2) Gas 150 LB CYL	DPC Industries	\$90.00/CYL
Sulfur Dioxide	DPC Industries	\$744.00/CYL
Alum	Chameleon Industries Inc.	\$0.09/LB
Fluoride	Pencco Inc.	\$0.2535/LB
Fluoride	Shannon Chemical Corp	\$0.2535/LB

A motion was made by Councilmember Winn, seconded by Councilmember Whatley to award chemical bids to the low bidders, for use in Water and Wastewater Departments, as presented and to reject the bid for Fluoride. The motion carried unanimously.

**DISCUSSION AND CONSIDERATION OF ALL MATTERS RELATED TO
AUTHORIZING THE MAYOR TO EXECUTE 2016 FEDERAL EQUITABLE
SHARING AGREEMENT CERTIFICATION**

Police Chief Buddy Hill explained that the Federal Equitable Sharing Agreement concerns seized funds resulting from Federal cases and must be completed annually, with there being no funds received nor spent this year. A motion was made by Councilmember Whatley, seconded by Councilmember Winn authorizing the Mayor to execute 2016 Federal Equitable Sharing Agreement Certification. The motion carried unanimously.

**DISCUSSION AND CONSIDERATION OF ALL MATTERS RELATED TO
CONDUCTING AND APPROVING CHAPTER 59 ASSET FORFEITURE
REPORT FOR FISCAL YEAR 2016**

Police Chief Hill explained that this Audit must be conducted annually and filed with the Attorney General for State level seized and forfeited funds. A motion was made by Councilmember McCain, seconded by Councilmember Montgomery authorizing the conducting and approving Chapter 59 Asset Forfeiture Report for Fiscal Year 2016. The motion carried unanimously.

**DISCUSSION AND CONSIDERATION OF ALL MATTERS RELATED TO
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ)
VIOLATIONS, AND ATHENS MUNICIPAL WATER AUTHORITY (AMWA)**

Mr. Cutrone explained that the City has received several violation notices from Texas Commission on Environmental Quality (TCEQ); with some letters noted for the City of Athens with the City's Public Water System (PWS) Identification number and some noted to Athens Municipal Water Authority (AMWA) with AMWA's Public Water System (PWS) Identification number.

Mr. Cutrone stated the two are separate entities, however they share roles at the plant. He stated AMWA owns the plant and the City operates and maintains the plant according to the contract. He stated the City recently mailed out letters, Councilmember Whatley interjected "that were mandated by TCEQ". Mr. Cutrone further explained there seems to be confusion as to which letters are supposed to be mailed out and the contract did not specify reporting or administrative duties.

Mr. Rodriguez stated the item was brought to Council's attention due to some misinformation about what the City did and why we did it. He stated TCEQ has been sending letters on a routine basis depending on what the issues are related to a sample point and/or a complaint.

Mr. Rodriguez further stated "the City desperately needs the relationship with AMWA to work well and the City values that relationship very much". Mr. Rodriguez stated "he wanted to make it clear that when the letters are addressed to AMWA the public notice must use the enclosed mandatory language for every notice, and include a brief statement about how you plan to address the problem as describes in 30 TAC §290.122(d). He stated the city followed that to a T, and wanted to make sure people understood that".

After a lengthy discussion Mr. Rodriguez stated he would love to see a joint meeting between AMWA and the City Council to begin dialogue about the best way to go forward on these types of issues.

Councilmember McCain stated it would have been a good idea to inform AMWA the City was sending the letter. He further stated he wants to work well with AMWA and in unison.

Mr. Rodriguez stated the contract between the City and AMWA has placed staff in a very difficult position.

Mayor Vaught stated that the contract between the City and AMWA is a confusing agreement and he would like to review the contract with an outside source to make it an agreeable agreement.

Councilmember McCain stated, "if we all consider ourselves fiscal conservatives, the two entities working together efficiently is the most beneficial to us, financially".

EXECUTIVE SESSION PURSUANT TO TEXAS GOVERNMENT CODE:

- i) SECTION 551.071 (CONSULTATION WITH ATTORNEY; CLOSED MEETING) REGARDING THE FOLLOWING ITEMS:**
 - a. LEGAL ROLES, RESPONSIBILITIES AND DUTIES OF COUNCIL MEMBERS**
 - b. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) VIOLATIONS, AND ATHENS MUNICIPAL WATER AUTHORITY (AMWA)**
- ii) SECTION 551.087 (DELIBERATIONS REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS; CLOSED MEETING) DELIBERATIONS REGARDING NEGOTIATIONS WITH THE FOLLOWING PROSPECT:**
 - a. PROSPECT # 1545**

Mayor Vaught stated this item will not be discussed.

The City Council adjourned to Executive Session at 7:01 p.m.

The City Council returned to Regular Session at 8:02 p.m.

CONSIDER ACTION RESULTING FROM DELIBERATIONS IN EXECUTIVE SESSION PURSUANT TO TEXAS GOVERNMENT CODE,

- i) SECTION 551.071 (CONSULTATION WITH ATTORNEY; CLOSED MEETING) REGARDING THE FOLLOWING ITEMS:**
 - a. LEGAL ROLES, RESPONSIBILITIES AND DUTIES OF COUNCIL MEMBERS**

No action was taken.

**b. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ)
VIOLATIONS, AND ATHENS MUNICIPAL WATER AUTHORITY
(AMWA)**

No action was taken.

**ii) SECTION 551.087 (DELIBERATIONS REGARDING ECONOMIC
DEVELOPMENT NEGOTIATIONS) DELIBERATIONS REGARDING
NEGOTIATIONS WITH THE FOLLOWING PROSPECT:**

a. PROSPECT # 1545

This item was not discussed.

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

- Councilmember McCain stated that he hopes everyone in the audience realizes that water is the number one issue in Athens and the State of Texas regardless if it is elevated storage tanks or AMWA wells, this is the number one thing we should be talking about as citizens and tax payers in Athens; water, water, water.
- Mr. Rodriguez informed the audience that November 16th the architect and pool consulting team will be in Athens to meet with the public regarding the Cain Center project. He stated the times were 11:00 a.m., 4:00 p.m. and 6:00 p.m.
- Mr. Rodriguez stated the Christmas Parade is December 3rd at 6:30 P.M.
- Thanasis Kombos, Community Development Manager introduced Adrianna Hinds the new Cultural Resources Coordinator.

MAYOR AND CITY COUNCIL REQUEST FOR FUTURE AGENDA ITEMS

There were no requests for future agenda items.

ADJOURN

The meeting was adjourned.

PASSED AND APPROVED THIS THE 28th DAY OF NOVEMBER, 2016.

Jerry D. Vaught, Mayor

ATTEST:

Bonnie Hambrick, City Secretary