

REGULAR SESSION

FEBRUARY 22, 2016

The City Council of the City of Athens met in Regular Session on Monday, February 22, 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
Monte Montgomery, Mayor Pro-Tem
Tres Winn
Joe Whatley
Charles Elliott

Philip Rodriguez, City Manager
Bonnie Hambrick, City Secretary

others present: David Hopkins, Buddy Hill, John McQueary, Gordon Mayer, Gary Whittle, Nasi Kombos, Amy Williams, Carol Morton, Allen Ross, Ed McCain, and other interested citizens;

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

The invocation was given by Monte Montgomery.

DECLARATION OF CONFLICT OF INTEREST

No action was taken.

CONSENT AGENDA;

A) No Items.

OPPORTUNITY FOR CITIZENS TO EXPRESS ITEMS OF CONCERN RELATING TO THE CITY OF ATHENS.

There was no discussion.

RECEIVE 2015 RACIAL PROFILING REPORT

Buddy Hill, Chief of Police, stated that the Texas Code of Criminal Procedures requires that all law enforcement agencies collect certain data that pertains to motor vehicle stops and racial profiling criteria. They also require that information to be compiled into an annual report that is submitted to the Texas Commission on Law Enforcement, and the local governing body. The reports must be submitted by March 1st each year. Chief Hill stated that Council had the report in their packet for review. The report has already been sent to the state to meet the deadline.

Councilmember Elliott stated that the Police Department did an excellent job.

PRESENTATION FROM CAROL MORTON OF KEEP ATHENS BEAUTIFUL REGARDING THE ADOPT-A-STREET PROGRAM

Carol Morton stated that Keep Athens Beautiful would like to re-establish the Adopt-A-Spot Program in Athens. This is due to the loss of the Operation Clean Sweep Program through Court. This would be strictly a Keep Athens Beautiful Program with support of the City. They would manage all the programs and work with City Staff on which streets to manage. Mrs. Morton also stated that the Home and Garden show on March 5th 2016, would officially kick off this program.

DISCUSS APPOINTMENT TO THE SUBSTANDARD BUILDING COMMISSION

Bonnie Hambrick, City Secretary, stated that there is a resignation letter from Tim Jones resigning his position on the Substandard Building Commission. There will need to be an appointment from Council for this position.

Councilmember Winn asked if there are any alternates on this board, with Mrs. Hambrick stating there were not any alternates on this board.

Mayor Pro-Tem Montgomery stated that in the past this board consisted of a designer, contractor, doctor and representative of the citizens. He stated with Chief Hill being over this Board, he may want to review who is currently serving on the board and make some recommendations.

DISCUSS APPOINTMENT TO THE ZONING COMMISSION

Mrs. Hambrick stated that there is still need for one (1) appointment to this board as Donna Meredith and Chris Tinsley have termed out.

Mayor Vaught asked if Ed McCain would still be able to serve, or would Council need to appoint a citizen for his position as well, with Philip Rodriguez, City Manager, stating that he could serve on that board until May.

PLANNING & DEVELOPMENT REPORTS

A) STATUS REPORT ON CURRENT AND PROPOSED DEVELOPMENTS PROJECTS

Gordon Mayer, Interim Director of Planning & Development, updated Council on the following projects:

1. Jewelry store at 2009 Crestway: Framing is complete, interior will soon be started
2. Medical Center on S Palestine: Received Certificate of Occupancy, undergoing water analysis before occupants move in
3. Suite B at 127 E Tyler St: primarily completed, updating electrical
4. Winery on the square is progressing well
5. Country Place Living: Framing is mainly complete, starting with interior on all buildings
6. City Staff have issued 22 permits and completed 44 inspections.

B) STATUS REPORT ON CURRENT AND PROPOSED UTILITY PROJECTS

Gary Whittle, Interim Operations Manager, updated Council on the following Utility projects:

1. The elevated storage tanks are progressing, sandblasting has been started
2. Pumped a total of 55 million gallons of water
3. Line Maintenance installed about 70 feet of water lines, and had 69 cutoffs, and 29 sewer stops
4. Wastewater has treated about 45 million gallons of wastewater
5. Fleet Maintenance has completed 50 internal repairs, and 7 outside repairs
6. Cain Center ball field drainage issue is being fixed

Councilmember Whatley asked if the project was finished on Mulberry, with Amy Williams, Director of Development, stating it was completed.

Mayor Vaught asked if there were going to be culverts put in at Cain Park to address the drainage issue, with Mr. Whittle stating that just between the fields where they are creating the swell, and then Staff is going to put down rye grass.

Mayor Vaught asked if Staff could look into the flooding by the wooden bridge going to the fields.

FINANCIAL REPORT

David Hopkins, Director of Finance, presented January Financials.

Councilmember Winn asked where did the prior year million dollars in the General Fund come from, with Mr. Hopkins stating that when Staff closed this Fiscal Year it was more than was anticipated. Mr. Hopkins stated this comes from when you close Revenue over Expenses. Mr. Hopkins further stated when the 2015 books were closed, they are only estimates and the unallocated portion increased.

Councilmember Elliott asked what the \$40,000 transfer from the Airport fund was, with Mr. Hopkins stating that some of the transfers will be for the Grants Funds, and some transfers will be to cover what the General Fund Staff takes care of, have to transfer to General Fund to defray that cost just like in the Utility Fund. Mr. Hopkins stated that the cash balance in the Airport Fund is currently \$237,000.

Councilmember Elliott asked if the Revenue over Expenditure of \$934,000 is the current budget, with Mr. Hopkins stating it was the current budget. Mr. Hopkins stated that there is still 1.129 million dollars in spendable money from the previous year.

Councilmember Elliott asked if the City was still on track to maintain the budget for this year, with Mr. Hopkins stating yes.

Councilmember Elliott asked about the (2) two emergency appropriations; (low water pressure and the wastewater issue) how will that affect the budget? Mr. Hopkins stated one of the appropriations came from the Utility Fund.

Councilmember Elliott stated when the City reaches the end of the year basically the City will have \$1.8 million dollars in reserves, with Mr. Hopkins stating yes that money is earmarked.

Mr. Rodriguez stated that on page 21 there is 3.89 million dollars in net cash available. After the appropriations for this budget there is still an estimated 2.9 million dollars, and minus the fund reserve gives the unallocated costs that is seen on page 21.

Councilmember Elliott stated he wanted the public to know that the financials were in decent shape when he came off the City Council.

CONSIDER FINAL READING OF AN ORDINANCE AMENDING TEXT OF ZONING ORDINANCE #O-12-01 TO A TEMPORARY USE PERMIT.

Mr. Mayer stated that the Ordinance has been amended to allow for a 120 day permit and it removes the sale of livestock from the list of uses.

Mrs. Hambrick read the Ordinance aloud.

A motion was made by Councilmember Whatley, seconded by Mayor Pro-Tem Montgomery approving the amendments of Ordinance #O-12-01. The motion carried with the following votes. Ayes: Mayor Vaught, Mayor Pro-Tem Montgomery, Councilmember Whatley, Nays: Councilmember Winn, and Councilmember Elliott abstained from voting.

DISCUSS/CONSIDER AUTHORIZING STAFF TO ADVERTISE FOR PROPOSALS FOR A BANK DEPOSITORY CONTRACT.

Mr. Hopkins stated that once every five (5) years Local Government Code requires that request for proposals must be sent out to all local banks. The current contract ends April 1, 2016. After the proposals have been received Staff will bring those before Council.

A motion was made by Councilmember Whatley, seconded by Mayor Pro-Tem Montgomery, authorizing Staff to advertise for proposals for a Bank Depository Contract. The motion carried unanimously.

DISCUSS/CONSIDER POSSIBLE APPROVAL OF ATHENS ECONOMIC
DEVELOPMENT CORPORATION'S BUSINESS ASSISTANCE GRANT PROGRAM
APPLICATION SUBMITTED BY CLINT AND SHEILA DAVIS IN AN AMOUNT UP
TO \$4,915

Lisa Denton, AEDC CEO, stated that AEDC received an application that was submitted by Clint and Sheila Davis for exterior upgrades in an amount up to \$4,915. The estimated project cost will be \$20,000. She also stated that this went before the AEDC board and it passed unanimously.

Mayor Pro-Tem Montgomery asked about the nature of this business, with Ms. Denton stating that there is currently no business at this location, they are trying to improve the building to lease it out.

Councilmember Elliott stated that he commends AEDC for their proposal.

A motion was made by Councilmember Winn, seconded by Councilmember Whatley, approving the Athens Economic Development Corporation's Business Assistance Grant Program Application submitted by Clint and Sheila Davis in an amount up to \$4,915. The motion carried unanimously.

DISCUSS/CONSIDER POSSIBLE APPROVAL OF ATHENS ECONOMIC
DEVELOPMENT CORPORATION'S BUSINESS ASSISTANCE GRANT
PROGRAM APPLICATION SUBMITTED BY DAVID SEEBERGER AND
CAMERON CRAVEY, DOING BUSINESS AS RELIABLE ONE IN AN AMOUNT
UP TO \$10,000

Ms. Denton stated this property is located at 707 W Corsicana Street by the Donut Shop. They are proposing to improve the front and the side of the building. The total estimates were between \$35,000-\$36,750, with a grant up to \$10,000.

A motion was made by Councilmember Whatley, seconded by Mayor Pro-Tem Montgomery, approving the Athens Economic Development Corporation's Business Assistance Grant Program Application submitted by David Seeberger and Cameron Cravey, doing business as Reliable One in an amount up to \$10,000. The motion carried unanimously.

EXECUTIVE SESSION PURSUANT TO TEXAS GOVERNMENT CODE,
SECTION 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT
NEGOTIATIONS.

A) PROSPECT #1532

Council adjourned to executive session at 6:10 p.m.

The following reconvened at 7:49 p.m. to open session.

CONSIDER ACTION RESULTING FROM DELIBERATIONS IN EXECUTIVE
SESSION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS WITH
THE FOLLOWING PROSPECTS:

B) PROSPECT #1532

A motion was made by Councilmember Whatley, seconded by Councilmember Winn, authorizing the City Manager to negotiate Chapter 380 Agreement with Future Matrix, for property tax rebates with future capital investments. The motion carried unanimously.

A motion was made by Councilmember Elliott, seconded by Councilmember Whatley, authorizing City Manager to negotiate contract with Trailer and Associates, Inc. for Texas

Capital Fund Grant, with grant money for creation of new roads for the industrial park, where City Staff will be responsible for bringing recommended engineering firms for the project. The motion carried unanimously.

CITY MANAGER'S UPDATE

Mr. Rodriguez stated that there were over two hundred (200) people that came out to receive a brick Friday and Saturday. There are still bricks available, so Staff is going to open the Collection Site again from 8:30 a.m. to 3:30 p.m. on Saturday. There will be no limit to how many bricks a person can receive.

There are some new offers that will be sent out, so there should be some new Staff coming on board soon.

The Old Henderson County Hospital Demolition will be completed mid-March. There have been numerous phone calls from citizens expressing their gratitude about the demolition of the hospital.

MAYOR AND COUNCIL UPDATE

Mayor Vaught stated that the recent Chapter 380 Agreement is a great start for Athens to show more proactiveness to recruit new businesses to this town, and keeping the current businesses. It will be a great tool to negotiate for future businesses.

ADJOURN

The meeting was adjourned.

PASSED AND APPROVED THIS THE 14th DAY OF MARCH, 2016.

Jerry D. Vaught, Mayor

ATTEST:

Bonnie Hambrick, City Secretary