

REGULAR SESSION

FEBRUARY 24, 2020

The City Council of the City of Athens met in Regular Session on Monday, February 24, 2020, 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  
Aaron Smith  
Robert Gross

Elizabeth Borstad, City Manager  
Bonnie Hambrick, City Secretary

Staff Present: Buddy Hill, Police Chief, Russell Marshall, Fire Chief, Mandie Quigg, Finance Director, Tim Perry, Public Works Director, Jennifer Robertson, Director of Human Resources, Derek Whiteley, Director of Information Technology, Audrey Sloan, Director of Development Services, Randy Williams, Utilities Director, Katie Birk, Tourism and Cultural Resources Coordinator, Joanie Ahlers, Economic Development Director,

others present Sytonia Freeman, Michelle Zenor, Rich Flowers, Marisa Gunstanson, Steve Grant, Beth Faulk, Deanne Boswell, Deborah Deas, Heather Fossis, Anne Perryman, Pastor Earnest Freeman, and Michael Hannigan

with the following member absent: Councilwoman Toni Clay

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

INVOCATION

The Invocation was given by Pastor Nathan Herrington.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

DECLARATION OF CONFLICT OF INTEREST

No action was taken.

PROCLAMATION – READ ACROSS AMERICA DAY

Ed McCain, Mayor Pro Tem proclaimed March 2, 2020 as Read Across America Day.

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

Elizabeth Borstad, City Manager, stated Larkin Street is open.

Tim Perry, Director of Public Works, provided a status update on the Carroll Street paving project. He stated weather, permitting, the project should be substantially complete next week.

PUBLIC COMMUNICATIONS:

Gary Penn spoke in favor of a competitive pool for the Cain Center.

Mayor Montgomery stated the City Council will move to agenda item 16) Discuss, consider and take action, as necessary, concerning the approval of a Resolution accepting Right-Of-Way donation from Athens Economic Development Corporation for Old Tyler Highway.

**DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY,  
CONCERNING THE APPROVAL OF A RESOLUTION ACCEPTING RIGHT-  
OF-WAY DONATION FROM ATHENS ECONOMIC DEVELOPMENT  
CORPORATION FOR OLD TYLER HIGHWAY**

Joanie Ahlers, Economic Development Director, presented the item. She stated the Deed of Right-of-Way was approved by the Athens Economic Development Corporation Board on Tuesday, February 18, 2020. She stated that Thrive Church is building behind Whataburger and they are trying to get three (3) phase power to their new building. She stated currently the power that runs along Old Tyler is single phase. Ms. Ahlers further explained that Oncor needed a 15-foot easement to facilitate the request. She explained the city did not have a right-of-way for the road nor was there an electrical easement. She stated the best plan was a 40 ft. right-of-way dedication which enables Oncor to put their poles within the City's right- of-way.

A motion was made by Councilmember McCain, seconded by Councilmember Gross to approve a Resolution accepting Right-Of-Way donation from Athens Economic Development Corporation for Old Tyler Highway. The motion carried unanimously.

Mayor Montgomery stated the City Council will return to agenda item 7) Consent Agenda.

Councilmember Gross requested item F be pulled from the Consent Agenda for further discussion.

**Consent Agenda**

- a) CONSIDER A RESOLUTION AUTHORIZING INTERLOCAL AGREEMENT WITH HENDERSON COUNTY FOR ELECTION SERVICES AND CONDUCTING ELECTION DAY VOTING**
- b) CONSIDER A RESOLUTION AUTHORIZING THE APPOINTMENT OF ELECTION JUDGE AND ALTERNATE ELECTION JUDGE FOR THE MAY 2, 2020 CITY OF ATHENS GENERAL ELECTION**
- c) CONSIDER A RESOLUTION DESIGNATING AND AUTHORIZING SIGNATORIES FOR THE 2019 TEXAS CDBG PROGRAM GRANT NO. 7219011**
- d) CONSIDER A RESOLUTION ADOPTING REQUIRED CDBG CIVIL RIGHTS POLICIES**
- e) CONSIDER A RESOLUTION PROCLAIMING APRIL AS FAIR HOUSING MONTH AND AUTHORIZING THE PUBLICATION OF A FAIR HOUSING PUBLIC SERVICE ANNOUNCEMENT**
- g) CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH TYLER BRANCH OF CORE AND MAIN FOR THE CONTINUED INSTALLATION OF AUTOMATED METER READING (AMR) SYSTEM IN THE AMOUNT OF \$83,164.00**
- h) CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO IMPLEMENT FISCAL YEAR 2020 STREET REHABILITATION AND SEAL COAT PROGRAM**
- i) RECEIVE THE 2019 RACIAL PROFILING REPORT**

A motion was made by Councilmember Smith, seconded by Councilmember Gross to approve items a-e and g-i of the Consent Agenda. The motion carried unanimously.

- f) CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO INCREASE THE BALANCE IN THE CITY'S EMERGENCY RESERVE**

Councilmember Gross stated he wanted to congratulate City staff for the work they are doing on budgeting and using the funds wisely. He stated this brings the City to a 90-day reserve and this is where we should be.

A motion was made by Councilmember Gross, seconded by Councilmember Smith to approve a Resolution authorizing the City Manager to increase the balance in the City's Emergency Reserve. The motion carried unanimously.

#### HEAR UPDATE ON CAIN CENTER PROJECT

Mayor Montgomery stated an update from the Construction Manager-at Risk was received and the numbers are surprisingly close to where the City needs them to be with outstanding savings.

Ms. Borstad stated there should be an update at the March 9, 2020 meeting.

Councilmember McCain stated when the previous bid came in from a company that AISD recommended and used; their bid was over \$9 million, and this bid is just over \$7.5 million. He further stated the City's decision to rebid the project saved the taxpayers.

#### UPDATE – POLICE RECRUITMENT AND RETENTION

Buddy Hill, Chief of Police, provided the following update on Police Recruitment and Retention:

- The Cadet Program is progressing with one (1) candidate
- The Civil Service rule change is being finalized for the lateral entry program, if approved by the Civil Service Commission, staff will bring the Ordinance to City Council for consideration

Discussion occurred.

Councilmember Gross requested a workshop with Council to fine tune the Civil Service requirements.

#### DISCUSS POSSIBLE CLOSURE OF FIRST STREET RIGHT-OF-WAY BETWEEN JONATHAN STREET AND WILLIAMS STREET

Audrey Sloan, Director of Development Services, explained the closure is requested for one block of First Street Right-Of-Way which runs North and South between Jonathan and Williams Street. Ms. Sloan stated that First Street is built out two blocks to the South with the other two blocks not built out. She stated the closure is requested by the owner of property to the West on Jonathan Street. She stated the request has been reviewed by City staff and utility companies. She explained there is no water or sewer infrastructure in the right-of-way, but there is electrical and Oncor has requested an easement be retained if the closure is approved.

Ms. Heather Fossis expressed concern that the property is city owned but, the City is not maintaining the property. She further expressed concern with the trash and the line of trees on the property.

Discussion occurred.

Councilmember McCain asked that city crews go out and take care of cleaning and provide an update during the next meeting.

DISCUSS FIRST READING OF AN ORDINANCE ESTABLISHING A SHIFT  
DIFFERENTIAL PAY FOR FIRE FIGHTERS AND POLICE OFFICERS

Ms. Borstad stated during the budget process the item was discussed. She stated some employees have night shift differential. She explained the proposal is to establish an Ordinance for shift differential pay for firefighters and police officers who work a shift in which more than 50 percent of the time worked is after 6 p.m. and before 6 a.m. with an established rate of \$0.50 per hour.

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

CONSIDER FINAL READING OF AN ORDINANCE CONCERNING A  
REQUEST FROM BILL MCMAHON FOR APPROVAL OF A SITE PLAN  
AMENDMENT INVOLVING PROPOSED SIGNAGE FOR PANDA EXPRESS  
FOR LOT 1, BLOCK 1 OF THE TRITON ATHENS SUBDIVISION, ALSO  
KNOWN AS 1006 EAST TYLER STREET

Councilmember Gross asked for clarification regarding what was submitted, with Ms. Sloan explaining the Ordinance presented in the packet is the site plan with the exception of excluding the wall sign on the east and west façade. It would allow for the approval of the extra 1 ½ inches for the monument sign.

Mayor Montgomery stated the architect indicated that the 7 ft. monument sign was acceptable.

Councilmember Smith stated he supports the 7 ft. monument sign for consistency.

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 the Ordinance with the exception that the wall signage shall not be allowed on the east and west facades and that the monument sign shall not exceed 7 feet in height.

After roll call vote the motion passed with the following record vote:

Monte Montgomery, Mayor	Aye
Ed McCain, Mayor Pro Tem	Aye
Aaron Smith, Councilmember	Aye
Robert Gross, Councilmember	Aye

Voted in favor of the motion	4
Voted against the motion	0
Motion carried	4-0

CONSIDER FINAL READING OF AN ORDINANCE CONCERNING THE  
ANNEXATION OF 3.30 ACRES IN THE B. C. WALTERS LEAGUE,  
ABSTRACT 797 IN HENDERSON COUNTY TEXAS AS REQUESTED BY  
JOHN WALLACE, LESLIE KOPPER AND CAROL ANN WALLACE

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 the annexation of 3.30 acres in the B. C. Walters League, Abstract 797 in Henderson County Texas as requested by John Wallace, Leslie Kopper and Carol Ann Wallace.

After roll call vote the motion passed with the following record vote:

Monte Montgomery, Mayor	Aye
Ed McCain, Mayor Pro Tem	Aye
Aaron Smith, Councilmember	Aye
Robert Gross, Councilmember	Aye

Voted in favor of the motion	4
Voted against the motion	0
Motion carried	4-0

CONSIDER FINAL READING OF AN ORDINANCE CONCERNING A REQUEST FROM WINTERS OIL PARTNERSHIP FOR APPROVAL OF A SITE PLAN FOR A GAS STATION AND CONVENIENCE STORE IN A PLANNED DEVELOPMENT 2 ZONING DISTRICT FOR LOT 1 OF THE WALLACE ADDITION, B. C. WALTERS SURVEY A-797 (6096 US HIGHWAY 175 WEST)

Ms. Sloan presented the revised site plan and stated the large truck parking spaces were removed, the pumps for the trucks were moved further away from the building and a diagram of the travel paths was added to show how the trucks would maneuver onto and off the site.

Ms. Hambrick read the caption of the Ordinance aloud.

A motion was made by Councilmember McCain, seconded by Councilmember Smith to approve a site plan for a gas station and convenience store in a Planned Development 2 zoning district for Lot 1 of the Wallace Addition, B. C. Walters Survey A-797 (6096 US Highway 175 West).

After roll call vote the motion passed with the following record vote:

Monte Montgomery, Mayor	Aye
Ed McCain, Mayor Pro Tem	Aye
Aaron Smith, Councilmember	Aye
Robert Gross, Councilmember	Aye

Voted in favor of the motion	4
Voted against the motion	0
Motion carried	4-0

CONSIDER FINAL READING OF AN ORDINANCE AMENDING CHAPTER 15-PERSONNEL, ARTICLE 1.-IN GENERAL, SECTION 15-3-FIREFIGHTERS' AND POLICE OFFICERS' CIVIL SERVICE LAW SUBSECTION (C) BY ADDING THE CLASSIFICATION OF DRIVER TO THE FIRE DEPARTMENT POSITION LISTING AND RECLASSIFYING SIX (6) OF THE EXISTING EIGHTEEN (18) FIREFIGHTER POSITIONS TO THE NEWLY CREATED DRIVER POSITION, PROVIDING A SEVERABILITY CLAUSE, REPEALER CLAUSE AND AN EFFECTIVE DATE

Ms. Hambrick read the caption of the Ordinance aloud.

A motion was made by Councilmember McCain, seconded by Councilmember Gross to approve final reading of an Ordinance amending Chapter 15-Personnel, Article 1.-in General, Section 15-3-Firefighters' and Police Officers' Civil Service Law Subsection (C) by adding the classification of Driver to the Fire Department Position Listing and reclassifying six (6) of the existing eighteen (18) Firefighter positions to the newly created Driver Position, providing a Severability Clause, Repealer Clause and an effective date.

After roll call vote the motion passed with the following record vote:

Monte Montgomery, Mayor	Aye
Ed McCain, Mayor Pro Tem	Aye
Aaron Smith, Councilmember	Aye
Robert Gross, Councilmember	Aye

Voted in favor of the motion	4
Voted against the motion	0
Motion carried	4-0

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 convened in Executive Session at 6:30 p.m.

The City Council returned to Regular Session at 6:47 p.m.

CONSIDER AND TAKE ACTION, AS NECESSARY, RESULTING FROM DELIBERATIONS IN 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**

A motion was made by Mayor Montgomery, seconded by Councilmember McCain to increase the vacation accrual of the City Manager to 160 hours. The motion carried unanimously.

MAYOR AND CITY COUNCIL'S REQUEST FOR FUTURE AGENDA ITEMS

Councilmember McCain requested an update on the easements.

ADJOURN

The meeting adjourned at 6:50 p.m.

PASSED AND APPROVED THIS THE 9<sup>th</sup> DAY OF MARCH, 2020.

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Monte Montgomery, Mayor

ATTEST:

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Bonnie Hambrick, City Secretary