

REGULAR SESSION

FEBRUARY 26, 2018

The City Council of the City of Athens met in Regular Session on Monday, February 26, 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

Elizabeth Borstad, City Manager
Bonnie Hambrick, City Secretary

others present: Thanasis Kombos, Ryan Adams, Barbara Holly, John McQueary, Dan Crawford Jennifer Robertson, Buddy Hill, Randy Williams, Adrianna Hinds, Mandie Quigg, Denise York, Lisa Montgomery, Shannon Easley, Danny Tidmore, Johnny Ballow, Kerri Gardner, Debbie Hancock, Sharon Calloway, Lanny Buck, Mike Lavender, Bryan Capps, Carol Morton, Stan Taylor, James and Carolyn Ray, Shane Surls, Deborah Deas, Lisa Denton, Rich Flowers, Jose Ariciaga and other interested citizens;

with the following member absent: Councilwoman Clay;

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

INVOCATION

The invocation was given by Mayor Montgomery.

The Pledge of Allegiance was recited.

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

Elizabeth Borstad, City Manager, provided the following update:

- Staff met with an official from the Texas Department of Transportation regarding the intersection of Highway 31 and FM 1616. She stated TxDOT had indicated they were made aware that this intersection was an issue and TxDOT is performing a Traffic Signal Study

Mayor Montgomery stated he also had a meeting with a different representative of TxDOT regarding issues on the square, water retention and other issues. He stated he is pleased with the response from TxDOT and they are true partners with the City. He stated the Council should get with TxDOT in the future for a workshop to discuss issues.

RECOGNITION OF CITY EMPLOYEE FOR CERTIFICATION
ACCOMPLISHMENT

Thanasis Kombos, Assistant City Manager, recognized Shannon Easley, Parks Superintendent, for completion of the National Parks and Recreation Association Parks and Recreation Maintenance Management School.

Mr. Easley was presented a Certificate of Recognition.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY, CONFIRMING THE APPOINTMENT OF MANDIE QUIGG AS FINANCE DIRECTOR FOR THE CITY OF ATHENS

Ms. Borstad explained that Section 12.12 of the City's Charter requires that all Director level positions be appointed by the City Manager and confirmed by a majority vote of the City Council. She stated the former Finance Director retired in December leaving a vacancy, and Mandie Quigg has served as Senior Accountant since June 20, 2016. Ms. Borstad stated she recommends the confirming of Mandie Quigg as Finance Director.

Mayor Montgomery stated "he is confident the city's finances are in great hands".

Mandie Quigg, thanked the City Council, and stated "this is a great opportunity, and I am blessed to be here".

A motion was made by Mayor Montgomery, seconded by Member Gross to confirm the appointment of Mandie Quigg as Finance Director for the City of Athens. The motion carried unanimously

Mayor Montgomery stated the City Council would move to Agenda item 13.

DISCUSS, CONSIDER AND TAKE ACTION AS NECESSARY, RELATED TO AWARDING LOW BID IN THE AMOUNT OF \$242,654.00 TO CAPPS-CAPCO CONSTRUCTION INC. FOR THE WEST WASTEWATER TREATMENT PLANT INFLUENT LINE PROJECT

Ryan Adams, Managing Director of Public Services, explained the item is for the replacement of the West Wastewater Treatment Plant influent water and sewer lines. He stated bids were opened on February 13, 2018 with a total of 8 bids being received and the low bid in the amount of \$242,654.00 was submitted by Capps-Capco Construction, Inc. of Tyler, TX. Mr. Adams stated Staff's recommendation is to award the bid to the lower bidder.

After a brief discussion with representatives from Capps-Capco Construction, Inc. a motion was made by Councilmember Gross, seconded by Councilmember Smith to award low bid in the amount of \$242,654.00 to Capps-Capco Construction Inc. for the West Wastewater Treatment Plant Influent Line Project. The motion carried unanimously.

CONSENT AGENDA

- a) CONSIDER APPROVING THE MINUTES OF THE FEBRUARY 12, 2018 REGULAR SESSION**
- b) CONSIDER FINAL READING OF AN ORDINANCE CONCERNING A REQUEST FROM JOSE ARICIAGA FOR A 2.34 ACRE ZONE CHANGE FROM SINGLE FAMILY-7 (SF-7), MULTI-FAMILY-2 (MF-2) AND MULTI-FAMILY -4 (MF-4) TO MULTI-FAMILY-5 (MF-5) TO ALLOW FOR SINGLE AND MULTI-FAMILY UNITS AT 205 FRIZZELL STREET**
- c) CONSIDER FINAL READING OF AN ORDINANCE DISANNEXING PROPERTY WITHIN THE CITY LIMITS (0.260 ACRES), AS REQUESTED BY STAN TAYLOR ON BEHALF OF JAMES AND CAROLYN RAY, F.M. TRIMBLE, A-766**
- d) JANUARY 2018 MONTHLY REVENUE EXPENSE REPORT**
- e) CONSIDER A RESOLUTION CHANGING SIGNATORY FOR BANK DEPOSITORY**

- f) CONSIDER A RESOLUTION AMENDING AUTHORIZED REPRESENTATIVES FOR TEXPOOL PARTICIPANT SERVICES (INVESTMENT POOL)
- g) CONSIDER A RESOLUTION ORDER CANCELING THE MAY 5, 2018 CITY OF ATHENS GENERAL ELECTION

Mayor Montgomery asked that item d) January 2018 Monthly Revenue Expense Report be removed from the Consent Agenda for further discussion.

Bonnie Hambrick, City Secretary, read the Ordinances aloud.

A motion was made by Councilmember McCain, seconded by Councilmember Smith to approve the following Consent Agenda items:

- a) Consider approving the minutes of the February 12, 2018 Regular Session
- b) Consider final reading of an Ordinance concerning a request from Jose Ariciaga for a 2.34 acre zone change from Single Family-7 (SF-7), Multi-Family-2 (MF-2) and Multi-Family-4 (MF-4) to Multi-Family-5 (MF-5) to allow for single and multi-family units at 205 Frizzell Street
- c) Consider final reading of an Ordinance disannexing property within the city limits (0.260 acres), as requested by Stan Taylor on behalf of James and Carolyn Ray, F.M. Trimble, A-766
- e) Consider a Resolution Changing Signatory for Bank Depository
- f) Consider a Resolution amending authorized Representatives for TexPool Participant Services (Investment Pool)
- g) Consider a Resolution Order canceling the May 5, 2018 City of Athens General Election.

The motion carried unanimously.

d) JANUARY 2018 MONTHLY REVENUE EXPENSE

Mayor Montgomery stated he wanted to ensure the City Council reviewed notes from the City Manager regarding the cutbacks due to a decrease in projected Sales Tax and Revenues. He stated he appreciates Ms. Borstad for taking the necessary action for cutbacks within the budget.

A motion was made by Councilmember Gross, seconded by Councilmember Smith to approve item d) January 2018 Monthly Revenue Expense Report of the Consent Agenda. The motion carried unanimously.

CITIZENS COMMUNICATIONS

1. Gary Penn expressed concern with vandalism in the city's parks
2. Stan Taylor thanked the current City Council for consideration and understanding regarding disannexation

DISCUSSION OF INFLATABLE SIGN DEVICES

Barbara Holly, Managing Director Development Services, stated at the request of the City Council she has researched what the city's regulations allow and what peer cities allow regarding inflatable sign devices. Ms. Holly explained the inflatable signs are an inexpensive way for companies to provide temporary signage, and a 25' high wacky man is priced at around \$450. She stated these signs are "riveting" as they have extreme movement. Because of this, these signs are generally prohibited, or limited by time and location. The City of Athens standards characterize these signs both as promotional and temporary, and allows them, limited to 30 days. Other types of temporary promotion signage include banners, feather flags, and pennants.

Mr. Shane Surls addressed the City Council. He explained there are several different sizes for “Wacky Wavy Wanda”. He stated that his sign is 20 ft. He explained that his business is on the west side of town and the sign helps individuals know his business is there.

After discussion, Mayor Montgomery stated the City needs to relook at the Ordinance and possibly extend the usage time.

DISCUSS HOURS FOR CONSTRUCTION WORK

Mayor Montgomery stated a citizen’s complaint was received regarding noise in a subdivision. He stated the Citizen wanted to move the 6:00 a.m. construction start time to 8:00 a.m.

Ms. Holly explained that during summer months, early starts are necessary. The Municipal Code provides for exceptions in cases of urgent necessity, or in the interest of the public safety and convenience, but no process is established for how those would be granted.

Ms. Holly stated staff’s recommendation is to retain the current hours for construction and staff will research the process in which a variance could be obtained.

Johnny Ballow explained concrete work could be damaged if a builder had to wait until 8:00 a.m. to pour.

Danny Tidmore stated he felt a 6:00 a.m. construction hour is adequate, and there should be the ability to obtain a variance when a contractor needs to pour earlier than 6:00 a.m.

Councilmember Smith requested the rules for a variance be identified for the contractors.

Mayor Montgomery stated a contractor poured outside the construction hours and asked Ms. Holly to elaborate. Ms. Holly explained the contractor was cited with a maximum \$200 fine.

After discussion it was stated staff would research the penalty for not adhering to the construction hours and provide a variance process.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY, AUTHORIZING ATHENS ECONOMIC DEVELOPMENT CORPORATION’S BUSINESS ASSISTANCE GRANT WITH ATHENS TRAILER & TRUCK SALES, LLC IN THE AMOUNT OF \$5,000 FOR SIGNAGE, WITH THE STIPULATION THAT IT MEETS THE CITY’S PERMITTING REQUIREMENTS

Lisa Denton, Executive Director of Athens Economic Development Corporation, requested approval of AEDC’s funding of a Business Assistance Grant to Athens Trailer & Truck Sales. Ms. Denton explained the property owner proposes to erect an illuminated metal pole sign meeting the city’s permitting requirements. She stated the improvement bid totals \$13,000 and the AEDC Board approved the reimbursable grant in the amount of \$5,000.

After a brief discussion, a motion was made by Councilmember McCain, seconded by Councilmember Smith authorizing Athens Economic Development Corporation’s Business Assistance Grant with Athens Trailer & Truck Sales, LLC in the amount of \$5,000 for signage, with the stipulation that it meets the city’s permitting requirements. The motion carried unanimously.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY, AUTHORIZING THE APPOINTMENT OF MARK CARROLL AS AN ALTERNATE MEMBER TO THE ZONING BOARD OF ADJUSTMENTS

Ms. Hambrick explained there is an alternate vacancy on the Zoning Board of Adjustments. She stated Mark Carroll has expressed interest in serving.

A motion was made by Councilmember McCain, seconded by Councilmember Smith to approve the appointment of Mark Carroll as an alternate member of the Zoning Board of Adjustments. The motion carried unanimously.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY, RELATED TO
a) THE GRANT AND ACCEPTANCE OF A UTILITY EASEMENT
b) THE ABANDONMENT OF AN UNUSED PORTION OF AN EASEMENT
SUBJECT TO THE ACCEPTANCE OF THE WASTEWATER
TREATMENT PLANT INFLUENT LINE PROJECT

Ms. Holly explained the item will accommodate the construction of a new sewer line and the abandoning in place of the old sewer line servicing the West Wastewater Treatment Plant. She stated Bryan Forester has been working with the city to grant the city an easement to allow the sewer line to be moved away from Walnut Creek to limit the inflow and infiltration currently being experienced on this line. She stated acceptance of the completed project will trigger the abandonment of the existing line. This area will be released back to Mr. Forester.

A motion was made by Councilmember Gross, seconded by Councilmember Smith authorizing a) the grant and acceptance of a utility easement and b) the abandonment of an unused portion of an easement subject to the acceptance of the Wastewater Treatment Plant Influent Line Project. The motion carried unanimously.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY, TO RECEIVE THE
2017 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 parameters. They also require that the information 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.

A motion was made by Councilmember Smith, seconded by Councilmember Gross, to receive the 2017 Racial Profiling Report. The motion carried unanimously.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY,
AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT
BETWEEN LONE STAR HAZARDOUS MATERIAL RESPONSE UNIT AND
CITY OF ATHENS FOR HAZMAT RESPONSE, CLEANUP AND REMOVAL
OF HAZARDOUS MATERIALS

John McQueary, Fire Chief, explained the agreement is between Lone Star Hazardous Material Response Unit and the City of Athens for Hazmat Response, cleanup and removal of hazardous materials. Chief McQueary stated there is no fiscal impact to the City.

A motion was made by Councilmember McCain, seconded by Councilmember Gross to authorize the City Manager to enter into an agreement between Lone Star Hazardous Material Response Unit and City of Athens for Hazmat Response, Cleanup and Removal of hazardous materials. The motion carried unanimously.

EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE;
SECTION 551.071 (CONSULTATION WITH ATTORNEY; CLOSED
MEETING) (CONSULTATION WITH ATTORNEY CONCERNING
CONTEMPLATED AND/OR PENDING LITIGATION) CONCERNING THE
FOLLOWING MATTERS

- a) TEXAN THEATER INTELLECTUAL PROPERTY CLAIM
- b) CLAIM INVOLVING CONSTRUCTION/DESIGN ISSUES WITH THE TEXAN THEATER

The City Council adjourned to Executive Session at 6:28 p.m.

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

CONSIDER AND TAKE ACTION, AS NECESSARY, RESULTING FROM DELIBERATION IN EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE; SECTION 551.071 (CONSULTATION WITH ATTORNEY; CLOSED MEETING) (CONSULTATION WITH ATTORNEY CONCERNING CONTEMPLATED AND/OR PENDING LITIGATION) CONCERNING THE FOLLOWING MATTERS:

- a) TEXAN THEATER INTELLECTUAL PROPERTY CLAIM

No action was taken.

- b) CLAIM INVOLVING CONSTRUCTION/DESIGN ISSUES WITH THE TEXAN THEATER

No action was taken.

MAYOR AND CITY COUNCIL'S REQUEST FOR FUTURE AGENDA ITEMS

Ms. Hambrick reviewed the following list of future requested agenda items:

- "Mother in Law Suites"
- Consistency of Planned Development Standards
- Design Standards
- Pursuing the "Citizens Academy"
- Collection Site

Mayor Montgomery stated he has received several comments regarding the Collection Site and it would be good to see this item back on a future agenda.

ADJOURN

The meeting was adjourned.

PASSED AND APPROVED THIS THE 12th DAY OF MARCH, 2018.

Monte Montgomery, Mayor

ATTEST:

Bonnie Hambrick, City Secretary