

REGULAR SESSION

APRIL 23, 2018

The City Council of the City of Athens met in Regular Session on Monday, April 23, 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
Toni Clay
Aaron Smith
Robert Gross

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

others present: Ryan Adams, Buddy Hill, John McQueary, Jennifer Robertson, Mandie Quigg, Randy Williams, Lisa Denton, Adrianna Hinds, Sheila Garrett, Mark Carroll, David and Deborah Deas, Mike Padgett, Robert Whisenhurt, Leslie Saunders, Carol Morton, Mary Waddell, Mark Ward, Denise York, Paula Millar, Rev. Dan Rogers, Louise Gore, Gail Doherty, Sharon Chasey, Gary Penn, Eddie Lassister, Terry Mayhall, Darrell Eves, Tom and Lynn Leathem, Darrell Noga, Marisa Gunstanson, and other interested citizens;

INVOCATION

The invocation was given by Councilwoman Clay.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

DECLARATION OF CONFLICT OF INTEREST

No action was taken.

PROCLAMATION – NATIONAL PUBLIC GARDENS DAY

Mayor Montgomery presented a proclamation proclaiming May 11, 2018 as “National Public Gardens Day”.

PROCLAMATION – MOTORCYCLE AWARENESS MONTH

Mayor Montgomery presented a proclamation proclaiming the month of May as “Motorcycle Safety and Awareness Month”.

PROCLAMATION – EAST TEXAS GIVING DAY

Mayor Montgomery presented a proclamation proclaiming April 24, 2018 as “East Texas Giving Day”.

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

- Mayor Montgomery reminded everyone that the Chamber PRCA Texan Rodeo is scheduled for Friday, April 27th and Saturday, April 28th.

- Mayor Montgomery stated that he and Councilmember McCain attended a group meeting with Athens Municipal Water Authority and Lake Athens Property Owners Association regarding the Giant Salvinia. He stated the meeting was very informative and encouraged the City Council members to attend.
- Mayor Montgomery stated he, Buddy Hill, Chief of Police, and Steve Barksdale had an opportunity to tour the Athens High School construction site.
- Councilwoman Clay elaborated the school has at least twelve (12) teams recruited for basketball season next year to have two (2) day tournaments in town. She stated the school districts idea is to capitalize on the facilities to bring as many people to Athens to enjoy the new facilities and bring in tax dollars

Elizabeth Borstad, City Manager, provided the following updates:

- The Texan will have an Open House on Tuesday, May 15th, from 4:00-6:00pm to give citizens a chance to tour and celebrate the newly completed live music and events venue. The public is invited to attend. Light refreshments will be provided.
- The Texan will host the “Art on the Bricks” art opening/fundraiser event to support the fine arts in Athens, specifically Art Gallery 211, on Saturday, June 16th from 5:00-8:00pm. Staff would like to invite the Mayor and Council or a family member of the Mayor and Council to participate by painting/creating a historic Texan brick and returning the brick to the City to be sold at the Art Opening on June 16th. All proceeds will go to Art Gallery 211.

CITIZENS COMMUNICATIONS

There was no discussion.

CONSENT AGENDA

- a) CONSIDER APPROVING THE MINUTES OF THE APRIL 9, 2018 REGULAR SESSION
- b) CONSIDER APPROVING THE MINUTES OF THE APRIL 12, 2018 WORK SESSION
- c) CONSIDER FINAL READING OF AN ORDINANCE CONCERNING A REQUEST FROM THE CITY OF ATHENS TO ALLOW ACCESSORY DWELLING UNITS IN AGRICULTURE, SINGLE-FAMILY-15 (SF-15), SINGLE-FAMILY-10 (SF-10), SINGLE-FAMILY-7 (SF-7), AND SINGLE-FAMILY-5 (SF-5) SUBJECT TO SETBACK, SEPARATION AND PARKING (Z-04-18-001)
- d) CONSIDER FINAL READING OF AN ORDINANCE CONCERNING A REQUEST FROM THE CITY OF ATHENS TO EXTEND THE TIME FRAME FOR INFLATABLE SIGNS TO ONE YEAR SUBJECT TO PERMITTING AND MAINTENANCE (Z-04-18-002)
- e) MARCH 2018 MONTHLY REVENUE AND EXPENSE REPORT
- f) QUARTERLY INVESTMENT REPORT

Councilmember Gross requested the following items be removed from the Consent Agenda for further discussion: c) Consider final reading of an Ordinance concerning a request from the City of Athens to allow Accessory Dwelling Units in Agriculture, Single-Family-15 (SF-15), Single-Family-10 (SF-10), Single-Family-7 (SF-7), and Single-Family-5 (SF-5) subject to setback, separation and parking (Z-04-18-001), d) Consider final reading of an Ordinance concerning a request from the City of Athens to extend the time frame for inflatable signs to one year subject to permitting and maintenance (Z-04-18-002).

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

- a) Consider approving the minutes of the April 9, 2018 Regular Session
- b) Consider approving the minutes of the April 12, 2018 Work Session
- e) March 2018 Monthly Revenue and Expense Report
- f) Quarterly Investment Report

The motion carried unanimously.

- c) **CONSIDER FINAL READING OF AN ORDINANCE CONCERNING A REQUEST FROM THE CITY OF ATHENS TO ALLOW ACCESSORY DWELLING UNITS IN AGRICULTURE, SINGLE-FAMILY-15 (SF-15), SINGLE-FAMILY-10 (SF-10), SINGLE-FAMILY-7 (SF-7), AND SINGLE-FAMILY-5 (SF-5) SUBJECT TO SETBACK, SEPARATION AND PARKING (Z-04-18-001)**

Councilmember Gross asked for clarification and stated that currently a Specific Use Permit (SUP) will allow for an accessory dwelling unit. Ms. Borstad explained the Ordinance is a revision to the first reading that will allow anything over 1000 square feet and over one (1) story will require SUP.

After discussion, Bonnie Hambrick, City Secretary, read the caption of the Ordinance.

A motion was made by Councilmember McCain, seconded by Councilmember Smith to approve final reading of an Ordinance concerning a request from the City of Athens to allow Accessory Dwelling Units in Agriculture, Single-Family-15 (SF-15), Single-Family-10 (SF-10), Single-Family-7 (SF-7), and Single-Family-5 (SF-5) subject to setback, separation and parking (Z-04-18-001).

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

- d) **CONSIDER FINAL READING OF AN ORDINANCE CONCERNING A REQUEST FROM THE CITY OF ATHENS TO EXTEND THE TIME FRAME FOR INFLATABLE SIGNS TO ONE YEAR SUBJECT TO PERMITTING AND MAINTENANCE (Z-04-18-002)**

Councilmember Gross asked how many temporary signs are allowed with Sheila Garrett, Development Coordinator, stating the Ordinance requires a permit for each sign.

Councilmember Gross asked who will enforce the Ordinance with Ms. Garrett explaining the process for code enforcement.

After a brief discussion, Ms. Hambrick read the caption of the Ordinance.

A motion was made by Councilmember Gross, seconded by Councilwoman Clay to approve final reading of an Ordinance concerning a request from the City of Athens to extend the time frame for inflatable signs to one year subject to permitting and maintenance (Z-04-18-002). The motion carried unanimously.

**PRESENTATION OF AUDIT REPORT FOR FISCAL YEAR ENDING
SEPTEMBER 30, 2017**

Mike Ward, CPA of Conway Company CPAs PC, presented the Audit Report for fiscal year ending September 30, 2017. Mr. Ward stated for the year ending September 30, 2017 the city has an unmodified/clean opinion with no issues other than standard adjustments.

Mr. Ward presented the audit report with explanations. There was a discussion regarding restricted and unrestricted net assets, with Mr. Ward stating that the contributing factor to the 2017 unrestricted net assets deficit was the 2015 GASB 68 adjustment, pertaining to the reporting requirements of the city's pension liability.

Councilmember Gross expressed his desire for the City Council to eliminate the unrestricted net asset deficit.

DISCUSS, CONSIDER AND TAKE ACTION AS NECESSARY, RELATED TO ACCEPTING AUDIT REPORT FOR FISCAL YEAR ENDING SEPTEMBER 30, 2017 PRESENTED BY MIKE WARD, CPA OF CONWAY COMPANY CPAS PC

Mandie Quigg, Finance Director, stated the audit process was a great experience and she looks forward to growing the Fund Balance.

A motion was made by Councilmember Gross, seconded by Councilmember McCain to accept the Audit Report for Fiscal Year ending September 30, 2017. The motion carried unanimously.

PRESENTATION ON "CITIZENS ACADEMIES"

Ryan Adams, Managing Director of Public Services, stated the request was from Councilmember McCain. He presented an overview of Citizens Academies:

- Short course on City Operations and Government
- Primarily targets residents
- 1-2 academies per year

Mr. Adams identified the goals of the program:

- Knowledge
- Engagement
- Staff development
- Operational improvement

Mr. Adams identified the following academy topics:

- Governance
- Planning and Zoning
- Parks and Recreation
- Public Works
- Budget and Finance
- Police
- Fire
- Economic Development

Mr. Adams discussed scheduling and the format for a "Citizens Academy".

Mr. Adams stated that the Chamber of Commerce has the Athens Leadership Institute (ALI) which has 8-9 sessions occurring every other year. He discussed the components of ALI.

Councilmember McCain stated during Texas Municipal League's Annual Conference the City of Lewisville, Texas was city of the year. He stated the City of Lewisville really stressed its Citizens Academy.

He stated the City should work in conjunction with Athens Chamber of Commerce as well as getting high school seniors involved.

It was the consensus of the City Council that staff proceed with a concrete and detailed plan for a Citizens Academy for the City of Athens which incorporates the school and works in conjunction with the Chamber of Commerce with the Athens Leadership Institute.

**DISCUSS, CONSIDER, AND TAKE ACTION AS NECESSARY REGARDING
RESCINDING RESOLUTION NO. R-9-17 THAT GRANTED THE CITY
SECRETARY, CITY MANAGER OR CITY MANAGER'S DESIGNEE
AUTHORIZATION TO CORRECT TYPOGRAPHICAL AND/OR SCRIVENER'S
ERRORS IN CITY ORDINANCES, RESOLUTIONS, AND CITY DOCUMENTS**

Mayor Montgomery stated he was against a Resolution that allowed anyone to make changes in City Ordinances, Resolutions and City documents. There being no further discussion a motion was made by Councilmember Gross, seconded by Councilmember Smith to rescind Resolution No. R-9-17 that granted the City Secretary, City Manager or City Manager's Designee authorization to correct typographical and/or scrivener's errors in City Ordinances, Resolutions, and City documents. The motion carried unanimously.

**DISCUSS, CONSIDER, AND TAKE ACTION AS NECESSARY REGARDING
ADOPTING A REVISION TO THE "COUNCIL RULES AND PROCEDURES"**

Mayor Montgomery explained this item is a revision to the "Council Rules and Procedures" and how citizens request placement of agenda items.

Ms. Borstad explained the current Rules and Procedures require a citizen be sponsored by the Mayor or Councilmember for placement of an item on the agenda. She stated the revision will allow a citizen to submit the request in writing to the office of The City Secretary and if the City Manager or City Staff is unable to resolve the issue, the City Manager will place the item on the agenda at the first available meeting or within three weeks (3) from receipt of the initial request.

A motion was made by Councilwoman Clay, seconded by Councilmember Gross to approve adopting a revision to the "Council Rules and Procedures". The motion carried unanimously.

**DISCUSS, CONSIDER, AND TAKE ACTION AS NECESSARY, APPROVING
A RESOLUTION REJECTING ALL BIDS PREVIOUSLY RECEIVED FOR
"THE TEXAN" EVENT VENUE – AUDIO VIDEO SYSTEMS AND
REBIDDING THE PROJECT**

Ms. Borstad explained proposals were accepted for "The Texan" Event Venue – Audio Video Systems and those proposals were significantly over budget. She stated staff would like to revise the scope and rebid the project.

A motion was made by Councilmember McCain, seconded by Councilmember Smith to approve a Resolution rejecting all bids previously received for "The Texan" Event Venue – Audio Video Systems and rebidding the project. The motion carried unanimously.

**DISCUSS, CONSIDER, AND TAKE ACTION AS NECESSARY, AWARDING
LOW BID TO CAPPS-CAPCO CONSTRUCTION IN THE AMOUNT
OF \$381,253.50 FOR THE ATHENS HIGH PRESSURE BOOSTER PUMP
STATION**

Randy Williams, Utilities Director, explained after the design was complete the project was advertised on April 3, 2018 and April 10, 2018.

He stated a mandatory pre-bid meeting was also held on April 10, 2018 with six (6) contractors attending. Mr. Williams stated that one (1) addendum was issued and sealed bids were opened on April 18, 2018.

Mr. Williams explained staff recommends awarding low bid to Capps-Capco Construction in the amount of \$381,253.50 for the Athens High Pressure Booster Pump Station.

Mayor Montgomery asked the finish date, with Mr. Williams explaining 100 days for substantial completion.

A motion was made by Councilmember Gross, seconded by Councilwoman Clay to approve awarding low bid to Capps-Capco Construction in the amount of \$381,253.50 for the Athens High Pressure Booster Pump Station. The motion carried unanimously.

EXECUTIVE SESSION PURSUANT TO TEXAS GOVERNMENT CODE, SECTION 551.071 CONSULTATION WITH ATTORNEY; CLOSED MEETING; REGARDING PENDING LITIGATION: DR. VERNON JOHNSON

EXECUTIVE SESSION PURSUANT TO TEXAS GOVERNMENT CODE, SECTION 551.071 CONSULTATION WITH ATTORNEY; CLOSED MEETING; REGARDING CONTEMPLATED LITIGATION

EXECUTIVE SESSION PURSUANT TO TEXAS GOVERNMENT CODE, SECTION 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS: CLOSED MEETING DELIBERATIONS REGARDING NEGOTIATIONS WITH THE FOLLOWING PROSPECT: PROSPECT #1687

The City Council adjourned to Executive Session at 6:45 p.m.

The City Council returned to Regular Session at 8:14 p.m.

CONSIDER AND TAKE ACTION, AS NECESSARY, RESULTING FROM DELIBERATIONS IN EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE, SECTION 551.071 CONSULTATION WITH ATTORNEY; CLOSED MEETING; REGARDING PENDING LITIGATION: DR. VERNON JOHNSON

No action was taken.

CONSIDER AND TAKE ACTION, AS NECESSARY, RESULTING FROM DELIBERATIONS IN EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE, SECTION 551.071 CONSULTATION WITH ATTORNEY; CLOSED MEETING; REGARDING CONTEMPLATED LITIGATION

No action was taken.

CONSIDER AND TAKE ACTION, AS NECESSARY, RESULTING FROM DELIBERATIONS IN EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE, 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS: CLOSED MEETING DELIBERATIONS REGARDING NEGOTIATIONS WITH THE FOLLOWING PROSPECT: PROSPECT #1687

A motion was made by Councilmember McCain, seconded by Councilwoman Clay authorizing Athens Economic Development Corporation's President to proceed with negotiations regarding land for Prospect #1687 contingent upon terms and use and possible building construction by 2019.

The motion carried unanimously.

MAYOR AND CITY COUNCIL'S REQUEST FOR FUTURE AGENDA ITEMS

Ms. Hambrick read aloud the following future agenda items:

- Design Standards
- Collection Site
- TxDOT workshop
- City Council and County Commissioners Workshop Session

ADJOURN

The meeting adjourned at 8:19 p.m.

PASSED AND APPROVED THIS THE 23rd DAY OF APRIL, 2018.

Monte Montgomery, Mayor

ATTEST:

Bonnie Hambrick, City Secretary