

REGULAR SESSION

JUNE 10, 2019

The City Council of the City of Athens met in Regular Session on Monday, June 10, 2019, 5:30 p.m. in the Council Chambers of the City Hall Annex, 501 N. Pinkerton 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: Buddy Hill, Mandie Quigg, Will Traxson, Katie Birk, Michael Hannigan, Derek Whiteley, Randy Williams, Russell Marshall, Katie Birk, Audrey Sloan, Lisa Denton, Tom and Lynn Leathem, Denise York, Kathy Means, Bob and Carol Morton, Rich Flowers, Gary Penn, Deborah Deas, Steve Barksdale, Kelley Townsend, John Trent, Anne Perryman, Scott Coultas, John Karamanos, and other interested citizens;

with the following member absent: Toni Clay.

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

INVOCATION

The Invocation was given by Councilmember Aaron Smith.

PLEDGE OF ALLEGIANCE

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

Mayor Montgomery asked if there was an update on the signal light at 1616, with Elizabeth Borstad, City Manager, stating the last update was for October of 2019. Ms. Borstad stated she would obtain an update from TxDOT.

CITIZENS COMMUNICATIONS

There was no discussion.

CONSENT AGENDA

- a) CONSIDER APPROVING THE MINUTES OF THE MAY 20, 2019 SPECIAL SESSION
- b) CONSIDER APPROVING THE MINUTES OF THE MAY 28, 2019 REGULAR SESSION
- c) CONSIDER A RESOLUTION RESCHEDULING THE JUNE 24, 2019 REGULAR SESSION TO MONDAY, JUNE 17, 2019
- d) CONSIDER A RESOLUTION ADOPTING THE 2019 WATER CONSERVATION PLAN, REQUIRING STAFF TO IMPLEMENT THE PLAN AND REQUIRING THE PLAN TO BE UPDATED EVERY FIVE YEARS

- e) CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO ESTABLISH A SEPARATE FUND FOR CAIN CENTER OPERATIONS AND ESTABLISH A NEW DEPOSITORY ACCOUNT WITH THE CITY'S CURRENT DEPOSITORY
- f) CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO ESTABLISH A SEPARATE FUND FOR SANITATION OPERATIONS AND ESTABLISH A NEW DEPOSITORY ACCOUNT WITH THE CITY'S CURRENT DEPOSITORY
- g) CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO ESTABLISH A SEPARATE FUND FOR MUNICIPAL COURT BUILDING SECURITY FEES AND ESTABLISH A NEW DEPOSITORY ACCOUNT WITH THE CITY'S CURRENT DEPOSITORY

A motion was made by Councilmember McCain, seconded by Councilmember Smith to approve the Consent Agenda the motion carried unanimously.

HEAR UPDATE ON CAIN CENTER PROJECT

Mayor Montgomery stated a vote of the Citizens was held, and the results are to use \$5.3 Million from the Certificates of Obligation to renovate the Cain Center. He stated there is an original set of plans that staff is attempting to utilize. Mayor Montgomery further stated the plans proposed by the Steering Committee are different. He stated the next step is to get the plans presented by the Steering Committee on paper so they can go out to bid.

Mayor Montgomery stated several partners were identified and city staff has met with representatives from the hospital. He stated the ball is rolling on the Cain Center and ideas are still coming in.

Ms. Borstad stated UT Health South is interested in partnering, however, it could be five (5) or more years before they are able to incorporate funding in their budget.

DISCUSS ATHENS MUNICIPAL WATER AUTHORITY'S (AMWA) SURPLUS PROPERTY

Ms. Borstad presented two (2) pieces of Athens Municipal Water Authority's (AMWA) surplus property. She stated AMWA will request the property be disannexed.

PUBLIC HEARING CONCERNING THE SALE OF THE FOLLOWING PROPERTY, TRACT 254 OF THE PARMER SURVEY, ABSTRACT 782, ALSO KNOWN AS 405 LINDSEY LANE IN HENDERSON COUNTY, TEXAS

Ms. Borstad explained Section 2.04 of our Charter requires the City Council to have a public hearing regarding its intent to sell real property.

Mayor Montgomery opened the public hearing.

Deborah Deas asked for additional clarification. Mayor Montgomery explained the City Council voted to develop the property. He stated the property will go up for sell and the item allows the public to comment regarding the sale of real property.

The public hearing was closed.

PUBLIC HEARING CONCERNING A REQUEST FROM DAVID LAWRENCE FOR APPROVAL OF A SPECIFIC USE PERMIT FOR A LOAN AGENCY IN THE PLANNED DEVELOPMENT 1 – RETAIL (PD-1/R) ZONING DISTRICT FOR LOTS 5-7 OF BLOCK 26 OF ABSTRACT 782 OF THE T. PARMER SURVEY, ALSO KNOWN AS 607 EAST TYLER STREET, SUITE 117

Audrey Sloan, Director of Development Services, explained the property is located on East Tyler Street known as Heritage Square Shopping Center. She stated the current zoning of the property is Planned Development – 1 with a Retail base zoning. She stated the applicant is requesting a loan agency use (Rapid Payday & Title Loans) for Suite 117. Letters of notification were sent to the nine (9) surrounding property owners within two hundred feet. One approval was returned and no other responses were received. She stated the Planning and Zoning Commission voted unanimously to approve.

Mayor Montgomery opened the public hearing, there was no discussion and the public hearing was closed.

DISCUSS FIRST READING OF AN ORDINANCE CONCERNING A REQUEST FROM DAVID LAWRENCE FOR APPROVAL OF A SPECIFIC USE PERMIT FOR A LOAN AGENCY IN THE PLANNED DEVELOPMENT 1 – RETAIL (PD-1/R) ZONING DISTRICT FOR LOTS 5-7 OF BLOCK 26 OF ABSTRACT 782 OF THE T. PARMER SURVEY, ALSO KNOWN AS 607 EAST TYLER STREET, SUITE 117

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

PUBLIC HEARING CONCERNING A REQUEST FROM JOHNATHAN JOHNSON FOR APPROVAL OF A ZONING CHANGE FROM AGRICULTURE (A) TO SINGLE-FAMILY – 5 (SF-5) FOR LOT 15C-1 OF ABSTRACT 797 OF THE B. C. WALTERS SURVEY, ALSO KNOWN AS 1012 NORTH HAMLETT STREET

Ms. Sloan explained the property is located on North Hamlett Street across from O. D. Baggett Park. The current zoning of the property is Agriculture and the zoning change is being requested to allow the owner to install a manufactured home on the property. Ms. Sloan stated letters of notification were sent to the twelve surrounding property owners within two hundred feet with one (1) approval returned and the Planning and Zoning Commission voting unanimously to approve.

Johnathan Johnson, applicant, expressed his disappointment with the following:

- cost of zoning application
- zoning process and the delay

Mayor Montgomery opened the public hearing, there was no discussion and the public hearing was closed.

DISCUSS FIRST READING OF AN ORDINANCE CONCERNING A REQUEST FROM JOHNATHAN JOHNSON FOR APPROVAL OF A ZONING CHANGE FROM AGRICULTURE (A) TO SINGLE-FAMILY – 5 (SF-5) FOR LOT 15C-1 OF ABSTRACT 797 OF THE B. C. WALTERS SURVEY, ALSO KNOWN AS 1012 NORTH HAMLETT STREET

Ms. Hambrick read the caption of the Ordinance aloud.

PUBLIC HEARING CONCERNING A REQUEST FROM SCOTT FULLINGIM FOR APPROVAL OF THE REPLAT OF LOT 1 OF BLOCK 29A OF THE PARK HIGHLANDS ADDITION, ABSTRACT 782 OF THE T. PARMER SURVEY CREATING LOTS 1A AND 1B. (500 RICHARDSON STREET)

Ms. Sloan explained the property is a vacant lot located on the southeast corner of Richardson Street and Lindsey Lane. She stated the property is being re-platted into two lots for duplex use.

She stated letters of notification were sent to the eleven surrounding property owners within two hundred feet and no responses were returned.

Mayor Montgomery opened the public hearing, there was no discussion and the public hearing was closed.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY, CONCERNING A REQUEST FROM SCOTT FULLINGIM FOR APPROVAL OF THE REPLAT OF LOT 1 OF BLOCK 29A OF THE PARK HIGHLANDS ADDITION, ABSTRACT 782 OF THE T. PARMER SURVEY CREATING LOTS 1A AND 1B. (500 RICHARDSON STREET)

A motion was made by Councilmember Gross, seconded by Councilmember McCain to approve a request from Scott Fullingim for approval of the replat of Lot 1 of Block 29A of the Park Highlands Addition, Abstract 782 of the T. Parmer Survey creating Lots 1A and 1B. (500 Richardson Street). The motion carried unanimously.

DISCUSS FIRST READING OF AN ORDINANCE TO AMEND THE RESIDENTIAL BUILDING PERMIT FEES IN THE CITY OF ATHENS DEVELOPMENT FEE CHART FOUND IN CHAPTER 5, ARTICLE 1, SECTION 5-2 OF THE CITY CODE OF ORDINANCES

Ms. Sloan explained Governor Abbott signed House Bill 852 on May 21, 2019 which prohibits cities from calculating residential building permit fees on the cost or valuation of the structure or improvements to the structure.

She stated the City's fee structure was based on evaluation and is being amended to change fee structure so it is based on square footage. The proposed amendment is based on the fee structure of \$0.20 per square foot, which is a structure currently used by the City of Waco.

Councilmember McCain stated the item should be discussed more and research what is a reasonable fee for Athens prior to the final reading.

Ms. Hambrick read the caption of the Ordinance aloud.

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

a) PROSPECT # 1687

The City Council adjourned to Executive Session at 6:09 p.m.

The City Council returned to Regular Session at 6:44 p.m.

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

a) PROSPECT # 1687

A motion was made by Councilmember McCain, seconded by Mayor Montgomery to approve a USDA RLF to Prospect #1687 for \$130,000 for equipment at 5.5% interest on a five (5) year note. The motion carried by the following vote: Ayes: Mayor Montgomery, Councilmembers McCain, and Gross; Nays: None, Abstain: Councilmember Smith.

A motion was made by Councilmember McCain, seconded by Mayor Montgomery for job creation incentive to be applied toward principle of the building note of 30 jobs up to \$45,000 over a two year period to Prospect #1687. The motion carried by the following vote: Ayes: Mayor Montgomery, Councilmembers McCain, and Gross; Nays: None, Abstain: Councilmember Smith.

A motion was made by Councilmember McCain, seconded by Mayor Montgomery for a loan to Prospect #1687 for \$324,800 for a five year note at 4.5% interest. The motion carried by the following vote: Ayes: Mayor Montgomery, Councilmember McCain, Nay: Councilmember Gross, Abstain: Councilmember Smith.

MAYOR AND CITY COUNCIL'S REQUEST FOR FUTURE AGENDA ITEMS

Councilmember Gross requested staff set-up a meeting with a railroad representative regarding the accident that occurred.

Councilmember McCain requested staff develop a media strategy to inform citizens of permit changes and Code Enforcement.

ADJOURN

The meeting adjourned at 6:52 p.m.

PASSED AND APPROVED THIS THE 17th DAY OF JUNE, 2019.

Ed McCain, Mayor Pro Tem

ATTEST:

Bonnie Hambrick, City Secretary