

REGULAR SESSION

JUINE 13, 2016

The City Council of the City of Athens met in Regular Session on Monday, June 13, 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
Tres Winn, Mayor Pro-Tem
Monte Montgomery
Joe Whatley
Ed McCain

Philip Rodriguez, City Manager
Blake Wilson, Finance and Compliance Specialist
Blake Armstrong, City Attorney

others present: Buddy Hill, Thanasis Kombos, Lawrence Cutrone, John McQueary, Becky Roseberry, Barbara Holly, Lisa Denton, Will Traxson, Cody Robson, Rich Flowers, Jeffrey Enoch, and other interested citizens;

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

The invocation was given by Seth Davis.

DECLARATION OF CONFLICT OF INTEREST

No action was taken.

PROCLAMATION FOR JUNETEENTH EMANCIPATION CELEBRATION DAY

Mayor Vaught read aloud a Proclamation for Juneteenth Emancipation Celebration Day.

CONSENT AGENDA:

- a) CONSIDER APPROVING THE MINUTES OF THE APRIL 25, 2016 REGULAR SESSION
- b) CONSIDER FINAL READING OF AN ORDINANCE ADOPTING WATER CONSERVATION/DROUGHT CONTINGENCY PLAN
- c) CONSIDER FINAL READING OF AN ORDINANCE REPEALING ALL ORDINANCES PREVIOUSLY RELATED TO THE CITY OF ATHENS FEE STRUCTURE FOR DEVELOPMENT SERVICES SUBJECT TO THE APPROVAL OF AN ORDINANCE UPDATING THE CITY OF ATHENS FEE STRUCTURE FOR DEVELOPMENT SERVICES
- d) CONSIDER FINAL READING OF AN ORDINANCE AUTHORIZING THE CITY OF ATHENS FEE STRUCTURE FOR DEVELOPMENT SERVICES

Blake Wilson, Finance and Compliance Specialist read the Ordinances aloud.

A motion was made by Councilmember Whatley, seconded by Mayor Pro-Tem Winn to approve the Consent Agenda.

The motion carried by the following vote: Ayes: Mayor Vaught, Councilmember Winn, Councilmember McCain and Councilmember Whatley. Nays: Councilmember: Abstain: None

CONSIDER FINAL READING OF AN ORDINANCE, (TABLED FROM MAY 9, 2016), CREATING SITE PLAN AND LAND USE OF 10 ACRE TRACT IN B.C. WALTER LEAGUE, ABSTRACT 782, HENDERSON COUNTY, TEXAS FROM PLAN DEVELOPMENT PD-2 TO PLAN DEVELOPMENT PD-2 WITH SITE PLAN AND LAND USE PLAN TO ALLOW FOR A 72-UNIT APARTMENT PROJECT, OWNED BY DON BALL AGENT (NE QUADRANT OF US 175 AND LOOP 7)

Barbara Holly Interim Planning Director explained that this is the final reading of the Ordinance to approved a site plan and land use plan on a 10 acre tract in the B.C. Walter League, Abstract 782, Henderson County, Texas from PD-2 to PD-2 with site plan and land use plan to allow for a 72 unit apartment project, owned by Don Ball, agent. Ms. Holly stated the property is located at NE Quadrant of US 175 and Loop 7.

Councilmember McCain stated he would like to hear from the Citizens and asked that the Citizen Communications be moved up.

Mayor Vaught stated he would allow for Citizen Comments at this time.

CITIZENS COMMUNICATIONS

Ms. Angela Wilson spoke in opposition of the New Haven Apartments. Ms. Wilson presented a signed petition with sixty one (61) signatures of citizens who were opposed to the proposed development project.

Mr. Leon Spencer stated he questions the proposed project and the traffic issues as a result of the new development.

Mr. Fermin Garcia stated he is opposed to the new development project in Henderson County.

Mr. Don Ball presented the City Council with a letter regarding ad valorem tax exemptions for affordable housing projects.

Mayor Vaught asked Henderson County Appraisal District Attorney to address the property tax implications.

Mr. Kurt Sweeney, legal counsel from the Henderson County Appraisal District stated it is possible to structure fees in lieu of taxes in the event the property does become tax exempt. He further stated there are two (2) types of ad valorem tax exemptions for affordable housing.

Mr. Steve Grant stated he represents the interest of the Carol Wallace family who owns the property. He stated he understands the concerns of the citizens who live north of the property. He stated this is a new development and he wanted to point out there are similar developments within the City of Athens that do not have the issues as the one in North Athens.

Mr. Grant presented a plat of the proposed location and stated it is 1,100 feet away from the Dalhigh area.

Mr. Grant further stated the City Council had passed Resolution No. R-05-16 in support of the proposed development location. Mr. Grant asked the Council for their consideration and to do what was contemplated.

Councilmember McCain stated he agrees the property on Bunny Rabbit is nice and well kept. He asked what the impact is on the surrounding property and the value and the ability for the property to be sold. Mr. Ball felt the development had a beneficial impact, and Councilmember McCain stated he had heard otherwise.

Mr. Ball stated that twenty two (22) units will be at full market, with no rent restrictions, and fifty (50) will be restricted to people earning sixty percent (60%) or below median family income, with all apartments being of the same quality.

Councilmember McCain asked if it would be hard to rent the twenty two (22) units at full price, with fifty (50) of the apartments being subsidized, with Mr. Ball stating it would not be a problem as this has been tried in other places. He stated it works very well.

Philip Rodriguez, City Manager, stated the ingress and egress is really right in the on ramp if you are headed North. Mr. Rodriguez asked if anything written communication was received from TxDOT; with Mr. Ball stating no communication has been received from TxDOT.

Mr. Rodriguez asked who they are communicating with from TxDOT with Mr. Ball stating he would have to get that information. Mr. Ball further stated they are aware of the TxDOT driveway separation distances.

Mr. Rodriguez asked Mr. Ball if TxDOT requires him to go further north if he will room to do so; with Mr. Ball stating yes.

Councilmember Montgomery stated he appreciates all the projects brought forth by Mr. Ball. He further stated that Mr. Ball has a quality product, however he has received concerns over the project and about the location. He stated it was not from citizens outside the city limits, it was from investors, and business in that area.

Mr. Ball stated he respects the Council and it is your right and privilege to decide however you want to. He stated he would respect either decision made by the Council.

Mr. Ball stated he has an understanding of what the Council is facing.

Councilmember Montgomery stated all the proposals on the New Haven Apartments were outstanding.

Mr. Rodriguez asked Blake Armstrong, City Attorney, what the City would need to do when dealing with a zoning case. He stated he thinks it is prudent if the Council were to make the fees in lieu of taxes agreement a caveat if Council were to vote approval. He asked if we would need to make that part of the Motion.

Mr. Sweeney stated that the Mayor and Council should work this out before a vote is taken.

Mr. Armstrong stated he agrees with the appraisal district's attorney. He stated that should be worked out before an Ordinance is passed. He stated the first order of business would be to discuss the parameters of such an agreement and then pass the Ordinance.

Mr. Rodriguez stated this goes back to the reference by the Council previously that prior to any zoning there would be a developer's agreement.

Mr. Ball stated a fair way would be to say whatever the appraisal district appraises the property for the amount would be in the pilot agreement. He stated that would be fair to the City and fair to him.

Mayor Vaught stated the Council needed to come to decision. Does the Council want to move forward and table it and let the pilot be looked at or would we like to get this settled tonight?

Councilmember McCain stated he would like to get it settled as we've had a lot of time. He stated this has been worked on since September, it has been tabled since the last meeting.

Mayor Vaught stated Council would go forward.

Mr. Wilson read the Ordinance aloud. The item died due to the lack of a motion.

STATUS REPORT ON WATER TREATMENT PLANT – ATHENS
MUNICIPAL WATER AUTHORITY WELL

Lawrence Cutrone, Interim Director of Public Works, provided a status update on the Athens Municipal Water Authority also known as the Service Water Treatment Plant Well. Mr. Cutrone stated the City received the well in 2014 and from its inception there have been issues with the well.

Mr. Cutrone provided an overview of the following issues with the Athens Municipal Water Authority Well:

- Electrical controls
- Flow controls
- Chlorine rotameter
- Ammonia injector assembly
- Ammonia rotameter
- Electrical problems/pump breaker trip
- Pressure issues/installed booster pump
- Plumbing issues/leaks
- Brown scale formation inside pipes
- Ammonia solenoid not closing
- Contractor installed new circuit board
- Replaced ammonia quill & injector

Mr. Rodriguez stated he wanted to ensure that the Council is aware that the issues have been ongoing.

Mayor Vaught asked if the cost is at the expense of the City, with Mr. Cutrone stating yes. He stated once AMWA builds and the City accepts the well; the City is in charge of operations and maintenance.

DISCUSS FISCAL YEAR 2017 BUDGET PROCESS CALENDAR

Mr. Rodriguez reviewed Fiscal Year 2017 Budget Calendar and stated the budget development is in process. Mr. Rodriguez stated a special called session is scheduled for August 29, 2016 to meet State Statutes requirements for dates.

Mr. Rodriguez stated budget input boxes will be placed throughout the community as well as online surveys.

DISCUSS APPOINTMENT TO SUBSTANDARD BUILDING COMMISSION

Buddy Hill, Chief of Police, informed Council that Tere Lawyer has resigned from the Substandard Building Commission and the board is seeking an appointment from the Council to fill the position.

DISCUSS/CONSIDER REPEALING “RULES OF PROCEDURES” AND
ADOPTING “COUNCIL RULES AND PROCEDURES”

Mr. Rodriguez stated the item was presented in an earlier meeting and was also discussed in the Vision and Planning Session. He stated his recommendation as the City Manager is to seek the Councils input into new Council Rules and Procedures document. He stated there is a draft document in the packet that has been refined and reviewed by the City Attorney and there were no legal concerns.

Councilmember Montgomery stated the old rules allowed for citizens to be on the agenda, and asked if that is allowed under the new rules and procedures.

Mr. Rodriguez stated that is not in the new rules and procedures. He stated his advice to the Council is they should be the ones to seek items as the elected representative. If a citizen wants to be heard the process is through the elected official.

Councilmember Montgomery stated in the past any citizen could get on the agenda with anything and address the Council within two (2) weeks, so the Council could deliberate. Councilmember Montgomery stated it looks like that has been taken out and now only the Council can get citizens on the agenda and it could take up to thirty (30) days before it appears on the agenda. He further stated anything we do should be for the betterment of the citizen and this way looks like it is in the other direction.

Mr. Rodriguez stated that is not the intent and asked Mr. Armstrong for his thoughts as to what other cities do. Mr. Armstrong stated agenda items are driven for the most part by councilmembers. Mr. Armstrong further stated that out of the seventeen (17) or eighteen (18) cities he represents he does not know of one city that has a policy that allows citizens to directly place items on the agenda. He stated there may be soon however, the general rule for most cities is consistent with this procedure where you have councilmembers place items on the agenda and certainly constituents can approach any councilmember and ask for an item to be placed on the agenda. He further stated this is more of the norm than allowing an agenda to be driven in part by the citizens.

Councilmember Montgomery stated in checking with the County anyone could come before the County Commissioners within seventy two (72) hours and be on their agenda. He stated he has never seen a possible thirty (30) day wait period. Mr. Montgomery stated he was certainly against this policy and stated he felt any citizens should be able to come and speak their peace for whatever reason.

Councilmember Whatley asked if it is two (2) weeks or thirty (30) days they have to get it on an agenda, with Mr. Armstrong stating he is not aware of any city he represents that has a policy of how long from the time a councilmember requests an item to be placed on the agenda. He stated he has never seen a time that set a parameter that it had to be two (2) weeks or thirty (30) days. Generally speaking it is as soon as reasonable practical it goes on the agenda.

After further discussion, Councilmember McCain stated he looks at it as a positive as it states the placement of an agenda item will be addressed in no more than thirty (30) days.

Mayor Vaught stated there is a new item on the agenda: Mayor and City Council request for future agenda items that allows for the Council to address matters quickly.

Councilmember Montgomery stated that is a good move, however the issue with citizens he is not for it.

Mayor Vaught stated once Council hears from Citizens Communications; the Council can direct Staff and the City Manager to add topics as a future agenda item and discuss it at that time. Mayor Vaught further stated he felt Council is taking care of the citizens.

Councilmember McCain stated after he read through the proposal he feels it allows staff to be more efficient by allowing time to prepare.

After additional discussion a motion was made by Councilmember McCain, seconded by Councilmembers Whatley to approve the repealing of "Rules of Procedures" and adopting "Council Rules and Procedures".

The motion carried by the following vote: Ayes: Mayor Vaught, Councilmembers Whatley, Winn, and McCain. Nays: Councilmember Montgomery, Abstain: None.

DISCUSS/CONSIDER BUDGET AMENDMENT TO REIMBURSE ATHENS MUNICIPAL WATER AUTHORITY FOR REPAIRS AND MAINTENANCE IN THE AMOUNT OF \$15,833

Mr. Rodriguez explained the item comes from a request from Executive Director of AMWA, Bill Casey. He stated in the 2015 Audit there were some expenditures that did not have invoices attached and upon performing research they realized the City used Athens Municipal Water Authority (AMWA) funds for maintenance and repairs on the water system. Mr. Rodriguez stated the emergency repairs were in November 2014 and the invoices were paid in January 2015 and through AMWA's audit process found the City used their funds for the City's maintenance and repairs. Mr. Rodriguez stated AMWA is seeking reimbursement of \$15, 833.

Mr. Armstrong asked if the Original budget was passed by Ordinance, with Mr. Rodriguez stating it was. Mr. Armstrong further stated in order to amend the budget because we passed the original budget by Ordinance, the City must pass an Ordinance amending Budget. He stated for it to be effective we must come back with an Ordinance actually amending the budget. He further stated it could be done with one Ordinance. Mr. Rodriguez stated this will be done in September and listed in the final budget amendment at the end of this fiscal year.

A motion was made by Mayor Pro-Tem Winn, seconded by Councilmember Montgomery to approve the Budget amendment to reimburse Athens Municipal Water Authority for repairs and maintenance in the amount of \$15,833. The motion carried unanimously.

DISCUSS/CONSIDER BUDGET AMENDMENT IN THE AMOUNT OF \$38,600 FOR ATHENS MUNICIPAL AIRPORT TREE PROJECT

Thanasis Kombos, Community Development Manager stated the amendment in the amount of \$38,600 is to move forward with Athens Municipal Airport tree project. He stated it includes the removal, grinding and disposals of the trees.

A motion was made by Councilmember Whatley, seconded by Councilmember McCain to authorize the budget amendment in the amount of \$38,600 for Athens Municipal Airport tree project from the Airport Fund. The motion carried unanimously.

DISCUSS/CONSIDER BUDGET AMENDMENT FOR PARTIAL REROOFING OF THE CAIN CENTER IN THE AMOUNT OF \$103,600

Mr. Kombos explained this item and agenda items number 13 and 14 are all related together. He stated a facilities update was presented to the Council back in the Spring and this budget amendment is for reroofing of the low slope roof at the Cain Center in the amount \$103, 600.

A motion was made by Councilmembers McCain, seconded by Councilmember Winn to authorize the budget amendment for partial reroofing of the Cain Center in the amount of \$103,600

DISCUSS/CONSIDER BUDGET AMENDMENT FOR FULL ARCHITECTURAL SERVICES FOR PARTIAL REROOFING OF THE CAIN CENTER IN THE AMOUNT OF \$14,000

Mr. Kombos explained the budget amendment is for Full Architectural Services for partial reroofing of the Cain Center in the amount of \$14, 000.

A motion was made by Councilmember Montgomery, and seconded by Councilmember Winn to authorize the Budget amendment for Full Architectural Services for partial reroofing of the Cain Center in the amount of \$14,000. The motion carried unanimously.

DISCUSS/CONSIDER AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT WITH ARCHITECTURAL FIRM, EUBANKS HARRIS ROBERTS CRAIG ARCHITECTS, INC. TO PROVIDE FULL ARCHITECTURAL SERVICES FOR PARTIAL REROOFING OF THE CAIN CENTER, INCLUDING ISSUANCE OF A REQUEST FOR PROPOSALS

Mr. Kombos explained this will authorize the City Manager to execute a contract with the architectural firm, Eubanks Harris Roberts Craig, Inc. to provide Full Architectural Services for partial reroofing of the Cain Center, including issuance of a Request for Proposals.

Councilmember Montgomery stated they are a great company to work with.

Mr. Armstrong stated he would like one sentence removed from the contract before signing.

A motion was made by Councilmember Whatley, seconded by Councilmember Winn to authorize the City Manager to execute a contract per approval by City Attorney with architectural firm, Eubanks Harris Roberts Craig, Inc., to provide Full Architectural Services for partial reroofing of the Cain Center, including issuance of a Request for Proposals. The motion carried unanimously.

DISCUSS/CONSIDER BUDGET AMENDMENT FOR RESCUE BOAT IN THE AMOUNT OF \$11,000

John McQueary, Fire Chief, explained that on May 11, 2015 six (6) people were rescued and the budget amendment is for a rescue vessel and resources in the amount of \$11,000.

A motion was made by Councilmember Winn, seconded by Councilmember Montgomery to authorize the budget amendment for Rescue Boat in the amount of \$11,000. The motion carried unanimously.

DISCUSS/CONSIDER APPROVAL OF ATHENS ECONOMIC DEVELOPMENT CORPORATION'S BUSINESS ASSISTANCE GRANT PROGRAM APPLICATION SUBMITTED BY SUSAN STEGER AND PATRICK PIERCE, IN AN AMOUNT OF \$2,334 FOR SIGNAGE

Lisa Denton, Executive Director of Athens Economic Development Corporation, explained that a Business Assistance Grant application was received from Susan Steger and Patrick Pierce, Athens Brewing Co. Ms. Denton explained the property owners propose to install outside lettering and lighting on the facility.

A motion was made by Councilmember Whatley, seconded by Councilmember McCain to approve Athens Economic Development Corporation's Business Assistance Grant Program application submitted by Susan Steger and Patrick Pierce, in an amount of \$2,334 for signage. The motion carried unanimously.

CITIZENS COMMUNICATIONS

There were no additional citizen comments.

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

1. Councilmember McCain thanked the citizens for attending the City Council meeting
2. Mayor Vaught stated there is a three day charity event July 19-21 at Lake Athens "Skiin with the Galilean". He stated the event is for abused and orphan children
3. Mr. Rodriguez invited citizens to participate in the Budget process. He stated budget input boxes will be placed throughout the community for suggestions beginning on July 5th

MAYOR AND CITY COUNCIL REQUEST FOR FUTURE AGENDA ITEMS

There were no request for future agenda items.

ADJOURN

The meeting was adjourned.

PASSED AND APPROVED THIS THE 11th DAY OF JULY, 2016.

Jerry D. Vaught, Mayor

ATTEST:

Bonnie Hambrick, City Secretary