

REGULAR SESSION

JULY 14, 2014

The City Council of the City of Athens met in Regular Session on Monday, July 14, 2014, 5:30 p.m. in the Council Chambers of the City Hall Annex with the following members present, to-wit:

Jerry D. Vaught, Mayor
Monte Montgomery
Tres Winn
Joe Whatley
Charles Elliott

Pam Burton, City Administrator
Pam Watson, City Secretary
Conor Bateman, City Attorney

others present: Glen Herriage, Kelly Morgan, Gary Crecelius, Buddy Hill, John McQueary, David Hopkins, Haven Cox, Michael Hannigan, Tyler Hendrickson, Alicia Watkins, Jack Bailey, Mary Waddell and other interested citizens;

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

The invocation was given by Councilmember Montgomery.

DECLARATION OF CONFLICT OF INTEREST

No action was taken.

DISCUSS/CONSIDER INCREASE IN HANGAR RENT FOR ATHENS JET CENTER (HANGAR LH#2), AS REQUESTED BY GAYLON ADDKISON AND WAYNE ADDKISON

This item was removed at the request of Gaylon Addkison and will be placed on a future agenda.

DISCUSS/CONSIDER OPTIONS REGARDING ADDITIONAL ZONING REGULATIONS CONCERNING THE MANUFACTURING AND/OR STORAGE OF FERTILIZER/HAZARDOUS MATERIALS

City Attorney Conor Bateman reviewed options for amending the City's Zoning Ordinance to regulate the manufacturing and/or storage of fertilizer/hazardous materials.

Councilmember Elliott expressed his feelings that the Ordinance should not prohibit bags of ammonium nitrate from being purchased by land owners/home owners in the local feed stores.

Councilmember Whatley stated that the citizens would prefer that the manufacturing and/or storage of fertilizer/hazardous materials not be allowed in the city limits at all, with Mayor Vaught being in agreement. Councilmember Whatley expressed his concerns with allowing this in Industrial zoning due to the larger businesses located in those areas.

After a lengthy discussion, a motion was made by Councilmember Winn, seconded by Councilmember Elliot to authorize the City Attorney to draft an Ordinance to ban/regulate high hazardous material and storage within the City limits.

DISCUSS/CONSIDER AUTHORIZING CITY ADMINISTRATOR AND DIRECTOR OF FINANCE TO EXECUTE CONTRACT FOR PURCHASE OF ELECTRICITY

David Hopkins, Director of Finance, explained that the City's current contract with Gexa Energy for the purchase of electricity expires with the meter readings in July 2014. He explained that electricity prices expire at 5:00 p.m. daily, therefore, authorization is needed to execute a new contract.

Jack Bailey, Texas Power Consultants, stated that fourteen (14) Requests for Proposals have been received on behalf of the City of Athens. He explained that TXU Energy had the lowest rate, however, they are currently in Bankruptcy Court and their future is unknown at this time, therefore, he recommended that the City look elsewhere and consider a three (3) year term.

After discussion, a motion was made by Councilmember Whatley, seconded by Councilmember Winn to authorize the Director of Finance to execute contract for purchase of electricity for the City of Athens, excluding TXU Energy. The motion carried unanimously.

DISCUSS/CONSIDER PROCEDURE FOR HIRING CITY ADMINISTRATOR

City Administrator Pam Burton provided options regarding advertising for the position of City Administrator, with those being to advertise in-house through the Human Resources Dept. or to accept Requests For Proposals from headhunter services which charge a fee ranging from approximately \$25,000-\$30,000.

Mayor Vaught expressed his feelings that the expenditure for a headhunter service is unnecessary and the process can be handled in-house and City Council make all decisions, with Councilmember Montgomery being in agreement.

Councilmember Whatley expressed his opinion that a headhunter service was a better option.

After discussion, a motion was made by Councilmember Whatley, seconded by Councilmember Elliott to authorize staff to advertise for an outside consultant for the purpose of hiring a City Administrator. The motion carried by the following vote: Ayes: Councilmember Whatley, Councilmember Elliott, Councilmember Winn. Nays: Mayor Vaught and Councilmember Montgomery.

DISCUSS/CONSIDER AUTHORIZING COLLECTIONS CONTRACT WITH HENDERSON COUNTY TAX OFFICE FOR COLLECTION OF 2014 PROPERTY TAXES

David Hopkins, Director of Finance, explained that this is the same Collections Contract as in past years, at a rate of .90 cents per parcel. A motion was made by Councilmember Elliott, seconded by Councilmember Whatley to authorize Collections Contract with Henderson County Tax Office for Collection of 2014 Property Taxes. The motion carried unanimously.

DISCUSS/CONSIDER AWARDED BID FOR 2014 SEAL COAT PROGRAM

Glen Herriage, Director of Utilities, informed the Council that two (2) bids were received for the 2014 Seal Coat Program, recommending the bid be awarded to low bidder, Reynolds & Kay, LTD at 2.496 per sq. yd. for a total cost of \$151,147.77. A motion was made by Councilmember Whatley, seconded by Councilmember Winn to award the bid for the 2014 Seal Coat Program to Reynolds & Kay, LTD at 2.496 per sq. yd. for a total cost of \$151,147.77. The motion carried unanimously.

Glenn Herriage, Director of Utilities, informed the Council that size 4 rock is required and it will be tested.

DISCUSS/CONSIDER AUTHORIZING STAFF TO ADVERTISE FOR PROPOSALS FOR AUDITOR

Mr. Hopkins explained that the City is required to seek proposals for Auditor every three (3) years, and staff is requesting authorization to advertise for proposals. A motion was made by Councilmember Montgomery, seconded by Councilmember Elliott to authorize staff to advertise for proposals for Auditor. The motion carried unanimously.

CONSENT AGENDA;

- A) CONSIDER APPROVING MINUTES OF THE JUNE 18, 2014 SPECIAL SESSION AND JUNE 23, 2014 REGULAR SESSION
- B) CONSIDER FINAL READING OF AN ORDINANCE GRANTING A ONE (1) YEAR NON-EMERGENCY AMBULANCE TRANSPORTATION FRANCHISE TO IMPEL AMBULANCE SERVICE INC., AS REQUESTED BY ALICIA WATKINS

A motion was made by Councilmember Whatley, seconded by Councilmember Winn to approve the Consent Agenda. The motion carried unanimously.

OPPORTUNITY FOR CITIZENS TO EXPRESS ITEMS OF CONCERN RELATING TO THE CITY OF ATHENS

There was no discussion.

EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE,

- 1) SECTION 551.071 CONSULTATION WITH ATTORNEY; CONSULTATION REGARDING PENDING LITIGATION IN CAUSE NO. 2013A-1145, ATHENS MUNICIPAL WATER AUTHORITY V. CITY OF ATHENS IN THE 173RD JUDICIAL DISTRICT COURT, HENDERSON COUNTY, TEXAS; AND CASE NO. 12-14-00017, THE CITY OF ATHENS, TEXAS, A MUNICIPAL CORPORATION OF THE COUNTY OF HENDERSON, TEXAS V. ATHENS MUNICIPAL WATER AUTHORITY, A MUNICIPAL UTILITY DISTRICT AND POLITICAL SUBDIVISION OF THE STATE OF TEXAS, IN THE TWELFTH COURT OF APPEALS, TYLER, TEXAS;
- 2) SECTION 551.072 REAL PROPERTY; DELIBERATION REGARDING THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY; AND
- 3) SECTION 551.074 PERSONNEL MATTERS; DELIBERATION REGARDING EMPLOYMENT CONTRACT OF CITY ADMINISTRATOR

Mayor Vaught stated that the City Council would not be entering into Executive Session to discuss Item 2) Section 551.072 Real Property.

The City Council adjourned to Executive Session.

The City Council returned to Regular Session.

CONSIDER ACTION RESULTING FROM DELIBERATIONS IN EXECUTIVE SESSION REGARDING PENDING LITIGATION IN CAUSE NO. 2013A-1145, ATHENS MUNICIPAL WATER AUTHORITY V. CITY OF ATHENS IN THE 173RD JUDICIAL DISTRICT COURT, HENDERSON COUNTY, TEXAS; AND CASE NO. 12-14-00017, THE CITY OF ATHENS, TEXAS, A MUNICIPAL CORPORATION OF THE COUNTY OF HENDERSON, TEXAS V. ATHENS MUNICIPAL WATER AUTHORITY, A MUNICIPAL UTILITY DISTRICT AND POLITICAL SUBDIVISION OF THE STATE OF TEXAS, IN THE TWELFTH COURT OF APPEALS, TYLER, TEXAS

Mayor Vaught stated that the City is continuing to work with Athens Municipal Water Authority and are moving closer to a resolution.

CONSIDER ACTION RESULTING FROM DELIBERATIONS IN EXECUTIVE SESSION
REGARDING REAL PROPERTY

The City Council did not enter into Executive Session concerning this item.

CONSIDER ACTION RESULTING FROM DELIBERATIONS IN EXECUTIVE
SESSION REGARDING EMPLOYMENT CONTRACT OF CITY ADMINISTRATOR

No action was taken.

ADJOURN

The meeting was adjourned.

PASSED AND APPROVED THIS THE 28TH DAY OF JULY, 2014.

Jerry D. Vaught, Mayor

ATTEST:

Pam Watson, City Secretary