

REGULAR SESSION

SEPTEMBER 24, 2018

The City Council of the City of Athens met in Regular Session on Monday, September 24, 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
Toni Clay
Robert Gross

Elizabeth Borstad, City Manager
Bonnie Hambrick, City Secretary

others present: Thanasis Kombos, Buddy Hill, Ryan Adams, Randy Williams, Jennifer Robertson, Mandie Quigg, Marion Klutts, Denise York, Gary Penn, Michael Hannigan, Rich Flowers, Deborah Deas, Lacey Lowry, Mark Carroll, Bill Gurley, Linda Moncada, Betty Herriage, Kim Walker, Willy Robson, Bob and Carol Morton, Steve Barksdale, Jana Thompson, Ashley Malone, Ruth Torres, Charles Gurley, Tom and Lynn Leathem, Marisa Gunstanson, Mary Waddell, Anne Perryman, Adrianna Hinds, Brent Muecke, Gene Keenon, Linda Tull, Jamie Running, Melissa Newman, Colleen Nelson, and other interested citizens;

with the following member absent: Councilmember Aaron Smith

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

INVOCATION

The Invocation was given by Mayor Monte Montgomery.

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 recognized the Athens Leadership Institute (ALI) members for being in attendance.
- Mayor Montgomery stated Brent Muecke presented him with pictures regarding concerns at Kiwanis Park. He stated he participated in a productive meeting with Mr. Muecke, Matt Tyler and Shannon Easley

Elizabeth Borstad, City Manager, stated ticket sales have begun for “Infinite Journey”, which is a Journey Tribute Band featuring Donovan Duke, a Trinity Valley Community College alumni. She stated the concert is October 27, 2018 and tickets can be purchased from “The Texan” website.

CITIZENS COMMUNICATIONS:

Billy Gurley expressed disappointment in the City Council’s decision regarding the Cost of Living Adjustment reduction.

**DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY,
CONFIRMING THE APPOINTMENT OF JENNIFER ROBERTSON AS
DIRECTOR OF HUMAN RESOURCES FOR THE CITY OF ATHENS**

Ms. Borstad explained, per the Charter, all department heads are appointed by the City Manager and confirmed by the majority vote of the City Council.

A motion was made by Councilwoman Clay, seconded by Councilmember Gross to confirm the appointment of Jennifer Robertson as Director of Human Resources for the City of Athens. The motion carried unanimously.

**DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY,
CONFIRMING THE APPOINTMENT OF RANDY WILLIAMS AS UTILITIES
DIRECTOR FOR THE CITY OF ATHENS**

A motion was made by Councilmember McCain, seconded by Councilwoman Clay to confirm the appointment of Randy Williams as Utilities Director for the City of Athens. The motion carried unanimously.

CONSENT AGENDA

- a) CONSIDER APPROVING THE MINUTES OF THE SEPTEMBER 10, 2018 REGULAR SESSION**
- b) CONSIDER FINAL READING OF AN ORDINANCE CONCERNING A REQUEST FROM TRITON ATHENS I, LLC FOR A SITE PLAN REVISION FOR PROPERTY LOCATED AT 1006, 1010 & 1012 EAST TYLER STREET**
- c) CONSIDER FINAL READING OF AN ORDINANCE AMENDING TOTAL APPROPRIATIONS BUDGET FOR FISCAL YEAR ENDING SEPTEMBER 30, 2018 FOR ALLOCATION OF GENERAL FUND \$239,478.17, AIRPORT FUND \$33,086.00, AND HOTEL OCCUPANCY TAX FUND FOR TEXAN IMPROVEMENTS \$331,942.04**
- d) CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN ENGAGEMENT WITH HENRY & PETERS FOR AUDITING SERVICES BEGINNING FISCAL YEAR 2018 AND ENDING FISCAL YEAR 2020 IN AN AMOUNT NOT TO EXCEED \$21,000**
- e) JULY 2018 MONTHLY REVENUE EXPENSE REPORT**
- f) AUGUST 2018 MONTHLY REVENUE EXPENSE REPORT**

Mayor Montgomery requested the following item be pulled from the Consent Agenda for further discussion: b) Consider final reading of an Ordinance concerning a request from Triton Athens I, LLC for a site plan revision for property located at 1006, 1010 & 1012 East Tyler Street

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

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

- a) Consider approving the minutes of the September 10, 2018 Regular Session**
- c) Consider final reading of an Ordinance amending total appropriations budget for Fiscal Year ending September 30, 2018 for allocation of General Fund \$239,478.17, Airport Fund \$33,086.00, and Hotel Occupancy Tax Fund for Texan improvements \$331,942.04**
- d) Consider a Resolution authorizing the City Manager to execute an engagement with Henry & Peters for Auditing Services beginning Fiscal Year 2018 and ending Fiscal Year 2020 in an amount not to exceed \$21,000**
- e) July 2018 Monthly Revenue Expense Report**
- f) August 2018 Monthly Revenue Expense Report**

The motion carried unanimously.

b) CONSIDER FINAL READING OF AN ORDINANCE CONCERNING A REQUEST FROM TRITON ATHENS I, LLC FOR A SITE PLAN REVISION FOR PROPERTY LOCATED AT 1006, 1010 & 1012 EAST TYLER STREET

Mayor Montgomery asked if there were any changes to the Ordinance. Ryan Adams, Interim Managing Director of Development Services, stated there were no changes since the first reading on 9/10/18.

Ms. Hambrick read the caption of the Ordinance aloud.

A motion was made by Councilmember Gross, seconded by Councilmember McCain to approve final reading of an Ordinance concerning a request from Triton Athens I, LLC for site plan revision at 1006, 1010, and 1012 East Tyler Street. The motion carried unanimously.

DISCUSS MUNICIPAL DOG PARK

Mayor Montgomery stated a citizen came forward wanting to re-look at the Dog Park and places to locate a dog park.

Mayor Montgomery stated the next item is to discuss 405 Lindsey Lane. He stated in a previous workshop the majority wanted to utilize the property for development.

Mayor Montgomery stated this is a presentation prior to the City Council discussing 405 Lindsey Lane.

Marisa Gunstanson, Athens Chamber of Commerce President, stated that members of the Athens Leadership Institute class (ALI) have sent out a survey to the entire community asking their input for suggestions for projects in the community. Ms. Gunstanson read off the following options for 405 Lindsey Lane and additional projects in the community as follows:

- A Dog Park
- An outdoor park with low impact exercise equipment
- Lights for the Soccer Fields at Cain Park
- A Dog Park with outdoor low impact exercise equipment
- Improvements for the restrooms and concession stand at Cain Park softball field

Ms. Gunstanson stated the purpose of the survey is to gain an understanding of what the community is interested in. She stated the final survey results would be received on October 1, 2018.

Ms. Gunstanson stated currently 26 percent, is for a dog park, with the low-impact exercise equipment with a walking trail and pavilion.

Blake Williamson explained the purpose of the survey is ALI wanted to ensure the project they are pursuing will benefit the community as a whole. Mr. Williamson stated they are gathering more information and will present it to the City Council.

Mayor Montgomery stated the City Council had met in a workshop regarding the use of the property and the general consensus was the property be used for development.

Bob Morton stated he is a strong advocate of the dog park, however, he expressed concern with organizations doing things separately. He strongly recommended the City Council to refer ALI to the Parks Advisory Board to find out what has been done and what has been discussed and where the process is going.

DISCUSS 405 LINDSEY LANE

Mayor Montgomery stated when the work session was held the consensus was to move forward using the property for development.

Ms. Borstad explained the direction received during the last work session was to have the property rezoned to Residential 5 and obtain an appraisal. Ms. Borstad explained due to changes in staff has not occurred. She further stated the current zoning is Multi-Family 5.

Mayor Montgomery asked if the City Council wanted the property rezoned prior to the use of the property being determined.

Councilwoman Clay stated she recalls the Council wanted to develop the property above low-income housing. Councilwoman Clay further stated that “the discussion we've had is that we've heard, and rightfully so, that housing is an issue in Athens and that if we have a place that could be developed that already has utilities in place, that's a good thing”.

Councilmember Gross stated he recalls that Citizens did not want the possibility of apartments being on the property and that is why the Council was looking at rezoning the property.

Councilmember McCain stated if houses are built it should be in accord with existing houses in the area. Councilmember McCain stated let's not forget, for the better part of twenty (20) years, property owners had the hospital decaying right in front of them. He stated they've put up with a lot.

Mr. Adams presented several types of zoning in the area and stated the old hospital property was zoned as Multi-Family.

Mayor Montgomery stated he is not sure if the property needs to be development. He stated he feels it could be utilized as a green belt, as a possible dog park until that growth hits us.

After discussion it was the consensus of the City Council to continue with the appraisal and get the value of the property.

Lacey Lowery stated citizens previously had a petition going to not develop the property.

DISCUSS SIGN ORDINANCE

Mayor Montgomery stated several citizens have asked for clarification regarding the Sign Ordinance. He stated some of the clarifications are:

- Does the permit include one (1) or multiple signs

Ms. Borstad stated the original intent was one (1) sign per permit to minimize the total number of temporary signs.

Mr. Adams presented an overview of the Sign Ordinance. He stated on April 23, 2018 the Ordinance was amended.

Prior to Amendment:

- Limited to 30 days per calendar year
- Can be extended an additional 30 days
- No permit fee

After Amendment:

- Can be displayed for one calendar year
- Permit fees apply

Mr. Adams explained Signs treated separately for permit fee purposes.

All other regulations apply:

- No signs in ROW, on fences, on public utility infrastructure
- Cannot block traffic, sight lines
- No off-premises advertising
- Ordinance does not differentiate between commercial and non-commercial signs.

Mayor Montgomery stated two (2) instances have come forward. One being the Farmers Market and the number of signs around the square and how the City is addressing those and do they fall under this category. Mr. Adams stated that the Farmers Market does fall under this category and are considered off-premises advertising in which the Ordinance does prohibit.

After discussion, staff is to recommend a change to the Ordinance that will address public events and events that make Athens special as well as obtaining information from peer cities on how they address their Sign Ordinance.

DISCUSS PROPERTY/LIABILITY/WORKERS' COMPENSATION
INSURANCE

Ms. Borstad explained staff has solicited quotes from two (2) different insurance companies. She stated staff has prepared comparisons of cost from Texas Municipal League (TML) and BXS Insurance.

Ms. Borstad explained BXS is less expensive than the TML, however there are other factors that must be considered.

Councilmember Gross questioned the Worker's Comp.

Steve Barksdale explained the Worker's Comp and provided information on BXS Insurance.

Jennifer Robertson, Director of Human Resources, explained there have been increases which were due to the City's loss ratios going up. Ms. Robertson stated one of the drivers to reduce the loss ratio is establishing new safety programs.

Richard Dorsey, with TML Risk Pool, explained the benefits of TML Risk Pool and the coverage provided.

Mayor Montgomery stated the item was only for discussion. He recommended the City Council review the comparisons presented by staff.

CONSIDER FINAL READING OF AN ORDINANCE CONCERNING A
REQUEST FROM HOME TOWN BOYS, LLC. (DAIRY QUEEN), FOR A SITE
PLAN REVISION FOR PROPERTY LOCATED AT 910 EAST TYLER STREET

Mr. Adams explained the item is a site plan revision request from the Dairy Queen. He stated the original site plan was approved in November 2017. He stated they are requesting revisions to several items. Mr. Adams reviewed the changes and noted an additional request for a hybrid masonry/cedar fence was not mentioned during the 9/10/18 meeting.

He stated he spoke with the developer regarding changes the citizens requested and provided the following developer responses to the requests:

Proposal	Response
Have the west fence terminate at the southern fence as opposed to the southern property line	Agrees to comply with this request.
Have the east and west fences rise to 8 feet toward the south end of the property	Cannot agree to this request.
Have both sides of the southern fence clad in vertical cedar pickets (as opposed to one side)	Cannot agree to this request. Cleyera will be planted along the fence and wax myrtle along the drive lane to the south wax myrtle along the drive lane to the south (where the green space begins)
Provide more detail on landscaping for the southern greenspace	

After discussion and questions being answered by Ashley Malone, Representative for Lay Construction, LLC. Ms. Hambrick read the caption of the Ordinance aloud and clarified a 6-foot masonry/cedar wall being constructed.

A motion was made by Councilmember McCain, seconded by Councilmember Gross to approve final reading of an Ordinance concerning a request from Home Town Boys, LLC. (Dairy Queen), for a site plan revision for property located at 910 East Tyler Street.

The motion carried by the following vote: Ayes: Councilmembers McCain, Gross, and Councilwoman Clay. Nays: Mayor Montgomery; Abstained: None

**DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY,
CONCERNING THE APPOINTMENT OF TOM LEATHEM TO THE
CULTURAL RESOURCES COMMISSION**

Ms. Hambrick explained there was a vacancy on the Cultural Resources Commission due to the resignation of Jon Garrett. She stated Mr. Tom Leathem has expressed interest in serving.

A motion was made by Councilmember McCain, seconded by Councilwoman Clay to approve the appointment of Tom Leathem to the Cultural Resources Commission.

The motion carried unanimously.

**DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY, APPROVING
A RESOLUTION RELATED TO THE ACCEPTANCE OF A PROPOSAL
FROM CAPPS-CAPCO CONSTRUCTION INC. IN THE AMOUNT OF
\$251,750.00 AND AUTHORIZING THE CITY MANAGER TO EXECUTE
CONTRACT FOR WORK RELATED TO REHABILITATION OF THE NORTH
SEWER PLANT TRICKLING FILTER AND DISTRIBUTOR ARM**

Randy Williams, Utilities Director, explained that a request for proposal for the Rehabilitation of the North Sewer Plan Trickling Filter & Distributor Arm were received on August 31, 2018. He stated two (2) proposals were received and upon review staff recommends approving a Resolution related to the acceptance of the proposal from Capps-Capco Construction in the amount of \$251,750.00.

A motion was made by Councilwoman Clay, seconded by Councilmember Gross to approve a Resolution related to the acceptance of a proposal from Capps-Capco Construction Inc. in the amount of \$251,750.00 and authorizing the City Manager to execute contract for work related to Rehabilitation of the North Sewer Plant Trickling Filter and Distributor Arm. The motion carried unanimously.

**EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE,
SECTION 551.074 (PERSONNEL MATTERS; CLOSED MEETING); TO
DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, OF A
PUBLIC OFFICER OR EMPLOYEE:**

a) MANAGING DIRECTOR OF PUBLIC SERVICES

The City Council adjourned to Executive Session at 7:00 p.m.

The City Council returned to Regular Session at 7:43 p.m.

CONSIDER ACTION RESULTING FROM DELIBERATIONS IN EXECUTIVE SESSION PURSUANT TO TEXAS GOVERNMENT CODE, SECTION 551.074 (PERSONNEL MATTERS; CLOSED MEETING) TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION OF A PUBLIC OFFICER OR EMPLOYEE:

a) MANAGING DIRECTOR OF PUBLIC SERVICES

No action was taken.

MAYOR AND CITY COUNCIL'S REQUEST FOR FUTURE AGENDA ITEMS

- Ms. Borstad explained staff is working to schedule a Joint Session with Athens Economic Development Corporation

Councilwoman Clay expressed the need for a work session related to the Cain Center as soon as possible.

ADJOURN

The meeting adjourned at 7:46 p.m.

PASSED AND APPROVED THIS THE 8th DAY OF OCTOBER, 2018.

Monte Montgomery, Mayor

ATTEST:

Bonnie Hambrick, City Secretary