

REGULAR SESSION

SEPTEMBER 9, 2019

The City Council of the City of Athens met in Regular Session on Monday, September 9, 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
Robert Gross
Aaron Smith
Toni Clay

Elizabeth Borstad, City Manager
Bonnie Hambrick, City Secretary

Staff Present: Buddy Hill, Police Chief, Russell Marshall, Fire Chief, Tim Perry, Public Works Director, Jennifer Robertson, Director of Human Resources, Mandie Quigg, Finance Director, Katie Birk, Tourism and Cultural Resources Coordinator, Randy Williams, Utilities Director, Derek Whiteley, Director of Information Technology,

others present: Val Franklin, Leslie Saunders, Denise York, Robert Haberle, Sytonia Peters, Rich Flowers, Deborah Deas, Michelle Zenor, Michael Hannigan, Ryan Johnston, Marisa Gunstanson, Sandra Mallie, Mark Carroll, Daryl Graham, Garry Penn

with the following member absent; Councilmember McCain

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 stated he read the following Proclamations:

- Sunday, September 8, 2019 Oakwood Assisted Living - National Assisted Living Week
- Sunday, September 8, 2019 150th Church Anniversary Allen Chapel AME
- Monday, September 9, 2019 Country Place Assisted Living – National Assisted Living Week

Marisa Gunstanson, Athens Chamber of Commerce President, provided the following update:

- September 11th Non-Profit Luncheon

Kate Birk, Tourism and Cultural Resources Coordinator provided the following updates:

- September 13th : Caroline Wonderland and Shelley King Duo at The Texan with The Mighty Orq at 7pm
- September 14th : Plant Sale at East Texas Arboretum and Botanical Society from 9am -4pm

- September 14th : Dance the Night Away Fundraiser for Keep Athens Beautiful at Boogies
- September 15th: East Texas Music Awards
- September 19th : Hall of Fame Ceremony for AISD
- September 21st : Outdoor Expo at The Fisheries
- September 28th : Jeff Weinstein Uncle Fletch Hamburger Festival 10am – 2pm and TVCC Family Day

Elizabeth Borstad, City Manager, stated the first step in Carroll Street drainage improvement project has begun with the project completion date being approximately 30 days.

CITIZENS COMMUNICATIONS: ANY CITIZEN WISHING TO ADDRESS THE COUNCIL ON AN AGENDA ITEM MAY DO SO DURING THE CITIZENS' PARTICIPATION PORTION OF THE AGENDA, OR WHEN THE AGENDA ITEM IS BEING CONSIDERED BY THE COUNCIL

Deborah Deas, invited everyone to the East Texas Arboretum and Botanical Society's plant sale on Saturday, September 14th.

Sandra Mallie, stated she was a Texas Meth Watch advocate and expressed concern with the Meth issues in Henderson County.

Mayor Montgomery stated staff has requested that item f) Consider a Resolution authorizing the City Manager to enter into an agreement awarding bid to Service Truck International (Sioux Center, IA) for Crane Body Service Truck be removed from the agenda with no action being taken.

He stated Councilmember Gross has requested item h) Consider a Resolution adopting Athens Economic Development Corporation's Budget for Fiscal Year 2020 be removed from the Consent Agenda for further discussion.

Mayor Montgomery requested item i) consider a Resolution authorizing the City Manager to increase the City's Emergency Reserve be removed from the Consent agenda for further discussion.

CONSENT AGENDA

- a) CONSIDER APPROVING THE MINUTES OF THE AUGUST 12, 2019 REGULAR SESSION
- b) CONSIDER APPROVING THE MINUTES OF THE AUGUST 14, 2019 BUDGET WORK SESSION
- c) CONSIDER APPROVING THE MINUTES OF THE AUGUST 26, 2019 REGULAR SESSION
- d) CONSIDER A RESOLUTION ESTABLISHING THAT THE UNCLE FLETCH DAVIS HAMBURGER FESTIVAL SERVES A PUBLIC PURPOSE AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH TXDOT FOR THE TEMPORARY CLOSURE OF STATE RIGHT-OF-WAY FOR THE UNCLE FLETCH DAVIS HAMBURGER FESTIVAL ON SEPTEMBER 28, 2019
- e) CONSIDER A RESOLUTION DECLARING CERTAIN PROPERTY AS SURPLUS AND AUTHORIZING THE CITY MANAGER TO DONATE OR DISPOSE OF SIX (6) DECOMMISSIONED SELF-CONTAINED BREATHING APPARATUS (SCBA) TO HENDERSON COUNTY FOR USE BY THE HENDERSON COUNTY SHERIFF'S DEPARTMENT

- f) CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT AWARDDING BID TO SERVICE TRUCK INTERNATIONAL (SIOUX CENTER, IA) FOR CRANE BODY SERVICE TRUCK**
- g) CONSIDER THE APPOINTMENT OF ANGELA LOCKE TO THE PARKS ADVISORY BOARD**
- h) CONSIDER A RESOLUTION ADOPTING ATHENS ECONOMIC DEVELOPMENT CORPORATION'S BUDGET FOR FISCAL YEAR 2020**
- i) CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO INCREASE THE CITY'S EMERGENCY RESERVE**
- j) CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN ENGAGEMENT WITH PATILLO, BROWN & HILL FOR AUDITING SERVICES FOR FISCAL YEARS ENDING SEPTEMBER 30, 2019 THROUGH SEPTEMBER 30, 2021**
- k) CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR EMPLOYEE HEALTH AND ANCILLARY BENEFITS FOR PLAN YEAR 2020 WITH THE OPTION TO RENEW AT THE SAME FEE/COMMISSION RATE FOR PLAN YEAR 2021**

A motion was made by Councilwoman Clay, seconded by Councilmember Smith to approve the following items of the Consent Agenda. The motion carried unanimously.

- a) Consider approving the minutes of the August 12, 2019 Regular Session**
- b) Consider approving the minutes of the August 14, 2019 Budget Work Session**
- c) Consider approving the minutes of the August 26, 2019 Regular Session**
- d) Consider a Resolution establishing that the Uncle Fletch Davis Hamburger Festival serves a public purpose and authorizing the Mayor to execute an agreement with TxDOT for the temporary closure of State Right-of-Way for the Uncle Fletch Davis Hamburger Festival on September 28, 2019**
- e) Consider a Resolution declaring certain property as surplus and authorizing the City Manager to donate or dispose of six (6) decommissioned Self-Contained Breathing Apparatus (SCBA) to Henderson County for use by the Henderson County Sheriff's Department**
- g) Consider the appointment of Angela Locke to the Parks Advisory Board**
- j) Consider a Resolution authorizing the City Manager to Execute an engagement with Patillo, Brown & Hill for Auditing Services for Fiscal years ending September 30, 2019 through September 30, 2021**
- k) Consider a Resolution authorizing the City Manager to enter into a contract for Employee Health and Ancillary Benefits for Plan Year 2020 with the option to renew at the same fee/commission rate for Plan Year 2021**

- H) CONSIDER A RESOLUTION ADOPTING ATHENS ECONOMIC DEVELOPMENT CORPORATION'S BUDGET FOR FISCAL YEAR 2020**

Councilmember Gross thanked the Athens Economic Development Corporation's Board of Directors for adding \$230,000 to the infrastructure line item. He expressed concern with the following items within Athens Economic Development's Budget for Fiscal Year 2020:

- \$40,000 for the Community Development Projects
- \$50,000 for the Business Assistance Grants

Councilmember Gross stated he would like to see those funds in the line item for infrastructure for future business growth.

Discussion occurred regarding the allocation of those line items within AEDC's budget.

After discussion a motion was made by Councilmember Gross, seconded by Mayor Montgomery to reallocate the 50,000 for the Business Assistance Grants and \$40,000 for the Community Development Projects line items from the Fiscal Year 2020 Budget and remain as unallocated funds.

The motion carried by the following vote: Ayes: Mayor Montgomery, Councilmember Gross, Councilmember Smith, Nay: Councilwoman Clay.

i) CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO INCREASE THE CITY'S EMERGENCY RESERVE

Mayor Montgomery stated it was impressive that the City of Athens is able to increase the City's Emergency Reserve.

Mandie Quigg, Finance Director, explained the Transfer from General Fund is \$370,000 which will increase the City's Emergency Reserve from 65 days to 75 days of operating expenditures.

Ms. Borstad explained the City may have an opportunity to add more days to the emergency reserve mid-way through the year.

A motion was made by Councilmember Gross, seconded by Councilmember Smith to approve a Resolution authorizing the City Manager to increase the City's Emergency Reserve. The motion carried unanimously.

HEAR UPDATE ON CAIN CENTER PROJECT

Mayor Montgomery stated a pre-construction meeting was held on 9/5/19. He stated the construction mangers at risk and sub-contractors attended the meeting. He stated the contractors were able to walk through the facility.

UTILITIES UPDATE

Randy Williams, Utilities Director, provided updates on the following:

- Disinfection Byproducts
- North Waste Water Treatment Plant
- West Waste Water Treatment Plant
- Loop 7 EST Rehabilitation
- Fiscal Year 2020 Projects

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY, CONCERNING THE APPROVAL OF A RESOLUTION RATIFYING A PROPERTY TAX REVENUE INCREASE FOR FISCAL YEAR 2020

A motion was made by Councilwoman Clay, seconded by Councilmember Gross to approve a Resolution ratifying a property tax revenue increase for Fiscal Year 2020.

After roll call vote the motion passed with the following record vote:

Mayor Monte Montgomery	<u>Aye</u>
Councilmember Toni Clay	<u>Aye</u>
Councilmember Aaron Smith	<u>Aye</u>
Councilmember Robert Gross	<u>Aye</u>

4 voted in favor of the motion and

0 voted against the motion.

Motion carried 4-0.

CONSIDER FINAL READING OF AN ORDINANCE ADOPTING THE
ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2020

Councilmember Gross asked the timing for the Certificates of Obligations money being defeased, with Ms. Quigg stating the Resolution could be ready for the Council's consideration on 9/23/19.

Councilmember Gross requested a simple listing of projects completed using the Certificate of Obligations monies and remaining amounts after defeasance.

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

On the following motion by Mayor Monte Montgomery; seconded by Councilmember Smith; I move to approve the second reading of an ordinance adopting the Fiscal Year 2020 Budget.

After roll call vote the motion passed with the following record vote:

Mayor Monte Montgomery	<u>Aye</u>
Councilmember Toni Clay	<u>Aye</u>
Councilmember Aaron Smith	<u>Aye</u>
Councilmember Robert Gross	<u>Aye</u>

4 voted in favor of the motion and

0 voted against the motion.

Motion carried 4-0.

CONSIDER FINAL READING OF AN ORDINANCE ADOPTING THE TAX
RATE FOR FISCAL YEAR 2020

Ms. Hambrick read the caption of the Ordinance aloud.

On the following motion by Mayor Monte Montgomery; seconded by Councilmember Gross; I move to approve "I move that the property tax rate be increased by the adoption of a tax rate of .680221, which is effectively a 6.03 percent increase in the tax rate."

After roll call vote the motion passed with the following record vote:

Mayor Monte Montgomery	<u>Aye</u>
Councilmember Toni Clay	<u>Aye</u>
Councilmember Aaron Smith	<u>Aye</u>
Councilmember Robert Gross	<u>Aye</u>

4 voted in favor of the motion and

0 voted against the motion.

Motion carried 4-0.

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) CITY MANAGER

The City Council adjourned to Executive Session at 6:19 p.m.

The City Council returned to Regular Session at 6:47 p.m.

CONSIDER AND TAKE ACTION, AS NECESSARY, 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) CITY MANAGER

No action was taken.

MAYOR AND CITY COUNCIL'S REQUEST FOR FUTURE AGENDA ITEMS

Mayor Montgomery requested the following future agenda items:

- Form a sub-group to look at areas with high accident counts and preventive measures and include a representative from TxDOT
- Update on Cain Center

ADJOURN

The meeting adjourned at 6:49 p.m.

PASSED AND APPROVED THIS THE 23rd DAY OF SEPTEMBER, 2019.

Monte Montgomery, Mayor

ATTEST:

Bonnie Hambrick, City Secretary