

SPECIAL SESSION

AUGUST 6, 2014

The City Council of the City of Athens met in Special Session on Wednesday, August 6, 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  
Charles Elliott

Pam Watson, City Secretary  
Conor Bateman, City Attorney

others present: Glen Herriage, Gary Crecelius, Buddy Hill, John McQueary, David Hopkins, Haven Cox, Sherri Skeeters, Kelley Holcomb, Rich Flowers, Michael Hannigan and other interested citizens;

with the following members absent: Joe Whatley, Tres Winn;

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 ITEMS FOR FUTURE AGENDAS;

A) DISCUSS APPROVING ANGELINA & NECHES RIVER AUTHORITY NECHES  
COMPOST FACILITY BUDGET FOR FISCAL YEAR 2015

Kelley Holcomb, General Manager of Angelina & Neches River Authority Neches Compost Facility (ANRANCF), provided their history and operation from creation date to current status. He reviewed the facilities financials and explained the benefits to the City of Athens.

The Council asked if there were other options for sludge disposal, with Glen Herriage, Director of Utilities, explaining that there are other options. Mr. Herriage stated that the sludge is picked up 2-3 times per month, and is slower in winter months.

Mr. Holcomb expressed his feelings that the City's debt is indisputable and non-negotiable, stating that there are no termination clauses in the Contract, however, a City can pull out under specific terms.

After discussion, it was determined that the item will appear on the agenda Monday, August 11, 2014.

B) DISCUSS AUTHORIZING UPGRADES AT CAIN PARK PHASE I,  
FIELD 3, AS REQUESTED BY TRINITY VALLEY COMMUNITY  
COLLEGE

David Graem, Associate Vice President of Facilities Management at Trinity Valley Community College (TVCC), explained that they are requesting to make grading and dirtwork improvements to Field 3, which is utilized by TVCC for their softball program. He explained that the improvements would make them more competitive in recruiting and enhance their program. He stated that there would be no cost to the City and they would propose to leave the soil that is removed onsite. Councilmember Montgomery commended TVCC for the improvements that have already been made to the field. The item will appear on the agenda Monday.

C) DISCUSS APPOINTMENT OF AUDITOR

David Hopkins, Director of Finance, explained that one (1) bid was received for Auditor from Smith, Lambright & Associates at a cost of \$18,500 for 2014; a cost of \$19,000 for 2015; and a cost of \$19,500 for 2016. He recommended that if the bid be awarded to Smith, Lambright & Associates, it be awarded for a three (3) year period. The item will appear on the agenda Monday.

D) DISCUSS AUTHORIZING STAFF TO ADVERTISE FOR CHEMICALS  
FOR USE IN WATER AND WASTEWATER DEPARTMENTS

Mr. Herriage explained that authorization for staff to advertise for chemicals for use in the Water and Wastewater Departments will appear on the agenda Monday.

E) DISCUSS BUDGET ADJUSTMENT FOR MUNICIPAL BUILDING

Mr. Hopkins explained that a budget adjustment in the amount of \$26,109 is necessary to cover painting expenses at Athens City Hall that were not completed during last year's budget. The item will appear on the agenda Monday.

F) DISCUSS BUDGET ADJUSTMENT FOR GENERAL FUND AND  
UTILITY FUND

Mr. Hopkins explained that this budget adjustment has a net increase of \$314,319, which includes \$250,000 to cover litigation with Athens Municipal Water Authority and \$64,319 for rejected Athens Municipal Water Authority expenses. The item will appear on the agenda Monday.

DISCUSS ITEMS FOR FUTURE CONSENT AGENDA;  
A) DISCUSS APPROVING MINUTES

This item will appear on the Consent Agenda Monday.

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, 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 173<sup>RD</sup> 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

The City Council did not enter into Executive 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 173<sup>RD</sup> 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

No action was taken.

ADJOURN

The meeting was adjourned.

PASSED AND APPROVED THIS THE 22<sup>ND</sup> DAY OF SEPTEMBER, 2014.

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Jerry D. Vaught, Mayor

ATTEST:

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Pam Watson, City Secretary