

REGULAR SESSION

FEBRUARY 12, 2018

The City Council of the City of Athens met in Regular Session on Monday, February 12, 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
Aaron Smith

Elizabeth Borstad, City Manager
Bonnie Hambrick, City Secretary
Blake Armstrong, City Attorney

others present: Thanasis Kombos, Ryan Adams, Barbara Holly, John McQueary, Jennifer Robertson, Randy Williams, Adrianna Hinds, Denise York, Lisa Montgomery, Stan Taylor, Steve Barksdale, Shane and Cheramie Surls, Deborah Deas, Lisa Denton, Lance Vincent, Rich Flowers, Jose Ariciaga and other interested citizens;

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

Mayor Montgomery stated it is a memorable and monumental day as this is the first meeting with the new City Manager, Elizabeth Borstad.

INVOCATION

The invocation was given by Councilwoman Clay.

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 the deadline to file for a place on the City of Athens General Election ballot is Friday, February 16, 2018 at 5:00 p.m.
- Councilmember Gross expressed concern with safety at the intersection of Highway 31 and FM 1616. He stated he had a family member involved in an accident at the intersection and five (5) hours later two (2) other people were involved in an accident. He stated Ms. Borstad is checking with TxDOT to see if anything can be done to remedy the congestion
- Thanasis Kombos, Assistant City Manager stated Staff is currently accepting applications for the Downtown Façade Improvement Program through March 1, 2018. He stated it is an 80/20 grant with the City contributing 80% and the property owner must contribute 20%.
- Mayor Montgomery stated a "Meet and Greet" is scheduled for Tuesday, February 13, 2018 from 4-6 pm at the East Texas Arboretum to welcome Elizabeth Borstad as City Manager.

CONSENT AGENDA

- a) CONSIDER APPROVING THE MINUTES OF THE JANUARY 22, 2018 REGULAR SESSION
- b) CONSIDER APPROVING THE MINUTES OF THE FEBRUARY 1, 2018 SPECIAL SESSION
- c) CONSIDER FINAL READING OF AN ORDINANCE DISANNEXING PROPERTY WITHIN THE CITY LIMITS (31.374 ACRES), AS REQUESTED BY TOM POTTHOFF
TRACT 4A, ABSTRACT 135 D CHERRY SUR

City Secretary Bonnie Hambrick read the Ordinance aloud.

A motion was made by Councilmember McCain, seconded by Councilwoman Clay to approve the Consent Agenda. The motion carried unanimously.

CITIZENS COMMUNICATIONS

1. Cheramie Surls, of Athens Army & Navy Pawn, expressed concern with the Sign Ordinance. She asked the City Council to consider an amendment to the Ordinance that would allow the promotional signage of an inflatable air dancer known as "Wacky Wavy Wanda" to be displayed outside her business year round
2. Deborah Deas asked the City Council to reconsider the vote to close the Collection Station on Aaron Street. She further asked the City Council to consider providing citizens information via notification in the newspaper

UPDATE ON TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) VIOLATIONS

Randy Williams, Utilities Director, provided an update relating to Texas Commission on Environmental Quality regulatory compliance violations. Mr. Williams stated Staff has received documentation from the Texas Commission on Environmental Quality (TCEQ) relating to past and present regulatory violations affecting the City's compliance history.

Mr. Williams noted the status of the following violations:

- Faulk Street Facilities (GST & EST) (complete)
- Lane Street GST (complete)
- Monitoring Plan (complete)
- Cross Connection Control Program. (complete)
- Operations Manual (for the water treatment plant). (complete)
- Scott Street GST (in progress)
- Royal Mountain Standpipe (Plans; tank flow configuration) (current)
- A separate issue, but same tank - Royal Mountain Coating (current)
- South Tower EST (current)
- Loop 7 EST (current)
- The final item is the Notice of Violation for Low Pressure (current)

UPDATE ON CHANGEABLE ELECTRONIC VARIABLE MESSAGE SIGNS (CEVMS)

Barbara Holly, Managing Director of Development Services, provided background for Electronic Variable Message Signs (CEVMS). A brief discussion occurred.

PUBLIC HEARING CONCERNING A REQUEST FROM JOSE ARICIAGA FOR A 2.34 ACRE ZONE CHANGE FROM SINGLE FAMILY-7 (SF-7), MULTI-FAMILY-2 (MF-2) AND MULTI-FAMILY -4 (MF-4) TO MULTI-FAMILY-5 (MF-5) TO ALLOW FOR SINGLE AND MULTI-FAMILY UNITS AT 205 FRIZZELL STREET. (Z-02-18-001)

Ms. Holly explained the property owner is requesting a zoning change from Single Family-7, Multi-Family-2 and Multi-Family-4 to Multi-Family-5 to allow for single and multi-family units. She stated twenty-two (22) mail notices were sent to surrounding property owners on January 19, 2018 and to date, no notices have been returned in favor of or in opposition to the request with the Planning Commission approving the item on February 5, 2018.

Mayor Montgomery opened the Public Hearing. There were no comments.

The Public Hearing was closed.

DISCUSS FIRST READING OF AN ORDINANCE CONCERNING A REQUEST FROM JOSE ARICIAGA FOR A 2.34 ACRE ZONE CHANGE FROM SINGLE FAMILY-7 (SF-7), MULTI-FAMILY-2 (MF-2) AND MULTI-FAMILY -4 (MF-4) TO MULTI-FAMILY-5 (MF-5) TO ALLOW FOR SINGLE AND MULTI-FAMILY UNITS AT 205 FRIZZELL STREET. (Z-02-18-001)

Ms. Hambrick read the Ordinance aloud.

DISCUSS FIRST READING OF AN ORDINANCE DISANNEXING PROPERTY WITHIN THE CITY LIMITS (0.260 ACRES), AS REQUESTED BY STAN TAYLOR ON BEHALF OF JAMES AND CAROLYN RAY – MAYOR MONTGOMERY
a) F.M. TRIMBLE, A-766

Ms. Holly explained at its January 22, 2018 meeting, the City Council discussed proactively disannexing properties around the lake above the 448' elevation. She stated the request is from Stan Taylor on behalf of James and Carolyn Ray to disannex (0.260 acres), which lies between the owner's house and the waterfront.

Mayor Montgomery stated the City should not incur any expenses.

Ms. Hambrick read the Ordinance aloud.

Councilmember Smith requested that Athens Municipal Water Authority (AMWA) notify the City when any property is sold.

EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE; SECTION 551.071 (CONSULTATION WITH ATTORNEY; CLOSED MEETING) CONSULTATION WITH ATTORNEY TO RECEIVE LEGAL ADVICE REGARDING
a) VIRGINIA HILL WATER SUPPLY COMPANY CERTIFICATE OF CONVENIENCE AND NECESSITY

EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE; SECTION 551.071 (CONSULTATION WITH ATTORNEY; CLOSED MEETING) (CONSULTATION WITH ATTORNEY CONCERNING CONTEMPLATED AND/OR PENDING LITIGATION) CONCERNING THE FOLLOWING MATTER:
a) PETER RUNNING, ET AL
b) GARLAND POOL

The City Council adjourned to Executive Session at 5:58 p.m.

The City Council returned to Regular Session at 8:47 p.m.

CONSIDER AND TAKE ACTION, AS NECESSARY, RESULTING FROM DELIBERATION IN EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE; SECTION 551.071 (CONSULTATION WITH ATTORNEY; CLOSED MEETING) CONSULTATION WITH ATTORNEY TO RECEIVE LEGAL ADVICE REGARDING

a) VIRGINIA HILL WATER SUPPLY COMPANY CERTIFICATE OF CONVENIENCE AND NECESSITY

No action was taken.

CONSIDER AND TAKE ACTION, AS NECESSARY, RESULTING FROM DELIBERATIONS IN EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE; SECTION 551.071 (CONSULTATION WITH ATTORNEY; CLOSED MEETING) (CONSULTATION WITH ATTORNEY CONCERNING CONTEMPLATED AND/OR PENDING LITIGATION) CONCERNING THE FOLLOWING MATTER:

a) PETER RUNNING, ET AL

A motion was made by Councilmember McCain, seconded by Councilmember Gross, to authorize Mr. Vincent to continue negotiations with the Plaintiff's Counsel in the Running matter. The motion carried unanimously.

b) GARLAND POOL

No action was taken.

MAYOR AND CITY COUNCIL'S REQUEST FOR FUTURE AGENDA ITEMS

- Councilmember McCain requested a future agenda item regarding "Mother in – law suites". Ms. Holly explained the accessory dwelling units and stated staff is preparing an Ordinance to bring before the City Council in approximately two (2) months.
- Councilmember McCain requested a future agenda item regarding the "Citizens Academy"
- Mayor Montgomery requested a future agenda item to discuss the Noise Ordinance

ADJOURN

The meeting was adjourned at 8:51 p.m.

PASSED AND APPROVED THIS THE 26th DAY OF FEBRUARY, 2018.

Monte Montgomery, Mayor

ATTEST:

Bonnie Hambrick, City Secretary