

REGULAR SESSION

NOVEMBER 26, 2018

The City Council of the City of Athens met in a Regular Session on Monday, November 26, 2018, 5:30 p.m. in the Council Chambers of the City Hall Annex, 501 N. Pinkerton St, with the following members present, to-wit:

Monte Montgomery, Mayor  
Ed McCain, Mayor Pro-Tem  
Aaron Smith  
Robert Gross  
Toni Clay

Elizabeth Borstad, City Manager  
Bonnie Hambrick, City Secretary

others present: Buddy Hill, Russ Marshall, Thanasis Kombos, Jennifer Robertson, Mandie Quigg, Audrey Sloan, Ryan Adams, Randy Williams, Lacy Lowry, Wesley Traylor, Denise York, Johnny Ballow, Deborah Deas, Michael Hannigan, Rich Flowers, Jeff Summers, Woody Ensign, Joe Boyd, Chris and Amanda Marholz, Bryon Kelley, and Richard Haynie;

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 provided the following updates:

- O.D. Baggett Park “Family Day” was held on Saturday, November 17, 2018
- Open House & Ribbon Cutting, Baylor Scott & White, Tuesday, November 27, 2018  
4:00 -6:00 p.m.
- Dickeys Barbecue Ribbon Cutting, Wednesday, November 28, 2018 10:30 a.m.
- VIP Nail Spa Ribbon Cutting, Wednesday, November 28, 2018 11:00 a.m.
- Christmas Parade Saturday, December 8, 2018 6:30 p.m.

Elizabeth Borstad, City Manager, announced that Small Business Saturday was held on November 24, 2018 at The Texan.

CITIZENS COMMUNICATIONS:

Robert Gross stated he was present to speak as a very concerned citizen regarding the Cain Center. He stated “I've said many times that I am for it; if it is done the correct way”. He stated the correct way is to give the citizens the financial impact, make sure they understand everything, and allow them to vote.”

CONSENT AGENDA

- a) CONSIDER APPROVING THE MINUTES OF THE NOVEMBER 13, 2018 REGULAR SESSION
- b) CONSIDER APPROVING THE MINUTES OF THE NOVEMBER 16, 2018 WORK SESSION
- c) CONSIDER A RESOLUTION AUTHORIZING THE NOMINATION OF BIOMERICS FMI, LLC, 1605 ENTERPRISE STREET, ATHENS, TEXAS 75751 AS AN ENTERPRISE PROJECT UNDER THE TEXAS ENTERPRISE ZONE PROGRAM
- d) CONSIDER A RESOLUTION AUTHORIZING THE TEMPORARY ROAD CLOSURE OF COLLEGE STREET, AS REQUESTED BY THE FIRST BAPTIST CHURCH OF ATHENS
- e) CONSIDER A RESOLUTION DESIGNATING VELVIN AND WEEKS CONSULTING ENGINEERS, INC., AS THE ENGINEERING SERVICE PROVIDER TO COMPLETE APPLICATION AND PROJECT RELATED ENGINEERING SERVICES FOR THE TEXAS DEPARTMENT OF AGRICULTURE'S 2019-2020 TXCDBG COMMUNITY DEVELOPMENT FUNDING

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

PUBLIC HEARING CONCERNING A REQUEST FROM WES PARNELL FOR APPROVAL OF THE REPLAT OF TRACT 121, RA CLARK SURVEY CREATING TRACTS 121 & 121-A (P-10-18-004)

Audrey Sloan, Director of Development Services, explained the proposed replat is located at 1303 Flat Creek Road which is the location of the Chicken Express Restaurant. She stated the replat is relocating an existing property line in between two (2) lots. She stated the applicant, Wes Parnell, proposes to remodel the existing restaurant and to reconfigure the parking lot layout with the replat adding more area to the Chicken Express lot which will allow enough space to accommodate the new parking lot reconfiguration.

Ms. Sloan stated both lots are zoned Commercial and the replat will not affect the current zoning nor the conforming status of both lots. She stated the plat meets the Ordinance requirements and was recommended for approval by the Planning and Zoning Commission during the November 5<sup>th</sup> meeting.

After discussion, the Public hearing was opened. There were no comments.

The Public hearing was closed.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY, CONCERNING A REQUEST FROM WES PARNELL FOR APPROVAL OF THE REPLAT OF TRACT 121, RA CLARK SURVEY CREATING TRACTS 121 & 121-A (P-10-18-004)

A motion was made by Councilmember Gross, seconded by Councilwoman Clay to approve a request from Wes Parnell for approval of the replat of Tract 121, RA Clark Survey creating Tracts 121 & 121-A (P-10-18-004). The motion carried unanimously.

DISCUSS FIRST READING OF AN ORDINANCE CONCERNING A REQUEST FROM CHRIS AND AMANDA MARHOLZ FOR APPROVAL OF THE CLOSURE AND ABANDONMENT OF TWO 15 FEET WIDE ALLEYWAYS RUNNING EAST AND WEST THROUGH CITY BLOCK 25, AB 782 T PARMER SURVEY. (A-11-18-001)

Ms. Sloan explained the alleyways are located within City Block 25 which is bound by North Carroll Street to the West, East Larkin Street to the South, Underwood Street to the East and the Union Pacific railroad line to the North. She stated the alleyways are not currently utilized as they are not paved and do not contain utilities. She stated the applicants, Chris and Amanda Marholz, own multiple parcels within the Block (C1254, C1255, R25967, R25968) and they intend to re-plat all the parcels into one lot and to develop an event space and food service establishment use on the property called Common Area Market.

She stated the request was reviewed by the local utility providers and City Staff. She further stated no objections were submitted. She stated the other two (2) property owners adjacent to the alleys were notified, however, no responses were received.

Councilmember McCain asked once the alleys are closed will the market extend into the alleyway, with Ms. Sloan stating yes, the intention is to utilize the back portion of the lot that is currently vacant for event space. She stated no structures are planned to be built over the alleyways, it will allow all the parcels to be replated into one (1) lot.

Councilmember McCain expressed concern with abandoning public right ways and transferring to private property owners.

Chris Marholz, stated money has been spent cleaning up the property, removing tires and tree growth from the alleyways. He stated he feels that they are doing a service to the area and there are no intentions to building on the property. He stated there will always be access to the back areas and there is a site plan however, they are working on the abandonment.

Discussion occurred, Councilmember McCain stated he would like to know when the City's last public property abandonment to a business occurred.

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

DISCUSS FIRST READING OF AN ORDINANCE AMENDING THE ADOPTED PAY SCALE FOR CIVIL SERVICE POSITIONS OF THE POLICE DEPARTMENTS FOR FISCAL YEAR ENDING SEPTEMBER 30, 2019

Ms. Borstad explained the item was discussed during a Work Session on November 16<sup>th</sup> and at that time staff explained the difficulty in recruiting and retention of police officers.

Ms. Borstad explained there has been significant employee turnover in the Police Department. She explained Chief Buddy Hill has provided information regarding the starting salary for entry level officers.

She stated the City Council was presented a revised step and grade salary for the Police Department. She stated this is the first reading of an Ordinance that will incorporate the step and grade for the Police Department only into the current budget. She explained the Finance Department has reviewed the changes and there is no impact to the current year's budget. She stated it will have to be reviewed next year.

Ms. Borstad stated, per Mayor Montgomery's request, the cities of Henderson, Sulphur Springs and Jacksonville were added to comparison worksheets.

After discussion, Ms. Hambrick read aloud the caption of the Ordinance.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY,  
CONCERNING THE APPROVAL OF A RESOLUTION DESIGNATING AN  
INSURANCE AGENT OF RECORD FOR THE CITY OF ATHENS

Ms. Borstad explained the item was discussed in detail during a Work Session on November 16<sup>th</sup>. She stated the individuals that submitted proposals for the City's Agent of Record were present and available to answer additional questions. She stated a request was made that an additional quote be obtained to compare numbers.

The City Council heard from Jeff Summers of Bancorp South and Woody Ensign, of Creative Benefits. Both presented services offered. There was discussion and questions being answered throughout the presentation.

A motion was made by Councilmember McCain, seconded by Councilwoman Clay to approve a Resolution designating BXS Insurance Services as Insurance Agent of Record for the City of Athens.

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

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY,  
CONCERNING THE APPROVAL OF A RESOLUTION AUTHORIZING THE  
CITY MANAGER TO ENTER INTO A CONTRACT FOR EMPLOYEE  
HEALTH AND ANCILLARY BENEFITS FOR CALENDAR YEAR 2019

Ms. Borstad explained the item is to determine the plan for Employee Health and Ancillary Benefits for Calendar Year 2019.

A motion was made by Councilmember McCain, seconded by Councilwoman Clay to approve a Resolution authorizing the City Manager into a contract for Employee Health and Ancillary Benefits for Calendar Year 2019 with Blue Cross Blue Shield renewal plan MMF7.

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

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY,  
CONCERNING THE APPROVAL OF A RESOLUTION AWARDDING BID FOR  
STATE HIGHWAY LOOP 7 TOWER EST REHABILITATION AND  
AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT  
WITH CHEROKEE PAINTING AND SANDBLASTING IN THE AMOUNT OF  
\$335,700.00

Randy Williams, Utilities Director, explained the item is to award the low bid to Cherokee Painting and Sandblasting for the State Highway Loop 7 Tower EST Rehabilitation. He stated twelve (12) bids were received.

A motion was made by Councilmember McCain, seconded by Councilmember Smith to approve a Resolution awarding bid for State Highway Loop 7 Tower EST Rehabilitation and authorizing the City Manager to enter into an agreement with Cherokee Painting and Sandblasting in the amount of \$335,700.00. The motion carried unanimously.

MAYOR AND CITY COUNCIL'S REQUEST FOR FUTURE AGENDA ITEMS

Councilmember Gross requested the following:

- A vote regarding sending the Certificates of Obligations money back during the next Regular Session
- A Work Session to determine requirements and parameters for the Cain Center Steering Committee

Mayor Montgomery requested an update on the water rate study, and what determines whether the City uses well water or lake water to meet the city's water demand.

Ms. Borstad explained several items will appear on the next agenda related to The Texan which include an A/V system, a Business Plan and an update regarding activities from Athens Economic Development Corporation would appear on the 12/10/18 agenda.

Ms. Hambrick read the following future agenda items:

- Design Standards
- Building Codes

ADJOURN

The meeting was adjourned at 6:51 p.m.

PASSED AND APPROVED THIS THE 10<sup>th</sup> DAY OF DECEMBER, 2018.

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Monte Montgomery, Mayor

ATTEST:

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Bonnie Hambrick, City Secretary