

REGULAR SESSION

MAY 13, 2019

The City Council of the City of Athens met in Regular Session on Monday, May 13 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
Ed McCain, Mayor Pro Tem
Robert Gross
Aaron Smith
Toni Clay

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

others present: Buddy Hill, Rodney Williams, Marshall Passons, Roger Keith, Chris Saylor, Thanasis Kombos, Jennifer Robertson, Audrey Sloan, Mandie Quigg, Katie Birk, Randy Williams, Derek Whiteley, Mike Climer, Charles Spann, Lisa Denton, Marisa Gunstanson, Gary Penn, Bob and Carol Morton, Rich Flowers, Michael Hannigan, Will Traxson, John Trent, Jess Laird, and other interested citizens;

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

INVOCATION

The Invocation was given by Councilwoman Clay.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

DECLARATION OF CONFLICT OF INTEREST

No action was taken.

Mayor Montgomery stated the City Council will move to Agenda item 8) Proclamation – Peace Officers Memorial Day.

PROCLAMATION – PEACE OFFICERS MEMORIAL DAY

Mayor Montgomery read a Proclamation proclaiming Wednesday, May 15, 2019 as: “Peace Officers Memorial Day” and May 12-18, 2019 as: “Athens Police Week”

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY,
CONCERNING THE APPROVAL OF A RESOLUTION CANVASSING
ELECTION RETURNS OF THE MAY 4, 2019 CITY OF ATHENS GENERAL
ELECTION AND SPECIAL ELECTION

Bonnie Hambrick, City Secretary, explained the Resolution is to canvass election returns of the May 4, 2019 City of Athens General Election and Special Election. A motion was made by Councilmember McCain, seconded by Councilmember Smith to approve a Resolution canvassing election returns of the May 4, 2019 City of Athens General Election and Special Election. The motion carried unanimously.

OATH OF OFFICE AND THE CERTIFICATE OF ELECTION TO MAYOR,
MONTE MONTGOMERY

Ms. Hambrick administered the Oath of Office and the certificate of Election to newly elected, Mayor – Monte Montgomery.

OATH OF OFFICE AND THE CERTIFICATE OF ELECTION TO
COUNCILMEMBER PLACE 1, TONI CLAY

Ms. Hambrick administered the Oath of Office and the Certificate of Election to newly elected, Councilmember Place 1 – Toni Clay.

ELECTION OF MAYOR PRO TEM

Councilmember Smith nominated Councilmember McCain for Mayor Pro Tem.

A motion was made by Councilmember Gross, seconded by Councilwoman Clay to elect Ed McCain as Mayor Pro Tem. The motion carried by the following vote: Ayes: Mayor Montgomery, Councilmember Gross, Councilmember Smith and Councilwoman Clay: Nays: None: Abstained: Councilmember McCain.

The City Council recessed at 5:42 p.m.

The City Council reconvened in Regular Session at 5:53 p.m.

MAYOR, CITY COUNCIL AND/OR CITY MANAGER UPDATES
INVOLVING COMMUNITY EVENTS AND ISSUES OF PUBLIC SAFETY

Mayor Montgomery announced the following:

- City Hall will be closed on Monday, May 27, 2019 in observance of Memorial Day
- Work Session on May 15, 2019 to discuss Cain Center
- Interviewed with a news group from Hamburger, Germany to learn more about the Uncle Fletch Hamburger. Mayor Montgomery stated the group is interested in the origin of the hamburger

Marisa Gunstanson, President, Athens Chamber of Commerce announced the following:

- May 21st Farm and Ranch Tour at The Texan
- May 15, 2019 Athens Leadership Institute Graduation at Trinity Valley Community College in the Student Union Building

Mayor Montgomery encouraged the citizens to visit the Farmers Market. Councilwoman Clay stated she has visited the Farmers Market and it is thriving.

CITIZENS COMMUNICATIONS

Charles Spann expressed his concern with Code enforcement.

Mayor Montgomery stated that item f) Consider final reading of a Resolution supporting Athens Economic Development Corporation's Business Assistance Grant to Jeannie Klepper and Fred Head in an amount up to \$12,500.00 is being completely removed from the Consent Agenda.

CONSENT AGENDA

- a) CONSIDER APPROVING THE MINUTES OF THE APRIL 22, 2019 REGULAR SESSION
- b) CONSIDER A REQUEST FROM TRITON ATHENS I, LLC FOR APPROVAL OF THE FINAL PLAT OF LOTS 1-5 OF BLOCK 1 OF THE TRITON ATHENS SUBDIVISION, ABSTRACT 171 OF THE RECINA ANN CLARK SURVEY, ALSO KNOWN AS 1006 EAST TYLER STREET
- c) CONSIDER A RESOLUTION RESCHEDULING THE MAY 27, 2019 REGULAR SESSION TO TUESDAY, MAY 28, 2019
- d) MARCH 2019 MONTHLY REVENUE EXPENSE REPORT
- e) QUARTERLY INVESTMENT REPORT ENDING MARCH 31, 2019

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

PRESENTATION OF FISCAL YEAR 2020 BUDGET CALENDAR

Mandie Quigg, Finance Director, presented the fiscal Year 2020 Budget Calendar.

Councilmember Gross asked that staff incorporate the Economic Development Corporation's budget during this process.

CONSIDER FINAL READING OF AN ORDINANCE TO REPEAL IN ITS ENTIRETY AND RE-ESTABLISH CHAPTER 5 OF THE CODE OF ORDINANCES ENTITLED BUILDINGS AND STRUCTURES TO ADOPT THE 2015 EDITIONS OF THE INTERNATIONAL BUILDING, RESIDENTIAL, MECHANICAL, PLUMBING, FUEL GAS, SWIMMING POOL AND SPA, AND ENERGY CONSERVATION CODES; TO ADOPT THE 2014 EDITION OF THE NATIONAL ELECTRICAL CODE; TO ADOPT REGULATIONS FOR THE MOVING AND WRECKING OF BUILDINGS; TO ADOPT REGULATIONS FOR FLOOD DAMAGE AND PREVENTION; TO ADOPT REGULATIONS FOR VACANT, SUBSTANDARD AND UNINHABITABLE BUILDINGS; AND TO ADOPT REGULATIONS FOR THE CONSTRUCTION OF FENCES

Audrey Sloan, Director of Development Services, explained the proposal is to repeal and re-adopt in its entirety Chapter 5 of the Code of Ordinances entitled Buildings and Construction. The purpose is to adopt the 2015 Editions of the International Building Codes and the 2014 edition of the National Electrical Code along with recommended amendments and in addition, other sections of Chapter 5 will be re-established with minor updates.

Ms. Hambrick read the caption of the Ordinance aloud.

A motion was made by Councilmember Smith, seconded by Councilmember McCain to approve final reading of an Ordinance to repeal in its entirety and re-establish Chapter 5 of the Code of Ordinances entitled Buildings and Structures to adopt the 2015 Editions of the International Building, Residential, Mechanical, Plumbing, Fuel Gas, Swimming Pool and Spa, and Energy Conservation Codes; to adopt the 2014 Edition of the National Electrical Code; to adopt regulations for the moving and wrecking of buildings; to adopt regulations for flood damage and prevention; to adopt regulations for vacant, substandard and uninhabitable buildings; and to adopt regulations for the construction of fences.

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

Monte Montgomery, Mayor Aye
Ed McCain, Councilmember/Mayor Pro Tem Aye
Aaron Smith, Councilmember Aye
Toni Clay, Councilmember Aye
Robert Gross, Councilmember Aye
5 voted in favor of the motion and
0 voted against the motion

CONSIDER FINAL READING OF AN ORDINANCE TO AMEND CHAPTER 7, ARTICLE II, SECTIONS 7-20, 7-21, 7-22 AND 7-23 OF THE CITY CODE OF ORDINANCES TO ADOPT THE 2015 EDITION OF THE INTERNATIONAL FIRE CODE AND RECOMMENDED AMENDMENTS; AND TO REPEAL IN ITS ENTIRETY CHAPTER 7, ARTICLE III ENTITLED VOLUNTEER RESERVE FIREMEN

Ms. Sloan explained the proposal is to make the following amendments to Chapter 7 of the Code of Ordinances entitled Fire Protection and Prevention:

- Amend Section 7-20 to adopt the 2015 International Fire Code with recommended amendments
- Amend Sections 7-21, 7-22 and 7-23 to remove outdated sections of the code and to establish permitting and contractor registration requirements for fire permits and fire system contractors
- Repeal Article III to remove the outdated volunteer reserve fireman section of the code.
- The proposed amendments to the 2015 International Fire Code are based on recommended amendments to the code prepared by the North Central Texas Council of Governments and recommendations from the City of Athens Fire Department

Ms. Hambrick read the caption of the Ordinance aloud.

A motion was made by Councilmember Gross, seconded by Councilwoman Clay to approve final reading of an Ordinance to amend Chapter 7, Article II, Sections 7-20, 7-21, 7-22 and 7-23 of the City Code of Ordinances to adopt the 2015 Edition of the International Fire Code and recommended amendments; and to repeal in its entirety Chapter 7, Article III entitled Volunteer Reserve Firemen.

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

Monte Montgomery, Mayor Aye
Ed McCain, Councilmember/Mayor Pro Tem Aye
Aaron Smith, Councilmember Aye
Toni Clay, Councilmember Aye
Robert Gross, Councilmember Aye
5 voted in favor of the motion and
0 voted against the motion

PUBLIC HEARING CONCERNING A REQUEST FROM JAMES AND MARY ANN MCCLUNG FOR APPROVAL OF A ZONING CHANGE FROM AGRICULTURE (A) TO SINGLE-FAMILY – 15 (SF-15) FOR TRACT 14 OF THE JOHN ROYAL SURVEY, ABSTRACT 648, ALSO KNOWN AS 3101 RANCH ROAD

Ms. Sloan explained the zoning change is being requested so that the property can be developed for single-family residential use. She stated the property is a vacant parcel located on Ranch Road north of Flat Creek Road, with the parcel being split in two (2) areas by a narrow strip of Property that is not owned by the applicant. Ms. Sloan stated letters of notification were sent to the six (6) surrounding property owners within 200 hundred feet. No responses were returned, with several surrounding property owners attending the Planning and Zoning Commission meeting expressing concern with the size of the home and how it could effect property values.

She stated the Planning & Zoning Commission voted to approve the request by a 3-1 vote.

Mayor Montgomery opened the Public Hearing.

Deborah Deas asked if the houses would be zoned as two (2) separate lots, with Ms. Sloan stating the zoning change would apply to both sections.

Mr. James McClung stated he would build only one (1) house on the property.

The Public Hearing was closed.

CONSIDER FIRST READING OF AN ORDINANCE CONCERNING A REQUEST FROM JAMES AND MARY ANN MCCLUNG FOR APPROVAL OF A ZONING CHANGE FROM AGRICULTURE (A) TO SINGLE-FAMILY – 15 (SF-15) FOR TRACT 14 OF THE JOHN ROYAL SURVEY, ABSTRACT 648, ALSO KNOWN AS 3101 RANCH ROAD

Ms. Hambrick read the caption of the Ordinance aloud.

PUBLIC HEARING CONCERNING A REQUEST FROM CHRIS LAMANCE FOR APPROVAL OF A ZONING CHANGE FROM SINGLE-FAMILY – 5 (SF-5) TO RETAIL (R) FOR LOT 1, BLOCK 65B OF ATHENS ORIGINAL TOWN, ABSTRACT 782 OF THE T. PARMER SURVEY, ALSO KNOWN AS 601 SOUTH PALESTINE STREET

Ms. Sloan explained the zoning change is being requested so that the property can be developed for commercial use. She stated the property is located on the northeast corner of South Palestine Street and Ben Belt Drive. The owner is requesting for the zoning to be changed to Retail for Commercial development. He is proposing to demolish the existing single-family residence on the property in order to construct a new commercial building for the Ship Shop. Letters of notification were sent to the eleven surrounding property owners within 200 hundred feet. No responses were returned. She stated the Planning & Zoning Commission voted unanimously to approve the request.

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

The Public Hearing was closed.

CONSIDER FIRST READING OF AN ORDINANCE CONCERNING A REQUEST FROM CHRIS LAMANCE FOR APPROVAL OF A ZONING CHANGE FROM SINGLE-FAMILY – 5 (SF-5) TO RETAIL (R) FOR LOT 1, BLOCK 65B OF ATHENS ORIGINAL TOWN, ABSTRACT 782 OF THE T. PARMER SURVEY, ALSO KNOWN AS 601 SOUTH PALESTINE STREET –

Ms. Hambrick read the caption of the Ordinance aloud.

PUBLIC HEARING CONCERNING A REQUEST FROM ELIZABETH PATIÑO NUÑEZ FOR APPROVAL OF A ZONING CHANGE FROM AGRICULTURE (A) TO SINGLE-FAMILY – 7 (SF-7) FOR TRACT 96 OF ABSTRACT 797 OF THE B. C. WALTERS SURVEY, ALSO KNOWN AS 853 NORTH PRAIRIEVILLE STREET

Ms. Sloan explained the zoning change is being requested so that the owner can install a manufactured home on the property. She stated the property is located in the 800 block of North Prairieville Street and is currently zoned agriculture and the owner is proposing to demolish the existing single family residence on the property before installing a manufactured home. Manufactured homes outside of manufactured home parks are only permitted in single-family – 7 and single-family– 5 zoning districts. Letters of notification were sent to the four (4) Surrounding property owners within two hundred feet and no responses were returned. The Planning & Zoning Commission voted unanimously to approve the request.

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

The Public Hearing was closed.

CONSIDER FIRST READING OF AN ORDINANCE CONCERNING A REQUEST FROM ELIZABETH PATIÑO NUÑEZ FOR APPROVAL OF A ZONING CHANGE FROM AGRICULTURE (A) TO SINGLE-FAMILY – 7 (SF-7) FOR TRACT 96 OF ABSTRACT 797 OF THE B. C. WALTERS SURVEY, ALSO KNOWN AS 853 NORTH PRAIRIEVILLE STREET

Ms. Hambrick read the caption of the Ordinance aloud.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY, CONCERNING THE APPROVAL OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT AWARDDING BID TO ROMCO EQUIPMENT COMPANY FOR WHEEL LOADER

Thanasis Kombos, Public Works Director, explained funds were budgeted in the FY 2019-20 Budget for a wheel loader through the competitive bidding process and the City received four (4) bids. The City's current reserve Wheel Loader is a 1980 John Deere 444.

A motion was made by Councilmember Gross, seconded by Councilmember McCain to approve a Resolution authorizing the City Manager to enter into an agreement awarding bid to Romco Equipment Company for Wheel Loader. The motion carried unanimously.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY, CONCERNING THE APPROVAL OF A RESOLUTION AUTHORIZING PURCHASE, AND FINANCING FOR WHEEL LOADER FROM U.S. BANCORP GOVERNMENT LEASING AND FINANCE, INC. AND AUTHORIZING CITY MANAGER AND/OR MAYOR TO EXECUTE ALL REQUIRED FUNDING DOCUMENTS

Ms. Quigg explained proposals for the lease financing of a Rubber Tire Roller were opened on March 20, 2019 with three (3) companies' submitting proposals. She stated staff recommends the 5-year term at 2.74% interest with U.S. Bancorp Government Leasing and Finance, Inc.

A motion was made by Councilwoman Clay, seconded by Councilmember Smith to approve a Resolution authorizing purchase and financing for Wheel Loader from U.S. Bancorp Government Leasing and Finance, Inc. and authorizing City Manager and/or Mayor to execute all required funding documents. The motion carried unanimously.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY,
CONCERNING THE APPROVAL OF A RESOLUTION AUTHORIZING THE
TEXAN BUSINESS PLAN

Katie Birk, Tourism and Cultural Resources Coordinator, explained The Texan has proven to be self-sustainable in the nine (9) months that it has been open and is on track to double the projected revenue for private events which help cover utility expenses. She stated the goal is to have two (2) private events and two (2) entertainment acts each month. Two (2) of the annual entertainment acts will be Nationally-known entertainers.

A motion was made by Councilwoman Clay, seconded by Councilmember Smith to approve a Resolution authorizing The Texan Business Plan. The motion carried unanimously.

Mayor Montgomery stated he had legal questions regarding agenda items 24) and 25)

Blake Armstrong, City Attorney, explained under Texas Local Government Code 551.071 the City Council could convene in Executive Session for private consultation with the attorney.

The City Council adjourned to Executive Session at 6:39 p.m.

The City Council returned to Regular Session at 7: 53 p.m.

DISCUSS, CONSIDER AND TAKE ACTION, AS DESIRED, REGARDING
THE STRUCTURE, ORGANIZATION, AND ACTIVITIES OF THE ATHENS
ECONOMIC DEVELOPMENT CORPORATION – [E. BORSTAD]

No action was taken.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY,
CONCERNING THE EXECUTIVE EMPLOYMENT AGREEMENT BETWEEN
ATHENS ECONOMIC DEVELOPMENT CORPORATION BOARD OF
DIRECTORS AND LISA DENTON, EXECUTIVE DIRECTOR

A motion was made by Councilmember Gross, seconded by Councilmember Smith, to not approve severance in any portion of the executive employment agreement between Athens Economic Development Corporation Board of Directors and Lisa Denton, Executive Director, and send the contract back to AEDC Board of Directors to make modifications on the severance.

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

EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE,
SECTION 551.087 (DELIBERATION REGARDING ECONOMIC
DEVELOPMENT NEGOTIATIONS; CLOSED MEETING) DELIBERATIONS
REGARDING NEGOTIATIONS WITH THE FOLLOWING PROSPECT:
a) PROSPECT # 1687

The City Council adjourned to Executive Session at 7:58 p.m.

The City Council returned to Regular Session at 8:33 p.m.

CONSIDER AND TAKE ACTION, AS NECESSARY, RESULTING FROM DELIBERATIONS IN EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE, SECTION 551.087 (DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS CLOSED MEETING) DELIBERATIONS REGARDING NEGOTIATIONS WITH THE FOLLOWING PROSPECT:

a) PROSPECT # 1687

The item died due to the lack of a motion.

MAYOR AND CITY COUNCIL'S REQUEST FOR FUTURE AGENDA ITEMS

Councilmember McCain requested an update on building permits.

Councilmember Gross asked for the status on the EMS Contract.

Mayor Montgomery requested an update from the Street Department regarding street repairs.

ADJOURN

The meeting adjourned at 8:45 p.m.

PASSED AND APPROVED THIS THE 28th DAY OF MAY, 2019.

Monte Montgomery, Mayor

ATTEST:

Bonnie Hambrick, City Secretary