

REGULAR SESSION

AUGUST 10, 2020

The City Council of the City of Athens met in Regular Session on Monday, August 10, 2020 at 5:30 p.m. in the Derek D. Daniels Conference Room of the Athens Partnership Center, 201 West Corsicana St., Athens, Texas. This meeting was open to the public; however, seating was limited to maintain social distancing.

with the following members present to-wit:

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

Elizabeth Borstad, City Manager
Bonnie Hambrick, City Secretary

Staff Present: Buddy Hill, Chief of Police; Mandie Quigg, Director of Finance; Audrey Sloan, Director of Development Services; Joanie Ahlers, Economic Development Director, Katie Birk, Tourism and Cultural Resources Coordinator.

others present: Dr. Charlie Robinson, Deborah Deas, Michael Hannigan, Brian Capps, Perry and Leslie Thompson, Becky Anding, and Heather Fossis.

with the following member absent: Councilmember Aaron Smith.

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

Mayor Montgomery asked Citizens to remember the Barton family in their prayers. He stated former City Councilwoman Carol Barton passed away. He stated she served on the City Council for sixteen years.

INVOCATION

The Invocation was given by Dr. Charlie Robinson.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

DECLARATION OF CONFLICT OF INTEREST

No action was taken.

PUBLIC COMMUNICATIONS

There was no discussion

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

There were no updates provided.

CONSENT AGENDA

- a) CONSIDER APPROVING MINUTES OF THE JULY 27, 2020 REGULAR SESSION
- b) CONSIDER A RESOLUTION ADOPTING ATHENS ECONOMIC DEVELOPMENT CORPORATION'S BUDGET FOR FISCAL YEAR 2021
- c) CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF ATHENS AND THE CITY OF LONGVIEW, FOR THE REGIONAL TRANSFER OF EQUIPMENT
- d) CONSIDER A RESOLUTION ABANDONING A UTILITY EASEMENT, SITUATED IN LOT 6B AND 7A OF BLOCK 1 OF THE P. TAYLOR SUBDIVISION, A. M. BUTLER SURVEY, ABSTRACT 94
- e) JUNE 2020 MONTHLY REVENUE AND EXPENSE REPORT
- f) QUARTERLY INVESTMENT REPORT ENDING JUNE 30, 2020

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

HEAR UPDATE ON CAIN CENTER PROJECT

Elizabeth Borstad, City Manager, provided the following updates for the Cain Center Project:

- Colors for the Cain Center Project are being considered
- Roof decking repairs
- Plumbing rough in and top out in progress
- Electrical conduits and pathways for lighting in progress
- Saw cutting and concrete pour back of plumbing trenches
- Pool subcontractor has started work

Mayor Montgomery asked what the finish date of the project is, with Ms. Borstad stating July 2021 is the proposed completion date for the project.

PUBLIC HEARING CONCERNING A REQUEST FROM VIRGINIA METCALF FOR APPROVAL OF THE ZONING CHANGE FROM PLANNED DEVELOPMENT – 2 (PD-2) TO AGRICULTURE (A) FOR 8.0 ACRES OF THE T. PARMER LEAGUE, A-782, AND BEING PART OF THE CALLED 45.325 ACRE TRACT CONVEYED TO THE CREEK ESTATES, LLC BY J. P. MORGAN CHASE BANK, N. A. AS TRUSTEE OF THE DOLORES MOOERS TRUST FBO VALENTINA HEATER, DMTKAHM, LLC, SKYCLIFF, LLC, CLAUDIA KRUBER, INDEPENDENT CO-EXECUTOR AND MICHELE STURTEVANT, INDEPENDENT CO-EXECUTOR FOR THE ESTATE OF MARIA MOOERS, BY WARRANTY DEED WITH VENDOR'S LIEN DATED AUGUST 8, 2019, AND RECORDED UNDER INSTRUMENT NO. 2019-11368 OF THE HENDERSON COUNTY OFFICIAL RECORDS, ALSO KNOWN AS 2103 PATTERSON ROAD

Audrey Sloan, Director of Development Services, explained the property owner is proposing to develop the property for residential and agricultural use. She stated the current zoning is Planned Development – 2 (PD-2). She explained A zoning change to Agriculture would allow the owner to develop the proposed use without having the site plan approval required under the Planned Development designation. She explained the Future Land Use Plan designates the area as Low Density Residential. Letters of notification were sent to the four (4) surrounding property owners within two hundred (200) feet. She stated one (1) protest and one (1) approval were returned.

Mayor Montgomery opened the Public Hearing.

Deborah Deas asked the location of the property. Mayor Montgomery identified the location on the map.

Ms. Virginia Metcalf stated she is building a house on the property.

The Public Hearing was closed.

DISCUSS FIRST READING OF AN ORDINANCE CONCERNING A REQUEST FROM VIRGINIA METCALF FOR APPROVAL OF THE ZONING CHANGE FROM PLANNED DEVELOPMENT – 2 (PD-2) TO AGRICULTURE (A) FOR 8.0 ACRES OF THE T. PARMER LEAGUE, A-782, AND BEING PART OF THE CALLED 45.325 ACRE TRACT CONVEYED TO THE CREEK ESTATES, LLC BY J. P. MORGAN CHASE BANK, N. A. AS TRUSTEE OF THE DOLORES MOOERS TRUST FBO VALENTINA HEATER, DMTKAHM, LLC, SKYCLIFF, LLC, CLAUDIA KRUBER, INDEPENDENT CO-EXECUTOR AND MICHELE STURTEVANT, INDEPENDENT CO-EXECUTOR FOR THE ESTATE OF MARIA MOOERS, BY WARRANTY DEED WITH VENDOR'S LIEN DATED AUGUST 8, 2019, AND RECORDED UNDER INSTRUMENT NO. 2019-11368 OF THE HENDERSON COUNTY OFFICIAL RECORDS, ALSO KNOWN AS 2103 PATTERSON ROAD

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

PUBLIC HEARING CONCERNING A REQUEST FROM WINTERS OIL PARTNERS FOR APPROVAL OF THE ANNEXATION OF THAT AREA WITHIN THE EXTRA-TERRITORIAL JURISDICTION FOR THE CITY OF ATHENS, CONSISTING OF 2.60 ACRES IN THE B. C. WALTERS LEAGUE, ABSTRACT 797 IN HENDERSON COUNTY TEXAS, AND FURTHER DESCRIBED AS: ALL THAT CERTAIN LOT, TRACT, OR PARCEL OF LAND SITUATED IN THE B. C. WALTERS LEAGUE, ABSTRACT 797, HENDERSON COUNTY, TEXAS, AND BEING A PART OF A THE 29.21-ACRE TRACT ONE CONVEYED TO WINTERS OIL PARTNERS LP AND RECORDED IN DOCUMENT NO. 2020-00003504 OF THE DEED RECORDS OF HENDERSON COUNTY, TEXAS

Ms. Sloan presented the item. She stated the property is located on S Hwy 175 W outside of the Loop.

She explained the owners submitted an application to amend the site plan which was approved by Council in February of this year for a convenience store and gas station. The amended plan shifts the site further west along US Highway 175 West and requires an additional 2.60 acres. Ms. Sloan explained the public hearing notice for the annexation was published in the newspaper and the local taxing entities were notified.

Mayor Montgomery opened the Public Hearing.

Perry Thompson, with Thompson Architectural Group., representing the owners, explained the annexation would move the sight further northwest to facilitate traffic.

Discussion occurred.

The Public Hearing was closed.

DISCUSS FIRST READING OF AN ORDINANCE CONCERNING A REQUEST FROM WINTERS OIL PARTNERS FOR APPROVAL OF THE ANNEXATION OF THAT AREA WITHIN THE EXTRA-TERRITORIAL JURISDICTION FOR THE CITY OF ATHENS, CONSISTING OF 2.60 ACRES IN THE B. C. WALTERS LEAGUE, ABSTRACT 797 IN HENDERSON COUNTY TEXAS, AND FURTHER DESCRIBED AS: ALL THAT CERTAIN LOT, TRACT, OR PARCEL OF LAND SITUATED IN THE B. C. WALTERS LEAGUE, ABSTRACT 797, HENDERSON COUNTY, TEXAS, AND BEING A PART OF A THE 29.21-ACRE TRACT ONE CONVEYED TO WINTERS OIL PARTNERS LP AND RECORDED IN DOCUMENT NO. 2020-00003504 OF THE DEED RECORDS OF HENDERSON COUNTY, TEXAS

Ms. Hambrick read the caption of the Ordinance aloud.

PUBLIC HEARING CONCERNING A REQUEST FROM WINTERS OIL PARTNERSHIP FOR APPROVAL OF A SITE PLAN AMENDMENT FOR LOT 1 OF THE WALLACE ADDITION OF THE B. C. WALTERS SURVEY A-797, ALSO KNOWN AS 6096 US HIGHWAY 175 WEST

Ms. Sloan presented the item. She stated the revised layout extends further to the west and includes an additional 2.60 acres of property that will require annexation. She stated the proposed site plan amendment complies with the city's parking and landscaping ordinances. Ms. Sloan explained the changes in the site plan. She further stated with the first site plan, a stipulation was added that required signage posted on the site stating no overnight truck parking is allowed. She stated if it is to be included in the amendment; it will have to be stipulated.

Mayor Montgomery stated he would like the stipulation added.

Mayor Montgomery opened the Public Hearing.

The Public Hearing was closed.

DISCUSS FIRST READING OF AN ORDINANCE CONCERNING A REQUEST FROM WINTERS OIL PARTNERSHIP FOR APPROVAL OF A SITE PLAN AMENDMENT FOR LOT 1 OF THE WALLACE ADDITION OF THE B. C. WALTERS SURVEY A-797, ALSO KNOWN AS 6096 US HIGHWAY 175 WEST

Ms. Hambrick read the caption of the Ordinance aloud.

PUBLIC HEARING CONCERNING A REQUEST FROM HEATHER FOSSIS FOR APPROVAL OF THE CLOSURE AND ABANDONMENT OF THE FIRST STREET RIGHT-OF-WAY RUNNING NORTH AND SOUTH BETWEEN BLOCK 13 AND BLOCK 14 OF THE BISHOP HEIGHTS ADDITION, T. PARMER SURVEY A-782 AND RETAINING A 25' FEET WIDE WATER AND SEWER EASEMENT IN THE CENTER

Ms. Sloan presented the item. She stated Heather Fossis requested the closure and abandonment. She stated the location of the right-of-way is between Jonathan and Williams Street. Ms. Sloan presented the diagrams. She stated the closure would retain a 25 feet wide water and sewer easement in the center.

Mayor Montgomery opened the Public Hearing.

Heather Fossis addressed the Council and explained the reason for requesting the closure and abandonment. She stated the City has not maintained the property.

Much discussion occurred.

DISCUSS FIRST READING OF AN ORDINANCE CONCERNING A REQUEST FROM HEATHER FOSSIS FOR APPROVAL OF THE CLOSURE AND ABANDONMENT OF THE FIRST STREET RIGHT-OF-WAY RUNNING NORTH AND SOUTH BETWEEN BLOCK 13 AND BLOCK 14 OF THE BISHOP HEIGHTS ADDITION, T. PARMER SURVEY A-782 AND RETAINING A 25' FEET WIDE WATER AND SEWER EASEMENT IN THE CENTER

Ms. Hambrick read the caption of the Ordinance aloud.

DISCUSS FIRST READING OF AN ORDINANCE CONCERNING ABOLISHING AND DISSOLVING THE CULTURAL RESOURCES COMMISSION AND REPEALING ALL ORDINANCES IN CONFLICT

Ms. Borstad presented the item. She explained the Cultural Resources Commission was established in 2017. She explained the Commission has reviewed grants administered through the Hotel Occupancy Tax Fund. She stated during this Fiscal Year the grants are being absorbed by the Economic Development Corporation. Ms. Borstad stated she had spoke with most members of the Commission and they were in agreement if the Commission no longer reviews the grant applications there was minimal need for this commission.

Ms. Hambrick read the caption of the Ordinance aloud.

DISCUSS FIRST READING OF AN ORDINANCE ADOPTING THE FISCAL YEAR 2021 OPERATING BUDGET

Mandie Quigg, Finance Director, presented the Operating Budget for Fiscal Year 2021.

Discussion occurred during the presentation.

Ms. Quigg presented the following next steps:

- August 17, 2020 Special Session - Public Hearing on FY 2021 Budget
- August 24, 2020 Regular Session – Public Hearing on Tax Rate, Final reading of Budget Ordinance, Resolution to Ratify revenue increase, and final reading of Tax Rate Ordinance

Councilmember Gross thanked Ms. Borstad and Ms. Quigg for their hard work on the budget. He stated a reduction in the tax rate is unheard of right now.

Ms. Hambrick read the caption of the Ordinance aloud.

DISCUSS FIRST READING OF AN ORDINANCE ADOPTING THE TAX RATE FOR 2020 VALUATIONS FOR FISCAL YEAR 2021

Ms. Quigg presented the item. She stated the proposed tax rate for Fiscal Year 2021 reflects a Two cent reduction of the prior year's combined tax rate of \$0.680221/\$100.

Ms. Quigg stated the Maintenance and Operations has a rate of \$0.555071 on each \$100 valuation of property and Interest and Sinking has a rate of \$0.105150 on each \$100 valuation of property

Ms. Quigg stated the Public Hearing on the Tax Rate and final reading of Tax Rate Ordinance will occur on August 24, 2020.

Ms. Hambrick read the caption of the Ordinance aloud.

EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE, SECTION 551.072 (DELIBERATION REGARDING REAL PROPERTY; CLOSED MEETING) TO DELIBERATE THE PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY:
a) 405 LINDSEY LANE

The City Council convened in Executive Session at 6:28 p.m.

The City Council returned to Regular Session at 7:12 p.m.

CONSIDER ACTION RESULTING FROM DELIBERATIONS IN EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE, SECTION 551.072 (DELIBERATION REGARDING REAL PROPERTY; CLOSED MEETING) TO DELIBERATE THE PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY
a) 405 LINDSEY LANE

No action was taken.

MAYOR AND CITY COUNCIL'S REQUEST FOR FUTURE AGENDA ITEMS

Ms. Hambrick read the following future agenda items:

- Discussion of Kiwanis Park Safety issues will occur on the August 24, 2020 City Council agenda
- Ordinance regarding rental property
- Ordinance adopt and enact a new codified Code of Ordinances

ADJOURN

The meeting adjourned at 7:13 p.m.

PASSED AND APPROVED THIS THE 17th DAY OF AUGUST 2020.

Monte Montgomery, Mayor

ATTEST:

Bonnie Hambrick, City Secretary