

REGULAR SESSION

OCTOBER 12, 2020

The City Council of the City of Athens met in Regular Session on Monday, October 12, 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
Robert Gross
Aaron Smith
Toni Clay

Elizabeth Borstad, City Manager
Bonnie Hambrick, City Secretary

Staff Present: Rodney Williams, Interim Chief of Police; Audrey Sloan, Director of Development Services; Randy Williams, Utilities Director; Tim Perry, Public Works Director

others present: Michael Hannigan, Sytonia Freeman, Donna Meredith, Reotta Mayo, Eric Fisher, Delbert Hirst, Mark Carroll, Michelle Zenor, Ed Gatlin, Kristy Turney, Eric Berry, Marti Shew, Carol Morton, Charlie Tidmore, George Dickson

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

INVOCATION

The Invocation was given by Councilmember Smith.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

DECLARATION OF CONFLICT OF INTEREST

No action was taken.

PROCLAMATION – WORLD POLIO DAY

Mayor Montgomery proclaimed Saturday, October 24, 2020 as World Polio Day in Athens, Texas and encouraged all citizens to join the members of Rotary International in the fight for a polio-free world.

PUBLIC COMMUNICATIONS

Michele Zenor, Director, Henderson County Library, ask the City Council to reconsider funding to the Henderson County Library in the City's 2021 Budget.

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

Elizabeth Borstad, City Manager, stated the firefighters are heading home after completing their tour in California.

CONSENT AGENDA

- a) CONSIDER APPROVING MINUTES OF THE SEPTEMBER 28, 2020 REGULAR SESSION
- b) CONSIDER A RESOLUTION DESIGNATING AN OFFICIAL NEWSPAPER FOR THE CITY OF ATHENS FOR FISCAL YEAR 2021
- c) CONSIDER A RESOLUTION TO APPROVE AND ADOPT THE CITY OF ATHENS HOLIDAY CALENDAR FOR FISCAL YEAR 2021
- d) CONSIDER A RESOLUTION RESCHEDULING THE REGULAR CITY COUNCIL MEETING OF DECEMBER 28, 2020 TO DECEMBER 21, 2020
- f) CONSIDER A RESOLUTION AWARDDING BID TO CAPPSCAPCO CONSTRUCTION, INC. FOR THE REPLACEMENT OF THE NORTH WASTEWATER TREATMENT PLANT TRICKLING FILTER DISTRIBUTOR AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH CAPPSCAPCO CONSTRUCTION, INC
- g) CONSIDER A RESOLUTION AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE EAST TEXAS COUNCIL OF GOVERNMENTS FOR A REGIONAL SOLID WASTE GRANTS PROGRAM GRANT

Councilmember Gross requested agenda item e) Consider a Resolution awarding bid to Duplichain Contractors, LLC for the Sewer Line Extension at Highway 175 and Loop 7 and authorizing the City Manager to enter into an agreement with Duplichain Contractors, LLC be removed from the Consent Agenda for further discussion.

A motion was made by Councilmember McCain, seconded by Councilmember Gross to approve Consent Agenda items:

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- b) CONSIDER A RESOLUTION DESIGNATING AN OFFICIAL NEWSPAPER FOR THE CITY OF ATHENS FOR FISCAL YEAR 2021
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- g) CONSIDER A RESOLUTION AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE EAST TEXAS COUNCIL OF GOVERNMENTS FOR A REGIONAL SOLID WASTE GRANTS PROGRAM GRANT

The motion carried unanimously.

- e) CONSIDER A RESOLUTION AWARDDING BID TO DUPLICHAİN CONTRACTORS, LLC FOR THE SEWER LINE EXTENSION AT HIGHWAY 175 AND LOOP 7 AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH DUPLICHAİN CONTRACTORS, LLC

Councilmember Gross expressed concern with entering into the agreement as the site has not had any activity in several months. He stated he would like the \$75,000 paid prior to entering into the contract.

Discussion occurred.

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Councilmember Smith asked if the Resolution could be approved contingent upon the developer paying the \$75,000.

After discussion, a motion was made by Councilmember Smith, seconded by Councilmember Gross to approve a Resolution awarding bid to Duplichain Contractors, LLC for the Sewer Line Extension at Highway 175 and Loop 7 and authorizing the City Manager to enter into an agreement with Duplichain Contractors, LLC for the scope of work contingent upon the receipt of \$75,000 from Winters Oil Partners, LP as outlined in the Performance Agreement between Winters Oil Partners, LP and the Athens Economic Development Board of Directors.

The motion carried unanimously.

HEAR UPDATE ON CAIN CENTER PROJECT

Eric Berry with Berry & Clay provided the following updates on the Cain Center Projects:

Current Activities

- Metal stud wall framing complete. The Plumbing, Electrical and Mechanical top out is in progress
- The pool shell is complete and the soil back fill is in progress
- Pool Equipment piping stubbed up
- PVC roofing in progress
- Pool Room roof decking repairs in progress
- Masonry CMU work in progress

Work Scheduled

- Complete the Electrical, Plumbing and Mechanical top out
- Continue masonry CMU work
- Prepare for cover up inspections
- Begin insulation and drywall in select areas
- Begin ceramic tile work
- Begin the elevator pit excavation
- Drill and pour the piers for the elevator structure
- Form and pour the beams for the elevator pit

Schedule

- The project is currently on schedule
- The Architect has made late revision to the finish materials and this may cause some delay. The ceramic tile package is being rebid and availability could be an issue

Ms. Borstad stated if anyone is wanting a walk-through of the Cain Center, Berry and Clay is willing to accommodate.

DISCUSS PROPOSED LANE CONFIGURATION OF US 175 PRESENTED BY HENDERSON COUNTY AREA OFFICE ENGINEER, ERIC FISHER AND OTHER TXDOT MAINTAINED THOROUGHFARES WITHIN THE CITY OF ATHENS

Eric Fisher, Henderson County Area Office Engineer, presented a Crash Map of BUS 175 (E. Corsicana Street) from January 2017 – June 2020. Mr. Fisher discussed the existing lanes at BUS 175 and the proposed lanes and benefits of the new lane configuration.

Throughout the presentation discussion occurred.

Mayor Montgomery thanked TxDOT for examining the crashes that have occurred.

Ms. Borstad asked Mr. Fisher to address the standing water/leaks at South Prairieville, with Mr. Fisher explaining that a Ground Penetrating Radar (GPR) will be placed underground to perform an analysis. He stated the data will be obtained to solve the draining issue.

He stated it was planned for last spring, however, due to the pandemic there was a delay. He stated until travel restrictions are lifted, they are unable to perform the analysis until possibly next spring.

He further stated that work will begin on Hwy 59 next week.

CONSIDER FINAL READING OF AN ORDINANCE AUTHORIZING THE ISSUANCE OF “CITY OF ATHENS, TEXAS, WATERWORKS AND SEWER SYSTEM REVENUE BONDS, SERIES 2020A”, PLEDGING NET REVENUES OF THE CITY’S WATERWORKS AND SEWER SYSTEM TO THE SECURITY OF AND THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID BONDS; SPECIFYING THE TERMS AND CONDITIONS OF SUCH BONDS; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, PAYMENT, SECURITY, SALE AND DELIVERY OF SAID BONDS, INCLUDING THE APPROVAL AND EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT AND A CONSTRUCTION ESCROW AGREEMENT; AND PROVIDING AN EFFECTIVE DATE

Ms. Borstad explained the item is the final reading of an Ordinance authorizing the issuance of “City of Athens, Texas, Waterworks and Sewer System Revenue Bonds, Series 2020A”.

Marti Shew, Director Hilltop Securities Inc., explained the final numbers were received and the interest rate is .55% with a principal loan forgiveness in the amount of \$466,404.

Mayor Montgomery thanked Ms. Borstad for her efforts.

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

A motion was made by Councilmember McCain, seconded by Councilmember Smith to approve final reading of an Ordinance authorizing the issuance of “City of Athens, Texas, Waterworks and Sewer System Revenue Bonds, Series 2020A”, pledging net revenues of the City’s Waterworks and Sewer System to the security of and the payment of the principal of and interest on said bonds; specifying the terms and conditions of such bonds; resolving other matters incident and related to the issuance, payment, security, sale and delivery of said bonds, including the approval and execution of a Paying Agent/Registrar Agreement and a Construction Escrow Agreement; and providing an effective date.

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

Monte Montgomery, Mayor	Aye
Ed McCain, Mayor Pro Tem	Aye
Aaron Smith, Councilmember	Aye
Robert Gross, Councilmember	Aye
Toni Clay, Councilmember	Aye
Voted in favor of the motion	5
Voted against the motion	0
Motion carried	5-0

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY,
CONCERNING A RESOLUTION APPROVING AND AUTHORIZING THE
EXECUTION OF A PRINCIPAL FORGIVENESS AGREEMENT BETWEEN
THE TEXAS WATER DEVELOPMENT BOARD AND THE CITY OF
ATHENS, TEXAS

Ms. Borstad explained Council has approved the Ordinance authorizing the issuance of debt and this item approves the principal forgiveness agreement with Texas Water Development Board.

A motion was made by Councilwoman Clay, seconded by Councilmember Gross to approve Resolution approving and authorizing the execution of a Principal Forgiveness Agreement between the Texas Water Development Board and the City of Athens, Texas. The motion carried unanimously.

Mayor Montgomery stated the City Council will move to agenda items 20) Discuss first reading of an Ordinance disannexing a 7.848-acre tract of the David Cherry Survey, Abstract 135 located within the corporate limits of the City of Athens, as requested by Athens Municipal Water Authority and 21) Discuss first reading of an Ordinance disannexing a 16.505-acre tract of the David Cherry Survey, Abstract 135 located within the corporate limits of the City of Athens, as requested by Athens Municipal Water Authority

DISCUSS FIRST READING OF AN ORDINANCE DISANNEXING A 7.848-
ACRE TRACT OF THE DAVID CHERRY SURVEY, ABSTRACT 135
LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF ATHENS,
AS REQUESTED BY ATHENS MUNICIPAL WATER AUTHORITY

Ed Gatlin, Director Athens Municipal Water Authority, explained the item comes from the Athens Municipal Water Authority Board for the disannexation of a 7.848-acre tract. He stated the property is located behind the dam.

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

DISCUSS FIRST READING OF AN ORDINANCE DISANNEXING A 16.505-
ACRE TRACT OF THE DAVID CHERRY SURVEY, ABSTRACT 135
LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF ATHENS,
AS REQUESTED BY ATHENS MUNICIPAL WATER AUTHORITY

Mr. Gatlin stated the request is for the disannexation of a 16.505-acre tract located of County Road 4801.

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

Mayor Montgomery stated the Council would return to agenda item 12.

PUBLIC HEARING CONCERNING A REQUEST FROM MARIELA
MARTINEZ FOR APPROVAL OF A SPECIFIC USE PERMIT FOR A
MANUFACTURED HOME FOR LOT 2, BLOCK 1 OF THE WEST
HYLANDS ADDITION, T. PARMER SURVEY, A-782, ALSO KNOWN AS
804 WEST COLLEGE STREET

Ms. Borstad explained the property is located on West College Street and the applicant is requesting a specific use permit for a manufactured home. She stated letters of notification were mailed to twelve (12) surrounding property owners; no protest or approvals were received. She stated the current property is zoned Single Family – 5 and the applicant is installing a new double wide manufactured home.

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 MARIELA MARTINEZ FOR APPROVAL OF A SPECIFIC USE PERMIT FOR A MANUFACTURED HOME FOR LOT 2, BLOCK 1 OF THE WEST HIGHLANDS ADDITION, T. PARMER SURVEY, A-782, ALSO KNOWN AS 804 WEST COLLEGE STREET

Ms. Hambrick read the caption of the Ordinance aloud.

PUBLIC HEARING CONCERNING A REQUEST FROM ERIKA RAMIREZ FOR APPROVAL OF A ZONING CHANGE FROM AGRICULTURE (A) TO COMMERCIAL (C) FOR LOT A OF THE PAYNE SUBDIVISION, B. C. WALTERS SURVEY, A-797, ALSO KNOWN AS 801 NORTH PRAIRIEVILLE STREET

Ms. Borstad explained the zoning change is being requested to establish a restaurant use on the property. She stated the property is located on the northwest corner of North Prairieville Street and Edmonson Avenue and the applicant is proposing to open a restaurant in the existing 1,800 sq. ft building on the property. She stated restaurant use is not permitted in Agriculture zoning according to the Zoning Ordinance. Letters of notification were sent to the fifteen (15) surrounding property owners within two hundred (200) feet and no responses were returned.

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 ERIKA RAMIREZ FOR APPROVAL OF A ZONING CHANGE FROM AGRICULTURE (A) TO COMMERCIAL (C) FOR LOT A OF THE PAYNE SUBDIVISION, B. C. WALTERS SURVEY, A-797, ALSO KNOWN AS 801 NORTH PRAIRIEVILLE STREET

Ms. Hambrick read the caption of the Ordinance aloud.

PUBLIC HEARING CONCERNING A REQUEST FROM GEORGE DICKSON FOR APPROVAL OF A ZONING CHANGE FROM COMMERCIAL (C) TO SINGLE-FAMILY – 5 (SF-5) FOR LOTS 1 THROUGH 3 OF BLOCK 23 OF LARGE LOTS, T. PARMER SURVEY, A-782, ALSO KNOWN AS 301 WEST LARKIN STREET

Ms. Borstad explained the zoning change is being requested in order to use the site for residential use. This property is located on the southwest corner of West Larkin Street and Lana Lane, with the applicant proposing to re-purpose the vacant commercial structure on the property. Letters of notification were sent to the twelve (12) surrounding property owners within two hundred (200) feet. No responses were returned.

Mayor Montgomery opened the Public hearing. There were no comments from the public.

Mr. Dickson discussed the proposed changes to the property stating all work performed is on the inside including adding a shower.

The Public hearing was closed.

DISCUSS FIRST READING OF AN ORDINANCE CONCERNING A REQUEST FROM GEORGE DICKSON FOR APPROVAL OF A ZONING CHANGE FROM COMMERCIAL (C) TO SINGLE-FAMILY – 5 (SF-5) FOR LOTS 1 THROUGH 3 OF BLOCK 23 OF LARGE LOTS, T. PARMER SURVEY, A-782, ALSO KNOWN AS 301 WEST LARKIN STREET

Ms. Hambrick read the caption of the Ordinance aloud.

PUBLIC HEARING CONCERNING A REQUEST FROM LEWIS BLUITT FOR APPROVAL OF THE REPLAT OF LOT 478 & LOT 479 OF THE OAKWOOD ADDITION, UNIT 1, D. CHERRY SURVEY, A-135 CREATING LOT 478-A, LOCATED ON PEDERNALES AND ALSO KNOWN AS PROPERTY ID R65443 & R65444. THIS PROPERTY IS LOCATED IN THE CITY'S EXTRATERRITORIAL JURISDICTION

Ms. Borstad explained the property is being replatted for residential use with the applicant proposing to replat two (2) vacant lots into one (1) lot for residential use.

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

The Public hearing was closed.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY, CONCERNING A REQUEST FROM LEWIS BLUITT FOR APPROVAL OF THE REPLAT OF LOT 478 & LOT 479 OF THE OAKWOOD ADDITION, UNIT 1, D. CHERRY SURVEY, A-135 CREATING LOT 478-A, LOCATED ON PEDERNALES AND ALSO KNOWN AS PROPERTY ID R65443 & R65444. THIS PROPERTY IS LOCATED IN THE CITY'S EXTRATERRITORIAL JURISDICTION

A motion was made by Councilmember McCain, seconded by Councilwoman Clay to approve the replat of Lot 478 & Lot 479 of the Oakwood Addition, Unit 1, D. Cherry Survey, A-135 creating Lot 478-A, located on Pedernales and also known as Property ID R65443 & R65444. This property is located in the City's extraterritorial jurisdiction. The motion carried unanimously.

MAYOR AND CITY COUNCIL'S REQUEST FOR FUTURE AGENDA ITEMS

Councilmember McCain requested a budget amendment addressing library funding.

Ms. Borstad stated the Council may want to discuss modifying the City's Disaster Declaration on a future agenda.

ADJOURN

The meeting adjourned at 6:32 p.m.

PASSED AND APPROVED THIS THE 26TH DAY OF OCTOBER 2020.

Monte Montgomery, Mayor

ATTEST:

Bonnie Hambrick, City Secretary