

REGULAR SESSION

DECEMBER 23, 2019

The City Council of the City of Athens met in Regular Session on Monday, December 23, 2019, 5:30 p.m. in the Derek D. Daniels Conference Room of the Athens Partnership Center, 201 West Corsicana St, Athens, Texas, with the following members present, to-wit:

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

Elizabeth Borstad, City Manager
Bonnie Hambrick, City Secretary

Staff Present: Buddy Hill, Police Chief, Russell Marshall, Fire Chief, Mandie Quigg, Finance Director, Tim Perry, Public Works Director, Jennifer Robertson, Director of Human Resources, Derek Whiteley, Director of Information Technology, Audrey Sloan, Director of Development Services

others present: Michael Hannigan, Sytonia Freeman, Deborah Deas, Mark Taylor, Robin Davis, Jeffrey Enoch, Nikki Enoch

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

INVOCATION

The Invocation was given by Mayor Montgomery.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

DECLARATION OF CONFLICT OF INTEREST

Mayor Montgomery filed a Conflict of Interest for Executive Session Pursuant to the Texas Government Code, Section 551.087 (Deliberation Regarding Economic Development Negotiations; Closed Meeting) Deliberations regarding negotiations with the following prospects: Prospect #1798.

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

Elizabeth Borstad, City Manager, stated that the 4-way stop sign at the intersection of Maryland Dr. and Clinton Street has been installed.

Mayor Montgomery stated the City Council received the 2020 Fiscal Year Operating Budget. He stated the budget book allows citizens to look at the budget and understand where taxpayer dollars are being spent. Mayor Montgomery complimented Ms. Borstad, Mandie Quigg, Finance Director and staff for a job well done.

Councilmember Smith stated he was reminded by an individual that we all should slow down and take notice of all the good things going on in Athens. Councilmember Smith encouraged everyone to slow down during the holiday season and take notice of all the good things going on in Athens; is it heart changing.

PUBLIC COMMUNICATIONS

There was no discussion.

CONSENT AGENDA

- a) CONSIDER APPROVING THE MINUTES OF THE NOVEMBER 25, 2019 REGULAR SESSION
- b) CONSIDER APPROVING THE MINUTES OF THE DECEMBER 9, 2019 REGULAR SESSION
- c) CONSIDER APPROVING THE MINUTES OF THE DECEMBER 18, 2019 WORK SESSION
- d) CONSIDER A RESOLUTION AUTHORIZING SIGNATORIES FOR TXCDBG CONTRACT NO. 7219016
- e) CONSIDER A RESOLUTION ADOPTING AND/OR REAFFIRMING POLICIES AND PROCEDURES FOR CIVIL RIGHTS, EQUAL OPPORTUNITY, LIMITED ENGLISH PROFICIENCY PLAN AND FAIR HOUSING AS REQUIRED BY THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND AUTHORIZING PUBLICATION OF REQUIRED NOTICES
- f) CONSIDER A RESOLUTION PROCLAIMING APRIL AS FAIR HOUSING MONTH AND AUTHORIZING THE PUBLICATION OF A FAIR HOUSING PUBLIC SERVICE ANNOUNCEMENT
- g) CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT AWARDED BID FOR ANNUAL JANITORIAL SERVICES FOR CITY FACILITIES
- h) CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENTS AWARDED BIDS FOR STREET MATERIALS
- i) CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE 2020 T-HANGAR RENEWAL LEASE AGREEMENTS FOR T-HANGARS NUMBERS 3, 4, AND 9 AT ATHENS MUNICIPAL AIRPORT
- j) CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER OR FIRE CHIEF TO SUBMIT AN APPLICATION FOR FUNDING THROUGH THE OFFICE OF THE GOVERNOR'S HOMELAND SECURITY GRANT DIVISION (HSGD), FOR GRANT FUNDING THROUGH THE STATE HOMELAND SECURITY PROGRAM (SHSP), AS MANAGED BY THE EAST TEXAS COUNCIL OF GOVERNMENTS
- k) CONSIDER A RESOLUTION AUTHORIZING INTERLOCAL COOPERATION CONTRACT WITH TEXAS DEPARTMENT OF PUBLIC SAFETY FOR FAILURE TO APPEAR PROGRAM
- l) OCTOBER 2019 MONTHLY REVENUE AND EXPENSE REPORT
- m) NOVEMBER 2019 MONTHLY REVENUE AND EXPENSE REPORT

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

HEAR UPDATE ON CAIN CENTER PROJECT CONSTRUCTION SCHEDULE

Ms. Borstad provided the following preliminary construction schedule received from Berry and Clay:

- Berry and Clay are set to go out for bids on January 6, 2020
- February 8, 2020 approximate date to receive bids
- Cain Center Project renovations should begin in March 2020.

DISCUSS TEMPORARY USE PERMIT SEC. 31-A OF THE ZONING ORDINANCE

Councilmember McCain expressed concern with the City's current Temporary Use Permit having a duration of a 120 days. He stated 120 days is too long for temporary use. He stated this allows an individual to operate for 240 days without a Certificate of Occupancy.

After discussion, staff will research similar cities in size for their types of Ordinances in place and bring a summary back to the City Council.

CONSIDER FINAL READING OF AN ORDINANCE CONCERNING A REQUEST FROM CARNELL JACKSON AND LAVINIA RUSSELL FOR APPROVAL OF A SPECIFIC USE PERMIT FOR A MANUFACTURED HOME FOR LOT 24, BLOCK 1 OF THE FAIRVIEW ADDITION, B. C. WALTERS SURVEY A-797, ALSO KNOWN AS 400 ST. JOSEPH STREET

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

A motion was made by Councilmember Smith, seconded by Councilmember Gross to approve final reading of an Ordinance concerning a request from Carnell Jackson and Lavinia Russell for approval of a Specific Use Permit for a manufactured home for Lot 24, Block 1 of the Fairview Addition, B. C. Walters Survey A-797, also known as 400 St. Joseph Street.

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 CONCERNING A REQUEST FROM MARK IMMEL FOR APPROVAL OF A SPECIFIC USE PERMIT FOR THE LIGHT MANUFACTURING AND ASSEMBLY OF FORMED RUBBER PRODUCTS FOR LOT 2D, BLOCK 90 OF ATHENS ORIGINAL TOWN, T. PARMER SURVEY A-782, ALSO KNOWN AS 807 WEST CORSICANA STREET

Mayor Montgomery stated there was discussion on the item and he spoke with the proposed owner Mr. Immel regarding the odor. Mayor Montgomery stated the City council could approve the item with a stipulation to review the application in one (1) year to ensure the odor is not causing a nuisance

Councilmember Smith agreed to review the item again in one (1) year and check with the surrounding homeowners.

Councilmember McCain expressed concern in approving the Ordinance with the stipulation of a review after one (1) year. He stated that it does not seem fair to the business owner, as the business could be shut down in a year.

Mr. Immel addressed the City Council and explained the manufacturing process is in an open area and invited the Council to visit the facility.

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

A motion was made by Mayor Montgomery seconded by Councilmember Smith to approve final reading of an Ordinance concerning a request from Mark Immel for approval of a Specific Use Permit for the light manufacturing and assembly of formed rubber products for Lot 2D, Block 90 of Athens Original Town, T. Parmer Survey A-782, also known as 807 West Corsicana Street with a stipulation that staff review and relook at the operations in one (1) year from the date of approval to ensure there is no excessive odor.

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.

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 # 1798

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) 415 E. CORSICANA STREET

The City Council convened in Executive Session at 6:01 p.m.

The City Council returned to Regular Session at 6:40 p.m.

Mayor Pro Tem McCain conducted the meeting during this item.

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 # 1798

No action was taken.

Mayor Montgomery resumed charge of the meeting.

CONSIDER AND TAKE ACTION, AS NECESSARY, 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) 415 E. CORSICANA STREET

A motion was made by Councilmember Smith, seconded by Councilmember McCain to consider requests for proposals for leasing the City owned property at 415 E. Corsicana and the adjacent property to the East. The motion carried by the following vote: Ayes: Councilmembers McCain, Gross, Clay and Smith; Nay: Mayor Montgomery. Abstain: None.

MAYOR AND CITY COUNCIL'S REQUEST FOR FUTURE AGENDA ITEMS

Ms. Borstad stated revisions to the Temporary Use Permit Ordinance will appear on a future agenda.

Mayor Montgomery requested an update on the Cain Center.

ADJOURN

The meeting adjourned at 6:42 p.m.

PASSED AND APPROVED THIS THE 13th DAY OF JANUARY, 2020.

Monte Montgomery, Mayor

ATTEST:

Bonnie Hambrick, City Secretary