

REGULAR SESSION

APRIL 14, 2014

The City Council of the City of Athens met in Regular Session on Monday, April 14, 2014, 5:30 p.m. in the Council Chambers of the City Hall Annex with the following members present, to-wit:

Jerry D. Vaught, Mayor
Carol Barton
Monte Montgomery
Elaine Jenkins
Aubrey Jones

Pam Burton, City Administrator
Kelly Morgan, Administrative Secretary
Conor Bateman, City Attorney

others present: Glen Herriage, Gary Crecelius, Buddy Hill, John McQueary, Sherri Skeeters, Haven Cox, Barry Dill, Jeffery Enoch, Sr., Rich Flowers, Cory Frentress and other interested citizens;

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

The invocation was given by Councilmember Jenkins.

DECLARATION OF CONFLICT OF INTEREST

No action was taken.

CONSIDER FINAL READING OF AN ORDINANCE REZONING LOT 13, BLOCK 37, ATHENS ORIGINAL TOWN FROM SINGLE-FAMILY RESIDENTIAL-7 TO TWO FAMILY RESIDENTIAL (DUPLIX HOMES), OWNED BY JOSE & JAZMIN ARICIAGA (207 FRIZZEL ST.)

Kelly Morgan, Administrative Secretary, read the Ordinance aloud. A motion was made by Councilmember Barton, seconded by Councilmember Montgomery to approve FINAL READING OF AN ORDINANCE REZONING LOT 13, BLOCK 37, ATHENS ORIGINAL TOWN FROM SINGLE-FAMILY RESIDENTIAL-7 TO TWO FAMILY RESIDENTIAL (DUPLIX HOMES). The motion carried unanimously.

DISCUSS/CONSIDER AUTHORIZING PAYMENTS OF INVOICES, AS REJECTED BY ATHENS MUNICIPAL WATER AUTHORITY

A motion was made by Councilmember Jenkins, seconded by Councilmember Barton to authorize the payment of two (2) invoices totaling \$370.86 for repairs at the water treatment plant, as rejected by Athens Municipal Water Authority. The motion carried unanimously.

DISCUSS/CONSIDER AUTHORIZING USE OF CENTRAL PARK ON JUNE 21 FOR STAGING OF EQUINE FOR 2014 ANNUAL JUNETEENTH PARADE, AS REQUESTED BY HENDERSON COUNTY BLACK RODEO ASSOCIATION

City Administrator Pam Burton explained that the Henderson County Black Rodeo Association is requesting the use of Central Park on June 21 for the staging of the horses for the 2014 Annual Juneteenth Parade. She stated that the Association will assume all responsibility of cleaning up after the horses and will also provide insurance for the event. A motion was made by Councilmember Montgomery, seconded by Councilmember Jenkins to authorize use of Central Park on June 21 for Staging of Equine for 2014 Annual Juneteenth Parade, as requested by Henderson County Black Rodeo Association. The motion carried unanimously.

DISCUSS/CONSIDER AUTHORIZING THE CLOSING OF PORTIONS OF N. PRAIRIEVILLE ST. AND TYLER ST. MAY 30-31, 2014 FOR 83RD ANNUAL ATHENS OLD FIDDLERS REUNION

Ms. Burton explained that a Texas Department of Transportation permit is required for closure of a State Highway and traffic control. She stated that all information pertaining to the closing will be submitted to TXDOT for a permit. A motion was made by Councilmember Jones, seconded by Councilmember Barton to authorize the closing of portions of N. Prairieville St. and Tyler St. May 30-31, 2014 for 83rd Annual Athens Old Fiddlers Reunion. The motion carried unanimously.

DISCUSS/CONSIDER AUTHORIZING USE OF CITY PARKING LOT FOR 2014 ATHENS FARMERS MARKET, AS REQUESTED BY D.J. WARREN

Ms. Burton explained that D.J. Warren is requesting the use of the City Parking Lot for the 2014 Athens Farmers Market. She stated that an Agreement of Understanding between the City of Athens and Athens Texas Farmers Market has been initiated to establish responsibilities of the Farmers Market along with times and dates. She explained that Ms. Warren has requested additional evening markets on Wednesdays. The Athens Farmers Market will be required to provide insurance and to submit future requests 30 days in advance of events. A motion was made by Councilmember Barton, seconded by Councilmember Montgomery to authorize use of City Parking Lot for 2014 Athens Farmers Market with Agreement of Understanding, as requested by D.J. Warren. The motion carried unanimously.

DISCUSS/CONSIDER AWARDED BID FOR ONE (1) COLD PLANER WITH QUICK ATTACH MOUNTING SYSTEM

Glen Herriage, Director of Utilities, stated that two (2) bids were received for the Cold Planer with Quick Attach Mounting System, with Asphalt Zipper, Inc. being the low bidder at a cost of \$86,990.00. He explained that Asphalt Zipper did not meet minimum specifications, however, RDO Equipment Co. met all specifications at a cost of \$123,267.06. Barry Dill, Representative from Asphalt Zipper, Inc, appeared before the council to explain the difference in the equipment that was included in his bid.

After discussion, Councilmember Jones suggested that research should be done on the specifications and to table this item. A motion was made by Councilmember Jones, seconded by Councilmember Barton to table awarding bid for one (1) Cold Planer with Quick Attach Mounting System. The motion carried unanimously.

CONSENT AGENDA;

- A) CONSIDER APPROVING MINUTES OF THE FEBRUARY 27, 2014 SPECIAL SESSION, MARCH 29, 2014 SPECIAL SESSION AND MARCH 24, 2014 REGULAR SESSION
- B) CONSIDER AUTHORIZING CONTRACT WITH TRINITY VALLEY COMMUNITY COLLEGE FOR USE OF CAIN PARK, PHASE I, FIELD 3
- C) CONSIDER AUTHORIZING MUTUAL AGREEMENT AND UNDERSTANDING BETWEEN CITY OF ATHENS, TRINITY VALLEY COMMUNITY COLLEGE AND HENDERSON COUNTY GIRLS SOFTBALL ASSOCIATION CONCERNING USE OF CAIN PARK, PHASE I, FIELD 3
- D) CONSIDER AUTHORIZING CONTRACT WITH HENDERSON COUNTY GIRLS SOFTBALL ASSOCIATION FOR USE OF CAIN PARK, PHASE II, FIELDS 4 & 5
- E) CONSIDER AUTHORIZING CONTRACT WITH CAIN CENTER, INC. FOR USE OF CAIN PARK, PHASE II, FIELD 6

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

OPPORTUNITY FOR CITIZENS TO EXPRESS ITEMS OF CONCERN
RELATED TO THE CITY OF ATHENS

Jeffrey Enoch, Sr. invited everyone to the 3rd Annual Juneteenth Black Rodeo and distributed sponsorship packages.

EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE, SECTION 551.071 CONSULTATION WITH ATTORNEY; CONSULTATION REGARDING PENDING LITIGATION IN CAUSE NO. 2013A-1145, ATHENS MUNICIPAL WATER AUTHORITY V. CITY OF ATHENS IN THE 173RD JUDICIAL DISTRICT COURT, HENDERSON COUNTY, TEXAS; AND CASE NO. 12-14-00017, THE CITY OF ATHENS, TEXAS, A MUNICIPAL CORPORATION OF THE COUNTY OF HENDERSON, TEXAS V. ATHENS MUNICIPAL WATER AUTHORITY, A MUNICIPAL UTILITY DISTRICT AND POLITICAL SUBDIVISION OF THE STATE OF TEXAS, IN THE TWELFTH COURT OF APPEALS, TYLER, TEXAS

The City Council adjourned to Executive Session.

The City Council returned to Regular Session.

CONSIDER ACTION REGARDING PENDING LITIGATION IN CAUSE NO. 2013A-1145, ATHENS MUNICIPAL WATER AUTHORITY V. CITY OF ATHENS IN THE 173RD JUDICIAL DISTRICT COURT, HENDERSON COUNTY, TEXAS; AND CASE NO. 12-14-00017, THE CITY OF ATHENS, TEXAS, A MUNICIPAL CORPORATION OF THE COUNTY OF HENDERSON , TEXAS V. ATHENS MUNICIPAL WATER AUTHORITY, A MUNICIPAL UTILITY DISTRICT AND POLITICAL SUBDIVISION OF THE STATE OF TEXAS, IN THE TWELFTH COURT OF APPEALS, TYLER, TEXAS

A motion was made by Councilmember Jones, seconded by Councilmember Jenkins to authorize the Attorneys to continue in mediation. The motion carried unanimously .

ADJOURN

The meeting was adjourned.

PASSED AND APPROVED THIS THE 28TH DAY OF APRIL, 2014.

Jerry D. Vaught, Mayor

ATTEST:

Pam Watson, City Secretary