

REGULAR SESSION

APRIL 22, 2019

The City Council of the City of Athens met in a Regular Session on Monday, April 22, 2019, 5:30 p.m. at The Texan, 209 East Tyler Street, 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, Thanasis Kombos, Russ Marshall, Jennifer Robertson, Audrey Sloan, Mandie Quigg, Katie Birk, Lisa Denton, Rich Flowers, Deborah Deas, Michael Hannigan, Stella Sikes, Derek Whiteley, Steve Woodruff, Mike Climer, Tim Jones, Robert Whisenhunt, Angie Traynham, Jon Kesler, Gary Penn, John Trent, Steve Grant, Lisa White, Jose Rivera, Josh Millsap, Blake Garrett, Michelle Cain, Tom and Lynn Leathem, Carol Morton, Tere Lawyer, Renee Smith, Kelley Townsend, Roy Clay, Mary Waddell, Anne Perryman, Chris Tinsley, Mark Carroll, Marisa Gunstanson and other interested citizens;

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 – MOTORCYCLE AWARENESS MONTH

Mayor Montgomery read a Proclamation proclaiming May 2019 as Motorcycle Awareness Month.

PROCLAMATION – RODEO WEEK

Marisa Gunstanson, President, Athens Chamber of Commerce, read the following rodeo events:

- Friday Night Fried Fish & Crawfish Boil 6-8 pm at Henderson County Fair Park Complex and BBQ Cook-Off on Saturday

Mayor Montgomery read a Proclamation proclaiming April 26-27, 2019 as the 34th Annual Henderson County “Go Texan” Rodeo Day.

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

Mayor Montgomery announced the following:

- Rodeo Golf Tournament on Friday Morning 8:30AM Tee Time at Athens Country Club
- Rodeo Friday & Saturday April 26th & 27th 7:30-9PM
- Friday Night Fried Fish & Crawfish Boil 6-8 pm at Henderson County Fair Park Complex
- Saturday BBQ Cook-Off
- Friday May 3rd Open House Ribbon Cutting Big Red School House at 1:30PM
- Mayor and Staff attended the Annual TxDOT Aviation Conference in Galveston, TX the week of April 15th with a face to face meeting with the Director of Aviation for TxDOT to obtain an update where the City stands with its application for the Airport Expansion. He stated there are funds available, however, there are no extra funds. He further stated the City is still in the running to receive funds

Elizabeth Borstad, City Manager, stated the Mayor, members of the Airport Advisory Board and staff attended a Public Hearing in support of Senate Bill 2050 which will create the Aviation Development Account that will establish funds specifically for airports.

CITIZENS COMMUNICATIONS

Blake Garrett, Walmart Shift Manager, invited the City Council to the grand opening ceremony for the Walmart Store located in Athens on Friday, April 26, 2019 at 7:30 a.m.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY, CONFIRMING THE APPOINTMENT OF DEREK WHITELEY AS DIRECTOR OF INFORMATION TECHNOLOGY FOR THE CITY OF ATHENS

Buddy Hill, Chief of Police, explained during the interview process Mr. Whiteley's resume was impressive. He stated Mr. Whiteley has twenty four (24) total years in information technology with fourteen (14) years being with a Municipality.

Mr. Whiteley stated he was excited to be with the City of Athens and looks forward to the challenge.

A motion was made by Councilwoman Clay, seconded by Councilmember Smith confirming the appointment of Derek Whiteley as Director of Information Technology for the City of Athens. The motion carried unanimously.

DISCUSS CAIN CENTER STEERING COMMITTEE'S PRESENTATION REGARDING THE CIVIC AND AQUATIC CENTER RENOVATION (CAIN CENTER PROJECT)

Mayor Montgomery stated the City Council wanted to open the item back up during a Regular Council meeting to ensure all questions were answered and to receive comments. He stated on Election Day there would be a referendum vote with early voting starting April 22, 2019.

He opened the item for discussion from the Public. There were no comments.

Steve Grant, Chairman of the Cain Center Steering Committee, answered questions regarding the Committee's presentation and sustainability of the Cain Center.

Mayor Montgomery requested a work session to discuss the financing of the Cain Center Project.

CONSENT AGENDA

- a) CONSIDER APPROVING THE MINUTES OF THE APRIL 8, 2019 REGULAR SESSION
- b) CONSIDER APPROVING THE MINUTES OF APRIL 12, 2019 WORK SESSION
- c) CONSIDER A RESOLUTION APPOINTING HILLTOP SECURITIES AS FINANCIAL ADVISOR TO PROVIDE ASSISTANCE IN CONNECTION WITH THE CITY'S OBLIGATIONS TO BE PURCHASED BY THE TEXAS WATER DEVELOPMENT BOARD AND OTHER MATTERS RELATED THERETO
- d) CONSIDER A RESOLUTION APPOINTING NORTON ROSE FULBRIGHT US LLP, AS BOND COUNSEL IN CONNECTION WITH THE CITY'S OBLIGATIONS TO BE PURCHASED BY THE TEXAS WATER DEVELOPMENT BOARD AND OTHER MATTERS RELATED THERETO
- e) CONSIDER AMENDING RESOLUTION R-22-19 AUTHORIZING THE 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
- f) JANUARY 2019 FINANCIALS
- g) FEBRUARY 2019 FINANCIALS

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

CONSIDER FINAL READING OF AN ORDINANCE CONCERNING A REQUEST FROM THE CITY OF ATHENS FOR APPROVAL OF A ZONING CHANGE FROM MULTI-FAMILY – 5 (MF-5) TO PLANNED DEVELOPMENT WITH MULTI-FAMILY – 2 BASE ZONING (PD/MF-2) FOR TRACT 254 OF THE T. PARMER SURVEY, ABSTRACT 782, ALSO KNOWN AS 405 LINDSEY LANE

Audrey Sloan, Director of Development Services, explained the property is the old hospital property located at 405 Lindsey Lane. She stated the proposal is to change the zoning of the property from Multi-Family – 5 (MF-5) to Planned Development with Multi-Family – 2 base zoning (PD/MF-2). Ms. Sloan stated this would allow the property to be developed as single family or duplex residential units with the approval of a site plan by the City Council.

Mayor Montgomery announced he received a request from a citizen to speak on the item.

Dr. Steve Woodruff stated he would like to see the old hospital property made into a park for children. Dr. Woodruff presented the City Council with a \$25,000 check for playground equipment if the location was made into a park.

Mayor Montgomery stated he had felt the property should stay a greenbelt

Councilwoman Clay stated Dr. Woodruff's check was incredibly generous. She further stated she was very "pro park", however, for the size of the City, she felt the City had sufficient parks. Councilwoman Clay stated the City is deficient in affordable housing. She stated the area is already wired for utilities.

Ms. Borstad stated staff will seek request for proposals on the development of the property.

Councilwoman Clay asked if the City Council could re-evaluate their decision on what to do with the property in light of what bids are received with Ms. Borstad stating, the City Council is only changing the zoning.

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 the City of Athens for approval of a zoning change from Multi-Family – 5 (MF-5) to Planned Development with Multi-Family – 2 base zoning (PD/MF-2) for Tract 254 of the T. Parmer Survey, Abstract 782, also known as 405 Lindsey Lane. 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 SCOTT FULLINGIM FOR APPROVAL OF A ZONING CHANGE FROM OFFICE (O) TO TWO-FAMILY RESIDENTIAL (MF-2) FOR LOT 1, BLOCK 29A OF THE PARK HIGHLANDS ADDITION, ALSO KNOWN AS 500 RICHARDSON STREET

Ms. Sloan explained the property is to the south of 405 Lindsey Lane at the corner of Richardson Street and Lindsey Lane. She stated the current zoning of the property is Office. She explained the applicant is proposing a zoning change to MF-2 to allow for Duplex.

Ms. Hambrick read the caption of the Ordinance aloud.

A motion was made by Councilmember Gross, seconded by Councilmember McCain to approve final reading of an Ordinance concerning a request from Scott Fullingim for approval of a zoning change from Office (O) to Two-Family Residential (MF-2) for Lot 1, Block 29A of the Park Highlands Addition, also known as 500 Richardson 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 JOSH MILLSAP OF STANTEC CONSULTING SERVICES FOR APPROVAL OF A SITE PLAN AND SPECIFIC USE PERMIT FOR AN AUTOMATIC CAR WASH (UNATTENDED) IN A PLANNED DEVELOPMENT 1 – RETAIL ZONING DISTRICT (PD-1/R) FOR LOTS 4 AND 15, BLOCK B OF THE MATTHEWS ADDITION OF THE T. PARMER SURVEY, ABSTRACT 782, ALSO KNOWN AS 714 EAST TYLER

Ms. Sloan explained the property is located on E. Tyler Street, directly east of Braum's. She explained since the last meeting the sign package was updated in regards to the design of the monument sign. She stated the sign package was revised to comply with the maximum dimensions that are established in the Zoning Ordinance.

Ms. Hambrick read the caption of the Ordinance aloud.

A motion was made Councilmember Smith, seconded by Councilmember Gross to approve final reading of an Ordinance concerning a request from Josh Millsap of Stantec Consulting Services for approval of a site plan and specific use permit for an automatic car wash (unattended) in a Planned Development 1 – Retail zoning district (PD-1/R) for Lots 4 and 15, Block B of the Matthews Addition of the T. Parmer Survey, Abstract 782, also known as 714 East Tyler 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

DISCUSS FIRST 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

Ms. Sloan explained City staff completed the Building Code Effectiveness Grading Schedule (BCEGS) Survey administered by the Insurance Services Office (ISO) in the spring of 2018. The ISO uses the survey to assign scoring classifications to the city and communicate that score to the property and casualty insurance industry. ISO classification scores typically have bearing on the premiums paid by those living in a particular jurisdiction. She 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. In addition, other sections of Chapter 5 will be re-established with minor updates.

Ms. Sloan stated the proposed amendments to the 2015 International Codes and the 2014 National Electrical Code are based on recommended amendments to the code prepared by the North Central Texas Council of Governments and recommendations from the Development Services Department.

Ms. Hambrick read the caption of the Ordinance aloud.

DISCUSS FIRST 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.

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

The item was tabled.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY,
CONCERNING THE APPROVAL OF A RESOLUTION AUTHORIZING THE
CITY MANAGER TO APPROVE CITY SPONSORED EVENTS FOR THE
2019 FISCAL YEAR AT THE TEXAN: A LANDMARK VENUE

Katie Birk, Tourism and Cultural Resources Coordinator, presented the sponsored events calendar at The Texan for 2019 Fiscal Year.

A motion was made by Councilwoman Clay, seconded by Councilmember Smith to approve a Resolution authorizing the City Manager to approve city sponsored events for the 2019 Fiscal Year at The Texan: A Landmark Venue. The motion carried unanimously.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY,
CONCERNING THE APPROVAL OF A RESOLUTION AUTHORIZING THE
RECOMMENDATIONS FOR THE USE OF HOTEL OCCUPANCY TAX
FUNDS FOR THE CITY OF ATHENS ADVERTISING CAMPAIGN FOR THE
REMAINDER OF THE 2019 FISCAL YEAR

Ms. Birk presented recommendations for the use of Hotel Occupancy Tax Funds for the City of Athens Advertising Campaign for the remainder of the 2019.

Mayor Montgomery stated the importance of putting advertisements into local newspapers.

After discussion, a motion was made by Councilmember McCain, seconded by Councilwoman Clay to approve a Resolution authorizing the recommendations for the use of Hotel Occupancy Tax Funds for the City of Athens Advertising Campaign for the remainder of the 2019 Fiscal Year excluding the print media, which will be discussed at the first meeting in May. The motion carried unanimously.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY,
CONCERNING THE APPROVAL OF A RESOLUTION AUTHORIZING THE
CITY MANAGER TO INCLUDE THE PLACEMENT OF THE ATHENS
INDEPENDENT SCHOOL DISTRICT "HORNET" LOGO ONTO THE LOOP 7
WATER TOWER AS PART OF THE WATER TOWER REHABILITATION
PROJECT

Randy Williams, Utilities Director, explained staff is seeking Council's direction on the appearance of logos on the Loop 7 Water Tower. Mr. Williams explained the project allows for placement and orientation of two (2), ten-foot logos, not exceeding five colors for picture and lettering, to be placed on the tank exterior. He stated Trinity Valley Community College appreciated the offer of placing the Cardinal logo on the tower, however, declined at this time.

After discussion a motion was made by Councilmember McCain, seconded by Councilmember Gross to approve a Resolution authorizing the City Manager to include the placement of the one single Athens Independent School District "Hornet" Logo onto the Loop 7 Water Tower as part of the Water Tower Rehabilitation Project. The motion carried by the following vote:
Ayes: Mayor Montgomery, Councilmember Gross, and Councilmember McCain and Councilmember Smith: Nays: None: Abstained: Councilwoman Clay.

Mayor Montgomery stated the City Council would move to agenda item 21.

DISCUSS FIRST 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

Lisa Denton, Executive Director, Athens Economic Development Corporation, presented the item. She explained an application was received from Jeannie Klepper and Fred Head with the Leasee proposing the following improvements to the facility located at 227 E. Tyler St:

- Refurbish and make ready two (2) retail spaces, which will be occupied by Jimmy's Shoe Repair (current occupant on one side) and a new beauty bar, operated by Jeannie Clapper.
- Improvements to front of the facility include new store front doors and windows, paint, canopy and blade signage.
- Rear façade (which will be used as main entry) will receive new French doors and windows,
- ADA accessible ramp and an arbor area.
- Leasee also plans to add a loft with interior stairs, which would be for an employee break area.
- The roof, HVAC system and all interiors will be replaced or repaired, when possible.
- Leasee anticipates spending up to \$200,000 for all improvements, interior and exterior. Contractor estimates have been verified by AEDC staff.

Ms. Denton explained that the AEDC Board approved a grant, *up to* the maximum allowable of \$12,500, at its meeting on 4/16/19, contingent upon grant reimbursement being paid once the full project is complete and has passed all inspections

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

The City Council recessed at 7:22 p.m.

The City Council reconvened in Regular Session at 7:33 p.m.

Mayor Montgomery stated he has legal questions regarding agenda item 20.

Blake Armstrong, City Attorney stated anytime a member of the City Council or the Council as a whole wants to receive legal advice or receive a legal opinion, the City Council can convene in Executive Session under Texas Government Code Section § 551.071 (2). He further stated the City Council is unable to discuss the executive employment agreement between Athens Economic Development Corporation Board of Directors and Lisa Denton, Executive Director; as Ms. Denton is not a city employee.

DISCUSS THE EXECUTIVE EMPLOYMENT AGREEMENT BETWEEN ATHENS ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS AND LISA DENTON, EXECUTIVE DIRECTOR

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:

- a) PROSPECT # 1687
- b) PROSPECT # 1784

The City Council adjourned to Executive Session at 7:33 p.m.

The City Council returned to Regular Session at 8:57 p.m.

DISCUSS THE EXECUTIVE EMPLOYMENT AGREEMENT BETWEEN ATHENS ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS AND LISA DENTON, EXECUTIVE DIRECTOR

No action was taken.

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 PROSPECTS:

- a) PROSPECT # 1687
- b) PROSPECT # 1784

No action was taken.

MAYOR AND CITY COUNCIL'S REQUEST FOR FUTURE AGENDA ITEMS

Councilmember McCain requested the following future agenda items:

- Review cost associated with technology information for Finance Software and determine if there are any alternatives available to the city
- City Manager to provide a summary report for AEDC regarding the TxDOT Aviation Conference

Ms. Hambrick announced staff is attempting to schedule a Joint City Council and AEDC meeting.

ADJOURN

The meeting adjourned at 9:00 p.m.

PASSED AND APPROVED THIS THE 13th DAY OF MAY, 2019.

Monte Montgomery, Mayor

ATTEST:

Bonnie Hambrick, City Secretary