

REGULAR SESSION

APRIL 8, 2019

The City Council of the City of Athens met in a Regular Session on Monday, April 8, 2019, 5:30 p.m. in the Council Chambers of the City Hall Annex, 501 N. Pinkerton St, 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, Lisa Denton, Rich Flowers, Deborah Deas, Denise York, Michael Hannigan, Bob and Carol Morton, Chet Patel, Gary Penn, Kevin and Jeaneane Lilly, Kelley Townsend, John Trent, Steve Grant, Delbert Hirst, David Pitcher, Lisa White, Jose Rivera, Josh Millsap, Eric Graham, Mary Waddell, Anne Perryman, Chris Tinsley, Trish Adcock, Paul Crayton, Katie Birk, Mo Morrison, Cliff Barrett, Scott Fullingim, Randy Jones, Mark Carroll and other interested citizens;

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

INVOCATION

The Invocation was given by Councilwoman Toni Clay.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

DECLARATION OF CONFLICT OF INTEREST

No action was taken.

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

Mayor Montgomery announced the following:

- City Hall closed on Friday, April 19, 2019 in observance of Good Friday
- A excellent quorum at the candidate forum which was held on Saturday, April 6, 2019 at the Church of the Living God
- April 11, 2019, Steve Grant, Charlie Tidmore, Elizabeth Borstad and himself in Austin to make a presentation on a House Bill regarding funding on the airport
- May 3, 2019 Big Red House Ribbon Cutting

Councilwoman Clay stated the Athens High School Career and Technical Education Expo was held April 4, 2019. She stated the Expo will be an annual event.

CITIZENS COMMUNICATIONS

Carol Morton, Keep Athens Beautiful, Executive Director, announced the Keep Athens Beautiful Spring Clean held on April 6<sup>th</sup> was a huge success. She stated six (6) teams were out picking up over 30 bags of trash on the street, filling ten (10) roll offs.

PRESENTATION OF AUDIT REPORT FOR FISCAL YEAR ENDING  
SEPTEMBER 30, 2018

Mandie Quigg, Finance Director, stated that Trent Westmoreland, Senior Manager of Henry & Peters, would present the results of the Audit for Fiscal Year ending September 30, 2018.

Mr. Westmoreland presented the Audit Report. He stated for the year ending September 30, 2018, the city has an unmodified/clean opinion with no issues other than standard adjustments.

Mr. Westmoreland presented highlights of the audit report with explanations.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY, ACCEPTING  
THE AUDIT REPORT FOR FISCAL YEAR ENDING SEPTEMBER 30, 2018,  
AS PRESENTED BY HENRY & PETERS

A motion was made by Councilmember Gross, seconded by Councilmember Smith to accept the Audit Report for Fiscal Year ending September 30, 2018. The motion carried unanimously.

HEAR UPDATE FROM CAIN CENTER STEERING COMMITTEE

Steve Grant, Cain Center Steering Committee Chairman stated the Steering Committee appreciates the consideration of the City Council. He thanked the members of the Steering Committee for their participation. He stated 30-35 individuals from the community have participated in the steering committee's efforts.

Mr. Grant stated the work of the Steering Committee was divided into four (4) different committees:

- Cost Committee
- Planning and Pool Committee
- Budget/Finance/Operations Committee
- Public Awareness and Relations Committee

Mr. Grant provided highlights of the report. He stated the cost of construction has been lowered by roughly \$2 - \$2.5 Million with an Estimated Capital Costs for the Cain Center of **\$6,125,000**, which includes \$1 Million for Contingency Fees.

Mr. Grant stated that the Ginger Murchison Foundation has committed to provide a donation of \$2.5 Million in additional funds subject to a mutual non-binding memorandum of intent and understanding agreement made between the City. He stated the cost savings allows adding to the Center a completely separate building for a therapeutic pool and learn to swim. He explained the UT Health has expressed interest in working with the City to operate the physical therapy and rehabilitation components of the center.

Mr. Grant explained some of the features of the pool.

Mr. Grant stated that the Ginger Murchison Foundation has committed to provide a donation of \$2.5 Million as well as a previous commitment from the Cain Foundation in the amount of \$2.5 Million. He further stated with the reduction in cost this leaves \$1.25 Million for the City to pay from a portion of the Certificates of Obligation.

Mark Carroll presented the Steering Committee's Executive Summary, and concluded with the Committee's next steps to include the following:

- Next Steps:
  1. Support from Council and Citizens
  2. Execute “Mutual Letter of Intent” ; non-binding agreement for Capital and operating money with Cain Foundation and Murchison Foundation
  3. Workshops with City/Committee to dive deeper into
    - Usage
    - Finance
    - Operations
  4. Awareness and communication efforts to the citizens of Athens and County via workshops and get the vote out campaign leading up to May 4<sup>th</sup> referendum

Mayor Montgomery requested a Work Session for Friday, April 12, 2019 at 3:00 p.m. to further discuss in depth the Steering Committee’s plan that was presented. Mayor Montgomery encouraged the Citizens to attend the meeting.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY, CONCERNING THE APPROVAL OF A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A MUTUAL NON-BINDING MEMORANDUM OF INTENT AND UNDERSTANDING WITH THE CAIN FOUNDATION AND MURCHISON FOUNDATION AND TO PROCEED WITH A CITIZENS VOTE DURING A SPECIAL ELECTION ON MAY 4, 2019 FOR THE CITY OF ATHENS CIVIC AND AQUATIC CENTER RENOVATION (CAIN CENTER PROJECT)

Elizabeth Borstad, City Manager, explained Mr. Grant provided the agreement from the Murchison Foundation for the City Council to consider.

A motion was made by Councilwoman Clay, seconded by Councilmember Smith to approve a Resolution authorizing the Mayor to enter into a Mutual Non-Binding Memorandum of Intent and Understanding with the Cain Foundation and Murchison Foundation and to proceed with a citizens vote during a Special Election on May 4, 2019 for the City of Athens Civic and Aquatic Center Renovation. (Cain Center Project) The motion carried unanimously.

CONSENT AGENDA

- a) CONSIDER APPROVING THE MINUTES OF THE MARCH 25, 2019 REGULAR SESSION
- b) CONSIDER APPROVING THE MINUTES OF THE MARCH 26, 2019 WORK SESSION
- c) CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO 2019 T-HANGAR LEASE AGREEMENT WITH ALAN COLEMAN FOR T-HANGAR NO. 9 AT ATHENS MUNICIPAL AIRPORT
- d) CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO LEASE AGREEMENT WITH TRINITY VALLEY COMMUNITY COLLEGE FOR USE OF CAIN PARK PHASE I, FIELD 3
- e) CONSIDER A MUTUAL AGREEMENT AND UNDERSTANDING BETWEEN THE CITY OF ATHENS, TRINITY VALLEY COMMUNITY COLLEGE, AND HENDERSON COUNTY GIRLS SOFTBALL ASSOCIATION
- f) CONSIDER A REQUEST FROM WILLIAM AND SHERI ROBSON FOR APPROVAL OF THE FINAL PLAT OF A 35.33-ACRE TRACT OF THE THOMAS HELMS SURVEY, ABSTRACT 335 AND THE JOSEPH STEVEN SURVEY, ABSTRACT 729 CREATING LOTS 1 AND 2, BLOCK 1 OF THE TANNEHILL ACRES SUBDIVISION. (800 TANNEHILL WAY)

**g) CONSIDER FINAL READING OF A RESOLUTION SUPPORTING ATHENS ECONOMIC DEVELOPMENT CORPORATION'S BUSINESS ASSISTANCE GRANT TO JOHN JOHNSON IN AN AMOUNT UP TO \$12,500**

Bonnie Hambrick, City Secretary, read the caption of the Resolution aloud. 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 ADOPTING DROUGHT CONTINGENCY PLAN**

Ms. Borstad explained the City is required to adopt a Drought Contingency Plan and this is the final reading of the Ordinance.

Ms. Hambrick 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 adopting Drought Contingency Plan. 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

**PUBLIC HEARING 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 item is the 3.6-acre property of the former location of the old hospital. She explained the current zoning is MF-5. She stated from previous direction from the City Council, staff is proposing a zoning change to Planned Development with Multi-Family – 2 base zoning (PD/MF-2) for duplex use so the property can be sold for private development. She further stated a site plan must be approved.

Notification letters were mailed to the nineteen surrounding property owners within two hundred feet. One approval and zero protests were returned. The Future Land Use Plan designates this area as Low Density Residential. Ms. Sloan stated The Planning & Zoning Commission voted unanimously to approve this request during the April 1, 2019 Regular Meeting.

The Public Hearing was opened.

The Public Hearing was closed.

**DISCUSS FIRST 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**

Ms. Hambrick read the caption of the Ordinance aloud.

PUBLIC HEARING 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 construction on the property. Notification letters were mailed to the eleven surrounding property owners within two hundred feet. No responses have been returned. The Future Land Use Plan designates this area as Low Density Residential and the Planning & Zoning Commission members voted to approve the item.

The Public Hearing was opened.

The Public Hearing was closed.

DISCUSS FIRST 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. Hambrick read the caption of the Ordinance aloud.

PUBLIC HEARING 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

Ms. Sloan explained the property is located on East Tyler Street to the east of Braum's and the motel on the corner. She stated the current zoning of the property is Planned Development -1 with a Retail base specific use permit is required for the proposed use in Retail zoning. The applicant is proposing to demolish the existing residential structure on the property and construct a new 3,133 square foot automatic carwash with 15 vacuum stations. She stated the structure will have a CMU and stucco façade with an asphalt shingle roof. She presented the proposed site plan, and stated the landscaping plan is compliant with the City's landscaping ordinance.

Ms. Sloan presented the proposed signage package:

- One wall sign is to be placed on the façade facing East Tyler Street. The wall sign consists of illuminated channel letters that spell "CAR WASH". The area of the sign is roughly 54 square feet
- One monument sign is to be placed ten feet off the property line fronting East Tyler Street. The monument sign is 128" tall. She stated the sign is larger than what is allowed by the Sign Ordinance. The monument sign is 128" tall and consists of a double-faced sign panel on top of a double-faced electronic message board
- Four small directional/informational signs are to be placed on the site.

Ms. Sloan explained notification letters were mailed to the eleven surrounding property owners within two hundred feet. No responses were returned and the Future Land Use Plan designates this area as Retail. She stated the Planning & Zoning Commission voted to unanimously to approve the request with the stipulation that the electronic message board sign shall not strobe or be operated in any such manner as to cause a distraction or nuisance.

Jose River, stated he wanted two (2) entrances, but he was informed by TxDOT only one entrance was allowed. He stated he wanted a big sign, however, if the City Council opposes the bigger sign he will adjust it.

After discussion it was the consensus of the City Council that proposed signage complies with regulations within the Sign Ordinance.

The Public Hearing was opened.

Anne Perryman stated that an electronic message directly across the street from a residence is not allowed. She asked what message would be advertised with Mr. Millsap stating the hours of operation, and special events. Ms. Sloan explained the Ordinance states no lighted sign shall be displayed within 150 ft. of a residential district unless the lighting is shielded from a residential district.

Chet Patel stated the signage size should remain consistent with the Sign Ordinance.

The Public Hearing was closed.

DISCUSS FIRST 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

Ms. Hambrick read the caption of the Ordinance aloud.

PUBLIC HEARING CONCERNING A REQUEST FROM JOSH MILLSAP OF STANTEC CONSULTING SERVICES FOR APPROVAL OF THE REPLAT OF LOTS 4 AND 15, BLOCK B OF THE MATTHEWS ADDITION OF THE T. PARMER SURVEY, ABSTRACT 782 CREATING LOT 1, BLOCK 1 OF THE USA EXPRESS ADDITION. (714 EAST TYLER STREET)

Ms. Sloan explained the item is the proposed replat for 714 East Tyler Street. She stated the replat is combining two (2) lots into one (1) lot and the replat does conform to the City's subdivision and zoning ordinances.

The Public Hearing was opened.

The Public Hearing was closed.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY, CONCERNING A REQUEST FROM JOSH MILLSAP OF STANTEC CONSULTING SERVICES FOR APPROVAL OF THE REPLAT OF LOTS 4 AND 15, BLOCK B OF THE MATTHEWS ADDITION OF THE T. PARMER SURVEY, ABSTRACT 782 CREATING LOT 1, BLOCK 1 OF THE USA EXPRESS ADDITION. (714 EAST TYLER STREET)

A motion was made by Councilmember Smith, seconded by Councilmember Gross to approve the replat of Lots 4 and 15, Block B of the Matthews Addition of the T. Parmer Survey, Abstract 782 creating Lot 1, Block 1 of the USA Express Addition. (714 East Tyler Street). The motion carried unanimously.

PUBLIC HEARING CONCERNING A REQUEST FROM RANDAL AND DEBBIE ROME FOR APPROVAL OF THE REPLAT OF LOTS 82, 83 AND 84 OF THE OAKWOOD ADDITION, UNIT 1 OF THE DAVID CHERRY SURVEY, ABSTRACT 135 CREATING LOT 82-A. (CHARLYA DRIVE)

Ms. Sloan explained the replat is located in the City's extraterritorial jurisdiction (ETJ) on the south side of Lake Athens with the proposed replat combining three (3) separate lots into one lot for new residential construction. Notification was sent to the ten surrounding property owners within 200 feet. One approval and one protest were returned. She stated the replat does conform with the City's subdivision and zoning ordinances.

The Public Hearing was opened.

The Public Hearing was closed.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY, CONCERNING A REQUEST FROM RANDAL AND DEBBIE ROME FOR APPROVAL OF THE REPLAT OF LOTS 82, 83 AND 84 OF THE OAKWOOD ADDITION, UNIT 1 OF THE DAVID CHERRY SURVEY, ABSTRACT 135 CREATING LOT 82-A. (CHARLYA DRIVE)

A motion was made by Councilmember Gross, seconded by Councilmember McCain to approve the replat of Lots 82, 83 and 84 of the Oakwood Addition, Unit 1 of the David Cherry Survey, Abstract 135 creating Lot 82-A. (Charlya Drive). The motion carried unanimously

PUBLIC HEARING CONCERNING A REQUEST FROM DOUGLAS AND VICKIE JO HARLESS FOR APPROVAL OF THE REPLAT OF LOT 5, BLOCK LARGE LOT 4 OF THE T. PARMER SURVEY, ABSTRACT 782 CREATING LOTS 5A & 5B. (400-412 NORTH PRAIRIEVILLE STREET)

Ms. Sloan explained property, known as Athens Alley, is located on North Prairieville Street north of East Larkin Street. The property owner is re-platting the property into two separate lots in order to sell one of the lots. She stated the replat does conform with the City's subdivision and zoning ordinances. Mr. Harless stated the intent is to possibly bring in another business.

The Public Hearing was opened.

The Public Hearing was closed

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY, CONCERNING A REQUEST FROM DOUGLAS AND VICKIE JO HARLESS FOR APPROVAL OF THE REPLAT OF LOT 5, BLOCK LARGE LOT 4 OF THE T. PARMER SURVEY, ABSTRACT 782 CREATING LOTS 5A & 5B. (400-412 NORTH PRAIRIEVILLE STREET)

A motion was made by Councilmember McCain, seconded by Councilwoman Clay to approve request from Douglas and Vickie Jo Harless for approval of the replat of Lot 5, Block Large Lot 4 of the T. Parmer Survey, Abstract 782 creating Lots 5A & 5B. (400-412 North Prairieville Street). The motion carried unanimously.

PUBLIC HEARING CONCERNING A REQUEST FROM FRANCISCO BALDERAS FOR APPROVAL OF THE REPLAT OF LOTS 12A AND 12B OF BLOCK 1 OF THE EDWIN HART ADDITION OF THE T. PARMER SURVEY, ABSTRACT 782 CREATING LOT 12-C. (521 AND 523 WEST LARKIN STREET)

Ms. Sloan stated this property is located at the intersection of West Larkin Street and York Street with the property owner requesting to re-plat the two existing lots into one for commercial development.

The re-platted lot is triangular and has a front yard setback of 25' from both West Larkin Street and York Street. This leaves a small buildable area in the center of the lot approximately 1,200 square feet in area. The minimum square footage for a dwelling unit is 800 square feet.

Ms. Sloan stated notification letters were sent to the sixteen surrounding property owners within two hundred feet. No responses were returned. She further stated two (2) approvals were received after the packet was made. The replat does conform to the City's subdivision and zoning ordinances.

The Public Hearing was opened.

The Public Hearing was closed

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY, CONCERNING A REQUEST FROM FRANCISCO BALDERAS FOR APPROVAL OF THE REPLAT OF LOTS 12A AND 12B OF BLOCK 1 OF THE EDWIN HART ADDITION OF THE T. PARMER SURVEY, ABSTRACT 782 CREATING LOT 12-C. (521 AND 523 WEST LARKIN STREET)

A motion was made by Councilwoman Clay, seconded by Councilmember Gross to approve the replat of Lots 12A and 12B of Block 1 of the Edwin Hart Addition of the T. Parmer Survey, Abstract 782 creating Lot 12-C. (521 and 523 West Larkin Street). The motion carried unanimously.

PUBLIC HEARING CONCERNING A REQUEST FROM WILLIAM AND ROBIN PRIESTLY FOR APPROVAL OF THE REPLAT OF LOT 6 OF BLOCK 1 OF THE CEDAR CREST ADDITION AND LOT 2E OF BLOCK 57 OF ATHENS ORIGINAL TOWN OF THE T. HELMS SURVEY, ABSTRACT 335 CREATING LOT 6-A (805 HUMPHREY STREET)

Ms. Sloan explained the property is located on Humphrey Street and Lovers Lane and the replat is combining two lots into one for construction of an accessory building. Notification letters were sent to the twenty-five surrounding property owners within two hundred feet. Two approvals and zero protests were returned. The replat does conform to the City's subdivision and zoning ordinances.

The Public Hearing was opened.

Ms. Swan asked if the zoning would be made commercial, with Ms. Sloan stating zoning is Single Family 5 and the property could not be used for commercial purposes.

The Public Hearing was closed

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY, CONCERNING A REQUEST FROM WILLIAM AND ROBIN PRIESTLY FOR APPROVAL OF THE REPLAT OF LOT 6 OF BLOCK 1 OF THE CEDAR CREST ADDITION AND LOT 2E OF BLOCK 57 OF ATHENS ORIGINAL TOWN OF THE T. HELMS SURVEY, ABSTRACT 335 CREATING LOT 6-A (805 HUMPHREY STREET)



A motion was made by Councilmember Gross, seconded by Councilmember McCain to approve the replat of Lot 6 of Block 1 of the Cedar Crest Addition and Lot 2E of Block 57 of Athens Original Town of the T. Helms Survey, Abstract 335 creating Lot 6-A (805 Humphrey Street). The motion carried unanimously.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY, CONCERNING THE APPROVAL OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT AWARDDING BID TO DOGGETT (TYLER, TEXAS) FOR WHEEL LOADER

Ms. Borstad explained staff is requesting the item be removed from the agenda to allow additional time to research proposals that were submitted. The item was tabled.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY, CONCERNING THE APPROVAL OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT AWARDDING BID TO DOGGETT (TYLER, TEXAS) FOR RUBBER TIRE ROLLER

Thanasis Kombos, Public Works Director, explained request for proposals were submitted for a Rubber Tire Roller. He stated five (5) bids were received on March 25, 2019. He stated the amount includes the remainder of the warranty.

A motion was made by Councilmember Smith, seconded by Councilwoman Clay to approve a Resolution authorizing the City Manager to enter into an agreement awarding bid to Doggett (Tyler, Texas) for Rubber Tire Roller. The motion carried unanimously.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY, CONCERNING THE APPROVAL OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT AWARDDING BID TO SIDDON'S MARTIN EMERGENCY GROUP FOR ENGINE 2

Russell Marshall, Fire Chief, introduced Brock Bozeman, Firefighter. Mr. Bozeman presented the findings of the apparatus committee. Mr. Bozeman stated staff recommends that the bid for Engine 2 be awarded to Siddons Martin Emergency Group.

A motion was made by Councilwoman Clay, seconded by Councilmember Smith to approve a Resolution authorizing the City Manager to enter into an agreement awarding bid to Siddons Martin Emergency Group for Engine 2. The motion carried unanimously.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY, CONCERNING THE APPROVAL OF A RESOLUTION AUTHORIZING PURCHASE, AND FINANCING FOR WHEEL LOADER FROM U.S. BANCORP GOVERNMENT LEASING AND FINANCE, INC. AND AUTHORIZING CITY MANAGER AND/OR MAYOR TO EXECUTE ALL REQUIRED FUNDING DOCUMENTS

The item was tabled.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY, CONCERNING THE APPROVAL OF A RESOLUTION AUTHORIZING PURCHASE, AND FINANCING FOR RUBBER TIRE ROLLER FROM U.S. BANCORP GOVERNMENT LEASING AND FINANCE, INC. AND AUTHORIZING CITY MANAGER AND/OR MAYOR TO EXECUTE ALL REQUIRED FUNDING DOCUMENTS

Ms. Quigg explained proposals for the lease financing of a Rubber Tire Roller were opened on March 20, 2019 with three (3) companies submitted quotations. She stated staff recommends the 3-year term at 2.67% interest with U.S. Bancorp Government Leasing and Finance, Inc.

A motion was made by Councilmember Gross, seconded by Councilmember McCain to approve a Resolution authorizing purchase and financing for Rubber Tire Roller from U.S. Bancorp Government Leasing and Finance, Inc. and authorizing City Manager and/or Mayor to execute all required funding documents. The motion carried unanimously.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY,  
CONCERNING THE APPROVAL OF A RESOLUTION AUTHORIZING  
PURCHASE, AND FINANCING FOR FIRE APPARATUS FROM  
U.S. BANCORP GOVERNMENT LEASING AND FINANCE, INC. AND  
AUTHORIZING CITY MANAGER AND/OR MAYOR TO EXECUTE ALL  
REQUIRED FUNDING DOCUMENTS

Ms. Quigg explained proposals for leasing financing of Fire apparatus (Engine 2) were opened on March 20, 2019 with three (3) companies submitted quotations. She stated staff recommends t Council approve the 10-year term at 2.97% interest with U.S. Bancorp Government Leasing and Finance, Inc.

A motion was made by Councilmember Smith, seconded by Councilwoman Clay to approve a Resolution authorizing purchase, and financing for fire apparatus from U.S. Bancorp Government Leasing and Finance, Inc. and authorizing City Manager and/or Mayor to execute all required funding documents. The motion carried unanimously.

The City Council recessed at 7:43 p.m.

The City Council returned to Regular Session at 7:50 p.m.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY,  
CONCERNING THE EXECUTIVE EMPLOYMENT AGREEMENT BETWEEN  
ATHENS ECONOMIC DEVELOPMENT CORPORATION BOARD OF  
DIRECTORS AND LISA DENTON, EXECUTIVE DIRECTOR

Mayor Montgomery explained that during a work session, discussion occurred regarding long term plans and commitments for the City and preparing for the upcoming budget. Expenses of the Economic Development Corporation were also discussed. He stated it was determined that the City Council had not seen the employment agreement of the AEDC Executive Director, Lisa Denton. He stated the agreement does bind the Citizens of Athens and as representatives of the citizens the contract needs to be looked at.

Councilmember Gross stated that in the course of recent research it has come to Council's attention that the City Council is to approve all expenditures of any corporation the city has formed and that has not been done.

Mayor Montgomery stated he is questioning the severance package within the contract.

Councilmember Gross stated the severance package is his concern as well as the term of the employment contract. Councilmember Gross further stated that the AEDC is the marketing department for the City of Athens and most companies do not provide severance packages to marketing staff.

Councilmember Smith stated the severance package is an issue, and the open ended contract is a separate issue for him, however, he did not find problems with the rest of the contract.

Jeaneane Lilly, President, of Athens Economic Development Board of Directors, stated since Ms. Denton's hiring in 2015, the severance package has been in the contract. She stated that the language within the contract is common for someone who has the expertise and education that Ms. Denton has. Regarding the term, Ms. Lilly stated, Ms. Denton was on a two (2) year term and this past year the term was left off. She stated if this needs to be changed the AEDC Board can put this back in. Ms. Lilly reiterated that the severance package has been in the contract since 2015.

Mayor Montgomery asked for advice from legal counsel.

Blake Armstrong, City Attorney, stated two (2) provisions of the Local Government Code are relevant. He explained the following provisions in the Local Government Code:

- 501.073 all expenditures of an EDC must be approved by the City Council

Mr. Armstrong stated the other section relevant to the discussion moving forward with the EDC whether it is an employment agreement or any other facet of the EDC management, operations or activities is 501.401. He stated these provisions give the City Council a tremendous amount of authority and discretion on all things for the EDC.

- 501.401. City Council may alter the structure, organization, programs, or activities of the EDC; or by Resolution the City Council can terminate the EDC

Mr. Armstrong stated the City Council has the statutory and legal obligation and ability to review an employment contract.

Discussion occurred regarding the removal of the severance package language from the contract.

Councilwoman Clay asked how common a severance package is for an EDC director. Ms. Borstad stated she is sure there are EDC directors who get a severance package. She stated the make-up of an EDC is different in every city. Councilwoman Clay stated she has less concern with the severance package. She stated she felt there should be a contract term.

Mayor Montgomery stated he has concerns with extended contracts. Ms. Denton stated she was informed that she could have an opened ended contract to match the City Manager's.

Mayor Montgomery stated he had mentioned in a meeting that the City Manager had an employment agreement and not a year to year contract.

Councilmember McCain stated the two roles are not the same and the EDC and City Manager contracts do not compare.

Councilmember McCain stated in reviewing the performance of AEDC, questions were raised about what has been done in recruiting businesses and retaining businesses here, and how much of the taxpayer's money was being spent. He stated the City Council had a Work Session on March 26, 2019 and a lot of concerns were expressed regarding how money was being spent and the productivity of the AEDC, which must be approved by the City Council and that is the hierarchy.

Councilmember McCain further stated a lot of tax dollars spent over the last five (5) years between payroll, personnel and marketing, in the amount of \$1.2 Million Dollars with one (1) business recruited to Athens. He stated this is the beginning of the Council getting more involved with AEDC. Councilmember McCain expressed concern with severance package language and the open ended contract of the executive director.

A motion was made by Councilmember Gross, seconded by Councilmember McCain that the Athens Economic Development Corporation amends the contract of the Executive Director for there to be a term and the severance portion of the contract. The motion carried unanimously.

MAYOR AND CITY COUNCIL'S REQUEST FOR FUTURE AGENDA ITEMS

Councilmember McCain requested staff research how uncollectable court fines can be removed from the accounting books as they are listed as revenue.

Ms. Hambrick read aloud the following future agenda items:

- Building Codes will appear on the next agenda
- Staff working to schedule Joint Meeting with Athens Economic Development Corporation
- Pending Joint Meeting with TxDOT Representative

Ms. Borstad announced the Texan Business Plan and the Texan Summer Concert Schedule will appear on the next agenda.

ADJOURN

The meeting adjourned at 8:20 p.m.

PASSED AND APPROVED THIS THE 22<sup>nd</sup> DAY OF APRIL, 2019.

\_\_\_\_\_  
Monte Montgomery, Mayor

ATTEST:

\_\_\_\_\_  
Bonnie Hambrick, City Secretary