

REGULAR SESSION

SEPTEMBER 28, 2020

The City Council of the City of Athens met in Regular Session on Monday, September 28, 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

Elizabeth Borstad, City Manager
Bonnie Hambrick, City Secretary
Sissy Geddie, Administrative Assistant

Staff Present: Rodney Williams, Interim Chief of Police; Mandie Quigg, Director of Finance; Audrey Sloan, Director of Development Services; Joanie Ahlers, Economic Development Director; Steven Green, Municipal Judge.

others present: Michael Hannigan, Sytonia Freeman, Mark Pflugar, Janice Vaughn, Pam Key, Bryan Barker

with the following member absent: Toni Clay

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

INVOCATION

The Invocation was given by Mayor Monte Montgomery.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

DECLARATION OF CONFLICT OF INTEREST

Mayor Montgomery filed a Conflict of Interest on agenda item #10) final reading of an Ordinance concerning a request from Frank & Emmanuel Zea for approval of a Specific Use Permit for a manufactured home in a Single-Family – 5 (SF-5) zoning district for Lot 3A, Block 89 of Athens Original Town, T. Parmer Survey, A-782, also known as 204 South Gauntt Street.

PUBLIC COMMUNICATIONS

There was no discussion.

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

Bonnie Hambrick, City Secretary, read the following letter from Bonnie Mellett regarding the California wildfires.

Dear Athens Fire Fighters,

I am writing this to you to thank you for going to help in only ways that trained people known as firefighters can do this job.

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I praise you for sacrificing your time and your families to help others in dire need. I know you feel a need and are always ready when called to respond to be of help. Thank you from the bottom of my heart.

It makes people feel hopeless until they see fire trucks and firefighting personnel drive up. There is a sense of relief in a way and we have hopeful hearts. You are a blessing to these people in need and we hope you can spare any more loss of lives taken by this wicked fire.

I know families have worried about losing family, family talking of being in harm's way, praying they find safety somewhere. It is hard not knowing where our people are and how they are managing. They are relying on help to rescue them as soon as possible.

Your dedication to your job is a high priority. Thank you again for your service to all mankind & life. Please let us know if there is any way we can help.

Sincerely Bonnie Mellott

California Zion Church

Mayor Montgomery commented, "What a wonderful letter."

Mayor Montgomery asked Ms. Borstad if there were any updates on the firefighters from Athens. Ms. Borstad replied, that the three (3) firefighters that were in California are now getting ready to return home. She stated the firefighters will switch out with three (3) firefighters trained and certified in this area. She explained not all of the firefighters are certified in that program and the most the City will send out at one time is three (3) and those three (3) will then rotate into a fourteen (14) day cycle. Ms. Borstad stated, "When you see the list of communities throughout Texas who are helping in California, it is amazing."

CONSENT AGENDA:

- a) CONSIDER APPROVING MINUTES OF THE SEPTEMBER 14, 2020 REGULAR SESSION**
- d) CONSIDER THE APPOINTMENT OF PRESIDENT, VICE PRESIDENT, SECRETARY AND TREASURER FOR ATHENS ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS**
- e) CONSIDER A RESOLUTION ESTABLISHING TWO TEXPOOL BANK ACCOUNTS FOR THE CITY OF ATHENS, TEXAS, WATERWORKS AND SEWER SYSTEM REVENUE BONDS, SERIES 2020A", DEBT SERVICE RESERVE AND PROJECT ACCOUNT FOR TWDB PROJECT #73885**
- f) AUGUST 2020 MONTHLY REVENUE AND EXPENSE REPORT**

Mayor Montgomery asked that item b) Consider the appointment of Donna Meredith to fill an expired term on the Athens Economic Development Corporation Board of Directors and c) Consider the reappointments of John Trent and Morgan Jones to the Athens Economic Development Corporation Board of Directors be removed from the Consent Agenda for further discussion.

A motion was made by Councilmember McCain, seconded by Councilmember Smith to approve items a) d) e) and f) of the Consent Agenda. The motion carried unanimously.

- b) CONSIDER THE APPOINTMENT OF DONNA MEREDITH TO FILL AN EXPIRED TERM ON THE ATHENS ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS**

Mayor Montgomery commended AEDC Director, Joanie Ahlers, on the process brought forward in choosing a member to the AEDC Board of Directors. He stated there were some wonderful citizens brought forward for this process all of which are assets to the City.

Councilmember Smith thanked Mrs. Hunt for her service to the AEDC Board.

A motion was made by Councilmember McCain, seconded by Councilmember Gross to approve item b) the appointment of Donna Meredith to fill an expired term on the Athens Economic Development Corporation Board of Directors. The motion carried unanimously.

c) CONSIDER THE REAPPOINTMENTS OF JOHN TRENT AND MORGAN JONES TO THE ATHENS ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS

Mayor Montgomery stated that Mr. Trent and Mr. Jones are outstanding members of the AEDC Board and citizens of Athens.

A motion was made by Councilmember McCain, seconded by Councilmember Smith to approve item c) the reappointments of John Trent and Morgan Jones to the Athens Economic Development Corporation Board of Directors. The motion carried unanimously.

DISCUSS A REQUEST FROM JANICE LODEN VAUGHN OF DILLON MANUFACTURING FOR APPROVAL OF THE CLOSURE AND ABANDONMENT OF A PORTION OF NEEDMORE STREET RIGHT-OF-WAY RUNNING NORTH AND SOUTH BETWEEN LOT 8, LOT 12B AND LOT 12C OF BLOCK 107 AND LOT 2, LOT 3A, LOT 18A OF BLOCK 109 OF THE B. C. WALTERS SURVEY A-797

Audrey Sloan, Director of Development Services, presented the item and explained the request is for the closure of a portion of Needmore Street that is adjacent to the property owned and occupied by the company.

Ms. Sloan presented images for the requested closure with access points.

Ms. Janice Loden Vaughn, President of Dillon Manufacturing, stated she is requesting the approval and closure of the street due to the purchase of the surrounding property.

Ms. Sloan further explained there are no City water or sewer lines located within the area to be closed. She stated there are gas and electric utility lines and both ONCOR and Atmos are requesting utility easements to be retained over their respective infrastructure. The Fire Department and the Public Works Department are requesting a cul-de-sac or turnaround to be reserved at the end of Needmore Street. This will provide emergency vehicles and other service vehicles a place to turn around.

Discussion occurred regarding the turning radius for emergency vehicles and what the emergency vehicles would need.

DISCUSS MUNICIPAL COURT ACCOUNTS RECEIVABLE COLLECTION EFFORTS

Mandie Quigg, Finance Director, presented Municipal Court Historical Fines & Fees Receivable and discussed reports provided by McCreary, Veselka, Bragg & Allen, P.C. (MVBA) for the collection of delinquent fines.

Councilmember Gross asked staff in the future, when researching collection agencies, to look at the historical data of the agencies and their rate of return for collection activity.

Discussion occurred.

Steven Green, Municipal Court Judge, explained how he works with defendants and provides necessary time needed to pay the fine while adhering to state law.

DISCUSS FIRST 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 City received financial assistance from the Texas Water Development Board to provide financial assistance totaling \$1,546,404 from the Clean Water State Revolving Fund to the City of Athens which consists of a pledge and lien on Net Revenues of the City’s combined water and sewer system for \$1,080,000 in revenue bonds and Principal Forgiveness Agreement in the amount of \$466,404 for the Pinkerton Street project. She stated the Ordinance authorizes the issuance of the “City of Athens, Texas, Waterworks and Sewer System Revenue Bonds, Series 2020A”.

Ms. Hambrick read the caption of the Ordinance aloud.

Mayor Pro Tem McCain conducted the meeting.

CONSIDER FINAL READING OF AN ORDINANCE CONCERNING A REQUEST FROM FRANK & EMMANUEL ZEA FOR APPROVAL OF A SPECIFIC USE PERMIT FOR A MANUFACTURED HOME IN A SINGLE-FAMILY – 5 (SF-5) ZONING DISTRICT FOR LOT 3A, BLOCK 89 OF ATHENS ORIGINAL TOWN, T. PARMER SURVEY, A-782, ALSO KNOWN AS 204 SOUTH GAUNTT STREET

Ms. Hambrick read the caption of the Ordinance.

A motion was made by Councilmember Smith, seconded by Councilmember Gross to approve final reading of an Ordinance concerning a request from Frank & Emmanuel Zea for approval of a Specific Use Permit for a manufactured home in a Single-Family – 5 (SF-5) zoning district for Lot 3A, Block 89 of Athens Original Town, T. Parmer Survey, A-782, also known as 204 South Gauntt Street.

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

Monte Montgomery, Mayor	Abstained
Ed McCain, Mayor Pro Tem	Aye
Aaron Smith, Councilmember	Aye
Robert Gross, Councilmember	Aye
Voted in favor of the motion	3
Voted against the motion	0
Motion carried	3-0

Mayor Montgomery resumed as presiding Officer.

CONSIDER FINAL READING OF AN ORDINANCE CONCERNING A REQUEST FROM WINDSOR IRON AND METAL AND ATHENS REAL ESTATE INVESTMENT FOR APPROVAL OF A ZONING CHANGE FROM COMMERCIAL (C) TO INDUSTRIAL (I) AND A SPECIFIC USE PERMIT FOR SALVAGE, RECLAMATION, AND RECYCLING OF MATERIALS FOR LOTS 1 & 2 OF THE WINDSOR SUBDIVISION, B. C. WALTERS SURVEY, A-797 AND TRACT 126 OF THE B. C. WALTERS SURVEY, A-797, ALSO KNOWN AS 951 & 1100 US HIGHWAY 175 WEST

Audrey Sloan, Director of Development Services, presented additional pictures and information regarding the fencing at the north property line.

Mark Pflugar addressed the Council regarding the fencing.

After discussion, a motion was made by Councilmember Smith, seconded by Councilmember McCain to approve the final reading of an Ordinance concerning a request from Windsor Iron and Metal and Athens Real Estate Investment for approval of a zoning change from Commercial (C) to Industrial (I) and a Specific Use Permit for salvage, reclamation, and recycling of materials for Lots 1 & 2 of the Windsor Subdivision, B. C. Walters Survey, A-797 and Tract 126 of the B. C. Walters Survey, A-797, also known as 951 & 1100 US Highway 175 West. A screening fence shall be installed along the north property line of Lot 1 within 90 days of the closing. It was also stipulated that upon the sale of Lot 1, a screening fence shall be installed along both the north and south property lines of Lot 1 within 90 days of the closing.

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
Voted in favor of the motion	4
Voted against the motion	0
Motion carried	4-0

CONSIDER FINAL READING OF AN ORDINANCE AMENDING THE BUDGET FOR FISCAL YEAR ENDING SEPTEMBER 30, 2020

Ms. Quigg, explained the following two (2) additional updates were added to the budget amendment:

- The Cain Center Project will have an additional billing for September 2020 and since the project will meet thresholds it is anticipated that the \$500,000 reimbursement from both grants could be received and expended for work completed through September 2020.
- The Park/Prairieville/Clinton project has received its first invoice for materials on hand through 9/30/2020 in the amount of \$50,000.

A motion was made by Councilmember Smith seconded by Councilmember McCain to approve final reading of an Ordinance amending the budget for fiscal year ending September 30, 2020.

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

Voted in favor of the motion	4
Voted against the motion	0
Motion carried	4-0

CONSIDER FINAL READING OF AN ORDINANCE ESTABLISHING AND
ADOPTING CHAPTER 23 FEES AND COST OF SERVICES FOR THE CITY
OF ATHENS CODE OF ORDINANCES

Ms. Quigg explained water rates will remain the same in 2021 and in subsequent years the water rates will be addressed during the budget process.

Ms. Hambrick read the caption of the Ordinance.

A motion was made by Councilmember Gross, seconded by Councilmember McCain to approve final reading of an Ordinance establishing and adopting Chapter 23 Fees and Cost of Services for the City of Athens Code of Ordinances.

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

Voted in favor of the motion	4
Voted against the motion	0
Motion carried	4-0

MAYOR AND CITY COUNCIL'S REQUEST FOR FUTURE AGENDA
ITEMS

Ms. Borstad explained staff is currently working on an Ordinance regarding rental property and the item will appear on a future agenda.

TxDOT will present ideas on how to reduce left turn accidents.

Councilmember Gross requested TxDOT address standing water near Kiwanis Park.

Michael Hannigan read the following message from Facebook:

My name is Jamie Cook, I live in Auberry California. I want to say thank you from the bottom of my heart for your firefighters coming and helping with the Creek Fire. Sorry we didn't have Whataburger but I am eternally grateful. Thank you.

ADJOURN

The meeting adjourned at 6:31 p.m.

PASSED AND APPROVED THIS THE 12TH DAY OF OCTOBER 2020.

Monte Montgomery, Mayor

ATTEST:

Bonnie Hambrick, City Secretary