

SPECIAL SESSION

APRIL 9, 2014

The City Council of the City of Athens met in Special Session on Wednesday, April 9, 2014, 11:30 a.m. in the Council Chambers of the City Hall Annex with the following members present, to-wit:

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

Pam Burton, City Administrator  
Pam Watson, City Secretary  
Conor Bateman, City Attorney

others present: Glen Herriage, Gary Crecelius, Buddy Hill, John McQueary, David Hopkins, Sherri Skeeters, D.J. Warren, Tyler Hendrickson 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.

FINANCIAL REPORT

David Hopkins, Director of Finance, reported on the following:

- 1) Presented the February financials, including current cash balances
- 2) Discussed 2004 Bond Project, stating that the remaining Bond money will be used to match the current First Time Sewer Grant, which will leave approximately \$1 million dollars in interest for future water and wastewater projects
- 3) Reviewed the City's Bond Rating since 2004, stating that the Bond Rating has been raised from Baa2 to A-1 by Moodys Rating Agency
- 4) Audit for fiscal year ending 9/30/13 will be presented to the Council this month

DIRECTOR OF PLANNING & DEVELOPMENT'S REPORT

A) STATUS REPORT ON CURRENT & PROPOSED PROJECTS

Gary Crecelius, Director of Planning & Development, updated on the following:

- 1) Arabella of Athens, Gibson Rd., 16 units have been occupied
- 2) Tyler St. Plaza, two units have been occupied and one is being finished out for salon
- 3) Couple of new homes preparing for construction
- 4) Schlotzsky's/Cinnabon will be opening in old JD Tender's building in mid-May
- 5) Dialysis Center is looking at utilizing 1/3 of old Wulf Sporting Goods' building
- 6) Living For The Brand Cowboy Church is constructing 1,200 seat auditorium
- 7) Recently contacted by Architect for Cotton Patch Restaurant, should have construction documents in near future
- 8) Numerous remodels ongoing
- 9) Old San Luis restaurant is being remodeled for a new Seafood Restaurant

HEAR PRESENTATION FROM REPRESENTATIVES OF HENDERSON COUNTY HUMANE SOCIETY REGARDING OPERATION OF ANIMAL SHELTER

Casey Campbell, Attorney and representative for Henderson County Humane Society, presented the status of the Henderson County Humane Society (HCHS) Animal Shelter. He explained that they have a “no refusal” policy and a total of 4,594 animals were taken in 2013. He reviewed their operating expenses and funding currently received from Henderson County and the City of Athens. He explained that HCHS Animal Shelter is predicting that they will exhaust all of their emergency funds by the end of the year and without additional funding the Animal Shelter will be forced to close the doors when it’s contract expires at the end of the year. He stated that if the Animal Shelter closes, by State Law, the County and/or City will be forced to shoulder the burden of these animals. He stated that HCHS will also be making this presentation to Henderson County later today.

**HEAR REQUEST FROM D.J. WARREN REGARDING ATHENS FARMERS MARKET**

D.J. Warren, Athens Farmers Market Manager, explained that the Farmers Market no longer has access to restroom facilities that were previously available, requesting that the City consider some type of assistance with the problem, stating that she also plans to visit with Henderson County Judge Richard Sanders concerning the matter.

Ms. Warren requested authorization to continue to use the City Parking Lot for Farmers Market on Saturdays, and to add Wednesday evening markets due to requests from the farmers and citizens. She also explained the continued need for a covered facility for Farmers Market, stating that she is currently working on a marketing business plan for a Farmers Market Store. She also requested that Farmers Market be included in promotional publications.

City Administrator Pam Burton explained that Athens Farmers Market will need to provide current proof of insurance, and use of the parking lot will appear on the agenda Monday, April 14, 2014.

**HEAR REQUEST FROM D.J. WARREN REGARDING CELEBRATION OF ATHENS**

D.J. Warren expressed her desire to bring the Black-Eye Pea Festival back to Athens, while possibly working with the Cain Center and/or Henderson County, however, she stated that she had no additional information at this time.

**DISCUSS ITEMS FOR FUTURE AGENDAS;  
A) DISCUSS AUTHORIZING PAYMENT OF INVOICES, AS REJECTED BY  
ATHENS MUNICIPAL WATER AUTHORITY**

City Administrator Pam Burton explained that Athens Municipal Water Authority has denied the payment of two (2) invoices totaling \$370.86 for repairs at the water treatment plant. The item will appear on the agenda Monday.

**B) DISCUSS RENEWAL OF CONTRACT WITH TRINITY VALLEY COMMUNITY COLLEGE FOR USE OF CAIN PARK, PHASE I, FIELD 3**

Ms. Burton explained that this is renewal of the current contract with Trinity Valley Community College for use of Cain Park, Phase I, Field 3. The item will appear on the agenda Monday.

**C) DISCUSS RENEWAL OF CONTRACT WITH HENDERSON COUNTY GIRLS SOFTBALL ASSOCIATION FOR USE OF CAIN PARK, PHASE II, FIELDS 4 & 5**

Ms. Burton explained that this is renewal of the current contract with Henderson County Girls Softball Association for use of Cain Park, Phase II, Fields 4 & 5. The item will appear on the agenda Monday.

D) DISCUSS RENEWAL OF CONTRACT WITH CAIN CENTER, INC. FOR USE OF CAIN PARK, PHASE II, FIELD 6

Ms. Burton explained that this is renewal of the current contract with Cain Center, Inc. for use of Cain Park, Phase II, Field 6. The item will appear on the agenda Monday.

E) DISCUSS RENEWAL OF CONTRACT WITH ATHENS TEENAGE BASEBALL ASSOCIATION FOR USE OF COLEMAN PARK

Ms. Burton explained that this is renewal of the current contract with Athens Teenage Baseball Association for use of Coleman Park and the item will appear on the agenda Monday.

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

Ms. Burton explained that final reading of an Ordinance rezoning Lot 13, Block 37, Athens Original Town from Single-Family Residential-7 to Two-Family Residential (Duplex Homes) will appear on the agenda Monday.

G) DISCUSS APPOINTMENT TO ZONING COMMISSION

Ms. Burton reminded the Council that a vacancy remains on the Zoning Commission.

DISCUSS ITEMS FOR FUTURE CONSENT AGENDA;

A) DISCUSS APPROVING MINUTES OF THE MARCH 19, 2014 SPECIAL SESSION AND MARCH 24, 2014 REGULAR SESSION

This item will appear on the Consent Agenda.

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

There was no discussion.

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 173<sup>RD</sup> 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 Special Session.

CONSIDER ACTION RESULTING FROM DELIBERATIONS IN EXECUTIVE SESSION REGARDING PENDING LITIGATION IN CAUSE NO. 2013A-1145, ATHENS MUNICIPAL WATER AUTHORITY V. CITY OF ATHENS IN THE 173<sup>RD</sup> 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

No action was taken.

ADJOURN

The meeting was adjourned.

PASSED AND APPROVED THIS THE 28<sup>TH</sup> DAY OF APRIL, 2014.

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Jerry D. Vaught, Mayor

ATTEST:

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Pam Watson, City Secretary