

REGULAR SESSION

DECEMBER 14, 2020

The City Council of the City of Athens met in Regular Session on Monday, December 14, 2020, 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
Toni Clay, Mayor Pro Tem
Aaron Smith
Robert Gross
SyTanna Freeman

Elizabeth Borstad, City Manager
Bonnie Hambrick, City Secretary
Blake Armstrong, City Attorney

Staff Present: Rodney Williams, Interim Chief of Police; Mandie Quigg, Finance Director, Joanie Ahlers, Economic Development Director, Katie Birk, Tourism and Cultural Resources Coordinator; Audrey Sloan, Director of Development Services; Tim Perry, Public Works Director

others present: Michael Hannigan, Deborah Deas, Patricia Brown, Rich Flowers, Rev. Bill Burton

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

INVOCATION

The Invocation was given by Rev. Bill Burton.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

DECLARATION OF CONFLICT OF INTEREST

No action was taken.

PUBLIC COMMUNICATIONS

There was no discussion.

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

There were no updates.

CONSIDER FINAL READING OF AN ORDINANCE AMENDING THE
BUDGET FOR FISCAL YEAR ENDING SEPTEMBER 30, 2021

Mandie Quigg, Finance Director, explained the budget amendment includes the purchase of eight (8) light duty trucks. She explained three (3) Light Duty Trucks one (1) Streets Department one (1) Code Enforcement and one (1) Animal Control are from the General Fund and five (5) Light Duty Trucks are split between the following departments: one (1) Utility Administration three (3) Distribution & Collection and one (1) Wastewater Utility.

Bonnie Hambrick, City Secretary, read the caption of the Ordinance aloud.

A motion was made by Councilmember Gross, seconded by Councilwoman Freeman to approve final reading of an Ordinance amending the budget for Fiscal Year ending September 30, 2021.

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

Mayor Monte Montgomery	Aye
Mayor Pro Tem Toni Clay	Aye
Councilmember SyTanna Freeman	Aye
Councilmember Aaron Smith	Aye
Councilmember Robert Gross	Aye
Voted in favor of the motion	5
Voted against the motion	0
Motion carried	5-0

CONSENT AGENDA

- b) CONSIDER APPROVING MINUTES OF THE DECEMBER 10, 2020 SPECIAL SESSION**
- d) CONSIDER A RESOLUTION AWARDDING BID IFB-21-3401 FOR SKID STEER TRUCK LOADER AND ATTACHMENT AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH CLARK EQUIPMENT CO. IN THE AMOUNT OF \$66,883.96**
- e) CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN ADDENDUM TO THE EXISTING LAND LEASE AGREEMENT WITH ADDCO AVIATION FOR AREA 1 LOT #3 AT ATHENS MUNICIPAL AIRPORT.**
- f) CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF ATHENS AND ATXFM, INC. (DBA: ATHENS FARMERS MARKET) FOR THE TEMPORARY USE OF THE CITY PARKING LOT TO CONDUCT THE FARMERS MARKET HOLIDAY MARKET ON SATURDAY, DECEMBER 19, 2020**
- g) OCTOBER 2020 MONTHLY REVENUE AND EXPENSE REPORT**

Councilmember Gross requested item a) Consider approving minutes of the November 23, 2020 Regular Session be removed from the Consent Agenda.

Councilmember Smith requested item c) Consider a Resolution awarding Bid IFB-21-3401 for a light duty truck and authorizing the City Manager to enter into an agreement with Caldwell Country Chevrolet in the amount of \$208,347.00 be removed from the Consent Agenda for further discussion.

A motion was made by Councilmember Smith, seconded by Councilwoman Clay to approve items b, d, e, f and g of the Consent Agenda. The motion carried unanimously.

- a) CONSIDER APPROVING MINUTES OF THE NOVEMBER 23, 2020 REGULAR SESSION**

A motion was made by Councilwoman Clay, seconded by Councilmember Smith to approve item a) minutes of the November 23, 2020 Regular Session of the Consent Agenda.

The motion carried by the following vote: Ayes: Mayor Montgomery, Councilwoman Clay, Councilmember Smith, Councilwoman Freeman, Nays: None, Abstain: Councilmember Gross.

- c) CONSIDER A RESOLUTION AWARDDING BID IFB-21-3401 FOR A LIGHT DUTY TRUCK AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH CALDWELL COUNTRY CHEVROLET IN THE AMOUNT OF \$208,347.00

Councilmember Smith asked the type of warranty on the trucks; with Tim Perry, Public Works Director, explaining 100,000 miles on motor powertrain and 5yr/100,00 miles on the remaining vehicle. For correct information regarding warranty on trucks see minutes from the City Council Regular Session held on 12/21/2020.

A motion was made by Councilmember Gross, seconded by Councilwoman Freeman to approve a Resolution awarding Bid IFB-21-3401 for a light duty truck and authorizing the City Manager to enter into an agreement with Caldwell Country Chevrolet in the amount of \$208,347.00. The motion carried unanimously.

UPDATE ON RESERVE BALANCES FOR THE CITY OF ATHENS

Ms. Quigg provided an Update on Reserve Balances for the City of Athens. Ms. Quigg explained that the General Fund Emergency Reserve has 88.5 days of operating reserve for the General Fund. Ms. Quigg further reviewed other Account Balances.

During discussion Elizabeth Borstad, City Manager, stated staff would keep the reserve at 90 days with Budget adoption.

After discussion, it was the consensus of the City Council to increase the total number of Emergency Reserve to 90 days of operating expenditures for the General Fund by adding an additional 1.5 days.

PUBLIC HEARING CONCERNING A REQUEST FROM PATRICIA ANN BROWN FOR APPROVAL OF A SPECIFIC USE PERMIT FOR A MANUFACTURED HOME FOR LOT 5, BLOCK 2 OF THE BISHOP HEIGHTS ADDITION, T. PARMER SURVEY, A-782, ALSO KNOWN AS 307 ST. JOSEPH STREET

Audrey Sloan, Director of Development Services, presented the item. She explained the property is located on St. Joseph Street, a few lots east of Second Street, with the applicant proposing to install a new singlewide manufactured home on the property. The use of manufactured homes requires a SUP according to the zoning ordinance. She stated letters of notification were sent to the twenty (20) surrounding property owners within two hundred (200) feet and one (1) approval was returned. The Planning and Zoning Commission voted to recommend approval of the request.

Mayor Montgomery opened the Public Hearing, there were no comments.

The Public Hearing was closed.

DISCUSS FIRST READING OF AN ORDINANCE CONCERNING A REQUEST FROM PATRICIA ANN BROWN FOR APPROVAL OF A SPECIFIC USE PERMIT FOR A MANUFACTURED HOME FOR LOT 5, BLOCK 2 OF THE BISHOP HEIGHTS ADDITION, T. PARMER SURVEY, A-782, ALSO KNOWN AS 307 ST. JOSEPH STREET

Ms. Hambrick read the caption of the Ordinance aloud.

PUBLIC HEARING CONCERNING A REQUEST FROM R & B AGENCY FOR APPROVAL OF A SITE PLAN FOR A SINGLE-FAMILY RESIDENTIAL DEVELOPMENT IN A PLANNED DEVELOPMENT ZONING DISTRICT FOR LOTS 1-18 OF FIDDLER'S SQUARE OF THE PARK HIGHLANDS ADDITION NO. II, T. PARMER SURVEY, A-782, ALSO KNOWN AS 405 LINDSEY LANE

Ms. Sloan explained the 3.6-acre site is the former location of the old hospital. The zoning of the property was changed from Multi-Family – 5 (MF-5) to Planned Development with Multi-Family – 2 base zoning in the spring of 2019. She stated the new owner is proposing to develop the property as a single-family residential subdivision. Ms. Sloan stated notification letters were mailed to the nineteen surrounding property owners within two hundred feet. No responses have been returned and the Planning and Zoning Commission voted to recommend approval of the request. Ms. Sloan further stated the Civil Plans were submitted and reviewed by staff.

Ms. Sloan reviewed the document serving as the final plat. Mayor Montgomery asked if the contractor is required to re-curb, with Mr. Perry stating the contractor will have to place curbing in areas where curbing does not exist.

Ms. Sloan explained the owner is requesting sidewalks not be required.

There was a discussion regarding deed restrictions. City Attorney, Blake Armstrong, confirmed that the City would not be able to enforce deed restrictions but rather could enforce stipulations included in the Ordinance approving the site plan.

After discussion it was the consensus that the Ordinance be updated with the following stipulations:

- The minimum square footage of the living area of each dwelling unit (exclusive of porches, patios, terraces or driveways) on each lot shall not be less than 1,400 square feet.
- The front exterior wall facing the street (exclusive of doors, windows and gable areas) shall not be less than seventy-five percent (75%) brick, brick veneer, stone, stone veneer or stucco, with all exterior construction materials to be of standard grade and quality.
- All other walls (side and rear facing) shall not be less than fifty percent (50%) brick, brick veneer, stone, stone veneer or stucco, with all exterior construction materials to be of standard grade and quality.

Mayor Montgomery opened the Public Hearing. There were no comments.

The Public Hearing was closed.

DISCUSS FIRST READING OF AN ORDINANCE CONCERNING A REQUEST FROM R & B AGENCY FOR APPROVAL OF A SITE PLAN FOR A SINGLE-FAMILY RESIDENTIAL DEVELOPMENT IN A PLANNED DEVELOPMENT ZONING DISTRICT FOR LOTS 1-18 OF FIDDLER'S SQUARE OF THE PARK HIGHLANDS ADDITION NO. II, T. PARMER SURVEY, A-782, ALSO KNOWN AS 405 LINDSEY LANE

Ms. Hambrick read the caption of the Ordinance aloud.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY, CONCERNING A REQUEST FROM R & B AGENCY FOR APPROVAL OF THE FINAL PLAT OF LOTS 1-18 OF FIDDLER'S SQUARE OF THE PARK HIGHLANDS ADDITION NO. II, T. PARMER SURVEY, A-782, ALSO KNOWN AS 405 LINDSEY LANE

Ms. Sloan explained the final plat is serving as the site plan document.

A motion was made by Councilmember Gross, seconded by Councilwoman Clay to approve the final plat of Lots 1-18 of Fiddler's Square of the Park Highlands Addition No. II, T. Parmer Survey, A-782, also known as 405 Lindsey Lane. The motion carried unanimously.

PUBLIC HEARING CONCERNING A REQUEST FROM KATHERINE GEESLIN FOR APPROVAL OF THE REPLAT OF LOTS 1 & 2 OF LAKE FRONT SHORES, C. W. JACKSON SURVEY, A-393, CREATING LOTS 1-A, 2-A & 2-B, ALSO KNOWN AS 2301 LAKEFRONT SHORES. THIS PROPERTY IS LOCATED IN THE CITY'S EXTRATERRITORIAL JURISDICTION (ETJ)

Ms. Sloan explained the property is located in the ETJ North west of Athens. She stated the property is being replatted in three (3) lots for residential development with the existing home being located on Lot 2-A (the middle of the three lots). She further explained the plat is compliant with the City's Subdivision Ordinance and The Planning & Zoning Commission voted unanimously to recommend approval of the plat as submitted.

Mayor Montgomery opened the Public Hearing. There were no comments.

The Public Hearing was closed.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY, CONCERNING A REQUEST FROM KATHERINE GEESLIN FOR APPROVAL OF THE REPLAT OF LOTS 1 & 2 OF LAKE FRONT SHORES, C. W. JACKSON SURVEY, A-393, CREATING LOTS 1-A, 2-A & 2-B, ALSO KNOWN AS 2301 LAKEFRONT SHORES. THIS PROPERTY IS LOCATED IN THE CITY'S EXTRATERRITORIAL JURISDICTION (ETJ)

A motion was made by Councilmember Smith, seconded by Councilwoman Freeman to approve the replat of Lots 1 & 2 of Lake Front Shores, C. W. Jackson Survey, A-393, creating Lots 1-A, 2-A & 2-B, also known as 2301 Lakefront Shores. The motion carried unanimously.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY, CONCERNING A REQUEST FROM THE ATHENS ECONOMIC DEVELOPMENT CORPORATION FOR THE FINAL PLAT OF LOT 5 OF THE ATHENS INDUSTRIAL PARK, J. B. ATWOOD SURVEY, A-19, LOCATED ON ALLIANCE CIRCLE, ALSO KNOWN AS PROPERTY ID R1716

Ms. Sloan explained the property is located in the Athens Industrial Park at the end of Alliance Circle. She stated the current zoning of the property is Industrial. She explained the property is being platted for future commercial development with the plat being compliant with the City's Zoning & Subdivision Ordinances. She stated the Planning & Zoning Commission voted unanimously to recommend approval of the plat as submitted.

A motion was made by Councilmember Gross, seconded by Councilwoman Clay to approve a request from the Athens Economic Development Corporation for the final plat of Lot 5 of the Athens Industrial Park, J. B. Atwood Survey, A-19, located on Alliance Circle, also known as Property ID R1716. The motion carried unanimously.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY,
CONCERNING A REQUEST FROM LEAGUEVILLE ENTERPRISES LLC
FOR THE FINAL PLAT OF LOTS 1-9 OF WHISPERING OAKS, D. CHERRY
SURVEY, A-135, ALSO KNOWN AS PROPERTY ID R5645 & R135489.
THIS PROPERTY IS LOCATED IN THE CITY'S EXTRATERRITORIAL
JURISDICTION (ETJ)

Ms. Sloan explained the property is located in the City's extraterritorial jurisdiction on Lake Athens. She stated the property was previously owned by AMWA and was disannexed from the city limits earlier this year. The property is being platted into a residential subdivision with nine (9) lots with the plat being compliant with the City's Zoning & Subdivision Ordinances. She stated the Planning & Zoning Commission voted unanimously to recommend approval of the plat as submitted.

A motion was by Councilmember Gross, seconded Councilwoman Freeman to approve a request from Leagueville Enterprises LLC for the final plat of Lots 1-9 of Whispering Oaks, D. Cherry Survey, A-135, also known as Property ID R5645 & R135489. The motion carried unanimously.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY,
CONCERNING THE APPROVAL OF A RESOLUTION AUTHORIZING A
PERFORMANCE AGREEMENT BETWEEN THE CITY OF ATHENS AND
ATHENS ECONOMIC DEVELOPMENT CORPORATION FOR
CONSTRUCTION OF THE CAIN CENTER REMODEL

Joanie Ahlers, Economic Development Director, explained Athens Economic Development Corporation Board (AEDC) voted to authorize \$100,000 toward the construction of the Cain Center remodel. She stated AEDC held a public hearing and the Resolution will authorize the Performance Agreement.

A motion was by Councilwoman Freeman, seconded Councilwoman Clay to approve a Resolution authorizing a Performance Agreement between the City of Athens and Athens Economic Development Corporation for construction of the Cain Center remodel. The motion carried unanimously.

CONSIDER FINAL READING OF A RESOLUTION APPROVING ATHENS
ECONOMIC DEVELOPMENT CORPORATION'S COMMUNITY
DEVELOPMENT GRANT GUIDELINES AND AUTHORIZING A TOTAL
BUDGET AMOUNT OF \$75,000 FOR FISCAL YEAR 2021

Ms. Ahlers explained the item is the final reading of a Resolution approving Athens Economic Development Corporation's Community Development Grant Guidelines and authorizing a total budget amount of \$75,000 for Fiscal Year 2021. She stated AEDC held a Public Hearing and received two (2) positive comments

Ms. Hambrick read the caption of the Resolution aloud.

A motion was by Councilwoman Freeman, seconded Councilwoman Clay to approve final reading of a Resolution approving Athens Economic Development Corporation's Community Development Grant Guidelines and authorizing a total budget amount of \$75,000 for Fiscal Year 2021. The motion carried unanimously.

CONSIDER FINAL READING OF A RESOLUTION APPROVING ATHENS
ECONOMIC DEVELOPMENT CORPORATION'S BUSINESS ASSISTANCE
GRANT GUIDELINES AND AUTHORIZING A TOTAL BUDGET AMOUNT
OF \$75,000 FOR FISCAL YEAR 2021

Ms. Ahlers explained the item is final reading of a Resolution approving Athens Economic Development Corporation's Business Assistance Grant Guidelines and authorizing a total budget amount of \$75,000 for Fiscal Year 2021. She explained AECD held the public hearing and one positive comment was received.

Ms. Hambrick read the caption of the Resolution aloud.

A motion was made by Councilmember Gross, seconded by Councilwoman Freeman to approve final reading of a Resolution approving Athens Economic Development Corporation's Business Assistance Grant Guidelines and authorizing a total budget amount of \$75,000 for Fiscal Year 2021. The motion carried unanimously.

MAYOR AND CITY COUNCIL'S REQUEST FOR FUTURE AGENDA
ITEMS

Councilmember Gross expressed concern with traffic safety at Hwy 59 and Belmont.

Ms. Borstad stated Councilmember Smith has requested an item regarding paying off outstanding debt. She further stated the item will appear on a future agenda.

ADJOURN

The meeting adjourned at 6:17 p.m.

PASSED AND APPROVED THIS THE 21st DAY OF DECEMBER, 2020.

Monte Montgomery, Mayor

ATTEST:

Bonnie Hambrick, City Secretary