

REGULAR SESSION

MARCH 8, 2021

The City Council of the City of Athens met in Regular Session on Monday, March 8, 2021, 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
Aaron Smith
Robert Gross
SyTanna Freeman

Elizabeth Borstad, City Manager
Bonnie Hambrick, City Secretary

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

others present: Rich Flowers, Deborah Deas, Michael Hannigan, Donna Meredith, Mark Carroll, Traci Wilkes, Bill McMahon, Scott Fullingim, Brian Schutt, Steve Grant, Von Thomas.

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 Montgomery.

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

Elizabeth Borstad, City Manager, provided the following updates:

East Texas Arboretum

- Spring Flower Painting class – March 9th 6:30 p.m.

Keep Athens Beautiful

- Spring Clean-up – April 10th
- Electronic and Tire recycling Event – May 1st 8:00 a.m. – 11:30 a.m.

CONSENT AGENDA

- a) CONSIDER APPROVING MINUTES OF THE FEBRUARY 22, 2021 REGULAR SESSION
- b) CONSIDER A RESOLUTION REJECTING ALL BIDS PREVIOUSLY RECEIVED FOR THE POLICE STATION REMODEL AND AUTHORIZE STAFF TO REBID THE PROJECT
- c) CONSIDER APPROVING REVISIONS TO THE “COUNCIL RULES AND PROCEDURES”
- d) CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO LAND LEASE AGREEMENT FOR AREA 3 LOT 14 AT ATHENS MUNICIPAL AIRPORT, AS REQUESTED BY BILLY LIDE
- e) CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO LAND LEASE AGREEMENT FOR AREA 3A LOT 15 AT ATHENS MUNICIPAL AIRPORT, AS REQUESTED BY DEWAYNE CHAPMAN
- f) CONSIDER A RESOLUTION AWARDED THE CONTRACT TO PROSPERITY BANK FOR BANK DEPOSITORY SERVICES AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT
- g) CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF ATHENS AND OLD FIDDLERS REUNION FOR THE TEMPORARY USE OF THE CITY PARKING LOT, AS REQUESTED BY TRACI WILKES
- h) CONSIDER THE APPOINTMENT OF VON THOMAS TO THE PLANNING AND ZONING COMMISSION
- i) CONSIDER THE APPOINTMENT OF BRIAN SCHUTT TO THE PLANNING AND ZONING COMMISSION

Councilmember Smith requested agenda item **h)** Consider the appointment of Von Thomas to the Planning and Zoning Commission, and **i)** Consider the appointment of Brian Schutt to the Planning and Zoning Commission be removed from the Consent Agenda.

A motion was made by Councilmember Gross, seconded by Councilwoman Freeman to approve Consent Agenda items:

- a) Consider approving minutes of the February 22, 2021 Regular Session
- b) Consider a Resolution rejecting all bids previously received for the Police Station Remodel and authorize staff to rebid the project
- c) Consider approving revisions to the “Council Rules and Procedures”
- d) Consider a Resolution authorizing the City Manager to enter into Land Lease Agreement for Area 3 Lot 14 at Athens Municipal Airport, as requested by Billy Lide
- e) Consider a Resolution authorizing the City Manager to enter into Land Lease Agreement for Area 3A Lot 15 at Athens Municipal Airport, as requested by Dewayne Chapman
- f) Consider a Resolution awarding the contract to Prosperity Bank for Bank Depository Services and authorizing the City Manager to enter into a contract
- g) Consider a Resolution authorizing the City Manager to enter into an agreement between the City of Athens and Old Fiddlers Reunion for the temporary use of the City Parking Lot, as requested by Traci Wilkes

The motion carried unanimously.

- h) CONSIDER THE APPOINTMENT OF VON THOMAS TO THE PLANNING AND ZONING COMMISSION

Councilmember Smith thanked both Planning and Zoning appointments for coming aboard. He stated it is a great service they are doing; he also thanked Mark Carroll for his service on the Planning and Zoning Commission. He stated Mr. Carroll was a great Chairman and he did a great job.

A motion was made by Councilmember Smith seconded by Councilmember Gross to approve the appointment of Von Thomas to the Planning and Zoning Commission. The motion carried unanimously.

i) CONSIDER THE APPOINTMENT OF BRIAN SCHUTT TO THE
PLANNING AND ZONING COMMISSION

A motion was made by Councilwoman Freeman seconded by Councilmember Smith to approve the appointment of Brian Schutt to the Planning and Zoning Commission. The motion carried unanimously.

DISCUSS, CONSIDER, AND TAKE ACTION, AS NECESSARY,
CONCERNING THE APPOINTMENT OF A NEW MEMBER TO THE
ATHENS ECONOMIC DEVELOPMENT CORPORATION'S BOARD OF
DIRECTORS TO FILL THE UNEXPIRED TERM OF MORGAN JONES

Mayor Montgomery thanked Morgan Jones for his service on the board.

Councilmember Gross stated he was going to nominate Mark Carroll; however, Mr. Carroll has some scheduling conflicts.

Joanie Ahlers, Economic Development Director, stated many names were suggested, however, two (2) names stood out. Those were Mark "Boog" Ferrell and Roseanne Greene.

After discussion, a motion was made by Councilmember Smith, seconded by Councilmember Gross to appoint Mark "Boog" Ferrell to the Athens Economic Development Corporation's Board of Directors to fill the unexpired term of Morgan Jones. The motion carried unanimously.

UTILITIES UPDATE

Randy Williams, Utilities Director provided the following utilities update:

- Routine Activities - meter replacement 16% remaining to transition to AMRs
- Water Production
- Monthly Flow Report
- Utility Capital Projects Report
- Manhole Rehabilitation Project
- SCADA Project

Mayor Montgomery thanked Mr. Williams and his staff for all their work during the recent weather event.

Mr. Williams thanked the following employees:

Jeffrey McCann, Dean Burkhalter, Eric Davis, Mike Finney, and Marion Klutts.

HEAR UPDATE ON CAIN CENTER PROJECT

Ms. Borstad provided the following update on the Cain Center Project:

- Stud framing and sheathing for the elevator structure in progress
- Concrete poured at upper level extension to the elevator structure
- Drywall installation
- Drywall installation in kitchen
- Replace deck framing and cover with TREX decking
- Mechanical room work in progress
- Electrical panel installation in progress
- Ceramic tile installed at the pool

DISCUSS, CONSIDER, AND TAKE ACTION, AS NECESSARY, CONCERNING THE APPROVAL OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO ADD THE GLASS BLOCK WALL AND THE NEW EXTERIOR FRAMING AND TREX DECKING TO THE CAIN CENTER PROJECT AND INCLUDE ALL ASSOCIATED COSTS

Ms. Borstad explained the two (2) change order estimates:

- Glass block wall at a cost of \$25,680
- New framing and TREX Decking at a cost of \$30,550

After discussion, a motion was made by Mayor Montgomery, seconded by Councilmember Gross to approve the new exterior framing and Trex Decking to the Cain Center Project at a cost of \$30,550. The motion carried unanimously.

DISCUSS, CONSIDER, AND TAKE ACTION, AS NECESSARY, CONCERNING THE APPROVAL OF A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE WATER LINE EASEMENT AND RELEASE DOCUMENTS, FIRST AMENDMENT TO LETTER AGREEMENT, FULL AND FINAL RELEASE AND SETTLEMENT AGREEMENT

Ms. Borstad presented the item and explained the easement documents are related to the Powder River Ranch well site location.

A motion was made by Councilmember Smith, seconded by Councilmember Gross to approve a Resolution authorizing the Mayor to execute Water Line Easement and Release documents, First Amendment to Letter Agreement, Full and Final Release and Settlement Agreement. The motion carried unanimously.

PUBLIC HEARING CONCERNING A REQUEST FROM TRITON ATHENS I, LLC FOR APPROVAL OF A SITE PLAN AMENDMENT FOR LOTS 1-5, BLOCK 1 OF THE TRITON ATHENS SUBDIVISION, R.A. CLARK SURVEY A-171, ALSO KNOWN AS 1006, 1010 AND 1012 EAST TYLER STREET

Audrey Sloan, Director of Development Service, explained the site plan amendment request is for the Triton property located on East Tyler. She stated the proposal is to revise the layout of Lot 5 located in the southeast corner of the Triton Subdivision; all other lots will remain unchanged. The current proposal includes the addition of shared restroom facilities and outdoor dining areas to be located in between the two restaurant buildings on Lot 5. Ms. Sloan explained there are no restrooms located inside the building.

Letters of notification were mailed to the 13 surrounding property owners within 200 feet with four (4) responses being received.

Ms. Sloan stated the Planning and Zoning Commission expressed concern with the location of the lavatories and voted to recommend approval with the stipulation that the lavatories for the restroom facilities be located inside each of the individual, lockable restroom units rather than outside.

Mr. Bill McMahon addressed the City Council and explained the concept for the project.

There was discussion regarding the shared outdoor restroom concept and how the shared facilities would be serviced by employees.

Mayor Montgomery asked the developer if he would consider moving the restrooms inside the buildings.

After discussion, 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 TRITON ATHENS I, LLC FOR APPROVAL OF A SITE PLAN AMENDMENT FOR LOTS 1-5, BLOCK 1 OF THE TRITON ATHENS SUBDIVISION, R.A. CLARK SURVEY A-171, ALSO KNOWN AS 1006, 1010 AND 1012 EAST TYLER STREET

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

DISCUSS, CONSIDER, AND TAKE ACTION, AS NECESSARY, CONCERNING A REQUEST FROM ATHENS ECONOMIC DEVELOPMENT CORPORATION FOR APPROVAL OF A REPLAT OF LOT 1 OF THE MORTON SMALL ANIMAL CLINIC ADDITION AND A PORTION OF LOT 1 OF THE FLAT CREEK NORTH ADDITION, R.A. CLARK SURVEY A-171, CREATING LOT 1R OF THE MORTON SMALL ANIMAL CLINIC ADDITION, ALSO KNOWN AS 1404 EAST TYLER STREET

Ms. Sloan explained the replat involves two (2) properties that are currently under separate ownership. Morton Small Animal Clinic located on East Tyler Street and a portion of AEDC property located on Industrial Drive. The land grant from the AEDC to Morton Animal Clinic is part of an economic development package that has approval from the AEDC Board and City Council.

Ms. Sloan stated the plat is compliant with the city's zoning and subdivision ordinances.

A motion was made by Councilmember Gross, seconded by Councilwoman Freeman to approve a request from Athens Economic Development Corporation for the replat of Lot 1 of the Morton Small Animal Clinic Addition and a portion of Lot 1 of the Flat Creek North Addition, R.A. Clark Survey A-171, creating Lot 1R of the Morton Small Animal Clinic Addition, also known as 1404 East Tyler Street. The motion carried unanimously.

DISCUSS, CONSIDER, AND TAKE ACTION, AS NECESSARY, CONCERNING A REQUEST FROM DAVID MCNAIR OF DPJM, LLC FOR APPROVAL OF A FINAL PLAT OF FULLINGIM'S HAVEN AT MILL RUN, D. HARRISON SURVEY A-279, LOCATED AT THE NORTHEAST CORNER OF MILL RUN ROAD AND F.M. 753, ALSO KNOWN AS PROPERTY ID R8672. THIS PROPERTY IS LOCATED IN THE CITY'S EXTRATERRITORIAL JURISDICTION

Ms. Sloan explained the property is located in the City's ETJ south of the Loop. The property is currently vacant and is being platted for residential use. The plat is compliant with the city's zoning and subdivision ordinances.

A motion was made by Councilmember Gross, seconded by Councilmember Smith to approve a final plat of Fullingim's Haven at Mill Run, D. Harrison Survey A-279, located at the northeast corner of Mill Run Road and F.M. 753, also known as Property ID R8672. This property is located in the City's extraterritorial jurisdiction. The motion carried unanimously.

DISCUSS, CONSIDER, AND TAKE ACTION, AS NECESSARY, CONCERNING A REQUEST FROM MAJORS FAMILY PARTNERSHIP, LTD FOR APPROVAL OF A REPLAT OF TRACT 16C OF THE W. TRIMMER SURVEY, ABSTRACT 758, CREATING TRACTS 16C3 – 16C9 OF FULLINGIM'S THE LANDING, LOCATED AT THE NORTHEAST CORNER OF C.R. 4628 AND C.R. 4500, ALSO KNOWN AS PROPERTY ID C3135. THIS PROPERTY IS LOCATED IN THE CITY'S EXTRATERRITORIAL JURISDICTION

Ms. Sloan explained the property is located in the City's ETJ south of the Loop and west of the airport.

The property is currently vacant and is being platted for residential use. The proposal is to plat the property for residential development. The plat is compliant with the city's zoning and subdivision ordinances.

A motion was made by Councilmember Smith, seconded by Councilmember Gross to approve a replat of Tract 16C of the W. Trimmer Survey, Abstract 758, creating Tracts 16C3 – 16C9 of Fullingim's The Landing, located at the northeast corner of C.R. 4628 and C.R. 4500, also known as Property ID C3135. This property is located in the City's extraterritorial jurisdiction. The motion carried unanimously.

DISCUSS, CONSIDER, AND TAKE ACTION, AS NECESSARY,
CONCERNING A REQUEST FROM DREW DOUGLAS OF LEAGUEVILLE
ENTERPRISES, LLC FOR APPROVAL OF THE FINAL PLAT OF LOTS 1 –
16 OF WHISPERING OAKS PHASE II, D. CHERRY SURVEY A-135,
LOCATED ON C.R. 4801, ALSO KNOWN AS PROPERTY ID R13686

Ms. Sloan explained the property was previously owned by AMWA and was recently deannexed from the city limits and the proposal is to plat the property for residential development. The current owner is proposing to plat the property for single-family residential use. The plat is compliant with the city's zoning and subdivision ordinances.

A motion was made by Councilmember Gross, seconded by Councilmember Smith to approve the final plat of Lots 1 – 16 of Whispering Oaks Phase II, D. Cherry Survey A-135, located on C.R. 4801, also known as Property ID R13686. The motion carried unanimously.

MAYOR AND CITY COUNCIL'S REQUEST FOR FUTURE AGENDA
ITEMS

Councilmember Gross requested TxDOT address standing water on South Prairieville Street.

Mayor Montgomery requested an item to discuss the Collection Station.

Councilwoman Freeman requested an item to discuss the guard rail at FM 2494 and Bunny Rabbit.

ADJOURN

The meeting was adjourned at 6:35 p.m.

PASSED AND APPROVED THIS THE 22nd DAY OF MARCH, 2021

Monte Montgomery, Mayor

ATTEST:

Bonnie Hambrick, City Secretary