

REGULAR SESSION

OCTOBER 10, 2016

The City Council of the City of Athens met in Regular Session on Monday, October 10, 2016, 5:30 p.m. in the Derek D. Daniels Conference Room of the Athens Partnership Center, 201 W. Corsicana St., Athens, Texas with the following members present, to-wit:

Jerry D. Vaught, Mayor
Tres Winn, Mayor Pro-Tem
Monte Montgomery
Joe Whatley
Ed McCain

Philip Rodriguez, City Manager
Bonnie Hambrick, City Secretary

others present: Buddy Hill, John McQueary, Thanasis Kombos, Barbara Holly, Marty Coursey, Sandi Pulley, Rich Flowers, Robert McAtee, Ann Perryman, David Chase, Monty Shelton, Mark Allen, Carol Morton, Cody Robson, Larry Ball, Neva Ball, Jason Simmons, Trinity Simmons, Jayden Simmons, Deborah Deas, Brad Rummel and other interested citizens;

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

INVOCATION

The invocation was given by Rev. Mark Allen.

PLEDGE OF ALLEGIANCE

Cub Scouts from Pack 350, the Webelos Scouts of First United Methodist Church led the Pledge of Allegiance.

DECLARATION OF CONFLICT OF INTEREST

No action was taken.

CONSENT AGENDA:

- a) CONSIDER APPROVING THE MINUTES OF THE SEPTEMBER 26, 2016 REGULAR SESSION
- b) CONSIDER FINAL READING OF AN ORDINANCE REQUESTED BY CELLULAR WORLD (AT&T) FOR A SIGN PACKAGE CONSISTING OF ONE WALL SIGN ON THE SOUTHERN ELEVATION AND ONE MONUMENT SIGN AT THE SOUTHWEST PORTION OF THE SITE FOR A NEW STORE AT 1103 E. TYLER STREET
- c) CONSIDER FINAL READING OF AN ORDINANCE AS REQUESTED BY CLAUDIA TRAMMELL FOR REZONING 200 S. GAUNTT (LOT 2F, BLOCK 89, ATHENS ORIGINAL TOWN) FROM COMMERCIAL (C) TO SINGLE-FAMILY-15 (SF-15) FOR A SINGLE FAMILY HOME
- d) CONSIDER FINAL READING OF AN ORDINANCE AS REQUESTED BY CHARLES TIDMORE FOR REZONING 504 BRYSON (LOT 4, BLOCK 25, PARK HIGHLAND ADDITION) FROM MULTI-FAMILY RESIDENTIAL-4 DISTRICT (MF-4) TO TWO-FAMILY RESIDENTIAL DISTRICT (MF-2) FOR DUPLEX CONSTRUCTION
- e) CONSIDER FINAL READING OF AN ORDINANCE AS REQUESTED BY WALTER ROBERTS FOR REZONING 408 PALMETTO STREET (LOT 4, "O", BLOCK 100, ATHENS ORIGINAL TOWN SUBDIVISION) FROM AGRICULTURE (A) TO SINGLE FAMILY RESIDENTIAL -10 DISTRICT (SF-10) TO ALLOW FOR THE PLACEMENT OF A MANUFACTURED HOME

- f) CONSIDER FINAL READING OF AN ORDINANCE AS REQUESTED BY THE CITY OF ATHENS FOR A TEXT CHANGE TO ELIMINATE DISCREPANCIES IN THE SETBACK AND SEPARATION REQUIREMENTS FOR ACCESSORY STRUCTURES IN THE RESIDENTIAL AND NON-RESIDENTIAL DISTRICTS
- g) CONSIDER FINAL READING OF AN ORDINANCE REQUESTED BY ABC AUTO FOR SITE PLAN APPROVAL FOR LAND ZONED PLANNED DEVELOPMENT RETAIL (PD-1) AT 600 & 604 E. TYLER ST. (LOT 1A, 8A BLOCK 2) .279 ACRES LOCATED AT THE SOUTHEAST CORNER OF TYLER ST. AND DULL AVERIETTE STREET FOR A FUTURE AUTO PARTS STORE THAT WILL HAVE HARD SURFACE CLADDING FOR AT LEAST THE FIRST SIX FEET OF ELEVATION FROM GRADE WITH ANY EIFS USED THEREAFTER TO BE HIGH IMPACT AND CONSTRUCTED WITH DRAINAGE CHANNELS FOR ALL FOUR SIDES

Bonnie Hambrick, City Secretary read the Ordinances aloud.

Councilmember Winn stated that ABC Auto's site plan was figured out; however two (2) weeks ago there was discussion on telling ABC what they could and could not use on the outside of their building. He stated there was nothing in writing stating what an individual can or cannot use and if the City is going to get into the business of telling people what they can and cannot use for construction, the City is sending out a bad message. He further stated the City should be careful in telling people what they can and cannot use when they are following the Ordinance.

A motion was made by Councilmember Winn, seconded by Councilmember McCain to approve the Consent Agenda. The motion carried unanimously.

CITIZENS COMMUNICATIONS

There was no discussion.

DISCUSS/CONSIDER PROPOSAL FROM ARCHITEXAS REGARDING FULL ARCHITECTURAL SERVICES FOR TEXAN THEATER PROJECT

Thanasis Kombos, Community Development Manager, stated the item for consideration picks up where the schematic design phase of the project left off. He stated the schematic design phase is now complete and this phase will complete the remainder of the project, including through construction document phase, through project completion and issuance of the final Certificate of Payment to the Contractor.

Mr. Kombos stated the maximum total for the service agreement was \$95,500 and it includes a small reimbursable budget with the total project with schematic design is \$139, 870. He stated that 11.04% is a percentage of construction costs anticipated.

David Chase, of ArchiTexas stated the contract was submitted to the city and currently at a 10-11% of the total construction cost. He stated there was a slight increase due to fully enclosing the building and the decision to go mechanical for the entire facility and that is represented in the fees. Mr. Chase stated the fee does include specialty services for a consultant and a Theater designer.

Councilmember Montgomery stated during the last presentation he did not remember the acoustics, theater and audio visual from ArchiTexas' previous presentation. He asked if it was added after the last meeting. Mr. Chase stated that an AV has requested that we add a Theater Acoustician to assist him.

Councilmember Montgomery stated that during that time the cost of the architect fee was estimated at five 5% and now appears to be up seven 7%. Mr. Chase stated that 5% was plugged in and Mr. Kombos further explained that the 5% did not include heating and cooling.

After discussion, a motion was made by Councilmember Whatley, second by Councilmember Winn to approve the proposal from ArchiTexas regarding full architectural services for Texan Theater project based on the City Attorney's approval of all documentation. The motion carried by the following vote: Ayes: Mayor Vaught, Councilmember Winn, Councilmember Whatley, and Councilmember McCain. Nays: Councilmember Montgomery.

DISCUSS/CONSIDER AUTHORIZING THE CITY MANAGER TO EXECUTE
AGREEMENT WITH NATIONAL JOINT POWERS ALLIANCE FOR
COOPERATIVE PURCHASING

Marty Coursey, Finance Director explained that National Joint Powers Alliance is across the United States cooperative purchasing agency. She stated the agency works not only with school boards and other government agencies. She further stated that Office Depot and other agencies in this area can be a part of the cooperative contract. Ms. Coursey stated there is no cost to the city and certain cooperative purchasing agreements, cities may choose to forgo the competitive bidding process and use cooperative agreements to purchase goods, products and services on the same terms, conditions and pricing subject to applicable local purchasing ordinances and laws of the State of Texas.

Councilmember Montgomery stated that the City should be mindful of the local vendors. Ms. Coursey stated that any suppliers in Athens could be set up through the cooperative purchasing agreement. Councilmember Montgomery asked if they would be allowed to bid if they are not a part of the purchasing agreement with Ms. Coursey stating she would want them to join the program.

After discussion Councilmember Montgomery asked that the city be mindful of local vendors regardless if they are members of the cooperative purchasing program or not.

A motion was made by Councilmember Winn, seconded by Councilmember Whatley to authorize the City Manager to execute agreement with National Joint Powers Alliance for Cooperative Purchasing. The motion carried unanimously.

DISCUSS FIRST READING OF AN ORDINANCE AMENDING FISCAL
YEAR 2016 BUDGET

Ms. Coursey explained the Ordinance is amending the appropriations that were previously approved and not in the original adopted Fiscal Year 2016 Budget.

Philip Rodriguez, City Manager, stated the Ordinance will be updated to reflect the purchase of the inflatable boat for Fire Rescue in the amount of \$11,000 and he further reiterated that the appropriations were previously approved by the City Council.

Ms. Hambrick read the Ordinance aloud.

UPDATE ON FISCAL YEAR 2016 BUDGET PROJECTS

Philip Rodriguez provided a Fiscal Year 2016 end of year status update with the following highlights:

- Unchanged Tax Rate for FY 2016
- Concerted focus on core services (infrastructure, public safety, streets, water, wastewater, development, parks)
- Re-conditioning of one elevated storage and one ground storage tank, other water and wastewater improvements (TCEQ)

- New General Fund Budgeted Reserve of \$1.8+ Million for the first time in City history
- Zero increased debt – All new capital items purchased with cash (pay-as-you-go)

Mr. Rodriguez further reviewed year end results for each department of the General Fund, Utility Fund, Hotel Occupancy Tax Fund, Airport Fund and Supplemental Appropriations.

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

- Mayor Vaught stated that well over 3,000 attendees at the Annual Texas Municipal League Conference. He stated it was very informative and he came back very motivated

MAYOR AND CITY COUNCIL REQUEST FOR FUTURE AGENDA ITEMS

- Councilmember Montgomery stated he has received several calls regarding water retention. He stated it is unclear what the city's stance is on water retention and he would like this to be discussed further as grey areas exist. Mr. Rodriguez stated he would like to bring the topic of development guidelines to a workshop session
- Councilmember Winn requested an update on the Wood Street Project

ADJOURN

The meeting was adjourned.

PASSED AND APPROVED THIS THE 24th DAY OF OCTOBER, 2016.

Jerry D. Vaught, Mayor

ATTEST:

Bonnie Hambrick, City Secretary