

REGULAR SESSION

JUNE 8, 2015

The City Council of the City of Athens met in Regular Session on Monday, June 8, 2015, 5:30 p.m. in the Council Chambers of the City Hall Annex with the following members present, to-wit:

Jerry D. Vaught, Mayor  
Monte Montgomery, Mayor Pro-Tem  
Charles Elliott  
Joe Whatley  
Tres Winn

Philip Rodriguez, City Administrator  
Bonnie Hambrick, City Secretary

others present: David Hopkins, Glen Herriage, Gary Crecelius, Buddy Hill, John McQueary, Haven Cox, Sherri Skeeters, Rich Flowers, Tyler Hendrickson, Charlie Tidmore, Alicia Watkins, Bryan Barker, Rudy Pittman, Greg Mason, Keri Wilson, Marlin Smith, Rachel Cox, Bob and Carol Morton, Ellen Key, Drew Douglas and other interested citizens;

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

The invocation was given by Councilmember Montgomery.

**DECLARATION OF CONFLICT OF INTEREST**

No action was taken.

**READING OF PROCLAMATION FOR THE MAYOR'S READING CLUB**

Mayor Vaught asked Rachel Cox, Library Director and members from the Board of Public Library to stand as he read aloud the Proclamation proclaiming June 8<sup>th</sup> through July 31, 2015 as "Summer Reading with the Mayor's Reading Club".

**DISCUSSION ITEMS**

**A) DISCUSS APPOINTMENT TO PARKS ADVISORY BOARD**

Gary Crecelius, Director of Planning & Development explained there is a vacancy on the Parks Advisory Board due to Ms. Lillian Bell resigning.

**B) DISCUSS FISCAL YEAR 2016 BUDGET PROCESS AND CALENDAR**

Philip Rodriguez explained the Regular Scheduled Council Meetings in July, August and September will be utilized to set the Public Hearings and all the different required items set by Statue for the budget. He stated the City Council Budget Workshops are tentatively scheduled for August 4, 2015, through August 7, 2015. Mr. Rodriguez asked the Council to check their calendars for availability.

Mr. Rodriguez further explained for community input a Budget Input Box will be placed throughout the community at the following locations: City Hall, City Hall Annex, Fox Central Fire and the Partnership Center for the community to write suggestions that will impact the Budget Process and how the City budgets. He also stated that on July 15, 2015 the City will host a Community Budget Input Forum for Citizens to come out and talk about the budget and learn about the Budget Process.

**CONSENT AGENDA;**

- A) Consider approving minutes of the May 27, 2015 Regular Session.
- B) Consider final reading of an Ordinance annexing 30.00 acres located in the Daniel Harrison Survey, Abstract 279, (650 South East Loop 7.)
- C) Consider final reading of an Ordinance zoning Lot Pt. 19, D. Harrison Survey from Agriculture to Commercial, owned by David McNair (650 S.E. Loop 7.)

- D) Consider final reading of an Ordinance annexing 296.142 acres located in the William Trimmer Survey, Abstract 758, Mary Ann Pickett Survey, Abstract 628, and Nelson Box Survey, Abstract 58 (1271 County Road 4500.)
- E) Consider final reading of a Resolution supporting Athens Economic Development Corporation's infrastructure project for Prospect 1501, Texas Holding Management, LLC.

City Secretary Bonnie Hambrick read the Ordinances aloud. A motion was made by Councilmember Montgomery, seconded by Councilmember Whatley to approve the Consent Agenda. The motion carried unanimously.

PUBLIC HEARING CONCERNING ZONING OF TR. 79 N. BOX SURVEY, TR. 2A M.A. PICKETT SURVEY, TR. 27B W.M. TRIMMER SURVEY, TO INDUSTRIAL, OWNED BY ATHENS ECONOMIC DEVELOPMENT CORPORATION (1271 COUNTY ROAD 4500)

Gary Crecelius, Director of Planning & Development, explained that the property is being zoned Industrial to allow for Industrial Development. Mr. Crecelius stated seven (7) surrounding property owners were notified and no responses were received, with the Zoning Commission approving the zoning on 5/19/15. The public hearing was closed.

DISCUSS/CONSIDER FIRST READING OF AN ORDINANCE ZONING TR. 79 N. BOX SURVEY, TR. 2A M.A. PICKETT SURVEY, TR. 27B W.M. TRIMMER SURVEY, TO INDUSTRIAL, OWNED BY ATHENS ECONOMIC DEVELOPMENT CORPORATION (1271 COUNTY ROAD 4500)

Ms. Hambrick read the Ordinance aloud. A motion was made by Councilmember Whatley, seconded by Councilmember Winn to approve first reading of an Ordinance zoning TR. 79 N. Box Survey, TR. 2A M. A. Pickett Survey, TR. 27B W.M. Trimmer Survey, to Industrial, owned by Athens Economic Development Corporation. The motion carried unanimously.

PUBLIC HEARING CONCERNING CREATION OF SITE PLAN OF LOT (S) 1, 1A, 2, 3, 4, 5, 6, 7, 16, 17, 18, 19, 20 BLOCK 1, TO RETAIL-PLANNED DEVELOPMENT 1, OWNED BY BRITT BACON (311 E. TYLER STREET)

Mr. Crecelius explained that the property is the site of Bacon Auto Ranch and the owners are wanting to place a 75 ft. flag pole with a 375 square foot American Flag on the property. He further explained the regulations for flags are addressed in the Zoning Ordinance with the Ordinance stating that any flag over 65 sq. ft. must follow the guidelines for a detached sign, and for this case it would only allow a flag pole to be 20 ft. and the flag to be only 60 sq. ft.

Mr. Crecelius stated in order to accommodate Mr. Bacon's request for the flag and flag pole and be in compliance with the Zoning Ordinances, a site plan needs to be approved with the 75 ft. flag pole and a 375 sq. ft. flag being a part of the approved site plan.

Mr. Crecelius stated ten (10) surrounding property owners were notified and one property owner attended the Zoning Commission meeting to clarify the site plan was only dealing with the flag and the flag pole. After she was assured by a representative of Bacon Auto Ranch that the site plan was only dealing with the flag and the flag pole, they had no objection. There were no other concerns expressed by the property owners, with the Zoning Commission approving the site plan on 5/19/15. The public hearing was closed.

DISCUSS/CONSIDER FIRST READING OF AN ORDINANCE CREATING A  
SITE PLAN LOT (S) 1, 1A, 2, 3, 4, 5, 6, 7, 16, 17, 18, 19, 20 BLOCK 1, TO  
RETAIL-PLANNED DEVELOPMENT 1, OWNED BY BRITT BACON (311  
E. TYLER STREET)

Ms. Hambrick read the Ordinance aloud. A motion was made by Councilmember Winn, seconded by Councilmember Montgomery to approve first reading of an Ordinance creating a site plan Lot(s) 1, 1A, 2, 3, 4, 5, 6, 7, 16, 17, 18, 19, 20 Block 1, to Retail-Planned Development 1, owned by Britt Bacon. The motion carried by the following vote: Ayes: Mayor Vaught, Councilmembers Winn, Montgomery, and Whatley. Nays: None. Councilmember Elliott abstained.

PUBLIC HEARING CONCERNING REZONING OF LOT (S) 2 AND 4  
BLOCK 87, ATHENS ORIGINAL TOWN, FROM AGRICULTURE, TO  
SINGLE FAMILY RESIDENTIAL - 5, OWNED BY EB FLYNT (719 WEST  
COLLEGE)

Mr. Crecelius explained the property is located at 719 W. College. The owner is requesting a change in zoning of the property from Agriculture to Single Family Residential-5 for the potential of placing four (4) residents on this site.

Mr. Crecelius stated fifteen (15) surrounding property owners were notified and no responses were received, with the Zoning Commission approving the zoning on 5/19/15. The public hearing was closed.

DISCUSS/CONSIDER FIRST READING OF AN ORDINANCE REZONING  
LOT (S) 2 AND 4 BLOCK 87, ATHENS ORIGINAL TOWN, FROM  
AGRICULTURE, TO SINGLE FAMILY RESIDENTIAL - 5, OWNED BY EB  
FLYNT (719 WEST COLLEGE)

Ms. Hambrick read the Ordinance aloud. A motion was made by Councilmember Elliott, seconded by Councilmember Whatley to approve first reading of an Ordinance rezoning Lot (s) 2 and 4 Block 87, Athens Original Town, from Agriculture, to Single Family Residential. The motion carried unanimously.

DISCUSS/CONSIDER REPLAT OF LOT (S) 2 AND 4, BLOCK 87, ATHENS  
ORIGINAL TOWN, OWNED BY EB FLYNT, (719 WEST COLLEGE)

Mr. Crecelius explained that Mr. Flynt is requesting that Lot (s) 2 and 4, Block 87, Athens Original Town which consists of 14.37 acres be re-platted into four (4) lots.

Mayor Vaught asked if manufactured homes could be placed on the property, with Mr. Crecelius stating that manufactured homes could go on the property, however they will have to do a Mobile Home Petition where a list of property owners within 200 ft. of each lot, with 75% of property owners having to agree for the manufactured home to be placed on the property.

After discussion it was decided that a change to the Text Amendment to the Zoning Ordinance would indicate a manufactured home could not be over five (5) years old.

Mr. Douglas stated the owner has no objection to restrictions being placed on the age of the manufactured home.

A motion was made by Councilmember Montgomery, seconded by Councilmember Winn to approve the replat of Lot (s) 2 and 4, Block 87, Athens Original Town. The motion carried unanimously.

DISCUSS/CONSIDER FIRST READING OF AN ORDINANCE GRANTING  
NON-EMERGENCY AMBULANCE TRANSPORTATION FRANCHISE TO  
IMPEL AMBULANCE SERVICE, AS REQUESTED BY ALICIA WATKINS

Ms. Alicia Watkins requested renewal of Impel's Non-Emergency Ambulance Transportation Franchise for a two (2) year period, stating that Impel has been in Athens for two (2) years. She stated she is operating one ambulance with four (4) full time employees and 3 PRN employees.

Mayor Vaught explained the Council could renew the Franchise to coincide with the State License which will be renewable every two (2) years.

After discussion, Ms. Hambrick read the Ordinance aloud. A motion was made by Councilmember Winn, seconded by Councilmember Whatley to approve the first reading of an amended Ordinance granting a two year (2) Non-Emergency Ambulance Transportation Franchise to Impel Ambulance Service. The motion carried unanimously.

DISCUSS/CONSIDER FIRST READING OF AN ORDINANCE CREATING A  
TOURISM ADVISORY COUNCIL

Sherri Skeeters, Tourism Coordinator, explained the Ordinance is creating a Tourism Advisory Council which provides for qualifications, terms of members, rules and regulations, and duties. She stated the need to involve local tourism stakeholders regarding the future development and growth of the tourism industry in Athens.

Ms. Hambrick read the Ordinance aloud. A motion was made by Councilmember Elliott, seconded by Councilmember Whatley to approve first reading of an Ordinance creating a Tourism Advisory Council. The motion carried unanimously.

DISCUSS/CONSIDER ACCEPTING AUDIT REPORT FOR FISCAL YEAR  
ENDING SEPTEMBER 30, 2014

Marlin Smith with Smith, Lambright & Associates presented the Audit Report for fiscal year ending September 30, 2014. He stated the City can rest assured that you have a confident staff. A motion was made by Councilmember Montgomery, seconded by Councilmember Elliott to accept the Audit Report for Fiscal year ending September 30, 2014. The motion carried unanimously.

DISCUSS/CONSIDER AWARDING BIDS FOR 2015 SEAL COAT  
PROGRAM

Glen Herriage, Director of Utilities, explained that four (4) bids were received for the 2015 Seal Coat Program, recommending the bid be awarded to the low bidder, Lone Star Equipment Co., at a total cost of \$152,535.06. A motion was made by Councilmember Whatley, seconded by Councilmember Winn to award the bid for the 2015 Seal Coat Program. The motion carried unanimously.

DISCUSS/CONSIDER CONTRACT CHANGE ORDER #1 CHEROKEE  
PAINTING & SANDBLASTING CO. FOR PAINTING OF CLEARWELL AT  
WATER TREATMENT PLANT

Mr. Herriage explained Cherokee Painting & Sandblasting Co. is running behind in painting the clearwell before the summer months arrive due to the inclement weather. Mr. Herriage stated he is not comfortable going into the summer months with one (1) clearwell and is requesting the Change order for the addition of working days and mobilization charges in the amount of \$2,000 and the contractor will return in October to paint the clearwell.

Councilmember Montgomery asked if the project contract would remain open or will a new contract be issued.

Tyler Hendrickson, Engineer, Velvin and Weeks stated the contract will remain open. A motion was made by Councilmember Whatley, seconded by Councilmember Elliott to approve Contract Change Order #1 Cherokee Painting & Sandblasting Co. for painting of clearwell at water treatment plant. The motion carried unanimously.

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

There was no discussion.

EXECUTIVE SESSION

- A) PURSUANT TO THE TEXAS GOVERNMENT CODE, SECTION 551.072  
(DELIBERATION REGARDING REAL PROPERTY) CENTRAL PARK  
PROPERTY.

The City Council adjourned to Executive Session at 6:33 p.m.

The City Council returned to Regular Session at 7:05 p.m.

DISCUSS/CONSIDER ACTION RESULTING FROM DELIBERATIONS  
IN EXECUTIVE SESSION

- A) CENTRAL PARK PROPERTY

A motion was made by Councilmember Winn, second by Councilmember Montgomery authorizing the City Manager to have Central Park surveyed, appraised and possibly replatted to separate the EOC from the rest of the Park excluding Central Fire Station. The motion carried unanimously.

CITY ADMINISTRATOR'S UPDATE

Philip Rodriguez, City Administrator, thanked Mr. Hopkins for all his hard work on the audit, and reminded the Council of the Budget Workshops scheduled for August 4th-7th.

Mr. Rodriguez thanked Staff for all their hard work and stated there are changes happening within the organization and he wanted to encourage Staff as they take on new responsibilities.

MAYOR AND COUNCIL UPDATE

No updates.

The meeting was adjourned.

PASSED AND APPROVED THIS THE 22<sup>ND</sup> DAY OF JUNE, 2015.

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Jerry D. Vaught, Mayor

ATTEST:

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Bonnie Hambrick, City Secretary