

## REGULAR SESSION

JUNE 13, 2022

The City Council of the City of Athens met in Regular Session on Monday, June 13, 2022, 5:30 p.m. in the Civic Hall, Room 216 of the Cain Center 915 S. Palestine Street, Athens, Texas, with the following members present to-wit:

Toni Clay, Mayor  
Aaron Smith, Mayor Pro Tem  
SyTanna Freeman  
Mark Carroll

Elizabeth Borstad, City Manager  
Bonnie Hambrick, City Secretary

Staff Present: John Densmore, Chief of Police; Mandie Quigg, Finance Director; Audrey Sloan, Director of Development Services; Noemi Lopez, Administrative Clerk; Randy Williams, Utilities Director; Tim Perry, Public Works Director; Chris Baker, Cain Center Director.

Others present: Michael Hannigan, Rich Flowers, Debra Wilson, Lakita Hadnot, Monty Ingram, Donna Dodson, Jana Normandin, Kristin Willingham, Johnny Johnson, Kimberly Walker, Traci Wilkes, Anne Perryman, Chetan Patel, Flor Rincon, Emily Heglund, Corey Frentress, Maria Cerrillo, David Welty and other interested citizens.

with the following member absent: Robert Gross.

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

### INVOCATION

The Invocation was given by Councilwoman Freeman.

### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

### DECLARATION OF CONFLICT OF INTEREST

No action was taken.

### PUBLIC COMMUNICATIONS

Donna Dodson expressed concern with the age requirement for the Senior Citizen membership rate at the Cain Center.

### PROCLAMATION – “BRUCE FIELD HERITAGE MONTH”

Mayor Clay proclaimed June 2022 as “Bruce Field Heritage Month”.

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

Elizabeth Borstad, City Manager, announced the following events:

- AEDC has both business and community development grants open right now
- The Cain Center is holding a summer camp on the following dates: July 5-8, July 11-15, and July 18-22

Chris Baker, Cain Center Director, invited everyone to sign their kids and grandkids up for the summer camp and to spread the word. He also stated swim lessons are included in this camp at no extra charge.

Ms. Borstad further announced the following:

- June 17: The Arboretum will show the movie "Rudy" at 6:30 p.m.
- June 18: The Arboretum is hosting a fish fry from 11 a.m. – 2 p.m.
- June 19: Chris Jumper and his band will be playing at the Wofford House from 1 – 3 p.m.
- June 24: The Arboretum will show the movie "Hoosiers" at 6:30 p.m.
- June 26: Meredith Crawford will be playing at the Wofford House from 1 – 3 p.m.

#### CONSENT AGENDA

- a) CONSIDER APPROVING MINUTES OF THE MAY 23, 2022, REGULAR SESSION
- b) CONSIDER A RESOLUTION DECLARING CERTAIN PROPERTY AS SURPLUS AND AUTHORIZING THE CITY MANAGER TO EXECUTE SALE OR DISPOSAL OF SAID PROPERTY
- c) CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE AGREEMENT WITH ATHENS CHRISTIAN PREPARATORY ACADEMY FOR USE OF THE CAIN CENTER SOFTBALL FIELD 3, PHASE 2
- d) CONSIDER A RESOLUTION AWARDING BID NUMBER IFB22-3204 TO CINTAS CORPORATION FOR THE 2022 UNIFORM RENTAL/MAT SERVICE AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT
- e) CONSIDER A RESOLUTION AWARDING BID NUMBER IFB22-3205 TO KENSAR LLC DBA S & S TRUCKING AND TEXAS MATERIALS GROUP, DBA TEXAS BIT FOR STREET MATERIALS AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENTS
- f) CONSIDER A RESOLUTION AWARDING BID NUMBER IFB22-6202 FOR CHEMICALS USED IN WATER AND WASTEWATER TREATMENT FACILITIES AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENTS

A motion was made by Councilwoman Freeman, seconded by Councilmember Carroll to approve the Consent Agenda. The motion carried unanimously.

#### RESOLUTIONS

- a) DISCUSS, CONSIDER, AND TAKE ACTION, AS NECESSARY, CONCERNING THE APPROVAL OF A RESOLUTION AUTHORIZING THE SUBMITTAL OF ONE OR MORE DR-4485 HMGP APPLICATIONS TO THE TEXAS DIVISION OF EMERGENCY MANAGEMENT, AUTHORIZING THE MAYOR AND CITY MANAGER TO ACT AS THE CITY'S AUTHORIZED REPRESENTATIVES IN ALL MATTERS PERTAINING TO THE APPLICATION, AND COMMITTING MATCHING FUNDS

Ms. Borstad presented the item, she stated the city has applied for this type of grant previously although this grant is associated with a different disaster. She stated for this round of grants, the required match was dropped to 10% from the previous standard 25%. She stated the application would request six (6) generators and wastewater treatment generators were included in this request.

A motion was made by Councilmember Smith, seconded by Councilwoman Freeman to approve a Resolution authorizing the submittal of one or more DR-4485 HMGP applications to the Texas Division of Emergency Management, authorizing the Mayor and City Manager to act as the City's authorized representatives in all matters pertaining to the application, and committing matching funds. The motion carried unanimously.

**b) DISCUSS, CONSIDER, AND TAKE ACTION, AS NECESSARY, CONCERNING THE APPROVAL OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH BERRY AND CLAY CONSTRUCTION MANAGERS AS CONSTRUCTION MANAGER AT RISK (CMAR) FOR THE CONSTRUCTION OF POLICE BUILDING FOR A GUARANTEED MAXIMUM PRICE**

Eric Berry of Berry and Clay presented the guaranteed maximum price with value engineering being \$4,635,396.52. He stated that value engineering cut the price down by \$874,750.04.

Discussion occurred regarding changes in cost due to some materials coming in at a lower cost than expected.

A motion was made by Councilwoman Freeman, seconded by Councilmember Carroll to approve a Resolution authorizing the City Manager to enter into a contract with Berry and Clay Construction Managers as Construction Manager at Risk (CMAR) for the construction of Police Building for a guaranteed maximum price in the amount of \$4,635,396.52. The motion carried unanimously.

**c) DISCUSS, CONSIDER, AND TAKE ACTION, AS NECESSARY, CONCERNING THE APPROVAL OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE ATHENS CHAMBER OF COMMERCE TO PROVIDE FUNDING FOR THE BLACK-EYED PEA JAMBOREE UTILIZING HOTEL OCCUPANCY TAX FUNDS**

Kristin Willingham, Chamber of Commerce Executive Director, presented a request for funding from the Hotel Occupancy Tax Fund for the Black-eyed Pea Jamboree. Ms. Willingham shared the history of the Black-eyed Pea Jamboree. She presented the Black-eyed Pea budget and the proposed events schedule.

Monty Ingram and Johnny Johnson spoke in favor of the city allocating HOT Funds for the Black-eyed Pea Jamboree.

After much discussion and questions being answered, a motion was made by Mayor Clay, seconded by Councilmember Smith to approve a Resolution authorizing the City Manager to execute an agreement with the Athens Chamber of Commerce to provide funding for the Black-eyed Pea Jamboree utilizing Hotel Occupancy Tax funds for the Cain Center rental and staffing, marketing/advertising and with remaining funding applied to the sporting event in an amount not to exceed \$20,000. The motion carried unanimously.

**PUBLIC HEARING CONCERNING A REQUEST FROM KIMBERLY WALKER FOR APPROVAL OF A ZONING CHANGE FROM SINGLE-FAMILY – 5 TO COMMERCIAL FOR LOTS 4A, 5 & 6B OF BLOCK 17 OF LARGE LOTS, T. PARMER SURVEY, ABSTRACT 782; LOCATED AT 226 S PRAIRIEVILLE ST.**

Audrey Sloan, Director of Development Services, presented the item, she stated the property owner is requesting a zoning change from Single-Family – 5 to Commercial for the back half of the property. This property has been used as a daycare and is located on South Prairieville and extends back through the block and also has frontage on Pinkerton. The front half of the property is currently zoned Commercial as is a lot of the property on South Prairieville. There is also some Retail zoning and Single-Family – 5 zoning. The Future Land Use Map designates this area as Low Density Residential.

Letters of notification were sent to the twelve surrounding property owners within 200 feet. Four (4) responses were returned, there was concern with changing the zoning of the back portion of the property to Commercial. She stated these concerns were discussed with the Planning and Zoning Commission. An alternative was presented to request a Specific Use Permit and keep the Zoning as Single-Family – 5. This would allow the use of a daycare however this would limit the potential uses on the property that could potentially be allowed with a Commercial zoning.

Mayor Clay opened the Public Hearing.

Mr. Williford expressed concern with traffic on Larue and Prairieville Street and the zoning being changed to commercial.

Anne Perryman expressed concern with the zoning change and stated she would like to see a Specific Use Permit without the zoning being changed. She expressed concern with the traffic on both Larue and Prairieville and asked for more time to review site plan.

Discussion occurred with the property owner, Kimberly Walker, concerning traffic flow, parking, timeline, and entrance to the daycare.

Mayor Clay closed the Public Hearing.

Discussion occurred between council and staff regarding a new updated site plan.

DISCUSS FIRST READING OF AN ORDINANCE CONCERNING A REQUEST FROM KIMBERLY WALKER FOR APPROVAL OF A ZONING CHANGE FROM SINGLE-FAMILY – 5 TO COMMERCIAL FOR LOTS 4A, 5 & 6B OF BLOCK 17 OF LARGE LOTS, T. PARMER SURVEY, ABSTRACT 782; LOCATED AT 226 S PRAIRIEVILLE ST.

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

PUBLIC HEARING CONCERNING A REQUEST FROM LARRY OSTEEN FOR APPROVAL OF A SITE PLAN AMENDMENT FOR OFFICE USE LOCATED IN THE PLANNED DEVELOPMENT – 2 ZONING DISTRICT FOR TRACT 99E, C. M. WALTERS SURVEY, ABSTRACT 800; LOCATED AT 7850 W STATE HWY 31; ALSO KNOWN AS PROPERTY ID C1042. OWNER: BRANDON ADAMS & KEVEN ADAMS

Ms. Sloan presented the item, and she stated this property is located at the intersection of the loop and State Highway 31 West. This lot has recently had two (2) site plans approved by the council. It is currently the home of a sand and gravel business. The current zoning of the property is Planned Development – 2, which requires a site plan amendment to be approved by the council. The Future Land Use map indicates this as Commercial use. Letters of notification were sent to the surrounding property owners within 200 feet and no responses were received. The Planning and Zoning Commission recommended approval with the stipulation that the drive approach to the building and parking shall be a paved surface.

Mayor Clay opened the Public Hearing.

No discussion occurred.

Mayor Clay closed the Public Hearing.

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Discussion occurred regarding the drive approach.

Ms. Hambrick read the caption of the Ordinance aloud.

PUBLIC HEARING CONCERNING A REQUEST FROM DAVID WELTY FOR APPROVAL OF A SITE PLAN AMENDMENT FOR RESTAURANT WITH DRIVE-THRU USE LOCATED IN THE PLANNED DEVELOPMENT – 1 ZONING DISTRICT FOR LOT 2 OF THE SCC ATHENS ADDITION, R. A. CLARK SURVEY, ABSTRACT 171; LOCATED AT 904 E TYLER ST. OWNER: SAXTON GROUP LLC

Ms. Sloan presented the item, she stated this is a site plan amendment requested for the construction of a new McAlister's restaurant. It is located East of the Chilis and is currently under construction. Phase One (1) of the site plan was previously approved. It included the driveway work and clearing of the property. This property is located in Planned Development – 1 Zoning. Letters of notification were sent out to surrounding property owners and one (1) protest was received from the property to the East. Originally the property owner had concerns regarding drainage, lighting, fence screening and location of the dumpsters. McAlister's went back and did some revisions to the site plan. She stated all signage and landscaping is in compliance with the city Ordinances.

Mayor Clay opened the Public Hearing.

No discussion occurred.

Mayor Clay closed the Public Hearing.

DISCUSS FIRST READING OF AN ORDINANCE CONCERNING A REQUEST FROM DAVID WELTY FOR APPROVAL OF A SITE PLAN AMENDMENT FOR RESTAURANT WITH DRIVE-THRU USE LOCATED IN THE PLANNED DEVELOPMENT – 1 ZONING DISTRICT FOR LOT 2 OF THE SCC ATHENS ADDITION, R. A. CLARK SURVEY, ABSTRACT 171; LOCATED AT 904 E TYLER ST. OWNER: SAXTON GROUP LLC

Discussion occurred regarding the fence height.

Ms. Hambrick read the caption of the Ordinance aloud.

EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE, SECTION 551.072 (DELIBERATION REGARDING CITY-OWNED REAL PROPERTY; CLOSED MEETING) TO DELIBERATE THE PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY  
a) 415 E. CORSICANA STREET

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SECTION 551.072 (DELIBERATION REGARDING CITY-OWNED REAL  
PROPERTY; CLOSED MEETING) TO DELIBERATE THE PURCHASE,  
EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY

The City Council convened in Executive Session 6:49.

The City Council returned to Regular Session at 7:37 p.m.

CONSIDER AND TAKE ACTION, AS NECESSARY, RESULTING FROM  
DELIBERATIONS IN EXECUTIVE SESSION PURSUANT TO THE TEXAS  
GOVERNMENT CODE, SECTION 551.072 (DELIBERATION REGARDING  
CITY-OWNED REAL PROPERTY; CLOSED MEETING) TO DELIBERATE  
THE PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY  
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No action was taken.

CONSIDER AND TAKE ACTION, AS NECESSARY, RESULTING FROM  
DELIBERATIONS IN EXECUTIVE SESSION PURSUANT TO THE TEXAS  
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No action was taken.

MAYOR AND CITY COUNCIL'S REQUEST FOR FUTURE AGENDA ITEMS

Ms. Hambrick announced the following future agenda items:

- Recap of 2021-2022
- Total cost of the Cain Center Project
- Discuss guidance for 380 Agreements

Ms. Borstad stated there is a future agenda item regarding the Sign Ordinance.

ADJOURN

The meeting adjourned at 7:38 p.m.

PASSED AND APPROVED THIS THE 27<sup>th</sup> DAY OF JUNE 2022.

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Toni Clay, Mayor

ATTEST:

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Bonnie Hambrick, City Secretary