

REGULAR SESSION

JULY 26, 2021

The City Council of the City of Athens met in Regular Session on Monday, July 26, 2021, 5:30 p.m. in the Derek D. Daniels Conference Room of the Athens Partnership Center, 201 West Corsicana St., Athens, Texas.

with the following members present to-wit:

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

Elizabeth Borstad, City Manager
Bonnie Hambrick, City Secretary

Staff Present: Audrey Sloan, Director of Development Services; Mandie Quigg, Finance Director; John Densmore, Chief of Police; Randy Williams, Utilities Director; Chris Baker, Cain Center Director; Joanie Ahlers, Economic Development Director; Katie Birk, Tourism and Cultural Resources Coordinator; Brooke Akins, Administrative Assistant; Sgt. Chris Saylor, Sgt. Billy Westover, Cpl. Robert Poteet, Cpl. Joshua Ames, Ptl. Melissa Goss, Ptl. Elise White

Others Present: Michael Hannigan, Debra Wilson, Deborah Deas, D. J. Warren, Rich Flowers, Larry & Christina West, Tom & Lynn Leatham, Dr. Dan Pugh, Stacy Hurst, David Norris, Anne Perryman, Sheila Houston, Betty Foster, Donna Meredith, Von Thomas, Kristin Willingham, Lakita Hadnot, Michell Zenor, Kyle and Ashley Pugh, Bill Priestley, Wesley Crowley, Elisabeth Douglas, John and Lacey Lowry, Weston Lowry, Ken Jones, James Hurley, Gail Cock, Jacqueline Barker, Nikki Enoch, Tom Trimble, Todd McFarland.

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

INVOCATION

The Invocation was given by Mayor Clay.

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

Kristin Willingham, Athens Chamber of Commerce Director, announced the following:

- Wednesday, July 28, 2021 Athens ISD is hosting a COVID-19 community vaccination clinic from 4:00-6:00 p.m. at Athens High School
- Love Athens Week August 2nd - 6th
- Express Employment Professionals Brand It Blue Initiative starts August 3rd to stock the shelves for the Henderson County Food Pantry

Elizabeth Borstad, City Manager announced the following events:

- Every Saturday: Athens Farmers Market in the City Parking Lot from 9-1
- Aug 3: Painting Workshop at the East Texas Arboretum at 6:00 p.m.
- Aug 7 & 8: Fire It Up Productions at the Henderson County Regional Fair Park
- Aug 14: Keep Athens Beautiful Annual Shootout
- Aug 14 & 15: Dallas Dressage Club at Henderson County Regional Fair Park
- Aug 14: Plant Propagation Class at the East Texas Arboretum

RECOGNITION OF PROMOTIONS WITHIN THE ATHENS POLICE DEPARTMENT

John Densmore, Chief of Police, announced the hiring of Brooke Akins as Administrative Assistant. He recognized the following promotions within the Athens Police Department:

- Officer Robert Poteet and Officer Joshua Ames promoted to rank of Corporal.

CONSENT AGENDA

- a) CONSIDER APPROVING MINUTES OF THE JULY 12, 2021, REGULAR SESSION
- b) CONSIDER APPROVING MINUTES OF THE JULY 14, 2021, BUDGET WORK SESSION
- c) CONSIDER THE APPOINTMENT OF WILLIAM PRIESTLEY TO THE ZONING BOARD OF ADJUSTMENTS
- d) CONSIDER A RESOLUTION APPROVING A REQUEST FROM CHARLES JENKINS OF STERITEC, INC. FOR THE CLOSURE AND ABANDONMENT OF A 0.06-ACRE PORTION OF ENTERPRISE STREET RIGHT-OF-WAY LOCATED ADJACENT TO LOT 2, BLOCK 3 OF THE INDUSTRIAL PARK ADDITION, UNIT I OF THE J. B. ATWOOD SURVEY A-19, ALSO KNOWN AS 1705 ENTERPRISE STREET
- e) JUNE 2021 MONTHLY REVENUE AND EXPENSE REPORT
- f) QUARTERLY INVESTMENT REPORT ENDING JUNE 30, 2021

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

DISCUSS FIRST READING OF AN ORDINANCE CALLING A BOND ELECTION IN THE CITY OF ATHENS, TEXAS TO BE HELD NOVEMBER 2, 2021, AND RESOLVING OTHER MATTERS INCIDENT AND RELATED THERETO

Mayor Clay stated the Council has discussed for many years, the need for a new police station. The November 2nd election voters will decide to approve or not to approve a bond election.

Ms. Borstad explained the City is not required by State Law to have a first reading; however, the first reading provides two opportunities for the City Council and the Public to discuss the item in a public setting. She stated this is the first reading and Council will not vote on the Ordinance and the second reading will occur on August 9th. She stated Council is required to pass the Ordinance by August 16th.

Ms. Borstad explained the Ordinance will outline the maximum not to exceed dollar amount, the term of the debt, and additional tax increases to support the bond. She stated if by September 3rd a ballot is not delivered to the county the bond election is canceled.

Lacey Lowry expressed concern with a bond election happening so quickly in November. She expressed concern with voters getting the necessary information prior to early voting. She asked Council to consider more discussion and bring the item back in the Spring.

Councilmember Gross stated the item could be pulled if staff is not ready to proceed.

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

CONSIDER FINAL READING OF AN ORDINANCE CONCERNING A REQUEST FROM DAVID NORRIS OF FORESITE GROUP, LLC FOR APPROVAL OF A SITE PLAN FOR A RESTAURANT WITH DRIVE THROUGH SERVICE IN THE PLANNED DEVELOPMENT – 1 ZONING DISTRICT FOR LOT 1C, BLOCK 120 OF ATHENS ORIGINAL TOWN, T. PARMER SURVEY A-782, ALSO KNOWN AS 908 EAST TYLER STREET. OWNER: KENNETH JONES

Dan Pugh spoke about concerns with the height of the privacy fence, tree preservation, and signage.

Anne Perryman expressed concern and stated she would like to see a green belt on the west boundary line to preserve more trees. She asked Council to table the item until plans can be updated to address concerns regarding fencing and landscaping.

Audrey Sloan, Director of Development Services, explained the following three (3) updates since the last meeting:

- Landscaping exhibit was submitted showing a proposal to remove 31 of the existing trees and to preserve 39. The parking lot layout was revised to remove five parking spaces in order to preserve existing trees on the west property line
- Updated elevation plan was submitted showing the proposed EFIS cladding material
- One written response received from surrounding property owner Anne Perryman

Ms. Sloan discussed the five (5) stipulations included in the current version of the adopting Ordinance:

1. The height of the monument sign shall not exceed seven feet.
2. The “Hwy 55” signage on the monolith shall be lowered to a height below the roof line.
3. The “YN” signage shall not be allowed on the east and west facades of the building.
4. The screening along the south property line shall be an eight-foot wood privacy fence.
5. The screening along the west property line shall be a six-foot wood privacy fence and shall not extend beyond the 25-foot front yard setback.

David Norris further discussed the project and the placement of signage.

After discussion, Ms. Hambrick read the caption of the Ordinance.

A motion was made by Mayor Clay to approve the Ordinance with an additional stipulation that the fence on the south property line be shadow boxed. The item died due to the lack of a second.

A motion was made by Councilmember Carroll to approve the Ordinance with two additional stipulations: screening along the south property line shall be an eight-foot wood privacy fence with galvanized metal posts and the screening along the west property line shall be a six-foot wood privacy fence with galvanized metal posts and shall not extend beyond the 25-foot front yard setback, seconded by Councilmember Gross. After roll call vote, the motion passed with the following record vote:

Toni Clay, Mayor	Aye
Aaron Smith, Councilmember	Aye
SyTanna Freeman, Councilmember	Aye
Robert Gross, Councilmember	Aye
Mark Carroll	Aye

Voted in favor of the motion	5
Voted against the motion	0

Motion carried

5-0

CONSIDER FINAL READING OF AN ORDINANCE CONCERNING A REQUEST FROM DAN HOLZSCHUH OF LANDMARK SIGN COMPANY FOR APPROVAL OF A SITE PLAN AMENDMENT INCLUDING THE SIGN PACKAGE FOR THE TAQUERIA LA VENTANA AND TWISTED ROOT BURGER COMPANY RESTAURANTS IN THE PLANNED DEVELOPMENT – 1 ZONING DISTRICT 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. OWNER: TRITON ATHENS I, LLC

Donna Meredith expressed concern with seeing retail on the Crestway side.

Kyle Pugh opposed to the large wall as it is an eyesore, and property values will decrease.

Anne Perryman stated the mural is not attractive in a single-family one-story neighborhood. She suggested neutral colors, expressed concern that property values will decline.

Ms. Sloan explained the following three (3) stipulations in the current version of the Ordinance:

1. Murals shall not be allowed on the south facades of the buildings.
2. The “Taqueria” sign shall not emit light to the rear of the building (south).
3. The “La Ventana” sign shall not be lighted on the side facing the rear of the building (south).

After discussion, a motion was made by Councilmember Carroll, seconded by Mayor Clay to table the item until the developer from the two restaurants can attend the meeting. The motion carried unanimously.

DISCUSS, CONSIDER, AND TAKE ACTION, AS NECESSARY CONCERNING THE APPROVAL OF A RESOLUTION AWARDED REQUEST FOR PROPOSAL (RFP) TO TRAYLOR AND ASSOCIATES, INC. FOR ADMINISTRATIVE SERVICES IN CONJUNCTION WITH THE SUBMITTAL OF AN APPLICATION FOR FUNDING THROUGH THE 2021 HAZARD MITIGATION GRANT PROGRAM FOR DR-4586 FEBRUARY WINTER WEATHER TO PROVIDE APPLICATION PREPARATION, PROJECT ADMINISTRATION, AND PROJECT-RELATED MANAGEMENT SERVICES, IF AWARDED

Ms. Borstad explained the item allows the City Manager to enter into an Agreement with Traylor and Associates for assistance in preparing the grant application. She stated the grant administration fees are included in the grant dollar amount. She stated there is a 25% match. She further stated the project will most likely be back up generators for city facilities.

A motion was made by Councilmember Smith, seconded by Councilwoman Freeman to approve a Resolution awarding Request for Proposal (RFP) to Traylor and Associates, Inc. for administrative services in conjunction with the submittal of an application for funding through the 2021 Hazard Mitigation Grant Program for DR-4586 February Winter Weather to provide application preparation, project administration, and project-related management services, if awarded. The motion carried unanimously.

DISCUSS, CONSIDER, AND TAKE ACTION, AS NECESSARY CONCERNING THE APPROVAL OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE AGREEMENT FOR RENTAL OF CONCESSION RETAIL SPACE INSIDE THE CAIN CENTER WITH JEREMY & STEPHANIE MILLAR, OWNERS OF TREEHOUSE CUPCAKES & FROZEN TREATS AND NEGOTIATE THE AGREEMENT

Chris Baker, Cain Center Director, stated he invited appropriate vendors to look at the concession area within the Cain Center for possible lease. He stated Treehouse showed the most interest.

After discussion, a motion was made by Councilmember Gross, seconded by Councilwoman Freeman to approve a Resolution authorizing the City Manager to enter into a lease agreement for rental of concession retail space inside the Cain Center with Jeremy & Stephanie Millar, owners of Treehouse Cupcakes & Frozen Treats and negotiate the agreement. The motion carried unanimously.

DISCUSS, CONSIDER, AND TAKE ACTION, AS NECESSARY,
CONCERNING THE APPROVAL OF A RESOLUTION AWARDED
INVITATION FOR BID (IFB21-6303) FOR THE SANITARY SEWER LINE
EXTENSION IMPROVEMENTS PROJECT TO CAPPS CAPCO
CONSTRUCTION AND AUTHORIZE THE CITY MANAGER TO ENTER
INTO A CONSTRUCTION AGREEMENT

Randy Williams, Utilities Director, explained the approval of the resolution will allow for the construction of a 300-foot sewer line along N. Prairieville Street. He stated the individual property owners located along the proposed alignment also do not have legal right to access the pipeline under a neighboring property and are unable to resolve the issue.

A motion was made by Councilmember Gross, seconded by Councilmember Carroll to approve a Resolution awarding Invitation for Bid (IFB21-6303) for the Sanitary Sewer Line Extension Improvements Project to Capps Capco Construction and authorize the City Manager to enter into a Construction Agreement. The motion carried unanimously.

EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE,
SECTION 551.072 (DELIBERATION REGARDING REAL PROPERTY;
CLOSED MEETING) TO DELIBERATE THE PURCHASE, EXCHANGE,
LEASE, OR VALUE OF REAL PROPERTY

a) 415 E. CORSICANA STREET

EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE,
SECTION 551.087 (DELIBERATION REGARDING ECONOMIC
DEVELOPMENT NEGOTIATIONS; CLOSED MEETING) DELIBERATIONS
REGARDING:

a) PROSPECT #1808 BIOMERICS

The City Council convened in Executive Session at 6:41 p.m.

The City Council returned to Regular Session at 7:16 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
REAL PROPERTY; CLOSED MEETING) TO DELIBERATE THE PURCHASE,
EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY

a) 415 E. CORSICANA STREET

No action was taken.

CONSIDER AND TAKE ACTION, AS NECESSARY, RESULTING FROM
DELIBERATIONS IN EXECUTIVE SESSION PURSUANT TO THE TEXAS
GOVERNMENT CODE, SECTION 551.087 (DELIBERATION REGARDING
ECONOMIC DEVELOPMENT NEGOTIATIONS, CLOSED MEETING)

a) PROSPECT #1808 BIOMERICS

A motion was made by Councilmember Gross, seconded by Councilmember Smith to approve a Tenant Improvement Loan to Biomerics in an amount not to exceed \$200,000 for the construction of a vestibule on the AEDC Building that Biomerics leases at 1702 and 1704 East Enterprise Street in the Athens Industrial Park as well as approve a \$72,000 capital improvement incentive for the new expansion of Biomerics located at 1700 Enterprise Street in the Athens Industrial park. The motion carried unanimously.

MAYOR AND CITY COUNCIL'S REQUEST FOR FUTURE AGENDA ITEMS

Ms. Hambrick read the following future agenda items:

- Budget Work Session 8-2-2021 Emergency Operations Center 610 S. Prairieville
- First reading of an Ordinance adopting International Property Maintenance Code (IPMC)
- Airport hangar fees and land lease rates
- Further define approved shooting range definitions for private and commercial use

ADJOURN

The meeting was adjourned at 7:18 p.m.

PASSED AND APPROVED THIS THE 9th DAY OF AUGUST 2021.

Toni Clay, Mayor

ATTEST:

Bonnie Hambrick, City Secretary