

REGULAR SESSION

APRIL 12, 2021

The City Council of the City of Athens met in Regular Session on Monday, April 12, 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:

Monte Montgomery, Mayor
Toni Clay, Mayor Pro Tem
Aaron Smith
Robert Gross
SyTanna Freeman

Elizabeth Borstad, City Manager
Bonnie Hambrick, City Secretary

Staff Present: Audrey Sloan, Director of Development Services; John Densmore, Chief of Police; Katie Birk, Tourism and Cultural Resources Coordinator; Noemi Lopez, Administrative Clerk; Tim Perry, Public Works Director; Joanie Ahlers, Economic Development Director; Randy Williams, Utilities Director; Mandie Quigg, Finance Director; Sissy Geddie, HR Manager; Chris Baker, Cain Center Director

others present: Rich Flowers, Deborah Deas, Michael Hannigan, Pastor Ernest Freeman, Rev. Larry West, Pastor Eric Graham, Brett Lyon, Robert Haberle, Leslie Saunders, Wendy Pacheco, Ginger Ford, Hannah Farley, Jeffrey Enoch Sr., Sheila Houston, Mary Brown, Patricia Bowman, Nikki Enoch, Eric Berry, Katherine Jones, Brady Autrey, Christian Ramirez, Adriana & Paul Yazbeck.

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.

TRIBUTE HONORING FALLEN TROOPER CHAD M. WALKER

Mayor Monte Montgomery, paid tribute to Trooper Chad M. Walker who worked for the Athens Police Department for seven years, early in his career.

John Densmore, Chief of Police, stated Trooper Chad Walker is a part of the Athens family. Many officers had worked with him and some had close bonds with him.

PRESENTATION OF A PROCLAMATION RECOGNIZING CHILD ABUSE
AWARENESS AND PREVENTION MONTH

Leslie Saunders explained everyone's role and expressed how it took amazing people with amazing hearts to do this job. She thanked the Mayor and Council.

Mayor Montgomery proclaimed the month of April 2021 to be Child Abuse Prevention Month.

PRESENTATION OF A PROCLAMATION RECOGNIZING NATIONAL
CRIME VICTIMS' RIGHTS WEEK

Mayor Montgomery proclaimed the week of April 18 – 24, 2021, as Crime Victims' Rights Week.

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, announced the following events:

East Texas Arboretum

- April 21, 2021 11:30 a.m. Spring Style Show and Luncheon at the Arboretum featuring local boutiques
- April 30, 2021 Spring Fling
Dinner and Dancing at 6:00 p.m. at the Arboretum

Henderson County First Responders PRCA Rodeo

- April 23, 2021 – April 24, 2021 Time: 6:00 pm - 10:00 pm

Keep Athens Beautiful

- May 1, 2021 8:00 a.m.- 11:30 a.m.
Electronic and tire Recycling Day, Judicial Building Parking Lot

Athens Kiwanis Pancake Day

- May 4, 2021 6 am – 8:00 p.m.
First United Methodist Church

Mayor Montgomery thanked the students from the Pinnacle and Athens ISD National Honor Society for volunteering during East Texas Arboretum Plant Sale.

DISCUSS, CONSIDER, AND TAKE ACTION, AS NECESSARY,
CONFIRMING THE APPOINTMENT OF CHRIS BAKER AS CAIN CENTER
DIRECTOR FOR THE CITY OF ATHENS

Mayor Montgomery stated the hiring of Chris Baker was a good thing for the City, the citizens know him and he knows the citizens.

City Manager, Elizabeth Borstad stated there were many applicants. It was narrowed down to five (5) candidates, who were then interviewed. She stated Chris stood out to the interview committee with an experienced background.

A motion was made by Councilwoman Freeman seconded by Councilwoman Clay to confirm the appointment of Chris Baker as Cain Center Director for the City of Athens. The motion carried unanimously.

CONSENT AGENDA

- a) CONSIDER APPROVING MINUTES OF THE MARCH 22, 2021 REGULAR SESSION
- b) CONSIDER A RESOLUTION AUTHORIZING THE APPOINTMENT OF ELECTION JUDGE FOR THE MAY 1, 2021 CITY OF ATHENS GENERAL ELECTION
- c) CONSIDER A RESOLUTION RESCINDING THE DISASTER DECLARATION IN RESPONSE TO THE SEVERE WEATHER EVENT

- d) CONSIDER A RESOLUTION RESCINDING THE DISASTER DECLARATION IN RESPONSE TO COVID-19**
- e) CONSIDER A RESOLUTION TO ADOPT THE 2021 HAZARD MITIGATION PLAN**
- f) CONSIDER A RESOLUTION AWARDDING REQUEST FOR PROPOSAL (RFP) TO NEOGOV FOR HUMAN RESOURCES MANAGEMENT SYSTEM AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR A FIVE-YEAR TERM**
- g) CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE 2021 T-HANGAR LEASE AGREEMENT WITH BRANDON SMITH FOR T-HANGAR NO. 3 AT ATHENS MUNICIPAL AIRPORT**
- h) CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENTS AWARDDING BIDS FOR CHEMICALS USED IN WATER AND WASTEWATER TREATMENT FACILITIES**

Mayor Montgomery stated that item b) Consider a Resolution authorizing the appointment of Election Judge for the May 1, 2021 City of Athens General Election be removed from the Consent Agenda for further discussion.

A motion was made by Councilmember Gross seconded by Councilwomen Freeman to approve items:

- a) CONSIDER APPROVING MINUTES OF THE MARCH 22, 2021 REGULAR SESSION**
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The motion carried unanimously.

- b) CONSIDER A RESOLUTION AUTHORIZING THE APPOINTMENT OF ELECTION JUDGE FOR THE MAY 1, 2021 CITY OF ATHENS GENERAL ELECTION**

Mayor Montgomery stated he wanted to pull item b to acknowledge Dot Mason as Election Judge for the May 1, 2021 General Election.

A motion was made by Councilmember Smith, seconded by Councilmember Gross authorizing the appointment of Election Judge for the May 1, 2021 City of Athens General Election. The motion carried unanimously.

HEAR UPDATE ON CAIN CENTER PROJECT

Eric Berry provided the following updates on the Cain Center project:

- Pool in its final phase
- Elevator installation
- Ceramic tile installation
- New masonry walls in Fitness Room
- Prepping walls for paint
- TREX Decking
- Pool Equipment Installation
- Electrical Conduit is complete
- New electrical switchgear and secondary near completion.

Ms. Borstad stated the City crew has poured concrete for the accessibility ramp.

Councilwoman Clay stated she would like to see a dog park at the Cain Center.

HEAR UPDATE ON COMMUNITY DEVELOPMENT AND BUSINESS ASSISTANCE GRANT PROGRAMS

Joanie Ahlers, Economic Development Director, provided the following update on the Community Development Grant and Business Assistance Grant:

- The budget for each grant program was \$75,000
- Seven (7) applications received with six (6) applications being awarded
- **Art Matters** is a non-profit fine art gallery. They host high school student art shows and hold workshops for different art media one block off the downtown square. The project is to repair and repaint the floors and install better lighting— Amount recommended \$6,663.00
- **Henderson County Regional Fair Park** – The County rodeo grounds. The project is to replace the large billboard sign along Highway 31. The HCFP has agreed to provide advertising on that sign free of charge to the City of Athens for tourist and community events for the next 10 years. Amount recommended \$38,000, matching funds of \$152,000
- **East Texas Arboretum and Botanical Society** is a non-profit showcase for plants, trees, and flowers. They host community and private events and have walking trails open to the public. The project is to repair water damage that was done to a downstairs room that was not covered by insurance. The work will entail the removal and replacement of sheetrock, molding, and flooring. Amount recommended \$10,907.00, matching funds of \$3,000 and \$1,000 volunteer labor
- **Kathy's Boutique** is a lady's apparel boutique located on the east side of the downtown square. The project will consist of window replacement and replacement and painting of exterior rotted wood. Amount recommended: \$11,962.00
- **Turk's Apparel & Salon of Style** located on Highway 19 South, is a retail apparel store and salon. The project will consist of the installation of stone columns and wainscoting and painting the exterior of the building. Amount recommended: \$6,588.00
- **Parker & Richardson**, 505 E. Tyler Street, Athens, TX 75751, is a CPA firm relatively new to town. The project will consist of the replacement of a retaining wall and painting the façade (both the brick on the building and the metal roof). Amount recommended - \$8,887.00

Ms. Ahlers further stated not all of the grant funds were expended. The Community Development Grant: Awarded \$55,571.05 leaving \$19,428.95 in the budget line item and the Business Assistance Grant: Awarded \$27,438.66 leaving \$47,567.34 in the budget line item.

DISCUSS, CONSIDER, AND TAKE ACTION AS NECESSARY,
CONCERNING THE APPROVAL OF A RESOLUTION AUTHORIZING THE
CITY MANAGER TO EXECUTE AND SEND A LETTER OF INTENT TO THE
TEXAS DEPARTMENT OF TRANSPORTATION AVIATION DIRECTOR OF
PLANNING

Tim Perry, Public Works Director, explained that T-Hangars are in high demand. He stated there are seventeen individuals on the T-Hangar waitlist. He explained the letter is being sent in an effort to expand daily operation needs, T-hangar space, and a wildlife fence at the Athens Municipal Airport. The Letter of Intent is not obligating the city to any financial commitments at this time, but it does help us get the process started for approvals of possible funding.

A motion was made by Councilmember Gross seconded by Councilwoman Clay to approve a Resolution authorizing the City Manager to execute and send a Letter of Intent to the Texas Department of Transportation Aviation Director of Planning. The motion carried unanimously.

DISCUSS, CONSIDER, AND TAKE ACTION, AS NECESSARY,
CONCERNING THE APPROVAL OF A RESOLUTION AUTHORIZING THE
CITY MANAGER TO EXECUTE A PURCHASE AGREEMENT WITH
MATRIX FITNESS

Mr. Perry stated he made Brett Lyon from Matrix Fitness aware of concerns with the original layout and he made more changes to fit our needs.

Brett Lyon presented an overview of the company. He explained the benefits of purchasing from Matrix, and all the assistance Matrix will provide to the city. He included all equipment, cost, and warranties. He explained how they will train staff on the equipment to be able to fix the machines. He showed the different programs they offer with the equipment.

Mayor Montgomery stated Matrix Fitness was a good Company with great equipment. However, he would be voting against it.

A motion was made by Councilmember Gross, seconded by Councilmember Smith to approve a Resolution authorizing the City Manager to execute a purchase agreement with Matrix Fitness.

The motion carried by the following vote: Ayes: Councilmember Gross, Councilmember Smith, Councilwoman Clay and Councilwoman Freeman, Nays: Mayor Monte Montgomery, Abstain: None.

PUBLIC HEARING CONCERNING A REQUEST FROM PROPECTUS
MULTIFAMILY CAPITAL FOR APPROVAL OF A ZONING CHANGE FROM
COMMERCIAL TO PLANNED DEVELOPMENT FOR LOTS 12A, 13 & 14 OF
THE C. H. COLEMAN SUBDIVISION, J. B. ATWOOD SURVEY A-19, ALSO
KNOWN AS 2050 STATE HIGHWAY 31 EAST

Audrey Sloan, Director of Development Services, presented the item. This property is located on State Highway 31 East and is the former location of the Quality Inn. The property is currently vacant. The zoning of the property is Commercial.

The applicant is proposing to convert the property for multi-family use with a restaurant or coffee shop. The proposal is to keep the 122 dwelling units in their current configuration but convert them into efficiency apartment units. The average square footage per dwelling unit would be 288 square feet. Letters of notification were mailed to the 18 surrounding property owners within 200 feet. One approval and two protests have been returned.

Adriana & Paul Yazbeck from Profectus Multifamily Capital, LLC presented the property conversion proposal.

Throughout the presentation, there were questions and answers being provided.

Mayor Montgomery expressed concern with a week-by week or month-by-month lease.

Councilmember Gross stated he would like to see the screening criteria.

Additional discussion occurred.

Mayor Montgomery opened the Public Hearing.

Deborah Deas asked what keeps the tenant from going to a month-to-month lease after one year; with Mrs. Yazbeck explaining the biggest deterrent is the fees.

Christian Ramirez expressed concern with low income/efficiency apartments.

Brady Autry expressed concern should the ownership change and the lease goes from being a one-year lease to a month to month lease.

Pastor Ernest Freeman stated due to Killeen being a military base, there are not options for regular apartments and citizens are forced to utilize efficiency apartments.

Jeffrey Enoch Sr. asked if Section 8 Housing Vouchers are accepted; with Mrs. Yazbeck stating vouchers are not accepted, she later clarified her response of following guidelines for Fair Housing.

Councilmember Gross stated he would like to see the underwriting criteria and look at the screening process.

Councilwoman Clay stated she had concerns regarding the apartments when reading the packet, however, after the presentation she was reassured. She stated there is a lot of green space around the property, and she would like to see that space used. She further stated the property would generate tax dollars.

Mayor Montgomery closed the Public Hearing.

DISCUSS FIRST READING OF AN ORDINANCE CONCERNING A REQUEST FROM PROPECTUS MULTIFAMILY CAPITAL FOR APPROVAL OF A ZONING CHANGE FROM COMMERCIAL TO PLANNED DEVELOPMENT FOR LOTS 12A, 13 & 14 OF THE C. H. COLEMAN SUBDIVISION, J. B. ATWOOD SURVEY A-19, ALSO KNOWN AS 2050 STATE HIGHWAY 31 EAST

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

PUBLIC HEARING CONCERNING A REQUEST FROM JEFFERY ENOCH, SR. FOR A ZONING CHANGE FROM SINGLE-FAMILY -5 TO COMMERCIAL AND A SPECIFIC USE PERMIT FOR A PARKING LOT FOR TRUCKS AND TRAILERS FOR LOT 3A, BLOCK 104 OF ATHENS ORIGINAL TOWN, T. PARMER SURVEY A-782, ALSO KNOWN AS 707 NORTH PRAIRIEVILLE STREET

Ms. Sloan presented the item and explained the property is located on North Prairieville Street and is currently vacant. The applicant is proposing to use the property to park his personal trailers. This use requires a zoning change and a specific use permit. The applicant is proposing to use crushed tile for the parking surface, rather than asphalt or concrete.

Letters of notification were mailed to the eight (8) surrounding property owners within 200 feet. One (1) protest has been returned.

Mr. Enoch explained he plans to use this land as a placeholder for trailers. No public access would be allowed. He presented an example of the crushed tile to the Council.

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 JEFFERY ENOCH, SR. FOR A ZONING CHANGE FROM SINGLE-FAMILY -5 TO COMMERCIAL AND A SPECIFIC USE PERMIT FOR A PARKING LOT FOR TRUCKS AND TRAILERS FOR LOT 3A, BLOCK 104 OF ATHENS ORIGINAL TOWN, T. PARMER SURVEY A-782, ALSO KNOWN AS 707 NORTH PRAIRIEVILLE STREET

Ms. Hambrick read the caption of the Ordinance aloud.

PUBLIC HEARING CONCERNING A REQUEST FROM HENRY CUMBY FOR A ZONING CHANGE FROM AGRICULTURE TO SINGLE-FAMILY – 7 AND A SPECIFIC USE PERMIT FOR A MANUFACTURED HOME FOR LOTS 2-2, 2-3, 2-4 & 2-5 OF BLOCK 97 OF ATHENS ORIGINAL TOWN, B. C. WALTERS SURVEY A-797, ALSO KNOWN AS 1105 THIRD

Ms. Sloan explained in, November of 2019, the applicant had previously applied for a zoning change and specific use permit and received approval. The application was for Lot 2-1 of Athens Original Town also known as 1101 Third Street. The applicant was under the impression that the application was for his entire property (all five lots) rather than just one specific lot. Upon approval of the zoning change and specific use permit, the manufactured home was placed on the lots to the north, rather than on Lot 2-1 which was approved. Ms. Sloan stated the owner is seeking a zoning change and specific use permit at this time for the additional four lots he owns and for the existing home only. No additional manufactured homes are proposed for the property and the owner intends to replat the five lots into one lot at a future date. Letters of notification were mailed to the 8 surrounding property owners within 200 feet. No responses have been returned

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 HENRY CUMBY FOR A ZONING CHANGE FROM AGRICULTURE TO SINGLE-FAMILY – 7 AND A SPECIFIC USE PERMIT FOR A MANUFACTURED HOME FOR LOTS 2-2, 2-3, 2-4 & 2-5 OF BLOCK 97 OF ATHENS ORIGINAL TOWN, B. C. WALTERS SURVEY A-797, ALSO KNOWN AS 1105 THIRD

Ms. Hambrick read the caption of the Ordinance aloud.

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

- a) AEDC LAND SALE TO GVD RENTALS LLC. AND A CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT

The City Council convened in Executive Session at 8:00 p.m.

The City Council returned to Regular Session at 8:14 p.m.

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) AEDC LAND SALE TO GVD RENTALS LLC. AND A CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT

A motion was made by Councilwoman Clay, seconded by Councilmember Gross to enter into the amended contract as presented by staff with GVD Rentals. The motion carried unanimously.

MAYOR AND CITY COUNCIL'S REQUEST FOR FUTURE AGENDA ITEMS

Councilwoman Clay requested that staff continue to move forward with TxDOT regarding traffic at Crestway and Highway 31.

ADJOURN

The meeting was adjourned at 8:17 p.m.

PASSED AND APPROVED THIS THE 26th DAY OF APRIL 2021

Monte Montgomery, Mayor

ATTEST:

Bonnie Hambrick, City Secretary