

REGULAR SESSION

MARCH 28, 2022

The City Council of the City of Athens met in Regular Session on Monday, March 28, 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; Audrey Sloan, Director of Development Services; Noemi Lopez, Administrative Clerk; Randy Williams, Utilities Director; Chris Baker, Cain Center Director.

Others present: Rich Flowers, Michael Hannigan, Steve Grant, Sumaia Almoud, Deborah Deas, Scott Campbell, Dr. Doug Curran, Wesley Knight, Mark Brown, Tommie Thomas, Carol Morton, Gene Kennon, Evelyn Cummings, Kelly and Camille Barnes, Tech Sgt. Timothy Johnson, Jasmine Johnson, Mitchell Kaufman.

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 Mayor Clay.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

DECLARATION OF CONFLICT OF INTEREST

No action was taken.

PUBLIC COMMUNICATIONS

Tommie Thomas expressed concern that the City of Athens had not adopted Athens as a Sanctuary City for the Unborn. He asked the City Council to act and pass an Ordinance establishing Athens as a Sanctuary City for the Unborn.

PROCLAMATION – KEEP AMERICA BEAUTIFUL, INC. GREAT AMERICAN CLEANUP 2022

Mayor Clay read a Proclamation declaring April 2, 2022, as “Great American Cleanup Day” and called upon citizens to join in activities.

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

Happy Birthday was sung to Councilwoman Freeman.

Chris Baker, Cain Center Director, announced the following Cinco de Mayo events being planned:

- Food trucks
- Vendors
- Cultural dancing
- Carnival
- Raffle tickets sale
- T-Shirt sale
- Pageant
- Taste of Mexico

Elizabeth Borstad, City Manager, announced the following events:

- April 2: Fishing Fools Day and 5K at the Texas Freshwater Fisheries Center from 9:00 a.m. to 3:00 p.m.
- April 2: Lone Star High School Rodeo will be at the Henderson County Regional Fair Park
- April 8-10: World Series Team Roping at the Henderson County Regional Fair Park
- April 9: Athens Tx Farmers Easter Pop Up Market at TVCC from 11:00 a.m. to 1:00 p.m.
- April 16: Fire It Up Productions at the Henderson County Regional Fair Park
- April 22: Books in Bloom at the First United Methodist Church Activities Building from 11:00 a.m. to 1:00 p.m.
- April 23: A Night of Gospel with Christi Tillman and Chad Stevenson at The Texan starting at 6:30 p.m.
- April 23: Henderson County HELP Center hosts the 2nd “Annual Shoot Out Child Abuse” at 5H Shooting Sports. Starts at 9:00 a.m.
- April 22 - 23: Annual Henderson County First Responders PRCA Rodeo at the Henderson County Regional Fair Park
- April 30: 2nd Annual Cops and Kids Picnic at Kiwanis Park from 11:00 a.m. to 2:00 p.m.
- April 30: APEF presents Athens City Limits at the Nightingale
- April 30 - May 1: Anime Athens at The Texan

Michael Hannigan, announced the following events:

- April 9: Plant sale at the East Texas Arboretum
- April 20: Spring style show at East Texas Arboretum

CONSENT AGENDA

- a) CONSIDER APPROVING MINUTES OF THE MARCH 14, 2022, REGULAR SESSION
- b) CONSIDER A RESOLUTION AUTHORIZING THE TEMPORARY CLOSURE OF TYLER STREET AND PRAIRIEVILLE STREET FOR ATHENS OLD FIDDLERS REUNION AND CONTEST AND AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE STATE OF TEXAS FOR THE TEMPORARY CLOSURE OF STATE HIGHWAYS
- c) CONSIDER A RESOLUTION RECEIVING AND APPROVING HENDERSON COUNTY 9-1-1 COMMUNICATION DISTRICT'S ANNUAL BUDGET FOR FISCAL YEAR MAY 2022 THROUGH APRIL 2023
- d) FEBRUARY 2022 MONTHLY REVENUE AND EXPENSE REPORT

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

HEAR UPDATE ON CADET PROGRAM AND EQUIPMENT

John Densmore, Chief of Police, provided an update on the following:

- Cadet Program
- Equipment (consisting of Handheld Radios, Dispatcher Console, Tasers, and Fleet Vehicles)
- Staffing

RESOLUTIONS

- a) 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 2022 HAZARD MITIGATION GRANT PROGRAM FOR DR-4485 COVID-19 PANDEMIC TO PROVIDE APPLICATION PREPARATION, PROJECT ADMINISTRATION, AND PROJECT-RELATED MANAGEMENT SERVICES, IF AWARDED**

Ms. Borstad presented the item. She stated this is another round for a grant opportunity through FEMA. She stated one of the allowed uses of the grant is for generators. She is requesting Traylor and Associates, Inc. to provide Administrative Services.

A motion was made by Councilwoman Freeman, seconded by Councilmember Carroll 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 2022 Hazard Mitigation Grant Program for DR-4485 COVID-19 Pandemic to provide application preparation, project administration, and project-related management services, if awarded. 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 AN INTERLOCAL AGREEMENT WITH THE HENDERSON COUNTY HOSPITAL AUTHORITY TO ALLOW PAYMENTS TO BE MADE BY THE CITY OF ATHENS TO THE AUTHORITY FROM THE CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS**

Mayor Clay stated she requested to revisit the item. She stated due to the American Rescues Plan Act, fiscal recovery funds were given to county and city governments. Hospitals were told if they needed funding, they would have to request it from the county and city. She explained the hospital previously appeared and asked the city for funding and it was tabled.

She explained the funding would be used for personal protective equipment (PPE) and premium pay.

Mayor Clay stated the hospital was an integral part of the community.

Scott Campbell, Chief Executive Officer, Wes Knight, Chief Financial Officer, and Dr. Doug Curran, Hospital Authority Chairman, presented the need for funding.

Councilmember Carroll asked for clarification on the amount being requested. Funding for the following three (3) items was requested.

1. Hospitalist coverage
2. Personal Protective Equipment (PPE)
3. Nursing Agency/ Contract -Labor

Councilmember Smith asked if the funds allocated by the county had been collected and documented, with Mr. Knight stating no; the funds have not been disbursed.

Much discussion occurred.

A motion was made by Mayor Clay, seconded by Councilmember Carroll to approve a Resolution authorizing the City Manager to enter into an Interlocal Agreement with the Henderson County Hospital Authority to allow a one-time payment of \$100,000 to be made by the City of Athens to the Authority from the Coronavirus State and Local Fiscal Recovery Funds.

The motion carried by the following vote: Ayes: Mayor Clay and Councilmember Carroll, Nays: Councilmember Smith; Abstained: Councilwoman Freeman.

DISCUSS FIRST READING OF AN ORDINANCE CONCERNING A REQUEST FROM HEATHER FOSSIS & EVELYN CUMMINGS FOR APPROVAL OF THE CLOSURE AND ABANDONMENT OF THE PORTION OF FIRST STREET RIGHT-OF-WAY RUNNING NORTH AND SOUTH BETWEEN LOT 14, BLOCK 13 AND LOT 10, BLOCK 14 OF THE BISHOP HEIGHTS ADDITION, T. PARMER SURVEY A-782

Audrey Sloan, Director of Development Services, presented the item and stated two adjacent property owners have submitted a request for the City to close and abandon a portion of First Street right of way. Staff & local utility providers have reviewed the request and do not have any objections. Staff does recommend retaining a utility easement. She stated the same request came to the City Council in August of 2020 and was not approved.

Evelyn Cummings stated her daughter plans to put a house on the property and the closure would increase the buildable area of the lot.

Ms. Sloan presented diagrams showing the buildable area of the lots and location of the easement, if approved.

Discussion occurred.

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

CONSIDER FINAL READING OF AN ORDINANCE CONCERNING A REQUEST FROM STEVE GRANT OF BB & G PROPERTIES, INC. FOR APPROVAL OF A ZONING CHANGE FROM INDUSTRIAL TO MULTI-FAMILY – 2 FOR TRACT 46, J. B. ATWOOD SURVEY, ABSTRACT 19; LOCATED AT THE NORTHWEST CORNER OF OLD TYLER HWY AND SHORT ST, ALSO KNOWN AS PROPERTY ID R1759

Ms. Sloan stated the zoning change is being requested for the property owner to build a duplex on the lot and no changes have been made since the first reading of the Ordinance.

Ms. Hambrick read the caption of the Ordinance.

A motion was made by Councilmember Smith, seconded by Councilmember Carroll to approve an Ordinance concerning a request from Steve Grant of BB & G Properties, Inc. for approval of a zoning change from Industrial to Multi-Family – 2 for Tract 46, J. B. Atwood Survey, Abstract 19; located at the northwest corner of Old Tyler Hwy and Short St, also known as Property ID R1759.

After roll call vote, the motion passed with the following record vote:

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

Voted in favor of the motion	4
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Voted against the motion 0
Motion carried 4-0

CONSIDER FINAL READING OF AN ORDINANCE CONCERNING A REQUEST FROM AMIR ALI JAFRI FOR APPROVAL OF A ZONING CHANGE FROM COMMERCIAL TO SINGLE-FAMILY – 7 FOR LOT D, C. L. LOPER, T. PARMER SURVEY, ABSTRACT 782; LOCATED AT 206 W CAYUGA ST

Ms. Sloan stated the request was being made in order to convert the use of the property from a daycare back to single family residential use and no updates have been made.

Ms. Hambrick read the caption of the ordinance.

A motion was made by Councilwoman Freeman, seconded by Councilmember Carroll to approve final reading of an Ordinance concerning a request from Amir Ali Jafri for approval of a zoning change from Commercial to Single-Family – 7 for Lot D, C. L. Loper, T. Parmer Survey, Abstract 782; located at 206 W Cayuga St.

After roll call vote, the motion passed with the following record vote:

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

Voted in favor of the motion 4
Voted against the motion 0
Motion carried 4-0

CONSIDER FINAL READING OF AN ORDINANCE CONCERNING A REQUEST FROM SCOTT BARRETT OF RED DOT CORPORATION FOR APPROVAL OF A ZONING CHANGE FROM SINGLE-FAMILY – 5 TO COMMERCIAL FOR LOTS 1, 3, 5, 7, 9 & 17A OF BLOCK 4 AND LOTS 2-15 OF BLOCK 5 OF WEST HYLANDS, T. PARMER SURVEY, ABSTRACT 782; LOCATED AT 1209 W CORSICANA ST, AND ALSO KNOWN AS PROPERTY IDS C2557, C2558, R81189, R81191, R81193, R81194, R81196 & C122818

Ms. Sloan stated no updates have been made. She stated Red Dot has also requested City Council consider the closure of a portion of Wilson St. and Pool St. They are working on getting a survey and other requirements before the second reading.

Discussion occurred regarding contacting surrounding property owners before second reading of the road closure.

Ms. Hambrick read the caption of the ordinance.

A motion was made by Councilmember Smith, seconded by Councilmember Carroll to approve final reading of an Ordinance concerning a request from Scott Barrett of Red Dot Corporation for approval of a zoning change from Single-Family – 5 to Commercial for Lots 1, 3, 5, 7, 9 & 17A of Block 4 and Lots 2-15 of Block 5 of West Hylands, T. Parmer Survey, Abstract 782; located at 1209 W Corsicana St, and also known as Property IDs C2557, C2558, R81189, R81191, R81193, R81194, R81196 & C122818.

After roll call vote, the motion passed with the following record vote:

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

Voted in favor of the motion	4
Voted against the motion	0
Motion carried	4-0

CONSIDER FINAL READING OF AN ORDINANCE CONCERNING A REQUEST FROM ROGUE ARCHITECTS FOR APPROVAL OF SITE PLAN FOR MINOR AUTOMOTIVE REPAIR USE LOCATED IN THE PLANNED DEVELOPMENT – 1 ZONING DISTRICT FOR LOT 7A OF ATHENS CENTER, R. A. CLARK SURVEY, ABSTRACT 171; LOCATED AT 1101 E TYLER ST. OWNER: SCC EAST TYLER ATHENS LLC.

Ms. Sloan stated the site plan is in compliance with all Ordinances except the business logo on the directional signs. The signage is typically not allowed however can be with approval of current site plan by the City Council.

Discussion occurred regarding directional signage.

Ms. Hambrick read the caption of the Ordinance.

A motion was made by Councilmember Smith, seconded by Councilmember Carroll to approve a site plan for minor automotive repair use located in the Planned Development – 1 zoning district for Lot 7A of Athens Center, R. A. Clark Survey, Abstract 171; located at 1101 E Tyler St. Owner: SCC East Tyler Athens LLC. with the stipulation that the company logo shall not be included on the directional signage in accordance with the sign regulations outlined in the City Code of Ordinances.

After roll call vote, the motion passed with the following record vote:

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

Voted in favor of the motion	4
Voted against the motion	0
Motion carried	4-0

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) FACILITIES MANAGER LEASE FOR THE TEXAN

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

EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE, SECTION 551.087 (DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS; CLOSED MEETING)
a) FLAT CREEK APARTMENTS

The City Council convened in Executive Session at 6:42 p.m.

The City Council returned to Regular Session at 7:59 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) FACILITIES MANAGER LEASE FOR THE TEXAN

A motion was made by Mayor Clay, seconded by Councilmember Smith authorizing the City Manager to negotiate with a potential Lessor as the Facility Manager for The Texan. The motion carried unanimously.

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

A motion was made by Mayor Clay, seconded by Councilmember Carroll authorizing the City Manager to move forward with the demolition of the existing property located at 415 E. Corsicana Street. The motion carried unanimously.

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) FLAT CREEK APARTMENTS

No action was taken.

MAYOR AND CITY COUNCIL'S REQUEST FOR FUTURE AGENDA ITEMS

Mayor Clay requested a recap of 2021/2022.

Noemi Lopez, Administrative Clerk, read the following future agenda items:

- Review of the sign Ordinance
- Total cost of the Cain Center Project
- Work Session to discuss 380 Agreements
- Future Land Use Plan

ADJOURN

The meeting was adjourned at 8:03 p.m.

PASSED AND APPROVED THIS THE 11th DAY OF APRIL 2022.

Toni Clay, Mayor

ATTEST:

Bonnie Hambrick, City Secretary