

REGULAR SESSION

APRIL 25, 2022

The City Council of the City of Athens met in Regular Session on Monday, April 25, 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  
Robert Gross  
SyTanna Freeman  
Mark Carroll

Elizabeth Borstad, City Manager  
Bonnie Hambrick, City Secretary  
Blake Armstrong, City Attorney

Staff Present: John Densmore, Chief of Police; Mandie Quigg, Finance Director; Noemi Lopez, Administrative Clerk; Randy Williams, Utilities Director; Derek Whiteley, Director of Information Technology; Chris Baker, Cain Center Director; Whitney Warren, Tourism and Events Coordinator; Sergeant Brittany Lee; Corporal Joshua Ames; Sergeant Jason Boshier; Detective Adam Parkins; Corporal Taylor Rice; Patrolman Melissa Goss.

Others present: Roy Clay, Renee Smith, Lisa Hardin, Tarah Day, Scott and Dana Ames, Jackie and Traci Wilkes, Michael Hannigan, Pastor Alan, and Ronda Coleman, Pastor Ernest Freeman, Pastor Kyle Henderson, Pastor Juan Moreno, Derreck Dowell, Rich Flowers, Michael Hannigan, Deborah Deas, Mitchell Kaufman, Cody Craig, Tommie Thomas, Jacqueline Barker, Mistie Sharp, Mark Lee Dickson, Lashonda Allen, Aaron Taylor, Vicky Delgado, Yadira Chairez, Kelly, and Camille Barnes, Elder Michael Van Tassell, Daniel Hunt, Mary Elizabeth Boyd Scallon, Pastor C. A. Middleton, Jared Madrazo, Joel Enge, Nahum Rincon, Pedro Fraire, Susie Miranda, Maria Garcia, and other interested citizens.

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

INVOCATION

The Invocation was given by Katie Mussat, Youth Pastor, First Baptist Church, Athens, Texas.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

DECLARATION OF CONFLICT OF INTEREST

No action was taken.

Mayor Clay stated the City Council would move to agenda item 6) Proclamation – Cinco De Mayo and 7) Proclamation – Recognizing 91<sup>st</sup> Annual Athens Old Fiddlers Reunion.

PROCLAMATION – CINCO DE MAYO

Mayor Clay read a Proclamation declaring, May 7, 2022, as Cinco De Mayo Celebration Day in the City of Athens, and encouraged all to recognize the day by honoring Mexican American culture and heritage.

PROCLAMATION – RECOGNIZING 91<sup>ST</sup> ANNUAL ATHENS OLD FIDDLERS REUNION

Mayor Clay proclaimed the month of May as “The 91<sup>st</sup> Annual Athens Old Fiddlers Contest & Reunion” in Athens, Texas, and urged all citizens to recognize the month, by participating in scheduled events.

#### PUBLIC COMMUNICATIONS

The following citizens spoke in favor of the City of Athens adopting Athens as a Sanctuary City for the Unborn:

- Tommie Thomas
- Elder Michael Van Tassell
- Daniel Hunt
- Mary Elizabeth Boyd Scallon
- Pastor C.A. Middleton
- Jared Madrazo
- Joel Enge
- Mistie Sharp
- Mark Lee Dickson

#### RECOGNITION AND LIFE SAVING AWARDS

Police Chief, John Densmore, recognized Sergeant Brittany Lee and Corporal Joshua Ames and presented Life Saving Awards for their actions on April 19, 2021.

Sergeant Lee and Corporal Ames were dispatched to assist a suicidal subject. Mr. Derrick Dowell recovered after surgery.

Mr. Derrick Dowell shared his story and stated the responding officers and other personnel likely saved his life that day.

There was a round of applause for Sergeant Lee, Corporal Ames as well as Mr. Dowell.

Mayor Clay stated the City Council would move onto agenda item 14) Executive Session Pursuant to the Texas Government Code, Section 551.087 (Deliberation Regarding Economic Development Negotiations; Closed Meeting) **a)** Flat Creek Apartments - Chapter 380 Economic Development Agreement and 15) 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 - Chapter 380 Economic Development Agreement.

EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT  
CODE, SECTION 551.087 (DELIBERATION REGARDING ECONOMIC  
DEVELOPMENT NEGOTIATIONS; CLOSED MEETING)  
**a)** FLAT CREEK APARTMENTS - CHAPTER 380 ECONOMIC  
DEVELOPMENT AGREEMENT

The City Council convened in Executive Session at 6:17 p.m.

The City Council returned to Regular Session at 7:12 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)** FLAT CREEK APARTMENTS - CHAPTER 380 ECONOMIC  
DEVELOPMENT AGREEMENT

A motion was made by Councilmember Gross, seconded by Councilwoman Freeman to approve the Chapter 380 Economic Development Agreement with Flat Creek Apartments with the stipulation cited in Executive Session. The motion carried unanimously.

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

Whitney Warren, Tourism and Events Coordinator, announced the following events:

**VISIT ATHENS**

- April 30 - 2nd Annual Cops & Kids Picnic
- April 30 - Athens City Limits 2022 by Athens Public Education Foundation

**THE TEXAN**

- April 25 - TVCC Band Concert
- April 26 - TVCC Choir Concert
- April 30 - Anime Convention

**CHAMBER OF COMMERCE**

- April 26 - East Texas Giving Day

**CAIN CENTER**

- May 4th - May 7th Cinco de Mayo Celebration (Carnival, Food, Cultural Dancing & Pageant Contest)

**CONSENT AGENDA**

- a) CONSIDER APPROVING MINUTES OF THE APRIL 8, 2022, JOINT WORK SESSION**
- b) CONSIDER APPROVING MINUTES OF THE APRIL 11, 2022, REGULAR SESSION**
- c) MARCH 2022 MONTHLY REVENUE AND EXPENSE REPORT**
- d) QUARTERLY INVESTMENT REPORT ENDING MARCH 31, 2022**

A motion was made by Councilwoman Freeman, seconded by Councilmember Smith 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 CITY MANAGER TO ENTER INTO A LISTING AGREEMENT WITH MCATEE REALTY, INC. FOR THE SALE OF CITY-OWNED REAL PROPERTY LOCATED AT 504 E. TYLER STREET, 415 E. CORSICANA STREET AND 507 E. CORSICANA STREET**

Elizabeth Borstad, City Manager, presented the item. She explained the item has been discussed multiple times in open session and the city has given public notice and held a public hearing. She stated the properties are adjacent to City Hall. This Resolution will authorize the City Manager to enter into a listing agreement.

A motion was made by Councilmember Gross, seconded by Councilwoman Freeman to approve a Resolution authorizing the City Manager to enter into a Listing Agreement with McAtee Realty, Inc. for the sale of City-owned real property located at 504 E. Tyler Street, 415 E. Corsicana Street and 507 E. Corsicana Street. 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 LEASE AGREEMENT WITH SOUTHERN UNION MARKET LLC, DBA SMOKY B BARBECUE AS THE FACILITIES MANAGER OF THE TEXAN**

Ms. Borstad stated this is the lease agreement that Council has worked on for several weeks and Kelly and Camille Barnes were present to answer questions.

Councilmember Carroll requested that the term of the agreement be updated to reflect it may be extended for an additional 3-year period upon mutual written agreement of negotiated terms by both the City and the Tenant.

Discussion occurred.

A motion was made by Councilwoman Freeman, seconded by Councilmember Gross to approve a Resolution authorizing the City Manager to enter into a Lease Agreement with Southern Union Market LLC, DBA Smoky B Barbecue as the Facilities Manager of The Texan. The motion carried unanimously.

- c) DISCUSS, CONSIDER, AND TAKE ACTION, AS NECESSARY, CONCERNING THE APPROVAL OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT (PSA) WITH PLUMMER ASSOCIATES, INC. TO PREPARE CONSTRUCTION PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF A NEW LIFT STATION, FLAT CREEK LIFT STATION

Randy Williams, Utilities Director, stated this item is to approve a Resolution authorizing Plummer Associates, Inc. He explained the design proposed by Plummer Associates will provide plans and specifications for a new lift station with a 350-gallon per minute capacity that accommodates the existing Laguna Vista lift station flow plus the contributions from the Flat Creek Apartment Development.

A motion was made by Councilwoman Freeman, seconded by Councilmember Smith to approve a Resolution authorizing the City Manager to execute a Professional Services Agreement (PSA) with Plummer Associates, Inc. to prepare construction plans and specifications for the construction of a new lift station, Flat Creek Lift Station. The motion carried unanimously.

CONSIDER FINAL READING OF AN ORDINANCE CONCERNING A REQUEST FROM LASHONDA ALLEN FOR APPROVAL OF A ZONING CHANGE FROM SINGLE-FAMILY – 5 TO MULTI-FAMILY – 4 FOR LOT 16, BLOCK 48 OF ATHENS ORIGINAL TOWN, T. PARMER SURVEY, ABSTRACT 782; LOCATED AT 514 CHASE ST.

Ms. Borstad stated this was the final reading and no changes have been made since the first reading of the Ordinance.

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

A motion was made by Councilwoman Freeman, seconded by Councilmember Carroll to approve an Ordinance concerning a request from LaShonda Allen for approval of a zoning change from Single-Family – 5 to Multi-Family – 4 for Lot 16, Block 48 of Athens Original Town, T. Parmer Survey, Abstract 782; located at 514 Chase St.

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

Toni Clay, Mayor	Aye
Aaron Smith, Mayor Pro Tem	Aye
Robert Gross, Councilmember	Aye
SyTanna Freeman, Councilmember	Aye
Mark Carroll, Councilmember	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 CAFFREY FAVROT FOR APPROVAL OF A ZONING CHANGE FROM SINGLE-FAMILY – 5 TO COMMERCIAL FOR LOTS 1 & 2, BLOCK 1 OF THE T. C. BROWNING ADDITION, R. A. CLARK SURVEY, ABSTRACT 171; LOCATED AT 101 MARY BETH LN. OWNER: WESLEY PARNELL

Ms. Borstad explained one of the Council’s requests from the first reading was to reach out to the adjacent property owner to confirm they received notice of the request. She stated Ms. Sloan, Director of Development Services, had a phone conversation with the property owner and they did not have any negative or positive feedback.

Ms. Hambrick read the caption of the Ordinance.

A motion was made by Councilwoman Freeman, seconded by Councilmember Carroll to approve an Ordinance concerning a request from Caffrey Favrot for approval of a zoning change from Single-Family – 5 to Commercial for Lots 1 & 2, Block 1 of the T. C. Browning Addition, R. A. Clark Survey, Abstract 171; located at 101 Mary Beth Ln. Owner: Wesley Parnell.

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

Toni Clay, Mayor	Aye
Aaron Smith, Mayor Pro Tem	Aye
Robert Gross, Councilmember	Aye
SyTanna Freeman, Councilmember	Aye
Mark Carroll, Councilmember	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 AARON TAYLOR FOR APPROVAL OF A SPECIFIC USE PERMIT FOR TATTOO STUDIO USE LOCATED IN THE CENTRAL BUSINESS DISTRICT FOR LOT 3A, BLOCK 9 OF ATHENS ORIGINAL TOWN, T. PARMER SURVEY, ABSTRACT 782; LOCATED AT 114 N. PALESTINE ST. OWNER: PAUL BENSON

Ms. Borstad stated they have confirmed the Specific Use Permit can be tied to the operation of the tattoo business. She stated the specific use permit shall become null and void upon the expiration, revocation or lapse of the state-issued tattoo studio license.

There was discussion regarding the signage.

Councilmember Gross requested a stipulation be added to the Ordinance to reflect no exterior signage advertising tattoos is allowed.

Ms. Hambrick read the caption of the Ordinance

A motion was made by Councilmember Gross, seconded by Councilmember Smith to approve an Ordinance concerning a request from Aaron Taylor for approval of a Specific Use Permit for tattoo studio use located in the Central Business District for Lot 3A, Block 9 of Athens Original Town, T. Parmer Survey, Abstract 782; located at 114 N. Palestine St. Owner: Paul Benson with a stipulation that no exterior signage advertising tattoos is allowed.

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

Toni Clay, Mayor	Aye
Aaron Smith, Mayor Pro Tem	Aye
Robert Gross, Councilmember	Aye
SyTanna Freeman, Councilmember	Aye
Mark Carroll, Councilmember	Aye
Voted in favor of the motion	5
Voted against the motion	0
Motion carried	5-0

MAYOR AND CITY COUNCIL'S REQUEST FOR FUTURE AGENDA  
ITEMS

Councilmember Gross requested a future agenda item to discuss the guidance for 380 Agreements going forward.

ADJOURN

The meeting adjourned at 7:27 p.m.

PASSED AND APPROVED THIS THE 9<sup>th</sup> DAY OF MAY 2022.

---

Toni Clay, Mayor

ATTEST:

---

Bonnie Hambrick, City Secretary