

REGULAR SESSION

AUGUST 8, 2022

The City Council of the City of Athens met in Regular Session on Monday, August 8, 2022, at 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

Staff Present: John Densmore, Chief of Police; Mandie Quigg, Finance Director; Audrey Sloan, Director of Development Services; Chris Baker, Cain Center Director; Russell Marshall, Fire Chief; Dispatcher Geneva Ratliff, Officer Jujhar Singh, Dispatcher Virginia Hightower, Officer Rodolfo De La Cruz, Cpl Melissa Goss & Sgt Dwayne Ranes, Sandy Murillo, Administrative Assistant.

Others present: Michael Hannigan, Rich Flowers, Deborah Deas, Casey Cummings, and other interested citizens.

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

INVOCATION

The Invocation was given by Councilmember Carroll.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

DECLARATION OF CONFLICT OF INTEREST

Mayor Clay and Councilwoman Freeman filed a Conflict of Interest for the agenda item concerning the approval of a Resolution authorizing the City Manager to execute the renewal of the Interlocal Agreement between the City and Athens Independent School District for the School Resource Officer Program/

PUBLIC COMMUNICATIONS

No one appeared to speak.

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

Kristin Willingham, Executive Director of Athens Chamber of Commerce, thanked the City Council and City Staff for their support during the Black-Eyed Pea Jamboree. Ms. Willingham provided Council with an update regarding the activities during the Jamboree. She stated the number of attendees for Friday, July 22nd was 1,500. The number of attendees for Saturday, July 23rd was 3,500. The total number of attendees for the 2022 Black-Eyed Pea Jamboree was 5,000. She further stated the vendors did well on Friday night, and the Super 8 was at 72% occupancy, Best Western was at 84% occupancy, and the Holiday Inn Express only had two (2) rooms available on Saturday.

INTRODUCTION OF NEW HIRES WITHIN THE ATHENS POLICE DEPARTMENT

John Densmore, Chief of Police, introduced the following new hires and promotions within the Athens Police Department:

New Hires:

- Jujhar Singh
- Rodolfo De La Cruz
- Christopher Sherrick
- Matthew Halbert
- Virginia Hightower
- Geneva Ratliff
- Sandy Murillo

Promotions:

- Dwayne Ranes
- Taylor Rice
- Melissa Goss

Assignments:

- Zachary Harris
- Robert Poteet
- Adam Parkins
- Jacob Sumrall

CONSENT AGENDA

- a) CONSIDER APPROVING MINUTES OF THE AUGUST 2, 2022, SPECIAL SESSION
- b) CONSIDER A RESOLUTION ESTABLISHING THAT THE UNCLE FLETCH DAVIS HAMBURGER FESTIVAL SERVES A PUBLIC PURPOSE AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH TXDOT FOR THE TEMPORARY CLOSURE OF STATE RIGHT-OF-WAY FOR THE UNCLE FLETCH DAVIS HAMBURGER FESTIVAL ON OCTOBER 22, 2022
- c) CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING, WITH THE TEXAS EMERGENCY MANAGEMENT ASSISTANCE TEAMS (TEMAT) STATE AGENCY AND THE TEXAS DIVISION OF EMERGENCY MANAGEMENT (TDEM) AND AUTHORIZE THE CITY OF ATHENS TO PARTICIPATE IN SAID PROGRAMS
- d) CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO UTILIZE FUND BALANCE IN THE INTEREST & SINKING FUND TO PAY OFF THE OUTSTANDING CAPITAL LEASE BALANCE OF THE 2019 SDLG WHEEL LOADER
- e) JUNE 2022 MONTHLY REVENUE AND EXPENSE REPORT

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 ORDERING A SPECIAL ELECTION TO BE HELD IN SAID CITY ON NOVEMBER 8, 2022, FOR THE PURPOSE OF PROVIDING AN OPPORTUNITY FOR CITIZENS TO VOTE FOR OR AGAINST THE ADOPTION OF AN ORDINANCE OUTLAWING ABORTION, DECLARING ATHENS A SANCTUARY CITY FOR THE UNBORN**

Elizabeth Borstad, City Manager, explained this is the next step in calling the election per State Law. She stated the Order has the caption of the Ordinance and the polling locations.

Mayor Clay stated for clarification the City Charter states an election is to be held within ninety (90) days after the date of the certification to the city council, however, the Elections Division has stated that a Special Election in this state shall be held on a uniform election date.

A motion was made by Councilmember Smith, seconded by Councilmember Carroll to approve a Resolution Ordering a Special Election to be held in said City on November 8, 2022, for the purpose of providing an opportunity for Citizens to vote for or against the adoption of an Ordinance outlawing abortion, declaring Athens a Sanctuary City for the Unborn. The motion carried unanimously.

Mayor Pro Tem Smith presided over the meeting for the following item:

- b) DISCUSS, CONSIDER, AND TAKE ACTION, AS NECESSARY, CONCERNING THE APPROVAL OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE RENEWAL OF THE INTERLOCAL AGREEMENT BETWEEN THE CITY AND ATHENS INDEPENDENT SCHOOL DISTRICT FOR THE SCHOOL RESOURCE OFFICER PROGRAM**

Ms. Borstad explained the agreement was negotiated with the School District. She stated a Termination Clause was added that states Either party may terminate the agreement without cause by providing 24 months prior written notice.

Councilmember Gross stated for the record the school district only asked for three (3) officers this school year.

A motion was made by Councilmember Carroll, seconded by Councilmember Gross to approve a Resolution authorizing the City Manager to execute the renewal of the Interlocal Agreement between the City and Athens Independent School District for the School Resource Officer Program adding section 2.4 Termination Clause.

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

Mayor Clay resumed presiding over the meeting.

PUBLIC HEARING CONCERNING A REQUEST FROM CASEY CUMMINGS FOR APPROVAL OF A ZONING CHANGE FROM AGRICULTURE TO PLANNED DEVELOPMENT WITH MULTI-FAMILY – 5 BASE ZONING AND A SITE PLAN FOR MULTI-FAMILY RESIDENTIAL USE FOR TRACT 105, R. A. CLARK SURVEY, A-171; ALSO KNOWN AS 404 WOOD STREET. OWNER: CUMMINGS PROPERTY GROUP LLC 6

Audrey Sloan, Director of Development Services, presented the item. She stated this property is located on Wood Street and is currently vacant. The current zoning of the property is Multi-Family – 5. Ms. Sloan explained the owner is requesting a zoning change to Planned Development with Multi-family – 5 base zoning in order to construct a multi-family residential complex consisting of 4 duplex units.

A site plan has been submitted showing the proposed layout of the site, along with renderings. Letters of notification were mailed to the ten (10) surrounding property owners within 200 feet. No written responses have been returned. The property owner of 503 Wood St expressed via phone call to staff that they were opposed to the request. Ms. Sloan stated that the Planning & Zoning Commission recommended approval of the request with the stipulation that a detailed drainage plan be submitted in accordance with the City Code.

Mayor Clay opened the Public Hearing. There were no comments.

Mayor Clay closed the Public Hearing.

DISCUSS FIRST READING OF AN ORDINANCE CONCERNING A REQUEST FROM CASEY CUMMINGS FOR APPROVAL OF A ZONING CHANGE FROM AGRICULTURE TO PLANNED DEVELOPMENT WITH MULTI-FAMILY – 5 BASE ZONING AND A SITE PLAN FOR MULTI-FAMILY RESIDENTIAL USE FOR TRACT 105, R. A. CLARK SURVEY, A-171; ALSO KNOWN AS 404 WOOD STREET. OWNER: CUMMINGS PROPERTY GROUP LLC

The City Council discussed the drainage plan.

Mr. Cummings stated the drainage plan should be submitted by the end of the week.

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

CONSIDER FINAL READING OF AN ORDINANCE CONCERNING AN AMENDMENT TO CHAPTER 5, ARTICLE IX, DIVISION 2, SECTION 5-103 OF THE CITY CODE OF ORDINANCES REGARDING REGULATIONS FOR ELECTRICAL WIRING

Ms. Sloan stated no changes had been made since the first reading of the Ordinance.

Ms. Hambrick read the caption of the Ordinance aloud.

A motion was made by Councilwoman Freeman, seconded by Councilmember Gross to approve final reading of an Ordinance concerning an amendment to Chapter 5, Article IX, Division 2, Section 5-103 of the City Code of Ordinances regarding regulations for electrical wiring.

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 AMENDING CHAPTER 15 - PERSONNEL, ARTICLE I. – IN GENERAL, SEC 15-4. – ASSIGNMENT PAY OF THE CODE OF ORDINANCES WHICH PROVIDED FOR THE PAYMENT OF A MONETARY RECRUITMENT INCENTIVE IN THE AMOUNT OF \$3,000 FOR NEW POLICE OFFICER HIRES

Ms. Borstad explained the item is for the removal of a recruitment incentive bonus of \$3,000 which is a result of the pay increase for certified police officers.

Ms. Hambrick read the caption of the Ordinance aloud.

A motion was made by Councilwoman Freeman, seconded by Councilmember Gross to approve final reading of an Ordinance Amending Chapter 15 - Personnel, Article I. – In General, Sec 15-4. – Assignment Pay of the Code of Ordinances which provided for the payment of a monetary recruitment incentive in the amount of \$3,000 for new police officer hires.

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

Ms. Hambrick announced the following future agenda items:

- Republic Services Contract
- Sign Ordinance Update
- Future Land Use Plan
- Strategic Plan for Economic Development
- Total cost of the Cain Center Project including AV costs

ADJOURN

The meeting adjourned at 6:04 p.m.

PASSED AND APPROVED THIS THE 22nd DAY OF AUGUST 2022.

Toni Clay, Mayor

ATTEST:

Bonnie Hambrick, City Secretary