

REGULAR SESSION

SEPTEMBER 26, 2022

The City Council of the City of Athens met in Regular Session on Monday, September 26, 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; Joanie Ahlers, Economic Development Director, Randy Williams, Utilities Director; Sandy Murillo, Administrative Assistant; Wanda Paul, Tourism and Events Coordinator; Sissy Geddie; Human Resource Manager; Cpl. Melissa Goss and Sgt. Dwayne Ranes, Cpl. James Graham, Cpl. Joshua Blanco, Officer Chase Vinson, Officer Shayla Mitchell.

Others present: Lisa Ford, Michael Hannigan, Deborah Deas, Hattie Shofner, Linda McBride, Francisco Torres, Mona Brantley, Lisa Collins, Davide Odom, Chris Richardson, Seth Loncar, and other interested citizens.

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

INVOCATION

The Invocation was given by Toni Clay.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

DECLARATION OF CONFLICT OF INTEREST

No conflict of interest was declared.

PUBLIC COMMUNICATIONS

Seth Loncar, 311 W. Cayuga, Athens, Texas, expressed concern with flooding onto his property.

MAYORAL PROCLAMATION FOR WORLD TEACHERS' DAY

Mayor Clay proclaimed October 5, 2022, to be Athens Teachers' Day in celebration of World Teachers Day.

INTRODUCTION OF NEW HIRES AND ANNOUNCEMENT OF PROMOTIONS WITHIN THE ATHENS POLICE DEPARTMENT

John Densmore, Chief of Police, introduced Officer Chase Vinson and Officer Shayla Mitchell as new hires within the Athens Police Department.

Chief Densmore announced the promotion of Officer James Graham and Officer Joshua Blanco to Corporal.

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

Wanda Paul, Tourism and Events Coordinator, announced the following events:

- Every Friday Food Truck Fridays: 6 p.m. – 10 p.m. at TVCC parking lot
- Every Saturday-Athens Farmers Market from 9 a.m. -12 p.m.
- September 28th – East Texas Arboretum Fall Style Show and Luncheon
- September 30th - October 2nd – Texas Youth RanchRodeo at the Henderson County Regional Fair Park
- October 1 – LibCon (Formally known as Comic Con) at the Texan
- October 1 –East Texas Arboretum Poinsettia Sale
- October 1 – Purple Purse Bingo at the Athens Country Club 9:30 a.m. to 1 p.m.
- October 2 – Plant Swap East Texas Arboretum
- October 7 – Memphis Soul Tribute Band at The Texan
- October 8 – Fall Festival, Art Show
- October 11– Painting Class
- October 12 – Chamber Luncheon at East Texas Arboretum 12:00 p.m.

Elizabeth Borstad, City Manager, stated that National Night Out 2022 is scheduled for October 4th at Coleman Park.

Chief Densmore stated it had been a long time since the city participated in National Night Out. He confirmed the time is from 5:30 – 7:30 p.m. at Coleman Park. He stated there would be a couple of food trucks. Chief Densmore stated the program is to encourage neighbors to turn on their porch lights and lock their doors and come outside and meet their neighbors.

CONSENT AGENDA

- a) CONSIDER APPROVING MINUTES OF THE SEPTEMBER 12, 2022, REGULAR SESSION
- b) CONSIDER A RESOLUTION AMENDING POLLING LOCATIONS FOR THE NOVEMBER 8, 2022, CITY OF ATHENS SPECIAL ELECTION
- c) CONSIDER A RESOLUTION TO APPROVE AND ADOPT THE CITY OF ATHENS HOLIDAY CALENDAR FOR FISCAL YEAR 2023
- d) CONSIDER A RESOLUTION CANCELING THE REGULAR CITY COUNCIL MEETING OF DECEMBER 26, 2022, REGULAR SESSION
- e) CONSIDER A RESOLUTION DESIGNATING AN OFFICIAL NEWSPAPER FOR THE CITY OF ATHENS FOR FISCAL YEAR 2023
- f) CONSIDER THE APPOINTMENT OF DAVID ODOM TO THE ZONING BOARD OF ADJUSTMENTS TO FILL AN UNEXPIRED TERM ENDING JANUARY 1, 2024
- g) CONSIDER CONFIRMING THE APPOINTMENT OF LISA COLLINS TO THE CIVIL SERVICE COMMISSION TO FILL AN UNEXPIRED TERM ENDING JULY 5, 2022
- h) CONSIDER A RESOLUTION AUTHORIZING THE SUBMISSION OF THE APPLICATION FOR THE BULLET-RESISTANT SHIELD GRANT PROGRAM TO THE OFFICE OF THE GOVERNOR AND DESIGNATING ELIZABETH BORSTAD, CITY MANAGER, AS THE GRANTEE'S AUTHORIZED OFFICIAL
- i) CONSIDER THE REAPPOINTMENT OF DONNA MEREDITH (SEAT #4) AND MARK FERRELL (SEAT #6) TO THE CITY OF ATHENS ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS
- j) CONSIDER A RESOLUTION DOCUMENTING THE ANNUAL REVIEW AND APPROVAL OF THE CITY OF ATHENS INVESTMENT POLICY AND DESIGNATING INVESTMENT OFFICERS
- k) AUGUST 2022 MONTHLY REVENUE AND EXPENSE REPORT

Mayor Clay recognized David Odom and Lisa Collins for their willingness to serve on a Board or Commission for the City of Athens.

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 AUTHORIZING A PERFORMANCE AGREEMENT CONCERNING THE CAIN CENTER BY AND BETWEEN THE CITY OF ATHENS AND THE ATHENS ECONOMIC DEVELOPMENT CORPORATION AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT**

Joanie Ahlers, Economic Development Director, stated the Athens Economic Development Board of Directors approved the Performance Agreement on September 20, 2022, meeting. Ms. Ahlers explained the agreement is in the amount of \$100,000 and intended for the purchase and installation of audio/visual equipment throughout the Cain Center.

A motion was made by Councilmember Smith, seconded by Councilmember Gross, to approve a Resolution authorizing a Performance Agreement concerning the Cain Center by and between the City of Athens and the Athens Economic Development Corporation and authorizing the City Manager to execute the Agreement. The motion carried unanimously.

- b) DISCUSS, CONSIDER, AND TAKE ACTION, AS NECESSARY, CONCERNING A RESOLUTION APPROVING THE STRATEGIC ACTION PLAN FOR FISCAL YEAR 2023 FOR THE CITY OF ATHENS ECONOMIC DEVELOPMENT CORPORATION**

Ms. Ahlers stated within the AEDC Bylaws it states annually the AEDC shall present to City Council a strategic plan update for the upcoming fiscal year. To align actions with the budget. She stated the committee was composed of two (2) city council members, three (3) AEDC Board Members, the City Manager, and the AEDC Executive Director. She further stated a copy of the strategic action plan was included in the packet.

Ms. Borstad asked Ms. Ahlers to provide the basics of the plan and the areas of focus considered for the fiscal year.

Ms. Ahlers provided the basics of the plan as follows:

- Business Retention
- Labor / Work Force
- Housing
- Industrial / Commercial land development
- Asset Review
- Land Use Plan (with utilities overlay)

Ms. Ahlers also provided key discussion areas and the proposed strategies and focus.

A motion was made by Councilmember Carroll, seconded by Councilwoman Freeman approving the Strategic Action Plan for Fiscal Year 2023 for the City of Athens Economic Development Corporation. The motion carried unanimously.

- a) DISCUSS, CONSIDER, AND TAKE ACTION, AS NECESSARY, CONCERNING A RESOLUTION APPROVING PARTIAL DEBT PAY OFF AT FIRST STATE BANK AND VERABANK FOR THE CITY OF ATHENS ECONOMIC DEVELOPMENT CORPORATION**

Ms. Ahlers presented the item. She stated as part of the budget planning, AEDC produced three (3) budget scenarios for the following:

- No Debt Payoff
- Complete Debt Payoff
- Partial Debt Payoff

After meetings and discussions, it was settled that AEDC would carry out a partial debt payoff.

Ms. Ahlers presented the partial debt payoffs as follows:

Debt Payoff Through September 30, 2022		Memo	Maturity
First State Bank Loan #8190	\$ 362,329.17	Interest Rate 2.76% (296.142 Acres - 1501 Airport Road)	2/17/2030
Verabank Loan #3044	\$ 141,171.91	Interest Rate 2.25% (Industrial Park 98.36 Acres)	7/18/2024
Verabank Loan #6211	\$ 149,981.35	Interest Rate 2.85% (Industrial Park Infrastructure)	5/29/2025
Total Debt Payoff	\$ 653,482.43		

A motion was made by Councilmember Gross, seconded by Councilwoman Freeman approving partial Debt Pay Off at First State Bank and Verabank for the City of Athens Economic Development Corporation. The motion carried unanimously.

CONSIDER FINAL READING OF AN ORDINANCE AMENDING CHAPTER 23 FEES AND COST OF SERVICES FOR THE CITY OF ATHENS CODE OF ORDINANCES

Mandie Quigg, Finance Director, 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 aloud.

A motion was made by Councilwoman Freeman, seconded by Councilmember Gross to approve final reading of an Ordinance Amending Chapter 23 Fees and Cost of Services for the City of Athens 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
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 THE BUDGET FOR FISCAL YEAR ENDING SEPTEMBER 30, 2022

Ms. Quigg stated there are minor updates since the first reading of the Ordinance. She presented the following changes:

Cain Center Operations	\$100,000
Visionality Cain Center AV	\$ 95,341
Visionality Cain Center AV	\$156,250
Watchguard 3 Body Cameras	\$ 32,015

Ms. Hambrick read the caption of the Ordinance aloud.

A motion was made by Councilmember Carroll, seconded by Councilwoman Freeman to approve final reading of an Ordinance amending the budget for Fiscal Year ending September 30, 2022.

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 JUAN PEDRO RODRIGUEZ FOR APPROVAL OF A ZONING CHANGE FROM AGRICULTURE TO SINGLE-FAMILY – 7 FOR TRACT 57B, J. W. COKER TRACT, B. C. WALTERS SURVEY, A-797; ALSO KNOWN AS 1136 NORTH HAMLETT STREET. OWNER: JP ROD HOMES LLC

Audrey Sloan, Director of Development Services, stated the item is a request for a zoning change for the owner to build a single-family residence on the property and no changes have been made since the first reading of the Ordinance.

Ms. Hambrick read the caption of the Ordinance aloud.

A motion was made by Councilmember Smith, seconded by Councilmember Carroll to approve final reading of an Ordinance concerning a request from Juan Pedro Rodriguez for approval of a zoning change from Agriculture to Single-Family – 7 for Tract 57B, J. W. Coker Tract, B. C. Walters Survey, A-797; also known as 1136 North Hamlett Street. Owner: JP Rod Homes LLC.

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 AN AMENDMENT TO CHAPTER 22, ARTICLE V, SECTION 22-33(C)(4)A OF THE CITY CODE OF ORDINANCES REGARDING THE MINIMUM DIMENSIONS REQUIRED FOR STANDARD PARKING SPACES

Ms. Sloan explained the proposed amendment changes the minimum width of a parking space from ten feet to nine feet. She 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 Smith to approve final reading of an Ordinance concerning an amendment to Chapter 22, Article V, Section 22-33(c)(4)a of the City Code of Ordinances regarding the minimum dimensions required for standard parking space.

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

EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE, SECTION EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE, SECTION 551.087 (DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS; CLOSED MEETING)
a) BIOMERICS SECOND AMENDMENT TO INDUSTRIAL LEASE
b) TOWER INVESTMENTS RESIDENTIAL DEVELOPMENT

The City Council convened in Executive Session at 6:01 p.m.

The City Council returned to Regular Session at 6:58 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) BIOMERICS SECOND AMENDMENT TO INDUSTRIAL LEASE

Mayor Clay stated the amendment would appear on the next City Council agenda as a Consent Item.

b) TOWER INVESTMENTS RESIDENTIAL DEVELOPMENT

A motion was made by Councilmember Smith, seconded by Councilmember Carroll to authorize the City Manager to enter into a Developer Agreement regarding reimbursement for the new waterline in the amount up to \$100,000 upon inspection and approval by the City. The motion carried unanimously.

MAYOR AND CITY COUNCIL'S REQUEST FOR FUTURE AGENDA ITEMS

There were no requests for future agenda items.

City Council Regular Session
September 26, 2022
Page 7

ADJOURN

The meeting adjourned at 7:00 p.m.

PASSED AND APPROVED THIS THE 10th DAY OF OCTOBER 2022.

Toni Clay, Mayor

ATTEST:

Bonnie Hambrick, City Secretary