

REGULAR SESSION

MARCH 23, 2020

The City Council of the City of Athens met in Regular Session on Monday, March 23, 2020, 5:30 p.m. in the Derek D. Daniels Conference Room of the Athens Partnership Center, 201 West Corsicana St., Athens, Texas, via Facebook Live in order to advance the public health goal by avoiding social gatherings in groups of more than 10 people to slow the spread of the Coronavirus (COVID-19) [There will be no public access to the location described above.] with the following members present to-wit:

Monte Montgomery, Mayor
Ed McCain, Mayor Pro Tem
Aaron Smith
Toni Clay
Robert Gross

Elizabeth Borstad, City Manager
Bonnie Hambrick, City Secretary

others present: Eric Berry and Michael Hannigan.

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

INVOCATION

The Invocation was given by Mayor Monte Montgomery.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

DECLARATION OF CONFLICT OF INTEREST

No action was taken.

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

Mayor Montgomery provided the following updates:

- Stated everyone is aware of the Coronavirus and the issues and challenges No known cases of COVID-19 in the County or the hospital
- Proud of business owners; they took it upon themselves during the first notices and began taking precautions (working from home, closing areas of groups meetings including churches and restaurants.
- Sacrifices being made by everyone; was informed by fast food restaurants they are down by 30% in sales

Councilmember McCain extended thanks to Judge Wade McKinney for his leadership during the COVID-19 Pandemic. He stated his communication should be commended.

Councilmember Smith thanked the citizens and stated they are adapting to the changes.

Elizabeth Borstad, City Manager, announced the following:

- Municipal Court canceled until April 9, 2020
- Lobby at City Hall closed to the public, however, can pay utility bills online or at drive through
- Utility billing has suspended cut-offs and suspended late penalty on overdue bills

- Permit office lobby will remain open at this time. Public access will be restricted to the lobby only. Offering credit card payment as an option

- Trash collection Beginning March 31 recycling will not be taken to the recycling center. It will be taken to the landfill. This change is being made for two reasons:
 1. Refuse for recycling has to be handled by employees. By eliminating this it lowers the chance for the spread of COVID-19.
 2. Because people are home more right now there has been an increase in the amount of refuse, so the recycling trucks are being used to pick up regular trash.

Councilmember McCain stated he would like to be very clear regarding water cut off suspension, he stated the meter is running and the customers will be charged for the water service and everything in arrears will have to be paid.

PUBLIC COMMUNICATIONS

Bonnie Hambrick, City Secretary, read aloud the following emails received at City Hall.

Dear Athens City Council,

Given the shortage of protective medical supplies across the nation/world, are there any pending economic development projects (or projects which can be implemented quickly) to bring more medical manufacturing to Athens?

Furthermore, when the dust settles on this crisis, US manufacturing of critical supplies/pharmaceuticals (among other things) will likely result, so think it appropriate to consider how Athens can further be branded as the go to location in the central US.

Thanks for your service.

Johnny Vincent

Melissa Baldwin, I work at one of the stores in Athens, one of the biggest things I'm seeing is people from out of town coming in and buying supplies. These are people where the virus is at, like Dallas.

How can we ensure people of Athens are getting supplies they need and how can we be sure the people from other cities are not bringing the virus to our town?

Thank you.

CONSENT AGENDA

- a) CONSIDER APPROVING MINUTES OF THE MARCH 9, 2020 REGULAR SESSION
- b) CONSIDER A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A GRANT AGREEMENT WITH THE GINGER MURCHISON FOUNDATION AND ACCEPT THE CONTRIBUTION OF \$2.5 MILLION DOLLARS FOR THE CAIN CENTER CONSTRUCTION
- c) CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT AND AGREEMENT WITH HENDERSON COUNTY FOR RURAL FIRE PROTECTION
- d) FEBRUARY 2020 MONTHLY REVENUE AND EXPENSE REPORT

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

HEAR UPDATE ON CAIN CENTER PROJECT

Ms. Borstad explained meetings with Berry and Clay Construction have transpired over several occasions looking at bids received for the Cain Center project. She stated bids were reviewed and Berry and Clay was asked to sharpen the pencils (review the costs). She stated Eric Berry has a proposal for the Council to review. Ms. Borstad stated the next item is for Council to approve a guaranteed maximum price for construction of the City of Athens Civic and Aquatic Center.

Eric Berry, Berry and Clay Construction presented a proposal for a guaranteed maximum price for construction of the City of Athens Civic and Aquatic Center as revised on March 23, 2020.

Mayor Montgomery stated meetings with Berry and Clay were held to discuss Value Engineering. He stated the changes are cost effective.

Councilmember Gross asked that the cost for the HVAC system be reviewed. There was further discussion.

Mr. Berry review the allowances for the following contingencies:

Owners Contingency	\$75,000
Contractor Contingency	\$75,000
Commemorative Plaque Allowance	\$3,500

Discussion occurred.

Councilwoman Clay stated this has been a long process, however the process has led to a total of \$5 Million dollars being contributed by two (2) families. It is worth the wait.

Councilmember Smith stated at the end of this project he would like the total project cost on the city's website, so everyone could see what was spent, as well as the 15 year debt services on principle and interest, in-kind service provided by the city and the operational subsidy. He stated this will allow citizens to see the investment they are making on the Cain Center Project.

Mayor Montgomery asked Ms. Borstad to obtain an assurance letter from the Cain Foundation regarding \$2.5 million contribution.

Mayor Montgomery asked Mr. Berry the completion timeframe for the project, with Mr. Berry stating 12-14 months.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY, CONCERNING THE APPROVAL OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH BERRY AND CLAY CONSTRUCTION FOR A GUARANTEED MAXIMUM PRICE OF \$7,590,016.26 FOR CONSTRUCTION OF THE CITY OF ATHENS CIVIC AND AQUATIC CENTER

A motion was made by Mayor Montgomery, seconded by councilmember Gross to approve a Resolution authorizing the City Manager to enter into a contract with Berry and Clay Construction for a guaranteed maximum price of \$7,415,425.66 contingent upon the following the stipulations:

1. The project is contingent upon the Cain Foundation's \$2.5 Million Contribution
2. A change in the contract is allowed if the Cain Foundation does not contribute the \$2.5 Million, the project will discontinue and construction stopped, and the City of Athens shall pay Berry and Clay Construction for services rendered through the date of the stop work order.

The motion carried unanimously.

DISCUSS POSTPONING THE CITY OF ATHENS GENERAL ELECTION
SCHEDULED TO BE HELD ON SATURDAY, MAY 2, 2020 UNTIL
TUESDAY, NOVEMBER 3, 2020

Mayor Montgomery explained due to the pandemic the Govern has given notice to avoid social gatherings of more than 10 people and to have 6 foot separation. He stated the item is to discuss postponing the City of Athens General Election scheduled to be held on Saturday, May 2, 2020 until Tuesday, November 3, 2020.

Ms. Hambrick read an email from Sytonia Freeman regarding postponing the City of Athens General Election scheduled to be held on Saturday, May 2, 2020 until Tuesday, November 3, 2020.

I would like it to be on record that I don't want it in November, but since I might not have a choice, I'm okay. I'm ready to serve but it may not be my time to serve. What God has for me is for me.

Councilmember Gross stated the city should error on the side of caution.

Ms. Hambrick read the following list of cities postponing their May 2, Election:

Canton
Gladewater
Belton
Hitchcock
Joshua
Pflugerville
White Oak
Poteet

Kilgore, LaPorte, Longview and Ore City pending City Council action.

Mayor Montgomery stated he respects Mrs. Freeman's request. He further acknowledged the CDC's request for safety.

Discussion occurred.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY,
CONCERNING THE APPROVAL OF A RESOLUTION POSTPONING THE
MAY 2, 2020 CITY OF ATHENS GENERAL ELECTION TO NOVEMBER 3,
2020.

A motion was made by Councilmember Smith, seconded by Councilmember Gross to approve a Resolution postponing the May 2, 2020 City of Athens General Election to November 3, 2020. The motion carried unanimously.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY,
CONCERNING THE APPROVAL OF A RESOLUTION EXTENDING THE
CITY OF ATHENS DISASTER DECLARATION ISSUED ON MARCH 19,
2020 DUE TO THE IMMINENT THREAT TO PUBLIC HEALTH AND
SAFETY AS A RESULT OF THE SPREAD OF THE CORONAVIRUS
(COVID – 19), EPIDEMIC, AS DECLARED BY THE WORLD HEALTH
ORGANIZATION AS A PANDEMIC ON MARCH 11, 2020

Ms. Borstad explained the Resolution will extend the City of Athens Disaster Declaration issued on March 19, 2020 and it adds a penalty clause into the declaration of a fine not to exceed \$1,000, confinement in jail for a term not to exceed 189 days, or both fine and confinement.

A motion was made by Councilmember McCain, seconded by Councilwoman Clay to approve a Resolution extending the City of Athens Disaster Declaration issued on March 19, 2020 due to the imminent threat to Public Health and Safety as a result of the spread of the Coronavirus (COVID – 19), Epidemic, as declared by the World Health Organization as a Pandemic on March 11, 2020. The motion carried unanimously.

CONSIDER FINAL READING OF AN ORDINANCE CONCERNING A REQUEST FROM TRITON ATHENS I, LLC FOR APPROVAL OF A SITE PLAN AMENDMENT FOR LOTS 1-5, BLOCK 1 OF THE TRITON ATHENS SUBDIVISION, R.A. CLARK SURVEY A-171, ALSO KNOWN AS 1006, 1010 AND 1012 EAST TYLER STREET

Ms. Borstad presented the item. She explained the top of the entire wall shall be at the minimum elevation of 516 feet. After discussion all openings are to be filled with permanent blocks. Temporary fencing may be used on top of the wall to maintain the 416 feet wall height for privacy. Discussion occurred.

Ms. Hambrick read the caption of the Ordinance aloud.

A motion was made by councilmember Gross, seconded by Councilmember McCain, to approve final reading of Ordinance for a site plan amendment for Lots 1-5, Block 1 of the Triton Athens Subdivision, R.A. Clark Survey A-171, also known as 1006, 1010 and 1012 East Tyler Street with the following stipulations: openings are to be filled with permanent blocks. Temporary fencing may be used on top of the wall to maintain the 416 feet wall height for privacy, however, when blocks are available the fence must be completed.

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

Monte Montgomery, Mayor	Aye
Ed McCain, Mayor Pro Tem	Aye
Aaron Smith, Councilmember	Aye
Toni Clay, Councilmember	Aye
Robert Gross, 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 551.087 (DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS; CLOSED MEETING) DELIBERATIONS REGARDING NEGOTIATIONS WITH THE FOLLOWING PROSPECTS:

- a) PROSPECT #1802
- b) PROSPECT #1803

The City Council convened in Executive session at 6:25 p.m.

The City Council returned to Regular Session at 7:15 p.m.

CONSIDER ACTION RESULTING FROM DELIBERATIONS IN EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE, SECTION 551.087 (DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS CLOSED MEETING) DELIBERATIONS REGARDING NEGOTIATIONS WITH THE FOLLOWING PROSPECTS:

- a) PROSPECT #1802
- b) PROSPECT #1803

Mayor Montgomery stated the City Council would move to item b) Prospect #1803

b) PROSPECT 1803

A motion was made by Mayor Montgomery, seconded by Councilmember McCain to approve the lease on 414 W. College Street with Spot On Safety, LLC. with the following stipulations: Required capital improvements to the structure, remove the difference of his lease payment and what the fair market value of the lease payment would be each year. The motion carried unanimously.

Mayor Pro-Tem Ed McCain conducted the meeting for item a) Prospect #1802

a) PROSPECT #1802

A motion was made by Councilmember Gross, seconded by Councilwoman Clay to approve Athens Economic Development Corporation to enter into an agreement with Prospect 1802 (Steritec Automation.) so long as the project does not impede Northward continuation of Commercial Street, also the property should be deeded upon successful issuance of a building permit and construction must commence 120 days after closing and should be complete within 18 months. The motion carried by the following vote: Ayes: Councilwoman Clay, Councilmembers McCain, Gross, and Smith Nays: None. Mayor Montgomery abstained.

MAYOR AND CITY COUNCIL'S REQUEST FOR FUTURE AGENDA ITEMS

- Councilmember McCain requested an update on a Supervisory Control and Data Acquisition (SCADA) System
- Mayor Montgomery requested a joint meeting with Athens Municipal Water Authority
- Update from SPI, regarding Back up power for the Critical Services, and Royal Mountain Standpipe will appear on a future agenda
- Form a sub-group to look at areas with high accident counts and preventive measures and include a representative from TxDOT

Ms. Borstad stated a work session to discuss Civil Service requirements for Police Recruits was scheduled will appear on a future agenda.

Councilmember McCain suggested Public Communication be moved to the end of the agenda during the time frame of avoiding social gatherings in groups of more than 10 people.

PUBLIC COMMUNICATIONS

Ms. Hambrick read the following comments from Facebook Live:

Julie Fletcher Cox, do you as a city feel that your local loan companies are essential?

Daniel McClure, are they testing at the Athens hospital?

Boux Napps, I have a question as to regarding why everything in Henderson county is running as normal? Not seeming to be taking precaution at all or preventative measures to make sure that we aren't hit hard with the virus, in ways such as shelter in place or even non essential jobs being MANDATORY shut down? Right now it is SUGGESTED that employees at non essential jobs stay home but employers of non essential jobs are still having employees work, until closed down by city or county. It could be perceived that until a handful of people get sick or someone dies from the virus in confirmed cases, that preventive measures will not be taken. Why wait until damage is done and then do damage control and not take preventive measures to not have any casualties? I understand trying to keep the economy afloat by letting businesses work as long as they can, but why is not making everyone stay home for 14 days and trying to kill the virus altogether not a better option than this lasting months and the virus infecting and spreading?

Mayor Montgomery requested a list of the comments and stated he would like to address the comments in the next City of Athens newsletter.

ADJOURN

The meeting adjourned at 7:23 p.m.

PASSED AND APPROVED THIS THE 13th DAY OF APRIL, 2020.

Monte Montgomery, Mayor

ATTEST:

Bonnie Hambrick, City Secretary