



The City of Bruceville-Eddy Rising into the Future

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Eddy, Texas 76524

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**Telephonic City Council Meeting Minutes
April 9, 2020 6:30 PM**

In accordance with Governor Abbott's declaration of the COVID-19 public health threat and action to temporarily suspend certain provisions of the Texas Open Meetings Act, a quorum of the City of Bruceville-Eddy Council will hold its regular city council meeting by telephonic conference call.

**This meeting will be closed to the public, however
the public may join this meeting by calling**

**Toll-Free: [1 \(224\) 501-3412](tel:12245013412)
When prompted enter
Access Code: [371-989-597](tel:371989597)**

Notice is hereby given that a **tele-conference Council Session** of the governing body of the City of Bruceville-Eddy will be held on the April 9, 2020 at 6:30 p.m. by teleconference. to-wit:

Executive Session 6:30-7:30 PM – The City Council will meet in executive session, pursuant to *Texas Government Code § 551.074* (Personnel Matters) to discuss the following:

1. Public Safety employment issues:

- a. Council to discuss and consider on the appointment of 2 new officers.
- b. Council to discuss and consider the appointment of a permanent Police Chief.
- c. Council to discuss and consider the Interim Police Chief's salary.
- d. Council to discuss and consider and on the recent termination of a police department employee and potential rehiring.

2. Council to discuss Police Chief applicants.

Certified Minutes signed by Mayor Bass- City Administrator and City Secretary asked to be excluded due to conflict of interest.

7:30 PM UNTIL

3. Call to Order

- a. Greetings-Mayor Connally Bass
- b. Invocation-Linda Owens
- c. Pledge of Allegiance
- d. Roll Call

4. CONSENT AGENDA: The following items may be acted upon in one motion. No separate discussion or action is necessary unless requested by the Mayor or a Councilmember, in which event those items will be pulled for separate consideration.

- I. Council to consider A/P for General/Water Funds for February 2020.
Motion made by: Linda Owens 2nd Allen Trigg. All in favor 5 against 0

- II. Council to consider A/P for General/Water Funds for March 2020.
Motion made by: Linda Owens 2nd Allen Trigg All in favor 5 against 0
- III. Council to consider minutes of regular meeting on February 13, 2020.
Motion made by: Linda Owens 2nd Allen Trigg All in favor 5 against 0

5. Citizen Presentations

Citizens who wish to make public comments are asked to please email pcombs@bruceville-eddy.us by 5:00 PM April 9, 2020. Citizen comments will be read by Mrs. Combs during the teleconference. Citizens are asked to include their name, address and phone number in their email, phone numbers will not be made public.

Citizen emailed Pam Combs the following email (Mrs. Bishop read the email to the citizens:

Dear City Council,

I was pleased to see that this matter has been placed on the agenda (item 8), so I look forward to having my questions answered regarding how the FB page approved by the city council at a city council meeting has been grossly mishandled over the recent weeks. Without notice of any kind, the page was taken down. Later, I learned that the page had been renamed as Sonya R. Bishop. When I opened that page, I read a post by Ms. Bishop stating that the City FB page was taken down because of council concerns. Also, that it is now owned by her as our city administrator and that this renamed page was to notify citizens of important matters. However, she stated, the page is not associated with the City of BE. Other posts made were/are matters concerning the city which makes this even more concerning and confusing. There is also a post by Ms. Bishop which states she is being "attacked." BY who? What does she mean by that statement? SO, I ask the council to please give us some understanding of all of this. Whatever is newly renamed BF page being or is not, we deserve some explanation. The questions I would like to have answered would include:

- 1) Who authorized the page to be taken down and why?
- 2) What were the council's concerns about it?
- 3) Who authorized Ms. Bishop to rename the page and use it as her personal communication vehicle for the citizens of BE?
- 4) IS the Sonya R. Bishop page the new SFB page for the City of BE?
- 5) Is Ms. Bishop's statement that she is being attacked a city matter or a personal matter? If a city matter, it should be properly dealt with by the council and not publicly discussed on social media. If a personal matter of hers, it needs to be taken somewhere else, unless this page is her own personal page.

As citizens, we should all be concerned and ask questions about this very unprofessional situation. Personally, I believe it has been poorly handled and am helping it get corrected quickly. Thank you for your help. We appreciate all you do for the City of BE.

Marcus Fowler
(address and phone number)
END OF EMAIL

6. Discussion and possible action on extending the Declaration of Local Disaster and Public Health Emergency originally signed by Mayor Bass on Monday, March 23, 2020, to continue to be in effect until 11:59 pm on April 30, 2020, and subject to

extension thereafter based on the status of COVID-19 in Texas and the recommendations of the CDC.

Motion made by Ricky Wiggins 2nd by Linda Owens All in favor 5 against 0

7. Discussion and possibly provide direction to the City Administrator pertaining to the water policy during the Emergency Declaration time period.

Sonya Bishop explained that she had contacted other city managers about what they are doing about utilities during the COVID19 crisis. She asked if council would consider temporarily eliminating late fees and disconnections during the hardship. Allow a payment plan. Mrs. Bishop encouraged citizens to contact the water department or herself. Mrs. Bishop explained she is here for citizens 24/7.

Motion made by Ricky Wiggins 2nd by Linda Owens All in favor 5 against 0

8. Discussion and possibly provide direction to the City Administrator pertaining to the City Facebook page (currently deactivated due to concerns from Council).

Mr. Wiggins asked if Mr. Reyna had something regarding this topic. Mr. Reyna responded by saying yes, the facebook looked official. A citizen complained they were deleted from the facebook. Mr. Reyna stated if it is an official city facebook only the attorneys can remove a person and only after 3 warnings. Mr. Wiggins said "Defriended or unfriended" Mr. Wiggins stated we have a social media policy that were violated. He stated he has two pages full. Sonya said she deactivated. Mrs. Bishop explained she removed everything associating the city from facebook. Mr. Wiggins said the facebook could hold the city liable. Mrs. Bishop explained she made mistakes. She stated she will NOT be using facebook for any city business. She asked council to agree that the city not have facebook that she does not want to be a problem to the city.

Linda Owens made a motion to keep facebook deactivated 2nd by Ricky Wiggins All in favor 5 against 0

9. Public Report:

- a. Council to discuss and consider on the appointment of 2 new officers.

Motion made by Ricky Wiggins to allow the chief to hire officer's 2nd by Linda Owens All in favor 5 against 0

- b. Council to discuss and consider the appointment of a permanent Police Chief.

Motion made by Linda Owens to promote Michael Dorsey as chief. 2nd by Allen Trigg All in favor 3 against 2

Mr. Wiggins stated his reason to vote against is nothing to do with Officer Dorsey. That he feels the city needs to do due diligence in hiring. The city received 11 applications and they should consider those.

- c. Council to discuss and consider the Interim Police Chief's salary.

Motion made by Rick Eaton to accept the salary of police chief and make it retroactive 2nd by Ricky Wiggins All in favor 5 against 0

- d. Council to discuss and consider and on the recent termination of a police department employee and potential rehiring.

Linda Owens made a motion to rehire Jay Stewart under certain conditions and terms with a new hiring contract as long as he abides by the rules and regulations of the police department and city.

Motion dead

10. Water Department Report

Gene Sprouse gave an update on the new meter project. Mrs. Bishop explained the staff has been working on the new city hall on the rainy days. Mr. Wiggins asked Gene about the new meters having a round disk on top. Mrs. Bishop showed the council the antenna for the meter. Mr. Wiggins explained he thought they were wireless. Gene explained that is an external antenna that allows a better reading of the meter. Mr.

Wiggins asked Gene if there was an option to save money on Bluebonnet purchases. Gene stated that there are not any options. Mr. Wiggins asked if Gene was here when Larry Roaming was here. Gene stated there is a contract if the council would like to see it.

11. Code Enforcement Report

Mrs. Bishop gave the code enforcement report. 38 open cases 4 in court. Mrs. Bishop gave an update on the new city hall. The sheetrock, electric, ac and air ducts are all completed. The volunteers, Frank Warren and staff have been working on it. There is not a projected completion date because most work is being done by volunteers.

12. Engineers Report

Mr. Tabor stated he sent his report. (See attachment) Mr. Wiggins asked how much are we lacking on deeds for lift stations. Mrs. Bishop explained they are at the title company and have been for about 3 weeks.

13. Finance:

- a. Council to consider, discuss and possibly take action on approving invoices to be paid to Extraco-Technology for technology (the City's technology support) to the new city hall. This will include mapping all technology services, cameras and phone systems in the new building. Judge Madison has approved these expenses to be paid from court technology and court security funds.

Technology Funds:	\$5950.00
Court Security Funds:	<u>\$3175.00</u>
	\$9,125.00

Ricky Wiggins made a motion 2nd by Linda Owens All in favor 5 against 0

Item B Amended 6-21-2020 by Councilman Phil Reyna

- b. Council to consider, discuss and possibly take action on approving purchase for bullet proof glass recommendation by the Court Security Division. There are not any HUB vendors to supply this service within our area. This will be paid via court security per Judge Madison. Lowest estimate: \$4502.44

Mr. Reyna brought it to the attention of council the vendor was **priorly** associated with Nelson Tabaez. 2 Brothers in California is associated with Tabaez. Mr. Reyna stated he has nothing against Mr. Tabaez but wanted council to be informed.

Mr. Wiggins stated there are 2 different descriptions in the quotes.

Item Tabled- Sonya Bishop is going to look for other quotes.

- c. The City of Bruceville-Eddy's Final Audit for Fiscal Year Ending September 2019. (Books provided to Council for future presentation.)

Item Tabled Mr. Wiggins asked if the auditor will present anything. Mrs. Bishop explained once the Covid thing is over.

Mr. Reyna asked why did the auditors not pick up on the accounts that Mrs. Bishop found mistakes. Mrs. Bishop said she asked the auditors why did not they not catch this. The auditor told Mrs. Bishop that they do not check if the correct checks are being used but verify the checks matches purchases.

Item 14 Amended 6-21-2020 by Councilman Ricky Wiggins See attachment A

14. Council to discuss, consider and possibly take action on why item 3b (approving a bid for payment for the metal on the pavilion enclosure) and 3c (approving a bid for payment for spray foam insulation) as stated in the November 14, 2019 minutes was not adhered to as voted on by the Council

Mayor Bass stated he asked this not to be on the agenda that it is not truthful. Mr.

Wiggins stated he asked this to be on the agenda. He listened to the audio recording.

Mayor Bass asked why this is back on the agenda. Mr. Wiggins stated item 3B Frank Warren stating he had bids with more coming in and another just came in on his phone

and expecting another one today. That \$17,800.00 was the lowest bid at that time. The bid was given to Moreno Designs, which Frank Warrens daughter works for and Frank Warren is associated. That six days after the meeting that Moreno Design placed a quote with the same exact same verbiage as another quote. Mr. Wiggins said on item C that the spray foam was approved for \$28,000.00 and another company was given the bid. Pro Foam.

Linda Owens stated that during the council meeting there was not a motion to a certain amount or vendor for Frank Warren to accept the lowest bid.

Linda Owens Made motion to not accept item 14 2nd Allen Trigg All in favor 3 against 2

15. Land Use

- a. Council to discuss, consider and possibly take action on property deed 2019009018 owned by Alicia and Wes Bass. A survey was done in 2006 where a marker was missed resulting in the survey being inaccurate, in March 2018 Eddy II Land Hold CO, LLC replotted property donating 44.353 acres to the City. This survey was based from the 2006 survey and resulted in joining properties being reduced by this error. Mr. Bass is asking Council to consider allowing him ownership of one small strip of land in trade for another small strip. Mr. Bass is agreeing to pay all expenses resulting from this land trade to include all legal and surveying expenses, upon Council approval. Mayor Bass will be removing himself from this item as this is his son and daughter in law's property.

Linda Owens took over as Mayor as this property is owned by the son of Mayor Bass.

Mr. Wiggins asked if the city swaps this land will the city have a clear title. Mr. Bass stated yes, the city will have a cleared deed. There will not be any charge for to the city for the land trade.

Ricky Wiggins Made motion to allow the exchange of property 2nd Phil Reyna All in favor 5 against 0

16. Sewer Council to determine loan/grant amount increased total based on the decisions of items a-f and options a-d

- a. Council to discuss, consider and possibly take action on the loan/grant increase.
- b. Council to discuss, consider and possibly take action on grinder pumps responsibility and expense in the estimated amount of \$ 56,000.00.
- c. Council to discuss, consider and possibly take action on service connection line to homes in the estimated amount of \$1,345,000.00
- d. Council to discuss, consider and possibly take action on 2-way cleanout, cap OSSF in private property in the estimated amount of \$271,500.00
- e. Council to discuss, consider and possibly take action on decommission of OSSF in private property in the estimated amount of \$287,500.00
- f. Council to discuss, consider and possibly take action on deciding street rehabilitation options.
 - a. Option 1 Street rehabilitation including, Full depth recycle 6", street base cement added & remix, 1 ½ HMAC type D Paving
 - b. Option 2 Street rehabilitation including, Full depth recycle 6", 1 ½ HMAC type D Paving
 - c. Option 3 Street rehabilitation including, Full depth

Issued to Sonya on 5/21/20 for correction of minutes, #4

Item # 14 of April 9, 2020 Meeting

* Every thing below is what was stated at the 4/9/20 mtg.

As per the recording of November 14, 2019 meeting pertaining to item 3(b), payment for the metal on the pavilion enclosure:

At approximately 15 minutes, 36 seconds into this recording, Frank Warren stated that: he had a couple of bids with a few more coming in and another just came in on his phone for \$22,800 and another one was supposed to come in today but didn't quite make it. So, \$17,189 was lowest bid received, but he said he doesn't know the exact amount but it will be in that range.

The bid that was issued for this work was given to Moreno Designs and Remodeling in Eddy, which Frank's daughter works for this business and from my understanding, Frank himself has done work for Moreno Designs.

Moreno Designs bid on this work on November 20, 2019, just six days after the meeting and was for \$16,900, which is \$289.00 below the other bid of \$17,189. But the most interesting thing about the bid was that it is almost an identical layout and verbiage of the \$17,189 bid, but \$289.00 lower. Then on December 2, 2019 a contract was drawn up between the Mayor and Nelson Tabarez, the owner of Moreno Designs and Remodeling for this work.

First, What was the cutoff date on the bids? Second, If there were other bids coming in, then why didn't Frank wait until all bids were in and then bring them before the council for the council to discuss and vote on the matter! By the one bid coming in on the phone, during the meeting, and Frank stating that the other bid was supposed to come in but didn't quite make it, Leads me to believe that the cutoff date was November 14th by the meeting time.

As per the recording of November 14, 2019 meeting pertaining to item 3(c), payment for spray foam insulation:

At approximately 20 minutes and 28 seconds into this recording, Frank Warren stated that everybody was in the same ballpark area on this bid and that they were all close. Motion was made and passed to approve the spray foam bid. Then in the audience, a citizen, which was me, asked how much the bid was for and Frank replied around \$28,000.00.

However, after I further reviewed this matter, the bid was issued to someone who's bid was not present at this meeting. So, its apparent, in this case, that there were no other bids for this job, according to the recording. But the bid was given to someone else.

While these two cases bring up a possible cause for impropriety and a possible conflict of interest due to Frank being the Code Enforcement Officer and the one whom solicits bids for projects for the city. This type of bidding process cannot continue within the city. These cases should be brought before the citizens in order for the citizens to see how things were done, but also, that the council has changed how bids are now done.



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- recycle 6", 2 course surface treatment
- d. Option 4 Street rehabilitation including, Full depth
recycle 6", 1 course surface treatment

Motion made by Linda Owens to securing loan/grant increase with option 3 to include all property owner expenses in the amount of \$16,936,00.00 2nd by Phil Reyna
All in favor 5 against 0

17. Adjourn 9:29 PM

Connally Bass

Mayor Connally Bass

Sonya Bishop

City Administrator Sonya Bishop

