

STATE OF TEXAS)(

COUNTY OF HARDIN)(

CITY OF SILSBEE)(

On this the 20th day of November 2023 at 6:30 p.m. the City Council of the City of Silsbee held a Regular Called Meeting in the Regular Meeting place thereof with the following members being present, in which constituted a quorum:

Mayor Danny Reneau, present
Mayor Pro-Tem Mark Muckleroy, present
Council Member Adalaide Balaban, present
Council Member Paul Davis, present
Council Member Roy Gravis, present
Council Member Thomas Tyler, present
Council Member William Bass, present
City Manager DeeAnn Zimmerman, present
Assistant City Secretary Brooke Steel, present
City Attorney Solomon Freimuth, present

I. CALL TO ORDER/ROLL CALL.

Time approximately 6:30 p.m. Mayor Danny Reneau asked for a roll call and stated that a quorum was present.

II. PLEDGE AND INVOCATION.

Pledge was conducted followed by Prayer led by Mayor Danny Reneau.

III. HEARING OF VISITORS.

Sonny Hubbard with Piney Woods addressed Mayor and Council. Apologized for missing last month's meeting, also business has been up and down, but it will be back like it used to be with no problems.

IV. DISCUSSION AND POSSIBLE ACTION ON APPROVING THE MINUTES OF OCTOBER 16, 2023, MEETING. (City Manager)

Mayor Pro-Tem Mark Muckleroy made a Motion to Approve the October 16, 2023, Minutes.
Council Member Roy Gravis Seconded the Motion and was passed with a unanimous vote of the Council.

V. DISCUSSION AND POSSIBLE ACTION ON APPROVING THE EXPENDITURES FOR THE MONTH OF NOVEMBER 2023. (City Manager)

Mayor Pro-Tem Mark Muckleroy made a Motion to Approve the November 2023 Expenditures.
Council Member William Bass Seconded the Motion and was passed with a unanimous vote of the Council.

VI. CITY MANAGER'S REPORT.

- 1. Update on new potential grant award for CDBG-2023 Community Development Program from Texas Department of Agriculture.**
City Manager DeeAnn Zimmerman addressed stated grant is \$550,000.00 with the City's match of \$50,000.00 this will be used for the Pine Shadows

Lift Station replacement/rehab, replacement of manholes and pipe bursting along Prince Hall Lane and Cuney Court.
Council Member Thomas Tyler said we should not do anything inside of the complex.

VII. PUBLIC WORK DIRECTOR'S REPORT.

- 1. Updates on Street, Lift Station, Generator, Sewer Line replace.**
Public Directors Roger Martin addressed stating Monday weather permitting and went over updates.
- 2. Update Via Rail Engineering.**
Public Works Director Roger Martin addressed Received correspondence sent to City Attorney Solomon Freimuth.
- 3. Update – Meeting Texas Dept. of Transportation.**
Public Works Director Roger Martin addressed Mark, Mayor, Judge McDaniel, and himself attended the meeting and is hoping changes will be made. Mayor Pro-Tem Mark Muckleroy told them to be proactive instead of reactive.
- 4. Workshop about Water and Sewer upgrades.**
Public Works Director Roger Martin addressed would like workshops on December 7th and 14th to review possible upgrades to Water & Sewer System.

VIII. CONSENT AGENDA ITEMS.

- 1. Discussion and Possible Action on using funds from Water & Sewer Reserve Fund for Invoice from LEAD Engineering in the amount of \$2,000.00 for the Hwy 96 Sanitary Sewer Repair Project.**
- 2. Discussion and Possible Action on using funds from Water & Sewer Reserve Fund for Invoice from LEAD Engineering in the amount of \$2,500.00 for the Hwy 96 Sanitary Sewer Repair Project.**
- 3. Discussion and Possible Action on using funds from Water & Sewer Reserve Fund for Invoice from LEAD Engineering in the amount of \$11,500.00 for the Hwy 96 Sanitary Sewer Repair Project.**
- 4. Discussion and Possible Action on using ARPA Grant Funds for Invoice from T. Johnson Industries in the amount of \$190,800.00 for the work completed on the Fresenius Road Lift Station.**
- 5. Discussion and Possible Action on using ARPA Grant Funds for Invoice from LJA Engineering in the amount of \$17,673.00 for the ARPA Road Improvement Project.**
- 6. Discussion and Possible Action on using ARPA Grant Funds for Invoice from LJA Engineering in the amount of \$5,073.00 for the ARPA Road Improvement Project.**
- 7. Discussion and Possible Action on using ARPA Grant Funds for Invoice from LJA Engineering in the amount of \$12,600.00 for the ARPA Road Improvement Project.**
Council Member Roy Gravis made a Motion to Approve Consent Agenda Items 1 thru 7.
Council Member Paul Davis Seconded the Motion and was passed with a unanimous vote of the Council.

IX. ITEMS TO BE CONSIDERED.

- 1. Discussion and Possible action on request from Silsbee Chamber of Commerce for Road Closure of North 3rd Street (including the Y) in front of Rudisale Pavilion to North 3rd on side of Silsbee Farm & Ranch from 8 am to 10pm for the Ice-Skating Event. (Melissa Smart, Chamber Director).**

Council Member Paul Davis made a Motion to Approve Road Closure for Ice-Skating Event.

Council Member Roy Gravis Seconded the Motion and was passed with a unanimous vote of the Council.

2. **Discussion and Possible Action on request from Silsbee Library for Road Closure of Ernest Ave. from 5th Street to 3rd Street. Then 4th Street from Earnest Ave. to Ave. G. Then Ave. H from Library Street to 3rd Street on December 1, 2023, from 5 p.m. to December 2, 2023, until 5 p.m. for the Christmas in the Big Thicket Festival. (Librarian, Cathy Johnson)**

Mayor Pro-Tem Mark Muckleroy made a Motion to Approve Road Closure for Christmas in the Big Thicket pending signatures.

Council Member Paul Davis Seconded the Motion and was passed with a unanimous vote of the Council.

3. **Discussion and Possible Action on Ordinance regulating open fires. (Council Member Roy Gravis)**

Council Member Roy Gravis addressed he has been wanting a workshop to go over Ordinances since June.

Bruce Kay addressed went over what happened the day of the incident.

City Attorney Solomon Freimuth stated he does not think it is illegal to burn trees. He will not prosecute this ticket.

City Attorney Solomon Freimuth told Bruce Kay to tell court you're pleading not guilty and wants to talk to the City Attorney.

Council Member Thomas Tyler made a Motion to set a workshop.

Council Member Roy Gravis Seconded the Motion and was passed with a unanimous vote of the Council.

4. **Discussion and Possible Action on recommendation of Award of the GLO/ARPA Valinda Estates Road Rehabilitation Project to Apek Construction, LLC in the amount of \$298,008.73. (Trey Gaspard, LJA Engineering).**

Trey addressed stated Apek Construction, LLC was lowest bidder.

Council Member Roy Gravis made a Motion to Award Apek Construction LLC based on the Recommendation.

Council Member Paul Davis Seconded the Motion and was passed with a unanimous vote of the Council.

5. **Discussion and Possible Action on using funds from General Fund Reserve of Contingencies Fund for Invoice from Broom's Paint & Body in the amount of \$4,036.88 for replacement of air bags in 2016 Ford F-250. (City Manager)**

City Manager DeeAnn Zimmerman addressed, and discussion was held.

Mayor Pro-Tem Mark Muckleroy made a Motion to Approve using funds from General Fund Reserve of Contingencies for Invoice in the amount of \$4,036.88.

Council Member Roy Gravis Seconded the Motion and was passed with a unanimous vote of the Council.

6. **Discussion and Possible Action on Approving the FY 23-24 Annual Street Project. (Public Works Director, Roger Martin)**

Public Works Director Roger Martin addressed, presented street list to Council and stated they can add or take away streets.

7. **Discussion and Possible Action on Ordinance No. 23-10 AN ORDINANCE REGULATING THE SPEED ON STATE MAINTAINED HIGHWAYS IN THE CITY OF SILSBEE, HARDIN COUNTY, TEXAS, PROVIDING A PENALTY AND REPEALING ALL OTHER ORDINANCES IN CONFLICT THEREWITH. (City Attorney) (SECOND READING)**

Mayor Pro-Tem Mark Muckleroy made a Motion to Approve Ordinance No. 23-10 and read the caption in full.
Council Member Paul Davis Seconded the Motion and was passed with a unanimous vote of the Council.

8. **Discussion and Possible Action on Ordinance No. 23-11**
AN ORDINANCE OF THE CITY OF SILSBEE, TEXAS
AUTHORIZING THE SUSPENSION OF THE EFFECTIVE DATE
FOR AN ADDITIONAL NINETY (90) DAYS BEYOND THE
EFFECTIVE DATE PROPOSED BY CENTERPOINT IN
CONNECTION WITH ITS STATEMENT OF INTENT TO
INCREASE RATES IN THE TEXAS DIVISION, FILED ON
OCTOBER 30, 2023; AUTHORIZING THE HIRING OF LAWYERS
AND RATE EXPERTS; AUTHORIZING THE CITY'S
PARTICIPATION TO THE FULL EXTENT PERMITTED BY LAW
AT THE RAILROAD COMMISSION OF TEXAS; REQUIRING
REIMBURSEMENT OF MUNICIPAL RATE CASE EXPENSES;
FINDING THAT THE MEETING COMPLIES WITH THE OPEN
MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS
RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE
DATE. (City Attorney)

City Attorney Solomon Freimuth addressed CenterPoint filed statement of intent to raise rates and consolidate Texas service area into one.
Council Mmber Paul Davis made a Motion to Approve Ordinance No. 23-11 and read the caption in full.
Council Member Adalaide Balaban Seconded the Motion waving the Second Reading and was passed with a unanimous vote of the Council.

9. **Discussion and Possible Action on Resolution No. 23-38**
A RESOLUTION OF THHE CITY COUNCIL OF THE CITY OF
SILSBEE TEXAS, APPROVING THE ARTICLES OF AGREEMENT
BETWEEN THE CITY OF SILSBEE, TEXAS, AND THE SILSBEE
POLICE ASSOCIATION 2023-2024. (City Attorney)

City Attorney Solomon Freimuth stated it is the same contract just with the 4% increase.
Mayor Pro-Tem Mark Muckleroy made a Motion to Approve Resolution No. 23-38 and read the caption in full.
Council Member Adalaide Balaban Seconded the Motion.
After brief discussion was held Resolution No. 23-38 was passed with a unanimous vote of the Council.

10. **Discussion and Possible Action on Resolution No. 23-39**
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SILSBEE, TEXAS CASTING ITS VOTES AT THE ELECTION FOR
THE BOARD OF DIRECTORS FOR THE HARDIN COUNTY
APPRAISAL DISTRICT. (City Manager)

Council Member Thomas Tyler made a Motion to Approve Resolution No. 23-39 and read the caption in full.
Council Member Roy Gravis Seconded the Motion and was passed with a unanimous vote of the Council.

- X. **DISCUSSION ABOUT ITEMS NOT ON THE AGENDA,**
SPECIFICALLY LIMITED TO PROPOSALS THAT A SUBJECT BE
PLACED ON THE AGENDA FOR A SUBSEQUENT MEETING.

XI. **EXECUTIVE SESSION.**

- a. Pursuant to Texas Gov't Code Sect. 551.074(a)(1) to deliberate the appointment, employment, evaluation, reassignment, duty, discipline, or dismissal of a Public Officer or Employee.
- b. Pursuant to Texas Gov't Code Sect. 551.071(1)(A) to consult with City Attorney on pending or contemplated litigation

- c. Pursuant to Texas Gov't Code Sect. 551.071(2) to consult with City Attorney on a matter in which the duty of the Attorney to the Governmental Body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.
- d. Pursuant to Texas Gov't Code Sect. 551.072 to deliberate the purchase, exchange, lease, or value of real property.

XII. DISCUSSION AND POSSIBLE ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION.

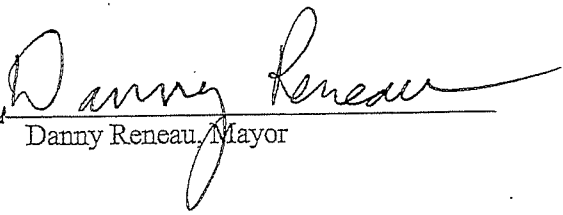
Not Held.

XIII. ADJOURN.

Time approximately 8:13 p.m. with no further discussion Mayor Pro-Tem Mark Muckleroy made a Motion to Adjourn.

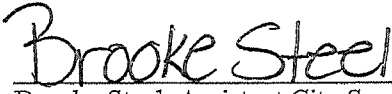
Council Member Roy Gravis Seconded the Motion and was passed with a unanimous vote of the Council.

SIGNED:



Danny Reneau, Mayor

ATTEST:



Brooke Steel, Assistant City Secretary