

Mayor
Elise Partin

Mayor Pro-Tem
James E. Jenkins

Council Members
Phil Carter
Tim James
Hunter Sox

City Manager
Tracy Hegler

Assistant City Manager
Jim Crosland



**City of Cayce
Special Council Meeting
Thursday, March 24, 2022, at 5:30 p.m.**

**Cayce City Council is currently meeting virtually via Zoom.
Please use one of the following methods to attend the Council Meeting:**

Virtual Attendance, click

<https://us02web.zoom.us/j/82968162271?pwd=bzd3UjVMYzk4Q1FMdWZ0MXBWNWJFdz09>

or

Telephone: 1-929-205-6099

Meeting ID: 829 6816 2271

Passcode: 743478

caycesc.gov

SPECIAL COUNCIL MEETING

I. Call to Order

A. Invocation and Pledge of Allegiance

II. Public Comment Regarding Items on the Agenda

III. Ordinances and Resolutions

A. Discussion and Approval of Ordinance 2022-05 Amending Section 2-144 of the City Code so as to Provide for Procurement and Contracts by City Council on a Most Convenient Source or Sole-Source Basis in Certain Circumstances – Second Reading

B. Consideration and Approval of a Resolution Designating Additional Allocations for Funding Received through the American Rescue Plan Act

IV. City Manager's Report

V. Council Comments

VI. Executive Session

A. Receipt of legal advice relating to claims and potential claims by and against the City and other matters covered by the attorney-client privilege

VII. Possible actions by Council in follow up to Executive Session

VIII. Adjourn

SPECIAL NOTE: Upon request, the City of Cayce will provide this document in whatever form necessary for the physically challenged or impaired.

Memorandum

To: Mayor and Council

From: Tracy Hegler, City Manager

Date: March 24, 2022

Subject: Second Reading of Ordinance 2022-05 Amending Section 2-144.9 of the City Code so as to Provide for Procurement and Contracts by City Council on a Most Convenient Source or Sole-Source Basis in Certain Circumstances

ISSUE

Council approval is needed for Ordinance 2022-05 amending Section 2-144.9 (Procurements and Contracts).

BACKGROUND/DISCUSSION

Since the COVID-19 pandemic began, the City of Cayce has experienced supply issues from automobile supplies to electronics. We know that supply-chain bottlenecks -- around the world -- have caused record shortages of many products that American consumers are used to having readily available, from household goods to electronics to automobiles. Not only has this been affecting the City, but based on reports we've been following, the issue may not end soon.

The City would like to amend the City's procurement policy to add the language:

"City council may waive the informal and formal bid procedures when it is to the advantage of the city to acquire goods and/or services on a most convenient source basis or sole-source basis in situations of prolonged supply chain delays or on the basis of a previously awarded bid or contract, and for professional services when the person employed is customarily employed on a fee basis rather than by competitive bidding (such as, by way of example, for an appraiser, attorney or physician)."

This will allow staff to obtain goods and services when they are readily available. The full Ordinance is attached.

RECOMMENDATION

Staff recommends Council approve Ordinance 2022-05 amending Section 2-144.9 Procurements and Contracts)

Sec. 2-144. Powers and duties.

The city manager shall be the executive officer and head of the administrative branch of the city, subject to approval by a majority vote of the council. He/she shall be responsible to the city council for the proper administration of all affairs of the city, and to that end, subject to the personnel provisions of the city Charter, shall have power and shall be required to:

...

- (9) *Procurements and contracts.* Procure (purchase, rent, lease or otherwise acquire) all materials, supplies, services or equipment for which funds are provided in the budget, but he/she may not procure any item which exceeds any budget appropriation until the council has increased the appropriation, provided that for procurements of more than \$25,000.00, except for emergency services or emergency replacement of essential equipment or except as further provided or allowed herein, the manager shall be required to receive formal, written bids or proposals after due notice inviting bids or proposals. For procurements of more than \$25,000.00 and for all contracts for new construction, he/she shall present such bids or proposals to the council for approval or rejection. He may make procurements or let contracts not in excess of \$25,000.00, necessary in the operation or maintenance of city services, without the approval of the city council, when sufficient funds for such purposes have been appropriated in the budget, but the city council shall authorize procurements or let all contracts for more than \$25,000.00, all contracts for new construction and all procurements or contracts which cannot be consummated with funds provided in the current budget. In the event of a protest concerning the apparent low bidder or the disallowance of a bid at the bid opening, all instructions and procedures shall be explained in writing to the bidders at the opening. The protestor shall have five business days to file with the city manager a written protest specifying all grounds of protest, the decision by the city manager will be communicated within five business days, any appeal from the decision of the city manager shall be to the city council and filed with the city manager within five business days of the date of the decision, and the city council shall hear and decide the appeal at its next regular or special meeting. City council may waive the informal and formal bid procedures when it is to the advantage of the city to acquire goods and/or services on the basis of a previously awarded bid or contract, and for professional services when the person employed is customarily employed on a fee basis rather than by competitive bidding (such as, by way of example, for an appraiser, attorney or physician). The city manager shall advise the council as to whether or not any contract offered is desirable, or which of several contracts offered is most desirable for the city. The city manager or his/her designee will review all city contracts biennially in an effort to review best practices for the current services provided. This review may be completed through a request for proposal (RFP) procedure awarded by council. Pursuant to regulations and procedures approved by the council, the city may enter into cooperative purchasing with other governmental units, sole-source procurements, sole-source contracts, purchases at auction, competitive on-line bidding, fixed price bidding, competitive best value bidding, negotiations after unsuccessful competitive sealed bidding, or design-build contracts. The requirements of competitive bidding shall not apply to the procurement of professional legal, medical, or emergency construction services. The city manager may issue such rules and regulations governing procurements, and governing requisitions and the transaction of the business of purchasing between himself/herself as purchasing agent and the heads of the departments, officers and employees of the city as the council may approve. No contract or procurement shall be subdivided to avoid the requirements of this section.

(Code 1975, § 2-55; Ord. of 12-6-05; Ord. No. 2018-02, 3-21-2018; Ord. No. 2020-23, §§ 1—5, 8-4-2020)

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)
CITY OF CAYCE)
)
)

ORDINANCE 2022-05

AN ORDINANCE TO AMEND SECTION 2-144 OF THE CITY CODE SO AS TO PROVIDE FOR PROCUREMENT AND CONTRACTS BY CITY COUNCIL ON A MOST CONVENIENT SOURCE OR SOLE-SOURCE BASIS IN CERTAIN CIRCUMSTANCES

WHEREAS, the Council believes it to be in the public interest and in the interest of effective and efficient operation of the City government for City Council to have the specific authority under circumstances of supply chain delays to waive the informal and formal bid procedures provided by current City Code section 2-144(9) so as to arrange for certain procurements and contracts on a most convenient source basis or sole-source basis when it is to the advantage of the City to do so,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Cayce, in Council, duly assembled, as follows:

Subsection (9) ("Procurements and contracts") of Section 2-144 ("Powers and duties") of Division 2 ("City Manager") in Article III ("Officers and Employees") of Chapter 2 ("Administration") of the City Code is hereby amended to add the words "on a most convenient source basis or sole-source basis in situations of prolonged supply chain delays or" in the sixth sentence of the subsection, so that, as amended, the sixth sentence of subsection (9) shall read as follows:

"City council may waive the informal and formal bid procedures when it is to the advantage of the city to acquire goods and/or services on a most convenient source basis or sole-source basis in situations of prolonged supply chain delays or on the basis of a previously awarded bid or contract, and for professional services when the person employed is customarily employed on a fee basis rather than by competitive bidding (such as, by way of example, for an appraiser, attorney or physician)."

This Ordinance shall become effective upon approval on second and final reading.

DONE IN MEETING DULY ASSEMBLED, this _____ day of _____ 2022.

Elise Partin, Mayor

Attest:

Mendy Corder, CMC, Municipal Clerk

First Reading: _____

Second Reading and Adoption: _____

Approved as to form: _____
Danny C. Crowe, City Attorney

Memorandum

To: Mayor and Council

From: Tracy Hegler, City Manager

Date: March 24, 2022

Subject: Approval of Resolution for the Expenditure of ARPA Funds

ISSUE:

Council approval is needed for a Resolution approving the expenditure of American Rescue Plan Act (ARPA) Funds for City projects and Capital items.

BACKGROUND/DISCUSSION

The City has received \$3,487,148.02 of the allotted \$6,974,296.03 through the American Rescue Plan Act. City staff have outlined the below partial expenditure list for projects that have resulted from lost revenue. Information is also provided in the attached Resolution.

Minimum Salary Adjustments:

The City of Cayce has ten employees whose salaries are below \$30,000 annually. The City would like to move the ten employees that are part of the Parks and Sanitation departments up to \$30,000 per year minimum. This would also eliminate the 102 and 103 payroll grades for the City. The new starting hourly rate for the 104-payroll grade would be \$14.42 per hour.

SmartCop Reporting Software:

The current software that the Police Department is using is out of date and there are issues with on-going technical support. This software package houses the data for the entire Police Department and Court for the last twenty years and could possibly become irretrievable. The new software package (SmartCop) has many more options and is currently being used by several surrounding jurisdictions to include Lexington Police Department, SC Highway Patrol, and Georgia State Patrol. It will also include compatible software to integrate with the Municipal Court.

Due to the prevalence of the SmartCop software through South Carolina's Law Enforcement Divisions and its unique configuration, the City of Cayce wishes to contract directly with SmartCop. If approved, this would be done as part of an existing agreement that MASC has with them, whereby SmartCop has been vetted for law enforcement application within the state of South Carolina.

Axon Project:

Axon is an interconnected ecosystem of devices, actions, apps, and people. Currently in use by Lexington County Sheriff's Department, Richland County Sheriff's Department and 5th and 11th Circuit Solicitor's Offices this system will unite officer safety, citizen transparency and efficiency into one fiscally sound program. Currently the body camera, in-car cameras, tasers, weapons, interview rooms and storage of evidence are past their usefulness, lifecycle, and ability for our officers to perform their duties. It is imperative that we immediately replace our existing systems.

The existing equipment does not “react” when deployed, by the other equipment. For example, the outdated Taser that our Officers carry, does not activate the body camera or in-car camera when drawn. The sidearm our officers carry, when drawn, does not activate the body or in-car camera systems. The body camera does not activate the in-car camera and vice versa.

Officers do not have internet capabilities, while out in the field, which restricts their ability to upload camera data and reports, forcing them to sit at headquarters or the substation for extended periods of time to upload this data after every shift.

Our present camera servers are outdated and need to be replaced. The new system will be cloud-based, not on a server and will have unlimited storage that is more secure than hardware servers. This will also allow for instant updates and easy application of upgrades.

The new ecosystem allows for a forensic audit trail of the digital evidence and will allow citizens to upload CCTV, ring camera, and cell phone video/pictures directly to investigations.

Currently, repairs for all our existing equipment are done in-house, are piece-mealed, and include no technology upgrades for our original purchases. Our team members are frustrated by the lack of connectivity, usability, and safety.

The new ecosystem will provide a full warranty. Damaged items are immediately replaced. There is no hardware to purchase in the future because upgrades come digitally and physically every 2.5 years as part of the program.

Axon is on a State contract, so the City can use its cooperative purchasing policy to contract directly with Axon.

Sanitation Truck

The City is in desperate need of a new rear loading sanitation truck. Its aging fleet has been well maintained but several trucks are reaching end of life stages. We have two trucks that need to be replaced at the earliest convenience.

Streetsweeper/ Stormwater Culvert Vacuum

The City of Cayce has demonstrated the need for stormwater repairs and maintenance, as well as general street cleaning for safety and aesthetics. Collection of debris in the stormwater collection boxes, culverts and storm piping is a major issue for the City, which eventually prohibits the passage of stormwater and causes flooding. The use of a streetsweeper/ culvert vacuum would eliminate the road debris that slowly prohibits the passage of stormwater in the system.

Audio/ Visual Upgrades for City Council Chambers and Courtroom/Offices

The current system in Council Chambers was designed to facilitate audio for in-person Council meetings with no accommodations for virtual/hybrid meeting formats using platforms such as Zoom, Teams, etc. Only audio is recorded with the current system without any digital processing and it is saved to an SD card on a non-networkable device.

During the COVID-19 pandemic we have repeatedly seen the need to facilitate virtual meetings and in some cases “mixed-mode” or hybrid meetings with some people present and some joining in from a virtual platform. The current set up makes this an extremely tedious and sometimes impossible task that, even when it works, does not work well and leads to audio feedback and looping, requiring constant adjusting of the sound system and individual devices. This is to be expected as the current system was designed with a single purpose and we are now asking it to serve multiple purposes.

The current recording system in the Municipal Courtroom is out of date and broken. It originally came with four microphones and a four-channel recorder that allowed for capturing all courtroom audio and mixed the channels into one audio file. Over the last two years two of the microphones have broken and we have not been able to replace them. The

mixing function also no longer works, and staff has been using a free/open source software tool to manually combine the files when needed requiring additional work to provide recordings when requested. The current system also records to an SD card and is not networkable requiring the SD cards to be saved and frequently copied over to network storage to ensure retention.

The proposed system will address the issues above as well as provide several other improvements. All recordings will now be made using digital signal processing and will save to a networkable storage device to allow integration into our existing backup and disaster recovery appliance. This provides better retention and safeguarding with less work on the part of court staff. The system also moves the microphones from the desktops to the ceilings which puts them up and out of the way and gets rid of the cords running across the floor for the existing equipment. It will also include a camera with audio and video feed of the courtroom into the Clerk of Court's office to allow personnel in the office to monitor court while in session.

For these upgrades, ACS is our preferred vendor for this project as they built and designed the system. As this is an upgrade/add-on of the current system that they have direct knowledge of all previous work and layout of the equipment being upgraded. They have provided us with a quote of \$75,000 which includes new microphones, monitors, recording equipment and projection that will all sync together.

RECOMMENDATION:

Staff recommends Council approve the Resolution for the listed expenditures using the allotted funds from the American Rescue Plan. Staff also recommends waiving the procurement policy or utilizing cooperative purchasing agreements for the SmartCop Reporting Software, Axon Project and audio/visual upgrades through ACS due to the reasons listed above. Staff also recommends waiving the procurement policy for the streetsweeper and sanitation truck for convenience reasons because of supply chain issues that would prevent us from receiving these goods in upwards of two years.

A RESOLUTION DESIGNATING ADDITIONAL ALLOCATIONS FOR FUNDING RECEIVED THROUGH THE AMERICAN RESCUE PLAN ACT

WHEREAS, the City Council has been informed that the City has received \$6,974,296.03 through the American Rescue Plan Act ("ARPA") and its State and Local Fiscal Recovery Funds, with \$3,487,148.02 received as of October 22, 2021; and

WHEREAS, the purposes for which such funds can be used are limited by the ARPA to certain broad categories related to the impact of the COVID-19 pandemic and resulting economic losses to the City government and the public; and

WHEREAS, the Council desires to maximize the public benefit and to adhere to the public purposes for any allocations of funds, with attention to durable projects with a longer life span and limited maintenance, and to the enhancement of existing programs within existing public structures or public-private structures that would address the harmful consequences of the economic disruptions resulting from or exacerbated by the COVID-19 pandemic; and

WHEREAS, the Council has considered the various competing demands and interests for appropriate additional allocations within the allowable categories and has determined that the public interest is best served by the designation of additional allocations of funding as further described below; and

WHEREAS, the Council, for planning and budgeting purposes, desires to designate any remaining allocations and the remaining funding as soon as feasible,

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby designates the following additional allocations and amounts of funding for the City through the American Rescue Plan Act proceeds:

- 1. *Minimum Salary Adjustments* \$17,175

The City of Cayce has ten employees that their salaries are below \$30,000 annually. The City would like to move the ten employees that are assigned to Parks and Sanitation up to the \$30,000 per year threshold. This would also eliminate the 102 and 103 payroll grades for the City. The new starting hourly rate for the 104-payroll grade would be \$14.42 per hour.

- 2. *New Software for the Police Department* \$365,000

The current software that the Police Department is using is out of date and there are issues with the technical support. This software package has the data for the entire Police Department and Court for the last twenty years and could possibly become irretrievable. The new software package (SmartCop) is cloud based and has many more options and is

currently being used by several surrounding jurisdictions. It will also include compatible software to integrate with Court.

3. *Police Department Axon Project* \$215,000

The Axon Project consist of all new software and equipment for the Police Department. The Police Department has been using Axon for many years for their Tasers and have the only patent for that less than lethal option. Axon also offers in car cameras, new Tasers, evidence management software, cloud storage, and cradle points for cars. Purchasing the package option would eliminate the need for servers, improve public transparency and improve officer safety.

4. *Sanitation Truck* \$230,000

The City is in desperate need of a new rear loading sanitation truck. Its aging fleet has been well maintained but several trucks are reaching end of life stages. We have two trucks that need to be replaced at the most earliest convenience.

5. *Streetsweeper/ Stormwater Culvert Vacuum* \$260,000

The City of Cayce has demonstrated the need for stormwater repairs and maintenance, as well as general street cleaning for safety and aesthetics. Collection of debris in the stormwater collection boxes, culverts and storm piping is a major issue for the City, which eventually prohibits the passage of stormwater and causes flooding. The use of a streetsweeper/ culvert vacuum would eliminate the road debris that slowly prohibits the passage of stormwater in the system. The estimated cost for the sweeper is \$250,000.

6. *Audio/visual Upgrade for Council Chamber and Courtroom/ Offices/ Furniture*
\$75,000

The audio and visual systems are outdated and have been pieced together for many years for the City’s Council Chambers and Municipal Court. This upgrade will include new microphones, monitors, and recording equipment that will all sync together.

The system will also allow the City to stream Council meetings virtually.

7. *Premium Pay to Employees (Approved by Council on 11/17/21)* \$624,000

*Premium Pay was distributed to City employees on December 10, 2021

Delayed Purchases	\$1,162,175
Premium Pay (Already Disbursed)	\$624,000
Total	\$1,786,175.00

First series of Funds from ARPA	\$3,487,148.02
Non-Allocated Available Funds	\$1,700,973.02

This Resolution shall become effective immediately upon its adoption.

**ADOPTED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF CAYCE,
SOUTH CAROLINA, ON THIS _____ DAY OF _____ 2022.**

CITY OF CAYCE, SOUTH CAROLINA

Elise Partin, Mayor

James E. Jenkins, Mayor Pro Tem

Phil Carter, Councilmember

Tim James, Councilmember

Hunter Sox, Councilmember

ATTEST:

Mendy Corder, City Clerk

Date of Reading