

City Council met for a Special Called Meeting and Public Hearing on January 23, 2018 in the Council Chambers at City Hall, 907 E. Houston, with Mayor Cohn presiding. This is the monthly meeting that had to be rescheduled due to ice weather issues on the regular scheduled date of Jan. 16, 2018.

COUNCIL MEMBERS PRESENT: Mayor Otis Cohn, Councilmember Mike Penry, Councilmember Marilyn Clay, Councilmember Carolyn McWaters, Councilmember Danny Lee, Councilmember Jennifer Bergman, City Manager McDonald, City Secretary Angela Smith, Assistant City Attorney Derra Purnell

VISITORS PRESENT: Cecil Watt, Jr, Jacob McAdams, Clay & Darlene Dean, Wanda Moya, La Nora Purvis, Mike Halde, Brent & Tracy McWaters, Bob Barnett, Fred Terrell, James Franklin, Delores Terry

EMPLOYEES: Darrel Broussard, Glen Barnhill, Sean Anderson, Bobby Pennington, Frieda Joyce, Robert Meadows, Rod Hainey

Mayor Cohn opened the council meeting at 5:30 pm and stated they had a quorum. Chief Darrel Broussard gave the invocation and Mayor Cohn led the pledge to the Texas flag and the US flag.

Public Hearing on Voluntary Annexation by City of Cleveland

1. The City Council of the City of Cleveland, Texas will conduct two (2) public hearings on January 22, 2018 and January 23, 2018 at 5:30 pm in the Council Chambers at City Hall, 907 E Houston, Cleveland, Texas 77327 for the purpose of discussion on proposed VOLUNTARY annexation area which is listed below.
 - VOLUNTARY ANNEXATION TRACT 1-2018: Being 291.421 Acres of Land (save and except approximately 58 acres) for total of 233.421 Acres to be voluntary annexed. Situated in the T.J. Williams Survey, A-593 and the Lawrence Martin Survey, A-310 fully in Montgomery County, Texas.

Mayor Cohn opened the public hearing at 5:34 pm. He read the information on the annexation and asked for any questions or comments. There were none received. The public hearing was closed at 5:35 pm.

Presentations and Comments

2. Public Comments.

No comment requests were turned in.
3. Reports and comments from City Council, Mayor or City staff.
 - City Manager McDonald stated still working on issues at Municipal Sports Park.
 - Mayor Cohn stated he received a note stating that Anna Marion, who gave the invocation at a recent council meeting, died in a car wreck on Jan. 17, 2018.
 - City Secretary Smith gave election information.
 - Councilmember McWaters wanted to brag on city leaders and how they handled the recent ice storm issues.

Consent Agenda

4. Consider acceptance of monthly financial report for month ending December 2017
5. Consider minutes from Special Called City Council meeting on December 4, 2017 and monthly City Council meeting on December 19, 2017

6. Consider acceptance of Quarterly Investment Report for quarter ending December 31, 2017
7. Consider resolution authorizing an agreement with TXDOT for temporary closure of Houston Street for Dairy Day Parade – April 21, 2018
8. Consider a 2018 Joint Election Agreement between Cleveland Independent School District, the City of Cleveland and Liberty County Clerk Office for Election Services and approve resolution for 2018 Election Services
9. Consider an Ordinance ordering and calling the General Election for the purpose of electing Council Position 3, Council Position 4, and Council Position 5 to be held May 5, 2018 with a runoff date of June 23, 2018.

Mayor Cohn read the consent agenda items and asked if there was a motion to approve or if any needed to be pulled to discussion and action.

Councilmember Penry made a motion to approve all consent agenda items 4-9 with a second from Councilmember Lee. All members present voted "AYE". Motion carried.

Discussion and Action

10. Consider awarding construction of T-Hangers at Cleveland Municipal Airport bid from recent Request for Proposal process

City Manager McDonald stated that we only received one bid submission during the bid process and is recommending awarding the bid to Wendell Kelley Construction. They have done work at the airport for the city prior.

Councilmember McWaters made a motion to approve awarding the bid for the T-Hanger construction to Wendell Kelley Construction with a second from Councilmember Bergman. Councilmember Penry voted "NAY" and Councilmembers McWaters, Bergman, Lee and Clay voted "AYE". Motion carried.

11. Consider request from Cecil C Watt Jr with Shark Amateur Radio Group for waiver of fees for use of conference room at the Cleveland Civic Center for weather class to be held early part of 2018

Mr. Watt addressed council in regards to his rental fee waiver request. It was asked why he wanted to hold it at the Civic Center instead of the school. He stated that if he can't use the Civic Center then he can hold it at the Baptist church as another option. Building Official Barnhill spoke up and stated that he would be willing to pay ½ the fee now and have the other ½ later so that Mr. Watt can use the Civic Center for this class as he supports it. Council has to be fair and consistent with their approvals on fee waivers. Fire Chief Anderson spoke up and stated that the last time this type of class was held was in the old council chambers and the Fire department attended. Councilmember Bergman asked Mr. Watt if he would be willing to join with the Cleveland Fire Department to host this event and he did not have any issues with that request.

Councilmember Bergman made a motion to approve the waiver of fees for the Civic Center and have the Cleveland Fire and Police department co-host the event with a second from Councilmember McWaters. All members present voted "AYE". Motion carried.

12. Consider contract with HR Green for engineering for Water Plant No. 2 and Water Systems SCADA Improvement Project

This contract was brought to council last month but there were some questions. Those have been resolved with Olson & Olson's assistance and they have no issues now. Staff recommends the contract approval.

Councilmember McWaters made a motion to approve the contract as presented with a second from Councilmember Bergman. All members present voted "AYE". Motion carried.

13. Consider appointments of boards and committees for 2018

Councilmember Bergman made a motion to re-appoint same people on each committee with the exception of the Cleveland Economic Development Corporation with a second from Councilmember Lee. All members present voted "AYE". Motion carried.

Councilmember McWaters asked that Marilyn Clay be added to the EDC board.

Councilmember Bergman made a motion to replace Eddie Lowery from the EDC Board, to add Marilyn Clay and re-appoint Carolyn McWaters and Robert Reynolds for another two year term with a second from Councilmember McWaters. Councilmember Penry voted "NAY" and Councilmembers Bergman, Lee, Clay and McWaters voted "AYE". Motion carried.

14. Consider ordinance amending the Budget for Fiscal Year 2018 for Designated Use of Council Contingency for FY 2018 and Fiscal Year 2017 Budget Carryover for Fiscal Year 18 Adopted Budget and Budget Amendments for Fiscal Year 2018

Finance Director Pennington discussed the budget items. He stated there was one change that needed to be made on the EDC page – change from \$117,176 to \$85,229.

Councilmember McWaters made a motion to approve the ordinance presented amending the budget with the correction noted with a second from Councilmember Clay. Councilmember Penry voted "NAY" and Councilmember McWaters, Lee, Clay & Bergman voted "AYE". Motion carried.

15. Consider approval of emergency funding for repair of two (2) screw pumps at the East Wastewater Treatment Plant

City Manager McDonald gave the background on this item. In 2013 a pump failed, it was pulled & repaired and then the other pump failed. The failed pump was not repaired yet as we were waiting to see if there were funds left from the Texas Water Board Development grant. We got approval in July 2017 and did a single source repair – a company in Alabama. Both of these pipes are 30 years old and the life expectancy is between 28-31 years. Bypass pump being used in emergency mode at this time. The emergency funding is to fix the pumps. We received an estimate of approximately \$250k plus \$20k contingency to replace both pumps. According to Finance Director Pennington this emergency funding does not change ending projected balance. We did not know the pump was going to fail and there was not a way to foresee the failure.

Councilmember Lee made a motion to approve up to \$230,000 with a second from Councilmember Bergman. Prior to voting, Councilmember Lee amended his motion to change the approval amount to \$250,000 and Councilmember Penry seconded the amendment. All members present voted "AYE". Motion carried.

16. Consider approval of engineering firm for the Basin Cleaning Project at the West Wastewater Treatment Plant or authorize staff to proceed with re-bid process without the engineering component.

City Manager McDonald – we did an RFQ for this project that included engineering and we received three submittals. They were scored by the scoring committee however two engineering companies asked why we did the RFQ instead of doing it as a maintenance project. We can rebid the process out to companies to do the cleaning without an engineering component.

Councilmember Bergman made a motion for staff to proceed with bid process for wastewater treatment companies without an engineering firm with a second from Councilmember Clay. All members present voted “AYE”. Motion carried.

17. Consider adoption of Procurement Policy for the City of Cleveland and approval of resolution for the same.

According to Finance Director Pennington the last policy was adopted 10 years ago so it is time to update. Assistant City Attorney Purnell stated this new policy matches state laws and has an extra section on local preference. Legal fees are exempt per state law and the last policy did not talk about job boards and RFQ procedures. Mr. Pennington stated that the policy will be brought to council for review each January. Councilmember Penry stated he would like to table this item for review and wants to be able to accept the bid if it is a local vendor. Ms. Purnell stated that at the end of the policy it states that state law allows you to choose a vendor if the amount is 10% or less (page 10). Councilmember Penry stated he wants to see the old policy and the Texas Government Codes that are referenced.

Councilmember Lee made a motion to table this policy until the next council meeting with a second from Councilmember Penry. All members present voted “AYE”. Motion carried.

18. Consider authorizing staff to pursue bids on repairs associated with the Cleveland Municipal Park from Hurricane Harvey flood event.

We need to bid out the fencing, electrical and dirt work at the sports park. CYBA has volunteers and equipment to help rebuild. There may be a need for a special called meeting to approve bids to keep process timely.

Councilmember Bergman made a motion to authorize staff to go forward with bid process on repairs associated with sports park with a second from Councilmember Lee. All members present voted “AYE”. Motion carried.

Executive Session

19. Closed Executive Session under Texas Local Government Code 551.071 for Consultation with Attorney

City council left for executive session at 7:06 pm.

Open Session

20. Return to open session and take action on items from Executive Session if needed

Returned to open session at 7:25 pm and not action taken.

Meeting Adjourn

Councilmember Penry made a motion to adjourn the Council meeting with a second from Councilmember Bergman. All Council members present voted "AYE". Motion carried. Council meeting adjourned at 7:25 pm.

PASSED AND APPROVED this 20th day of February 2018.

_____/signed_____
Mayor Otis Cohn

ATTEST:

_____/signed_____
Angela Smith, City Secretary