

City Council met for the monthly City Council meeting and Joint Public Hearing with Zoning Commission on March 17, 2020, in the Council Chambers at City Hall, 907 E. Houston, with Mayor Pro-Tem McWaters presiding. This meeting was also streamed live on the City's Facebook page due to COVID-19 crises.

MEMBERS PRESENT: Councilmember Marilyn Clay, Councilmember Jennifer Bergman, Councilmember Danny Lee, Mayor Pro-Tem Carolyn McWaters, Councilmember Fred Terrell, City Manager Kelly McDonald and City Secretary Angela Smith

City Attorney David Olson attending through the Facebook Live streaming.

ZONING COMMISSION MEMBERS PRESENT: Mike Penry, Cheryl Driver and Eisha Jones present.

VISITORS PRESENT: Limited visitors due to COVID-19 restrictions, Chris Trotter

EMPLOYEES: Darrel Broussard, Bobby Pennington, Jeremy Chesnutt, Mary Hale, Jennifer Jeude

Mayor Pro-Tem McWaters called the meeting to order at 6:04 pm and stated there was a quorum and asked the Zoning Commission to open their meeting. Mike Penry called the Zoning Commission to order and stated they had a quorum of members.

Public Hearing

Public Hearing with City Council & Zoning Commission

1. The City Council and the Zoning Commission of the City of Cleveland, Texas holds a joint public hearing to discuss a change in zoning district to a Planned Unit Development and establishing regulations for a planned unit development for property located near the intersection of Morgan Cemetery Road and Rutherford in Reinvestment Zone 2, Cleveland, Texas.

The public hearing will consider the following item:

- Preliminary recommendation from the Zoning Commission and to make a final recommendation and consider final approval and consider adoption of an ordinance for a Planned Unit Development District for property located near the intersection of Morgan Cemetery Road and Rutherford Road in Reinvestment Zone 2, Cleveland, Texas

The public hearing was opened at 6:04 pm. There were no comments made or any questions asked. The public hearing was closed at 6:09 pm.

After public hearing ended, Zoning Commission moved to the Council Board Room at 6:09 pm to continue their meeting and will return back to City Council for completion and adjournment.

Presentations and Comments

2. Presentation of 1st Quarter High Five Employee Award

This award was presented to Jacob Snider, part-time firefighter. He was not able to be present due to his other fire job. He was nominated by his supervisor Sean Anderson.

3. Presentation by Krista Fabregas on Census 2020 update

This item was pulled due to COVID-19 gathering restrictions now in place.

4. Public Comments.

- None

5. Reports and comments from City Council, Mayor or City staff.

- Danny Lee reminded the viewers on Facebook Live to remember to keep six feet apart and to use soap and water to wash their hands.
- Jennifer Bergman asked that citizens make good decisions and be good neighbors by looking after each other appropriately.
- Carolyn McWaters community helps each other.
- Fred Terrell stated that Superintendent Chris Trotter was here to speak to council on the schools COVID-19 precautions.
- Mr. Trotter stated that they are also following the CDC guidelines. As of today at 2:30 pm, school is shut down to April 10th. The buildings were cleaned over spring break and he has scheduled times to keep up with the city and county. He stated that they are fortunate to get ahead of it. They are providing meals Tuesday and Thursday under the federal feeding program.
- City Mgr. Kelly McDonald spoke on that the City has suspended cutoffs on no-pays this month, it is a work in progress.
- Sean Anderson spoke on what COVID is and preventions to take.
- Bobby Pennington gave the financial outlook with COVID-19 issues. We can make payroll and debt payments as we are in a better situation than some cities. Under the financial policy there is immediate corrective action by putting a temporary hold on the following: Phone system, Building Inspector's vehicle, splash pad, new fire station engineering, customer service redesign at City Hall. The sidewalk project is being completed in downtown. He stated that we want to hold off on Stancil Park repairs at this time as well. But we will still continue to do planning so that we can be ready when time comes.

Zoning Commission returned, item 18 was moved up.**18. Consider proposed ordinance amending the City's zoning regulations as recommended by the Zoning Commission:**

- a. An ordinance amending the City's comprehensive plan and zoning regulations by changing the zoning district to a Planned Unit Development District for property located near the intersection of Morgan Cemetery Road and Rutherford Road in Reinvestment Zone 2, Cleveland, Texas and adopting zoning regulations applicable to this planned unit development district

The Zoning Commission gave their formal recommendation for the zone change. Councilmember Bergman made a motion to approve the ordinance amending the City's zoning regulations by changing the zoning district to a Planned Unit Development District for property located near the intersection of Morgan Cemetery Road and Rutherford Road in Reinvestment Zone 2 with a second by Councilmember Lee.

Discussion of location occurred. Voting "AYE" are Councilmembers Bergman, Clay, McWaters and Lee with Councilmember Terrell voting "NAY". Motion passed.

Consent Agenda

6. Consider acceptance of monthly financial report for month ending February 2020
7. Consider minutes from City Council meeting held on February 18, 2020.
8. Consider acceptance of Annual Profiling Report 2019 from the Cleveland Police Department
9. Consider renewal for five years of the Cleveland Youth Baseball Association contract with the City for use of the Cleveland Municipal Sports Park

Councilmember Bergman made a motion to approve the consent agenda items 6-9 as presented with a second from Councilmember Terrell. All members voted "AYE". Motion passed.

Discussion and Action

10. Consider and take possible action approving an ordinance of the City of Cleveland declaring a public health emergency and approving a letter to the Governor concerning same

This is a housekeeping item to go with the disaster declaration already passed. Councilmember Clay made a motion to approve the ordinance declaring a public health emergency and approving a letter to the Governor with a second from Councilmember Bergman. All members present voted "AYE". Motion carried.

11. Consider a bid on tax trust property account no. 007440-000063-009/68281(CV51603) for \$2,100 from Jorge Lopez on address listed as Santa Fe, Smith-Clev, Block D, Lot Pt 13, Acres .0964

Councilmember Bergman made a motion to approve bid for \$2,100 from Jorge Lopez for CV51603 with a second from Councilmember Lee. All members present voted "AYE". Motion carried.

12. Consider a bid on tax trust property account no.002590-000011-004/35288 (CV70981) for \$8,992 and \$3,825.54 for demolition lien costs from Jorge Lopez on address listed as 604 Lamar, Blagg-Fenner, Block B, Lot 1, Acres .1435

Councilmember Clay made a motion to accept the bid as presented by Jorge Lopez plus demo costs with a second by Councilmember Bergman. All members present voted "AYE". Motion carried.

13. Consider adopting an ordinance abandoning a portion of Cleveland Avenue between Lots 1-4 and 6-10 of the Louise Hardie Cleveland Subdivision out of the John S. Boothe Survey, Abstract 139, Liberty County, Texas (Quik Trip)

Staff has looked at it and approves the abandonment request.

Councilmember Bergman made a motion to approve the ordinance abandoning a portion of Cleveland Avenue as stated with a second by Councilmember Lee. All members present voted "AYE". Motion carried.

14. Consider acceptance of resignation from Niki Coats from the Cleveland Economic Development Corporation board and consider three appointments to vacant positions on the same board

Councilmember Terrell made a motion to approve the resignation of Niki Coats from the EDC board with a second by Mayor Pro-Tem Carolyn McWaters. All members present voted "AYE". Motion passed.

There are three spots open on the EDC board. Councilmember Bergman commented that Andrew Bounds and Josh Good are willing to do it. It was stated that EDC had passed a motion at their last meeting providing their formal recommendations of Michele Wyatt, Andrew Bounds and Patrick Casarez.

Councilmember Terrell made a motion to appointment Michelle Wyatt, Andrew Bounds and Patrick Casarez to the EDC board with a second from Carolyn McWaters. The motion was amended to include that Patrick's term will be for two years. Voting occurred with "AYE" votes from Bergman, Clay, McWaters and Terrell with voting "NAY" from Lee. Motion passed.

Councilmember Lee remarked that he doesn't disagree with the people named but disagrees with the process however it is a good thing that people are volunteering.

Councilmember Clay stated that James Franklin and Eisha Jones were also interested.

15. Consider 380 agreement from ASGI Homes for property located at Jefferson and Perry Streets.

Councilmember Bergman made a motion to deny the 380 agreement request from ASGI Homes for property located at Jefferson and Perry Streets with a second from Councilmember Clay. All members present voted "AYE". Motion carried.

16. Consider appointing two alternate members to the Zoning Commission and discuss suggestions regarding Zoning Commission processes

Councilmember Terrell discussed the reasons behind this request. Carolyn McWaters stated that Josh Good was interested.

Councilmember Bergman made a motion to appoint Josh Good as an alternate to the Zoning Commission Board with a second from Councilmember Lee. All members present voted "AYE". Motion carried.

17. Consider awarding bid from recent Request to Bid for a Public Works Fleet Pickup vehicle

Public Works Director Rod Hainey spoke on the bid process and they received both gas and diesel bids as asked for by council. Martin Chevrolet submitted the lower bid for the 2020 Crew Cab Truck at \$32,661.40 gas model. This is the vendor that staff is recommending to be awarded the bid. The budget on this vehicle is \$37k.

Councilmember Terrell stated that he called all three local dealers and spoke with them on the use of diesel vehicles and discovered that gas is a better option for the city.

Councilmember Terrell made a motion to award the bid to Martin Chevrolet for \$32,661.40 for 2020 vehicle as presented with a second from Councilmember Lee. All members present voted "AYE". Motion carried.

19. Consider delivery method for engineering, construction and project management services for Fire Station project and approve negotiation of one or more contracts related to chosen delivery method

Councilmember Bergman made a motion to table this item with a second from Councilmember Lee. All members present voted "AYE". Motion carried.

20. Consider directing staff to proceed with a Request for Bid for mowing services for City facilities to include Sport Park, mall area, gateway markers, police station, civic center and city hall.

All areas are currently outsourced and the contracts end in May 2020.

Councilmember Bergman made a motion to authorize staff to proceed with the Request for Bid for mowing services as presented with a second from Mayor Pro-Tem McWaters.

It was asked about why did we just buy two zero turn mowers. Mr. Pennington replied that one was for the east and west treatment plants and is not related to the mowing projects and the other was for the Parks department as replacement. The cemeteries are still being mowed by City staff. The question about street mowing was addressed. A flail mower was in the shop and we have a new mower scheduled for this year to obtain.

Voting occurred with all members present voting "AYE". Motion carried.

21. Consider directing staff to proceed with a Request for Proposals for auditing services for the City of Cleveland

Councilmember Bergman made a motion to approve staff to go out for a Request for Proposals for auditing services with a second from Councilmember Terrell. All members present voted "AYE". Motion carried.

22. Consider accepting deed for real property located at 218 Peach Street

Councilmember Clay made a motion to accept the deed for real property located at 218 Peach Street with a second from Councilmember Bergman. All members voted "AYE". Motion carried.

23. Consider approving the budgeted repairs for the Stancil Expo Center

Councilmember Terrell made a motion to table this item and move to Executive Session with a second from Councilmember Clay. This motion was withdrawn as not an acceptable topic for executive session.

Councilmember Terrell stated that in a past workshop it was talked about \$150k for Stencil for repairs and now there is a request to tear down buildings at a cost of \$270-\$300k. Councilmember Bergman replied that this was discussed in a budget meeting.

The proposed repairs are staff's recommendations for the Expo Center. Repair estimated from Henderson Electric for electric issues is \$48k plus \$30k for poles. Suggestion is to tear down the pig barn and build a multiuse building. The improvements to the Log Cabin have already been done. A budget amendment will still have to be done to do this project.

There was no formal action taken on this item by council.

24. **Consider approval of BuyBoard Contract No. 520-16 Area C- LMC with LMC Corporation for the City Hall front lobby remodel project in the amount of \$84,531.22 and authorize City Manager to execute related documents**

Councilmember Bergman made a motion to table this item with a second by Councilmember Clay. All members present voted "AYE" Motion carried.

Executive Session

25. **Closed Executive Session under Texas Local Government Code 551.071 for Consultation with Attorney.**
26. **Closed Executive Session under Texas Local Government Code 551.072 to deliberate the purchase, exchange, lease or value of real property.**
27. **Closed Executive Session under Texas Local Government Code 551.074, Personnel Matters, to deliberate the performance evaluation of the City Manager.**
28. **Closed Executive Session under Texas Local Government Code 551.074, Personnel Matters, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Development Services Director.**

Council left for executive session at 7:46 pm.

Return to Open Session

29. **Take action on any items from executive session as needed.**

Council returned to open session at 8:27 pm. No action taken.

Adjourn

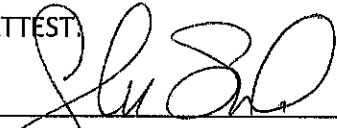
Councilmember Bergman made a motion to adjourn with a second from Councilmember Lee. All members present voted "AYE". Meeting adjourned at 8:27 pm.

PASSED AND APPROVED this 21st day of April 2020.



Mayor Pro-Tem Carolyn McWaters

ATTEST:



Angela Smith, City Secretary TRMC