

City Council met for the monthly City Council meeting and Annual Council Orientation on June 19, 2018 in the Council Chambers at City Hall, 907 E. Houston, with Mayor Otis Cohn presiding.

**MEMBERS PRESENT:** Mayor Otis Cohn, Councilmember Mike Penry, Councilmember Marilyn Clay, Councilmember Carolyn McWaters, Councilmember Jennifer Bergman, Councilmember Danny Lee, City Manager Kelly McDonald, City Secretary Angela Smith and City Attorney David Olson

**VISITORS PRESENT:** Nic Houston, Matt Bloss, Rebekkah Sandt, Mike Halde, Tom Branch, Lance Blackwell, Loren Smith, Christine Shippey, Carolyn McWaters, Jacob McAdams, Phil Stuepfert, Ellen Swanson, Jacob McAdams, Crista Beasley-Adams

**EMPLOYEES:** Frieda Joyce, Bobby Pennington, Mary Cohn, Mary Ann Harrison, Rod Hainey, Bobby Pennington, Sean Anderson, Darrel Broussard, Kelly Lawrence

Mayor Otis Cohn called the meeting to order at 1:05 pm and stated there was a quorum. Pastor Christine Shippey gave the invocation and Councilmember Terrell led the pledge to the Texas flag and to the US flag. Mayor Cohn stated that the orientation agenda would be shifted around to accommodate travel and appointment schedules and that the City Department overview would be done last.

### **Council Orientation Session**

#### **1. Legal Department Overview by Olson & Olson, LLP**

Loren Smith with Olson & Olson spoke on Labor & Employment Law, Governmental Immunity and Personnel Issues. Mr. Smith reiterated to council how personnel issues are handled by the city manager and council views the big picture. David Olson finished by speaking on open meetings act, public information requests, walking quorum, who council hires per charter and procurement.

#### **2. Emergency Management Overview by Tom Branch, Liberty County Emergency Management Coordinator**

Tom Branch with Liberty County Emergency Management Office introduced his replacement, Christa Beasley-Adams, as he will be retiring end of July. He covered what the basic procedures for council and mayor are during a disaster. July 19, 2018 is the Quarterly Economic Development Meeting that will be held in Cleveland at the Civic Center.

#### **3. Presentation by HR Green on City's Comprehensive Plan**

Mike Halde, Rebekkah Sandt, Phil Stuepfert, and Ellen Swanson with HR Green reviewed a comprehensive plan design to council. The current City plan expires in 2020 and needs to be updated prior to expiration. City Manager McDonald stated she has the 2003 comprehensive plan in her office if council would like to review it. When staff/council decides to do a comprehensive plan a Request for Proposals will need to be completed. HR Green did this overview for us to show what it is and what will need to be done.

#### **4. City Department Overview**

City Manager Kelly McDonald did an overview of each of the City departments, responsibilities and number of personnel in each department. She introduced Matt Bloss who is interning with the City from Sam Houston State.

Council broke for lunch recess at 3:30 pm and resumed City Department overview at 4:13 p.m.

**5. Questions and Answers Session on above topics**

This was not used as questions were covered in the above topics.

**Monthly Meeting will begin after the Orientation Session is concluded**

**Presentations and Comments**

- 6. Public Comments.** None were submitted at this time.
- 7. Reports and comments from City Council, Mayor or City staff.** – Marilyn Clay – met with student council for a new program and has a sponsor for that program speaking at the August council meeting. Mike Penry –The Cleveland Expo was a roaring success. Thanks to those city employees who helped make it a success. Kelly McDonald – July 4<sup>th</sup> fireworks event is at the Cleveland Municipal Park, since the school stadium is under construction this year, entertainment is Kenny Martin Band.

**Consent Agenda**

- 8. Consider acceptance of monthly financial report for month ending May 2018**
- 9. Consider minutes from monthly City Council meeting on May 15, 2018 and Special Called Joint Meeting of City Council and Cleveland Economic Development Corporation on May 24, 2018**
- 10. Consider reappointment of positions 2, 4 & 6 for board members on Reinvestment Zone 1 (McKinley)**
- 11. Consider ordinance for the suspension of the effective date for an additional ninety (90) days beyond the June 19, 2018 effective date proposed by Entergy Texas, Inc. in connection with its rate increase application filed on May 15, 2018; authorizing participation with the Entergy Texas Inc. Service Area Cities Steering Committee Hiring of Experts; Authorizing the City's Participation to the Full Extent Permitted by Law at the PUC of Texas, Requiring Reimbursement of Municipal Rate Case Expenses;**

Councilmember Penry made a motion to approve the consent agenda items as presented with a second from Councilmember Bergman. All members present voted "AYE". Motion carried.

**Discussion and Action**

- 12. Consider approval of an ordinance authorizing the Mayor to execute the First Amendment to Grand Oaks Development Agreement with McKinley Development Company, Inc. related to Reinvestment Zone 1, Cleveland Texas**

City Manager McDonald stated that TCEQ requires a 500 foot buffer zone and in that zone was the new apartment complex at Grand Oaks. Staff and McKinley met and discussed options. McKinley is changing the apartment area to put commercial development there with a redesign on location of apartments or additional condos. The TIRZ Zone 1 Board met Monday and approved the resolution and First Amendment.

Councilmember Penry asked if under Item 3.3 taking out the apartments would change the Project Cost/Limitation that McKinley is expecting. The response by City Manager McDonald stated due to the value of the commercial buildings there should not be a difference. City Attorney Olson also stated that we have to make this change due to the TCEQ buffer zone requirement which is not applicable to commercial property and the cost is not affected in the agreement.

Councilmember Penry made a motion to approve the ordinance for the First Amendment to Grand Oaks Development Agreement relating to Reinvestment Zone 1 with a second from Councilmember Lee. All members voted "AYE". Motion carried.

**13. Consider a bid on tax trust property account no. 53356/005400-000097-008 (CV71570) in the amount of \$10,550 from USA Acquisitions/Jorge Enciso for property located at 1704 ½ Ross Ave, Holts, Sec 1, Block 5, Lot 13, Acres .1722 (Bid date 5/31/2018)**

Councilmember Penry made a motion to approve the bid from USA Acquisitions/Jorge Enciso for \$10,550 for CV71570 with a second from Councilmember Clay. Councilmember Bergman voted "NAY", Councilmember Clay, Penry, Terrell and Lee voted "AYE". Motion carried.

**14. Consider a bid on tax trust property account no. 59228/006360-000018-011 (CV47771) in the amount of \$1,700 from DyrI Ebanks for property located at S. Roosevelt Ave, McGinnis, Block 3, Lot Pt 7, Acres .0521 (Bid date 6/11/2018)**

Councilmember Penry made a motion to approve the bid from DyrI Ebanks for \$1,700 for CV47771 with a second from Councilmember Lee. All members present voted "AYE". Motion carried.

**15. Consider release of lien by the City for a mobile home located at 1207 Church Street from the HOME Grant Program and authorize Mayor to sign said document**

Councilmember Penry made a motion to approve the release of lien for mobile home located at 1207 Church Street and authorize Mayor to sign said document with a second from Councilmember Bergman. All members present voted "AYE". Motion carried.

**16. Consider Sun Coast Pipeline/Oneok Arbuckle II Pipeline LLC request for Survey Access Only Permission on 000310 James McCoy, Tract 49, Acres 48.4122, Liberty County Texas and 000024 D Donaho, Tract 39 40 57 71-75 77-80, Acres 183.2417, Liberty County, Texas**

This is for survey access of the pipeline only not a purchase of easement. Councilmember Bergman made a motion to approve the request from Sun Coast Pipeline/Oneok Arbuckle for survey access only for above mentioned property with a second from Councilmember Penry. All members present voted "AYE". Motion carried.

**17. Consider appointment of Mayor Pro-Tem per charter requirement**

Councilmember Clay made a motion to appoint Danny Lee as Mayor Pro-Tem with a second from Councilmember Bergman. Councilmember Lee accepted the nomination. All members present voted "AYE". Motion carried.

**18. Consider resolution designating persons authorized to sign on City related bank accounts**

Councilmember Bergman made a motion to approve the resolution authorizing designated persons to sign on City related bank accounts with a second from Councilmember Penry. All members present voted "AYE". Motion carried.

**19. Consider council board member appointment changes to replace Carolyn McWaters due to recent election changes and approve resolution of Designation of Representative and Alternate for Houston-Galveston Area Council 2018 General Assembly**

- HGAC Representative
  - o Councilmember Penry asked to serve on the HGAC committee. Councilmember Bergman made a motion to approve the appointment and resolution for Mike Penry for Designation of Representative and Jennifer Bergman remain as HGAC Alternate

with a second from Councilmember Terrell. All members present voted "AYE". Motion carried.

- Airport Advisory Board
  - o Councilmember Clay made a motion to nominate Fred Terrell to the Airport Advisory Board with a second from Councilmember Penry. Mr. Terrell accepted the nomination. All members present voted "AYE". Motion carried.
- Charter Review Committee
  - o Councilmember Bergman made a motion to remove Niki Coats and replace him with Otis Cohn and keep Carolyn McWaters on the Charter Review Committee with a second from Councilmember Penry. All members present voted "AYE". Motion carried.
- CVB Tourism Committee
  - o No change is needed Ms. McWaters can stay on the committee.
- Cleveland Economic Development Committee
  - o No change is needed Ms. McWaters was reappointed by council in December 2017.
- Employee Health Benefits Committee
  - o Councilmember Lee made a motion to replace Carolyn McWaters with Jennifer Bergman with a second from Councilmember Terrell. All members present voted "AYE". Motion carried.

**20. Consider nominations and appointments for City of Cleveland Zoning Commission to replace Fred Terrell (due to election), Joe Bazar and Joe Bob Croley (resigned)**

This needs addressing now as we have a rezoning request for a large commercial development that is currently a Residential Zone 1 (R1) and needs to be rezoned General Commercial (GC). Councilmember Penry stated we need someone uncorruptable and can say no. Names brought up are Brent McWaters (lives in City limits), Andrew Bounds (moving soon outside of city limits), and Carolyn McWaters would like to serve again. Mr. Terrell stated that Julia Payne is the only one left on the zoning board that has experience but she does not want to lead the board. The resignation of Joe Bazar is effective June 12, 2018 but Mr. Croley's letter stated he would stay until the end of the year if needed. Derra Purnell with Olson & Olson can assist with the meetings to help the board. We only need three people for a quorum for zoning.

Councilmember Bergman made a motion to add Brent McWaters to replace Fred Terrell on the Zoning Commission with a second from Councilmember Clay. All members present voted "AYE". Motion carried.

Mr. Terrell stated that Carolyn McWaters had been on the Zoning Commission before and that the commission really needs guidance.

With the addition of Brent McWaters and allowing Mr. Croley to stay on to the rest of the year, the remaining open position is to replace Joe Bazar and that will remain unappointed at this time.

**21. Consider awarding bid for the purchase of a fleet truck for the Public Works Department for replacement of insurance totaled vehicle**

The Request for Bids was sent out according to procedure and two bids were received by the bid opening date and one was received after the bid opening date (so that one is ineligible). Staff is recommending the bid of Martin Chevrolet for a 2018 1500 Regular Cab Pickup Truck for the low bid price of \$23,135.00

Councilmember Bergman made a motion to approve the purchase of a 2018 1500 Regular Cab Pickup Truck from Martin Chevrolet for \$23,135 with a second from Councilmember Lee. All members present voted "AYE". Motion carried.

**22. Consider rejection of bid received for the Amendment Basin Cleaning and Restoration Project RFP for the West Wastewater Treatment Plan Pond Cleaning Project and approval to go out for Request for Proposal for just the cleaning portion of the project.**

City Manager McDonald addressed council. This was the 2<sup>nd</sup> portion of the project and we again only received one bid from Synagro which was too high. Most of the companies do just one of the project items and not both so staff is asking council to reject the bids and allow staff to re-bid the project with just the cleaning portion of the project. The restoration portion will be bid out at a later date as a separate project. By breaking up the project we are hoping to obtain additional bids at lower prices to complete this project.

Councilmember Penry made a motion to reject the single bid from Synagro and authorize staff to re-bid the cleaning portion of the project with a second from Councilmember Clay. All members present voted "AYE". Motion carried.

**23. Consider acceptance of General Warranty Deeds for Wastewater Plant, Water Plant and Water Well Sites for the West Industrial Park and authorize the Mayor to sign said documents**

Councilmember Clay made a motion to approve the agenda item with a second from Councilmember Terrell.

Councilmember Penry questioned why we are accepting the deeds before the work is done and we can approve it, he remembers it being in the agreement that the work had to be done before the City would accept responsibility for it. Also will the widening of 105 to six lanes affect this?

It was explained that the deeds have to be in the City's name before TCEQ will accept them for the projects and allow permits. Discussion on easement needs and seeing a bigger survey of the plat for items occurred.

Councilmember Penry made a motion to table request for additional information with a second from Councilmember Bergman. All members present voted "AYE". Motion carried.

**24. Consider new In-Kind policy for free or discounted usage requests at the Cleveland Civic Center**

This is related to council's request to help streamline the requests for waiver of fees that come to council. Mayor Cohn commented that he feels it needs to be more expansive to allow other in-kind services to the City. Councilmember Penry stated that we pay a lot of money for the civic center and we look to Frieda to make money. Councilmember Bergman agrees we need to generate revenue however she used the class on storm chasing as an example that they would not receive a waiver using this new plan but they bring a benefit to the community.

Councilmember Penry stated that if the Civic Center Director and the City Manager feels it warrants a waiver then they can bring it to council. City Attorney David Olson stated that a change in the wording could fix this issue. In the 2<sup>nd</sup> paragraph delete authority and add a new paragraph: *If you do not meet the above referenced criteria, but can show other benefits to the*

*City that warrant a discounted rental, the request will be reviewed by the City Manager and Tourism/Marketing Director for possible recommendation to City Council for consideration.*

Councilmember Penry made a motion to approve the In-Kind policy with the changes stated by City Attorney David Olson, in the 2<sup>nd</sup> paragraph delete authority and add a new paragraph: *If you do not meet the above referenced criteria, but can show other benefits to the City that warrant a discounted rental, the request will be reviewed by the City Manager and Tourism/Marketing Director for possible recommendation to City Council for consideration.* with a second from Councilmember Bergman. All members present voted "AYE". Motion carried.

**25. Consider request from Cleveland Police Department and Cleveland Civic Center for increase of security hourly pay for officers for events involving alcohol at Cleveland Civic Center and Stancil Expo**

The \$30/hr fee is paid directly by the renter and the increase to \$40/hr is more in line with other locations pay. Councilmember Bergman made a motion to approve the increase to \$40/hr for security officer hourly pay for events involving alcohol at Cleveland Civic Center and Stancil Expo with a second from Councilmember Lee. All members present voted "AYE". Motion carried.

**26. Consider agreement request from Austin Memorial Library and the Houston Food Bank for Feeding America Summer Nutrition Program to be hosted at the Austin Memorial Library**

Mary Cohn & Wendy Thorp from the Library addressed council. The Food Bank approved them to do this project in March. It will be for Food to Feed Kids – Tuesday & Thursday, lunch only from 12 – 1 pm. There is no cost to the City. Food Bank drops the lunches off at 9:00 am and they are good until 1:00 pm. The kids have to be 18 years or younger and no adults are allowed to participate. Lunches have to be eaten there and can't be taken from the Library. It is only for the month of July at this time. The program can be terminated at any time and there is a minimum of 25 meals daily. They need six people to help with the program so they have asked for volunteers. The library will do a background check on these volunteers prior to allowing them to assist.

Councilmember Bergman made a motion to approve the agreement request between Austin Memorial Library and Houston Food Bank for Feeding America Summer Nutrition Program with a second from Councilmember Clay. All members present voted "AYE". Motion carried.

**27. Consider appropriate council action for book objection from patron at the Austin Memorial Library**

Mary Cohn & Wendy Thorp addressed council. This book was put in the junior area on May 30, 2018. A patron complained about the book titled "Do you wonder about sex and sexuality?" on June 11, 2018 and the location of it and wishes for it to be removed from the library entirely. Ms. Cohn discussed the book and the series of books it came from.

Councilmember Bergman made a motion to deny the request to remove the book from the library with a second from Councilmember Lee. The motion was amended by Councilmember Bergman to be a *motion to move the book from the current location to the Young Adult section of the Library* with a second from Councilmember Lee. All members present voted "AYE". Motion carried.

**28. Contract with a qualified Administration Service Provider to prepare the application and/or administer if the awarded the upcoming Community Development Block Grant – Disaster Recovery funding from the General Land Office – Community Development & Revitalization (GLO).**

City Manager McDonald stated that the City is receiving \$323k in disaster relief funds but we have to have a grant administrator for the project and the first step is to do a request for qualifications for the administration services provider.

Councilmember Penry made a motion to approve the request to go out for Request for Qualifications for Administration Services Provider with a second from Councilmember Terrell. All members present voted "AYE". Motion carried.

Mayor Cohn went back to agenda item number 6 – Public Comments and allowed Jim Carson with Chamber of Commerce to give the Chamber Update.

**Executive Session**

**29. Closed Executive Session under Texas Local Government Code 551.072 to deliberate the purchase, exchange, lease or value of real property**

Council left for Executive Session at 6:05 pm.

**Open Session**

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

Council returned to open session at 6:13 pm with no action taken.

**Adjourn**

Councilmember Bergman made a motion to adjourn with a second from Councilmember Penry. Meeting adjourned at 6:14 pm.

**PASSED AND APPROVED** this 17<sup>th</sup> day of July 2018.

\_\_\_\_\_/signed\_\_\_\_\_  
Mayor Otis Cohn

**ATTEST:**

\_\_\_\_\_/signed\_\_\_\_\_  
Angela Smith, City Secretary