

City Council met for the monthly City Council meeting on July 17, 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 Fred Terrell, Councilmember Jennifer Bergman, Councilmember Danny Lee, City Manager Kelly McDonald, City Secretary Angela Smith and City Attorney David Olson

VISITORS PRESENT: Paula Torres, Jim Carson, Brent & Tracy McWaters, Chuck Robinson, Carolyn Comeaux, Lance Blackwell, Brad Dancer, Vanesa Brashier, Jacob McAdams, Roy Contreas, Demetrian Weberg,

EMPLOYEES: Frieda Joyce, Bobby Pennington, Mary Cohn, Rod Hainey, Sean Anderson, Darrel Broussard, Sara Holloway

Mayor Otis Cohn called the meeting to order at 6:02 pm and stated there was a quorum. Pastor Brad Dancer with Rural Shade Baptist Church gave the invocation and Councilmember Terrell led the pledge to the US flag and Councilmember Bergman led the pledge to the Texas flag.

Public Hearing

1. **Public Hearing on proposed ordinance of the City Council of the City of Cleveland, Texas amending Chapter 106, Subdivisions, of the City of Cleveland Code of Ordinances amending Section 106-8 (7) Final Plat Approvals**

Public hearing opened at 6:05 pm with City Manager McDonald giving an overview of the proposed ordinance. The section for final plat approvals was not included in the prior ordinance adoption so this ordinance is just adding that section back in. There were no comments or questions. Public hearing was closed at 6:07 pm.

Presentations and Comments

2. **Presentation of Service Awards for July 2018**

City Manager McDonald presented a five year service award to Sara Holloway.

3. **Public Comments.**

Jim Carson gave the chamber of commerce update.

4. **Reports and comments from City Council, Mayor or City staff.**

None

Consent Agenda

5. **Consider acceptance of monthly financial report for month ending June 2018**
6. **Consider minutes from monthly City Council/Annual Orientation meeting on June 19, 2018 and Special Called City Council Meeting on June 25, 2018**
7. **Consider Ordinance of the City Council of the City of Cleveland, Texas amending Chapter 82, "Offenses and Miscellaneous Provisions" of the City of Cleveland Code of Ordinances by Adding a New Article V - "Weapons", providing a Penalty as provided by Section I-9 of the City Code of Ordinances; Providing an Effective Date; and Making Other Provisions Related to the Subject**

Councilmember Penry made a motion to approve the consent agenda items number 5-7 with a second from Councilmember Lee. Councilmembers Lee, Terrell, Penry voted "AYE" and Councilmembers Clay and Bergman voted "NAY". Motion passed.

Discussion and Action

8. Consider recommendation from the Employee Benefit Trust Committee for insurance bids from recent Request for Proposal and awarding bids for medical, dental, vision, life, AD&D insurance and long term disability for city employees for fiscal year 2018-19

Chuck Robinson with Gallagher spoke and stated that Blue Cross Blue Shield gave us a rate pass this year and the Employee Benefit Trust Committee and Gallagher are recommending staying with Blue Cross Blue Shield for medical coverage. The group is also recommending moving dental and vision over to MetLife and moving life insurance, AD&D, & LTD to Mutual of Omaha. There is less than a \$5k increase overall with the changes recommended.

Councilmember Bergman made a motion to approve the recommendations of the Employee Benefits Trust Committee for insurance with a second from Councilmember Lee. All members present voted "AYE". Motion carried.

9. Consider request for support by Bridgehaven Children's Advocacy and presentation of services

Paula Torres with Bridgehaven did a short presentation of their services. Council had supported them in the past and asked for council to keep them in mind for assistance when doing the upcoming budget. 78% of their budget comes from Federal and State matches. They have an overall budget of \$900k and a staff of 13 people. She asked for assistance in the amount of \$3k as that is the amount given in the past by council.

Councilmember Lee made a motion to approve \$3k contribution with a second from Councilmember Penry.

Mr. Penry stated that he sat on the board for a number of years and it is a good organization. The benefits are great for the child as they only have to recount their experience once in a comfortable setting. Mr. Lee stated that Bridgehaven does a great job.

All members present voted "AYE". Motion carried.

10. Consider a bid on tax trust property account no. 002590-00011-004/35288 (CV70981) in the amount of \$12,150 from MHT Homes, LLC for property located at 604 Lamar, Blagg-Fenner, Block B, Lot 1, Acres .14 (Bid date 6/28/2018)

City Attorney Olson reviewed the bid analysis as Greg East was not available.

Councilmember Lee made a motion to approve the bid for tax trust CV 70981 for the amount of \$12,150 from MHT Homes LLC with a second from Councilmember Penry. All members present voted "AYE". Motion carried.

11. Consider adoption of ordinance of the City Council of the City of Cleveland, Texas amending Chapter 106, Subdivisions, of the City of Cleveland Code of Ordinances amending Section 106-8 (7) Final Plat Approvals

City Manager McDonald reminded council that this is the ordinance from the public hearing at the beginning of the meeting and that the final plat approvals are just being added.

Councilmember Clay made a motion to approve the ordinance with a second from Councilmember Terrell. All members present voted "AYE". Motion carried.

12. **Consider request from Cleveland Youth Football Association for waiver of rental fee for use of football field for 2018 season and approve agreement between Cleveland Youth Football Association and City of Cleveland.**

Roy Contreas, President of CYFA, asked for the waiver of fees. There would be no lights used. Their season starts this Monday, 23rd. Last year CISD was used due to Harvey's damage. It was clarified that he only needs the football field. Their season is 10 weeks long and on Saturdays they have four teams playing from 9 am to 2 pm. CYBA has first rights to the concession stand. The season starts July 23 and will end on October 31.

Councilmember Bergman made a motion to approve the agreement between Cleveland Youth Football Association and City of Cleveland and waiver of rental fees for the football field with a second from Councilmember Clay. All members present voted "AYE". Motion carried.

A suggestion was made that CYBA and CYFA be responsible for maintenance and mowing of sport fields and City Manager McDonald stated that this was a discussion that was going to happen but Harvey delayed it but she has a meeting scheduled to talk about this with those entities.

13. **Consider request from Cleveland Chamber of Commerce for use of Hotel Occupancy Tax (HOT) funds for marketing purposes and arts purposes for the Outdoor Expo & Music Fest for \$12,000 per event.**

Jim Carson with the Chamber of Commerce asked for \$12k for each event strictly for marketing purposes. They have discovered that billboards are not practical. They are charging the vendors \$50 a booth. There will be a kids zone, six bands plus the Tarkington & Cleveland Jazz Band. Councilmember Terrell asked about HOT funds. Mr. Pennington stated that there is \$200k in HOT taxes estimated. There is a recurring item from the notes from last year's budget for this request. There is also \$25k leftover in capital improvements so half can go to the Chamber's 2nd event request. They are just asking to be allowed to add to budget as supplemental item.

Councilmember Bergman made a motion to add both events to the supplemental budget with a second from Councilmember Lee.

City Attorney Olson stated that there are restrictions on HOT tax uses and that this motion is not an approval of money just to add to the proposed budget as a supplemental.

Councilmember Penry questioned why Mr. Pennington stated it was already a recurring expense and that this should be a non-recurring event in case it doesn't benefit the City there will not be any money provided. Mr. Pennington stated that he would change to a non-recurring item.

Councilmembers Lee, Bergman, Penry voted "AYE" and Councilmember Clay and Terrell voted "NAY". Motion carried.

14. **Discussion and possible action to adopt an ordinance amending Chapters 26, "Building and Building Regulations," and 54, "Fire Prevention and Protection," of the City Code; abolishing the Building Advisory Board, Construction Board of Adjustments and Appeals, and Housing Board of Adjustments and Appeals, and assigning the duties of these boards to the Zoning Board of Adjustments and the Building Standards Commission.**

City Manager McDonald stated that this discussion on revisions started few months back and in January several boards were combined but they should have been done by ordinance

so this is just clarifying those changes. City Attorney Olson stated that this is an attempt to bring consistency with ordinances and make sure they are compliant with current state law.

Councilmember Lee made a motion to approve ordinance as presented with a second from Councilmember Terrell. All members present voted "AYE". Motion carried.

15. **Consider appointment of council member(s) to participate in scoring process for submittals to be received for the upcoming Community Development Block Grant-Disaster Recovery funding from General Land Office in addition to Hurricane Harvey DR-332 Hazard Mitigation Grant Program (HMGP)**

Councilmember Penry and Bergman volunteered to be on the committee with Councilmember Clay as alternate.

Councilmember Bergman made a motion to approve Councilmember Penry, Bergman for scoring committee with Councilmember Clay as alternate with a second from Councilmember Terrell. All members present voted "AYE". Motion carried.

16. **Consider nominations and appointments for City of Cleveland Zoning Commission to replace Joe Bazar and Joe Bob Croley due to resignations**

At the last council meeting Council nominated Brent McWaters for one of the three open positions. Mr. Croley has asked that he be replaced now instead of later in the year.

Councilmember Bergman made a motion to appoint Niki Coats and Carolyn McWaters to the Zoning Commission with a second from Councilmember Terrell.

Councilmember Penry stated that he did not care for two family members to be on the same committee but then Councilmember Clay reminded all that this commission can only make recommendations to council so he withdrew his hesitation for nominees.

All members present voted "AYE". Motion carried.

17. **Consider adoption of a standard Professional Services Agreement for Code Inspection Services**

City Manager McDonald stated that this agreement is for current need and future needs. The building official from Dayton that we are currently using is not available any longer. The City Attorney and City Manager worked on this agreement and Exhibit A would come back completed if the company is chosen. It will be on a pay as needed basis.

Councilmember Penry made a motion to approve the professional services agreement as presented with a second from Councilmember Clay. All members present voted "AYE". Motion carried.

Adjourn

Councilmember Penry made a motion to adjourn with a second from Councilmember Clay. Meeting adjourned at 7:26 pm.

PASSED AND APPROVED this 21st day of August 2018.

___/signed_____

Mayor Otis Cohn

ATTEST:

___/signed_____

Angela Smith, City Secretary