

City Council met for the monthly City Council meeting on February 18, 2020, in the Council Chambers at City Hall, 907 E. Houston, with Mayor Pro-Tem McWaters presiding.

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

ABSENT: Mayor Otis Cohn

VISITORS PRESENT: West Smith, Jim Carson, David Myers, Eisha Jones, Debbie Young, Victoria Good, Josh Good, Mike Ward, Patrick Casaras, Roby Campbell, Claudie Scott, Angelina Becker, Anne Vickery, Vanesa Brashier, Delores Terry, Dean Crockett, Jacob Hargrave, Lance Blackwell, Scott Lambert, Frieda White, Robert White, Joel Faulkner Sr, Joel Faulkner, Jr, Rodney Harrison, Wanda Campbell, Niki Coats, C. Comeaux

EMPLOYEES: Darrel Broussard, Bobby Pennington, Ashleigh Broussard, Rod Hainey, Jeremy Chesnutt, Jennifer Jeude, Scott Felts, Gloria Becker, Robert Reynolds, Ashleigh Broussard

Mayor Pro-Tem McWaters called the meeting to order at 6:00 pm and stated there was a quorum and that the Mayor was absent. The invocation was given by Lance Blackwell and Carolyn McWaters led the pledge to the Texas flag and Danny Lee led the pledge to the US flag.

Public Hearing

1. **Public hearing on the final report of the Zoning Commission and consider adoption of an ordinance containing the following proposed amendment to the City's zoning regulations and comprehensive plan as authorized by Chapter 211 of the Texas Local Government Code.**

The public hearing will consider the following item:

- a. Consideration and possible action to adopt an ordinance amending the City's comprehensive plan and rezoning the following parcels from zoning district (R1) Single Family Residential to zoning district General Commercial (GC).
 - a) 0.15 +/- acres of land being a portion of Lots 8, 9 and 10 in Block 30 of the Springer Addition.
 - b) Robinson Springer-Clev, Block 29, Lot 4, 3 (N/25 ft.), acres .2755 (714 Elwood Avenue), Parcel I.D 68920.
 - c) Robinson Springer-Clev, Block 30, Lot PT 6-10, acres .5108 (713 Elwood Avenue), Parcel I.D 68922.
 - d) Robinson Springer-Clev, Block 30, Lot 1-5 PT 6-10, acres .9814 (506 Austin), Parcel I.D 68921.
 - e) J. Booth, Tract 27, acres .685 (Austin St.), Parcel I.D 21935.
 - f) Robinson Springer-Clev, Block 29, Lot 1, acres .1263 (418 Austin St.), Parcel I.D 68917.

- g) Robinson Springer-Clev, Block 29, Lot 2 PT 3, acres .2784 (706 Elwood), Parcel I.D 68918.

(These parcels are located near the southeast corner of US Hwy. 59 and FM 2025)

Public hearing opened at 6:03 am. No comments or questions received. Public hearing closed at 6:04 pm.

Presentations and Comments

2. **Proclamation in observance of Black History Month – February**

Mayor Pro-Tem McWaters read proclamation out loud.

3. **Presentation of Employee Service Awards for February 2020**

City Manager McDonald presented a service award to Gloria Becker for 20 years. Kim Castleman reached 15 years of service but was not present at the meeting.

4. **Public Comments**

Jacob Yankoviz – spoke on his issues with the city inspector and that he does not do work in the city limits anymore due to the inspector. He lives in Splendoria but owns a construction company.

Robert White – spoke on remodeling trailers in Cleveland since 1996. Issues with current inspector requiring a structural engineer to determine if his trailers are sound. Cost him \$1,400 to get accomplished.

Frieda White – spoke about her ventures and her issue with city inspector on the portable building she wanted to put on her property to create a new part of her shop. She ended up putting the items in a corner of her existing shop.

Joel Faulkner Jr – he is looking for guidelines for house leveling especially on the weekend when fly by night companies come to town when no staff are present. There are no penalties for this and he wants to know what is the city's plan to fix it.

Jim Carson – Chamber update

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

- Marilyn Clay – thanked the people for their point of view.
- Fred Terrell – thanked the people for attending the meeting.
- City Secretary Smith – provided election information update
- Carolyn McWaters – introduced Robert Reynolds as EDC Director.
- City Manager McDonald – Black History parade, Civic Center Blood Drive, Houston Food Bank events.
- Jennifer Bergman – appreciates the public comments. Feb 29th CISD Education fun run.
- Danny Lee – thank you for tonight's comments.

Consent Agenda

6. Consider acceptance of monthly financial report for month ending January 2020
7. Consider minutes from City Council meetings held on January 9, 13, 21, 22, 23, & 28, 2020.
8. Consider acceptance of Quarterly Investment Report for quarter ending December 31, 2019
9. Consider an ordinance of the City of Cleveland, Texas calling for a joint public hearing with the City Council and the Zoning Commission on a proposal to amend the city's comprehensive zoning ordinance and map.
10. Consider resolution authorizing an agreement with TXDOT for temporary closure of Houston Street for Dairy Day Parade – April 18, 2020
11. Consider request from Cleveland Fire Department for authorization to apply for the Staffing for Adequate Fire and Emergency Response (SAFER) Grant
12. Consider ordinance of the City of Cleveland, Texas Denying the Statement of Intent of Centerpoint Energy Resources Corp, D/B/A Centerpoint Energy Entex and Centerpoint Energy Texas Gas to increase Rates in the Beaumont/East Texas Division; Requiring Reimbursement of Municipal Rate Case Expenses; Finding that the Meeting Complies with the Open Meetings Act; and Declaring an Effective Date for this Ordinance

Councilmember Terrell pulled agenda item 7 from Consent Agenda to Discussion & Action.

Councilmember Clay made a motion to approve consent agenda items 6, 8, 9, 10, 11 & 12 with a second from Councilmember Bergman. All members present voted "AYE". Motion carried.

Discussion and Action

7. Consider minutes from City Council meetings held on January 9, 13, 21, 22, 23, & 28, 2020.

Councilmember Terrell wanted to clarify in the Jan 28, 2020 minutes that council had not approved BRW yet for the fire station. It was confirmed that council had not.

Councilmember Terrell made a motion to approve agenda item 7 with a second from Councilmember Clay. All members present voted "AYE". Motion carried.

13. Presentation by Weaver and Tidwell, L.L.P. of Fiscal Year 2019 Financial Audit and Consider Acceptance as Presented

Debbie Young with Weaver and Tidwell, LLP presented the audit to council. The audit committee met prior to the council meeting to review. She gave kudos to all staff and

council for building the fund balance. She went through each fund. She stated that the audit has an unmodified opinion which means it is a “clean opinion”. There are no material weaknesses or noncompliance found.

Councilmember Bergman made a motion to accept the audit as presented with a second from Councilmember Lee. All members present voted “AYE”. Motion carried.

14. Consider ordinance amending the Budget for Fiscal Year 2020 and Fiscal Year 2019 Budget Carryover for Fiscal Year 20 Adopted Budget

ACM/FD Pennington spoke on the topic. These are carryovers that straddle both fiscal years. 1st is remaining demo money to do substandard homes, 2nd is sports park restrooms to finish utility lines, 3rd is industrial park remaining carryover, 4th is street resurfacing – add to current year for paving, 5th is routine airport maintenance, 6th is land purchase that council approved, and 7th is Airport FBO services which is a pass through.

He addressed questions regarding restroom project at ball field, industrial park and street paving.

Councilmember Terrell made a motion to approve the ordinance amending the Budget for Fiscal Year 2020 and Fiscal Year 2019 Budget Carryover for Fiscal Year 20 Adopted Budget with a second from Councilmember Lee. All members present voted “AYE”. Motion carried.

15. Presentation by Scott Lambert on The Grove of Cleveland residential development and consider request for a potential development agreement or other city participation with the developer

Scott Lambert spoke on this project. This project backs up to Circle Drive development. He has met with Kelly McDonald, Bobby Pennington, Jeremy Chesnutt and Rod Hainey few months ago. The entrance to the project is off Plum Grove Road with an exit on Wall Street. He stated that he was told that in order to do a Planned Unit Development (PUD) it had to be 25 acres so they bought an additional 2 ½ acres to meet the requirement. Their lots are 35 feet wide, 40 feet wide and 45 feet wide and 120 feet deep. They are using First American Homes. It will have a HOA and three retention ponds and an area for a clubhouse and pool. The streets are 29 feet wide with curb and gutter and underground drainage. He would like a workshop to hammer out a 380 agreement. They can do a 50/50 revenue share with the city.

Ms. Purnell stated that the City has a draft agreement for developers. She asked that the developer fill it out and send it back for review. The PUD is a separate process from the development agreement and is done through the Zoning Commission. Also for a PUD there needs to be additional green space and public benefit to green areas. Mr. Lambert stated that they will only have a clubhouse and it will not be open to the public. 25.6 acres in the total project. He was asked to get the development agreement template back to staff for them to review.

16. Consider placement of splash pad and authorize staff to pursue bids/quotes

This item is budgeted for this year but staff needs a location to determine size. When the pool was taken out of Campbell Park, council (at that time) said that they would put something back in there. The Library option is not really good choice as there is not enough parking, plus wet kids in the Library with books and the new carpet.

All agreed that Campbell Park is a good location for the splash pad as it already has parking, restrooms and space for the splash pad.

Councilmember Clay made a motion to place the splashpad at Campbell Park and authorize staff to pursue bids/quotes with a second from Councilmember McWaters. All members present voted "AYE". Motion carried.

17. Consider tax trust bid from Eva Carreon Tijerina for TX 13101690 for address listed as Hanks Ave, Hayes Hanks, Block 3, Lot 8 and Part of Lot 9, Acres .2749, in the amount of \$5,400 (bid received 2/12/2020)

The structure on this property was demolished in 2016 after the property was foreclosed. The bidder will also have to pay for the demo lien of \$5,119 as well. This bid will require school and county approval as well.

Councilmember Bergman made a motion to approve the bid for \$5,400 plus the demo cost of \$5,119 with a second from Councilmember Lee. All members present voted "AYE". Motion carried.

18. Consider tax trust bid from Eva Carreon Tijerina for TX12101563 for address listed as Francis, Phillips, Block 7, Lot 5 & 6, Acres .2939 in the amount of \$4,000 (bid received 2/12/2020)

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

19. Consider tax trust bid from Eva Carreon Tijerina for TX13101713 for address listed as 204 Pine Bend Court, Block 2, Lot 4, Acres .3801 in the amount of \$7,000 (bid received 2/12/2020)

Councilmember Bergman made a motion to deny bid as presented with a second from Councilmember Lee. All members present voted "AYE". Motion carried.

20. Consider approval and acceptance of a Sanitary Control Easement (150 feet) with Dalasu 686 LP to Cleveland Municipal Utility District No 1 for protection of water supply of water well by means of sanitary sewer control located on a called 0.9827-acre tract of land described in deed recorded Clerk's File No 2018021038

Ms. Purnell stated that this is required by TCEO and is for the LGI water well project.

Councilmember Bergman made a motion to accept the sanitary control easement with Dalasu 686 LP to Cleveland Municipal Utility District No 1 for protection of water supply of water well by means of sanitary sewer control located on a called 0.9827-acre tract of land described in deed recorded Clerk's File No 2018021038 with a second from Councilmember Lee. All members present voted "AYE". Motion carried.

21. Consider directing staff to proceed with a Request for Bid or approve using BuyBoard in lieu of bids on two budgeted vehicles for the Police Department - two (2) marked police packet patrol vehicles

Councilmember Terrell approved the quote from BuyBoard for two police vehicles Chevrolet Tahoes for \$67,340 with a second from Councilmember Clay. All members present voted "AYE". Motion carried.

22. Consider directing staff to proceed with a Request for Bid on one budgeted vehicle for the Public Works department

Councilmember Bergman made a motion to approve the Request for Bid for one budgeted vehicle for Public Works department with a second from Councilmember Lee. Prior to voting, Councilmember Terrell asked why diesel and not gas. The reply was not it was not budgeted but they would ask for both in the bids.

Voting occurred – all members present voted "AYE". Motion carried.

23. Consider an ordinance of the City of Cleveland, Texas amending Chapter 26, "Building and Building Regulations," of the City of Cleveland Code of Ordinances by amending the fee schedule for building permits, including fence permits; and making other provisions related to the subject.

Ms. Purnell stated that this ordinance lowers the fees as council requested at a prior meeting. The prior ordinance had the fees based on the cost to the City. The issuing fee for any building permit other than a sign, fence or driveway permit is now \$75.00. Questions about water heater permits occurred. It was asked if the permit for water heater can be \$10 and that would just be to make sure it is safe. Also in the past the City Manager did not have approval to waive fees for storm or fire damage, this ability has been added to the ordinance.

Councilmember Bergman made a motion to approve the ordinance with the \$10 water heater permit change, this was seconded by Councilmember Lee. All members present voted "AYE". Motion carried.

24. Consider acceptance of resignations from Brad Browder and Robert Reynolds from the Cleveland Economic Development Corporation board and consider replacement appointments to the same board

Brad Browder resigned from the board due to residency requirements (past the acceptable mileage). Robert Reynolds resigned as he became a city employee as EDC Director.

Carolyn McWaters stated she would like to recommend Patrick Casaras. Fred Terrell stated that Ron Smith has a work conflict and is not available at this time. Danny Lee stated that Eisha Jones would like to be on the board. Josh Good is not interested. Fred Terrell recommends Andrew Bounds.

It was recommended to table this since there maybe another resignation next month and ask EDC for nominations at their next meeting.

Councilmember Bergman made a motion to table this item until the next council meeting with a second from Councilmember Clay. All members present voted "AYE". Motion carried.

25. Consider reappointments of Carolyn McWaters and Marilyn Clay to the Cleveland Economic Development Board for expired terms

Councilmember Terrell made the motion to reappoint Carolyn McWaters and Marilyn Clay to the EDC board for another two-year term with a second from Councilmember Lee. All members present voted "AYE". Motion carried.

26. Discussion and possible action to accept deed from McKinley Development Company, Inc. for 1.878 acres in Grand Oaks Section 2 for a potential new fire station

Councilmember Clay made a motion to accept the deed as presented for 1.878 acres in Grand Oaks Section 2 for a potential new fire station with a second from Councilmember Bergman. All members present voted "AYE". Motion carried.

27. 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 rezoning the following parcels from zoning district (R1) Single Family Residential to zoning district General Commercial (GC).
- h) 0.15 +/- acres of land being a portion of Lots 8, 9 and 10 in Block 30 of the Springer Addition.
- i) Robinson Springer-Clev, Block 29, Lot 4, 3 (N/25 ft.), acres .2755 (714 Elwood Avenue), Parcel I.D 68920.
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- l) J. Booth, Tract 27, acres .685 (Austin St.), Parcel I.D 21935.
- m) Robinson Springer-Clev, Block 29, Lot 1, acres .1263 (418 Austin St.), Parcel I.D 68917.
- n) Robinson Springer-Clev, Block 29, Lot 2 PT 3, acres .2784 (706 Elwood), Parcel I.D 68918.

(These parcels are located near the southeast corner of US Hwy. 59 and FM 2025)

The public hearing was held on this item earlier and Zoning Commission has formally approved this request after holding their public hearing.

Councilmember Bergman made a motion to approve the ordinance amending the City's comprehensive plan and rezoning the parcels presented from zoning district (R1) Single Family Residential to zoning district General Commercial (GC) with a second from Councilmember Terrell. All members present voted "AYE". Motion carried.

Executive Session

- 28. Closed Executive Session under Texas Local Government Code 551.071 for Consultation with Attorney.**
- 29. Closed Executive Session under Texas Local Government Code 551.072 to deliberate the purchase, exchange, lease or value of real property.**
- 30. Closed Executive Session under Texas Local Government Code 551.074, Personnel Matters, to deliberate the performance evaluation and/or compensation of the City Manager**

Left for executive session at 8:05 pm.

Return to Open Session

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

Return to open session at 8:55 pm. No action taken.

Adjourn

Councilmember Terrell made a motion to adjourn with a second from Councilmember Clay. All members present voted "AYE". Meeting adjourned at 8:56 pm.

PASSED AND APPROVED this 17th day of March 2020.

APPROVED BY COUNCIL
Mayor Pro-Tem Carolyn McWaters

ATTEST:

/SIGNED _____
Angela Smith, City Secretary TRMC