

City Council met for the monthly City Council meeting on April 21, 2020, in person at City Hall, 907 E Houston, Cleveland TX 77327 and virtually using Zoom.com and streaming live on the city's Facebook account due to social distancing needs related to COVID-19, with Councilmember Jennifer Bergman presiding.

MEMBERS IN PERSON: Councilmember Marilyn Clay, Councilmember Fred Terrell, City Attorney David Olson, Councilmember Danny Lee, Councilmember Jennifer Bergman, City Manager Kelly McDonald and City Secretary Angela Smith

MEMBERS PRESENT ON ZOOM: Mayor Pro-Tem Carolyn McWaters

EMPLOYEES PRESENT: Bobby Pennington, Jennifer Jeude

ATTENDEE PRESENT: Richard Boyett

EMPLOYEES ON ZOOM: Darrel Broussard, Sean Anderson, Mary Cohn, Jeremy Chesnutt, AND Ashleigh Broussard

NUMBER OF OTHERS PRESENT ON ZOOM: 16

Councilmember Jennifer Bergman called the monthly City Council meeting to order at 4:08 pm since Mayor Pro-Tem McWaters was present on Zoom at home and stated there was a quorum and that this was also a virtual meeting on Zoom and is on the city's Facebook account as a Facebook Live event.

Presentations and Comments

1. **Proclamation for April Fair Housing Month**
2. **Proclamation for National Day of Prayer, May 7, 2020**
3. **Proclamation for National Public Telecommunicators Week – April 12-18, 2020**

Three proclamations were read aloud by Councilmember Bergman

4. **Public Comments.**

Any person with City related business may speak to Council. In compliance with the Texas Open Meetings Act, the City Council may not discuss, or vote on any matter raised in public comments unless it is specifically on the agenda. To speak during a council meeting, you must be recognized by the Presiding Officer. **PUBLIC COMMENT WILL BE LIMITED TO THREE MINUTES.**

Zoom Meeting Public Comments Instructions

- a. *Today's meeting will allow citizen participation during Public Comments section*
- b. *Please be ready to enter your comment, the meeting will move quickly.*
- c. *State your name and address for the record.*

- d. *If you have logged in via the internet, you can use the chat feature to type in your question or comment to the host when we open the floor for public comments section*
- e. *If you emailed your request for public comment, then the City Secretary will inform the council of your request.*
- f. *You can text your public comment request to 281-432-8756 if you are using Facebook Live or you can do *9 on your phone to "raise your hand" if using the phone line for the Zoom meeting.*
- g. *If you are calling in, you will be automatically muted, when it is public comments time, you will be unmuted for the allowed three minutes and will be muted again after the three minutes is up*
- h. *The Council is not required to reply during public comments.*

No comments were submitted

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

Marilyn Clay – it is a trying time for all but just hang in there.

Danny Lee – Thanks for effort to all staying home.

Carolyn McWaters – good job in town, stores open and following rules. Thanks to all city staff for their hard work.

Jennifer Bergman – encourage everyone to follow the guidelines

Consent Agenda

6. **Consider minutes from City Council meetings held on March 17, March 19 and March 25, 2020**
7. **Consider ordinance approving the settlement of the proposed rate increase 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; finding that the meeting complies with the open meetings act; making other findings and provisions related to the subject; and declaring an effective date.**
8. **Consider ordinance denying the distribution cost recovery factor rate increase request of Entergy Texas, Inc. filed on March 31, 2020; setting just and reasonable rates for Entergy Texas, Inc for service within the municipal limits; finding that the meeting complies with the open meetings act; making other findings**
9. **Consider an ordinance amending the Code of Ordinance of the City of Cleveland, Texas Providing a new Section 114-46 Establishing Speed Limits in the City of Cleveland from State Highway 105 to City Limits of Cleveland on Plum Grove Road (FM 1010); Providing for Severability; Providing a Penalty; and Repealing all other Ordinances in conflict herewith**

Councilmember Lee made a motion to approve consent items 6-9 with a second by Councilmember Terrell. All members present voted "AYE". Motion carried.

Discussion and Action

10. Consider Resolution 4-21-2020 to add addressing COVID-19 related absences prior to April 1, 2020, thereby replacing and rescinding Resolution 4-14-2020

This resolution will change the effective date from April 7 to March 23, 2020 as to capture the two employees that were affected prior to the start of the new sick leave laws on April 1, 2020. We want the employees to be taken care of.

Councilmember Clay made a motion to approve the resolution 4-21-2020 with a second by Councilmember Lee. All members present voted "AYE". Motion carried.

11. Discussion by council, staff and/or EDC on participation in any COVID-19 related issues and future recovery period to assist citizens recover

This was requested to be added to the agenda by Councilmember Terrell. He read in TML update #21 about a task force that has religious, hospital and community people to help citizens and asked if the City has one yet. The reply is that we do not have an official task force. City staff and emergency mgmt. is working with hospital and county staff daily and weekly. Councilmember Terrell recommended that Robert Reynolds start up a task force. We need the whole community to be involved in the recovery so that we are not getting second hand information. Councilmember Lee volunteered to be on the task force.

Councilmember Clay made a motion to nominate Fred Terrell to head the task force and Councilmember Lee to be the council representative and direct city staff to create the task force with a second by Councilmember Lee. All members present voted "AYE". Motion passed.

12. Consider acceptance of monthly financial report for month ending March 2020

Assistant City Manager/Finance Director Pennington reviewed the financial report. We are postponing some of the capital projects as stated in the last meeting. Challenges for March – sales tax, use fees, and court revenue. Civic Center revenue down \$20k from last year (27% lower than last year to date). Court revenue is \$100k loss. Good news nine new residential homes are starting. Under our financial policy – postponing any capital projects if not already started.

Councilmember Lee made a motion to accept the financial report as presented with a second by Councilmember Clay. All members voted "AYE". Motion carried.

13. Consider Hotel/Motel funds reduction/adjustment needed due to the COVID-19 pandemic

Mr. Pennington spoke about amount collected in hotel taxes. Also provided additional option such as EDC helping through providing a credit through the utility accounts with stipulations, up to \$100,000. He also provided examples of other cities options. Hotel

tax is just based on occupancy. Suggested to move item to EDC's next agenda and have council readdress it later.

Councilmember Lee made a motion to table this item and move to EDC and have their results brought back to council for a decision with a second by Councilmember Terrell. All members voted "AYE". Motion carried.

14. Consider request from North Liberty County Volunteer Fire Department for donation of surplus unused light bars that are from the Cleveland Police Department and consider approving a resolution for the disposal of this surplus equipment

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

15. Consider Amendment No. 1 to the Professional Services Agreement with HR Green relating to general engineering services for the City of Cleveland

This is just to amend the original agreement for additional \$10k to offset some of the extra charges that have arisen. There is no change to the length of the agreement just to add money to the amount of agreement. There have been more plan reviews that expected.

Councilmember Terrell made a motion to approve the Amendment No. 1 to the Professional Services Agreement with HR Green with a second by Councilmember Lee. All members voted "AYE". Motion carried.

16. Consider Amendment No 2 to the Professional Services Agreement with HR Green for the Water Plant No 2 and Water System SCADA project to cover additional services for construction beyond the original contracted schedule

Councilmember Bergman asked to table this until after executive session as there are some questions on liquidated damages. Councilmember Terrell asked if anyone from the city goes out to check on the project. City Manager McDonald replied that there is staff that does it and she provides the project updates in the weekly update packets to council. It was asked how far back is the project. Response the original ending date was November 22, 2019. Mike Halde with HR Green stated that they have assisted with this project for four months without a contract so they are not getting paid.

This item was moved to executive session.

17. Consider Amendment No.3 to the Professional Services Agreement with HR Green for the Water Plant No. 2 and Water System SCADA project to cover completion of engineering report for TCEQ resulting from TCEQ's conditional approval of Water Well No 8 at Water Plant No. 2

The amendment cost is \$16,720.00 which is not budgeted or planned for. It was asked who dropped the ball on this project that it was not budgeted for. Mike Halde with HR Green stated that it was not anticipated that TCEQ would have required this report. Council was reminded that this item was missed by the engineers and was not a mistake on the part of Public Works Director Hailey.

Councilmember Bergman made a motion to approve amendment no. 3 to the Professional Services agreement with HR Green for the Water Plant No 2 and Water System SCADA project to cover completion of engineering report for TCEQ with a second by Councilmember Lee. All members present voted "AYE". Motion carried.

18. Consider appointing one alternate member to the Zoning Commission

This is on the agenda to see if council has another person in mind for alternate. They added Josh Good last month. Council did not have anybody. No action taken.

19. Consider a one-year renewal of the Storm Restoration agreement with the City of Cleveland and TDG General Contractors Inc.

Councilmember Bergman made a motion to approve the one-year renewal of the storm restoration agreement with TDG General Contractors Inc. with a second by Councilmember Clay. All members present voted "AYE". Motion carried.

Executive Session

Council will leave the public Zoom meeting and or physical room and conduct the Executive Session offline. They will return back to the Zoom meeting after the Closed Executive Session is completed.

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

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

Council left for closed executive session

Return to Open Session

Council returned to open session at 6:04 pm.

16. Consider Amendment No 2 to the Professional Services Agreement with HR Green for the Water Plant No 2 and Water System SCADA project to cover additional services for construction beyond the original contracted schedule

Councilmember Bergman made a motion to approve the amendment no. 2 to the Professional Services Agreement with HR Green for the Water Plant No 2 and Water System SCADA project to cover additional services for construction with a second by Councilmember Lee. All members present voted "AYE". Motion carried.

22. Consider appointment to the position of Mayor due to the death of prior Mayor Cohn with the length of the remaining term expiring in May 2021

Councilmember Lee made a motion to appoint Richard Boyett as Mayor of the City of Cleveland to finish former Mayor Otis Cohn's term with a second from Councilmember Terrell. All members voted "AYE". Motion carried.

City Secretary Angela Smith sworn in Richard Boyett as Mayor for the City of Cleveland. Mayor Boyett addressed the council and gave a short speech.


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

No action taken on remaining items from executive session.

Adjourn

Mayor Boyett made a motion to adjourn with a second from Councilmember Clay.
Meeting adjourned at 6:42 pm.

PASSED AND APPROVED this 19th day of May 2020.


Richard Boyett, Mayor

ATTEST: 
Angela Smith, City Secretary TRMC