

City Council met for the monthly City Council meeting/Joint Meeting/Public Hearing with Zoning Commission on July 20, 2021, in person at 907 E Houston, Cleveland Texas, with Mayor Richard Boyett presiding.

COUNCIL MEMBERS: Mayor Richard Boyett, Councilmember Marilyn Clay, Mayor Pro-Tem James Franklin, Councilmember Danny Lee, Councilmember Delores Terry, Councilmember Carolyn McWaters, City Attorney David Olson, City Manager Bobby Pennington, and City Secretary Angela Smith

ZONING MEMBERS: Mike Penry, Brent McWaters

ATTENDEES: Frieda White, Jim Carson, Vanesa Brashier, Hollie Janeka

EMPLOYEES: Jennifer Jeude, Leslie Herrera, Savannah Cunningham, Sean Anderson, Darrel Broussard, Ashleigh Broussard, Mary Cohn

Mayor Richard Boyett called the monthly city council meeting to order at 6:01 pm and did a roll call of council, which showed there was a quorum. Mayor Boyett asked if the Zoning Commission had a quorum and they only had two members present. Since there was not a quorum, the Joint Public Hearing with Zoning Commission was not called to order so the two Zoning Commission members left the meeting. Pastor Carl Williamson gave the invocation, all present said the pledge to the US flag and the Texas flag.

Joint Public Hearing with Zoning Commission

1. Open Public Hearing:
 - a. Consideration and possible action to adopt an ordinance amending the City's comprehensive plan and rezoning the following parcels from zoned Public to a MU Mixed-Use District (or whatever the appropriate zone is determined to be for this area).
 - i. All property located east of Church Ave, south of Martin Luther King Dr, and portions north of Samuel Wiley and portions north of Reese St, as further identified in a map that is available for inspection in the City Secretary's office at City Hall.
2. Close Public Hearing
3. Zoning Commission will leave and continue their meeting in the Boardroom and will return with their final recommendation under Discussion and Action

No quorum for Zoning was present so hearing was cancelled.

Presentations and Comments

4. **Recognition for Ranger Youth Baseball - Texas Youth 13U-14U for being State Champions 2021 – Cleveland Youth Baseball Association (CYBA)**

Presentation and photos were taken. A banner will also be added to the sports park with all of the names on the banner.

5. **Public Comments.**

Jim Carson – Chamber update

Keith Lewis – Zoning change

Chief Broussard introduced new Code Enforcement Officer Ida Rodriguez.

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

Marilyn Clay – thanks for help with the food drive.

Mayor Boyett – Thanks to James Franklin, Marilyn Clay, Jennifer Jeude, Bobby Pennington and Robert Reynolds for coming out for the grocery giveaway.

Marilyn Clay – also thanks to fire department, Liberty County staff and Civic Center staff.

Discussion and Action

15. **Consideration and possible action for council to take action to direct staff concerning the request from Liberty Church to abandon a portion of Pate Street from FM 2025 to Cedar Street to allow for future building.**

This item was moved up on the agenda. City Manager Pennington gave the history of this request. Council has options: 1) deny road closure or 2) approve road closure request and make it the cost of the church.

Councilmember Terry made a motion to deny the street closure request for Pate Street with a second by Councilmember Clay. All members present voted “AYE”. Motion carried.

7. **Consideration and possible action for approval for Request for Qualifications for engineering services for the previously approved bond paving project**

Mayor Boyett stated that items 7 & 8 are being pulled from the agenda as staff has received legal advice on how to handle.

8. **Consideration and possible action on nomination of council participation to be on the scoring committee for submittals received for the overlay paving project**

Mayor Boyett stated that items 7 & 8 are being pulled from the agenda as staff has received legal advice on how to handle.

9. **Consideration and possible action on an Professional Service Agreement with HR Green for general engineering services from August 1, 2021 to December 31, 2021 for the amount not to exceed \$15,000 and authorize the City Manager to sign the agreement**

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

10. **Consideration and possible action on approval of contract from Strand Engineering for the Elevated Water Tank/American Rescue Plan project they were awarded June 2021 and authorize City Manager to sign the contract**

Total engineering cost is \$289,200. Staff is asking for council to approve contract and authorize City Manager to sign the contract. This is for elevated water tower project for the new elementary school off FM 2025. Funding will be from the American Rescue Plan and bond funds.

Strand will try hardest to get done as soon as possible.

Councilmember Clay made a motion to approve the contract as submitted with a second by Councilmember Franklin. All members present voted “AYE”. Motion carried.

11. Consideration and possible action to purchase a budgeted 2021 Black Chevrolet Tahoe police car from Parkway Chevrolet in the amount of \$35,390.95

Thanks to Chief Broussard for locating this vehicle as it is very hard to find vehicles now due to COVID issues and semiconductor chip shortage. If they used BuyBoard it would be spring 2022 before a vehicle is available. Staff is recommending purchase of this vehicle from Parkway Chevrolet as they are holding it for us.

Councilmember McWaters made a motion to approve the purchase of the budgeted 2021 Black Chevrolet Tahoe police car from Parkway Chevrolet with a second from Councilmember Clay. All members present voted "AYE". Motion carried.

12. Consideration and possible action on final recommendation of the Zoning Commission on ordinance amending the City's comprehensive plan and rezoning parcels from zoned Public to a MU Mixed-Use District (or whatever the appropriate zone is determined to be for this area).

Councilmember Franklin made a motion to table this item since no quorum was present with a second by Councilmember McWaters. All members present voted "AYE". Motion carried.

13. Consideration and possible action on contract with Brooks & Sparks for engineering services for elevated storage tank repair and painting at Water Plant No. 1 and Elevated Storage Tank Repair and Painting at Water Plant No. 2 in the amount of \$142,000 and authorize the City Manager to sign the contract

This is the project required by TCEQ and council had previously approved Brooks & Sparks to handle the inspection of the tanks. That inspection was completed and the report was turned into staff. Staff is looking to rehab both of the tanks and keep them in service. The tanks will be painted inside and outside with the logo included.

Councilmember Clay made a motion to approve the contract as submitted and authorized the City Manager to sign the contract with a second by Councilmember Lee. All members present voted "AYE". Motion carried.

14. Consideration and possible action for staff to go out for Request for Bids for the rehabilitation of Elevated Storage Tank #1 and Elevated Storage Tank #2 project.

Brooks and Sparks will create the bid packet for the rehab work on the two tanks, this is just to get council approval to go out for bid on this project.

Councilmember Franklin made a motion to approve the request for bids for rehab of elevated tanks as submitted with a second by Councilmember Terry. All members present voted "AYE". Motion carried.

15. Consideration and possible action for council to take action to direct staff concerning the request from Liberty Church to abandon a portion of Pate Street from FM 2025 to Cedar Street to allow for future building.

Was moved up on the agenda. See above for action.

16. Consideration and possible action on Utilities Services Agreement with Cleveland Municipal Water District 1 for the LGI Homes - Pinewood Trails development

This agreement has been reviewed by staff and city attorney. Both parties are okay with agreement. The MUD agrees to do a bar screen in Phase 1 at the lower cost of around \$50k. They also agreed to do screen fencing but not to use chain link. The term is for 50 years.

Councilmember Lee made a motion to approve the Utility Services Agreement with Cleveland MUD 1 for LGI Homes with a second by Councilmember Clay. All members present voted "AYE". Motion carried.

17. Consideration and possible action on authorizing the Mayor to sign the required U.S. Department of the Treasury Coronavirus Local Fiscal Recovery Fund Award Terms and Conditions for the City to complete the application process on this project

Council already approved the engineering and grant admin for this project, this is just to approve the US Department of Treasury documents to accept the funds. The funding will be over \$2 million. City Attorney Olson has reviewed and approved the documents.

Councilmember Clay made a motion to approve the documents as presented for the Coronavirus Local Fiscal Recovery Fund with a second by Councilmember Terry. All members present voted "AYE". Motion carried.

18. Consideration and possible action on disposal or repair of the used generator located at the Police department either by Resolution of the City Council of Cleveland, Texas declaring certain personal property of the City to be surplus and delegating authority to the City Manager to dispose of this surplus property (PD used generator) or to direct staff otherwise

This is being returned to city council as the expense is over \$50k. A new generator turnkey costs around \$150k and the life expectancy is around 30 years which makes it around \$6760 annual cost over the 30 years. Staff's recommendation is to purchase a new generator.

Councilmember McWaters made a motion to approve disposal of the used generator with a second by Councilmember Clay. All members except Councilmember Lee voted "AYE". Councilmember Lee abstained. Motion passed.

19. Consideration and possible action on approval of Amendment #8 – Section 10-9 Employee Paid Quarantine Leave to City's Employee Handbook as a result of House Bill 2073

This is a new law that has passed – HB2073. An updated version of Amendment #8 to the employee handbook was given out to council at the meeting. Staff added dispatchers to this list as they are first responders.

Councilmember Terry made a motion to approve Amendment #8 as updated and provided to council with a second by Councilmember Franklin. All members present voted "AYE". Motion carried.

20. Consideration and possible action on in-kind or reduced fee facility use request from Leadership East Texas Inc. for classes to be held at the Civic Center starting September 2021 through April 2022.

The Leadership East Texas Inc. has asked for ½ ballroom for this class however staff is recommending approval of ¼ use of the ballroom. City staff will handle clean up as the city has four people attending and as sponsor we can help out. We are pushing to have the Civic Center open by August 1st. The kitchen will still be limited use.

Councilmember McWaters made a motion to approve the use of in-kind of ¼ ballroom for the Leadership East Texas Inc. event with a second by Councilmember Franklin. All members present voted "AYE". Motion carried.

The Chamber is not a part of Leadership East Texas they are two separate companies.

21. Consideration and possible action on creation of a Parks and Recreation Committee

Staff will come back with nominee names for this committee. EDC had mentioned it in the last meeting to create a board to help out. Staff is looking for expertise to help on this committee.

Councilmember Clay agrees with this creation of committee. Kids need an area to go to for all types of sports.

Staff is just asking for formation of the committee tonight and would bring back to council any nominations. This committee would be advisory only and would report back to city council.

Councilmember Lee said that this is very important as people really need to be interested in helping and try to seek out the right people and explain how important this work will be.

Nominees will need to understand sports events and sports as well. Currently the Civic Center is in charge of recreation and sports park.

Councilmember Terry made a motion to approve the creation of the board with a second by Councilmember Clay. All members present voted "AYE". Motion carried.

22. Consideration and possible action to nominate up to two councilmembers to be on the Health Benefit Committee for a meeting scheduled for July 22, 2021 at 10:00 am.

Councilmember McWaters stated she would like to be on this committee and Councilmember Franklin nominated Councilmember Terry.

Councilmember Clay made a motion to approve the nominations of Carolyn McWaters and Delores Terry to the Health Benefits Committee with a second by Councilmember Franklin. All members present voted "AYE". Motion carried.

23. Consideration and possible action on approval of renewal of contract for two (2) year term with Texas Vengeance for use of the Municipal Sports Park

Tourism & Marketing Director Broussard spoke on this topic. This entity has a six month contract now and is asking for a longer term contract. City Manager Pennington thought that a two year contract would be better than the one year they requested. Discussion for fees for field use is the same as last time. The sticking point is the use of two fields vs three fields. Texas Vengeance is an adult league that uses the fields year around.

City Manager Pennington said that staff is looking for a recreation specialist to help with the scheduling. This is part of the budget process. Discussion about options to use the park occurred.

Councilmember Franklin made a motion to approve the two year contract with Texas Vengeance with a second by Councilmember Terry. All members present voted "AYE". Motion carried.

24. Consideration and possible action on approval of minutes from City Council meetings held on June 15, 21 & 24, 2021

Councilmember Clay made a motion to approve the minutes for meetings as presented to council with a second by Councilmember Terry. All members present voted "AYE". Motion carried.

25. Consideration and possible action on approval of Monthly Financial Report

Councilmember Terry made a motion to approve the financial report as presented with a second by Councilmember McWaters. All members present voted "AYE". Motion carried.

26. Consideration and possible action on approval of quote for Airport runway lights.

This item has already been taken to the Airport Advisory Board and they have approved it. There is a short in the taxiway lights and it is needed to be found. We have a capital project being started soon at the airport. Clay Dean provided two quotes for the work to be performed. One from Community Motors for \$6,460 and one from Wendell Kelly for \$7,134.

Councilmember McWaters made a motion to approve the lowest bid on the airport runway light project with a second by Councilmember Clay. All members present voted "AYE". Motion carried.

27. Consideration and possible action on approval Resolution of the City Council of Cleveland, Texas declaring certain personal property of the City to be surplus and delegating authority to the City Manager to dispose of this surplus property (chairs from Court)

Court ordered new chairs for the courtroom so this resolution is for the older chairs that are over 20 years old.

Councilmember Clay made a motion to approve the resolution for surplus as presented with Councilmember McWaters. All members present voted "AYE". Motion carried.

28. Consideration and possible action on partial refunding of fees paid by the Adult Co-Ed Softball League due to planned electrical work at the Sports Municipal Park

This is due to the work at the sports park and this league wants a refund since they will not be able to use the lights during the construction period. The work at the park should be done by December 2021 per HR Green.

Comments about project delays occurred. Councilmember Clay asked for a workshop for project updates. She was like a complete list of all projects with dates and completion so they can go through the list. She asked for a tentative date for the workshop. City Manager Pennington stated the date would be August 10th as that is the next council meeting scheduled due to budget workshops.

Councilmember McWaters made a motion to approve the partial refunding of fees paid as requested with a second by Councilmember Clay. All members present voted "AYE". Motion carried.

29. Consideration and possible action on installation of meter for irrigation at College Street for landscaping needs

This was a private landscaping project that has already been installed. They are asking for water for irrigation and the city will need to install a tap. There will be no charge for this water.

Councilmember Lee made a motion to approve the installation of the meter with a second by Councilmember Clay. All members except Councilmember Franklin voted "AYE". Councilmember Franklin voted "NAY". Motion carried.

30. Consideration and possible action on resolution for request from Sanctuary of Cleveland Texas for street closure from South Travis Street between East Hanson Street and East Dallas Street from 7:00 am to 3:30 pm on July 10, 2021 for Midtown Car Show event

This event has already passed but this is just a housekeeping item. The church has been reminded to submit their request earlier next year.

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

Councilmember Lee stated that we need to go back to a Consent Agenda format as council is wasting time reviewing each item. City Attorney Olson stated that he could make a motion for a future agenda.

Councilmember Lee made a motion to reinstall the consent agenda format back to the agenda with a second by Councilmember Clay. Councilmembers Terry, Clay & Lee voted "AYE". Councilmembers McWaters and Franklin voted "NAY". Motion passed.

Executive Session

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

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

Not used.

Return to Open Session

33. Take action on any items from executive session as needed.

Not used.

Adjourn

Councilmember Franklin made a motion to adjourn with a second from Councilmember McWaters. Meeting adjourned at 7:42 pm.

PASSED AND APPROVED this 17th day of August 2021

_____/signed_____
Richard Boyett, Mayor

ATTEST:

_____/signed_____
Angela Smith, TRMC
Director of Admin Svcs
City Secretary