

City Council met for the monthly City Council on February 19, 2019 in the Council Chambers at City Hall, 907 E. Houston, at 6:00 pm with Mayor Otis Cohn presiding.

MEMBERS PRESENT: Mayor Otis Cohn, Councilmember Marilyn Clay, Councilmember Danny Lee, Councilmember Mike Penry, Councilmember Fred Terrell, City Attorney David Olson, City Manager Kelly McDonald and City Secretary Angela Smith

ABSENT: Councilmember Jennifer Bergman

VISITORS PRESENT: Jim Carson, Lance Blackwell, John Bleyl, Carolyn McWaters, Debbie Young, C. Comeaux, Derra Purnell

EMPLOYEES: Rod Hainey, Sean Anderson, Mary Cohn, Frieda Joyce, Bobby Pennington, Jeremy Chesnutt, Darrel Broussard, and Scott Felts.

Mayor Cohn called the meeting to order at 6:05 pm and stated there was a quorum. The invocation was given by Pastor Ron Wilridge with Grace Church and David Olson led the pledge to the US flag and the Texas flag.

Presentations and Comments

1. **Presentation of Employee Service Awards for February 2019**

Bruce Millican was not present to receive his service award for five years.

2. **Public Comments.**

Jim Carson provided the Chamber update.

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

Marilyn Clay – she is glad to be doing another term on council. She and City Manager McDonald attended a grant workshop and received some informative information. She will be attending a seminar in San Marcus where she will be receiving her CMO designation (Certified Municipal Officer).

Fred Terrell – Last month council had a goal setting meeting. It was a good meeting.

City Secretary Angela Smith – gave an election update. There was unopposed candidates for the general election so council will be able to cancel the May 2019 election. Carolyn McWaters will be replacing Mike Penry for council position 1, Marilyn Clay stays at council position 2 and Otis Cohn remains as mayor. The paperwork for cancelling will be submitted at the March council meeting.

Otis Cohn – Council and staff had a good goal setting meeting. There were good ideas to implement to make the city better.

City Manager McDonald – Grand Oaks Reserve is holding their model home grand opening Thursday, Feb. 28th at 10:00 am. She and Councilmember Clay will attend a Youth Advisory conference this weekend in Ft. Worth. EDC's Allies Day is March 6 at the Civic Center and starts at 9:00 am.

Danny Lee – he is looking forward to 2019 and is happy that Ms. Clay and the Mayor are unopposed and thanked Mr. Penry for his service and that he learned a lot from him during his time on council.

Mayor Cohn was handed a flyer to read for Cleveland Texas Black History Committee for Feb. 23rd. The Grand Marshall is Mayor Pro-Tem Danny Lee. Mr. Penry will be missed around here.

Consent Agenda

4. **Consider acceptance of monthly financial report for month ending January 2019**

5. **Consider minutes from City Council meetings held on January 15 & 18, 2019**

6. **Consider acceptance of Quarterly Investment Report for quarter ending December 31, 2018**

7. **Consider resolution designating authorized signatories for contractual documents and documents for requesting funds pertaining to the Texas Community Development Block Grant Program (TxCDBG) Contract Number 7218080**
8. **Consider resolution authorizing an agreement with TXDOT for temporary closure of Houston Street for Dairy Day Parade – April 13, 2019**
9. **Consider approval of Memorandum of Understanding between Cleveland Independent School District Police Department and the Cleveland Police Department and authorizing Police Chief Darrel Broussard to sign said document**

Councilmember Penry pulled consent agenda item number 4 to the Discussion and Action section.

Councilmember Penry made a motion to approve consent agenda items 5,6,7,8 & 9 with a second from Councilmember Clay. All members present voted "AYE". Motion carried.

Discussion and Action

#4. Consider acceptance of monthly financial report for month ending January 2019

This item was pulled from consent to discussion/action. Councilmember Penry questioned a \$157 entry. Finance Director/ACM Pennington stated it is due to timing of payroll and a journal entry for the same. Mr. Penry also questioned property tax collection percentage (70.9%). Mr. Pennington stated that we have not received all the money yet. The tax office handles the collection for us so there is a lag time on reporting. Mr. Penry also asked that we separate out the EDC and City amounts for sales tax in the reporting. There was also a question on why no debt service expense is showing on page 3 yet. The reply is that the first payment is scheduled for Feb. 15, 2019 and it is paid semi-annually. Mayor Cohn asked is the city continuing to look good and the reply is that general fund looks great. We have some budget carryovers to handle. Water/Sewer fund is doing well without the transfers to general fund.

Councilmember Lee made a motion to accept the January 2019 financial statement with a second from Councilmember Penry. All members present voted "AYE". Motion carried.

10. **Consider tax trust bid submitted by Roberto Rangel and approved by Liberty County and Cleveland ISD for Northside, Section 2, Block 26, Lot 20 (cause no. TX09100401) in the amount of \$10,000.**

City Secretary Smith read the information on the bid and the prior bids that council has received on this property and stated that she spoke with Mr. East and he has attempted to contact the bidder to inform him of the lien that is on the property that also has to be paid off.

Councilmember Penry made a motion to approve the bid from Roberto Rangel for \$10,000 for cause no. TX09100401 with a second from Councilmember Lee. All members present voted "AYE". Motion carried.

11. **Presentation by Weaver and Tidwell, L.L.P. of Fiscal Year 2018 Financial Audit and Consider Acceptance as Presented**

Debbie Young with Weaver and Tidwell, L.L.P. presented the audit report to council for their acceptance. She provided a copy of the final version to council at the meeting. She reported that the city is in good financial position in general fund. She went through pertinent sections of the audit and then reported that the type of opinion issued is clean and the report is unmodified. There is no nonconformances and the City is not required to have a single audit this year. She thanked Finance Director/ACM Pennington and his staff for their hard work helping the auditors each year.

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

12. **Consider ordinance amending the Budget for Fiscal Year 2019 and Fiscal Year 2018 Budget Carryover for Fiscal Year 19 Adopted Budget**

Mr. Pennington stated that we do the carryovers needed after the audits. We are in the middle of the sport park restroom project and should be under budget but will need a grinder to get the sewer uphill. Playground equipment – we had \$60k from last year and we also planned to do another \$60k to

carryover. Department donations – designated funds from last year during Harvey that have not been spent yet. Water/Sewer – Synagro needs to be completed. Council was provided an amendment to the exhibit at the meeting. The tractor purchase was completed and the funding for the conex boxes is included (two boxes purchased).

Councilmember Penry made a motion to approve the ordinance for budget amendments for FY19 and FY Budget Carryover for FY19 Adopted Budget with a second from Councilmember Clay. All members present voted “AYE”. Motion carried.

13. **Consider appointments for 2019 to the Tourism and Zoning Board of Adjustments board/committees.**

City Manager McDonald stated that the Tourism Committee only has two people who still want to be on the committee – Jennifer Lewis and Carolyn McWaters and that it can be dissolved, if needed as the board has not met since 2012.

Councilmember Penry made a motion to dissolve the Tourism Board with a second from Councilmember Terrell. All members present voted “AYE”. Motion carried.

Councilmember Terrell asked Carolyn McWaters if she thought the board should stay around and she replied no.

Councilmember Penry made a motion to re-appoint the regular and alternates on the Zoning Board of Adjustments as submitted with a second from Councilmember Terrell. All members present voted “AYE”. Motion carried.

Mayor Cohn commented that he spoke with Delores Terry and she expressed a desire to help the city so City Manager McDonald said she would reach out to her to see if she wants the open alternate slot on the Zoning Board of Adjustments.

14. **Consider approval of policies for the Austin Memorial Library on suspension of privileges for health and safety reasons, reinstatement of library privileges, and right of appeal policies.**

Library Director Cohn addressed council and explained reasons for these policies. The three policies have been reviewed by the city attorney and he had no objections to legal form. Discussion occurred as to specific examples and how they were handled.

Councilmember Penry made a motion to approve the polices as presented with a second from Councilmember Lee. Councilmembers Penry, Lee, Terrell voted “AYE” and Councilmember Clay voted “NAY”. Motion carried.

15. **Consider amendments to renewal of one-year Cleveland Municipal Park Facility Use Agreement for Cleveland Youth Baseball Association for usage of the City Municipal Sports Park for March 2019 to March 2020.**

City Manager McDonald stated this is the annual agreement with CYBA and that there are some language changes in the agreement. The president of CYBA, Neil Stuckey, has already signed the agreement as presented. It was commented that the CYBA does pay the light bills at the park.

Councilmember Clay made a motion to approve the amendment to renewal of one-year facility use agreement for CYBA for usage of the municipal sports park for March 2019 to March 2020 with a second from Councilmember Terrell. All members present voted “AYE”. Motion carried.

16. **Consider request from Cleveland Fire Department for authorization to apply for the Staffing for Adequate Fire and Emergency Response (SAFER) Grant**

Fire Chief Anderson addressed council on this topic and stated that the dates for the application have been updated from his template and they are in the council packet backup. The grant is awarded in May/June now and departments have 180 days to do the hiring. The opening date for the grant is now Feb. 15th. City Manager McDonald stated that this is the grant that we discussed in the goals workshop. The grant pays up to \$75k salary + benefits for first two years and third year it is reduced to 35% paid and year four is 100% City's responsibility. It was asked if the employees have to be full-time or can they be

part-time. The reply is that they have to be full-time employees. Discussion occurred regarding volunteers and lack of and how to obtain more.

Councilmember Lee made a motion to approve applying for the SAFER grant with a second from Councilmember Terrell. Councilmembers Lee, Clay and Terrell voted "AYE" and Councilmember Penry voted "NAY". Motion carried.

17. **Consider request from Cleveland Fire Department to proceed with Request for Proposals (RFP) for a RTV Side-by-Side with trailer and a combination skid unit**

Fire Chief Anderson addressed council and stated that they had photos of the item that needed to be purchased in their packet. He reminded them that this is a budgeted item that was approved. It was commented that it doesn't appear to be an item useable in the city mainly in the county area. Fire Chief Anderson gave an incident in the Plum Grove area that it could have been useful. Councilmember Lee commented that if the chief feels it is needed and it saves life, then it is good. The estimate for the items is \$23k to \$25k and that includes a trailer.

Councilmember Lee made a motion to approve the request for RTV side-by-side with trailer and combination skid unit with a second from Councilmember Terrell. Councilmember Lee and Terrell voted "AYE" and Councilmembers Clay and Penry voted "NAY". Mayor Cohn cast the deciding vote as "AYE" and so the motion carried.

18. **Consider authorizing staff to proceed with Request for Qualifications process for administrative grant services for a planning grant through Texas Community Development Block Grant Program update of the City's comprehensive plan.**

City Manager McDonald stated that this is the grant that was mentioned at the workshop to be updated. These grants are available each year and this one is for \$55,000. The deadline to apply is April and this Request for Proposal is for admin and planning. The award date is scheduled for December 2019.

Councilmember Penry made a motion to approve the request for proposal for administrative grant services for a planning grant through the Texas Community Development Block Grant Program with a second from Councilmember Clay.

Prior to voting a question was asked who pays for the grant writing and City Attorney Olson commented that the winning bidder would wear two hats as grant writer and plan developer. The \$66k is for both services however the application work is usually done as precursor work and we pay for the plan.

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

19. **Consider the scoring committee's recommendation to award the Request for Qualifications for electrical engineering services for the assessment at Cleveland Municipal Sports Park for electrical damages done by Hurricane Harvey**

City Manager McDonald spoke and explained that this bid was for engineering services at the Sports Park for repair work caused by Hurricane Harvey. Without going through these steps we will not be reimbursed for work by FEMA. Staff received two bids and one denial letter, HR Green and Bleyl Engineering submitted bids. The scoring committee met on the 13th and the scores were very close however the scoring committee is recommending HR Green for this bid.

Councilmember Penry asked if all the repairs had been done and the reply was no, we only did temporary repair work to get it running last year. With FEMA's help we have an opportunity to raise the electrical higher and we did not have the funding to do permanent repairs previously. Should we have another flood event like Harvey, FEMA would probably not pay if we don't do the mitigation work.

Councilmember Clay made a motion to accept the scoring committee's recommendation to award the bid to HR Green for the engineering work at the Municipal Sports Park with a second from Councilmember Penry. All members voted "AYE". Motion carried.

A question was asked how the scoring is done and Councilmember Clay said that a scoring sheet was provided and explained how it worked. Each person scores on their own page for each of the bidders.

Executive Session

- 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 executive session at 8:14 pm.

Open Session

- 22. **Take action on item from executive session as needed.**

Returned to open session at 9:09 pm

Councilmember Clay made a motion to authorize staff to work with Entergy on dedication of water line to Service Center on FM 2025 with a second from Councilmember Lee.

City Attorney Olson said that Entergy proposed a right-of-way request for waterline to proposed Service Center.

All members present voted "AYE". Motion carried.

Councilmember Clay made a motion to authorize City Manager to approve request from Sunoco pipeline for access only survey at Cleveland Airport for tract listed as 000310 James McCoy, Tract 49, Acres 48.4122 with a second from Councilmember Penry. All members present voted "AYE". Motion carried.

This is for a Sunoco pipeline right to go onto the airport property for survey only.

Adjourn

Councilmember Penry made a motion to adjourn with a second from Councilmember Clay. Meeting adjourned at 9:12 pm.

PASSED AND APPROVED this 19th day of March 2019.

/signed by Danny Lee, Mayor Pro- Tem
Mayor Otis Cohn

ATTEST:

 /signed
Angela Smith, City Secretary TRMC