

City Council met for the monthly City Council on March 19, 2019 in the Council Chambers at City Hall, 907 E. Houston, at 6:00 pm with Mayor Pro-Tem Lee presiding.

**MEMBERS PRESENT:** 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 and Mayor Otis Cohn

**VISITORS PRESENT:** Rebecca Sandt, Mike Halde, Ken Coignet, Jim Carson, Carolyn Comeaux, Vanessa Brashier, Derra Purnell, Marcus Gutierrez, Carolyn McWaters, Caitlyn Stuffs, Matthew Mercado

**EMPLOYEES:** Rod Hainey, Sean Anderson, Mary Cohn, Bobby Pennington, Jeremy Chesnutt, and Darrel Broussard

Mayor Pro-Tem Lee called the meeting to order at 6:00 pm and stated there was a quorum and that Mayor Cohn would not be present due to illness and Councilmember Bergman was absent as she recently delivered her twins. The invocation was given by Lance Blackwell and Councilmember Terrell led the pledge to the US flag and Councilmember Clay led the pledge to the Texas flag.

#### **Public Hearing**

1. **Public hearing on following proposed ordinance amending the City's zoning regulations as recommended by the Zoning Commission as authorized by Chapter 211 of the Texas Local Government Code:**
  - a. **An ordinance amending the Grand Oaks Planned Unit Development District (Grand Oaks PUD) near the intersection of Highway 105 Loop and Highway 321 (Houston St); amending the comprehensive plan to reflect this amendment; and providing a penalty in an amount not to exceed \$2,000 per violation.**

Public hearing was opened at 6:03 pm and Mayor Pro-Tem Lee asked for questions or comments and none were received. Public hearing closed at 6:04 pm.

#### **Presentations and Comments**

2. **Presentation of Employee Service Awards for March 2019**

Colton LaFrance reached his five years with the City but was not present to receive his lapel pin.
3. **Public Comments.**

Jim Carson – provided Chamber update.
4. **Reports and comments from City Council, Mayor or City staff. Regarding matters appearing on the agenda; recognition of community members, city employees, or upcoming events.**

Marilyn Clay – attended a conference in February and recently had sent some information to City Manager that has some useful information.

Fred Terrell – Good turnout at Allies Day

Kelly McDonald – Judge Steely's wife recently passed away. Councilmember Bergman and her new twins are doing fine. Opening ceremony for CYBA is upcoming, Dairy Days parade is April 13<sup>th</sup> and the City will have a float in the parade.

#### **Consent Agenda**

5. **Consider acceptance of monthly financial report for month ending February 2019**
6. **Consider minutes from City Council meetings held in February 2019**

7. Consider acceptance of Certificate of Unopposed Candidates by the City Secretary and consider ordinance declaring Unopposed Candidates in the May 4, 2019 General City Election, Elected to Office; Cancelling the Election
8. Consider approval of Memorandum of Understanding between Humble Independent School District Police Department and the Cleveland Police Department and authorizing Police Chief Darrel Broussard to sign said document
9. Consider acceptance of Annual Profiling Report 2018 from the Cleveland Police Department
10. Consider Professional Services Agreement Amendment No 1 to agreement between HR Green and City of Cleveland for 2018 Texas Community Block Grant Sewer System Improvements grant
11. Consider request for amendment to permanent easement and right of way agreement with Targa/Grand Prix Pipeline LLC due to amending the plat as the footages changed once project was completed.
12. Consider appointment of Delores Terry to vacant position as Alternate on the Zoning Board of Adjustments
13. 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 7218082 - 2018 Downtown Revitalization Program
14. Consider consent to evaluate, investigate and survey for Wink to Webster Pipeline across city owned property located at D Donaho, Tract 69, five acres, Property ID 12603, D Donaho, Tract 39, 40, 57, 71-15, 77-80, 183.2417 Acres, Property ID 12573 and D Donaho, Tract 83, five acres, Property ID 10856 and authorize City Manager to sign such consent.
15. Formally approve motions from February 25, 2019 City Council Return to Open Session from posted Executive Session:
  - a. Authorize staff to work with Entergy on dedication of water line to Service Center on FM 2025
  - b. 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.

Councilmember Penry made a motion to approve all consent items listed with a second from Councilmember Clay. All members present voted "AYE". Motion carried.

#### Discussion and Action

16. Consider an ordinance and possible Quit Claim Deed regarding a request from Robert & Deborah Howell for abandonment of a 20' alley located in at Block 2, Lots 7 & 18, George W Jordan Subdivision

City Attorney Olson referred to the exhibit provided that shows a 10x50 strip highlighted in red. City staff and other parties involved recommend abandonment of the entire alley way instead of just the 10x50 portion. This alleyway does not go anywhere. It is in the City's best interest as well as other owners that council authorize this abandonment.

Councilmember Clay made a motion to approve the abandonment of the 10x50 strip alleyway but prior to a second, City Attorney Olson reminded her that it is the advice to abandon the entire alleyway and asked if she would like to amend her motion. Councilmember Clay amended her motion to approve an ordinance to abandon the alleyway in its entirety and authorized the Mayor to sign the revised ordinance and quit claim deed with a second from Councilmember Terrell.

Councilmembers Lee, Terrell and Clay voted "AYE" and Councilmember Penry had left the council chambers prior to voting so he was not present. Motion passed.

17. Consider the scoring committee's recommendation to award the Request for Qualifications/Proposal for a comprehensive planning grant through Texas Community Development Block Grant Program update of the City's comprehensive plan and approve submitted contract for same (if applicable).

City Manager McDonald stated that the scoring committee's recommendation was to award the bid to HR Green. The scoring committee was Councilmembers Lee & Clay, Finance Director, City Manager, City Secretary and Public Works Director.

Councilmember Penry made a motion to approve the scoring committee's recommendation to award the bid for the comprehensive planning grant to HR Green with a second from Councilmember Clay. All members present voted "AYE". Motion carried.

18. **Consider approving a resolution authorizing the submission of the City's 2019 Texas Community Development Block Grant (TXCDBG) Planning/Capacity/Building (PCB) fund application to TDA and also designating the City Manager as the authorized representative.**

City Manager McDonald stated that this resolution is part of the prior agenda item's application process.

Councilmember Penry made a motion to approve the resolution authorizing the submission of the City's 2019 Texas Community Development Block Grant Planning/Capacity/Building fund application to TDA and designating the City Manager as the authorized representative with a second from Councilmember Terrell. All members present voted "AYE". Motion carried.

19. **Consider proposed ordinance amending the City's zoning regulations as recommended by the Zoning Commission:**
- a. **An ordinance amending the Grand Oaks Planned Unit Development District (Grand Oaks PUD) near the intersection of Highway 105 Loop and Highway 321 (Houston St); amending the comprehensive plan to reflect this amendment; and providing a penalty in an amount not to exceed \$2,000 per violation.**

Assistant City Attorney Purnell spoke on this topic. This change is due to Grand Oaks removing the apartments and it allows for the model homes section and for one of the homes to be a model home office temporarily. The penalty section is the standard fee.

Councilmember Clay made a motion to approve the ordinance amending the Grand Oaks Planned Unit Development District (Grand Oaks PUD) near the intersection of Highway 105 Loop and Highway 321 (Houston St); amending the comprehensive plan to reflect this amendment; and providing a penalty in an amount not to exceed \$2,000 per violation with a second from Councilmember Penry. All members present voted "AYE".

#### **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 6:27 pm.

#### **Open Session**

22. **Take action on items from executive session as needed.**

Council returned to open session at 7:12 pm.

Mayor Pro-Tem Lee asked if there were any actions needed. Councilmember Clay made a motion to approve earnest money contract for Ferguson property on FM 787 as revised with a second from Councilmember Penry. All members present voted "AYE". Motion carried.

#### **Adjourn**

Councilmember Penry made a motion to adjourn with a second from Councilmember Clay. Meeting adjourned at 7:15 pm.

**PASSED AND APPROVED** this 16<sup>th</sup> day of April 2019.

\_\_\_\_\_/signed\_\_\_\_\_  
Mayor Otis Cohn

ATTEST:

\_\_\_\_\_/signed\_\_\_\_\_  
Angela Smith, City Secretary TRMC