

The Cleveland City Council met on November 10, 2009 in the Council Chambers at City Hall, 907 E. Houston, at 6:15 for a reception for recognition of City volunteers, and at 7:00 p.m. for the regular meeting, with Mayor Kirkonis presiding.

PRESENT: Mayor Jill Kirkonis, Councilmember Eddie Lowery, Councilmember Mike Penry, Councilmember Durlene Davis, Councilmember Scott Adams, Councilmember Barbara McIntyre, City Attorney Kenneth Wall, City Manager Philip Cook, City Secretary Kelly McDonald.

STAFF PRESENT: Angela Smith, John Davis, Kellan Shaw, Ashley Yeats, Kim Shelton, Mary Merrell, Steven Rasberry, Mark Bradshaw, Michael Duren, Paul Lowery

VISITORS: Tracey Walters, Carolyn McWaters, Fred Terrell, Mr. & Mrs. Plumlee, Opal Roberts, Reuben Johnson, Allen Driver, Jean McAdams, Bill McAdams, Esther Johnson, Danny Shelton, Brenda Myers, Otis Cohn, Linda Clay, Madie Jones, Mary Lou and Walter Stovall, Sonya Driver

Mayor Kirkonis gave the invocation and Councilmember Lowery led the Pledge of Allegiance.

1. Recognition of Employee of the Month.

City Manager Cook recognized Chief Mark Bradshaw as employee of the month.

2. Recognition of Volunteer of the Quarter.

City Manager Cook recognized Jack Carnes as volunteer of the quarter.

3. Recognition of a local residence and business by Keep Cleveland Beautiful and the City for their outstanding beautification efforts.

Kim Shelton recognized the residence of the month at 120 Isaacks, Mr. & Mrs. Bustos and the business of the month as El Burrito Mexican Restaurant at 422 W. Southline.

4. Report from Chief of Police regarding previous month's activities and comparison of crime statistics for 2008 and those of 2009.

Chief Bradshaw reviewed the month's activities and statistics for 2008 and 2009.

5. Public Comments.

Reuben Johnson, 1111 East Second St., asked for considerations to veterans returning from war and further asked for a drainage plan to help get water out of the Pct. 20 area where flooding occurs.

Mayor Kirkonis advised Clean Sweep would take place November 11 by Waste Management and the Keep Cleveland Beautiful Fall Festival would be held at the Civic Center on November 14.

6. Joint Public hearing for rezoning of Cox-Garvey-Cleveland, Block 23-A, Lot 1, Pt 2, from R-2 Residential District to GC General Commercial District.

Mayor Kirkonis called the public hearing to order at 7:20 p.m. and Carolyn McWaters called the Zoning Commission meeting to order and advised they have a quorum. Opal Roberts, 114 Taft, advised this area had been residential for years and is a quiet neighborhood and would like to keep it that way. Ms. Roberts was concerned that if this property is zoned commercial her taxes would go up.

Rosie Cleveland, 615 N. Holly, advised water drainage in Pct 20 is bad and want the ditches cleaned out. City Manager Cook advised that the area has locates for the work to be done and that it should be repaired soon.

Mayor Kirkonis advised this public hearing is for the rezoning of the above referenced property.

Shirlene Lewis addressed Council as she is the person purchasing the property in question and is requesting the rezone to commercial for a hair salon that will employ 4 to 6 persons and advised her plans are to remodel the metal building on the property for the salon and remove the wood building as it is in poor condition and have that area for parking. Ms. Lewis advised this property is located next to other businesses and if it is commercial property it would be put back on the tax roll as it is now listed as a church and churches do not pay taxes.

With no further comments the public hearing was closed at 7:28 p.m. and the Zoning Commission convened into the board room for the remainder of their meeting.

7. Consider providing a letter of support for fourteen unit Tri-County MHMR HUD funded apartment complex for persons with mental disabilities.

Evan Roberson, Tri-County MHMR, reviewed the project for a 14 unit HUD funded complex for persons with mental disabilities and asked Council for a letter of support on the project, and possible waiver of fees. Councilmember Penry asked what the City would gain from the project. Mr. Roberson advised safe, affordable housing for the mentally ill in Cleveland and that it would probably be a three year process before construction started as the application is being submitted within the week.

Councilmember McIntyre advised this would be a good project for Cleveland as housing is not available in Cleveland for these persons and would also help to know where the special needs persons would be located in the event of an emergency.

Councilmember Lowery advised he supports the project but not in agreement with waiver of fees. Councilmember Penry further advised that attracting more low income housing keeps Cleveland from growing as the median income will remain low. Councilmember Adams asked if the other cities, Huntsville and Montgomery, where these projects were located, waived any fees. Mr. Roberson advised Huntsville did not and Montgomery did not as they were actually a replacement city for Conroe. Councilmember Lowery moved to provide a letter of support but not waive fees, with

a second by Councilmember Davis. Councilmembers Lowery, McIntyre, Davis and Adams voted "AYE", while Councilmember Penry voted "NAY". Motion carried.

8. Presentation and consider request for a lease of certain City properties (between Houston and 787 and adjacent to Peach and Campbell Streets) for the purpose of oil and gas exploration/drilling.

Jeff Grimes and Phil Martin, New Century Exploration reviewed the oil and gas lease within the city limits and asked if there were any questions or issues regarding the lease. Mr. Grimes also advised they had agreed to adjustments to the lease requested by the city, and the 23% royalty. City Attorney Wall advised there are some limitations on the drilling site and asked if they could give the location of the site. Phil Martin reviewed the company and drilling practices. Councilmember Lowery asked for references from the company. City Attorney Wall advised if the city enters into the lease the council would still have to permit the drilling site, hold a public hearing and be approved by City Council. Councilmember Penry stated if the city signs the lease then they would have little say on the site location. City Attorney Wall advised the lease would be of city property and it must be a permitted site. Mayor Kirkonis asked if there was a time frame as to where they would drill. Phil Martin advised the area around the back of Stancil Park was the preferred site. City Manager Cook advised staff was to check the safety standards in our ordinance as to state law and the Railroad Commission regulations. Councilmember Adams suggested a list of questions be made and move forward at the next meeting.

9. Consider new animal control facility construction plan.

Chief Bradshaw reviewed the plan to construct a new facility using the Old Public Works building since there are already three bays partially constructed, water, electric, sanitation and office space. Councilmember Lowery moved to utilize the Old Public Works building, with a second by Councilmember Davis. All Council voted "AYE".

Consent Agenda

City Manager Cook reviewed Items 10-13 on the consent agenda. Councilmember McIntyre moved to accept the consent agenda, items 10-13, with a second by Councilmember Davis. Councilmembers Adams, Davis, McIntyre and Lowery voted "AYE", while Councilmember Penry abstained. Motion carried.

10. Approve recommendation regarding award of five year financial depository and banking services agreement.

11. Approve City Council meeting minutes from October 13 and October 19, 2009.

12. Approval of ordinance prohibiting sale or display of drug paraphernalia; amending Chapter 82 of the City Code by adding Section 82-2.

13. Approval of resale of tax trust property previously approved by Liberty County and CISD at 1705 McKellar for \$2,500.

14. October Budget Report.

Kellan Shaw gave the October budget report.

15. Closed executive session under the Texas Open Meetings Law exception for consultation with attorney.

The meeting was moved to executive session under Section 551.071 of the Texas Open Meetings Act at 8:43 p.m.

16. Open Session.

The meeting was moved into open session at 9:10 p.m. with no action taken.

With no further business before the Council, Councilmember Penry moved to adjourn the meeting at 9:10 p.m., with a second by Councilmember McIntyre. All Council voted "AYE".

PASSED AND APPROVED this ____ day of _____, 2009.

Jill B. Kirkonis, Mayor

ATTEST:

Kelly McDonald, City Secretary