



## Special Called City Council Meeting

Council Chambers  
907 E Houston, Cleveland TX 77327  
or virtually by Zoom  
Jan 13, 2021 ☐ 6:00 pm

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### **Invocation, Pledge, and Roll Call**

__ Richard Boyett, Mayor	__ Interim City Manager
__ Carolyn McWaters, Position 1	__ City Secretary
__ Marilyn Clay, Position 2	__ City Attorney
__ James Franklin, Position 3	
__ Delores Terry, Position 4	
__ Danny Lee, Position 5 – Mayor Pro-Tem	

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Notice is hereby given of the Special Called City Council Meeting to be held on **January 13, 2021, at 6:00 pm both in person & virtually** due to the need for social distancing and protection of council and the public. The City Council reserves the right to meet in a closed session on any agenda item should the need arise and if applicable pursuant to authorization of Title 5, Chapter 551 of the Texas Government Code.

The public will be allowed to be physically present at this meeting and the meeting will also be available virtually to members of the public and allow for two-way communications for those desiring to participate virtually.

**The City will be using a telephone/video conferencing tool called ZOOM to make the meeting available to the public. You have several options to participate.**

- 1) Phone in at 346-248-7799 US (Houston) and enter Meeting ID 814 5960 9713**
- 2) Use the link - <https://us02web.zoom.us/j/81459609713>**
- 3) Download the ZOOM app on your phone and enter Meeting ID 814 5960 9713 to join**

A recording of the telephone/video meeting will be available to the public in accordance with the Open Meetings Act on the city's website – [www.clevelandtexas.com](http://www.clevelandtexas.com) as soon as electronically possible.

The agenda packet will be accessible to the public as a PDF format at the following link <https://www.clevelandtexas.com/agendacenter> under *City Council - Jan 13, 2021*. The meeting will also be shown on Facebook Live on the City's Facebook account at [facebook.com/cityofclevelandtx](https://facebook.com/cityofclevelandtx).

For more information or questions concerning the teleconference, please contact the City Secretary's office at 281-592-2667.

*Members of the Cleveland Economic Development Corporation Board (EDC) may be attending and participating. If a quorum of EDC is present, then this meeting of the Cleveland City Council shall also be a meeting of the Cleveland Economic Development Corporation.*

## **Presentations and Comments**

### 1. 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. *If you are attending via Zoom you can comment to the host when we open the floor for public comments section*
- b. *If you emailed your request for public comment, then the City Secretary will inform the council of your request.- Email request prior to 5:30 pm on the date of the meeting to [asmith@clevelandtexas.com](mailto:asmith@clevelandtexas.com) is required.*
- c. *The Council is not required to reply during public comments*

## **Consent Agenda**

*All consent agenda items are considered routine by City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember requests an item be removed and considered separately.*

### **Consideration and possible action on following:**

2. Resolution of the City Council of the City of Cleveland, Texas adopting guidelines and criteria for 2021 COVID-19 Sick Leave Procedure and Establishing an Effective Date of January 1, 2021.

## **Executive Session**

*The City Council reserves the right to meet in closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.*

*Council will leave the public Zoom meeting and conduct the Executive Session separately. They will return back to the Zoom meeting after the Closed Executive Session is completed.*

3. Closed Executive Session under Texas Local Government Code 551.071 for Consultation with Attorney.
4. Closed Executive Session under Texas Local Government Code 551.074 to discuss the applications for appointment of the Municipal Court Judge.

## **Return to Open Session**

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

## **Adjourn**

I certify that the above Agenda was posted at City Hall, 907 E. Houston, and the City's website on January 8, 2021 by 4:00 pm.



Angela Smith, TRMC  
City Secretary/HR Manager

*Members of the Cleveland Economic Development Corporation Board (EDC) may be attending and participating. If a quorum of EDC is present, then this meeting of the Cleveland City Council shall also be a meeting of the Cleveland Economic Development Corporation.*



**CITY OF  
CLEVELAND**  
Council Memorandum

Item No. 1

To: Mayor and Council

Via: Interim City Manager

Cc: City Secretary

**Agenda Item:** Public Comments

**Agenda Dates:** January 13, 2020

**Originating Department:** City Council

Background Information: 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 Comments will be limited to three minutes.**

**Zoom Meeting Public Comments Instructions**

- a. *If you are attending via Zoom, 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*
- b. *If you emailed your request for public comment, then the City Secretary will inform the council of your request.- Email request prior to 5:30 pm on the date of the meeting to [asmith@clevelandtexas.com](mailto:asmith@clevelandtexas.com) is required.*
- c. *The Council is not required to reply during public comments.*



**CITY OF  
CLEVELAND**  
Council Memorandum

Item No. 2

To: Mayor and Council

Via: Interim City Manager

Cc: City Secretary

**Agenda Item:** Consider resolution adopting guidelines and criteria for 2021 COVID-19 Sick Leave Procedures establishing an effective date of Jan 1, 2021

**Agenda Date:** Jan 13, 2021

**Originating Department:** City Manager

**Background Information:** In 2020, the federal government had a plan called the Families First Coronavirus Response Act, which allowed employees to have up to 80 hours or two weeks (10 days) of paid time for COVID-19 issues. This program was not extended by the federal government and has since expired on Dec 31, 2020. By not having this federal plan, any employee that test positive, gets exposed and has to quarantine or has a family member that is testing positive would be required to use their sick or vacation time to cover their absence. If they do not have any time, they would have to use unpaid leave. This affects our employees in a negative way so the proposed resolution will help take the place of the missing federal plan.

**Discussion & Conclusion:** This proposed resolution will allow all city employees the same coverage for 2021 without having to use their sick or vacation time accrual balances until they have exhausted their 80 COVID-19 hours.

This policy will be retroactive to Jan 1, 2021 and will cover the entire year. After the employee has used all of their allotted time, they will then be required to use their sick or vacation time if they are still required to be quarantined.

**Financial:** Salaries are already budgeted so there is no extra expense to the City. This benefit is not paid out upon termination.

**Recommendation:** Approve resolution

**Attachment(s) List:** Proposed Resolution 1 13 2021.

RESOLUTION NO. \_1-13-2021

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLEVELAND, TEXAS ADOPTING  
GUIDELINES AND CRITERIA FOR 2021 COVID-19 SICK LEAVE PROCEDURE AND  
ESTABLISHING AN EFFECTIVE DATE OF JANUARY 1, 2021.

\* \* \* \* \*

**WHEREAS**, in December 2019, a novel respiratory disease named "SARS-CoV-2" that causes a disease named "coronavirus disease 2019" ("COVID-19") was detected in Wuhan City, Hubei Province, China; and

**WHEREAS**, symptoms of COVID-19 include fever, cough, and shortness of breath that may result in mild to severe illness, and in some cases death; and

**WHEREAS**, on January 30, 2020, the World Health Organization Director General declared the outbreak of COVID-19 as a Public Health Emergency of International Concern and advised countries to prepare for the containment, including active surveillance, early detection, isolation and case management, contact tracing, and prevention of onward spread of the disease; and

**WHEREAS**, on January 31, 2020, the U.S. Health and Human Services Secretary declared a public health emergency for the United States to aid the nation's healthcare community in responding to COVID-19; and the City of Cleveland has done a Disaster Declaration that extends to May 20, 2020 or until repealed, and

**WHEREAS**, according to the Center for Disease Control ("CDC"), it is likely that at some point, widespread transmission of COVID-19 in the United States will occur; and

**WHEREAS**, the CDC warns that widespread transmission of COVID-19 would translate into large numbers of people needing medical care at the same time; and

**WHEREAS**, the CDC also warns that schools, childcare centers, workplaces, and other places for mass gatherings may experience more absenteeism; public health and healthcare systems may become overloaded with elevated rates of hospitalizations and deaths; other critical infrastructure, such as law enforcement, emergency medical services, and transportation industry may also be affected; and health care providers and hospitals may be overwhelmed; and

**WHEREAS**, given, among other things, including the CDC's guidance, there is an ongoing risk and likelihood of COVID-19-positive patients being identified in the City of Cleveland; and

**WHEREAS**, the City, local health agencies, and political subdivisions within the region have been working diligently to implement CDC guidelines, but now require additional tools and resources to protect the public health given the current state of the pandemic and the need for a sustained response;

**WHEREAS**, the Families First Coronavirus Response Act, which provides additional benefits for all Americans was duly enacted and went into effect on April 1, 2020; and

**WHEREAS**, the benefits provided by the FFCRA were not extended by the federal government and as such expired effective December 31, 2020;

**WHEREAS**, under this COVID-19 Pandemic, there is a significant impact to City employees' ability to have their absences covered with city paid sick leave since the federal sick leave laws expired Dec, 31, 2020 when due to positive testing or quarantine needs due to the spread of the COVID-19, so to continue continuity of municipal service and support of municipal employees,

**NOW, THEREFORE BE IT RESOLVED BY THE CITY OF CLEVELAND, TEXAS:**

**Section 1.** The City of Cleveland adopts this COVID-19 Sick Leave Procedure and follows the federal sick leave requirements as it relates to providing support for paid sick leave on COVID-19 issues for municipal employees during this challenging time.

**Scope.**

This policy applies to full-time and part-time, exempt and non-exempt City of Cleveland employees which includes first responders. For purposes of this policy, first responder means firefighters, all sworn police personnel and police dispatchers.

1. This temporary policy applies to all employees who have been employed by the City for a minimum of fifteen (15) days prior to use of the COVID Sick Leave.
  - a. Employees will be eligible to take up to a maximum of two (2) weeks (hours during this time not to exceed the maximum 80 hours allowed) or up to maximum of eighty (80) hours of paid sick COVID leave, under this program for any of the following qualifying reasons:
    - b. the employee is under a Federal, State, or local quarantine or isolation order related to COVID-19;
    - c. the employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
    - d. the employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis;
    - e. the employee is under a state or local isolation order because the employee, or a resident of his/her household, has tested positive for COVID-19.
2. This COVID-19 paid leave is covered by the city and will not affect the employees' accrued sick or vacation time balances unless the COVID-19 paid leave has been exhausted.
3. Any unused COVID-19 leave is not eligible to be paid out at termination. This leave will not roll-over at the end of the calendar year.
4. Employees' hours determined for purposes of the qualified paid sick leave requirements

- i. Full-time employees are allowed up to 80 hours or two weeks (10 days) of paid sick leave between January 1, 2021, and December 31, 2021. The paid two weeks (10 days) will not exceed the allowed 80 hours. Part-time employees are entitled to the number of hours of paid sick leave that the employee works, on average, in a two-week period.
  2. An employee requiring leave beyond the two (2) weeks may supplement, with the City's approval, the remainder of the duration with their existing sick leave or vacation time accrual.
5. This policy does not cover any childcare or school related COVID-19 issues.
6. This policy does not amend the Employee Handbook, but provides only an additional interim administrative leave policy for the COVID-19 pandemic. Nothing in this resolution shall be construed to violate the Fair Labor Standard Act, affect the regular wage or to alter the at-will status of employees.
7. Nothing herein shall be construed to affect the non-exempt or exempt status of the impacted employees.
7. The guidelines listed above hereto be and they are hereby, adopted for the time period of January 1, 2021 to December 31, 2021. Provided, further, the City Council reserves the right to amend or terminate this policy at its convenience.

PASSED AND APPROVED this \_\_\_\_\_ day of January 2021

\_\_\_\_\_  
Richard Boyett, Mayor

ATTEST:

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Angela Smith, City Secretary