



# Monthly City Council Meeting and Joint Meeting/Public Hearing with Zoning

Commission City Council Chambers  
907 E Houston, Cleveland TX 77327  
and virtually via Zoom  
April 20, 2021 ☐ 6:00 pm

## Invocation, Pledge, and Roll Call

__ Richard Boyett, Mayor	__ 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	

Notice is hereby given of the Monthly City Council Meeting to be held on **April 20, 2021, at 6:00 pm both in person & virtually** due to the need to 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 895 3710 3419**
- 2. Use the link - <https://us02web.zoom.us/j/89537103419>**
- 3. Download the ZOOM app on your phone and enter Meeting ID 895 3710 3419 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 - April 20, 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.*

## **Joint Public Hearing with City Council & Zoning Commission**

1. Open Public Hearing on proposed ordinance to amend the Comprehensive Zoning and Map to accurately reflect certain annexed areas on the map by following the lot lines.
  - a. The public hearing will be held specifically on the following item:

Proposed Ordinance to amend the City's Comprehensive Zoning and Map to accurately reflect certain annexed areas on the map generally located on Hwy 321 past CR 318.
2. Close Public Hearing

*Zoning Commission will leave council chambers to continue their meeting and will return with a final report.*

## **Public Hearing on Zoning Change**

3. *Open Public Hearing* on proposed ordinance amending the City's Comprehensive Zoning Ordinance and Map to allow water and sewer plants to be eligible to apply for a specific use permit in all existing Zoning Districts
  - a. The public hearing will be held specifically on the following item:

A final report of the Zoning Commission recommending approval and consideration by City Council of an ordinance of the City of Cleveland, Texas, amending the City's code of ordinances by revising Chapter 126, "Zoning" by adding a new section 126-122(8), amending section 126-137(3), amending section 126-147(3), amending section 126-162(5), adding a new section 126-172(e), amending section 126-192(56), adding a new section 126-202(3), and adding a new section 126-212(38), providing that water and sewer plants are eligible for consideration under a specific use permit in all zoning districts; providing for severability; providing for repeal; providing for a penalty as provided by section 1-10 of the code of ordinances; providing for other provisions related to the subject.
4. *Close Public Hearing*

*Action taken by Council will be done under the Discussion and Action section.*

## **Presentations and Comments**

5. Presentation of Employee Service Awards for April 2021
6. Presentation by Swim USA-Woodlands on local swim outreach plan
7. Presentation by VLK – Tom Rutledge on Cleveland ISD School Construction Project for location near FM 2025
8. 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**

*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.*

- 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*
9. 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.

### **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:**

10. Minutes from City Council meeting held on March 16, 2021
11. Monthly Financial Report
12. An ordinance City declining to approve the change in rates requested in Entergy Texas, Inc.'s ("ETI" or "company") statement of intent filed with the City in 2020, and finding and determining that the meeting at which this ordinance was considered was open to the public and in accordance with Texas law
13. Airport Amendment No 1 to existing contract for the 2020CLVND Airport Project and authorize City Manager to execute the amendment
14. Interlocal Agreement between Cleveland Independent School District and City of Cleveland for purpose of contracting for performance of governmental functions and services – namely Fire Inspection services outside of city limits on school buildings
15. Interlocal Agreement between Cleveland Independent School District and City of Cleveland for purpose of contracting for performance of governmental functions and services – namely to provide transportation and driver for community service swim events
16. Request and resolution for temporary closure of part of Houston street for Juneteenth Parade on June 19, 2021
17. Amendment No 1 to existing lawn maintenance contract with Texas Select Lawn Care to extend contract for additional year of service with no changes other than termination date and authorize City Manager to execute amendment
18. Amendment No. 2 for additional one-year renewal of the Storm Restoration agreement with the City of Cleveland and TDG General Contractors Inc.
19. Ordinance amending Chapter 58, Section 101, "Floods" of the City of Cleveland Code of Ordinances by amending designation of floodplain administrator; and making other provisions related to the subject
20. 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 (miscellaneous departments)

### **Discussion and Action**

21. Consideration and possible action on use of Public Surplus for online bids/auctions for surplus items and authorize City Manager to sign appropriate documents for this service

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22. Consideration and possible action on Proposal for Engineering Services – Elevated Storage Tank Inspections and Recommendations for structures at 298 East Boothe Street and 906 Denison Avenue – Project No 258-0001 in the amount of \$13,000 and authorize City Manager to execute agreement
23. Consideration and possible action to accept formal recommendation of Zoning Commission to adopt ordinance of the City of Cleveland, Texas, amending the City's code of ordinances by revising Chapter 126, "Zoning" by adding a new section 126-122(8), amending section 126-137(3), amending section 126-147(3), amending section 126-162(5), adding a new section 126-172(e), amending section 126-192(56), adding a new section 126-202(3), and adding a new section 126-212(38), providing that water and sewer plants are eligible for consideration under a specific use permit in all zoning districts; providing for severability; providing for repeal; providing for a penalty as provided by section 1-10 of the code of ordinances; providing for other provisions related to the subject
24. Consideration and possible action to accept formal recommendation of Zoning Commission to adopt ordinance amending the City's Code of Ordinances by adopting a Revised Official Zoning Map, as established in Section 126-102 of the City's' Comprehensive Ordinance; providing for severability; providing for repeal; providing for penalty as provided by Section 1-10 of the Code of Ordinances; providing for other provisions related to the subject (accurately reflect certain annexed areas on the map generally located on Hwy 321 past CR 318).
25. Consideration and possible action on request for waiver of rental fees or request discounted rate for use of Stancil Expo Center for May 8, 2021 for fundraiser Memorial Rodeo for a rodeo family who lost their child recently
26. Consideration and possible action for council to review the request from Liberty Church to abandon Pate Street from FM 2025 to Cedar Street to allow future building and to call a public hearing prior to formal action
27. Consideration and possible action on street name change request submitted for East 1<sup>st</sup> Street to Johnson Street to honor Rueben and Esther Johnson
28. Consideration and possible action on approval to go out for Request for Bids for electrical repairs at the Municipal Sports Park related to Harvey FEMA Project being handled by HR Green
29. Discussion on ways to curtail illegal dumping in the City of Cleveland
30. Consideration and possible action on approval to go out for Request for Qualifications for engineering services for a metal structure for the proposed police evidence building
31. Consideration and possible action on approval to go out for Request for Qualifications for engineering services for pavilion at the Stancil Expo Center to replace the old Senior Bldg
32. Consideration and possible action on approval to go out for Request for Qualifications for administration and engineering services for the American Rescue Plan of 2021/Coronavirus Local Fiscal Recovery Fund

## **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 to the Zoom meeting after the Closed Executive Session is completed.***

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33. Closed Executive Session under Texas Local Government Code 551.071 for Consultation with Attorney.
34. Closed Executive Session under Texas Local Government Code 551.072 to deliberate the purchase, exchange, lease or value of real property.

**Return to Open Session**

35. 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, Cleveland Texas 77327 and the City's website on April 16, 2021 at 4:00 pm.



Angela Smith, TRMC  
Director of Admin Services  
City Secretary