

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, MARCH 14, 2022 AT 3:00 P.M. AT THEIR REGULAR MEETING PLACE IN THE CLEVELAND MUNICIPAL BUILDING.

Present and presiding was Mayor Kevin Brooks. Also present were Vice Mayor Avery Johnson, Councilmen Bill Estes, Tom Cassada, David May, Jr., Dale Hughes, Ken Webb and Councilwoman Marsha McKenzie. Others in attendance were City Manager Joe Fivas; Shawn McKay, Assistant City Manager/CFO; Corey Divel, Assistant to the City Manager; Beverley Lindsey, Assistant to the City Manager; Christy Brandon, Assistant City Clerk; City Attorney John Kimball; Kris Miller, IT Director; Police Chief Mark Gibson; Fire Chief Bobby Gaylor; Jonathan Jobe, Development and Engineering Director and Tim Siniard with the *Cleveland Daily Banner*. Following the Pledge of Allegiance to the American Flag and prayer by Vice Mayor Johnson, the following business was then entered into:

WAIVE READING OF MINUTES

Vice Mayor Johnson moved that the City Council of the City of Cleveland waive the reading of the minutes of the Regular Session of the City Council held on February 28, 2022 and approve them as written. The motion was seconded by Councilman May; and upon roll call, the motion unanimously passed.

SPECIAL PRESENTATIONS AND PUBLIC COMMENTS

No special presentations and public comments.

HEARING PETITIONS AND COMMUNICATIONS

No hearing petitions and communications.

CONSENT AGENDA

Councilman Hughes moved to approve the following items from the Consent Agenda. The motion was seconded by Vice Mayor Johnson; and upon roll call, the consent agenda unanimously passed.

- **Resolution 2022-20** – Authorizing a loan agreement in the principal amount not to exceed \$825,000 for Wastewater Facilities Project (Cleveland Utilities).

CITY OF CLEVELAND DWF 2022-247 AUTHORIZING RESOLUTION 2022-20

RESOLUTION AUTHORIZING AND PROVIDING FOR THE FINANCING OF THE CONSTRUCTION OF A WATER FACILITIES PROJECT, INCLUDING AUTHORIZING THE EXECUTION OF APPLICATIONS, CONTRACTUAL AGREEMENTS, AND OTHER NECESSARY DOCUMENTS, AND MAKING CERTAIN REPRESENTATIONS, CERTIFICATIONS, AND PLEDGES OF CERTAIN REVENUE IN CONNECTION WITH SUCH FINANCING.

WHEREAS, the City of Cleveland is a public and governmental body in Cleveland (Bradley County) , Tennessee (the "Local Government"); and

WHEREAS, the Local Government has determined that it is necessary and desirable to undertake certain activities or tasks in connection with a water facilities project, Department of Environment and Conservation Number DWF 2022-247 (the "Project"), in and for the Local Government; and

WHEREAS, Drinking Water Revolving Loan Fund Act of 1997, Tennessee Code Annotated, Sections 68-221-1201 et seq., provide for the lending of funds in the water facilities Revolving Loan Fund to Local Governments for the purpose of providing funds for Project Loans; and

WHEREAS, the Local Government has determined that it is necessary and advisable to borrow funds for the Project pursuant to these sections.

NOW, THEREFORE, be it resolved as follows:

Section 1. Local Government hereby approves the creation of indebtedness on behalf of the Local Government in the principal amount of eight hundred twenty-five thousand dollars (\$825,000) by the obtaining of a Project Loan.

Section 2. The execution and delivery of the application for a Project Loan in the principal amount of eight hundred twenty-five thousand dollars (\$825,000), for the purpose of funding all or a portion of the total estimated cost of the Project, which is eight hundred twenty-five thousand dollars (\$825,000), by Tim Henderson, the President/CEO Cleveland Utilities Board of the Local Government, is hereby ratified and approved in all respects.

Section 3. The form, terms, and provisions of the agreement for the Project Loan among the Local Government, the Tennessee Department of Environment and Conservation and the Tennessee Local Development Authority (the "Loan Agreement"), as presented at this meeting, are hereby approved.

Section 4. The Local Government hereby agrees to honor and accept the method of financing as may be determined by the Authority pursuant to the Loan Agreement.

Section 5. The Local Government hereby agrees to make the monthly payments on the Project Loan in accordance with the Payment Schedule to be attached to the Loan Agreement.

Section 6. The Local Government hereby agrees to levy fees, rates or charges for services provided by the Project and/or to levy ad valorem taxes sufficient to pay the interest on and principal of the Project Loan in accordance with the Loan Agreement. The Local Government also agrees to levy fees, rates, or charges and/or ad valorem taxes sufficient to pay the cost of operation and maintenance of the water system of which the Project is a part, which cost shall include depreciation and all other debt service expense of the system.

Section 7. The Local Government assigns and pledges its State-Shared Taxes to the State and consents to the withholding and application of State-Shared Taxes in the event of failure by the Local Government to remit monthly payments in accordance with the terms of the Loan Agreement, as the Loan Agreement may be supplemented or amended from time to time.

Section 8. The Local Government hereby agrees that there are no local pledges of State-Shared Taxes other than those disclosed.

Section 9. The Local Government hereby agrees to obtain alternative methods of financing for all costs necessary for the completion of the Project which are in excess of the combined financing provided by any agency of the United States Government and by the Tennessee Local Development Authority.

Section 10. The President/CEO Cleveland Utilities Board of the Local Government is authorized and directed to execute the Loan Agreement, and any amendments or supplements to the Loan Agreement, in the name and behalf of the Local Government; to deliver such documents to the other parties to such documents, such execution and delivery to be conclusive proof of the approval of the Local Government of such documents; and to take such further action and to execute and deliver such further instruments or documents as such officer may consider necessary or advisable in connection with the Loan Agreement. Provided, however, this resolution shall not be deemed to grant authority to the named officer to approve any increase in the amount of the Project Loan.

Section 11. All orders, resolutions, or ordinances in conflict with this resolution are and the same are repealed insofar as such conflict exists. This resolution shall become effective immediately upon its passage.

Duly passed and approved this _____ day of _____, 2022.

I certify under penalty of law that this document and all attachments were prepared by me, or under my direction or supervision. The submitted information is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting

false information, including the possibility of fine and imprisonment. As specified in Tenn. Code Ann. § 39-16-702(a)(4), this declaration is made under penalty of perjury.

Kevin Brooks, Mayor

- **Resolution 2022-21** - Authorizing the Mayor to sign an agreement with Wisser Consultants, LLC for CEI Services for the Paul Huff Resurfacing Project.

RESOLUTION 2022-21

A RESOLUTION APPROVING OF THE SELECTION OF WISER CONSULTANTS, LLC TO PROVIDE PROFESSIONAL CONSTRUCTION ENGINEERING AND INSPECTION (CEI) SERVICES FOR THE PAUL HUFF PARKWAY RESURFACING PROJECT AND APPROVING OF A PROFESSIONAL SERVICES AGREEMENT FOR THIS PROJECT

WHEREAS, the City is proceeding with the Paul Huff Resurfacing Project; and

WHEREAS, the City staff are recommending to the City Council that the City select Wisser Consultants, LLC to provide professional construction engineering and inspection (CEI) services for this project; and

WHEREAS, the City Council desires to approve of the selection of Wisser Consultants, LLC for the professional services described herein, and to authorize the Mayor to execute the attached professional services agreement with Wisser Consultants, LLC on behalf of the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cleveland, Tennessee that the City Council does hereby approve of the selection of Wisser Consultants, LLC to provide professional services as described in the attached agreement, and the City Council further authorizes the Mayor to execute the agreement on behalf of the City.

This 14th day of March, 2022.

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Kevin Brooks, Mayor

Shawn McKay, City Clerk

- **Resolution 2022-22** – Authorizing the City to purchase firefighter self-contained breathing apparatus through the Master Intergovernmental Cooperative Purchasing Agreement #PS20120.

RESOLUTION 2022-22

A RESOLUTION AUTHORIZING THE CITY OF CLEVELAND TO PURCHASE FIRE FIGHTER SELF CONTAINED BREATHING APPARATUS (SCBA) THROUGH MASTER INTERGOVERNMENTAL COOPERATIVE PURCHASING AGREEMENT #PS20120, AS AMENDED, WHICH IS ADMINISTERED BY NATIONAL PURCHASING PARTNERS, LLC dba PUBLIC SAFETY GPO, dba FIRST RESPONDER GPO, dba LAW ENFORCEMENT GPO and dba NPPGOV, A NATIONAL COOPERATIVE PROCUREMENT ORGANIZATION FOR THE LEAGUE OF OREGON CITIES.

WHEREAS *Tennessee Code Annotated* § 12-3-1205 provides that any municipality may participate in, sponsor, conduct, or administer a “cooperative purchasing agreement” for the procurement of any supplies, services, or construction with one (1) or more other local

governments in accordance with an agreement entered into between the participants, including governmental entities outside this state; and

WHEREAS, the Master Intergovernmental Cooperative Purchasing Agreement (“MICPA”) to provide fire fighter self contained breathing apparatus (SCBA) between Municipal Emergency Services, Inc/Lawmen Supply Company (“Company”) and League of Oregon Cities (“Lead Public Agency”) in cooperation with National Public Partners, LLC dba Public Safety GPO, dba First Responder GPO, dba Law Enforcement GPO and dba NPPGov, a National Cooperative Procurement Organization on behalf of the Lead Public Agency and any Participating Public Agency, which may include the City of Cleveland, Tennessee, meets the authorized public bidding requirements for the State of Tennessee and allows governmental purchases of fire fighter self contained breathing apparatus pursuant to this MICPA at discounted contract prices, as permitted by *Tennessee Code Annotated* § 12-3-1205; and

WHEREAS, the City of Cleveland is authorized to participate in this Master Intergovernmental Cooperative Purchasing Agreement provided that it adopts a resolution accepting the terms of the Master Agreement and the City of Cleveland as a participant acquires and maintains documentation that the purchasing entity that procured the bid complied with the purchasing requirements for the City of Cleveland pursuant to *Tennessee Code Annotated* § 12-3-1205; and

WHEREAS, the City Manager has determined that the Master Agreement shall be construed in accordance with and governed by the laws of the State in which the City of Cleveland exists as a participating agency and that the City of Cleveland has registered on-line with NPPGov which allows the City of Cleveland to enter into this MICPA and which is intended to allow the City of Cleveland to meet applicable legal requirements and facilitate access to the Master Agreement and the Company under Contract #PS20120, as amended, held by the League of Oregon Cities as required by *Tennessee Code Annotated* § 12-3-1205 (a)(1).

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE that the City of Cleveland be and is hereby authorized to purchase fire fighter self contained breathing apparatus as a participating public agency under MICPA Contract #PS20120, as amended, held by League of Oregon Cities as required by *Tennessee Code Annotated* § 12-3-1205 (a)(1) through NPPGov, to be used by the Fire Department for the City of Cleveland.

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Kevin Brooks, Mayor

Shawn McKay, City Clerk

- **Resolution 2022-23** – Authorizing the City to purchase firefighting equipment through the Master Intergovernmental Cooperative Purchasing Agreement #PS20040.

RESOLUTION 2022-23

A RESOLUTION AUTHORIZING THE CITY OF CLEVELAND TO PURCHASE FIRE FIGHTING EQUIPMENT THROUGH MASTER INTERGOVERNMENTAL COOPERATIVE PURCHASING AGREEMENT #PS20040, AS AMENDED, WHICH IS ADMINISTERED BY NATIONAL PURCHASING PARTNERS, LLC dba PUBLIC SAFETY GPO, dba FIRST RESPONDER GPO, dba LAW ENFORCEMENT GPO and dba NPPGOV, A NATIONAL COOPERATIVE PROCUREMENT ORGANIZATION FOR THE LEAGUE OF OREGON CITIES.

WHEREAS *Tennessee Code Annotated* § 12-3-1205 provides that any municipality may participate in, sponsor, conduct, or administer a “cooperative purchasing agreement” for the

procurement of any supplies, services, or construction with one (1) or more other local governments in accordance with an agreement entered into between the participants, including governmental entities outside this state; and

WHEREAS, the Master Intergovernmental Cooperative Purchasing Agreement (“MICPA”) to provide fire fighting equipment between Municipal Emergency Services, Inc/Lawmen Supply Company (“Company”) and League of Oregon Cities (“Lead Public Agency”) in cooperation with National Public Partners, LLC dba Public Safety GPO, dba First Responder GPO, dba Law Enforcement GPO and dba NPPGov, a National Cooperative Procurement Organization on behalf of the Lead Public Agency and any Participating Public Agency, which may include the City of Cleveland, Tennessee, meets the authorized public bidding requirements for the State of Tennessee and allows governmental purchases of fire fighter equipment pursuant to this MICPA at discounted contract prices, as permitted by *Tennessee Code Annotated* § 12-3-1205; and

WHEREAS, the City of Cleveland is authorized to participate in this Master Intergovernmental Cooperative Purchasing Agreement provided that it adopts a resolution accepting the terms of the Master Agreement and the City of Cleveland as a participant acquires and maintains documentation that the purchasing entity that procured the bid complied with the purchasing requirements for the City of Cleveland pursuant to *Tennessee Code Annotated* § 12-3-1205; and

WHEREAS, the City Manager has determined that the Master Agreement shall be construed in accordance with and governed by the laws of the State in which the City of Cleveland exists as a participating agency and that the City of Cleveland has registered on-line with NPPGov which allows the City of Cleveland to enter into this MICPA and which is intended to allow the City of Cleveland to meet applicable legal requirements and facilitate access to the Master Agreement and the Company under Contract #PS20040, as amended, held by the League of Oregon Cities as required by *Tennessee Code Annotated* § 12-3-1205 (a)(1).

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE that the City of Cleveland be and is hereby authorized to purchase fire fighting equipment as a participating public agency under MICPA Contract #PS20040, as amended, held by League of Oregon Cities as required by *Tennessee Code Annotated* § 12-3-1205 (a)(1) through NPPGov, to be used by the Fire Department for the City of Cleveland.

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Kevin Brooks, Mayor

Shawn McKay, City Clerk

- **Resolution 2022-24** – Authorizing the City to purchase firefighter personal protective equipment through the Master Intergovernmental Cooperative Purchasing Agreement #PS20070.

RESOLUTION 2022-24

A RESOLUTION AUTHORIZING THE CITY OF CLEVELAND TO PURCHASE FIRE FIGHTER PERSONAL PROTECTIVE EQUIPMENT (PPE) THROUGH MASTER INTERGOVERNMENTAL COOPERATIVE PURCHASING AGREEMENT #PS20070, AS AMENDED, WHICH IS ADMINISTERED BY NATIONAL PURCHASING PARTNERS, LLC dba PUBLIC SAFETY GPO, dba FIRST RESPONDER GPO, dba LAW ENFORCEMENT GPO and dba NPPGOV, A NATIONAL COOPERATIVE PROCUREMENT ORGANIZATION FOR THE LEAGUE OF OREGON CITIES.

WHEREAS *Tennessee Code Annotated* § 12-3-1205 provides that any municipality may participate in, sponsor, conduct, or administer a “cooperative purchasing agreement” for the procurement of any supplies, services, or construction with one (1) or more other local

governments in accordance with an agreement entered into between the participants, including governmental entities outside this state; and

WHEREAS, the Master Intergovernmental Cooperative Purchasing Agreement (“MICPA”) to provide fire fighter personal protective equipment (PPE) between Municipal Emergency Services, Inc/Lawmen Supply Company (“Company”) and League of Oregon Cities (“Lead Public Agency”) in cooperation with National Public Partners, LLC dba Public Safety GPO, dba First Responder GPO, dba Law Enforcement GPO and dba NPPGov, a National Cooperative Procurement Organization on behalf of the Lead Public Agency and any Participating Public Agency, which may include the City of Cleveland, Tennessee, meets the authorized public bidding requirements for the State of Tennessee and allows governmental purchases of fire fighter personal protective equipment pursuant to this MICPA at discounted contract prices, as permitted by *Tennessee Code Annotated* § 12-3-1205; and

WHEREAS, the City of Cleveland is authorized to participate in this Master Intergovernmental Cooperative Purchasing Agreement provided that it adopts a resolution accepting the terms of the Master Agreement and the City of Cleveland as a participant acquires and maintains documentation that the purchasing entity that procured the bid complied with the purchasing requirements for the City of Cleveland pursuant to *Tennessee Code Annotated* § 12-3-1205; and

WHEREAS, the City Manager has determined that the Master Agreement shall be construed in accordance with and governed by the laws of the State in which the City of Cleveland exists as a participating agency and that the City of Cleveland has registered on-line with NPPGov which allows the City of Cleveland to enter into this MICPA and which is intended to allow the City of Cleveland to meet applicable legal requirements and facilitate access to the Master Agreement and the Company under Contract #PS20070, as amended, held by the League of Oregon Cities as required by *Tennessee Code Annotated* § 12-3-1205 (a)(1).

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE that the City of Cleveland be and is hereby authorized to purchase fire fighter personal protective equipment as a participating public agency under MICPA Contract #PS20070, as amended, held by League of Oregon Cities as required by *Tennessee Code Annotated* § 12-3-1205 (a)(1) through NPPGov, to be used by the Fire Department for the City of Cleveland.

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Kevin Brooks, Mayor

Shawn McKay, City Clerk

- **Bid Update** – College Hill Sports Flooring System.

**AGENDA ITEM
MEMORANDUM**

TO: Mayor and City Council
FROM: Kristi Powers, Budget/Purchasing Coordinator
DATE: March 14, 2022
RE: Bid Summary – College Hill Recreation Sports Flooring System

SUMMARY:

The City advertised to receive sealed bids for a new hardwood sports flooring system at College Hill Recreation. No bids were received.

COMMITTEE FINDINGS:

No Board or Committee findings.

FISCAL ANALYSIS:

None.

RECOMMENDATION:

City will rebid this project.

- **Surplus Property** – Declaring a 2002 Crown Victoria as surplus property and to be used for Fire Department training.

**AGENDA ITEM
MEMORANDUM**

TO: Mayor and City Council
FROM: Kristi Powers, Budget/Purchasing Coordinator
DATE: March 14, 2022
RE: Surplus Property

SUMMARY:

The Fire Department has requested the City Council declare the following vehicle as surplus property to be used for training:

- 2002 Ford Crown Victoria VIN 2FAFP71W33140718

COMMITTEE FINDINGS:

None.

FISCAL ANALYSIS:

None.

RECOMMENDATION:

City staff recommends approval of this item.

UNFINISHED BUSINESS

No unfinished business.

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman Hughes inquired about the status for this year's Old Timers Banquet. Ms. Pettitt stated they are finalizing a date with the Museum but they are planning sometime in the fall.

Vice Mayor Johnson inquired if Mr. Fivas has looked into the flooding conditions across from Stuart School for Steve McCullen. Mr. Fivas' response was inaudible. Vice Mayor Johnson then asked about the status of the street light request for Octavia Blair. Ms. Brandon stated a response was received today and will be on the next agenda for approval.

Councilwoman McKenzie stated she received a call concerning 912 Fairmont Ave, it is being rented as a duplex even after Council denied the rezoning. Mr. Jobe stated they have sent notice to the property owner that it can only be rented to one resident.

Councilman Estes stated he has positive remarks concerning Vest Grocery demo last week. He thanked staff for their joint efforts. He then asked Mr. Varnell to make him aware before work begins on the Gaut Street sidewalk project. Secondly, the deadline for 360 17th Street NW concerning the fire damage is approaching and he appreciates a follow-up. Next, he asked Chief Gaylor if the Fire Department monthly call report could be sorted by address or district.

Councilman Cassada asked when the privacy fence along the development on Paul Huff Parkway development near Robinhood Subdivision. The residents of the adjacent subdivision have been exposed to light and noise pollution and his understanding was the fence would be completed before additional building permits were issued. He hopes the fence will be completed soon.

Councilman May asked for an update on the Army Corps and the two additional ponds. Mr. Jobe replied that is federal funds and they are still awaiting to begin the bid process. They will be detention ponds located on Carolina and behind Logan's Roadhouse. Additional comments were made by Mr. Jobe and Mr. Fivas but they were inaudible.

NEW BUSINESS AND ORDINANCES

The following Resolution was then presented in full:

RESOLUTION 2022-25

A RESOLUTION AUTHORIZING THE CITY OF CLEVELAND TO PURCHASE EQUIPMENT, PRODUCTS, OR SERVICES THROUGH A MASTER INTERGOVERNMENTAL COOPERATIVE PURCHASING CONTRACT #060920-NVA, AS AMENDED, WHICH IS ADMINISTERED BY SOURCEWELL A STATE OF MINNESOTA LOCAL GOVERNMENT AGENCY AND SERVICE COOPERATIVE.

WHEREAS *Tennessee Code Annotated* § 12-3-1205 provides that any municipality may participate in, sponsor, conduct, or administer a "cooperative purchasing agreement" for the procurement of any supplies, services, or construction with one (1) or more other local governments in accordance with an agreement entered into between the participants, including governmental entities outside this state; and

WHEREAS, the Master Intergovernmental Cooperative Purchasing Agreement ("MICPA") to provide equipment products or services between Navistar, Inc. dba International Truck ("Company") and Participating Entities in cooperation with Sourcewell a State of Minnesota local government agency and service cooperative on behalf of Participating Entities, which may include the City of Cleveland, Tennessee, meets the authorized public bidding requirements for the State of Tennessee and allows governmental purchases of equipment, products or services pursuant to this MICPA at discounted contract prices, as permitted by *Tennessee Code Annotated* § 12-3-1205; and

WHEREAS, the City of Cleveland is authorized to participate in this Master Intergovernmental Cooperative Purchasing Agreement provided that it adopts a resolution accepting the terms of the Contract and the City of Cleveland as a participant acquires and maintains documentation that the purchasing entity that procured the bid complied with the purchasing requirements for the City of Cleveland pursuant to *Tennessee Code Annotated* § 12-3-1205; and

WHEREAS, the City Manager has determined that the Master Agreement shall be construed in accordance with and governed by the laws of the State in which the City of Cleveland exists as a participating agency and that the City of Cleveland has registered with Sourcewell which allows the City of Cleveland to enter into this MICPA and which is intended to allow the City of Cleveland to meet applicable legal requirements and facilitate access to the Master Agreement and the Company under Contract #060920-NVS, as amended, held by Sourcewell as required by *Tennessee Code Annotated* § 12-3-1205 (a)(1).

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE that the City of Cleveland be and is hereby authorized to purchase equipment, products or services as a participating public agency under MICPA Contract #060920-NVS, as amended, held by Sourcewell as required by *Tennessee Code Annotated* § 12-

3-1205 (a)(1) through Sourcewell to be used by the Public Works Department for the City of Cleveland.

APPROVED AS TO FORM:

/s/John F. Kimball

City Attorney

Kevin Brooks, Mayor

Shawn McKay, City Clerk

Councilman May moved that Resolution 2022-25 be accepted as presented and approve the purchase of the dump truck. The motion was seconded by Councilman Hughes; and upon roll call, unanimously passed.

ANNOUNCEMENTS

Mayor Brooks announced the following:

- The next City Council meeting will be held on Monday, March 28, 2022.

Mayor Brooks stated T. Roy Jones recently passed away and asked for a moment of silence.

There being no future business the meeting was adjourned at 3:25 p.m.

Mayor

City Clerk