

MINUTES
City Council – Regular Meeting
JANUARY 21, 2020 – 6:00 p.m.

PRESENT: Mayor Wyman Williams
Mayor Pro Tempore Gene Lockhart
Council Members: Jean Klaus, Beckey Thompson & Stephanie Muller
Interim City Manager Ned Muse
City Attorney Charles Anderson
City Secretary Molly Jacobsen

ABSENT:

1. Call to order:

Mayor Wyman Williams called the meeting to order at 6:00 p.m.

2. Invocation:

Mayor Wyman Williams asked the audience for a moment of silence.

3. Pledge of Allegiance:

Council Member Beckey Thompson led the Pledge of Allegiance.

4. Consent Agenda:

a. Acceptance of Minutes:

Board of Adjustment Meeting Minutes- September 16, 2019

Board of Adjustment Meeting Minutes- October 24, 2019

Parks & Recreation Advisory Board Meeting Minutes- December 12, 2019

City Council Regular Meeting Minutes- December 17, 2019

Building Standards Commission Meeting Minutes- December 19, 2019

City Council Special Meeting Minutes- December 21, 2019

City Council Special Meeting Minutes- December 23, 2019

Commerce Economic Development Corporation Special Meeting Minutes- January 6, 2020

City Council Special Meeting Minutes- January 7, 2020

City Council Special Meeting Minutes- January 13, 2020

b. Consider and Take Action on:

- Motion Authorizing an Amended Interlocal Agreement between the City of Commerce and Texas A&M University Agreement Concerning Funding of the North Parallel Taxiway Extension at the Commerce Municipal Airport.
- Motion Authorizing a Contract for Election Services between the Hunt County Elections Administration Office and the City of Commerce for the May 2, 2020 General Election.
- Motion Authorizing a Professional Services Agreement between the City of Commerce and Hayter Engineering for a Stormwater Pollution Prevention Plan and SW3P reporting as required for the Commerce Municipal Airport and Wastewater Plant for the Year 2020.
- Motion Approving a Resolution Authorizing a Chapter 380 Lien Forgiveness Agreement for the Property Located at 1014 Enlow Circle with Ashley Hammons and Authorizing the City Manager to Execute Necessary Documentation.
- Motion Authorizing Reappointments of Sharon Duncan & Barbara Kersey to the Beautification Commission.
- Motion Authorizing Reappointment of Beverly Deaton to the Building Standards Commission.

Council Member Jean Klaus made the motion to approve the consent agenda, with the exception of the minutes from the December 17th Council Meeting, which were not included in the packet. Seconded by Council Member Stephanie Muller, the vote carried unanimously.

5. **Presentation to City Council Members by members of the Public. (To be conducted as close to 6:05 p.m. as possible with a three-minute limit per person. Public Comments will cease at 6:20 p.m. This period is reserved for citizens to discuss items not on the listed agenda. The response to Public Comments will be limited to: 1) A statement of fact or policy; 2) Direction to take up the issue with a city staff member; 3) An offer to place the item on a future Council Agenda.**

Dan Tolbert, the former Airport Manager at the Commerce Municipal Airport addressed the Council about a need for a joint venture between the school district, EDC, City of Commerce and Texas A&M University Commerce project related to economic development and geared at allowing Texas A&M University Commerce students to become local entrepreneurs.

6. **Presentations Related to the Selection of an Executive Recruiting Firm.**

Edward Williams of Baker Tilly and Kristin Navarro with Strategic Government Resources made presentations regarding the executive recruitment of a City Manager.

7. **Discussion and Possible Action on a Resolution Awarding a Contract for the Repair of the Water Filters at the Water Treatment Plant and Authorizing the City Manager to Execute all Necessary Documentation.**

Water Plant Foreman Anita Moore discussed with the Council the ongoing problem of filters at the Water Plant leaking. She informed the Council that the Texas Commission on Environmental Quality (TCEQ) has now issued a deadline for the City to get the filters repaired. Hayter Engineering Vice President Mike Tibbets spoke to the Council. The City opened bids for this project on January 15 and received two bids. The bids were both slightly under the estimated cost of the project at \$63,500 and \$64,500. The low bidder was BCAC Underground out of Ft. Worth. The contract is a performance contract which means they are paid when the project works consistently for 30 days. Hayter recommends that BCAC be awarded the contract for this project.

Council Member Beckey Thompson made the motion to award the contract for repair of the water filters to BCAC Underground. The motion was seconded by Council Member Jean Klaus and the vote carried unanimously.

8. **Discussion and Possible Action on a Resolution Awarding a Contract for the Preparation of a Market Study for a Hotel and Convention Center and Authorizing the City Manager to Execute all Necessary Documentation.**

Interim City Manager Ned Muse stated that council has received two proposals for a Hotel Feasibility Study. At the time, City Staff has had some difficulty verifying references and recommendations. Mr. Muse stated that should the Council decided to proceed with this project, staff recommends using Stone Hospitality Group as they were the lowest bidder. He reminded the council that this project would be funded from hotel occupancy tax funds and not the general fund. HOT funds can only be used on specific items related to tourism, such as this.

Council Member Stephanie Muller stated that she would prefer the Council wait on references to come back and table this item until they can discuss this further in a workshop. Council Member Beckey Thompson verbalized that she too would like to have a workshop on this item. Council Member Beckey Thompson moved to table this item. The motion was seconded by Council Member Jean Klaus and the vote carried unanimously.

1 9. **Discussion and Possible Action on a Resolution by the City Council in support of naming**
2 **Field #2 after Parks & Recreation Board Member Blake Shaw.**

3
4 Parks & Recreation Board Member Ray Green read a proposal from the Parks & Recreation
5 Advisory Board to name Field #2 after Board Member Blake Shaw, who coached softball in
6 Commerce for years. Mr. Shaw served on the Parks & Recreation Advisory Board from 2011,
7 when he was first appointed, until his passing in August of 2019. Mr. Shaw was both a mentor, a
8 friend and a role model to the children he coached and everyone he came in contact with. City
9 Staff and the Parks & Recreation Advisory Board recommend the naming of field #2 after Blake
10 Shaw, in remembrance of Jonathan Blake Shaw and his dedication to his family, his community
11 and the youth of Commerce.

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13 Council Member Jean Klaus made the motion to approve the naming of Field #2 after Blake
14 Shaw. Seconded by Council Member Stephanie Muller, the vote carried unanimously.

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16 10. **Discussion and Possible Action on a Resolution Authorizing Change Order #1 for the**
17 **Centennial Park Project.**

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19 Finance Director Jamie Campbell informed the Council that the Centennial Park grant, and project
20 is nearing completion. Presently, the skate park, and the disc golf course have both been
21 completed and the only thing remaining is the walking trail. Texas Parks & Wildlife approached
22 the City and requested that we review expenses to date, including the cost of the land donation
23 from CISD which is where the Park was built. Without the walking trail, the City has met our
24 match. Texas Parks & Wildlife has requested the City complete a change order removing the
25 walking trail from the grant so that we can close out the grant. The walking trail will still be
26 completed. Hunt County is still providing the materials to the City for the walking trail and the
27 City's Public Works crew will be doing the labor. There are two benefits to doing it this way.
28 Texas Parks & Wildlife is changing computer systems and trying to complete outstanding projects
29 so that the process isn't delayed in returning the match portion of the grant funding to the City.
30 The second benefit is that by removing the walking trail from the grant, the City can reduce the
31 trail from a 10-foot wide trail to an 8-foot wide trail, which saves some money on materials and
32 saves some time.

33
34 Mayor Pro Tem Gene Lockhart made the motion to complete the change order as requested by
35 Texas Parks & Wildlife to remove the walking trail. The motion was seconded by Council
36 Member Beckey Thompson and the vote carried unanimously.

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38 11. **First Reading- Discussion and Possible Action on an Ordinance Amending Chapter 90,**
39 **"Traffic and Vehicles", Subsections 90-101(a)(2) and (a)(3) of the Code of Ordinances of the**
40 **City of Commerce to amend the official Traffic Parking Map and the official Traffic No**
41 **Parking Map to designate a no parking zone on a portion of Mayo Street; providing for an**
42 **amended map; providing a penalty; and providing an effective date.**

43
44 Director of Public Safety Chris Bassham reminded the Council this was the second reading of an
45 Ordinance amending the traffic map and designating both sides of Mayo Street, the portion from
46 Lee to Hunt Street, as "No Parking." Both emergency vehicles and trash trucks are having trouble
47 navigating the narrow street.

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49 Council Member Stephanie Muller made the motion to designate the east and west sides of Mayo
50 Street between Lee and Hunt Street as "No Parking." Council Member Beckey Thompson
51 seconded the motion the vote carried unanimously.

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53 12. **First Reading- Discussion and Possible Action on an Ordinance Establishing a Newspaper of**
54 **Record for the City of Commerce.**
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1 City Secretary Molly Jacobsen reminded the council that Texas Local Government Code mandates
2 the City designate an official newspaper of record. It appears the last time the City updated their
3 newspaper of record was in the late 90s and it was the Commerce Journal. The Commerce Journal
4 and Herald Banner have recently merged. City Staff recommends the Council officially designate
5 the Herald Banner as the City's newspaper of record.
6

7 Council Member Jean Klaus made the motion to approve an Ordinance designating the Herald
8 Banner as the official newspaper of record for the City of Commerce. This motion was seconded
9 by Council Member Stephanie Muller and the vote carried unanimously.
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11 **13. Discussion and Possible Action on an Ordinance calling the May 2, 2020 Election.**
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13 City Secretary Molly Jacobsen discussed that the Election Code requires that by the 78th day prior
14 to the Election, the governing body call the General Election. The May 2, 2020 General
15 Municipal Election will elect individuals to Places One (1) and Three (3) for a three-year term.
16 The filing period for a place on the ballot will run from January 15th to February 14th. Early voting
17 will take place from April 20th through April 28th with extending voting hours from 7 a.m. to 7
18 p.m. on Tuesday, April 21st and Thursday, April 23rd.
19

20 Mayor Pro-Tem Gene Lockhart made the motion to approve an Ordinance calling the May 2, 2020
21 General Municipal Election. Council Member Stephanie Muller seconded the motion and the vote
22 carried unanimously.
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24 **14. City Manager's Report:**

25 **a. Financial Update:**

26 -Finance Director Jamie Campbell stated that the City has collected \$835,900 in
27 property tax collections this year. This is slightly greater than 38% of our
28 overall tax levy and 40% of our overall budget. This time last year, we had
29 reached 35% of our tax levy, so the City is on track for meeting the budget in
30 property tax collections.

31 - Ms. Campbell stated that the City has received \$426,732 in sales tax revenue
32 as of January 2020. The City is \$90,000 over budget for this year. Ms.
33 Campbell completed an analysis on the sales tax data from the Comptroller's
34 Office and realized that the large spike in November is due to a large payment
35 that gets paid twice a year and varies on the date that it is paid. The other thing
36 is that there is an overall increase in sales tax which is related to online sales. In
37 the last legislative session, there were two bills placed related to marketplace
38 vendors and to remote vendors. Those are House Bills #2153 and 1525.
39 Currently the Comptroller is writing a rule related to which city receives the
40 revenue for online orders placed. That letter is still being drafted but it is these
41 laws that have likely contributed to an overall increase in sales tax revenue.
42 Mrs. Campbell also mentioned that on average, about 54% of the City's sales
43 tax collections comes from retail, and that percent has been fairly consistent for
44 the last 24 months.

45 -The auditors have finished their remote work at the City on the audit and are
46 now back in their office completing the audit. They intend to present the audit
47 at the February Council Meeting.

48 **b. Public Input Feedback.**

49 **c. Calendar of upcoming events & meetings**

50 -February 1st is the "Souper Bowl of Caring" Event at CISD Cafeteria from 5-7
51 p.m. Proceeds benefit the Bread of Life Food Pantry and Commerce Food
52 Pantry.

53 -The Children's Museum is hosting the Daddy Daughter dance on February 1,
54 2020.

55 **d. Personnel**

56 **f. Projects Update**

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g. Intergovernmental Events & Issues

15. Recess into Executive Session:

• **§551.071 (1) and 551.071 (2): Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act and Consultation with Attorney regarding pending or contemplated litigation.**

- *Amir Rahman v. City of Commerce, Cause No. 85096, Hunt County*
- *City of Commerce v. Walker-Rahman Family Trust, Cause No. 83649, Hunt County*
- *Executive Recruitment Services for City Manager*

• **§551.087: Discussion regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; OR the offer of a financial or other incentive to a business prospect described by Subdivision (1).**

- *Project Hanks*
- *Project Piper II*
- *Project Eleven Pipes*

Council Member Jean Klaus made the motion to recess into Executive Session. Seconded by Council Member Beckey Thompson, the vote carried unanimously. The Council recessed into executive session at 7:04 p.m.

16. Reconvene into Open session: In accordance with Texas Government Code, Chapter 551, the City Council will reconvene into Regular Session to consider action, if any, on matters discussed in Executive Session:

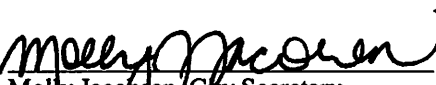
The council reconvened into open session at 7:57 p.m.

Mayor Pro Tem Gene Lockhart made a motion to Authorize the City Attorney to negotiate a contract with SGR for executive recruitment services for a new City Manager. The motion was seconded by Council Member Jean Klaus and the vote carried unanimously.

17. Adjourn:

Council Member Stephanie Muller made the motion to adjourn. Council Member Jean Klaus seconded the motion, resulting in a unanimous vote to adjourn. The meeting was adjourned at 7:58 p.m.


Wyman Williams, Mayor


Molly Jacobsen, City Secretary

1 02/19/2020
2 Date
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4 01.21.20.MINS