

MINUTES
City Council – Regular Meeting
FEBRUARY 18, 2020 – 6:00 p.m.

PRESENT: Mayor Wyman Williams
Mayor Pro Tempore Gene Lockhart
Council Members: Jean Klaus, Beckey Thompson & Stephanie Muller
City Manager Darrek Ferrell
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:**
 - City Council Regular Meeting Minutes- December 17, 2019
 - Commerce Economic Development Corporation Regular Meeting Minutes- December 18, 2019
 - Parks & Recreation Advisory Board Meeting Minutes- January 8, 2020
 - City Council Regular Meeting Minutes- January 21, 2020
 - Commerce Economic Development Corporation Regular Meeting Minutes- January 21, 2020
 - City Council Special Meeting Minutes- February 4, 2020
 - b. **Consider and Take Action on:**
 - An agreement with MyGov for Updated Subscription Services Agreement.
 - Approval of a Resolution Authorizing Signatories for the TxCDBG Project 7219081
 - Approval of a Resolution Regarding Civil Rights for the TxCDBG Project 7219081
 - Approval of an Amended Agreement with the Texas Department of Public Safety for a Failure to Appear Program.
 - Approval of a Resolution Authorizing the Consent to Assignment between the City of Commerce, Commerce Economic Development Corporation, KLZ Stone Group, Inc. & Multiple Investments USA, Inc.
 - Approval of an Affirmation of Performance Pursuant to Assignment and Amendment listed above.
 - Approving a Resolution Authorizing City Staff to pursue funding through a Patrol Enhancement- MDT Initiative Project.
- Council Member Jean Klaus made the motion to approve the consent agenda. 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**

1 to take up the issue with a city staff member; 3) An offer to place the item on a future
2 Council Agenda.

3
4 No one came forward.

5
6 **6. Presentation Related to the 2020 United States Census.**

7
8 Andy Moers with the United States Census addressed the Council regarding the 2020 Census. His
9 job is to educate the community and market the Census. He stated that the Census is online for the
10 very first time, and it's important that people use that tool since about 90% of Americans have
11 access to the internet. He stressed the importance of getting a count that is more representative of
12 the college population, which has been undercounted in the past. Andy stated that the Census
13 would be available online mid-March and the process takes about 10 minutes. Mr. Moers
14 reminded the Council that the intent of the Census was to establish where people call home, "most
15 of the time", which becomes an important message for college students who reside a large portion
16 of the year in Commerce and utilize our resources. The Mayor stated that if a college student were
17 to have their residence catch on fire, it would be the City of Commerce Fire Department who
18 responded to the call. Thus, those students who likely aren't participating in the Census are
19 utilizing the City of Commerce resources most of the time during the year. Finally, the Council
20 was reminded that information obtained in the Census is not released to the public for 72 years
21 after the Census is completed.

22
23 **7. Presentation by Stone Hospitality Group and Possible Resolution Directing the City**
24 **Manager to Negotiate a Contract for a Hotel Feasibility Study.**

25
26 Jeremy Stone with Stone Hospitality Group address the Council. He has done studies over hotels,
27 conference centers, resorts and meeting centers all across the United States for over 10 years. He
28 noted that this particular study would focus on the demand for this type of project. He would
29 conduct surveys and interviews with stakeholders for this project and determine what the need is
30 for a space like this in the future. This data would then be aggregated to determine if there is a
31 demand for a hotel/conference center, how many hotel groups might be interested in this project
32 and decide what that facility would look like. He will further determine if the suggested sites for
33 the project include enough space for a project of that magnitude and how that would impact traffic
34 patterns in the area. Mr. Stone stated that should he find there is no demand or market for this
35 project in Commerce, he would deliver that news to the Council as well.

36
37 Council Member Stephanie Muller asked if Mr. Stone would only be considering the three sites
38 listed in the RFP for a hotel feasibility study or if he would look city-wide at available sites for the
39 project. Mr. Stone said if he looks at the three suggested sites but finds a site that might be a
40 better opportunity, he would make that suggestion.

41
42 Mayor Williams asked if it would be unreasonable to assume people traveling to Commerce
43 would just go to Greenville or Sulphur Springs if they needed a hotel, rather than stay in
44 Commerce. Mr. Stone pointed out that he did a study in Huntsville, who has a similar situation to
45 Commerce with Sam Houston State University nearby. They desired a space for University
46 meetings and gatherings and also didn't want participants driving 30 minutes after those meetings
47 to find a hotel to stay in. Council Member Beckey Thompson inquired how the University would
48 be approached about this given that they already have space for meetings and conventions. He
49 stated that he would utilize a survey to send to department heads and their staff to assess what
50 their facilities accommodate currently and what potentially they would be looking for if a new
51 conference center were to be built.

52
53 Mayor Williams noted the three ballrooms at the Sam Rayburn Student Center at Texas A&M
54 University-Commerce totaled 6,000 square feet. This convention center would be about 10,000
55 square feet, so it would be a significantly larger space. Mr. Stone said he would consider things in

1 his study like whether that space should be sub-divided into smaller spaces or be a singular
2 meeting space.

3
4 Mayor Pro-Tem Gene Lockhart made the motion to approve a Resolution. Contracting for a hotel
5 feasibility study with Stone Hospitality Group The motion was seconded by Council Member Jean
6 Klaus and the vote carried unanimously.
7

8 **8. Presentation of 2019 Racial Profiling Report in Compliance with the Code of Criminal**
9 **Procedure Article 2.131 – Article 2.138; discussion and acceptance of same.**

10
11 Director of Public Safety Chris Bassham stated this was the 2019 Tier 2 Racial Profiling Report.
12 In 2019, there was 754 vehicle contacts, 352 were female and 402 were male. Of that, 210
13 contacts were made with African Americans, 10 with Asians, 464 with Caucasians, 69 interactions
14 with Hispanics and 1 Native American. In 1 of those instances, staff knew the ethnicity of the
15 driver prior to making contact while in the other 753 cases, the race of the contact was unknown
16 until meeting them. Out of those 754 contacts, the Commerce Police Department conducted 42
17 searches, and did not conduct searches for the other 712 contacts. Of the 464 Caucasians stopped
18 by our police personnel, 69% of them were searched and 23.8% of the 210 contacts with African
19 Americans were searched.
20

21 Council Member Jean Klaus made the motion to approve the 2019 Racial Profiling Report. The
22 motion was seconded by Council Member Stephanie Muller and the vote carried unanimously.
23

24 **9. Discussion and Possible Action on Amending the 2020 Grant Agreement with TxDOT**
25 **Aviation for Routine Airport Maintenance Program (RAMP).**
26

27 Finance Director Jamie Campbell stated that in September, the Council approved the 2020 RAMP
28 Grant, as they have done every year for the past several years. Based on the history of the grant,
29 the City can ask for \$20,000 in funding by supplying a 50% match at \$20,000. So, if the City
30 completes \$40,000 in maintenance at the airport, TxDOT will reimburse us for \$20,000. Due to
31 ongoing issues at the airport, we are requesting that TxDOT increase our funding to \$50,000 and
32 the City will provide a \$50,000 match. This money will go away at the end of the year. The fuel
33 system at the airport is an eligible project with this grant. This grant would provide some extra
34 cushion and funding for the airport, should the airport need that extra funding. However, the
35 reimbursement from TxDOT falls within their fiscal year, which ends at the end of August.
36

37 Mayor Pro Tem Gene Lockhart stated that he is concerned about hanging debt over our heads far
38 into the future when he sees nothing but continued expenditures in the future for the airport. He
39 pointed out that we are surrounded by both Sulphur Springs and Greenville airports, who are
40 better equipped than we are. Mr. Lockhart said that he feels we are addressing short term needs to
41 keep the airport going when the City faces an incredible amount of money needed for
42 infrastructure in the City. He said citizens are drinking our water and driving on our streets and
43 those people expect for those things to continue to be funded. He asked if the airport was truly a
44 priority relative to these other needs. His concern is that financing short term issues was not a
45 solution for long-term infrastructure needs in the City. Interim City Manager Ned Muse reminded
46 the Council that by participating in this RAMP grant, it did not obligate the City to spend the
47 \$50,000 but would allow us those matching funds if we did need them. Mr. Muse also reminded
48 the Council that while there has been talk of closing the airport, the Council would have to pay
49 back a portion of multiple grants that obligated the City to operate the airport for another 20 years
50 each time money was accepted. For instance, back in 1993, the Council accepted \$561,000 from
51 FAA funds to buy additional land. In 2004, the City accepted \$78,000, of which the City would
52 have to pay back about 20%. Again in 2008, the City accepted \$439,000, of which the City would
53 have to pay approximately 40%. And in 2014, the City accepted a \$124,989, which they would
54 have to pay 75% of back. In 2015, the City had a construction grant of \$1,860,000, of which the
55 City would owe 75% back. And finally, in 2018, the City accepted a grant of several million
56 dollars to fund the extension of the taxiway. While we are only partially through that project, the

1 Council would still have to pay back about \$45,000 of. All of these grants would have to be paid
2 back by the City in the event the City ceases to operate the airport. So while Mr. Lockhart's
3 concerns are very real, the Mayor pointed out that the City could not pay back that kind of money.
4

5 Council Member Stephanie Muller clarified that under this RAMP grant, we are just asking for
6 maintenance money, but not obligating ourselves to spend it.
7

8 Council Member Jean Klaus made the motion to accept a Resolution authorizing the amended
9 RAMP grant agreement. Seconded by Council Member Beckey Thompson, the vote carried with
10 a 4-1 vote with Mayor Pro-Tem Gene Lockhart opposing.
11

12 **10. Discussion and Possible Action on an Ordinance Cancelling the May 2, 2020 General**
13 **Election and Issuing Certificates of No Opposition.**
14

15 City Secretary Molly Jacobsen stated that the Council ordered an Election last month for the May
16 2, 2020 General Municipal Election which would elect Places One and Place Three to a three-year
17 term. The filing period ran from January 15 to February 14th and only one individual filed for
18 Place One (1) and Place Three (3). The Secretary of States says that the governing body can
19 cancel an election when candidates are unopposed and issue certificates of no opposition to the
20 candidates in Place One (1) and Place Three (3).
21

22 Council Member Jean Klaus made the motion cancel the General Municipal Election on May 2,
23 2020. The motion was seconded by Council Member Stephanie Muller and the vote carried
24 unanimously.
25

26 **11. City Manager's Report:**

27 **a. Financial Update:**

28 -Finance Director Jamie Campbell stated that the city has reached almost 80% of
29 the tax levy for this year. The City has collected \$1.7 million dollars in property
30 taxes as of this month. Last year in January, the City had reached 85% of their
31 budgeted collections, and the budget was 94% of the tax levy. This year, at 96%
32 of the tax levy, the City has already collected 83% of the budget.

33 - For this month in sales tax, the City collected \$102,644.00, which was slightly
34 under budget for this month. The City has reached 53% of projected collections
35 for the month. Ms. Campbell stated that for sales tax, the Council had asked for
36 a better analysis on the breakdown of where our sales tax comes from. Sales tax
37 collections were broken down into categories, with the highest amount of sales
38 tax falling under "retail/trade."

39 -All the field work for the audit is completed but they are currently working
40 from their office to finish it and will present it to the Council in March.

41 **b. Public Input Feedback.**

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

43 -The Lions Club is hosting a fundraising event at Sandhills Country Club on
44 February 29th

45 -The Big 6 will meet on March 6th at 7:30 a.m.

46 **d. Personnel**

47 **f. Projects Update**

48 -Muse provided an update to the Council on the status of the Recruitment of a
49 City Manager. Staff sent over information to SGR at their request which they
50 will use to create a recruiting brochure.

51 **g. Intergovernmental Events & Issues**
52

53 Council Member Jean Klaus made the motion to recess into executive session. The motion was
54 seconded by Council Member Stephanie Muller and the vote carried unanimously. The council
55 recessed into executive session at 7:03 p.m.
56

12. 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*
- *Carmen Ponder v. the City of Commerce, Texas and Kerry Crews, Case No. CV-01205-C*
- *Legal Advice Relative to Creation of Council Agenda Content*

• §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*

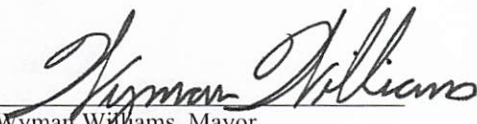
13. Reconvene into Open session: In accordance with Texas Government Code, Chapter 551, the City Council will reconvene into Regular Session to consider action, if any, on matters discussed in Executive Session, including without limitation:

The council reconvened into open session at 8:23 p.m.

No action was taken by the Council following executive session.

14. 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 8:23 p.m.


Wyman Williams, Mayor


Molly Jacobsen, City Secretary


Date

02.18.20.MINS