

MINUTES
City Council – Regular Meeting
MARCH 17, 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 to contemplate the severity of a national emergency in regard to the COVID-19 pandemic.
3. **Pledge of Allegiance:**
Council Member Jean Klaus led the Pledge of Allegiance.
4. **Consent Agenda:**
 - a. **Acceptance of Minutes:**
 - Beautification Commission Meeting Minutes- January 23, 2020
 - Parks & Recreation Advisory Board Meeting Minutes- February 12, 2020
 - City Council Regular Meeting Minutes- February 18, 2020
 - b. **Consider and Take Action on:**
 - a. An Amended Resolution Authorizing City Staff to Pursue Funding through a National Incident-Based Reporting System (NIBRS) Grant.
 - b. A Resolution Approving a Neighborhood Empowerment Zone Agreement for the property located on 701 Pine Street with Charles Medford and authorizing the City Manager to execute any necessary documentation.

Council Member Jean Klaus made the motion to approve the consent agenda. Seconded by Mayor Pro Tem Gene Lockhart 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.**

No one came forward.

6. **Discussion and Possible Action on a Resolution Accepting the Fiscal Year 2019 Audit.**

Interim City Manager Ned Muse informed the Council that the audit has been completed and physically delivered to City Hall. There are no significant findings within the audit and the Council can choose to vote on it without a presentation from the auditors, or they can table it until a future meeting. Due to the pandemic, the auditors and City felt it best at this time that they not attend the meeting to present the audit until a future date. Furthermore, Finance Director Jamie Campbell has been self-quarantined at home following her arrival home from travel over Spring Break.

Council Member Beckey Thompson moved to table this item. Seconded by Council Member Jean Klaus, the vote carried unanimously.

7. **Discussion and Possible Action on Establishing the Incorporation the City's Extra-Territorial Jurisdiction into the Proposed Boundaries of an Emergency Service District (ESD) within Hunt County.**

Director of Public Safety Chris Bassham introduced Chief Ryan Biggers, the President of the Fire Association for Hunt County. Chief Biggers noted that this process has been going on for about a year. The emergency service district is a property tax that they are looking to get elected on by the citizens strictly for fire rescue services in the unincorporated areas of Hunt County and the city limits of Celeste, Wolfe City, Campbell, Lone Oak, West Tawakoni, Quinlan, Caddo Mills and Union Valley. It would not include portions of Commerce, Josephine, Greenville and Royse City. However, due to election laws, the City Council of Commerce would have to vote on whether or not to allow the extra territorial jurisdiction (ETJ) to be included in this area. That area would pay the property tax for fire rescue services. If it were to pass, the tax is capped at .10 cents per \$100 dollars and cannot be any higher. If passed, a board of 5 people, serving 2-year terms would serve to oversee the funding. If approved, the revenue produced from this would be upwards of \$4,000,000 county-wide for fire rescue services for the departments operating within the territory.

Chief Biggers stated that volunteer fire departments are extremely under-funded and currently supported by already stretched tax dollars. He noted that the population of the county is increasing, and the population is increasing, while funding remains stagnant. This could benefit Commerce by increasing funding provided to Commerce Fire Department for services provided by our FD to the county. Currently, the county budgets about \$400,000 for county rescue services and Commerce Fire Department receives \$35,000 annually of that. That \$400,000 would increase to roughly \$4,000,000 if the city passes this, thus allowing Commerce Fire Department a larger portion of a larger budget. If this were to pass, the Council would negotiate with the ESD board how much of that funding would be received by Commerce Fire Department for services provided in Hunt County.

In 2009, this went before the commissioner's court, and they decided to allow this to go before the voters. The initial intent was to put it on the ballot in November but with social distancing measures expected to last through the summer, it may go on the May 2021 ballot. The next step would be arranging a public hearing, giving the public 30 days' notice, and then have the commissioner's vote on whether or not to take it to a ballot. The Mayor inquired as to how the Fire association would educate the public and how they plan to navigate the confusion that might come with a City of Commerce election only allowing residents that lie within the ESD to vote on the matter. Chief Biggers stated that they would host town hall meetings and public hearings and post on social media to educate people.

Council Member Beckey Thompson inquired as to how medical calls would be affected by this. Chief Biggers stated that first response medical services are included in fire rescue services. Chief Biggers stated that the benefits of the ESD with the County is an additional public safety agency with funds to utilize in joint ventures with other departments such as upgrading communications, increase staffing and the cost share of new and upgraded apparatus'. Council Member Thompson inquired as to the role of E-corps if this ESD should pass. Chief Biggers stated that E-corp would continue serving as a first response and rehab unit for the entire County and they would also be eligible for revenue from the service district also.

Mayor Pro Tem Gene Lockhart stated that while he recognizes the need for the service, he needs more information to understand the complexity of this request. Council Member Beckey Thompson echoed that she would like to better understand this topic. The council discussed holding a workshop to further discuss the ESD. Council Member Beckey Thompson voted to table this item. The motion was seconded by Mayor Pro Tem Gene Lockhart and the vote carried unanimously.

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2 **8. Discussion and Possible Action on a Resolution Accepting the high bid for the resale of the**
3 **property located at 2600 Bois d'Arc Street (Property ID #R41716) in Commerce, Texas.**

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5 City Secretary Molly Jacobsen stated that this piece of property is a property the CISD tax
6 attorneys contacted the City about. It is located at 2600 Bois d'Arc Street that is owned by the
7 school district and was appraised for \$28,060 in 2019 and was appraised for \$89,000 the year prior
8 to that. The City tore down a substandard structure in 2019 on that property and as such, the
9 property incurred a lien. In addition, there were two mowing liens on that property. In total, the 3
10 liens amounted to about \$7,738 which would be forgiven if the sale is approved. The University
11 has offered \$38,500 and was the highest bidder for this property. This property was struck off the
12 tax roll in 2001 and had back taxes in excess of \$75,000 on the property. The City would gain
13 about \$13,000 of that \$38,500 sale price after fees are paid to the county and distributed to other
14 taxing entities. Secretary Jacobsen noted that CISD has already heard and approved this action
15 item at a school board meeting.
16

17 Mayor Wyman Williams, as an employee of Texas A&M University Commerce, recused himself
18 from this vote. Council Member Jean Klaus made the motion to approve the high bid for this
19 property. The motion was seconded by Council Member Beckey Thompson and the vote carried
20 with a 4-0 vote and one council member recusing himself from this vote.
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22 **9. Presentation by MerceCity Elite Basketball Program and discussion regarding same.**

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24 Interim City Manager Ned Muse informed the Council that we requested the ladies coming to
25 present this item not attend the Council meeting tonight given that they were traveling from out of
26 town and we were unsure of their recent travel. Manager Muse explained that this is a group of
27 ladies who within the last year have created an elite basketball program for Children in the
28 Commerce area. They have asked to use the City Gym for tryouts this coming Saturday. They
29 play their games at a facility in Rockwall and are wanting to only use the gym in Commerce for
30 practice. City staff has reservations in recommending this to the Council as the group was advised
31 in the past to seek insurance but has not yet. Manager Muse also mentioned that essentially, a
32 select league program would be utilizing a City gym as if they're renting it, without paying to rent
33 it. However, the City opted to allow this group to present to the Council. But if something
34 happened to an athlete while in our City Gym, the City might be left responsible footing the bill.
35 Mr. Muse recommended the Council tabling the item and revisiting it at a later date, when city
36 facilities are re-opened to large groups of people.
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38 Mayor Pro Tem Gene Lockhart made the motion to table this item. The motion was seconded by
39 Council Member Jean Klaus and the vote carried unanimously.
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41 **10. City Manager's Report; discussion of same.**

42 **a. Finance Update.**

- 43
 - **Sales Tax-** In sales tax, the city has received \$613,248 in revenue which is
44 61% of our overall budget of \$1 million. As of this time last year, the City
45 had received \$545,00.
 - **Property Tax-** The City has received \$2,015,689 as of the end of February
46 in property tax collections. This is 92% of the city's tax levy and 96.15% of
47 budgeted collections for this year.

48 **b. Public input feedback.**

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

- 50
 - **Discuss March 24th Workshop with SGR-** Future meetings were not
51 scheduled at this time due to social distancing recommendations currently in
52 place.
 - **Discuss date and time for April Workshop**

53 **d. Personnel.**
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1 e. **Projects update.**

- 2 • **Agendease-** City Staff will likely be streamlining the process of producing
3 agendas and agenda packets for city boards and commissions by utilizing
4 services from Agendease.

5 f. **Intergovernmental events and issues.**

- 6 • **Coronavirus (COVID-19) Update-** Mr. Muse updated the council on steps
7 the City is taking to ensure the health and safety of all City employees. Chief
8 Bassham updated the Council on PPE availability and ways the public safety
9 department plan to stretch what supplies they have available.

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11 Mayor Pro Tem Gene Lockhart made the motion to recess into executive session. The motion was
12 seconded by Council Member Jean Klaus and the vote carried unanimously. The council recessed
13 into executive session at 7:19 p.m.

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15 **12. Recess into Executive Session:**

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17 • **§551.071 (1) and 551.071 (2): Consultation with Attorney on a matter in which the**
18 **duty of the attorney to the governmental body under the Texas Disciplinary Rules of**
19 **Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open**
20 **Meetings Act and Consultation with Attorney regarding pending or contemplated**
21 **litigation.**

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23 • *Amir Rahman v. City of Commerce, Cause No. 85096, Hunt County*
24 • *Carmen Ponder v. the City of Commerce, Texas and Kerry Crews, Case*
25 *No. CV-01205-C*
26 • *Project Airport Fuel Tanks*
27 • *Contract Negotiations with City Sanitation*
28 • *Project MerceCity Elite Basketball Program*

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30 • **§551.087: Discussion regarding commercial or financial information that the**
31 **governmental body has received from a business prospect that the governmental body**
32 **seeks to have locate, stay, or expand in or near the territory of the governmental body**
33 **and with which the governmental body is conducting economic development**
34 **negotiations; OR the offer of a financial or other incentive to a business prospect**
35 **described by Subdivision (1).**

- 36
37 • *T-Mobile Lease*
38 • *Stotts Lots*
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40 **12. Reconvene into Open session: In accordance with Texas Government Code, Chapter 551, the**
41 **City Council will reconvene into Regular Session to consider action, if any, on matters**
42 **discussed in Executive Session, including without limitation:**

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44 The council reconvened into open session at 7:58 p.m.

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46 No action was taken by the Council following executive session.

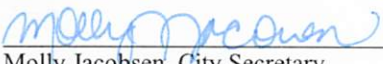
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48 **13. Adjourn:**

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50 Council Member Jean Klaus made the motion to adjourn. Council Member Beckey Thompson
51 seconded the motion, resulting in a unanimous vote to adjourn. The meeting was adjourned at
52 7:59 p.m.
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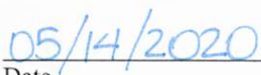
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Wyman Williams, Mayor



Molly Jacobsen, City Secretary



Date

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