

MINUTES
City Council – Regular Meeting
APRIL 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, Attorney Melissa Cranford
City Secretary Molly Jacobsen

ABSENT:

1. **Call to order:**
Mayor Wyman Williams called the meeting to order at 6:12 p.m.
2. **Invocation:**
Mayor Wyman Williams asked the audience for a moment of silence.
3. **Pledge of Allegiance:**
Council Member Jean Klaus led the Pledge of Allegiance.
4. **Consent Agenda:**
 - a. **Acceptance of Minutes:**
 - Commerce Economic Development Corporation Regular Meeting Minutes- February 25, 2020
 - City Council Regular Meeting Minutes- March 17, 2020
 - City Council Special Meeting Minutes- March 31, 2020
 - b. **Consider and Take Action on:**
 - A Resolution Applying for Funding via a Public Assistance (PA) Funding Grant.
 - A Resolution Applying for Funding via the Coronavirus Emergency Supplemental Funding (CESF) Program.

Council Member Stephanie Muller made the motion to approve the consent agenda. Seconded by Council Member Beckey Thompson 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 Excluding Emergency First Responders and Certain Essential Personnel from the Definition of Eligible Employee under the Families First Coronavirus Response Act (FFCRA).**

City Secretary/Human Resource Director Molly Jacobsen informed the council that as it stands, the City does not have an emergency leave policy in place and in the event that we did, there have been mandatory laws put in place that would impact how that should look. The Families First Coronavirus Response Act (FFCRA) was recently passed which mandates 80 hours of paid, emergency leave for families to care for children and family members impacted by COVID-19, in addition to any other leave already provided by the City. Attorney Melissa Cranford discussed

1 with the council qualifying circumstances which would trigger use of that leave for employees.
2 She discussed additional benefits provided by the FFCRA should employees require more than the
3 80 hours. Mrs. Cranford discussed that an option under the FFCRA is to exempt essential
4 employees. She explained that the definition for an "essential employee" is very broad but can
5 apply to not just police, fire and dispatch but also public works and any employee who maintain
6 the facilities where emergency responders are working which can include janitorial staff and
7 administrative staff which pay employees and/or administer employee benefits. This legislation
8 does have a sunset date of December 31, 2020.
9

10 Interim City Manager Ned Muse discussed that the City can not get along without our first
11 responders, but that the City also can't get along without water distribution, utility billing and
12 other essential staff that are just as mandatory to city operations. Mr. Muse stated that the
13 recommendation is that the Council approve this Resolution. Mayor Williams asked for
14 clarification as to what approving this Resolution means. Attorney Cranford stated that in passing
15 this, "essential employees" would be ineligible for leave under the paid sick leave act or the
16 expanded family medical care act but would still be able to utilize leave time from the City that
17 they have accrued, but they are ineligible for the federal leave.
18

19 Council Member Stephanie Muller questioned if there was a number of employees required for
20 each department to be able to maintain City operations. Mr. Muse stated that while there wasn't a
21 number for each department, that he can say this would include all police and fire, all
22 water/wastewater operators, the public works staff involved in utility maintenance and distribution
23 and collection of water. It would also include finance staff responsible for payroll and processing
24 payments.
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26 Mayor Pro Tem Gene Lockhart moved to adopt the Resolution as presented. Seconded by
27 Council Member Jean Klaus, the vote carried unanimously.
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29 **7. Discussion and Possible Action on a Resolution by the City of Commerce finding that Oncor**
30 **Electric Delivery Company LLC's Application for Approval to Amend its Distribution Cost**
31 **Recovery Factor (DCRF).**
32

33 Interim City Manager Ned Muse discussed that Oncor has filed for a rate increase and the City has
34 been asked to deny that request, which will then allow counsel to negotiate as a group with Oncor
35 the rates.
36

37 Council Member Jean Klaus made the motion to adopt this Resolution. The motion was seconded
38 by Council Member Stephanie Muller and the vote carried unanimously.
39

40 **10. City Manager's Report; discussion of same.**

41 **a. Finance Update.**

- 42 • **Sales Tax-** April sales tax will be the last sales tax month prior to the onset
43 of COVID-19 impact on the economy. The City is currently sitting at about
44 69% of our budgeted collections, which is slightly ahead of where we were
45 last year. Sales tax is 2 months behind and thus April sales tax is actually
46 reflective of collections from the month of February. The City will likely
47 start seeing the impact of COVID-19 on sales tax in May, which will actually
48 be the month of March collections. So far, the City has collected \$689,000
49 in sales tax revenue this fiscal year.
- 50 • **Property Tax-** As of March 2020, the City has received just over \$2,000,000
51 in property tax, which is 93% of our tax levy. The city is only about \$58,000
52 shy of collecting the FY 2020 budgeted property tax collections.
- 53 • **Update on Airport Funds provided by CARES Act-** the Airport is in
54 receipt of a \$20,000 stimulus check from the federal government. It can not
55 be used to place into an account to use for future projects with the intent of

1 accruing interest. The purpose of it is to help replace funds that the airport
2 may have been losing during the pandemic. The funds must go toward a
3 revenue generating project and the City has about 12 months to use them
4 before a penalty is incurred for not utilizing the funds.

5 **b. Public input feedback.**

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

- 7 • Mr. Muse discussed that there will likely be a special meeting in May to
8 officially issue a certificate of election to newly elected Council Member, Mr.
9 Anthony Henry.

10 **d. Personnel.**

11 **e. Projects update.**

- 12 • Commerce Municipal Airport Fuel Tank Update

13 **f. Intergovernmental events and issues.**

- 14 • Coronavirus (COVID-19) Update

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16 Council Member Jean Klaus made the motion to recess into executive session. The motion was
17 seconded by Council Member Stephanie Muller and the vote carried unanimously. The council
18 recessed into executive session at 6:57 p.m.

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

21
22 • **§551.071 (1) and 551.071 (2): Consultation with Attorney on a matter in which the**
23 **duty of the attorney to the governmental body under the Texas Disciplinary Rules of**
24 **Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open**
25 **Meetings Act and Consultation with Attorney regarding pending or contemplated**
26 **litigation.**

- 27
28 • *Sabine River Authority Contract*
29 • *2224 Live Oak*

30
31 • **§551.074: To deliberate the appointment, employment, evaluation, reassignment,**
32 **duties, discipline, or dismissal of a public officer or employee (re: City Manager).**

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

- 40
41 • *T-Mobile Lease*

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

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47 The council reconvened into open session at 7:36 p.m.

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49 Mayor Pro Tem Gene Lockhart made the motion to approve the T-Mobile Contract. The motion
50 died for lack of a second.

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52 **13. Adjourn:**
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Council Member Jean Klaus made the motion to adjourn. Council Member Beckey Thompson seconded the motion, resulting in a unanimous vote to adjourn. The meeting was adjourned at 7:37 p.m.


Wyman Williams, Mayor


Molly Jacobsen, City Secretary

05/14/2020
Date

04.21.20.MINS