

MINUTES
City Council – Regular Meeting
MAY 19, 2020 – 6:00 p.m.

PRESENT: Mayor Wyman Williams
Mayor Pro Tempore Gene Lockhart
Council Members: Anthony Henry, 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 Stephanie Muller led the Pledge of Allegiance.
4. **Consent Agenda:**
 - a. **Acceptance of Minutes:**
 - **City Council Regular Meeting Minutes- April 21, 2020**
 - b. **Consider and Take Action on:**
 - **A Resolution Authorizing the Approval of a City-owned Box Hangar Lease Agreement at the Commerce Municipal Airport Between the City of Commerce and Timothy E. Sullivan and Authorizing the City Manager to Execute all Necessary Documentation.**
 - **A Resolution Applying for Funding via the Coronavirus Relief Fund (CRF) through the CARES Act and Authorizing the Interim City Manager to Execute all Necessary Documentation.**

Council Member Tony Henry requested that item “4b” be removed from the consent agenda for discussion.

Mayor Pro Tem Gene Lockhart made the motion to accept the consent agenda with the exception of item “4b”. Council Member Beckey Thompson seconded the motion and the vote carried unanimously.

Interim City Manager Ned Muse discussed that item 4b, the first bullet is related to a city-owned hangar at the Commerce Municipal Airport. At the time the hangar was built, the owner subleased it. That lease has now expired and the individual who subleased it would like to lease it directly from the City. Council Member Stephanie Muller made the motion to approve this lease. The motion was seconded by Council Member Anthony Henry and the vote carried unanimously.

Interim City Manager Ned Muse discussed that CARES money was allocated to the state and then reallocated to smaller cities. The amount the City would receive is calculated by the state. Mr. Muse reminded the council that this is not a grant, but money made available to the City and must be used to assist the City in recovering costs related to COVID-19. The City has until approximately the end of December to spend this money and it can only be spent on city operations related to COVID-19, for instance overtime of personnel that would otherwise not be necessary if not for COVID-19. Finance Director Jamie Campbell reminded the council that these funds have already been allocated by the State and are allocated based on population. She mentioned that should the City not utilize these funds, the money becomes gifted back to the County for their use related to

COVID-19 expenditures. She discussed that utilization of these funds could go toward overtime costs for personnel, personal protective equipment, and sanitizing services for facilities. She reminded the council that while this was not a grant, city staff would be required to prove that funds were utilized for COVID-19 expenditures. For that reason, staff is tracking these expenses and keeping receipts and invoices related to COVID-19 expenditures. Interim City Manager inquired as to whether staff would continue to pursue funding through grants that the council granted permission to staff to apply for at last month's council meeting. Mrs. Campbell said that the process for applying for those funds was more tedious, and those funds will also more likely be granted to larger cities. Council Member Anthony Henry made the motion to approve the application for funding via the Coronavirus Relief Fund (CRF). 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.**

No one came forward.

6. **Consideration and Possible Action on Appointment of Mayor Pro Tempore.**

Council Member Stephanie Muller nominated Gene Lockhart as Mayor Pro Tempore. The motion was seconded by Council Member Anthony Henry and the vote carried unanimously. There were no other nominations.

Council Member Beckey Thompson made a motion by acclamation to elect Gene Lockhart as Mayor Pro Tempore. Council Member Stephanie Muller seconded the motion and the vote carried unanimously.

7. **Consideration and Possible Action on Appointment of Ex Officio Member to the Commerce Economic Development Corporation Board.**

Council Member Beckey Thompson nominated Anthony Henry as Ex Officio of the Commerce Economic Development Corporation Board. The motion was seconded by Mayor Pro Tem Gene Lockhart and the vote carried unanimously. There were no other nominations.

Council Member Beckey Thompson made a motion by acclamation to elect Anthony Henry as Ex Officio to the Commerce Economic Development Corporation. Council Member Stephanie Muller seconded the motion and the vote carried unanimously.

8. **Consideration and Possible Action on Appointment of Ex Officio Member to the Beautification Commission.**

Mayor Pro Tem Gene Lockhart nominated Stephanie Muller as Ex Officio of the Beautification Commission. The motion was seconded by Council Member Beckey Thompson and the vote carried unanimously. There were no other nominations.

Council Member Anthony Henry made a motion by acclamation to elect Stephanie Muller as Ex Officio Member to the Beautification Commission. The motion was seconded by Council Member Beckey Thompson and the vote carried unanimously.

9. ***First Reading- Consideration and Possible Action Regarding an Ordinance Amending Chapter 90, "Traffic and Vehicles", Subsections 90-1010(a)(2) and (a)(3) of the Code of Ordinances of the City of Commerce to amend the Official Parking Map and the official "No***

1 **Parking” map to designate a “No Parking” zone on the east side of Earl Street, between Live**
2 **Oak and Ash Street; providing a penalty; and providing an effective date.**

3
4 Council Member Anthony Henry recused himself from this item.

5
6 Director of Public Safety Chris Bassham discussed that the East side of Earl Street between Live
7 Oak and Ash Street borders an apartment complex where residents tend to park on Earl Street
8 making it difficult for people to exit the adjacent O'Reilly's parking lot. Further down on Earl
9 Street, ambulances, trash trucks and fire trucks have difficulty getting down the street due to the
10 obstruction caused by low hanging trees. There is quite a bit of foot traffic coming from the
11 apartments there and vehicles traversing the street have difficulty seeing pedestrians due to parked
12 vehicles obstructing their view. City Staff recommends a “No Parking” zone on the east side of
13 that street for the safety of both pedestrians and vehicles in that area.

14
15 Mayor Pro Tem Gene Lockhart made the motion to approve this Ordinance and make the east side
16 of Earl Street a “No Parking” zone. The motion was seconded by Council Member Beckey
17 Thompson and the vote carried unanimously. The second reading of this Ordinance will take
18 place at the June council meeting.

19
20 **10. City Manager's Report; discussion of same.**

21 • **Finance Update.**

- 22 • **Sales Tax-** For the month of May, which would actually reflect March
23 transactions, the City finished only \$700 under the budgeted amount, which
24 was slightly under collections for this time last year. Finance Director
25 Campbell stated that she did anticipate in April collections, which we would
26 see in June, is when we will see a larger economic impact of COVID-19 on
27 sales tax collections.

- 28 • **Property Tax-** The city budgeted 96% of the tax levy in property tax
29 collections, and we have hit 95.98% of that tax levy as of the end of April.
30 The City is only about \$340 shy of hitting budget numbers for the 2020 fiscal
31 year property tax budgeted collections.

32 • **Public input feedback.**

33 • **Calendar of upcoming events and meetings.**

- 34 • Interim City Manager Ned Muse encouraged the Council to plan for a
35 workshop toward the end of May or in early June to consider the Sabine River
36 Authority contract, which expires in 2027. He also said someone from
37 Corolla would present to the Council to discuss water planning for the City
38 of Commerce. He stressed that this would not require any action at that time,
39 and it would only be a workshop.

40 • **Personnel.**

- 41 • The new Parks & Recreation Director John Douthit was introduced to the
42 Council and public.

43 • **Projects update.**

44 • **Intergovernmental events and issues.**

- 45 • **Coronavirus (COVID-19) Update**

46
47 Council Member Beckey Thompson made the motion to recess into executive session. The
48 motion was seconded by Council Member Anthony Henry and the vote carried unanimously. The
49 council recessed into executive session at 6:35 p.m.

50
51 **12. Recess into Executive Session:**

- 52 • **§551.071 (1) and 551.071 (2): Consultation with Attorney on a matter in which the**
53 **duty of the attorney to the governmental body under the Texas Disciplinary Rules of**
54 **Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open**
55

1 Meetings Act and Consultation with Attorney regarding pending or contemplated
2 litigation.

- 3
4
 - Lien Forgiveness for Property ID #30404 on Culver Street
 - 2224 Live Oak
 - Issues related to COVID-19

5
6
7
8

- §551.074: To deliberate the appointment, employment, evaluation, reassignment,
9 duties, discipline, or dismissal of a public officer or employee (re: City Manager).

- 10
11 12. Reconvene into Open session: In accordance with Texas Government Code, Chapter 551, the
12 City Council will reconvene into Regular Session to consider action, if any, on matters
13 discussed in Executive Session, including without limitation:

14
15 The council reconvened into open session at 7:23 p.m.

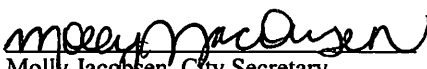
- 16
17 13. Discussion and Possible Action on A Resolution Authorizing the Forgiveness of interest on
18 liens from 1990, 1991 & 1992 on Culver Street (Property ID #30404).

19
20 Council Member Stephanie Muller made the motion to accept a Resolution authorizing lien
21 forgiveness and allowing principal of the liens, plus interest up to 1999 and to forgive the
22 remaining interest on the liens past 1999. The motion was seconded by Council Member Beckey
23 Thompson and the vote carried unanimously.

- 24
25 14. Adjourn:

26
27 Council Member Beckey Thompson made the motion to adjourn. Council Member Stephanie
28 Muller seconded the motion, resulting in a unanimous vote to adjourn. The meeting was
29 adjourned at 7:26 p.m.

30
31
32
33
34 
Wyman Williams, Mayor

35
36
37 
38 Molly Jacobsen, City Secretary

39
40
41 08/18/2020
42 Date

43
44 05.19.20.MINS