

**MINUTES**  
**City Council – Regular Meeting**  
**JUNE 16, 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 Special Meeting Minutes- April 30, 2020
    - Commerce Economic Development Corporation Meeting Minutes- May 6, 2020
    - City Council Special Meeting Minutes- May 14, 2020
    - City Council Regular Meeting Minutes- May 19, 2020
  - b. **Consider and Take Action on:**
    - a. **Motion Authorizing Reappointment of Ray Green to the Parks & Recreation Advisory Board.**
    - b. **Motion Authorizing Reappointment of Vickie McMurray to the Parks & Recreation Advisory Board.**
    - c. **Motion Authorizing Reappointment of Jennie Reynolds to the Parks & Recreation Advisory Board.**
    - d. **Motion Authorizing Appointment of Andrew Baker to the Parks & Recreation Advisory Board.**

Council Member Beckey Thompson made the motion to approve the consent agenda. The motion was seconded by and 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 Financial Audit for the Fiscal Year ending September 30, 2019.**

1 Finance Director Jamie Campbell reminded the Council that the audit was presented to them by  
2 auditors at a workshop earlier this month. The audit had no significant findings and the final step  
3 in finalizing the audit requires the Council accept the audit for Fiscal Year 2019.  
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5 Council Member Stephanie Muller made a motion to accept the audit and the motion was  
6 seconded by Council Member Beckey Thompson and the vote carried unanimously.  
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8 **7. Discussion and Possible Action on a Resolution Authorizing Change Order #1 to the**  
9 **Contract between the City of Commerce and BCAC Underground to Include a 50-day**  
10 **extension and \$1,850 increase in the total contract price for Completion of the Water**  
11 **Treatment Filter Repair Project.**  
12

13 City Secretary Molly Jacobsen reminded the Council that this was related to the filter repairs at the  
14 Water Plant. This change order was a result of our attorney's recommendation to add performance  
15 bonds to the project. Initially, when the filters were repaired, a few new leaks sprung up in other  
16 weak spots of the filter and this lead to the repair of those leaks. Once all the leaks were repaired,  
17 Hayter Engineering arranged with the contractor that the filters would work for 30 days with no  
18 leaks before a final payment was issued. The addition of the performance bonds added \$1,850 to  
19 the final contract price and the "leak-free" 30-day period extended the length of the project,  
20 resulting in a change order. Hayter Engineer Mike Tibbets added that the Texas Commission on  
21 Environmental Quality has approved, in writing, the repairs of the water filters.  
22

23 Council Member Stephanie Muller asked why performance bonds were added to the project at a  
24 later date. Mr. Tibbets explained that we initially were not going to pay the contractor until they  
25 finished the project, but the state requires a payment and performance bond. Council Member  
26 Stephanie Muller said that she felt since the bonds are required, the price should not be increased  
27 based on the need to add bonds that should have been included to begin with. She doesn't feel  
28 that a payment and performance bond should be a line item on a project that increases the price.  
29 Her understanding of state law is that it does not allow for an additional expense for payment and  
30 performance bonds. Interim City Manager Ned Muse said that some responsibility lies with the  
31 City for not requiring it in the initial request for qualifications. Mr. Muse said the City Attorney  
32 informed the staff at the beginning that the project could not be completed without those bonds.  
33

34 Mayor Pro Tem Gene Lockhart made the motion to authorize the Change Order. The motion was  
35 seconded by Council Member Beckey Thompson. Council Member Stephanie Muller opposed  
36 and vote carried with 4 council members voting for the change order and one voting against it.  
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38 **8. Consideration of Resolution Accepting the Water Treatment Filter Repair Project**  
39 **completed by BCAC Underground.**  
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41 Interim City Manager Ned Muse summarized that the contractor has completed the work at the  
42 Water Plant on the water filters.  
43

44 Council Member Anthony Henry made a motion to accept the project. The motion was seconded  
45 by Council Member Beckey Thompson and the vote carried unanimously.  
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47 **9. Discussion and Possible Action on a Resolution Approving an Interlocal Agreement between**  
48 **the City of Commerce and Sulphur Bluff Independent School District for the sale of a City**  
49 **Owned, 4-door Ford Vehicle.**  
50

51 Director of Public Safety Chris Bassham discussed that Sulphur Bluff ISD approached the city  
52 about purchasing a city-owned, surplus vehicle that was taken out of service following the  
53 Enterprise Contract. As this vehicle is no longer utilized by the City and would benefit Sulphur  
54 Bluff ISD for use as a security vehicle, City staff is seeking council's approval of the sale.  
55 Sulphur Bluff ISD has offered \$6,500 for the purchase of the vehicle and the vehicle is a fully  
56 depreciated asset on the city's books and city holds the title to the vehicle.

Council Member Stephanie Muller moved to approve the sale of the vehicle. Council Member Anthony Henry asked if the City no longer auctioned off their vehicles. Interim City Manager Ned Muse said that the City does still participate in auctions but that since this one was going by an interlocal agreement to a school district, an auction wasn't necessary and the Council could just elect to sale the vehicle to another entity. The motion was seconded by Mayor Pro Tem Gene Lockhart. Council Member Anthony Henry opposed the motion and the vote carried with a 4-1 majority vote.

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

Council Member Anthony Henry recused himself from this item, as he did for the first reading of this Ordinance last month.

Director of Public Safety Chris Bassham discussed that city staff has continued to monitor this area and has continued to see vehicles parked here, creating a traffic hazard along the East side of Earl Street between Live Oak and Ash Street.

Mayor Pro Tem Gene Lockhart made the motion to approve this Ordinance and make the east side of Earl Street a "No Parking" zone. The motion was seconded by Council Member Beckey Thompson and the vote carried unanimously.

11. **City Manager's Report; discussion of same.**

- **Public input feedback.**
- **Finance Update.**
  - **Sales Tax-** The City is above budgeted collections, and we are also above where we were in collections at this time last year, despite the pandemic. Finance Director Campbell said she believes this bump in sales tax is likely related to retail collections. She has also forecasted us finishing this year over our budgeted collections in sales tax for the year, which is \$1,000,000.
  - **Property Tax-** Last month, the City was just shy of hitting budgeted amounts by about \$400. This month, we have exceeded the budget by almost \$32,000. The City has reached 97% of the tax levy and the budgeted amount of collections was 96% of the tax levy. Finance Director Campbell said this was likely related to people paying ahead for next year. She does not anticipate much more in collections. Since this was the City's first year to budget a higher percentage of collections, the City is optimistic that our residents are promptly paying their property taxes.
  - **Budget Calendar-** There were some changes made to the budget calendar related to COVID-19. An updated calendar with new budget dates was provided to the Council. Particularly, July 7<sup>th</sup> there will be a budget to discuss goals for the Council in the FY 2021 budget. Another topic covered at that meeting will be discussions on property tax options. She also noted that the Charter specifies the Budget must be presented to the City Secretary by August 1<sup>st</sup>. Since August 1<sup>st</sup> is a Saturday, we have moved the budget presentation to Tuesday, August 4<sup>th</sup> but the budget will be available online for inspection on August 1<sup>st</sup>, consistent with the Charter.
  - Finally, there is an upcoming change to utility payments and the way our customers can pay their utility bill. It will allow for more options for citizens to pay their bills. The city is working with a company called Government

Window who will do the city's credit card processing. They will process payments over the phone automatically, which is safer and more secure. We will also encourage citizens to do a monthly bank draft to automatically draft their water bill as another option to pay utility bills.

- **Calendar of upcoming events and meetings.**

- The Council will have a workshop as well on June 30<sup>th</sup> to discuss the pavement study completed by Applied Research Associates, which was an item voted on by the Council back in the Fall of 2019. The Council will also hear from Hotel Occupancy Tax Allocation applicants at this meeting.

- **Personnel.**

- SGR has began receiving applications for the City Manager. As of currently, they have 12 applications and will continue accepting applications through July 10<sup>th</sup>. At that time, the applications will be provided to the Council and they will began sorting through candidates.

- **Projects update.**

- There have been some issues regarding the Commerce Cares Recycling Program in that some people have abused the program by dumping items at the site that are not allowed. The City and the University absorb the cost of those recycling bins and Commerce Cares volunteers maintain the facilities. The rumors of cancelling that program are not an option at this time but discussions are being had amongst the University, the City and Commerce Cares to better the program.
- The Public Works Department has began work on the walking trail at Centennial Park.
- The City has received a grant from CVS for a pharmaceutical drop off box in the lobby of our police department. This will keep inappropriately disposed of medicines from entering our water supply and/or getting into the hands of the wrong individuals.
- Monday, June 22<sup>nd</sup> we will begin procedures of requiring masks and temperature checks of people coming into City Hall. There are sneeze guards in place at every window in City Hall now, and decals on the floors to promote social distancing.

- **Intergovernmental events and issues.**

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

Council Member Beckey Thompson made the motion to recess into executive session. The motion was seconded by Council Member Stephanie Muller and the vote carried unanimously. The council recessed into executive session at 6:44 p.m.

**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.**

- **§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).**

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- *Water Supply Contracts: Sabine River Authority, North Hunt, Gafford Chapel & Upper Trinity*
- *Non-Disclosure Agreement with SBA Corporation*

**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 7:43 p.m.

**14. Adjourn:**

Council Member Beckey Thompson made the motion to adjourn. Council Member Stephanie Muller seconded the motion, resulting in a unanimous vote to adjourn. The meeting was adjourned at 7:43 p.m.

  
Wyman Williams, Mayor

  
Molly Jacobsen, City Secretary

08/18/2020  
Date

06.16.20.MINS