

MINUTES
City Council – Regular Meeting
AUGUST 18, 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 Anthony Henry led the Pledge of Allegiance.

4. Consent Agenda:

a. Acceptance of Minutes:

- Commerce Economic Development Corporation Special Meeting Minutes- July 7, 2020
- Parks & Recreation Advisory Board Meeting Minutes- July 8, 2020
- Commerce Economic Development Corporation Regular Meeting Minutes- July 21, 2020
- City Council Regular Meeting Minutes- July 21, 2020
- Commerce Economic Development Corporation Special Meeting Minutes- August 3, 2020

b. Consider and Take Action on:

- Motion Reauthorizing a Mutual Aide Agreement between the City of Commerce Fire Department and the City of Sulphur Springs, Texas Fire Department.
- A Resolution Authorizing the Approval of a Shade T-Hangar Lease Agreement at the Commerce Municipal Airport Between the City of Commerce and David Eric Walker; Authorizing the City Manager to Execute All Necessary Documentation.
- A Resolution Authorizing the Approval of a Shade T-Hangar Lease Agreement at the Commerce Municipal Airport Between the City of Commerce and Thomas G. Longino; Authorizing the City Manager to Execute All Necessary Documentation.

Council Member Stephanie Muller made the motion to approve the Consent Agenda and the motion was 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.

1 Henry Ross addressed the council. He stated he sent a letter to the Elections Administrator for
2 Hunt County, Jose Martinez on July 14, 2020 and he has not yet heard back from him. Mr. Ross
3 read his letter expressing concern, as a registered voter that lives in Commerce, with the inability
4 to vote at the regular polling location of City Hall for the July 14th run-off election. He stated
5 upon his arrival at City Hall, he found a note on the door that voting was being held at Sandhills
6 Country Club. Mr. Ross stated in his letter that Sandhills Country Club is located approximately 5
7 miles outside of Commerce and has a physical address in Cumby, Texas. He stated that City Hall
8 was within walking distance for many citizens of Commerce while Sandhills Country Club was
9 not. He verbalized concern that advanced notice for the change in polling place was not given and
10 stated that when he asked why City Hall was not open for voting, he was told that City Hall did
11 not want to absorb the cost of disinfecting the building following voting. Mr. Ross stated that this
12 gives the impression that Commerce is not interested in insuring a fair election. Mr. Ross stated
13 that it has been over a month and he has heard nothing back and as a citizen of Commerce, he is
14 very concerned.

15
16 Mayor Wyman Williams thanked Mr. Ross for sharing his concerns with the Council.

17
18 **6. Receive a Report, hold a Discussion on Hunt County Transportation Bonds.**

19
20 Council Member Stephanie Muller stated that the Council had a workshop in March with the
21 planning group associated with the Hunt County Transportation Bonds. There is money set aside
22 to address Highway 24 and Culver Street. Since that meeting, there have been further meetings
23 between this group and the University and an update on that progress was recently provided to a
24 couple Council Members. They shared that obstacles related to some University-owned property
25 in the original design plans were overcome so that the Committee can begin moving forward with
26 a survey and implementing these plans and meeting with TxDOT.

27
28 **7. Receive a Report, hold a Discussion and Conduct the First Public Hearing to consider**
29 **Proposed Tax Rate for Fiscal Year 2021.**

30
31 Director of Finance Jamie Campbell stated that the official calculation for the property tax rate
32 breakdown of M&S versus I&O was received by Hunt County today and thus a public hearing
33 today was not necessary since it must be published in the newspaper for at least 7 days prior to the
34 public hearing. Due to the City being within the voter-approval rate, only one public hearing
35 would be necessary and this hearing will take place in September as the rate was only finalized by
36 the County today.

37
38 Interim City Manager Ned Muse reminded the Council that the important thing to note is the
39 proposed tax rate will not exceed the current tax rate of \$0.82 per \$100 of valuation.

40
41 **8. Discussion and Possible Action on a Resolution Authorizing Submission of an Application to**
42 **the TxCDBG FAST (Fire, Ambulance, Service Truck) Grant Program.**

43
44 Director of Public Safety Chris Bassham stated that last month, city staff asked for permission to
45 apply for the TxCDBG Grant and that request was approved by the City Council. As staff
46 prepared to apply for the Grant, we learned a public hearing for the funds related to the grant was
47 necessary. That public hearing was conducted. In addition, TxCDBG made some additional
48 recommendations to the Resolution that was initially presented to Council. City Staff is asking
49 Council for permission to apply for this grant with the updated Resolution and now that the
50 required public hearing has been properly advertised and conducted.

51
52 Council Member Beckey Thompson made a motion to approve the amended Resolution and grant
53 staff permission to apply for the grant. The motion was seconded by Council Member Stephanie
54 Muller and the vote carried.
55

Council Member Anthony Henry states he was not present for items #8 and #9 due to internet connection issues so he did not vote on this item.

9. Discussion and Possible Action on a Resolution authorizing an agreement with the Texas Coalition for Affordable Power (T-CAP).

City Secretary Molly Jacobsen stated that this was an item brought to the Council by the Texas Coalition of Affordable Power. The City currently has an agreement with GEXA Energy, where the City purchases their power from. The current contract obligates the City to purchase their electricity from GEXA through the end of December 2022. Secretary Jacobsen discussed that this agreement is a new procurement methodology proposed by the Texas Coalition of Affordable Power (TCAP) which entails the City agreeing to allow TCAP to purchase power two years prior to delivery through a strategic hedging program.

Mr. Bill Starnes from the Texas Coalition of Affordable Power stated that the City is currently under a contract through TCAP for 5 years for a very favorable rate. He stated that changes have been noted in the market and its more prudent going forward to buy two years ahead of time as the prediction from the Department of Energy is that prices will continue to decline. Rather than locking rates in advance, this will allow for a fixed rate for budgeting and rather than buying for 5 years, you are committing to buying 2 years in advance. Mr. Starnes stated had this been the approach several years ago, the City could have saved \$5,000-\$12,000 a year and looking forward, T-CAP believes those savings will be even greater by changing the procuring strategy with this new agreement.

City Secretary Molly Jacobsen noted that the Council had until September 30th to act on this item should they need more time or require further information.

Finance Director Jamie Campbell asked if there is a variable rate each month. Mr. Starnes stated that it will be a fixed price, set two years in advance under this agreement. Mr. Starnes stated this agreement was necessary now because TCAP would begin procuring rates in 2021 for the year 2023, which is when the current agreement is up, and a new contract would be necessary. He stated around March of 2022, TCAP would be able to give the City their 2023 rate under this new agreement and procuring strategy. He said the rate may vary slightly from year to year, but TCAP predicts the rates will be lower than what they have been, and you'll know that in advance since the rate is set for the year, two-years ahead of time. Finance Director Campbell asked if during procurement, all utility companies were approached or just certain companies. Mr. Starnes stated that with TCAP, a city can procure their power at the wholesale market and TCAP will do that by going out for competitive bids every month with a pool of about 20 wholesale suppliers. From there, they will choose the lowest bidder.

Council Member Beckey Thompson made a motion to authorize the agreement with TCAP and the motion was seconded by Council Member Stephanie Muller and the vote carried with 4 council members voting in favor of this agreement. Council Member Anthony Henry states he was not present for items #8 and #9 due to internet connection issues so he did not vote on this item.

10. Presentation and Consideration of Resolution authorizing Award of Bid for Healthcare Coverage for City of Commerce Employees for Fiscal Year 2021; and Authorizing the City Manager or his designee to execute all necessary documentation.

City Secretary Molly Jacobsen stated this is related to employee benefits for City Employees. She stated that while this item has historically been coupled with the budget process, the city has become more efficient over the years at open enrollment, and realized that asking employees to enroll in plans in August that the Council may or may not approve with a budget in September didn't make chronological sense. Thus staff is seeking approval of these plans prior to open enrollment for city employees.

1
2 This year, during the process where the City's insurance is taken to market by Wellspring
3 Insurance, the City learned some things and had to make some significant changes to health plans.
4 For the last few years, the City has been with United Healthcare. The City has made the decision
5 to switch to Blue Cross Blue Shield (BCBS). When the City's plans were initially taken to
6 market, the existing plans came back with a renewal rate of 37% to keep all the plans the same and
7 remain with United Healthcare. Wellspring worked with Blue Cross Blue Shield to move the
8 healthcare plans from a PPO plan, to an HMO plan, but kept the plans otherwise pretty much the
9 same as far as copays and deductibles. Further, the City moved their dental insurance, vision
10 insurance, life insurance and short- and long-term disability policies from other carriers over to
11 Blue Cross Blue Shield. In doing so, the 37% initial renewal rate increase with United Health
12 Care went down to a -1% renewal rate by making these changes and moving city employees to
13 Blue Cross Blue Shield coverage.

14
15 Mayor Wyman Williams inquired if this was a one-year commitment. City Secretary Molly stated
16 this was a two-year commitment from BCBS which is not something the City has seen with health
17 insurance renewals historically.

18
19 Council Member Stephanie Muller made the motion to award the City's health care coverage to
20 Blue Cross Blue Shield. The motion was seconded by Council Member Anthony Henry and the
21 vote carried unanimously.
22

23 **11. *Second Reading- Discussion and Possible Action on an Ordinance Amending Chapter 18,***
24 ***Article II, Section 18-26(a) of the City's Code of Ordinances to Re-Establish Residency***
25 ***Requirements Related to the Composition of the Airport Advisory Board.***
26

27 Interim City Manager Ned Muse reminded the Council that this was a second reading related to
28 the composition of the Airport Advisory Board and it was approved on the first reading. There
29 has been no feedback from the public since the first reading of the Ordinance. The amendment to
30 this Ordinance would allow for a maximum of two Airport Board Members to live outside of the
31 City of Commerce, but still within Hunt County.
32

33 Council Member Anthony Henry made the motion to approve the Ordinance on the second
34 reading. The motion was seconded by Council Member Stephanie Muller and the vote carried
35 unanimously.
36

37 **12. *First Reading- Discussion and Possible Action on an Ordinance Amending Chapter 10,***
38 ***Article VI, Section 10-138 of the City's Code of Ordinances to allow the City's Animal***
39 ***Control Officer (ACO) to issue Citations for Violations related to Animal Control.***
40

41 Director of Public Safety Chief Bassham discussed that the intention was to allow the Animal
42 Control Officer to write citations strictly related to animal related city code violations. Further,
43 the Ordinance currently reads that this section is enforceable by the Director of Community
44 Development or the Chief of Police. The Ordinance would be amended to read that this section is
45 instead enforceable by a City employee designated by the City Manager since the City currently
46 does not have either a Community Development Director or the position of Police Chief.
47

48 Interim City Manager Muse stated that as this would only allow the ACO to write code violation
49 citations, this was being recommended by staff for approval.
50

51 Council Member Beckey Thompson inquired as to what sort of training would be required for the
52 Animal Control Officer. Interim Manager Muse stated that as this is all related to existing code
53 within the City, the ACO has already had on the job training. Director Bassham stated that the
54 current employee is a certified ACO and has been shadowing police officers who have been
55 issuing these citations for the last 4-5 months.
56

1 Mayor Pro Tem Gene Lockhart made the motion to approve the amendment to the Code of
2 Ordinances. The motion was seconded by Council Member Stephanie Muller and opposed by
3 Council Member Anthony Henry. The motion passed with a 4 to 1 vote.
4

5 **13. First Reading- Discussion and Possible Action on an Ordinance Amending Chapter 78,**
6 **Section 78 of the City's Code of Ordinances in order to prohibit Scavenging of Solid Waste.**
7

8 Interim City Manager Ned Muse stated that as the Council was aware, the City has been in
9 negotiations with City Sanitation for a contract renewal. One of the things they requested was a
10 change in the City's ordinance to stop scavenging. The primary reason is to prevent people from
11 scattering trash that has to be picked up by City Sanitation and/or City Staff. City staff
12 recommends the amendment of this Ordinance to council for approval on the first reading.
13

14 Council Member Stephanie Muller inquired if this was only for public property and Interim
15 Manager Muse clarified that this was applicable to anyone serviced by City Sanitation.
16

17 Mayor Pro Tem Gene Lockhart moved to approve the amendment to the Ordinance on the first
18 reading. The motion was seconded by Council Member Anthony Henry and the vote carried
19 unanimously.
20

21 **14. City Manager's Report; discussion of same.**

22 • **Public input feedback.**

- 23 • City Manager Muse addressed Mr. Henry Ross' public comment and stated
24 that City Hall was closed to the public at the time of the July 14th run-off
25 election. He stated that in discussions with the County, the City agreed to
26 allow voting at City Hall if the County were to agree to split the cost of
27 sanitizing the facility after voting. The price was quoted at about \$1,500 and
28 the County initially agreed to that plan. When City Secretary Molly asked
29 the Election Administration Office to verify these plans, they notified the City
30 that they had decided not to use City Hall for voting. Interim Manager Muse
31 stated that signs were posted on City Hall doors and a post was made to the
32 City's Facebook so that there was no perception of an intention to suppress
33 voters. Mr. Muse stated that the county conducted the election and selected
34 polling locations and the City did not have any control in that. City Secretary
35 Molly stated that City Hall would be a polling place for the November 3rd
36 Election.

37 • **Finance Update.**

- 38 • **Sales Tax-** The City was above budget for the month of August in sales tax
39 collections and has already collected and exceeded budgeted projections for
40 the 2020 fiscal year in sales tax as of August. Meaning, even if the city
41 collected \$0 sales tax in the month of September, the City has already
42 collected the budgeted projection of collections for the 2020 fiscal year as of
43 August. A break down of the sales tax reveals that "retail trade" is the driving
44 force behind increased sales tax collections for the month of August. Also,
45 up from last year are categories "wholesale trade" and "manufacturing." The
46 "retail trade" category of sales tax was broken down further to reveal that
47 "department stores" was the largest contributor to retail trade sales tax,
48 followed by things like "building materials", "gasoline stations," and
49 "electronic shopping and mail orders" which includes things like Amazon
50 orders.
- 51 • **Property Tax-** The City has received in excess collections, over the budgeted
52 amount of property tax collections, \$66,000 in property tax collections. The
53 City has hit 99% of its tax levy and still has one more month of property tax
54 collections.

- The M&O portion of the city's property tax rate is \$0.607517 and an I&S rate of \$0.212483 makes a total of \$0.820000 for the tax rate in FY 2021.
- **Calendar of upcoming events and meetings.**
 - There will be walk-up COVID-19 testing at Texas A&M University Commerce from August 19th – August 22nd at no cost to anyone who participates. No symptoms or proof of residency are required to partake in the free testing.
 - There will also be testing put on by the Texas Department of Emergency Management on August 28th and August 29th at Commerce Fire Department.
 - There will be at least two upcoming special meetings for the City Council on August 25th and September 8th related to the FY 2021 budget.
- **Personnel.**
- **Projects update.**
 - The North Parallel Taxiway Extension project at the Commerce Municipal Airport received three bids. The low bid is being considered by the Texas Department of Aviation and was within the engineer's estimate for cost.
- **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 7:14 p.m.

15. 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.**

- *Solid Waste Contract with City Sanitation*
- *Chapter 380 Agreement Extension (Property ID #118191)*
- *Amir Rahman v. City of Commerce, Cause No. 85096, Hunt County*
- *Water Supply Contract with North Hunt*
- *Sale of City owned Property in Proximity to Commerce Municipal Airport*

Council Member Anthony Henry made a motion to recess into executive session. The motion was seconded by Council Member Stephanie Muller and the vote carried unanimously.

The council moved into executive session at 7:16 p.m.

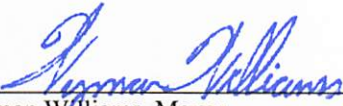
16. Reconvene into Open session: In accordance with Texas Government Code, Chapter 551, the City Council will reconvene into Regular Session to consider action, if any, on matters discussed in Executive Session, including without limitation:

The council reconvened into open session at 9:08 p.m.

Council Member Stephanie Muller made the motion to accept the Chapter 380 Agreement between the City of Commerce and Amanda Escobedo to extend the agreement up to 90 days from today's date to allow time to close on the property. Further, the time for the rebate on the property will begin on the day she signs the agreement and Mrs. Escobedo must sign on and pay for the lot within 60 days. The City Attorney is authorized to draft an agreement including these terms and the City Manager is authorized to sign the agreement on behalf of the City. The motion was seconded by Mayor Pro Tem Gene Lockhart and the motion carried unanimously.

1
2 **17. Adjourn:**
3

4 Council Member Beckey Thompson made the motion to adjourn. Council Member Stephanie
5 Muller seconded the motion, resulting in a unanimous vote to adjourn. The meeting was
6 adjourned at 9:14 p.m.
7

8
9
10 
11 _____
12 Wyman Williams, Mayor
13

14 
15 _____
16 Molly Jacobsen, City Secretary
17

18 10/20/2020
19 _____
20 Date
21

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