

MINUTES
City Council – Regular Meeting
SEPTEMBER 15, 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:**
 - City Council Special Meeting Minutes- July 28, 2020
 - Parks & Recreation Advisory Board Meeting Minutes- August 12, 2020
 - Commerce Economic Development Corporation Special Meeting Minutes- August 31, 2020

Council Member Stephanie Muller made the motion to approve the Consent Agenda and the motion was 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. **Presentation of Proclamation for Constitution Week.**

Mayor Wyman Williams read a proclamation honoring the Charles Croxall Chapter of the Texas Daughters of the American Revolution.

7. **Receive a Report, hold a Discussion, and Conduct a Public Hearing for the Fiscal Year 2020-2021 Budget.**

Director of Finance Jamie Campbell stated that since the budget changes were presented last Tuesday, there have been no other changes.

The public hearing was opened at 6:08 p.m. No one came forward and the public hearing was closed at 6:08 p.m.

1 **8. Consideration and Possible Action on an Ordinance Adopting the Fiscal Year 2021**
2 **Operating Budget.**

3
4 Interim City Manager Ned Muse stated that the draft budget was amended only as discussed in the
5 last few meetings. There have been no changes since then and the budget is recommended to the
6 Council for their approval.
7

8 Council Member Beckey Thompson made a motion to approve the Fiscal Year 2021 Budget. The
9 motion was seconded by Council Member Anthony Henry and the vote carried unanimously.
10

11 On a roll call vote, Council Member Stephanie Muller voted "yes", Council Member Beckey
12 Thompson voted "yes", Council Member Anthony Henry voted "yes", Mayor Pro Tem Gene
13 Lockhart voted "yes" to approve the budget and Mayor Wyman Williams voted "yes" to approve
14 the FY 2021 budget.
15

16 **9. Discussion and Possible Action on a Resolution Authorizing a Grant Agreement with**
17 **TxDOT Aviation for Routine Airport Maintenance Program (RAMP) and Authorizing the**
18 **City Manager to negotiate all Necessary Documentation.**
19

20 Interim City Manager Ned Muse stated this is the annual application for the City to receive RAMP
21 grant funds from TxDOT. The City applies for the funds and once the funds become available,
22 they can be used for a wide variety of things at the airport. At this time, the intention is to use the
23 funds for the fuel farm at the airport. This item is strictly to authorize the application for these
24 funds.
25

26 Finance Director Jamie Campbell added that the City is seeking the maximum amount of funds for
27 this grant, which is \$50,000 and reminded the Council that this grant is a reimbursement grant.
28 Therefore, the City expends 100% of the funds and submits it to TxDOT for reimbursement and is
29 refunded 50% of the costs once it is approved. The year end for TxDOT is August 30th which is
30 why this is adopted every year by the Council in September, which is the beginning of their new
31 fiscal year.
32

33 Council Member Stephanie Muller made a motion to approve the Resolution authorizing a grant
34 agreement with TxDOT for Routine Airport Maintenance. The motion was seconded by Council
35 Member Beckey Thompson and the vote carried unanimously.
36

37 **10. Discussion and Possible Action on a Resolution Authorizing the Extension of a Depository**
38 **Contract between Alliance Bank and the City of Commerce.**
39

40 Finance Director Jamie Campbell stated that the City currently is under contract with Alliance
41 Bank. The maximum number of years for a depository contract is 5. The City's current contract
42 with Alliance allows for the option to extend the contract by an additional 2 years after the first 3
43 years. City Staff recommends continuation of this agreement with Alliance Bank as the City has
44 been very pleased with the partnership with Alliance Bank and they have met and exceeded the
45 city's expectations during the duration of this agreement as well as met all local and state criteria
46 for a municipality depository.
47

48 Council Member Anthony Henry inquired as to whether the City usually goes out for bids from
49 other local banks for this. Finance Director Campbell said as the City approaches the 5-year mark,
50 we will go out for bids again. She stated that as the bid process is very thorough and lengthy, it
51 isn't something the City typically does any sooner. Interim City Manager Muse clarified that
52 Alliance Bank was initially selected about three years ago through a competitive bidding process.
53 Muse stated that after 3 years with a bank depository, the City is given the opportunity to take
54 another look at the contract and that at this point in the cycle, the City has no reason not to remain
55 with Alliance Bank for another two years.
56

Council Member Anthony Henry made the motion to approve the extension of the Depository Contract with Alliance Bank. The motion was seconded by Council Member Stephanie Muller and the vote carried unanimously.

11. Discussion and Possible Action on an Agreement with Linebarger Goggan Blair & Sampson regarding Lien Recovery in Tax Resales.

City Attorney Charles Anderson stated that this agreement has been reached with the City's tax attorneys Linebarger Goggan Blair and Sampson. Essentially, when there is a tax foreclosure, LGBS will collect outstanding liens the City may have and will charge 20% of the lien amount to do so. The advantage being that the City has not historically received any reimbursement related to outstanding liens on properties during this process.

Council Member Stephanie Muller moved to accept the agreement as presented with LGBS. The motion was seconded by Council Member Anthony Henry and the vote carried unanimously.

12. Discussion and Possible Action on a Resolution Approving a Negotiated Settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the Company's 2020 Rate Review Mechanism Filing, declaring Existing Rates to be Unreasonable; Adopting Tariffs that reflect Rate Adjustments.

City Secretary Molly Jacobsen stated that the City is a member of the ATM Coalition and not the Atmos City Steering Committee ("ACSC"). The ACSC does Rate Review Mechanism (RRM) filings while the ATM participates in GRIP filings. As such, the City was advised by local Atmos Manager of Public Affairs Beth Dattomo to not take action on this item since it is not applicable to an ATM city and was received by the City by mistake.

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

Director of Public Safety Chief Bassham discussed that this was a second reading of this Ordinance and the intention of it was to allow the Animal Control Officer to write citations strictly related to city code animal violations. Currently, there is no records related to animal code violations in the court. This would allow the ACO to issue paper citations, either in the form of warnings or fines, which could then be tracked and monitored with the court. Further, the Ordinance currently reads that this section is enforceable by the Director of Community Development or the Chief of Police. The Ordinance would be amended to redact that and instead read that this section is enforced by a City employee designated by the City Manager.

Council Member Beckey Thompson made the motion to approve the amendment to the Code of Ordinances. The motion was seconded by Council Member Stephanie Muller and opposed by Council Member Anthony Henry. The motion passed with a 4 to 1 vote.

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

Interim City Manager Ned Muse stated that the Council approved this Ordinance in its first reading. There have been no changes recommended since then and staff recommends approval.

Council Member Stephanie Muller moved to approve the amendment to the Ordinance on the second reading. The motion was seconded by Council Member Anthony Henry and the vote carried unanimously.

14. Second Reading- Discussion and Possible Action an Ordinance amending Ordinance 12-12 to Adjust the City of Commerce Water Rates.

1 *-Ned Muse, Interim City Manager*

2
3 Interim City Manager Ned Muse stated that both this item and the next were first brought to the
4 council at the September 8th special City Council meeting and both were approved on their first
5 readings at that time. There have been no additional changes since that time.
6

7 Council Member Anthony Henry moved to approve this Ordinance on the second reading related
8 to amending the water rates. The motion was seconded by Council Member Stephanie Muller and
9 the vote carried unanimously.
10

11 15. **Second Reading- Discussion and Possible Action an Ordinance amending Ordinance 12-13 to**
12 **Adjust the City of Commerce Wastewater Rates.**
13

14 Council Member Anthony Henry moved to approve this Ordinance on its second reading related
15 to amended Wastewater rates. The motion was seconded by Council Member Stephanie Muller
16 and the vote carried unanimously.
17

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

- 19 • **Public input feedback.**
20 • **Finance Update.**
21 • **Sales Tax-** The City budgeted to collect \$1,000,000 in sales tax this year.
22 Last year, the City collected an actual revenue of \$1,044,000 and this year,
23 the City collected about \$100,000 more than that. The City collected about
24 \$1,145,000 and change in Fiscal Year 2020 for sales tax.
25 • **Property Tax-** As of August last year, the City reached 98.02% of our tax
26 levy which is about average for the City since they collect about 97-98% of
27 the tax levy every year. This year, the City has reached 99.32% of our tax
28 levy which could be a result of people making future payments. While there
29 is still one more month of property tax collections, we don't anticipate much
30 more in collections for property tax for this year.
31 • **Calendar of upcoming events and meetings.**
32 • The Council will meet Friday evening, September 18th at 6:00 p.m. to adopt
33 the tax rate.
34 • **Personnel**
35 • **Projects update.**
36 • The City released an RFQ for Engineering Services for the fuel farm at the
37 Commerce Municipal Airport. Staff anticipates awarding the contract for
38 engineering of this project at the October City Council Meeting.
39 • **Intergovernmental events and issues.**
40 • **Polling Place for the November Election-** City Hall will be a polling place
41 for the November election.
42 • The City received a notice of enforcement from TCEQ regarding the
43 discharge of untreated wastewater and staff plans to meet tomorrow with
44 representative of Hayter Engineering to file a response to that letter.
45 • Staff has had ongoing discussions of notifying residents of late fees
46 associated with utility billing. Notices will go out soon on water bills to
47 notify citizens of the City's intention to begin accruing those fees again soon.
48

49 Council Member Beckey Thompson made the motion to recess into executive session. The
50 motion was seconded by Council Member Stephanie Muller and the vote carried unanimously.
51 The council recessed into executive session at 6:34 p.m.
52

53 15. **Recess into Executive Session:**
54

1 • §551.074: To deliberate the appointment, employment, evaluation, reassignment,
2 duties, discipline, or dismissal of a public officer or employee (City Manager).
3

4 • §551.071 (1) and 551.071 (2): Consultation with Attorney on a matter in which the
5 duty of the attorney to the governmental body under the Texas Disciplinary Rules of
6 Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open
7 Meetings Act and Consultation with Attorney regarding pending or contemplated
8 litigation.
9

- 10 • Solid Waste Contract with City Sanitation
11 • Amir Rahman v. City of Commerce, Cause No. 85096, Hunt County
12 • Water Supply Contracts
13

14 Council Member Anthony Henry made a motion to recess into executive session. The motion was
15 seconded by Council Member Beckey Thompson and the vote carried unanimously.
16

17 The council moved into executive session at 6:35 p.m.
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- 19 16. **Reconvene into Open session: In accordance with Texas Government Code, Chapter 551, the**
20 **City Council will reconvene into Regular Session to consider action, if any, on matters**
21 **discussed in Executive Session, including without limitation:**
22

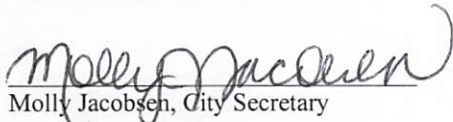
23 The council reconvened into open session at 8:20 p.m.
24

- 25 17. **Adjourn:**
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27 Council Member Stephanie Muller made the motion to adjourn. Council Member Beckey
28 Thompson seconded the motion, resulting in a unanimous vote to adjourn. The meeting was
29 adjourned at 8:21 p.m.
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34 Wyman Williams, Mayor
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38 Molly Jacobsen, City Secretary
39

40 10/20/2020
41 Date
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44 09.15.2020.MINS