

MINUTES
City Council – Regular Meeting
OCTOBER 20, 2020 – 6:00 p.m.

PRESENT: Mayor Wyman Williams
Mayor Pro Tempore Gene Lockhart
Council Members: Anthony Henry & Beckey Thompson
Interim City Manager Ned Muse
City Attorney Charles Anderson
City Secretary Molly Jacobsen

ABSENT: Council Member Stephanie Muller

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:

Mayor Pro Tempore Gene Lockhart lead the Pledge of Allegiance.

4. Consent Agenda:

a. Acceptance of Minutes:

a. Beautification Commission Meeting Minutes- February 27, 2020

- City Council Regular Meeting Minutes- August 18, 2020
- City Council Regular Meeting Minutes- September 15, 2020
- Commerce Economic Development Agreement Meeting Minutes- September 21, 2020

b. Consider and Take Action on:

- Approval of an EMS Contract between Hunt Regional Hospital District and the City of Commerce.

Council Member Beckey Thompson made the motion to approve the Consent Agenda and the motion was seconded by Council Member Anthony Henry. 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 concerning the results of the Hotel and Conference Center Market Study from Stone Hospitality & Real Estate.

Dr. Jeremy Stone of Stone Hospitality and Real Estate presented a City of Commerce funded Hotel and Conference Center Market Study. The study included potential nationally branded hotels which could be recruited to the area, the community's need for a hotel and/or conference center, the community's current use of local hotels, potential future sites for this type of project and more information related to the feasibility of a hotel and conference center in Commerce.

1 7. **Discussion and Possible Action on a Resolution Awarding a Contract for the Construction of**
2 **the Airport Fuel Farm to CDS Muery and Authorizing the City Manager to Execute all**
3 **Necessary Documentation.**

4
5 Interim City Manager Ned Muse discussed that the City released a request for proposals in the Fall
6 and received one responsive bid from CDS Muery which is an engineering firm out of San
7 Antonio. This project will be funded via a combination of RAMP grant funds and city money.
8 The RAMP funds are available through TxDOT Aviation. The project also went before the
9 Airport Advisory Board the prior week and they are recommending engineering of the project be
10 awarded to CDS Muery.

11
12 Engineer Rick Berry from CDS Muery briefly addressed the council and stated his mother was
13 born in Commerce and had ties to the area and was looking forward to working with the City.

14
15 Council Member Beckey Thompson made a motion to award a contract for construction of the
16 Airport Fuel Farm to CDS Muery. The motion was seconded by Council Member Anthony Henry
17 and the vote carried unanimously.

18
19 8. **Discussion and Possible Action on a Reimbursement Resolution Expressing the Official**
20 **Intent to Reimburse Costs of the Projects Planned for the 2021 Certificate of Obligation**
21 **Issuance if those Costs are Paid prior to Receipt of the Proceeds of Issuance and**
22 **Presentation from Hilltop Financial Services regarding same; and Authorizing the City**
23 **Manager or his Designee to Execute any Necessary Documentation.**

24
25 Finance Director Jamie Campbell reminded the Council that during budget and tax rate
26 workshops, the Council decided to remain at the \$0.82/\$100 of assessed valuation and in order to
27 do that, the City would go out for additional debt this year. Some of the purchases that debt is
28 intended to go towards are purchases that need to be made now. For instance, outfitting the patrol
29 cars is a task that this debt will go toward and could be completed sooner rather than later when
30 the debt is issued as to avoid allowing the new patrol vehicles to sit parked and wait on the funds.
31 This Resolution is intended to serve as the Council's commitment to reimburse the General Fund
32 once the City receives funds from the new bonds when they come in.

33
34 Jim Sabonis, a Managing Director with Hilltop Securities presented a short power point to the
35 Council. He said that this Resolution was a small step in what would be a long process which
36 began in budget preparation and took into account implications of legislation, challenges of the
37 economy and the intention of maintaining the City's tax rate. The City intends to spend money
38 now but is deferring the issuance of debt. When the City issues debt, it will reimburse its funds
39 from the proceeds of that debt issue. He stated interest rates are at historical lows and the city
40 expects rates to be very reasonable. The primary goal for the debt issuance is to fund street
41 improvements over two phases, one this Spring and one the following year based on priority
42 streets, as determined by the City's recent street survey. He stated that the issuance of this debt
43 would have no impact on the City's tax rate. The plan would be to issue the first portion of debt in
44 the amount of \$1,705,000 during the Spring of 2021 with \$1.5 million of that reserved for streets.
45 This amount of debt is structured with the City's current tax rate and the current I&S portion of
46 the tax rate. Mr. Sabonis presented a timeline for the proposed schedule of events. He
47 summarized the presentation and stated this would not only maintain the City's current tax rate but
48 would also not increase the debt service tax rate.

49
50 Mayor Williams clarified if the first issuance of debt would be in the amount of \$1.7 million and
51 that additional capacity is already built into the plan to fund the second phase of the street
52 improvements. Mr. Sabonis verified that was true.

53
54 Finance Director Campbell clarified that this Resolution was not intended to lock the council into
55 or commit the council to a specific dollar amount related to debt issuance but rather is only based
56 on what the City estimates they will get for the first bond.

Council Member Beckey Thompson inquired if the items to be purchased would be brought back before Council later. Interim City Manager Muse stated that the purchase of these items was already approved by the Council with the approval of the budget and that based on the varying costs of these items, some might have to come to Council. Finance Director Campbell stated that the Council threshold for RFPs is \$50,000. She stated that outfitting the 12 patrol cars would probably be the only one of the public safety related purchases that would hit that threshold amount.

Council Member Beckey Thompson made the motion to approve this Resolution. The motion was seconded by Mayor Pro Tem Gene Lockhart. Council Member Anthony Henry opposed the motion and the vote carried with a 3-1 majority.

9. Discussion and Possible Action on a Resolution Approving an "Adopt a Street" Program for the City of Commerce and Authorizing the City Manager to approve applications.

Interim City Manager Ned Muse stated that about 6 weeks ago, a gentleman with a Fraternity at the University contacted the City with an interest in doing an "Adopt a Street" program toward community service hours. This process would create the program and then give the City Manager the ability to approve agreements with this program. The council was provided with a summary which would require a group to adopt a street and make a 2-year commitment involving 4 clean ups a year on that street removing trash and abandoned grocery carts. They would place trash at the end of their route on those 4 days annually, and city staff would pick up the trash. This program would be no cost to the city other than providing reflective vests and trash bags and some materials like that to the groups cleaning the streets. The Beautification Commission met earlier in the week but did not have a quorum for the meeting. The members present did voice their support of this program even though they did not take official action on the program.

Council Member Anthony Henry made the motion to approve the "Adopt a Street Program" and authorize the City Manager to approve applications. The motion was seconded by Mayor Pro Tem Gene Lockhart and the vote carried unanimously.

10. Discussion and Possible Action on a Proposal from Applied Research Associates for PAVER Software Training and Approval of an associated Master Service Agreement; and Authorizing the City Manager or his Designee to Execute all Necessary Documentation.

Finance Director Jamie Campbell discussed that this item is related to the completed street study that the Council approved about a year or so ago with Applied Research Associates, formerly Dynatest. Along with this street study, the City purchased PAVER software, which the City has two licenses for. The PAVER software will allow staff to enter in street improvements in real time which would automatically update the score of the street. In the original contract, we did not include PAVER software training for staff. Applied Research Associates has presented us with an agreement which would include a day long training on PAVER software and teaching staff how to do a proper street inspection and implement that into the PAVER software. The training will not take place until November when the new City Manager arrives.

Council Member Beckey Thompson moved to purchase the PAVER software training program. The motion was seconded by Council Member Anthony Henry and the vote carried unanimously.

11. *Second Reading-* Discussion and Possible Action on the Adoption of an Ordinance amending appendix "C", "Fees, Rates & Charges" of the City of Commerce Code of Ordinances Fee Schedule and Providing an Effective Date."

Finance Director Jamie Campbell stated this is the second reading of the fee schedule adjustments that were proposed to the Council last month. She stated some of these adjustments included

1 adding the new trash rates to the fee schedule, and some changes to verbiage within the permitting
2 section of Community Development fees.

3
4 Council Member Anthony Henry inquired as to the effective date of the fee schedule. Campbell
5 stated the effective date would be upon passage of this Ordinance on its second reading, which is
6 today.

7
8 Mayor Pro Tem Gene Lockhart voted to approve this Ordinance amending the fee schedule. The
9 motion was seconded by Council Member Beckey Thompson and the vote carried unanimously.

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

- 12 • **Public input feedback.**
- 13 • **Finance Update.**
 - 14 • **Sales Tax-** The City collected close to what was collected this time last year
15 in sales tax for the month of October. A breakdown of sales tax collections
16 related strictly to online sales was provided to the Council in a graph
17 comparing 2019 month-by-month sales tax collections to the 2020 year.
 - 18 • **Property Tax-** The City collected 99.64% of its tax levy for fiscal year 2020.
19 In total, the City collected \$2,176,037 in property tax throughout the 2020
20 fiscal year.
 - 21 • **CARES Funding Update-** The City was given access to \$538,000 to utilize
22 in specific categories related to COVID-19. Up front, the City was given
23 20% of those funds, which totaled \$107,000 in July. The money must be
24 spent in 1 of 6 categories, of which at least 75% of those funds must be
25 utilized in categories 1 through 3 and only 25% can be utilized in the
26 remaining categories 4 through 6. The Council was provided a breakdown
27 of how those funds have been utilized. In public health, medical and payroll
28 categories, the City has spent about \$89K while another approximately \$15K
29 has been spent in categories 4 through 6 which includes facilitating, economic
30 support and other COVID-19 related expenses. The Public Health category
31 includes hand sanitizer, cleaning of public buildings, thermometers, thermo-
32 scanners and supplies. The facilitating category will include things like
33 telecommuting expenses and giving our team the ability to take payments
34 over the web or by phone and equipping staff with tablets to keep them from
35 coming in City Hall as frequently. Mayor Williams inquired if the City would
36 be able to utilize all their funds by the December cut-off date. Finance
37 Director Campbell verified that the City would be utilizing most all of these
38 funds.
 - 39 • **FY 2021 Budget in Brief Update-** A document called "Budget in Brief" was
40 created by staff for the Council to distribute and utilize with the public who
41 may be interested in learning more about the City's budget but don't want to
42 review a 200 page budget document and instead, just want a summary of its
43 contents. This document includes things like the tax rate and tax rate history,
44 historical sales tax collections, average taxes for an average priced single-
45 family residence in Commerce, where the city's money comes from and
46 where it is spent and other budget highlights.
 - 47 • **Calendar of upcoming events and property tax meetings.**
 - 48 • National Drug Takeback Day is October 24th from 10:00 a.m. to 2:00 p.m.
49 Citizens can drop prescription drugs off at Commerce Police Department and
50 keep these medicines off the street and out of landfills.
 - 51 • The Howl-o-ween Doggie 5K will take place at 10:00 a.m. on October 31st.
52 Proceeds will fund the Commerce Dog Park.
 - 53 • The City is hosting an online costume and pumpkin carving contest via the
54 City's Parks & Recreation Facebook page.

- The City is also hosting a Halloween Drive Boo Candy Toss on Friday, October 30th at City Hall beginning at 5:30 p.m. Participants must remain in their vehicles.
- City Hall will be a polling place for the November 3rd election. The building will be disinfected the following day, November 4th.
- **Personnel.**
 - Lieutenant Steve Scott retired after 33 years in law enforcement and working with Commerce Police Department for 16 years.
 - Sgt Wesley Russell has been with the City for about 1 year but has 29 years of experience in law enforcement.
 - Officer Johnathan Lee was recently flagged down by a child while patrolling a neighborhood. Officer Lee got out of his patrol vehicle to speak with and take a picture with the young citizen. The mother was so pleased with the interaction between her son and Officer Lee, she posted the picture to social media. The city commends Officer Lee for going above and beyond to serve the citizens of Commerce.
- **Projects update.**
 - There was an erosion problem in City Park near the ditches. The Parks & Recreation Department worked with Public Works to pour concrete walls there and recently completed that project.
 - On October 29th, the City will host a pre-construction conference with contractors, TxDOT and Garver as well as City staff to kick off the north parallel taxiway extension project at the Commerce Municipal Airport.
- **Intergovernmental events and issues.**

Council Member Anthony Henry made the motion to recess into executive session. The motion was seconded by Mayor Pro Tem Gene Lockhart and the vote carried unanimously. The council recessed into executive session at 8:17 p.m.

13. 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.**

- *Amir Rahman v. City of Commerce, Cause No. 85096, Hunt County*
- *Carmen Ponder v. the City of Commerce, Texas and Kerry Crews, Case No. CV- 01205-C*
- *Community Development Consultant Contract*
- *Lien Forgiveness on Property located at 1000 N Neal*
- *Response to Texas Commission on Environmental Quality NOE*

• **§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).**

- *Project Snickers 400*

- 1 **14. Reconvene into Open session: In accordance with Texas Government Code, Chapter 551, the**
2 **City Council will reconvene into Regular Session to consider action, if any, on matters**
3 **discussed in Executive Session, including without limitation:**
4

5 The council reconvened into open session at 9:49 p.m.
6

7 A motion was made by Council Member Beckey Thompson to settle the balance of the liens at
8 1000 N Neal for the cost of the liens only and exclude any accumulated interest. This would equal
9 a payoff for these liens of \$2,905. The motion was seconded by Mayor Pro Tem Gene Lockhart
10 and the vote carried unanimously.
11

- 12 **15. Adjourn:**
13

14 Council Member Beckey Thompson made the motion to adjourn. Mayor Pro Tem Gene Lockhart
15 seconded the motion, resulting in a unanimous vote to adjourn. The meeting was adjourned at
16 9:51 p.m.
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19 _____
20 Wyman Williams, Mayor
21
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23 
24 _____
25 Molly Jacobsen, City Secretary
26

27 11-18-2020
28 _____
29 Date
30

31 10.20.2020.MINS