

MINUTES
City Council – Regular Meeting
NOVEMBER 17, 2020 – 6:00 p.m.

PRESENT: Mayor Wyman Williams
Mayor Pro Tempore Gene Lockhart
Council Members: Anthony Henry, Stephanie Muller & Beckey Thompson
City Manager Howdy Lisenbee
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 Beckey Thompson lead the Pledge of Allegiance.

4. Consent Agenda:

a. Acceptance of Minutes:

- Beautification Commission Meeting Minutes- January 23, 2020
- City Council Special Meeting Minutes- September 8, 2020
- City Council Special Meeting Minutes- September 18, 2020
- City Council Special Meeting Minutes- September 29, 2020
- Parks & Recreation Advisory Board Meeting Minutes- October 14, 2020
- Commerce Economic Development Corporation Meeting Minutes- October 19, 2020
- Planning & Zoning Commission Meeting Minutes- October 19, 2020
- City Council Regular Meeting Minutes- October 20, 2020
- City Council Special Meeting Minutes- October 22, 2020
- City Council Special Meeting Minutes- October 27, 2020
- City Council Special Meeting Minutes- November 12, 2020

Council Member Anthony Henry asked to remove minutes from the Commerce Economic Development Corporation (EDC) Meeting from the consent agenda for further discussion.

Council Member Beckey Thompson made the motion to approve the Consent Agenda, with the exception of the EDC minutes from October 19th. The motion was seconded by Mayor Pro Tem Gene Lockhart and the vote carried unanimously.

Mr. Henry mentioned he was unable to attend the EDC meeting as the ex officio member of the board but wanted some clarification as to why Mr. DeLong inquired about a refund from the City. EDC Director Bonnie Hunter discussed that the EDC is charged by the City for use of her office, use of printers and copiers, fees for accounting and administrative services and insurance for the EDC Director. That is all grouped together into one fee, which the EDC pays quarterly. Mr. DeLong had said that during a majority of 2020, City Hall was closed, and he felt that with everyone working from home, the EDC didn't have access to printers and copiers and staff to assist the EDC. Bonnie stated that during this time, she did work from home some but was mostly up at the office and utilizing equipment, resources and staff. Council Member Henry clarified that EDC Director Bonnie

1 was still utilizing city copiers, printers, staff and her office and was continuing with “business as
2 usual.”
3

4 EDC Board Member Scott Ward noted that while this was brought up for discussion by Mr. DeLong,
5 it was not something the board voted on or decided to pursue officially, but rather just something
6 that was brought up for discussion during the October 19th meeting.
7

8 Council Member Henry stated he was just interested in hearing the reasoning behind it and wanted
9 to be certain that business was moving forward as best as possible during the pandemic. Mr. Henry
10 then made the motion to approve the EDC minutes from October 19th as part of the consent agenda.
11 The motion was seconded by Council Member Stephanie Muller and the vote carried unanimously.
12

- 13 **5. Presentation to City Council Members by members of the Public. (To be conducted as close**
14 **to 6:05 p.m. as possible with a three-minute limit per person. Public Comments will cease at**
15 **6:20 p.m. This period is reserved for citizens to discuss items not on the listed agenda. The**
16 **response to Public Comments will be limited to 1) A statement of fact or policy; 2) Direction**
17 **to take up the issue with a city staff member; 3) An offer to place the item on a future**
18 **Council Agenda.**
19

20 Mr. Brett Scroggins, a resident of Commerce who lives on Washington Street, addressed the
21 council regarding a drainage issue near his home. He stated that he has made multiple attempts
22 over the years to remedy drainage issues on a City street in front of his home on Washington but
23 has been unsuccessful in resolving the issue. He stated that he learned this has been an issue at
24 this location for many years. He noted that former Interim City Manager Ned Muse sent out
25 Hayter Engineer Mike Tibbets to his home to inspect the area and discuss with Mr. Scroggins
26 several options to help with the drainage problem. Mr. Scroggins stated that he wanted to address
27 the council as he is spending thousands of dollars in repairs to his home related to damage caused
28 by water not draining properly on his street. He stated that the company completing work on his
29 residence told him he would continue having these issues until the drainage issues on the street
30 were resolved.
31

32 City Manager Howdy Lisenbee noted that a former drainage plan presented by Hayter in 2011
33 included a portion of the southern portion of Washington Street, which was estimated to be about
34 \$250,000 worth of work. Around the same time, Halff Engineering completed a street index and
35 they included a cost estimate to reconstruct a majority of Washington street projected to cost about
36 \$3,000,000. Manager Lisenbee stated that those prices from 2011 are obviously not reflective of
37 today’s prices but gives some idea as to the scope of this issue and what it would take to remedy it.
38 He stated he would be following up with Hayter to discuss the intersection in front of Mr.
39 Scroggins and what some potential options are for addressing this drainage issue.
40

- 41 **6. Proclamation Declaring Sadie Wilburn Day in the City of Commerce.**
42

43 Mayor Wyman Williams read a proclamation honoring the life and legacy of Sadie Wilburn, born
44 in 1920 and celebrating her Centennial birthday in 2020. Mayor Williams designated November
45 19, 2020 as “Sadie Wilburn Day” in the City of Commerce.
46

- 47 **7. Presentation and Discussion Concerning Police Departments and Police Interactions with**
48 **the Community.**
49

50 City Secretary Molly Jacobsen noted that Dr. LaVelle Hendricks of Texas A&M University
51 Commerce was planning on presenting this item with colleagues this evening. Dr. Hendricks had
52 called earlier in the day to say that one of his colleagues was ill and unable to present this evening.
53 This presentation will be tabled until next month’s meeting in the hopes everyone is well and
54 available to present at the regularly scheduled December council meeting.
55

1 **8. Discussion and Possible Action on a Commitment to Hunt County Development related to**
2 **the City's Participation in a County-Wide Drainage Study and Authorizing the City**
3 **Manager to Execute any Necessary Documentation.**

4
5 City Manager Howdy Lisenbee discussed that this item is related to a grant effort the county is
6 pursuing which would involve looking at the major flood areas within the county. One of the
7 drainage issues flows along the south side of Commerce, specifically impacting the City's
8 Wastewater treatment Plant. He noted that there is no monetary commitment from Commerce, but
9 this is simply a commitment of information sharing and committing time to assist the County in
10 preparing the application for the grant and completing the study.

11
12 Mayor Pro Tem Gene Lockhart moved to authorize a commitment by the City of Commerce to
13 assist Hunt County in participating in a countywide drainage study and allowing the City Manager
14 to execute any necessary documentation related to this item. The motion was seconded by
15 Council Member Stephanie Muller and the vote carried unanimously.

16
17 **9. Discussion and Possible Action on an Economic Development Agreement between the City of**
18 **Commerce, Texas, Commerce Economic Development Corporation and Huaru Group Holding,**
19 **Inc.**

20
21 Economic Development Corporation Director Bonnie Hunter discussed that this is a housekeeping
22 item that was not officially approved by the City Council but was signed by Huaru Group
23 Holding, Inc. back in January 2020. The associated tax abatement agreement was signed by the
24 Council in December 2019. This agreement was put on hold both due to COVID-19 and in an
25 effort to keep the Company's name confidential for a period of time while they ironed out final
26 details.

27
28 Council Member Stephanie Muller moved to approve the agreement between the City of
29 Commerce, EDC and Huaru Group Holding as it is presented. The motion was seconded by
30 Council Member Anthony Henry and the vote carried unanimously.

31
32 **10. *Second Reading- Consideration of an Ordinance Approving a Conditional Use Permit to***
33 ***allow for Feed Store, Lumber Yard and Warehouse or Covered Storage Use in the General***
34 ***Business District for the Property Located at 2500 Mangum St in Commerce, Texas, 75428,***
35 ***Property IDs #30404 & #30402, Legal Description: A0675 Marler H (Hunt County), Tract***
36 ***57, Acres 4.05 and A0675 Marler H (Hunt County), Tract 54, Acres 2.42.***

37
38 City Manager Howdy Lisenbee discussed that this item is a second reading on an Ordinance which
39 was formerly passed by the Planning & Zoning Commission and the City Council on its first
40 reading. He reminded the Council that the zoning ordinance either allows for building uses in
41 certain zones by right, or allows for them with a conditional use permit, or does not allow at all for
42 certain uses in specific zoning districts. Fix & Feed has proposed uses which are allowed through
43 a conditional use permit in this General Business zone. This second reading would be the final
44 approval to grant a conditional use permit for the intended use of feed Store, lumber yard and
45 warehouse usage for the properties mentioned. City staff recommends approval of this Ordinance.

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

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

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 - **Public input feedback-** City Manager Lisenbee thanked Mr. Scroggins for addressing
52 the council with his drainage concern on Washington Street. Mr. Lisenbee committed
53 to working toward a reasonable recommendation to improve the flow of water at that
54 intersection but also noted that these improvements would likely address routine
55 rainfall but might not completely resolve the issue in the event of significant rainfall.
 - **Finance Update-**

- **Sales Tax-** Finance Director Jamie Campbell noted that the City collected a little over \$117,000 in sales tax in November, which is higher than budgeted collections for this month but is lower than what was collected for the month of November last year in sales tax.
- **Property Tax-** The City collected its first month of property tax revenue for this fiscal year. The City collected about \$76,000, which is about 3% of the tax levy. The City budgeted to collect 97% of its tax levy this fiscal year.
- **Calendar of upcoming events.**
 - City Secretary Molly Jacobsen reminded the Council that during the regularly scheduled December Council meeting, Council would be making their biannual board appointments. The Council was provided with a list of current board vacancies.
 - The Northeast Texas Children's Museum is hosting their annual Brunch with Santa on Saturday, December 12th by reservation only. Admission is \$8/person while children 2 and under are free.
 - November 20th is the Merry Market at Texas A&M University-Commerce in the MRC.
 - The City will be closed November 26th and 27th for Thanksgiving.
 - November 28th is Small Business Saturday. A reminder to Shop local!
 - December 3rd through the 5th the Methodist Church will be hosting their Merry Marketplace online.
 - The Chamber of Commerce will be hosting their 7th Annual Bois d'Arc Christmas Parade on the evening of December 5th.
 - City Manager Lisenbee discussed that conversations would be forthcoming with the Council on how to handle COVID as it relates to utility billing. Most federal regulations which prevented cities from turning off utilities during the pandemic will sunset at the end of December and the Council needs to start discussing how to handle accounts which have acquired significant outstanding balances over the course of the pandemic in 2020.
- **Personnel.**
 - Update on FFCRA Policy- Mr. Lisenbee noted that in March of 2020, the federal government adopted the Families First Coronavirus Relief ("FFCRA") act which provided employers with provisions to handle employees who were forced to quarantine due to an exposure, or forced to stay home with children due to COVID-19 related closures. Mr. Lisenbee noted that the intent of the FFCRA allows employees access to 80 hours of paid leave, which is not charged to the employee's available sick leave balance. He noted that up to this point, the City would pay employees who encountered COVID-19 related leave for that time off, but it was charged to their available sick leave. Going forward, employees will now be paid for those hours, without cutting into their available sick leave by allowing employees access to 80 hours of paid leave for COVID-19 if they meet certain criteria outlined in a policy. Mr. Lisenbee feels this administrative adjustment more closely aligns with the intent of the FFCRA and further encourages potentially ill employees to be forthcoming with their symptoms and potential exposures.
- **Projects update.**
 - Commerce Municipal Airport North Parallel Taxiway Extension- The contractor for this project will begin construction work following Thanksgiving.
 - Commerce Municipal Airport Fuel Farm Update- Council awarded the contract for engineering of this project recently. The project was initially intended to design a fuel system for aviation fuel but leave space for future expansion to include Jet A fuel. Mr. Lisenbee reached out to the engineer and inquired as to the cost to add design for Jet A fuel to the scope of work.

1 They quoted a cost of about \$3,250 to include Jet A fuel design work in their
2 scope of services. The cost was about \$24,000 initially and will now be about
3 \$27,000. Mr. Lisenbee noted that this was a less expensive way of acquiring
4 the design for everything now, as opposed to doing the design of Jet A fuel
5 in the future by itself. He noted that the Council could of course choose to
6 delay the construction of the Jet A Fuel until a future date, but at least this
7 way, they could have the option and the design for adding Jet A fuel by
8 completing that engineering now in conjunction with the aviation fuel
9 engineering.

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11 City Manager Howdy Lisenbee noted that the at this time, staff had no updates to provide the
12 Council within executive session, so there is no need to meet in executive session at this time.
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14 **12. Recess into Executive Session:**

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16 • **§551.071 (1) and 551.071 (2): Consultation with Attorney on a matter in which the**
17 **duty of the attorney to the governmental body under the Texas Disciplinary Rules of**
18 **Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open**
19 **Meetings Act and Consultation with Attorney regarding pending or contemplated**
20 **litigation.**

- 21
22 • *Amir Rahman v. City of Commerce, Cause No. 85096, Hunt County*
23 • *Amir Rahman v. City of Commerce and Ned Muse, Cause No. 89253,*
24 *354th District Court*

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26 • **§551.087: Discussion regarding commercial or financial information that the**
27 **governmental body has received from a business prospect that the governmental body**
28 **seeks to have locate, stay, or expand in or near the territory of the governmental body**
29 **and with which the governmental body is conducting economic development**
30 **negotiations; OR the offer of a financial or other incentive to a business prospect**
31 **described by Subdivision (1).**

- 32
33 • *Project Snickers 400*
34 • *Project Big Wheel*
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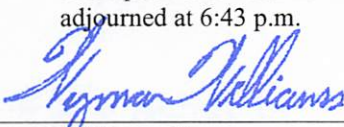
36 Staff has no significant updates on lawsuits or economic development projects on the agenda at
37 this time.
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39 **13. Reconvene into Open session: In accordance with Texas Government Code, Chapter 551, the**
40 **City Council will reconvene into Regular Session to consider action, if any, on matters**
41 **discussed in Executive Session, including without limitation:**
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43 The council did not recess into executive session.
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45 **14. Adjourn:**

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47 Council Member Stephanie Muller made the motion to adjourn. Council Member Beckey
48 Thompson seconded the motion, resulting in a unanimous vote to adjourn. The meeting was
49 adjourned at 6:43 p.m.

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53 Wyman Williams, Mayor
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Molly Jacobsen
Molly Jacobsen, City Secretary

12-22-2020
Date

11.17.2020.MINS