

MINUTES
City Council – Regular Meeting
DECEMBER 15, 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:**
Commerce Economic Development Corporation Director Bonnie Hunter lead the Pledge of Allegiance.
4. **Consent Agenda:**
 - I. **Acceptance of Minutes:**
 - a) **City Council Regular Meeting Minutes- November 17, 2020**
 - b) **Economic Development Corporation Meeting Minutes- November 18, 2020**
 - II. **Consider and Take Action on:**
 - a) **Motion Authorizing Appointment of Cecelia Gassner to the Commerce Economic Development Corporation Board.**
 - b) **Motion Authorizing Appointment of Mandy Freeman to the Commerce Economic Development Corporation Board.**
 - c) **Motion Authorizing Appointment of Joe Shipman to the Commerce Economic Development Corporation Board.**
 - d) **Motion Authorizing Reappointment of John Foster to the Beautification Commission.**
 - e) **Motion Authorizing Reappointment of Nancy Ogden to the Beautification Commission.**
 - f) **Motion Authorizing Reappointment of Sharon Duncan to the Beautification Commission.**
 - g) **Motion Authorizing Appointment of Morgan Phelps to the Beautification Commission.**
 - h) **Motion Authorizing Reappointment of Willie Blow to the Building Standards Commission.**
 - i) **Motion Authorizing Reappointment of Harvetta Henry to the Building Standards Commission.**
 - j) **Motion Authorizing Reappointment of Beverly Deaton to the Building Standards Commission.**
 - k) **Motion Authorizing Reappointment of Becky Adams as an Alternate Member to the Building Standards Commission.**
 - l) **Motion Authorizing Reappointment of Barbara Shwiff as an Alternate Member to the Building Standards Commission.**
 - m) **Motion Authorizing Resolution Reappointing Dennis Anderson to the Board of Adjustment.**
 - n) **Motion Authorizing Resolution Reappointing Alton Biggs to the Board of Adjustment.**

- o) Motion Authorizing Resolution Reappointing Matthew Brockway to the Board of Adjustment.
- p) Motion Authorizing Appointment of Johnny Flowers to the Board of Adjustment.
- q) Motion Authorizing Appointment of Jayson Douglas to the Planning & Zoning Commission.
- r) Motion Authorizing Appointment of Taylor Phelps to the Planning & Zoning Commission.
- s) Motion Authorizing Reappointment of Michelle Ramos-Martinez to the Planning & Zoning Commission.
- t) Motion Authorizing Reappointment of Henry Ross to the Planning & Zoning Commission.
- u) Motion Authorizing Reappointment of Ted Oats to the Airport Advisory Board.
- v) Motion Authorizing Reappointment of Matthew Wood to the Airport Advisory Board.
- w) Motion Authorizing Reappointment of Craig Johnson to the Airport Advisory Board.
- x) Motion Authorizing Reappointment of Jim Johnson to the Airport Advisory Board.
- y) Motion Authorizing Reappointment of Craig Jensen to the Airport Advisory Board.

City Manager Howdy Lisenbee notified the Council that another application was submitted for a City Board following posting of the agenda. He recommended the Council pull the appointments for Planning & Zoning and Board of Adjustments from the Consent Agenda and vote on the remainder of the Consent Agenda. Mayor Pro-Tem Gene Lockhart moved to approve the consent agenda, with the exception of items m, n, o, p, q, r, s & t. Council Member Stephanie Muller seconded the motion, resulting in a unanimous vote to approve the consent agenda, except for items "m" through "t."

City Manager Lisenbee recommended the Council reappoint Dennis Anderson, Alton Biggs and Matthew Brockway to the Board of Adjustment as presented in items "m", "n" and "o" of the Consent Agenda and appoint Johnny Flowers and Taylor Phelps as new members to the Board of Adjustment. Taylor Phelps was listed on the consent agenda as an appointment to the Planning & Zoning Commission but wished to be appointed to the Board of Adjustments. Council Member Stephanie Muller moved to reappoint the three existing members in items "m", "n" & "o" to the Board of Adjustment as presented, and also appoint Johnny Flowers and Taylor Phelps as new members to the Board of Adjustment. The motion was seconded by Council Member Anthony Henry and the vote carried unanimously.

Manager Lisenbee mentioned that an application for Terry Patterson was received after the Agenda was posted. He recommended that the Council reappoint Michelle Ramos-Martinez and Henry Ross to the Planning & Zoning Commission as presented on the consent agenda, and also appoint new member Jayson Douglas to the Planning & Zoning Commission as presented in item "q", and appoint Terry Patterson as an alternate member to the Commission. Manager Lisenbee noted that alternates can serve to learn about the proceedings of that board and also serve in the place of permanent members when unable to attend a meeting. The motion was made by Council Member Beckey Thompson to take the staff's recommendation in appointing Michelle Ramos-Martinez, Henry Ross, and Jayson Douglas to the Planning & Zoning Commission and appointing Terry Patterson as an alternate member. The motion was seconded by Council Member Stephanie Muller 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**

1 response to Public Comments will be limited to 1) A statement of fact or policy; 2) Direction
2 to take up the issue with a city staff member; 3) An offer to place the item on a future
3 Council Agenda.
4

5 No one came forward.
6

7 City Manager Howdy Lisenbee noted that staff is currently working on posting recordings of past
8 virtual meetings on our website so that going forward, citizens unable to attend meetings can view
9 the meetings after the fact on the city's website.
10

11 **6. Presentation of Service Awards to City of Commerce Employees.**
12

13 City Manager Howdy Lisenbee recognized the following City of Commerce Employees for their
14 service to the City:
15

16 5 Years of Service:
17

- 18 ○ Michael Garcia with the Commerce Parks & Recreation Department
19

20 10 Years of Service:
21

- 22 ○ Kyle Fults with the Commerce Parks & Recreation Department
- 23 ○ Gabriel Wittkopf with the Commerce Fire Department
- 24 ○ Christopher Bassham, the Director of Public Safety for the Commerce Police and Fire
25 Departments
26

27 15 Years of Service:
28

- 29 ○ Timothy Jones, the Director of Public Utilities for the Commerce Water and Wastewater
30 Treatment Plants
- 31 ○ Billy Relford, Building Inspector with Code Enforcement for the City of Commerce
32

33 20 Years of Service:
34

- 35 ○ Curtis Johnson, Plant Operator at the Commerce Water Treatment Plant
36

37 30 Years of Service:
38

- 39 ○ Daryl Martin, Street Maintenance Foreman for the Commerce Public Works Department
40

41 **7. Presentation on Police and Community Interactions.**
42

43 City Secretary Molly Jacobsen reported that Dr. LaVelle Hendricks of Texas A&M University-
44 Commerce planned to present this tonight with colleagues from other institutions, one of which
45 fell ill and was unable to attend tonight.
46

47 Mayor Wyman Williams moved to table the item. Council Member Stephanie Muller seconded
48 the motion and the vote carried unanimously.
49

50 **8. Discussion and Possible Action on Supplemental Sewer Back-up Insurance.**
51

52 City Manager Howdy Lisenbee discussed that this item is related to a recent conversation staff had
53 with our insurance provider, Texas Municipal League. During that discussion, the coverage for
54 sewer back-up insurance was brought up. The City has governmental immunity for operating a
55 sewer collection system. This immunity is a result of the City not controlling what is deposited
56 into the sewer system. A collection of debris in the sewer main can cause that sewage to back-up

1 and flood into homes and businesses. Often, when this happens, it becomes the financial burden
2 of a homeowner or business owner. This insurance would help the City assist those who are
3 impacted by events such as these, without compromising the city's governmental immunity.
4

5 The two options for this coverage are either a \$25,000 per occurrence limit, or a \$50,000 per
6 occurrence limit. Additionally, there are deductibles from \$250 per event up to \$5,000 per event.
7 Staff is recommending the \$50,000 per occurrence coverage coupled with a \$500 deductible.
8 Staff feels this provides protection for the community and in considering the median household
9 income and average home value in Commerce, such costs to repair damages from a sewage back
10 up are probably not something a household could absorb. The cost for this coverage is less than
11 \$5,000/year to the City and would be a small investment to protect our citizens from something
12 that occurs by no fault of their own.
13

14 Council Member Beckey Thompson inquired how often this occurs on an annual basis and
15 whether the homeowner or City would be responsible for paying the deductible. Manager
16 Lisenbee stated that he would guess it occurs about once a year but that there are many variables
17 that impact the occurrence of this including how actively we monitor grease traps in restaurants,
18 and how much rainfall the city gets. City Attorney Charles Anderson mentioned that the City
19 could have the homeowner absorb the cost of the deductible as an option. Mayor Williams and
20 Council Member Anthony Henry both mentioned that they felt this was a very inexpensive way to
21 provide necessary protection against this type of issue to citizens.
22

23 After some more discussion, Council Member Beckey Thompson moved to authorize the City's
24 participation in the Supplemental Sewer Insurance and commit the City to paying the deductible,
25 per incident, on behalf of the homeowner. The motion was seconded by Council Member
26 Anthony Henry and the vote carried unanimously.
27

28 **9. Discussion and Possible Action on a Recommendation from the Parks & Recreation Advisory**
29 **Board to reinstate the City's Recreation Program Scholarships.**
30

31 City Manager Howdy Lisenbee informed the Council that Ray Green, the President of the Parks &
32 Recreation Advisory Board was in attendance to speak to this item. Manager Lisenbee noted that
33 he understood there used to be a scholarship program provided by the City to two, Commerce
34 high-school Seniors who had previously participated in the Commerce Recreation program. At
35 some point, the City discontinued this practice and the Parks Board wishes to reinstate the
36 program.
37

38 President of the Commerce Parks & Recreation Advisory Board Ray Green shared that the board
39 felt that a meaningful way to continue to show support towards kids who participated in the
40 Commerce Parks & Recreational programs as they "aged-out" of those programs was by providing
41 these scholarships each year to the graduating class of Commerce High School. This program was
42 discontinued about 2 years ago and the board is interested in seeing that reinstated by proposing
43 that \$1 of future registration fees for recreational programs be placed aside and reserved for
44 funding of these scholarships. The goal would be to aim for the class of 2022 to begin receiving
45 these scholarships again.
46

47 Council Member Beckey Thompson inquired as to what the average baseball registration fee is.
48 Mr. Lisenbee said he guesses about \$65, which is intended to cover things like t-shirts and
49 trophies but doesn't really cover staff and facilities. Council Member Thompson mentioned that
50 many families in Commerce with multiple children in recreational programs have difficulty paying
51 the \$65 as it is, without raising that any to accommodate the scholarships. She noted that it was
52 her understanding that participation and enrollment in Commerce Recreational programs have
53 dwindled over the last couple of years and she wondered if there was another way to fund the
54 scholarship program, rather than adding additional money on to registration fees. She feels that
55 coupled with the City not offering recreational programs in the last year due to COVID-19,
56 perhaps now isn't the time to tack additional fees onto program registration costs.

1
2 Council Member Anthony Henry inquired as to dollar amount of the scholarships in the past.
3 Board President Green said that he recalled the Board issuing two, \$500 scholarships. He
4 mentioned that even if only one scholarship was possible, that was understandable and a step in
5 the right direction. Council Member Henry asked if anyone on the Council recalled why the
6 scholarships were discontinued. Board President Green mentioned that he felt it was related to
7 budget cuts a couple of years ago. City Manager Lisenbee said he understood there to be some
8 concern in the past that local students were being awarded these local scholarships and not
9 utilizing them to attend Texas A&M Commerce, and perhaps that played into the scholarships
10 being discontinued. Mayor Pro Tem Gene Lockhart inquired if the intent behind the scholarship
11 was to recognize outstanding athletes and could perhaps be reinstated in a form other than a
12 scholarship. President Green noted that the scholarship program was about more than just
13 athleticism as applicants were required to write two essays in order to apply and include letters of
14 recommendation and submit transcripts. Board President Green mentioned that rather than raising
15 registration costs for the recreational programs, the City could instead divert \$1 of the normal
16 registration fee into a scholarship fund.

17
18 Council Member Anthony Henry moved to reinstate the scholarship program and fund it from a
19 small portion of existing registration fees, without increasing registration fees. The motion was
20 seconded by Council Member Beckey Thompson and the vote carried unanimously.

- 21
22 **10. Consider and take action on a Resolution directing that Notice of Intent to Issue Certificates**
23 **of Obligation be posted to the City website and published in a Newspaper circulated within**
24 **the City, and approving all other matters pertaining thereto.**
25

26 City Manager Howdy Lisenbee discussed that the need for improvements at the Water treatment
27 plant (WTP) has been a discussion item amongst the Council for the last several meetings.
28 Manager Lisenbee noted that this item, along with the next two items were all related to making
29 these necessary improvements at the Water Treatment Plant.
30

31 Andre Ayala from Hilltop Securities and Mike Tibbets from Hayter Engineering were present to
32 assist with presenting this item and the next couple of items on the agenda.
33

34 Manager Lisenbee reminded the council that during their 2020 budget workshops preparing for the
35 Fiscal Year 2021 budget, they discussed the city issuing some certificates of obligation (COs) in
36 order to fund much needed street improvements and some mandatory equipment for public safety.
37 The Council agreed to issue debt for those projects and items in the Spring of 2021. Upon the
38 arrival of Mr. Lisenbee to the City of Commerce in late 2020, he stated that he learned there were
39 conditions at the water treatment plant that were very concerning to him. He noted that the City
40 was given a letter in 2019 outlining these issues with a price estimate of about \$1 million to
41 address these concerns, primarily related to the filters at the plant. He noted that without diving
42 into all that goes into the water treatment process, he would note that one of the fundamental steps
43 is the filtration of the water. Manager Lisenbee reminded the Council that currently, the water
44 treatment plant (WTP) has 6 filters, and only 2 of those are functional. This limits the total
45 amount of water that the plant can treat and thus provide to the community. While the City is
46 currently able to meet the demands of supplying the average 1 - 1.2 million gallons per day to the
47 City, if one of the two filters were to fail, the City's ability to supply an adequate amount of water
48 to the community would be compromised. Mr. Lisenbee recommended the Council move forward
49 with rehabilitating all 6 filters. Mr. Mike Tibbets of Hayter Engineering estimated the
50 construction cost of fixing all filters would be about \$1.2 million and would not include all of the
51 engineering and any evaluations or inspections that might come into play. As such, City Manager
52 Lisenbee is recommending the Council consider \$1.5 million for the rehabilitation of the water
53 treatment plant to cover all the design costs, as well as construction and some contingency as
54 construction prices and tariffs are currently in a volatile state. In addition to the \$1.5 million being
55 requested for the water treatment plant, the Council awarded a contract to Hayter Engineering for
56 the pump station at the Wastewater Treatment Plant (WWTP) a few months ago. The City funded

1 the design of that rehabilitation and has partial funding available for the construction of that
2 project, which comes from remaining funds from a previous Texas Water Development Board
3 project. However, the funding to completely cover the construction of that project at the WWTP
4 hasn't been discussed yet. While considering funding for the Water Treatment Plant repairs, City
5 Manager Lisenbee recommends the Council also consider the funding needed for the Wastewater
6 Treatment Plant pump project.

7
8 Phase I of issuing certificates of Obligation in the Spring of 2021 would be for phase one of Street
9 Improvements, funding required public safety equipment, and phase one of the Water and
10 Wastewater Treatment Plant Repairs. The plan would be then to follow-up with a series in 2022
11 which would include phase two of street improvements and phase two of the Water and
12 Wastewater Treatment Plant repairs. Manager Lisenbee noted that he felt the Wastewater
13 Treatment Plant project would likely be covered by phase one, but just to allow plenty of room for
14 flexibility, both plant projects may extend into series two in the Spring of 2022.

15
16 Staff is asking for Council permission to issue the Notice of Intent tonight rather than waiting until
17 the Spring in order to begin the design phase of these improvements, which will take several
18 months prior to construction commencing.

19
20 The funding of phase one of the street repairs and the public safety debt would not impact the
21 City's I&S debt tax rate and phase one of the Water and Wastewater Treatment Plant
22 Improvements would have a very minimal impact on water and sewer rates. Mr. Lisenbee
23 clarified that would mean it would take about an additional \$0.30 cents per 1,000 gallons of water
24 to cover the cost. An average residential customer uses about 6,000 gallons per month, which
25 means on overall impact to the average customer's bill of about \$2-\$3/month. Staff believes this
26 to be a minimal impact to water and sewer rates for our customers in exchange for a much more
27 reliable water and wastewater treatment process. For consideration this evening is Phase 1, with
28 \$1.6 million reserved for street improvements and public safety equipment, \$1 million reserved for
29 water and wastewater plant improvements and \$135,000 for budgeted financing costs, totaling
30 \$2,735,000 for Phase I. Phase 2 would entail \$1.5 million for street improvements and \$1 million
31 for the water and wastewater plant rehabilitation and another \$135,000 for financing costs, totaling
32 \$2,635,000 for Phase II debt issuance. A selection of statistics and debt ratios for cities
33 surrounding Commerce was provided as a benchmark to indicate that Commerce favorably
34 compares to other areas in the region related to outstanding debt.

35
36 Council Member Stephanie Muller moved to adopt a Resolution directing that notice of intent to
37 issue Certificates of Obligation be posted to the City website and published in a newspaper and
38 approving all other matters pertaining thereto, and for the amount not to exceed \$3,750,000. The
39 motion was seconded by Council Member Beckey Thompson and the vote carried unanimously.

40
41 **11. Discussion and Possible Action on a Reimbursement Resolution Expressing the Official**
42 **Intent to Reimburse Costs of the Project related to Rehabilitation of the Commerce Water**
43 **Plant for the 2021 Certificate of Obligation Issuance if those Costs are Paid prior to Receipt**
44 **of the Proceeds of Issuance and Presentation from Hilltop Financial Services regarding**
45 **same; and Authorizing the City Manager or his Designee to Execute any Necessary**
46 **Documentation.**

47
48 City Manager Howdy Lisenbee stated that when running a capital improvements program, a
49 Reimbursement Resolution is a tool that can be used to manage the cash flow associated with the
50 project. The intent is not to issue debt today for the design of a project whose construction won't
51 begin for another 9+ months as you are then obligated to pay interest on those dollars that can't
52 yet be used. City Manager Lisenbee pointed out that a reimbursement resolution allows for the
53 City to fund the design contract with an engineering firm and use cash in the bank to pay for the
54 engineering and time it where the debt issuance happens when you actually need to begin issuing
55 dollars for the construction of the project. The intent is to allow Hayter Engineering to begin
56 designing the project so we have an idea on what materials and equipment we might need to later

1 begin the project, and then later commit to pay ourselves back the cash spent during this interim
2 stage. The next item on the agenda is the price of the contract, which is about \$177,000 for the
3 design of the WTP filter project from Hayter Engineering. Manager Lisenbee noted that the City
4 has the cash in the bank in the fund balance to fund this engineering agreement, and then we will
5 pay ourselves back from the debt proceeds we will receive in March or April of 2021 when the
6 certificates of obligations are issued and finalized.

7
8 City Attorney Charles Anderson noted that if this Resolution isn't passed, the City cannot pay
9 themselves back, which is standard practice for bonds.

10
11 Mayor Pro Tem Gene Lockhart voted to approve the Reimbursement Resolution which expresses
12 the City's intent to reimburse costs of the project related to rehabilitation of the Commerce Water
13 Plant with the 2021 Certificate of Obligation Issuance. The motion was seconded by Council
14 Member Anthony Henry and the vote carried unanimously.

15
16 **12. Discussion and Possible Action on a Professional Services Agreement with Hayter**
17 **Engineering for Improvements to Public Utilities Infrastructure at the Commerce Water**
18 **Plant and Authorizing the City Manager to execute necessary documentation.**
19

20 City Manager Howdy Lisenbee stated this is the professional services agreement with Hayter
21 Engineering for them to perform the design work necessary for the water treatment plant. This has
22 already been completed for work at the Wastewater Treatment Plant, but now must be agreed on
23 with the Water Treatment Plant.
24

25 Mr. Lisenbee noted that professional services aren't bid out like normal purchases and
26 construction. In the state of Texas, professional services are recruited and selected based on
27 qualifications rather than on price. Therefore, the qualifications of the firm were used to recognize
28 that Hayter Engineering has done this type of work for years for the City and they possess specific
29 knowledge related to the operations of our plant. Hayter Engineering provided a statement of
30 services of all the work they've completed over the years for the City at the Water Treatment Plant
31 and have been selected by staff to perform this work. The scope of work provided by Hayter
32 totaled \$177,648.00 which is approximately 14.8% of our construction budget. City Manager
33 Lisenbee noted that it is his personal preference not to exceed more than 12% of the construction
34 budget for design costs but pointed out that this project had the unique feature of all 6 filters being
35 located inside a metal building. Should the filters have been outdoors, the design and
36 implementation of the project would have been more straightforward. As a result of the filters
37 being inside a building and requiring a design to account for staff to maneuver around, and get
38 underneath and on top of these filters, contained in a small metal building, there is an added level
39 of complexity that certainly justifies more than 12% of the construction budget that's necessary for
40 design. Staff recommends approval of this professional services agreement with Hayter
41 Engineering.
42

43 Council Member Anthony Henry moved to approve the professional services agreement with
44 Hayter Engineering for the Water Treatment Plant improvements. The motion was seconded by
45 Council Member Stephanie Muller and the vote carried unanimously.
46

47 **13. Discussion and Possible Action on Resolutions Approving Tax Resale Deeds for 21**
48 **Properties within the City of Commerce.**
49

- 50 a) Resolution Approving a Tax Resale Deed for the Property located at 114
51 Norris St. (Property ID #52669)
52 b) Resolution Approving a Tax Resale Deed for the Property located at
53 Blackburn St. (Property ID #108995)
54 c) Resolution Approving a Tax Resale Deed for the Property located at M L
55 King Dr. (Property ID #70401)

- d) Resolution Approving a Tax Resale Deed for the Property located at Boatley St. (Property ID #70411)
- e) Resolution Approving a Tax Resale Deed for the Property located at 304 M L King Dr. (Property ID #70378)
- f) Resolution Approving a Tax Resale Deed for the Property located at 903 Boatley St. (Property ID #70377)
- g) Resolution Approving a Tax Resale Deed for the Property located at 105 Buffington St. (Property ID #70337)
- h) Resolution Approving a Tax Resale Deed for the Property located at 105 Buffington St. (Property ID #70336)
- i) Resolution Approving a Tax Resale Deed for the Property located at 104 Buffington St. (Property ID #70341)
- j) Resolution Approving a Tax Resale Deed for the Property located at 110 Buffington St. (Property ID #70368)
- k) Resolution Approving a Tax Resale Deed for the Property located at Johnson St. (Property ID #70360)
- l) Resolution Approving a Tax Resale Deed for the Property located at 106 Buffington St. (Property ID #70366)
- m) Resolution Approving a Tax Resale Deed for the Property located at 108 Buffington St. (Property ID #70367)
- n) Resolution Approving a Tax Resale Deed for the Property located at 112 Buffington St. (Property ID #70369)
- o) Resolution Approving a Tax Resale Deed for the Property located at 307 Williams Dr. (Property ID #70415)
- p) Resolution Approving a Tax Resale Deed for the Property located at King St. (Property ID #70410)
- q) Resolution Approving a Tax Resale Deed for the Property located at King St. (Property ID #70402)
- r) Resolution Approving a Tax Resale Deed for the Property located at M L King Dr. (Property ID #117348)
- s) Resolution Approving a Tax Resale Deed for the Property located at Champion Ln. (Property ID #51714)
- t) Resolution Approving a Tax Resale Deed for the Property located at 109 Boatley St. (Property ID #70406)
- u) Resolution Approving a Tax Resale Deed for the Property located at Boatley St. (Property ID #70376)

City Secretary Molly Jacobsen explained to the Council that this was an item brought forth on behalf of the tax attorneys for the Commerce Independent School District. A spreadsheet was provided to the council summarizing the appraised value for each of these properties, the bid amount that was submitted for each property, any outstanding liens on the properties, and the length of time each property had been struck off the tax roll as well as the portion of the bid which would be returned to the City if the sale were approved by the Council. Secretary Jacobsen noted that 20 of the 21 properties were bid on by a developer out of Plano, Texas that intends to build single family homes on the vacant lots. The other property, on 114 Norris, is an existing structure that another couple bid on who intends to rehabilitate the home.

Council Member Beckey Thompson voted to approve the sale of all 21 properties. The motion was seconded by Council Member Stephanie Muller and the vote carried unanimously.

14. ***First Reading- Public Hearing and Discussion and Possible Action on an Ordinance Amending Appendix "B", "Subdivisions", Section 2.3, "Procedure for Approval of Final Plat", Part "H", of the Code of Ordinances of the City of Commerce to allow for Administrative Approval; Providing for the Incorporation of Premises, Providing for an Amendment; Providing for a Savings/Repealing Clause; Providing a Severability Clause and Providing for an Effective Date.***

City Manager Howdy Lisenbee explained to the Council that when a property is developed, City Ordinance requires that every developer who needs a plat of their lot, requires that the developer submit a preliminary plat that goes before a board, and then comes to Council for approval. After that, the final plat has to go back before a City board for approval, and then come back before Council again in the form of a final plat. This significantly delays the development process and can be detrimental to encouraging community development. Texas state law allows for the City Council to delegate administrative approval to the City Manager, or his designee, for minor plats. Minor plats are defined as having 4 or fewer lots which don't require the creation of a new city street, or the extension of public utilities infrastructure. Allowing this administrative approval can shorten the normal 2+ month process of replatting and platting lots and make infield development in Commerce more attractive to potential developers. The City of Commerce has historically never delegated this authority to the City Manager. Currently, the City has two developments on the book that could positively benefit from this administrative change.

The public hearing was opened at 7:48 p.m. No one came forward. The public hearing was closed at 7:48 p.m.

Mayor Pro-Tempore Gene Lockhart moved to approve this Ordinance on the first reading. The motion was seconded by Council Member Anthony Henry and the vote carried unanimously.

15. First Reading- Public Hearing, Discussion and Possible Action on an Ordinance Establishing Reinvestment Zone, No. 2020-02 for the City of Commerce.

Commerce Economic Development Corporation Director Bonnie Hunter discussed that this is similar to the Reinvestment Zone the Council passed a month or so ago on Highway 11 for Reinvestment Zone 2020-01. However, this reinvestment zone is specifically for the property located at 400 Maple Street, which is the former Covidien building. She stated that this would allow for incentives for a potential developer at this building in the future.

A public hearing was opened at 7:53 p.m. No one came forward. The public hearing was closed at 7:53 p.m.

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

16. City Manager's Report; discussion of same.

- **Public input feedback**
- **Finance Update-**

- **Sales Tax-** Finance Director Jamie Campbell stated that the City has received \$309,827.00 since October in sales tax collections this fiscal year. In December, the city collected about \$96,000.00 in sales tax for the month. The City came in about \$2,000 higher than collections in December of last year.
- **Property Tax-** The City has reached a little over \$341,000 in property tax collections as of November, which is 14% of the tax levy. For FY 2021, the city budgeted to collect 97% of the tax levy, based on historical collections.
- **CARES Funding Update-** CARES Money was spent in three main categories. The "facilitating" category included telecommuting expenses and enabling staff to work remotely from home, such as outfitting employees with tablets to do their work from their vehicle, rather than coming into City Hall. "Public Health" includes medical devices, sanitation and cleaning of the building. The "Payroll" expense was all public safety payroll, fringe benefits and overtime from October through the latest payroll in December. The City has already requested \$107,000 in CARES funding and received those funds back in July. The second request for funding reimbursement included things like upgrading doors at City Hall for key fob usage, payment kiosks and other

larger purchases. The request for reimbursement has been submitted but not yet received by the City at this time.

- **Calendar of upcoming events.**

- City Secretary Molly Jacobsen reminded the Council that City Offices will be closed December 24th and 25th for the holidays.
- City Offices will again be closed January 1st for New Year's Day.
- January 13th through February 12th is the filing period for a place on the May 1, 2021 ballot which will elect Place Two and Place Four to three-year terms on the City Council.

- **Personnel.**

- **Update on FFCRA Policy-** This policy was finalized and put into place.
- **Reorganization of Administrative Positions-** The City has two director positions which are currently vacant, one being the Assistant City Manager/Community Development Director and the other being a Director of Parks & Recreation. City Manager Lisenbee is defunding those two positions for FY 2021 and using those salary savings to move them down the organization to address issues with pay for front line workers. Beginning in January, the City is reclassifying entry level positions to make their pay more reflective of the industry standard. He stated this was a budget neutral move that would reallocate funds from the top of the organization and move them down to impact Parks & Recreation employees, water treatment plant operators, water distribution crews, sewer collection and treatment employees and street employees. It will further impact a handful of dispatchers too within the Police Department to provide for more competitive wages. City Manager Lisenbee said he felt that paying employees better allows for the recruitment of better candidates and the retention of good employees.

- **Projects update.**

- **Commerce Municipal Airport North Parallel Taxiway Extension**
- **Raw Water Pump Station at Tawakoni**

- **Intergovernmental Events and Issues**

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

17. 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*
- *Amir Rahman v. City of Commerce and Ned Muse, Cause No. 89253, 354th District Court*
- *Lien Forgiveness for Properties located at: Booker St (ID #79502) & 905 College St*

• **§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*

- *Project Big Wheel*
- *Discussion related to the Sale of City-owned Property*

Council Member Anthony Henry moved to recess into executive session. The motion was seconded by Council Member Stephanie Muller and the Council recessed into executive session at 8:12 p.m.

18. 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:

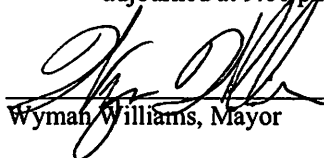
Council Member Stephanie Muller made a motion to forgive the interest only on liens for the properties discussed in Executive Session. The motion was seconded by Council Member Anthony Henry and the vote carried unanimously.

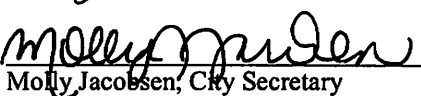
Council Member Stephanie Muller made a motion to authorize the City Manager to move forward on a Chapter 380 Agreement for Project Big Wheel as discussed in executive session. The motion was seconded by Council Member Anthony Henry and the vote carried unanimously.

Council Member Stephanie Muller requested that a special city council meeting be scheduled to discuss the re-opening of City Hall and returning to face-to-face meetings for City Council meetings. The council agreed to conduct a special meeting on January 5th to discuss this.

14. Adjourn:

Council Member Stephanie Muller made the motion to adjourn. Council Member Beckey Thompson seconded the motion, resulting in a unanimous vote to adjourn. The meeting was adjourned at 9:00 p.m.


Wyman Williams, Mayor


Molly Jacobsen, City Secretary

01-19-2021
Date

12.15.2020.MINS