

MINUTES
City Council – Regular Meeting
MARCH 16, 2021 – 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
Finance Director Jamie Campbell
Director of Public Safety Chris Bassham

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:**
Mayor Pro Tempore Gene Lockhart lead the Pledge of Allegiance.
4. **Consent Agenda:**
 - a. **Acceptance of Minutes:**
 - **City Council Regular Meeting Minutes- February 16, 2021**
 - **Commerce Economic Development Corporation Regular Meeting Minutes- February 25, 2021**
 - b. **Consider and Take Action on:**
 - **Consideration of Motion Authorizing Appointment of Julie Brown to the Parks & Recreation Advisory Board.**
 - **A Resolution Approving a Neighborhood Empowerment Zone Agreement for the Property Located on 1904 Hickory Street (Property ID #70040) with Jeff Hughes; and Authorizing the City Manager to Execute all Necessary Documentation.**

Council Member Beckey Thompson moved to approve the consent agenda. The motion was seconded by Council Member Anthony Henry 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 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. **Discussion and Possible Action on the Approval of the Dixie Youth Baseball Child Protection Plan.**

City Manager Howdy Lisenbee discussed that the City is gearing up for recreational baseball, softball and t-ball in 2021 and historically, the City has participated in the Dixie Youth Baseball program. In 2018, Congress passed the Safe Sport Act which protects young people from sexual

1 abuse and ultimately requires that all youth sports programs adopt a child protection plan. Dixie
2 Youth put together a plan which satisfies the requirements of that law. Some portions of it are
3 required to be included and other portions are suggested rules and procedures. At a March 15th
4 special Parks & Recreation Advisory Board Meeting, the board voted unanimously to recommend
5 the Council adopt this plan as it is presented.
6

7 One topic has recently come up is in regard to standards for background checks for individuals
8 who coach in our program. As it is written and proposed, anyone who has been convicted of
9 misconduct that is sexual in nature or a violent felony is banned from coaching in the program for
10 life. Anyone that has been found guilty of a felony drug charge is banned from coaching in the
11 program for 10 years and anyone that has been found guilty of a misdemeanor violent or drug
12 charge is banned for 7 years, and anyone convicted of any other misdemeanor is banned from
13 coaching within the program for 5 years. Manager Lisenbee noted that these regulations are not
14 required but recommended by the Dixie Youth program. The City was recently approached about
15 changing the felony drug conviction requirement from banning coaches for 10 years to be
16 decreased to 7 years. A parent had approached the City recently about being allowed to coach
17 even though he had a felony drug conviction which occurred 9 years ago. Mr. Lisenbee suggested
18 that he wasn't comfortable making exceptions on a case-by-case basis, particularly when it came
19 to coaching youth. He recommended the Council adopt the policy as presented and stated that
20 while he felt this individual was probably at the wrong place at the wrong time when convicted of
21 his charge, if we made an exception for him, we would be obligated to do so for others in the
22 future.
23

24 Mayor Pro Tem Gene Lockhart moved to approve the Dixie Youth Baseball Child Protection Plan
25 as presented. The motion was seconded by Council Member Anthony Henry and the vote carried
26 unanimously.
27

- 28 7. ***Second Reading- Discussion and Possible Action on an Ordinance Amending Ordinances 2020-***
29 ***13 and 2020-14, to specify City of Commerce Water and Wastewater Rates.***
30

31 City Manager Howdy Lisenbee reminded the Council that this was presented last month for its
32 first reading. He again reminded the Council that they are not adopting or changing any rates but
33 rather recognizing current practices. The City has charged residential and commercial rates which
34 were identified in a schedule of rates. However, the City also charges industrial rates and also has
35 contract customers, all of which have varying rates. The Ordinance currently only establishes
36 rates charged to residential and commercial customers but does not include rates for industrial or
37 whole-sale contract customers. Those rates will be added into the existing Ordinance as the
38 City's bond attorneys felt that all rates should be included in the Ordinance to promote
39 transparency and in the event of future IRS audits.
40

41 Council Member Stephanie Muller moved to approve this Ordinance on the second reading. The
42 motion was seconded by Council Member Beckey Thompson and the vote carried unanimously.
43

- 44 8. ***Second Reading- Discussion and Possible Action on an Ordinance Amending Chapter 10,***
45 ***Article VI, Section 10-1 to Establish Rules and Regulations for the Possession of a Dangerous***
46 ***Dog.***
47

48 Director of Public Safety Chris Bassham reminded the Council this was a second reading which
49 includes only one minor change. On the first reading, the Ordinance included a civil penalty. He
50 stated that the law already provides for a penalty associated with this, so that was removed from
51 the Ordinance.
52

53 Council Member Anthony Henry moved to approve this Ordinance on the second reading. The
54 motion was seconded by Council Member Stephanie Muller and the vote carried unanimously.
55

- 1 9. **Second Reading- Consideration and Possible Action on an Ordinance amending Chapter 90,**
2 **'Traffic and Vehicles,' Subsections 90-101 (a)(2) and (a)(3) of the Code of Ordinances of the**
3 **City of Commerce to amend the official Traffic Parking Map and the official Traffic No**
4 **Parking Map to designate a 'No Parking Zone' on both sides of the Highway 24, East**
5 **Frontage Road, beginning at the intersection of Culver Street and continuing North to the**
6 **Crosswalk immediately adjacent to the Health Science Building; and Providing a Penalty**
7 **and Providing for an Effective Date.**

8
9 Director of Public Safety Chris Bassham reminded Council this is the second reading of this
10 Ordinance and there have been no changes since the first reading of the Ordinance last month. He
11 stated this is for the east service road of Highway 24, between Culver, going up toward the
12 crosswalk by Gee Lake, just past the Nurse and Health Science Building. He stated that the
13 University is in support of this "No Parking" Ordinance.

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

- 17
18 10. **Second Reading- Consideration and Possible Action on an Ordinance amending Chapter 90,**
19 **'Traffic and Vehicles,' Subsections 90-101 (a)(2) and (a)(3) of the Code of Ordinances of the**
20 **City of Commerce to designate a 'No Parking Zone' on a Portion of the west side of Bois**
21 **d'Arc Street, between Live Oak and Lee Street, Providing a Penalty and Providing for an**
22 **Effective Date.**

23
24 Director of Public Safety Chris Bassham reminded Council that this too was a second reading
25 Ordinance for the west side of Bois d'Arc Street from Live Oak to Lee Street near the University.
26 He stated it is a narrow street and already is "No Parking" on one side, but this would make the
27 entire street "No Parking."

28
29 Mayor Pro Tem Gene Lockhart moved to approve this Ordinance on the second reading. The
30 motion was seconded by Council Member Anthony Henry and the vote carried unanimously.

- 31
32 11. **City Manager's Report; discussion of same.**

- 33
 - **Public input feedback**
 - 34 • **Finance Update-**
 - 35 • **Sales Tax-** Finance Director Jamie Campbell stated that the City has received
 - 36 \$97,000 in sales tax revenue as of March. This brings the total amount of
 - 37 collections thus far for FY 2020 to about \$629,000. Director Campbell
 - 38 reminded the Council that they budgeted \$1,000,000.00 in collections for
 - 39 sales tax for the year. She noted that as of March, the City is about \$24,000
 - 40 over budgeted collections for the year.
 - 41 • **Property Tax-** The City has reached a little over \$2,187,000 in property tax
 - 42 revenue as of February 2021. This brings the City to almost 92% of our tax
 - 43 levy. She reminded the Council that for FY 2020, 97% of the tax levy was
 - 44 budgeted for property tax collections.
 - 45 • **Calendar of upcoming events.**
 - 46 • City Manager Lisenbee discussed that City Parks & Recreation Intern Rickey
 - 47 Brown created a project for his Internship that the City will host, "Hit, Pitch
 - 48 & Run." This event will take place on Saturday, April 17th.
 - 49 • Also on April 17th, Field #2 at Eddie Moore Sports Complex will be dedicated
 - 50 to Mr. Blake Shaw. This event was postponed last year due to COVID-19.
 - 51 Mr. Shaw was appointed to the Parks & Recreation Advisory Board in 2011
 - 52 and served on the board until the time of his passing in August of 2019. He
 - 53 and his wife Mandy had 2 daughters. He coached in Commerce Recreational
 - 54 programs for many years and was a mentor and friend to many. Mr. Shaw
 - 55 worked for Texas A&M University Commerce for 20 years. The dedication

ceremony will take place on Saturday the 17th of April and the public is invited to attend.

- Director of Administrative Services Molly Jacobsen discussed the National Prescription Drug Take Back event that Commerce Police Department will join the DEA in hosting on Saturday, April 24th. Individuals can take unused or unwanted prescription or over-the-counter drugs and drop them off at a bin in the lobby of the Commerce Police Department on April 24th from 10 a.m. to 2 p.m. These drugs will be disposed of properly, keeping them out of the hands of the wrong people and out of our water system.
- The Commerce Chamber of Commerce is hosting the 6th Annual Bois d'Arc Car show on Saturday, May 1st.
- Council Member Gene Lockhart stated that on Thursday, March 25th, the Carter Blood Bank would be in front of Commerce Public Safety building to collect blood donations.
- Director of Administrative Services Jacobsen finally noted that early voting will take place at Commerce City Hall from Monday, April 19th through Tuesday, April 27th from 8:15 a.m. to 4:45 p.m. with extended voting hours on Tuesday, April 20th and Thursday April 22nd from 7:00 a.m. to 7:00 p.m. Commerce City Hall will also be the polling place on election day, which is May 1, 2021 from 7:00 a.m. to 7:00 p.m.

• **Personnel.**

- City staff is working on an employee survey for all staff to gauge their confidence in city leadership, their optimism in their own careers and opportunities given to them and to ultimately get a sense of how they feel about the culture of our organization. That survey will be rolling out to employees in the coming weeks.

• **Projects update.**

- The City is working with the City Attorney on establishing a process to dispose of city-owned lots. The City will select a broker via a request for qualifications to find a broker to assist in the sale of these lots. Once the City has a recommendation on a broker, that item will be brought back before Council.
- The public has expressed concern about University students parking in front of their homes. The City is working on a "Resident-only" parking solution to this problem so that residents and their friends and family can park in front of their home, but to prevent the general traffic related to the University from parking in front of their homes.
- The raw water pump station project at Lake Tawakoni is a project that has been in the works for years with the City. The project was initially started by Hayter Engineering out of Paris. The motor control center at Lake Tawakoni is the exact same system which caught on fire a couple of years ago at the Water Treatment Plant and is in a state of disrepair due to years of deferred maintenance. The intent has since been to replace the entire system. Hayter completed the design for this project several years ago but the budget for construction exceeded available funds for the project. The City sought additional funding from the Department of Agriculture in conjunction with existing Water Development Board funds. The two organizations had different procurement requirements and thus, the City had to re-procure engineering services related to this project in order to utilize funding from both TxCDBG and the Texas Water Development Board. The City selected KSA due to the fact that the Texas Department of Agriculture rules did not allow the City to utilize Hayter for the project as they were deemed to have had a prior interest in the project from their design work done on the project in the past. KSA had to start over on the design work, which had already been completed and paid for by the City with Hayter. This means ultimately,

the City pays for the design of this project twice, due to rules by the Department of Agriculture. City Manager Lisenbee met last week virtually with everyone and noted that KSA was awarded the contract for this project in November of 2020 and as of March 2021, they had not started design plans for this project. He noted the grant expires in December 2021. KSA was instructed by the City to request an extension for the project and will begin working on the project as soon as possible. City Manager Lisenbee ensured existing design plans from Hayter were turned over to KSA recently. He finally noted that the electric system currently at Tawakoni is a 2,400-volt system. Considering the February winter weather event, he stated that he wanted to add a generator to this intake system so that if the City loses power in the future, we can sustain production. He noted that KSA told them they didn't think you could get a generator out there of that capacity. Mr. Lisenbee asked KSA to please take the antiquated raw water pump station and design it to accommodate a generator. As all the issues now seem to be ironed out via this discussion, the design phase of this project is again underway.

- He noted that the design work for the new fuel farm at the airport is nearing completion and that project will be bid out for construction very soon.
- Finally, the replacement of the 3 aging pumps at the Wastewater Treatment Plant was a project awarded to Hayter Engineering in late 2020 and they have completed the design stages. Funding for construction of this project will partially come from the Water Development Board, who is currently reviewing the design for that project. As soon as the Water Development Board approves the design, the construction of that project will be bid out by the City.

• **Intergovernmental Events and Issues**

- **Coronavirus (COVID-19) Update-** City Manager Lisenbee noted that while there were recent announcements from the state easing up on restrictions related to COVID-19, the City will continue to be open for business by appointment only and encourage but not require the public to wear masks within City Hall.

12. 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*
- *Amir Rahman v. City of Commerce and Ned Muse, Cause No. 89253, 354th District Court*

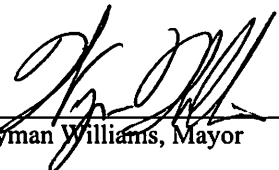
Council Member Beckey Thompson moved to recess into executive session. The motion was seconded by Council Member Anthony Henry and the vote carried unanimously. The City Council recessed into executive session at 6:31 p.m.

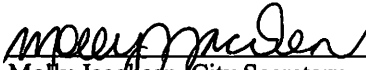
13. Reconvene into Open session: In accordance with Texas Government Code, Chapter 551, the City Council will reconvene into Regular Session to consider any action, if any, on matters discussed in Executive Session.

There was no action by the Council out of Executive Session.

1 **14. Adjourn.**

2
3 Council Member Stephanie Muller made the motion to adjourn. Council Member Beckey
4 Thompson seconded the motion, resulting in a unanimous vote to adjourn. The meeting was
5 adjourned at 6:52 p.m.
6

7
8
9
10 
11 _____
12 Wyman Williams, Mayor

13
14 
15 _____
16 Molly Jacobsen, City Secretary

17 04-20-2021
18 _____
19 Date

20 03.16.2021.MINS