

**MINUTES
REGULAR CITY COUNCIL MEETING
DECEMBER 21, 2021 – 6:00 p.m.**

PRESENT: Mayor Wyman Williams
Mayor Pro Tempore Anthony Henry
Council Members: Stephanie Muller, Teddy Reel, and Becky Thompson
City Manager Howdy Lisenbee
City Attorney Charles Anderson
Director of Administrative Services Molly Jacobsen
Finance Director Jamie Campbell
Coordinator of Community Development Becky Pattillo
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.

Council Member Becky Thompson led the Pledge of Allegiance.

4. Consent Agenda.

a. Acceptance of Minutes:

- Parks & Recreation Advisory Board Special Meeting Minutes-November 10, 2021

b. Consider and Take Action on:

- Motion Authorizing Reappointment of Scott Ward to the Commerce Economic Development Corporation Board.
- Motion Authorizing Appointment of Daniel Luckett to the Commerce Economic Development Corporation Board.
- Motion Authorizing Reappointment of Russell Armstrong to the Airport Advisory Board.
- Motion Authorizing Reappointment of Timothy Sullivan to the Airport Advisory Board.

Council Member Stephanie Muller made the motion to approve the consent agenda as presented. Mayor Pro Tem Anthony Henry seconded the motion, and the vote carried unanimously.

5. Presentation to City Council 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.

Robert Ford of 1002 N. Neal Street addressed the Council. He has been a resident of Commerce for about one and a half years. He noted that there is a factory nearby that brings trucks and trailers regularly down the street. There is a sign posted that says "no large trailers", and another one at Fourth Street coming the other direction. He noted that this sign says that trucks are supposed to use Hwy. 71. Mr. Ford stated, "I see these signs, but I am still seeing trucks coming through. I am paying taxes to Hunt County, and I am asking questions." Mr. Ford further stated that he was told by someone that the business was given an easement to come through on his street and allows trucks and trailers to utilize it anyway, but the signs are still posted. He noted that while the easement gives that business permission to go down the street, there is still a lot of other commercial truck traffic.

1 City Manager Howdy Lisenbee told Mr. Ford that he and Chief Chris Bassham would look into this and
2 take action.

3
4 Mr. Ford added that there was a pothole in front of his house now and he felt his street needed some work.
5 He finally noted that this is a residential area, and there are many kids there and the pot hole needs to be
6 addressed.

7
8 Mayor Wyman Williams said that he appreciated Mr. Ford bringing the situation to our attention, and that
9 staff would look into it and respond accordingly.

10
11 **6. Presentation of Service Awards to the City of Commerce Employees.**

12
13 City Manager Howdy Lisenbee told the Mayor and Council that it was his honor to recognize some of the
14 members of our staff that have achieved some significant milestones in their tenure. He noted that it is
15 important to point out that when you have staff members that are committing significant amounts of time
16 and big portions of their life to the service of our community, it makes for a noble and an honorable job and
17 career. He noted that we are very thankful for these employees and want to take a moment to recognize just
18 a few of these staff members.

19
20 **5 Years of Service to the City of Commerce**

- 21 • Molly Jacobsen, Director of Administrative Services
22 She was hired on December 22, 2016, as the City Secretary for the City of Commerce. She works
23 with the City Council and manages human resource functions for the City as well as playing a key
24 role in communications and emergency management for the City.

25
26 In November of 2020, she was reclassified as the Director of Administrative Services to
27 encompass and recognize her role in human resources for the City as well. She celebrates five
28 years with the City of Commerce this month.

- 29
30 • Sydney Pemberton, Communications Officer
31 We at the City know "Sydney" as "Syd." He was hired as a communications officer for the
32 Commerce Police Department in April 2016. Just this year, Syd received his master level
33 telecommunications officer license, which is the highest level of licensing a dispatcher or
34 telecommunicator can achieve.

35
36 To achieve a master level certification as a telecommunications officer, an individual must have a
37 cumulative eight years or more of service in the field and 500 hours or more of training. We are
38 grateful to have Syd, our "hero in headphones", here at the City of Commerce.

- 39
40 • Jeff Rich, Lieutenant
41 Jeff began his career with a Safer Grant as a part-time firefighter with the City in 2012. While we
42 celebrate his five-year, full-time anniversary tonight, he has actually been providing public safety
43 service for over nine years to the City of Commerce. Jeff was hired as a part-time firefighter in
44 March of 2016 and then took a full-time position in August of 2016. After just three years of being
45 on our payroll, Jeff was promoted to lieutenant in the Commerce Fire Department.

46
47 He is an advanced firefighter, a driver operator and an instructor for the Commerce Fire
48 Department. He was also named Firefighter of the Year by the Chamber of Commerce. Lieutenant
49 Rich has served in this role for two and a half years, and he celebrated his fifth year as a full-time
50 firefighter in the summer of this year.

51
52 **10 Years of Service to the City of Commerce**

- 53 • Bonnie Hunter, Executive Director of Commerce Economic Development Corporation
54 Bonnie Hunter was hired as the Economic Development Director for the City of Commerce in
55 February of 2011. During Bonnie's time as the executive director for the EDC, we have seen
56 industries like Gramazini USA, formerly known as KLZ Stone and Huaru Pipe come to

Commerce and industries like Hydro, Zurn and Mohawk thrive and grow during Ms. Hunter's time with the City.

Her most recent accomplishment is seeing through to completion the former Covidien building changing hands to welcome Nexus-2 to Commerce, whose opening we anticipate in the Spring of 2022. Additionally, Bonnie has worked with the Sandknop Tree Farm and Hope Concrete to expand their roots in Commerce and has worked with the EDC Board to recently sell EDC-owned land to bring a substantial housing development to the City of Commerce, which will break ground next year. Bonnie celebrated 10 years with the City of Commerce in early 2021, and we look forward to seeing her continue to contribute to the economic tax base here in the City for years to come.

15 Years of Service to the City of Commerce

- David Doyle, Public Works Heavy Equipment Operator
David was hired to work for the City in July of 2006. By 2008, he had obtained his Class D water distribution license and in November of 2011, he acquired his Class C distribution license from the Texas Commission on Environmental Quality. This certification requires the acquisition of specialized training in subject matter like water distribution, water lab, water utility safety, and chlorinator pump, motor valve and hydrant maintenance.

David celebrates 15 years this summer, and tonight we celebrate 15 years of having David and his expertise in the field of water distribution with us here at the City of Commerce.

Cornelius (Neil) Johnson, CID Sergeant

- We also have Cornelius (Neil) Johnson, who was first hired by the City in January of 2006 as a patrol officer. He was promoted to patrol corporal in the summer of 2014. By September of 2016, Neil had achieved an advanced level of certification as a peace officer. This certification required the acquisition of training in specialized fields, such as human trafficking, crisis intervention, missing and exploited children and de-escalation techniques. This certification required a completion of over 800 hours of training and a minimum of nine years of service in the field.

In October 2016, Neil was promoted to sergeant and joined the CID (Criminal Investigation Division) where he has served the community in criminal investigations. Neil celebrated 15 years earlier this year and is quickly approaching his 16th year of service. We are so grateful to have him on our team here at Commerce.

20 Years of Service to the City of Commerce

- Rebecca Pattillo, Community Development Coordinator
Becky was hired by the City in October of 2001. In 2003 she became the Assistant City Secretary. With Becky's many years of service and her expertise in multiple areas, she has had the opportunity to serve in various roles throughout her career in the City, including Acting City Secretary, Interim Parks and Recreation Director and her current role as the Community Development Coordinator.

This puts her serving in a vitally important role for our community as we reach a time of unprecedented growth. She additionally manages five city volunteer boards: the Planning and Zoning Commission, the Board of Adjustments, the Building Standards Commission, the Parks Advisory Board and the Beautification Commission.

40 Years of Service to the City of Commerce

- Robby Speight, Captain
We know Robby as Captain Robby. He was hired by the City of Commerce in November of 1981. While we may sometimes find ourselves questioning the decisions of those who served before us, one thing is certain. The City made an excellent decision when they hired Robbie 40 years ago. Robbie has been named Firefighter of the Year. He is an advanced firefighter and a certified

1 instructor. In 2017, Robbie promoted to captain within the Commerce Fire Department, where he
2 has continued to serve since that time.

3
4 In 2011, Robbie received the Medal of Valor from Chief McNevin after he saved a woman's life
5 in a structure fire.

6
7 City Manager Howdy Lisenbee concluded that we appreciate every minute that these employees have
8 served and continue to serve our community.

9
10 Mayor Wyman Williams, the Council Members and City Manager Howdy Lisenbee then posed for a
11 photograph with each group of recipients.

12
13 **7. Discussion and Possible Action on a Resolution Approving an Engagement Letter with Scott,**
14 **Singleton, Fincher & Company, P.C. to provide audit services for the City of Commerce for the**
15 **period beginning October 1, 2020 and ending September 30, 2021 (Fiscal Year 2021) and authorizing**
16 **the Mayor and his Designee to Execute any Necessary Documentation.**

17 Jamie Campbell, Finance Director, stated that this is the City's agreement with our auditing firm. It is the
18 same auditing firm that we have used for a number of years. Typically, she noted the City would have
19 already begun our audit as it normally begins the week of Christmas. The firm would typically be here for a
20 couple of weeks; they would go back to their office and have to stop our audit to start other audits; and then
21 they would come back to complete the City's audit. Staff and the firm decided to do things a little
22 differently this year as they are going to start the audit after the holidays, so that they will not have to take a
23 break.

24
25 The Council has in their possession this evening a copy of the agreement that has a "not-to-exceed" value
26 in it. The firm bills by the hour. This year, Director Campbell noted that she asked them to separate the
27 EDC's portion, so that the city will not have to decide how much is spent on the EDC's position of the
28 audit and their associated cost. This way, the city can easily bill that amount out to them, and the city will
29 know ahead of time how much we will be billing them.

30
31 Council Member Stephanie Muller made a motion to approve an engagement letter with Scott, Singleton,
32 Fincher & Company, P.C. to provide audit services for the City for Fiscal Year 2021. Council Member
33 Teddy Reel seconded the motion, and it carried unanimously.

34
35 **8. Discussion and Possible Action on a Resolution Authorizing the Award of Contract for the**
36 **Construction of the City of Commerce Raw Water Pump Station & Electrical Improvements at Lake**
37 **Tawakoni for TxCDBG Project #7219081.**

38
39 City Manager Howdy Lisenbee recapped some history on this project. A number of years ago, the City had
40 a water project through the Texas Water Development Board and a program called "The Drinking Water
41 Project" which included a State Revolving Fund as a financing source for several different water
42 distribution projects. The majority of the scope of that work was completed by the City. The last piece of
43 that work, a number of years ago, was to replace the motor control center at the raw water pump station at
44 Lake Tawakoni. In layman's terms, at the lake, the City has a really long straw that sticks out into the lake
45 and some pumps that suck water through the straw and send it into town so that we are able to supply water
46 to the community. Those pumps have to have pretty substantial electronic motor controls. That electronic
47 system has not aged well. It is hard to get parts; it is at risk of failure; and it has an unusual voltage that is
48 hard to find anymore. We did not lose power at the raw water pump station during the February freeze this
49 year, but if we had, it would have been physically impossible to connect a generator to those motor
50 controls.

51
52 The importance of this project is to replace that aging electrical infrastructure, update it to current voltages
53 and standards and allow us to have the option to connect a generator, should we experience future power
54 failures at that location so that we are able to continue supplying water to our community. Manager
55 Lisenbee noted that this is the only method that we have to deliver water to the community, so it is a very
56 critical component of our water system.

1
2 At the end of that project with the water development board, the motor control design was completed, but
3 the City did not have enough funding remaining in that project to complete the construction of the motor
4 control center. The City then went out to the Texas Department of Agriculture (TDA) and got a grant for
5 about \$500,000 to complete the construction of the motor controls. However, once the TDA got involved, it
6 was determined that the City could not use the design that had been completed by Hayter Engineering
7 because that engineering firm was not procured under TDA standards. They were procured under Texas
8 Water Development Board Standards, which is a different requirement.
9

10 City Manager Lisenbee said that ultimately, state agency A said you can do it while state agency B said no,
11 you cannot do it. State agency B had the money, so State agency B won. Then the City had to effectively
12 start over. The City went through a procurement process that satisfied the requirements of the TDA, and
13 KSA Engineers, Inc. (KSA) was selected for the project based on their qualifications.
14

15 KSA had very recently completed a similar motor control project at the city's water treatment plant, and so
16 they had demonstrated competency and experience in doing motor controls. KSA was selected to complete
17 the design for the motor control center at the lake so that the City could proceed with expending those
18 funds.
19

20 Fast forward into 2021, we all recognized because of the freezing in February and because of the
21 complications of COVID, that realistically it was not possible to complete the project by December of
22 2021. The City requested a grant extension from TDA to give us to the end of next year, 2022. The
23 requirement that the TDA gave us was that they would only extend the grant if we awarded a construction
24 contract in December of 2021. Working with KSA, the City put a set of plans together, put a set of specs
25 together and bid that out. We gave an appropriate amount of time for contractors to reply, but on December
26 3rd, the City had received no bids. That means that the City is unable to award a construction bid in
27 December. As a result, there is now a very strong possibility that the TDA will cancel the grant and take
28 their funding elsewhere. Manager Lisenbee noted that the City has officially requested an extension with
29 TDA because of a number of factors that have complicated this project. If they would give the City a
30 couple of more months to rebid this work, we feel confident that we can get some bids in and still have it
31 completed by their intended deadline of December 2022. At this point, the request has been made with
32 TDA and we are awaiting a response.
33

34 Charles Edwards, the City's grant coordinator stated that as he was heading to the meeting this evening, he
35 received a phone call from the Director of TDA giving him a notion that they would be considering the
36 extension request and that it should be alright.
37

38 City Manager Lisenbee asked Bob Fisher, P.E., regional manager at KSA to speak to the Council. He
39 introduced Matt Moore, the electrical engineer for the project. Bob Fisher said that there had been a lot of
40 complicating factors related to this project. City Manager Howdy Lisenbee continued by saying that if the
41 TDA is willing to let KSA rebid the project, he has talked to two contractors that are willing to bid the job
42 and help the City try to save it.
43

44 City Manager Lisenbee told the Council that he wanted to give KSA an opportunity to discuss if there were
45 any special considerations of why we did not get bids so that we could make sure we close those loopholes
46 when we rebid it. Mr. Fisher informed the Council that when there were no bids for the project, he made
47 some phone calls to some of the people that had picked up plans to find out why they were interested in the
48 project but did not bid. He received several answers. He noted that they were all extremely busy at that
49 time. They told him that they are still managing work that they got after the February freeze. They also
50 stated that getting materials due to the supply chain issues was a concern of theirs. Originally, there was a
51 six-month construction schedule for this project. Now, we have pushed it to an eight-month schedule, so
52 that hopefully, they will receive bids the second time around. Bob noted that since the people will be
53 working in the middle of the lake on a barge, it is more complicated than just working on dry land.
54

55 City Manager Howdy Lisenbee stated that we could advertise in January, award a contract at our February
56 Council meeting with the notice to proceed shortly after that. A contractor will not mobilize until they get

1 all of their equipment, so there would probably be an extended period of time where we would not see
2 much movement because they are waiting on things to get there. Council Member Teddy Reel stated that
3 we are all familiar with the supply chain issues, and the TDA probably has run into this, too.
4

5 City Manager Lisenbee said that we will await further news about an extension. As there was no contract to
6 award due to no bids being received, no action was taken on the resolution at this time.
7

8 **9. Discussion and Possible Action on a Master Service Agreement between the City of Commerce and**
9 **Freese & Nichols related to improvements for Downtown Commerce; and authorizing the City**
10 **Manager to Execute all Necessary Documentation.**

11 City Manager Howdy Lisenbee stated that part of our current capital improvements program, or CIP,
12 includes some improvements to the downtown area, which would be the parking lot and a new metal
13 pavilion for the Farmers Market. It would also include public restrooms at that pavilion. Also, included
14 would be some sidewalk and site improvements to the downtown to create spaces for events to happen. He
15 noted that Council has had a number of conversations about the work that we would like to see happen in
16 downtown. The biggest portion of that work right now would be pavement and sidewalk. The city went
17 through a selection based on qualifications for our street and drainage projects and selected Freese and
18 Nichols based on their qualifications. Since this project predominantly includes paving and sidewalk, it was
19 the City Manager's recommendation that we use Freese and Nichols because they have demonstrated
20 qualifications in those areas. They are also a firm with very reputable architects. They have planners to help
21 us make sure that whatever we do in the downtown area will be consistent with a plan for how we want
22 downtown to look.
23

24 City staff is proposing a master service agreement with Freese and Nichols for the downtown project that,
25 at this point, has no dollars connected to it. It is just designating them as the designer of record for these
26 projects. The City will subsequently issue task orders for the parking lot, a task order for the metal pavilion
27 and restrooms, and a task order for sidewalk and site improvements so that as we nail down the scope of
28 that work, then we can put a budget to that and include it in the task order, rather than coming up with some
29 big budget number for all of it right now. When we do not have a lot of clarity, this master service
30 agreement will allow them to go ahead and engage and start working on the scope for those various tasks.
31 Afterward, we will bring back to the Council task order one, which is for some piece of the project, in
32 which Council will see a very clear scope and a very clear design budget and schedule.
33

34 Staff is asking for consideration tonight of approval of this master service agreement to designate Freese
35 and Nichols, based on their qualifications, and start moving some of this scope conversations forward.
36 There is no money associated with this agreement right now.
37

38 Part of what will be put together is a master plan, so there will probably be four tasks. One will be that
39 Freese & Nichols will come in and we will sit down and have a planning conversation about what we want
40 the plan to be for downtown. Then there will be a task order for the parking lot. There will be a task order
41 for the building, and then there will be a task order for the sidewalks and site improvements.
42

43 The first task order is for them to do some planning conversations so that the City will not just be throwing
44 money at stuff. Council Members agreed that was a good idea.
45

46 Council Member Teddy Reel made a motion for the City Manager to proceed with a Master Service
47 Agreement with Freese & Nichols. Council Member Beckey Thompson seconded the motion, and it carried
48 unanimously.
49

50 **10. Discussion and Possible Action on a Resolution Approving a Tax Resale Deed for the Property**
51 **located on N. Neal St. (Property ID #70176) within the City of Commerce.**
52

53 Director of Administrative Services Molly Jacobsen said that this is a property brought to the City by our
54 tax attorneys. It was struck off to jurisdictions in November of 2009. Since then, it hasn't been generating
55 any property tax for the City. It was taken to auction in 2016 and again in 2018 for a minimum bid amount
56 of about \$3,000. There were no bids received at that time. Since then, an individual, Mark Beckwith, came

1 forward and submitted a bid in the amount of \$2,955 for that property. As procedural with all of these, the
2 City Council, as one of the taxing entities, has to approve the tax resale deed. That is what staff is asking
3 for from the Council tonight.
4

5 Mayor Pro Temp Anthony Henry made a motion to approve the resolution authorizing the sale. Council
6 Member Beckey Thompson seconded the motion, and it carried unanimously.
7

8 **11. First Reading-Discussion and Possible Action on an Ordinance of the City of Commerce, Texas,**
9 **Amending the Code of Ordinances of the City, by Amending Chapter 2, 'Administration', Article III,**
10 **'Boards and Commissions', Division 3 'Beautification Commission', in part, by Amending Section 2-**
11 **81 'Created Membership', Section 2-82 'Organization', and Section 2-83 "Duties"; and, Providing an**
12 **Effective Date.**
13

14 City Manager Howdy Lisenbee said that a few months ago, a process was started where staff is reviewing
15 all of our boards and commissions and just making sure that we are still comfortable with their charge and
16 how they are formulated. We started by talking about the Beautification Commission. It was noted that we
17 have had a challenge getting meetings to happen because of how quorums were created, specifically in this
18 ordinance. The Council had asked that staff come back with recommendations, so staff is bringing Council
19 the first reading of an ordinance to make a couple of changes to the composition of the Beautification
20 Commission.
21

22 The Beautification Commission was an eight-member board. City Staff consulted with the existing
23 members of the commission, and it is our recommendation to take that number down to a seven-member
24 board with an even number for a quorum. This way, you will not get into situations where you have split
25 votes. Additionally, it would have five members that would be appointed by the City Council, one member
26 that would be appointed by the Louise Drake Garden Club and one member from the Chamber of
27 Commerce. The Beautification Commission and the Garden Club have some similarities in their tasks and
28 what they do. Manager Lisenbee noted that we want to coordinate between these agencies, and we felt like
29 having someone from the Garden Club on the Beautification Commission would keep us from stepping on
30 toes and duplicating services. Additionally, the charge for the Beautification Commission is that they
31 would at least annually present an award to a residential and a commercial property that has done the most
32 for beautification. The Chamber of Commerce has an annual awards banquet, and it would be our intent to
33 have that award given at the annual chamber banquet. Some coordination with the chamber would also be
34 desirable.
35

36 The first change in the Ordinance is to go from eight to seven members. Five at large appointed by the City
37 Council, one member from the Garden Club and one member from the Chamber of Commerce.
38

39 The second thing that we want to change is the quorum. It currently states that it has to be five members.
40 There have been a number of times where we only had five members, and you had to have all 5 present in
41 order to have a quorum. We recommend changing that just to the basic definition that a quorum is a
42 majority of the active voting members. We felt like a more generic quorum language would be an
43 appropriate amendment to the Ordinance at this time.
44

45 Finally, in the charge of the Beautification Commission, one of them was somewhat vague in assigning:
46 "make the City look better" to the Commission. Since this is an advisory board, and it does not have the
47 authority to actually make anything happen, staff recommends that we ask them to promote beautification,
48 not necessarily make it happen.
49

50 Mayor Pro Temp Anthony Henry made a motion to approve an ordinance amending the Code of
51 Ordinances of the City. Council Member Teddy Reel seconded the motion, and it passed unanimously.
52

53 **12. Second Reading-Discussion and Possible Action on Amending Chapter 14 'Amusements and**
54 **Entertainment', by Adding Chapter 5 'Game Rooms'; Providing a Penalty and Providing an**
55 **Effective Date.**
56

Chris Bassham, Director of Public Safety, addressed the Council saying that this is the second reading for this new ordinance to help us fall in line with what the county has adopted. This ordinance will allow us to limit the time frame of when these game rooms can operate. It defines what a game room is and imposes a fee for them to become a game room and a penalty if they violate that. Director of Public Safety Chris Bassham had talked to the sheriff that day, and he said that his office is also looking forward to the amendment. We have a number of issues inside the city and inside the county, and this will help us address those. Staff recommends that the amendment pass on the second reading.

Council Member Beckey Thompson made a motion to accept the Ordinance amending Chapter 14 'Amusements and Entertainment' by adding Chapter 5 'Game Rooms', providing a penalty and providing an effective date. Mayor Pro Tem Anthony Henry seconded the motion, and it carried unanimously.

13. Second Reading-Public Hearing and Possible Action on an Ordinance Authorizing a Change in Zoning from I (Industrial District) to PD (Planned Development District) for Property ID: 21898, Legal Description: A0109 BOND W, TRACT 26, ACRES 16.659.

City Manager Howdy Lisenbee informed the Council that a public hearing was recommended. Mayor Wyman Williams opened a public hearing at 7:15 p.m. for any comments related to this agenda item. No one came forward, and the public hearing was closed at 7:16 p.m.

City Manager Howdy Lisenbee reminded everyone that this is a planned subdivision of approximately 63 lots that would be located on the east side of town on Pritchard Road. The planned development district would effectively be the R7 zoning, with the addition of a requirement to have some kind of buffer between the subdivision and the industrial use that is directly to the west of it. The developers are agreeable to all of that. The developers, Countryside Homes, is a reputable developer. They do moderate income homes, probably in the \$150,000 to \$200,000 range. Staff recommends approval of this second reading Ordinance.

Mayor Pro Temp Anthony Henry made a motion to agree to the ordinance and approve the rezone, which was seconded by Council Member Teddy Reel. The motion passed unanimously.

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

• Public Input Feedback

City Manager Howdy Lisenbee stated that he and Director of Public Safety Chris Bassham would look into this issue noting that it has been the City's position to try to manage other commercial traffic in these areas, so we have left these signs out. He noted that if those signs are creating controversy, the easiest thing to do would be to take them down. However, that then invites more commercial traffic through there.

• Finance Update

• Property Tax November 2021

Jamie Campbell, Finance Director, addressed the Council by saying that we have reached about 8% of our budgeted property tax revenue as of the end of November. For total collections, we have reached almost \$300,000. For delinquent collections, we have hit almost \$11,000 which is about 3% of our total delinquent property taxes. January is when everybody's taxes are due, so during January to February is when we will see the majority of our taxes paid. The City is right on track with budgeted numbers.

• Sales Tax December 2021

Finance Director Jamie Campbell continued that as of December 2021, we have reached 30% of our budgeted sales tax revenue for the fiscal year. This is the same trend as last month. The majority of the increase over last month is coming from a construction site, so even though retail was 10% higher than it was last December, there was a construction site, which is not actually in retail. The construction site is related to sales tax, so there was a 130% increase from last year. Sales tax from last December to this December has about \$28,000 increase, and it was almost \$13,000 from the construction site. From retail, there was \$10,000, and the rest is just sporadic.

1 This is the second month in a row that we have seen an increase come from materials from the
2 construction site.

3
4 • **Calendar of Upcoming Events and Meetings**

5 Molly Jacobsen, Director of Administrative Services, presented to the Council the upcoming events
6 and meetings.

- 7 • As the holidays fall on weekends this year, regular trash pickup will occur as scheduled during
8 the week.
9 • The City of Commerce now has a Twitter account as a way to communicate with the public.
10 • The City will observe Martin Luther King, Jr. Day, so City Hall will be closed on January 17th.
11 • Since Christmas Eve falls on Friday and Christmas Day falls on Saturday, we will close on
12 Friday the 24th and on Monday, the 27th. City Hall will close at noon on Thursday, December
13 23rd.
14 • Our Uniform General Election date will be Saturday, May 7th of 2022. The filing period for that
15 election occurs from mid-January through February. This year the Mayor is up for election for a
16 three-year term. The filing period for that will take place from January 19th through February
17 18th. If someone decides to file for a place on the ballot, it has to be done during that time by 5
18 o'clock on February 18th. You have to register to vote 30 days prior to an election, so the last
19 date to register to vote will be April 7th.
20 • The "Over the Moon" daddy-daughter dance will be held at the Northeast Texas Children's
21 Museum on February 5th. The time will be 6:30-8:30 p.m. Tickets are already on sale online.

22
23 • **Personnel**

24 City Manager Howdy Lisenbee said that Dave Ramsey, a personal finance person, has released a program
25 package that is available at the workplace so that employers can make it available to their employees as
26 part of the benefits package. We are looking to start offering Dave Ramsey's personal finance planning as
27 part of the benefit package to all of our employees beginning in January. It will operate similar to our
28 employee assistance program (EAP). We have an annual subscription to the EAP, and any employee that
29 needs counseling or any employee that just needs to talk to someone about an issue on the phone, at no
30 charge, can pick up the phone and schedule times to visit with a professional. Any family that wants to
31 participate or use the resources that Ramsey and his organization offer will be able to at no cost to the
32 employee because we have added it to our benefits package. It is about \$3,000 for the first year and
33 should not be more than \$4,000 annually after that. This is an incredibly powerful service to our
34 employees should they choose to use it.

35
36 • **Projects Update**

37 City Manager Howdy Lisenbee said that requests for qualifications had been put out for the animal
38 shelter. Those statements of qualifications (SOQs) are due to the City on December 30th. Lisenbee noted
39 he has four very reputable contractors that are going to be submitting for the project. In early January, staff
40 will shortlist those firms who submitted proposals. Only those who are on the shortlist would be invited to
41 submit proposals in January with us coming to the Council in February with some recommendation for a
42 design and construction team for the animal shelter. He noted we are still looking at construction reaching
43 out into 2023 most likely, but these schedules are estimations at this early stage of the project. It is his
44 recommendation right now to stay on the existing site and add on to that building.

45
46 The public library is currently under design. For Ivory Moore park and the playground, staff has selected
47 a vendor from a state purchasing contract. Staff is actually wrapping up design right now and will
48 present a proposed design to the Parks Board in January. Subsequently, we will present the Council
49 with those recommendations in January. Then, they will have the option to ask questions about that
50 design or approve that design. The splashpad is a similar process to the animal shelter. We are asking for
51 qualifications to be submitted in December with the goal of having some recommendation to the Council
52 in February.

53
54 Tonight, Council took the next step for the downtown improvements to move that planning and design
55 process forward. Regarding the 2022 comprehensive plan, we have received notice that the grant

1 application formally opens in February. Council has already selected a grant administrator for that
2 project.

3
4 Howdy noted that he gets a lot of questions about the airport fuel farm because he has been sitting on it
5 for a long time. He noted that while he recognizes that there are people that are frustrated with him because
6 he has not moved quickly. However, he noted that every conversation he has indicates that pricing for those
7 components is still incredibly high, and he is worried about bringing that project in within our budget. He
8 has continued to delay the bidding because pricing remains very high. Right now, he plans to bid that in
9 January and then see where the pricing comes out.

10
11 Streets and drainage are under design and the motor control project was discussed at length tonight. On
12 the filter plant rehab, we are finally reaching the end of approval process. The state has asked a few
13 questions of our engineer, and at this point, we cannot do anything until the state gives us approval.

14
15 At our pre-construction meeting last week, we started ordering equipment for the wastewater treatment
16 plant.

- 17
18 • **Intergovernmental Events & Issues**
19 None

20
21 **15. Recess into Executive Session:**

- 22
23 • **§551.071 (1) and 551.071 (2): Consultation with Attorney on a matter in which the duty of the**
24 **attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct**
25 **of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act and Consultation**
26 **with Attorney regarding pending or contemplated litigation.**

- 27
28 • *Dan Edward Tolbert v. City of Commerce, Texas*
29 • *Professional Service Agreement with KSA Engineering*

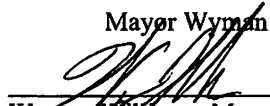
30
31 Council Member Beckey Thompson made a motion that the Council recess into Executive Session. The
32 motion was seconded by Council Member Stephanie Muller, and it passed unanimously. The Council
33 recessed into Executive Session at 6:20 p.m.

34
35 **16. Reconvene into Open Session: In accordance with Texas Government Code, Chapter 551, the City**
36 **Council will reconvene into Regular Session to consider action, if any, on matters discussed in**
37 **Executive Session.**

38
39 The City Council reconvened into Open Session at 6:50 p.m.

40
41 **17. Adjourn.**

42
43 Mayor Wyman Williams adjourned the Council meeting at 7:36 p.m.

44
45 
46 _____
47 Wyman Williams, Mayor

48
49 
50 _____
51 Molly Jacobsen, City Secretary

52 **01/18/2022**
53 _____
54 Date

12.21.2021.MINS