

MINUTES
REGULAR CITY COUNCIL MEETING
March 15, 2022 - 6:00 p.m.

PRESENT: Mayor Wyman Williams
Mayor Pro Tempore Anthony Henry
Council Members: Stephanie Muller, Teddy Reel and Beckey Thompson
City Manager Howdy Lisenbee
City Attorney Charles Anderson
Director of Administrative Services Molly Jacobsen
Finance Director Jamie Campbell
Kalei Beelitz, Administrative Lieutenant of Commerce Police Department

ABSENT: None

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 Teddy Reel led the Pledge of Allegiance.

4. Consent Agenda.

a. Acceptance of Minutes:

- Building Standards Commission Meeting-October 21, 2021
- Building Standards Commission Meeting-November 18, 2021
- Parks and Recreation Board Meeting-January 12, 2022
- Building Standards Commission Meeting-January 20, 2022
- Commerce Economic Development Corporation Meeting Minutes-January 25, 2022
- Beautification Commission Meeting-January 27, 2022
- Planning & Zoning Commission Meeting Minutes-February 1, 2022
- Parks and Recreation Board Meeting-February 9, 2022
- City Council Regular Meeting Minutes-February 15, 2022
- City Council special Meeting Minutes-March 1, 2022

b. Consider and Take Action on:

- A Resolution Authorizing the Approval of an Agreement for the Lease of Ground Hangar #4 at the Commerce Municipal Airport between the City of Commerce and George Chamberlin; and Authorizing the City Manager to Execute all Necessary Documentation.

Mayor Pro Tem Anthony Henry made a motion to approve the consent agenda as presented. Council Member Beckey Thompson seconded, and the motion 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.

Joe McCracken of 1205 Northwood Court came forward noting he has contended with the appraisal district for about 2 ½ years. He provided the Council with a sheet of paper demonstrating real property, and another small sheet representing personal property at that same address.

1
2 **6. Presentation, Discussion and Possible Action on a Resolution Accepting the Financial Audit for the**
3 **Fiscal Year ending September 30, 2021 ('FY 2021').**
4

5 Tommy Nelson of Scott, Singleton, Fincher & Co., PC, CPA appeared via zoom teleconferencing. He said
6 that they were able to get through with the audit work for the City in a really timely manner, and that they
7 appreciate Finance Director Jamie Campbell and her staff for making that possible. The report provided to
8 Council is marked as a draft only because they are waiting on a few items of confirmation that are needed.
9

10 Mr. Singleton noted that Council had the draft audit for a few days, and he encouraged them to ask
11 questions if they had them noting that as he goes through the audit, he will mention the page numbers he is
12 referring to within the report. He noted he would hit the things that he believes are of most interest to the
13 Council, but again reminded them to please ask any questions that they may have.
14

15 Council Member Stephanie Muller made a motion to accept the resolution approving the FY 2021 Audit.
16 Council Member Beckey Thompson seconded the motion, and the vote carried unanimously.
17

18 **7. Presentation of the 2021 Racial Profiling Report in Compliance with the Code of Criminal**
19 **Procedure, Article 2.131-Article 2.138; discussion and acceptance of same.**
20

21 Kalei Beelitz, Administrative Lieutenant of Commerce Police Department, stated that for the year, there
22 were 1863 traffic stops on city streets. Of those stops, there were a total of 55 searches that were conducted.
23 Of those searches, 13 were consent searches, 26 were probable cause searches. From the traffic stops, a
24 total of 1,513 warnings were written and there was a total of 23 arrests made for violations of the penal
25 code.
26

27 Mayor Pro Tem Anthony Henry inquired as to whether Live Oak, Culver and Park Street were classified in
28 this report as a city street or state highway. Lt Beelitz stated he would have to look into how the system
29 classifies those particular streets.
30

31 Council Member Stephane Muller made a motion to accept the Racial Profiling Report for 2021. The
32 motion was seconded by Council Member Beckey Thompson, and it carried unanimously.
33

34 *The 2021 Racial Profiling Report is attached as "Exhibit B" in these minutes.
35

36 **8. Discussion and Possible Action on a Resolution by the City Council of the City of Commerce, Texas**
37 **adopting a set of Financial Policies.**
38

39 Finance Director Jamie Campbell told the Council that the City of Commerce has been in need of updated
40 financial policies for a few years. It is best practice to review certain policies periodically and make sure
41 they are in line with the latest laws/regulations and actual practices that City staff participates in. Today,
42 staff is presenting a Fund Balance Policy, Investment Policy and Debt Management Policy. These policies
43 were mentioned in the last two bond rating reports as being "adequate" and "needs improvement." With the
44 assistance of Hilltop Securities, which is the City's financial advisors, we have rewritten these significant
45 policies.
46

47 Council Member Beckey Thompson made a motion to accept the Resolution adopting these financial
48 policies, which was seconded by Council Member Teddy Reel. The motion carried unanimously.
49

50 **9. A Resolution of the City of Commerce City Council to Approve the Purchase of a Portable**
51 **Generator from Clifford Power for use by the Commerce Public Utilities Department and**
52 **Authorizing the City manager or his Designee to Execute any Necessary Documentation.**
53

54 City Manager Howdy Lisenbee said that as they were looking at options for a generator at the wastewater
55 treatment facility, staff felt it would be more advantageous for the city to acquire a mobile generator that is
56 mounted on a trailer so that we have the flexibility to take it to multiple locations should we lose power.

1 Having a mobile generator would allow us to react to wherever the power outage is and would give us more
2 flexibility from an emergency management point of view. We went through a state purchasing contract and
3 priced a portable generator that would give us the capabilities that we need. The pricing came in at
4 \$174,202. Staff is proposing to take the money that would have utilized to purchase a permanent generator
5 and instead buy a trailer-mounted generator that would give us more flexibility. It is the same cost, and we
6 have funding within our capital projects budget.
7

8 Council Member Teddy Reel made a motion to accept the Resolution and approve the purchase of the
9 portable generator. Mayor Pro Tem Henry seconded the motion, and it passed unanimously.
10

11 **10. Discussion and Possible Action on an Ordinance of the City Council of the City of Commerce, Texas**
12 **in Hunt County Declaring Unopposed Candidates for the Office of Mayor and Place Four (4) for the**
13 **City Council, Declaring Each Unopposed Candidate Elected to Office, and Approving the Order of**
14 **Cancellation to Cancel the General and Special Municipal Election scheduled to be held on May 7,**
15 **2022, providing that this Ordinance shall be Cumulative of all other such Ordinances, Providing a**
16 **Severability Clause and Providing an Effective Date.**
17

18 Director of Administrative Services Molly Jacobsen stated that in January, the Council called a General
19 Municipal election for May 7, 2022 for the purpose of electing a mayor. That filing period ran from
20 January to mid-February. Shortly after the filing period began, we had an existing Council member, Mr.
21 Teddy Reel, file for a place on the ballot. As such, that resulted in a need for the Council to have a Special
22 election in order to fill the vacancy that was created by Mr. Reel's vacation of Place 4 to file for mayor. We
23 overlapped the filing period for Place 4, and that filing period ran from about mid-February to the first
24 week of March. During that time, we had one candidate file for the position of Place 4, Mr. Jim Ayers. As a
25 result of both the filing periods only yielding one candidate for each spot, we have the ability for the
26 governing body to cancel that election because of unopposed candidacy.
27

28 Director Jacobsen continued by saying that tonight the Council will be approving this ordinance that
29 cancels the election, and signing off on both the cancellation, which is an order that cancels the election as
30 well as two certificates for unopposed candidacy for both Council members. However, they will not take
31 office until after the May Council meeting. Texas election code says that they do not take office until after
32 the actual election day and before the deadline for canvassing the results of that election. Thus tonight,
33 Council would be approving the ordinance simply to cancel the election and approving the issuance of
34 certificates of unopposed candidacy to Mr. Reel for Mayor and Mr. Ayers for Place 4 on the City Council.
35 Then we will swear them in to office and issue their certificates of election at the regularly scheduled May
36 City Council meeting.
37

38 Director Jacobsen further stated that there are two constitutional amendments that will be on this ballot, and
39 the school district also had three school board members that ran unopposed. While the school district also
40 did not have a need for an election, and the City Council did not have a need for an election, the County
41 will still be hosting an election due to those two constitutional amendments, which came about as a result
42 of the 2021 Legislative session. The City of Commerce will be a polling place, or a voting location, as we
43 always have been on that Saturday, May 7th, from 7:00 a.m. to 7:00 p.m. to give our citizens a chance to
44 vote on the constitutional amendments.
45

46 Council Member Stephanie Muller made a motion to accept the Ordinance cancelling the election. The
47 motion was seconded by Mayor Pro Tem Anthony Henry, and the motion carried unanimously.
48

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

50 • **Public Input Feedback**
51

52 City Manager Howdy Lisenbee told the Council that he had met with Mr. McCracken this week in
53 which Mr. McCracken expressed his concerns with the appraisal district. He informed Mr.
54 McCracken during that visit that city staff is not authorized to discuss property valuations.
55 Manager Lisenbee noted that he let Mr. McCracken speak his mind but he personally did not
56 commit to making any conversations or phone calls. He thought it important to note that whether a

property is over or under valued tends to depend on whether it is your property or somebody else's property. If it is somebody else's property, the tendency is to believe it is undervalued; and if it is my property, it tends to be the consensus that the appraisal district has overvalued the property. Manager Lisenbee noted that thus, the city does not get involved in those discussions. It is the charge of this council to adopt the tax rate that is applied to the valuations that are determined by the appraisal district, and the City as a local government has no input, no say or influence over those valuations. If the City attempted to do so, it would violate state law.

- **Finance Update**

Jamie Campbell, Director of Finance, addressed the City Council.

1. **Property Tax**

As of February 2022, we have reached 95% of our budgeted property tax revenue for a total of \$3.2 million. We have a total of \$154,000 in property tax revenue remaining before we hit our budgeted revenue, which is again only 98% of our overall tax levy. We are very close this year, but Director Campbell noted that the majority of people pay their property taxes in the January-February time frame because that is when their property taxes are due, so we expect to see a big drop over the next couple of months.

2. **City Sanitation Rate Update**

City Sanitation came to us in November and requested a rate change, which is in accordance with their contract for a 180-day notice. That will go into effect in May. This will not change what we charge our residents; this will just affect what we as a city pay to City Sanitation. It is based on the Consumer Price Index (CPI). The City got the rate from CPI as of January 2021, which is for our contract. That was an increase of 4.4%, so we put the schedule together, based on their current rates and just did an increase of 4.4%. Just out of due diligence, Director Campbell said she wanted the Council to be aware that they have requested a rate increase and per the contract, this is the new rate.

The City Sanitation Rate update is attached as "Exhibit A" to these minutes.

3. **January 2022 Financials**

As of January, we are about 33% into our budget for the fiscal year. The financials as of January 22 are attached as "Exhibit C" to these minutes.

- **Calendar of Upcoming Events and Meetings**

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

1. The annual Chamber of Commerce Chamber Banquet will take place on Thursday, March 24 beginning at 6:00 p.m.

2. The Chamber of Commerce will be hosting their Spring Golf Tournament on April 22nd

3. The Chamber of Commerce will have their annual Spring Bois d'Arc Car Show on Saturday, April 30 from 8:00 a.m. to 1:00 p.m. in downtown.

Council Member Beckey Thompson added that the Northeast Texas Children's Museum will hold an auction at the University on April 25th. The auction has not been held for the last two years. Tickets will be available in advance.

- **Personnel**

None

- **Projects Update**

None

- **Intergovernmental Events & Issues**
-None

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.

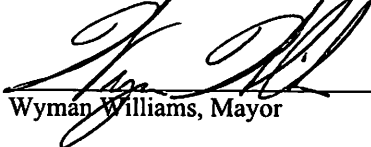
Mayor Pro Tem Anthony Henry made a motion to recess into Executive Session. Council Member Stephanie Muller seconded the motion, and it carried unanimously. The City Council recessed into Executive Session at 7:03 p.m.

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

Council Member Stephanie Muller made a motion to reconvene into Open Session. Mayor Pro Tem Anthony Henry seconded the motion, and it carried unanimously. The City Council reconvened into Open Session at 7:40 p.m.

14. Adjourn.

Mayor Wyman Williams adjourned the Council meeting at 7:41 p.m.



Wyman Williams, Mayor



Molly Jacobsen, Director of Administrative Services

04/19/2022

Date

3.15.2022.MINS

Exhibit A

Solid Waste Service Rates

Effective Date May 1, 2022

approved increase 11/5/2021 4.4%

Residential	\$ 16.21
Bulky Waste Per Cubic Yard	\$ 16.81
Construction Per Cubic Yard	\$ 22.22

For customers who use 2, 3, 4 or 6 yard dumpster for bulky waste or construction waste there will be a set fee and dailey rental fee of \$ 30.00 \$ 1.50

Commercial Hand Collect

	<u>1x Week</u>	<u>2x Week</u>
5 or less Bags	\$ 21.61	\$ 26.41
6-10 Bags	\$ 26.41	\$ 32.42
10-20 Bags	\$ 32.42	\$ 36.02

Commercial Dumpster

	<u>1x Week</u>	<u>2x Week</u>	<u>3x Week</u>	<u>4x Week</u>	<u>5x Week</u>
2 Yards	\$ 50.43	\$ 81.64	\$ 110.46	\$ 141.67	\$ 166.88
3 Yards	\$ 66.03	\$ 110.46	\$ 153.68	\$ 201.70	\$ 246.12
4 Yards	\$ 81.64	\$ 141.67	\$ 201.70	\$ 258.13	\$ 308.55
6 Yards	\$ 110.46	\$ 201.70	\$ 270.14	\$ 366.18	\$ 459.83

Open-Top Containers

20 Cubic Yard		20 Cubic Yard (shingles)	
Each Disposal	\$ 450.23	Each Disposal	\$ 504.25
Daily Rental	\$ 2.87	Daily Rental	\$ 2.87
30 Cubic Yard		40 Cubic Yard	
Each Disposal	\$ 516.26	Each Disposal	\$ 582.29
Daily Rental	\$ 2.87	Daily Rental	\$ 2.87

Compactors

35 Cubic Yard Compactor	\$ 630.32	40 Cubic Yard Compactor	\$ 660.59
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City Cleanup Rates

Hourly Rate	\$ 180.09
Amount Per Ton	\$ 26.20

Any commercial non-standard waste disposal or waste disposal equipment not addressed in the above rates will be charged at 10% over the contractor's price

Recycling Containers

Each Pick Up (2x20 Yards)	\$ 372.71	Monthly Rental (x 2)	\$ 97.97
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Racial Profiling Report | Full

Agency Name: COMMERCE POLICE DEPARTMENT

Reporting Date: January 2021 - December 2021

TCOLE Agency Number: 231203

Chief Administrator: CHIEF CHRIS BASSHAM

Agency Contact

Phone: (903)886-1139

Email: POLICE@COMMERCETX.ORG

Mailing Address:

1103 SYCAMORE COMMERCE, TX 75428

This Agency filed a full report

COMMERCE POLICE DEPARTMENT has adopted a detailed written policy on racial profiling. Our policy:

(1) clearly defines acts constituting racial profiling;

(2) strictly prohibits peace officers employed by the COMMERCE POLICE DEPARTMENT from engaging in racial profiling;

(3) implements a process by which an individual may file a complaint with the COMMERCE POLICE DEPARTMENT if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;

(4) provides public education relating to the agency's complaint process;

(5) requires appropriate corrective action to be taken against a peace officer employed by the COMMERCE POLICE DEPARTMENT who, after an investigation, is shown to have engaged in racial profiling in violation of the COMMERCE POLICE DEPARTMENT policy;

(6) requires collection of information relating to motor vehicle stops in which a citation is issued and to arrests made as a result of those stops, including information relating to:

(A) the race or ethnicity of the individual detained;

(B) whether a search was conducted and, if so, whether the individual detained consented to the search;

(C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;

(D) whether the peace officer used physical force that resulted in bodily injury during the stop;

(E) the location of the stop;

(F) the reason for the stop;

(7) requires the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:

(A) the Commission on Law Enforcement; and

(B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

The COMMERCE POLICE DEPARTMENT has satisfied the statutory data audit requirements as prescribed in Article 2.133(c), Code of Criminal Procedure during the reporting period.

Executed by: CHIEF CHRIS BASSHAM

CHIEF

A handwritten signature in blue ink, reading "Chris Bassham", is written over a horizontal line.

Date: 02/18/2022 14:03

☞ Total stops: 2616

Street address or approximate location of the stop

City street: 1863

US highway: 35

County road: 13

State Highway: 664

Private property or other: 41

Was race or ethnicity known prior to stop?

Yes: 4

No: 2612

Race / Ethnicity

Alaska Native/American Indian: 7

Asian / Pacific Islander: 73

Black: 738

White: 1516

Hispanic/Latino: 282

☞ Gender

Female:

Total 1042

Alaska Native/American Indian 4

Asian / Pacific Islander 15

Black 284

White 656

Hispanic/Latino 83

Male:

Total 1574

Alaska Native/American Indian 3

Asian / Pacific Islander 58

Black 454

White 860

Hispanic/Latino 199

Reason for stop?

Violation of law:

Total 127

Alaska Native/American Indian 0

Asian / Pacific Islander 2

Black 31

White 79 Hispanic/Latino 15

Pre existing knowledge:

Total 17

Alaska Native/American Indian 0

Asian / Pacific Islander 0

Black 7

White 10 Hispanic/Latino 0

Moving traffic violation:

Total 2009

Alaska Native/American Indian 5

Asian / Pacific Islander 57

Black 553

White 1166 Hispanic/Latino 228

Vehicle traffic violation:

Total 463

Alaska Native/American Indian 2

Asian / Pacific Islander 14

Black 147

White 261 Hispanic/Latino 39

Was a search conducted?

Yes:

Total 55

Alaska Native/American Indian 0

Asian / Pacific Islander 0

Black 21

White 32 Hispanic/Latino 2

No:

Total 2561

Alaska Native/American Indian 7

Asian / Pacific Islander 73

Black 717

White 1484 Hispanic/Latino 280

Reason for Search?

Consent:

Total 13

Alaska Native/American Indian 0

Asian / Pacific Islander 0

Black 4

White 9 Hispanic/Latino 0

Contraband:

Total 5

Alaska Native/American Indian 0

Asian / Pacific Islander 0

Black 2

White 2 Hispanic/Latino 1

Probable cause:**Total** 26**Alaska Native/American Indian** 0**Asian / Pacific Islander** 0**Black** 14**White** 12 **Hispanic/Latino** 0**Inventory:****Total** 4**Alaska Native/American Indian** 0**Asian / Pacific Islander** 0**Black** 1**White** 2 **Hispanic/Latino** 1**Incident to arrest:****Total** 7**Alaska Native/American Indian** 0**Asian / Pacific Islander** 0**Black** 0**White** 7 **Hispanic/Latino** 0**Was Contraband discovered?****Yes:****Total** 35**Alaska Native/American Indian** 0**Asian / Pacific Islander** 0**Black** 15**White** 19**Hispanic/Latino** 1**Did the finding result in arrest?****(total should equal previous column)****Yes** 0 **No** 0**Yes** 0 **No** 0**Yes** 10 **No** 5**Yes** 14 **No** 5**Yes** 0 **No** 1**No:****Total** 20**Alaska Native/American Indian** 0**Asian / Pacific Islander** 0**Black** 6**White** 13 **Hispanic/Latino** 1**Description of contraband****Drugs:****Total** 32**Alaska Native/American Indian** 0**Asian / Pacific Islander** 0**Black** 12**White** 19 **Hispanic/Latino** 1

Currency:Total 0Alaska Native/American Indian 0Asian / Pacific Islander 0Black 0White 0 Hispanic/Latino 0**Weapons:**Total 0Alaska Native/American Indian 0Asian / Pacific Islander 0Black 0White 0 Hispanic/Latino 0**Alcohol:**Total 2Alaska Native/American Indian 0Asian / Pacific Islander 0Black 2White 0 Hispanic/Latino 0**Stolen property:**Total 0Alaska Native/American Indian 0Asian / Pacific Islander 0Black 0White 0 Hispanic/Latino 0**Other:**Total 1Alaska Native/American Indian 0Asian / Pacific Islander 0Black 1White 0 Hispanic/Latino 0**Result of the stop****Verbal warning:**Total 0Alaska Native/American Indian 0Asian / Pacific Islander 0Black 0White 0 Hispanic/Latino 0**Written warning:**Total 1513Alaska Native/American Indian 4Asian / Pacific Islander 42Black 401White 928 Hispanic/Latino 138**Citation:**Total 1031Alaska Native/American Indian 3Asian / Pacific Islander 31Black 310White 549 Hispanic/Latino 138

Written warning and arrest:

Total 2

Alaska Native/American Indian 0

Asian / Pacific Islander 0

Black 1

White 1 Hispanic/Latino 0

Citation and arrest:

Total 57

Alaska Native/American Indian 0

Asian / Pacific Islander 0

Black 22

White 30 Hispanic/Latino 5

Arrest:

Total 13

Alaska Native/American Indian 0

Asian / Pacific Islander 0

Black 4

White 8 Hispanic/Latino 1

Arrest based on

Violation of Penal Code:

Total 23

Alaska Native/American Indian 0

Asian / Pacific Islander 0

Black 6

White 15 Hispanic/Latino 2

Violation of Traffic Law:

Total 5

Alaska Native/American Indian 0

Asian / Pacific Islander 0

Black 1

White 0 Hispanic/Latino 4

Violation of City Ordinance:

Total 0

Alaska Native/American Indian 0

Asian / Pacific Islander 0

Black 0

White 0 Hispanic/Latino 0

Outstanding Warrant:

Total 44

Alaska Native/American Indian 0

Asian / Pacific Islander 0

Black 20

White 24 Hispanic/Latino 0

Was physical force resulting in bodily injury used during stop

Yes:

Total 1

Alaska Native/American Indian 0

Asian / Pacific Islander 0

Black 0

White 1

Hispanic/Latino 0

No:

Total 2615

Alaska Native/American Indian 7

Asian / Pacific Islander 73

Black 738

White 1515

Hispanic/Latino 282

Number of complaints of racial profiling

Total 0

Resulted in disciplinary action 0

Did not result in disciplinary action 0

Submitted electronically to the



The Texas Commission on Law Enforcement

RACIAL PROFILING ANALYSIS

January 2021 - December 2022

COMMERCE POLICE DEPARTMENT
1103 SYCAMORE
COMMERCE, TX 75428

Race/Ethnicity	Contacts		Searches		Consent Searches		PC Searches		Custody Arrest	
	N	%	N	%	N	%	N	%	N	%
Caucasian	1732	58.2%	46	54.8%	10	58.8%	36	53.7%	55	53.9%
African American	852	28.6%	34	40.5%	5	29.4%	29	43.3%	39	38.2%
Hispanic	302	10.1%	4	4.8%	2	11.8%	2	3.0%	8	7.8%
Asian	82	2.8%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Native American	10	.3%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Middle Eastern	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Total	2978		84		17		67		102	

