

MINUTES
REGULAR CITY COUNCIL MEETING
May 17, 2022 – 6:00 p.m.

PRESENT: Mayor Wyman Williams / Incoming Mayor Teddy Reel
Mayor Pro Tempore Anthony Henry
Council Members: Stephanie Muller and Beckey Thompson / Incoming Council Member Jim Ayres
City Manager Howdy Lisenbee
City Attorney Charles Anderson
Director of Administrative Services Molly Jacobsen
Finance Director Jamie Campbell

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.

The Commerce 12 and under Softball Team led the Council in the Pledge of Allegiance.

4. Consent Agenda.

a. Acceptance of Minutes:

- City Council Regular Meeting Minutes- April 19, 2022
- City Council Special Meeting Minutes-April 26, 2022
- Commerce Economic Development Corporation Meeting Minutes-April 27, 2022

b. Consider and Take Action on:

- Motion Authorizing a Resolution Appointing Kathy Myers as an Alternate to the Board of Adjustment.
- Motion Authorizing Appointment of Kathy Myers as an Alternate to the Building Standard Commission.

Council Member Beckey Thompson made a motion to approve the consent agenda as presented. Council Member Stephanie Muller 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.

Carol Davis had a complaint about how a hit-and-run accident in the Walmart parking lot on February 14th was handled by our Police Department. She suggested training for police officers on how to help Americans with disabilities.

6. Discussion and Possible Action on a Resolution Canvassing the results of the May 7, 2022, General & Special Election.

Molly Jacobsen, Director of Administrative Services, asked the Council to accept a resolution canvassing the results of the May 7, 2022 election. It would declare Teddy Reel elected as Mayor from May 2022 through May 2025 and Jim Ayres as elected to City Council, Place Four (4) for the unexpired term from May 2022 through May 2024.

Council Member Stephanie Muller made a motion to accept the resolution. It was seconded by Mayor Pro Tem Anthony Henry, and the vote carried unanimously.

7. Issue Certificate of Election and Administer Oath of Office to incoming Mayor Teddy Reel.

Molly Jacobsen, Director of Administrative Services, administered the Oath of Office to Mayor Teddy Reel.

8. Presentation and Recognition to Outgoing Mayor Wyman Williams for his Years of Service to the City of Commerce.

Wyman Williams was presented with an American flag which had flown over the capital in Austin and was given his Mayoral gavel and sound block. Members of the Council, staff and Mayor Teddy Reel spoke of their appreciation for Mayor Williams' years of service to the City of Commerce.

9. Issue Certificate of Election and Administer Oath of Office to incoming Council Member, Place Four (4) Jim Ayres.

Molly Jacobsen, Director of Administrative Services, administered the Oath of Office to newly elected Council Member Jim Ayres.

10. Appointment by the Commerce City Council of Mayor Pro Tempore for May 2022-May 2023.

Council Member Beckey Thompson nominated Council Member Anthony Henry as Mayor Pro Tempore. The motion was seconded by Council Member Stephanie Muller, and the vote carried unanimously. There were no other nominations.

Council Member Stephanie Muller made a motion by acclamation to elect Anthony Henry as Mayor Pro Tempore. Council Member Jim Ayres seconded the motion and the vote carried unanimously.

11. Appointment by the Commerce City Council of an Ex Officio to the Commerce Economic Development Corporation.

Council Member Stephanie Muller nominated Beckey Thompson as Ex Officio of the Commerce Economic Development Corporation Board. The motion was seconded by Mayor Pro Tem Anthony Henry, and the vote carried unanimously. There were no other nominations.

Mayor Pro Tem Anthony Henry made a motion by acclamation to elect Beckey Thompson as Ex Officio to the Commerce Economic Development Corporation. Council Member Stephanie Muller seconded the motion and the vote carried unanimously.

12. Discussion and Possible Action on the appointment of a City Council Member to the Animal Shelter Advisory Board.

Mayor Pro Tem Anthony Henry nominated Council Member Jim Ayres as City Council Member to the Animal Shelter Advisory Board, which was seconded by Council Member Stephanie Muller. The vote carried unanimously. There were no other nominations.

Mayor Pro Tem Anthony Henry made a motion by acclamation to elect Jim Ayres as Council Member to the Animal Shelter Advisory Board. The motion was seconded by Council Member Stephanie Muller, and the vote carried unanimously.

13. Appointment by the Commerce City Council of an Ex Officio Member to the Beautification Commission.

1 Council Member Beckey Thompson nominated Stephanie Muller as Ex Officio of the Beautification
2 Commission. The motion was seconded by Mayor Pro Tem Anthony Henry, and the vote carried
3 unanimously. There were no other nominations.
4

5 Council Member Jim Ayres made a motion by acclamation to elect Stephanie Muller as Ex Officio Member
6 to the Beautification Commission. The motion was seconded by Mayor Pro Tem Anthony Henry, and the
7 vote carried unanimously.
8

9 **14. Discussion related to procedures for City Council Meetings.**
10

11 Howdy Lisenbee, City Manager, stated that the City Charter, Section 25, simply states that the City Council
12 can adopt rules of procedure by which they will operate. There are currently not any official rules of
13 procedure that have been adopted. If Council approves, staff can begin to accumulate examples of rules of
14 procedure or the Council can choose to keep going the way they have operated the last several years.
15

16 Mayor Teddy Reel said that he would like to see how other city councils do their meetings. He also
17 suggested that Council members have 2 minutes of floor time to share activities that are going on in the
18 community.
19

20 **15. Presentations for Hotel Occupancy Tax (HOT) Allocations.**
21

22 Finance Director Jamie Campbell informed the Council that they anticipate \$30,000 in revenue related to
23 hotel occupancy tax revenue (HOT). She reminded the Council that as they listened to presentations this
24 evening, to keep in mind that they would have approximately \$30,000 to distribute amongst applicants, and
25 the official allocation would happen at next month's meeting. Finance Director Campbell reminded the
26 Council that in order to qualify for these funds, applicants had to meet two criteria. They had to "put heads
27 in beds" and spend funds according to one of several criteria, which include:

- 28 • Convention and Visitor Information Centers
- 29 • Registration of Convention Delegates
- 30 • Advertising and promotional programs to attract tourists and convention delegates
- 31 • Promotion of the Arts
- 32 • Historical restoration and preservation projects or activities
- 33 • Sporting Event expenses which substantially increase economic activity at hotels in
- 34 counties under 1 million people
- 35 • Funding transportation systems for tourism
- 36 • Signage directing tourists to sights and attractions that are visited frequently by hotel
- 37 guests in the municipality
38

39 The four applicants for the funds were Commerce Chamber of Commerce, Northeast Texas Children's
40 Museum, Texas A&M-Commerce Athletics, and CHAMPS. A representative for Texas A&M-Commerce
41 Athletics was not present at the meeting. Presentations were made to the Council by the other applicants.
42 Executive Director Paul Voss presented on behalf of the Chamber of Commerce, Museum Director
43 Sharline Freeman presented on behalf of the Children's Museum and Jack Welch presented on behalf of
44 CHAMPS and their annual HOT bowl.
45

46 **16. Discussion and Possible Action on a Resolution Authorizing the Financing of the City's FY 2022**
47 **Dump Truck purchase through Cypress Bank and authorizing the City Manager or his designee to**
48 **execute any necessary documentation.**
49

50 Finance Director Jamie Campbell said that the dump truck that the City ordered has been finished earlier
51 than expected. We had three bids for financing of the truck from the local banks, Alliance, Guaranty and
52 Cypress. Cypress had the lowest bid at 3% interest for 60 months, so staff recommends Cypress Bank be
53 awarded the financing agreement.
54

Council Member Stephanie Muller made a motion to accept the resolution and authorize Cypress Bank finance the city's new dump truck. Mayor Pro Tem Anthony Henry seconded the motion, and it carried unanimously.

17. **Discussion and Possible Action on an Ordinance Amending Ordinance 2021-23 which Adopted the Fiscal Year 2022 'FY 2022' Budget to Provide for the Modification of the Head Count in the FY 2022 Budget; Providing for the Approval of Amendments; and Providing for an Effective Date.**

City Manager Howdy Lisenbee noted that as part of the budgeting process, we are afforded a total head count, the number of full-time positions that the City is authorized to hire. We can move positions around, if needed, as long as it does not exceed the head count. However, to create a new position, we wanted to bring it before City Council because there is salary, as well as benefits, which impacts the overall budget.

We are asking to add a full-time position with a salary of approximately \$40,000 annually, plus benefits. This position would be paid from the utilities fund. We had an internship position in our public utilities that was filled by a young man getting a degree in environmental sciences from Texas A&M-Commerce. He has done an exceptional job for us on a part-time basis. We want to create a position for him as a management assistant to do analysis, research and management tasks that are quite time consuming and a good fit for his skill set.

Council Member Stephanie Muller made a motion to approve the ordinance amending the FY 2022 budget. Council Member Becky Thompson seconded the motion, and the vote carried unanimously.

18. **Second Reading-Discussion and Possible Action on an Ordinance granting to Atmos Energy Corporation, its Successors and Assigns, a Franchise to Construct, Maintain, and Operate Pipelines and Equipment in the City of Commerce, Hunt County, Texas for the Transportation, Delivery, Sale and Distribution of Gas in, out of, and through said City for all Purposes; Providing for the Payment of a Fee or Charge for the use of Public Right-of Ways; and Providing that such fee shall be in lieu of other Fees and Charges, Excepting Ad Valorem Taxes and Repealing all Previous Gas Franchise Ordinances.**

City Manager Howdy Lisenbee reminded the Council that in the last meeting we had, the first reading of this ordinance took place. We had approved this same Ordinance in fact late last year at the request of Atmos Energy. Within the franchise agreement that they drafted was a clause stating that once the City had approved it, within 30 to 60 days, Atmos would finally approve and execute it. If they failed to execute it within those 30-60 days, the whole thing would be void. Atmos did not execute it in the allotted time period, so staff is coming back to Council to bring the whole franchise agreement again and run it through two readings. Nothing has changed from the first time, except they failed to execute it within their own deadline and staff did not feel comfortable signing off on something that was already, by definition, void.

Mayor Pro Tem Anthony Henry made a motion to accept the ordinance on the second reading. Council Member Stephanie Muller seconded the motion, and the vote carried unanimously.

19. **Second Reading-Discussion and Possible Action on the Adoption of an Ordinance amending appendix "C", "Fees, Rates & Charges" of the City of Commerce Code of Ordinances Fee Schedule and Providing an Effective Date.**

City Manager Howdy Lisenbee addressed the Council saying that each year we have the Council review and adopt an ordinance that reviews all of the fees that we charge to our community. The last time, on first reading, we presented that fee ordinance and talked through what some of those changes were. Since then, we have cleaned up a couple more items, as reflected in the summary sheet.

Mayor Pro Tem Anthony Henry made a motion to accept the ordinance amending the fee ordinance. Council Member Stephanie Muller seconded the motion, and it carried unanimously.

20. **City Manager's Report; discussion of same.**

1 • **Public Input Feedback**

2 City Manager Howdy Lisenbee said that staff will put a packet together of information and provide that
3 information to the Council related to citizen Carol Davis' complaint. This will demonstrate the
4 conversations that have gone back and forth with this individual and about this event. Without going into
5 all of the details, Manager Lisenbee noted that when you have a minor traffic accident on private
6 property, such as a parking lot, it becomes a civil matter rather than a criminal matter. When our officers
7 respond to minor traffic vehicle accidents on a parking lot such as Walmart, there is a procedure that they
8 follow because it is civil, and the information that is collected mostly is for insurance agencies. In that
9 event, whoever was the victim is asked the question "Do you want to press charges?" If they say yes,
10 then there is another line of work that our officers are able to do. This particular individual never told us
11 that they wanted to press charges, so in a follow-up conversation, the officer was attempting to ask her
12 "Do you want to press charges?" That question was never answered, and instead the individual actually
13 became combative. Staff has a recording of that conversation. Because we never clearly got an answer to
14 the question "Do you want to press charges?", the investigation was closed. Because the investigation
15 was closed, this individual claimed she was not eligible for victim's compensation. The officers, in fact,
16 went to quite a bit of investigation to find the individual that hit this individual. That individual was
17 found in another county, in another city. That person was tracked down, and the police got their
18 information and that was provided to the insurance company of the "victim" of the "hit and run."
19

20 • **Finance Update**

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

- 22 1. Property Tax- As of April 2022, we are about \$87,000 away from our budgeted property tax
23 revenue and about \$172,000 away from 100% of our tax levy. Director Campbell was pretty
24 confident that we will reach our budgeted revenue. As far as delinquent property taxes, we have
25 received our preliminary tax roll for 2022 which will go into our 2023 budget. Even though we
26 have received our preliminary, we will not get our final tax roll until July 25th. As for delinquent
27 property taxes, we have received 8% of the total outstanding balance.
28 2. Q2 Financials- As of the end of March 2022, we are going to look at our General Fund first.
29 Overall, our expenses are coming in under budget, and our revenues are coming in over budget.
30 3. Sales Tax- Director Campbell is forecasting that we will probably finish close to \$1.3 million
31 in revenue this year in sales tax. We are seeing growth in our retail, and we are seeing that growth
32 with online sales, manufacturing and with our food establishments.
33

34 • **Calendar of Upcoming Events and Meetings**

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

- 37 1. Mosquito spraying schedule is on the City's website at commercetx.org and available as a hand
38 out at City Hall.
39 2. Commerce Farmers' Market is from 8 am – 12 pm every Saturday from 5/7 - 9/24 at 1100
40 Bonham Alley.
41 3. Election 2022- Texas Primary Runoff has early voting which begins 5/16 and ends 5/20. May 24
42 is primary runoff election day
43 4. Commerce High School graduating class of 2022- Ceremony will be on Friday, 5/27 at 8 p.m. at
44 Texas A&M-Commerce Field House
45 5. Animal Shelter has new public hours 10 a.m. to 4:30 p.m. Monday through Friday / Closed 12-1
46 for lunch

47 • **Personnel**

48 The Fire Department "A" shift recently played several rounds of volleyball games against the Oak
49 Manor Nursing Home residents.

50
51 The City has found a candidate for the building inspector position. The candidate was an internal
52 transfer.
53

54 • **Projects Update**

55 The materials for the Ivory Moore Park improvements, the playground and the outdoor fitness gym are
56 expected to be delivered this month, and construction should be completed by the first half of June. We

1 will do some kind of ribbon cutting for the new playground in the near future. Staff has almost
2 completed the design for the splash pad and will see work on that begin in May.
3

4 The City has completed one of the projects on the list ahead of schedule and under budget. That is the
5 pump replacement project at the wastewater treatment plant. We had one pump working and it had been
6 operating at about half capacity for a couple of years. Now we have all three pumps in operation, and
7 they have all been tested. With three pumps working at the same time, we could be moving up to six
8 million gallons of water a day.
9

10 The contract for the water treatment plant project has been awarded and materials have been ordered. We
11 are looking forward to getting that project started in the very near future. The contractor is very
12 optimistic that they will be able to complete the raw water motor control project at Lake Tawakoni
13 before the end of December, so we should have a very strong chance of not losing that grant money.
14

15 • **Intergovernmental Events & Issues**

16 None
17

18 **13. Recess into Executive Session:**
19

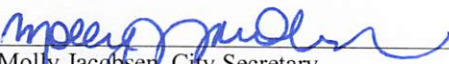
- 20 • §551.074: To deliberate the appointment, employment, evaluation, reassignment, duties,
21 discipline, or dismissal of a public officer or employee (Mayor Pro Tempore).
22

23 An Executive Session was not necessary at this meeting.
24

25 **14. Adjourn.**

26 Council Member Beckey Thompson made a motion to adjourn. Council Member Jim Ayres seconded the
27 motion, and it carried unanimously. Mayor Teddy Reel adjourned the Council meeting at 7:52 p.m.
28

29
30 
31 _____
32 Teddy Reel, Mayor

33 
34 _____
35 Molly Jacobsen, City Secretary

36 6.21.22
37 _____
38 Date

39 5.17.2022.MINS