

MINUTES
REGULAR CITY COUNCIL MEETING
November 15, 2022 – 6:00 p.m.

PRESENT: Mayor Teddy Reel
Mayor Pro Tempore Anthony Henry
Council Members: Stephanie Muller and Beckey Thompson
City Manager Howdy Lisenbee
City Attorney Charles Anderson
Finance Director Jamie Campbell
Director of Administrative Services Molly Jacobsen
Director of Public Safety Chris Bassham
Assistant Director of Community Development Jon Harper

ABSENT: Council Member Jim Ayres

1. Call to Order.

Mayor Teddy Reel called the meeting to order at 6:00 p.m.

2. Invocation.

Pastor Jimitri Green of Commerce Church of Christ provided the moment of invocation.

3. Pledges of Allegiance.

The pledges of allegiance were provided by second graders of Commerce Elementary School. The students were nominated by their teachers for their outstanding citizenship and leadership. The students were led by Principal Patricia Nelle and Belinda Miller, Counselor.

4. Consent Agenda.

Acceptance of Minutes:

- Beautification Commission Meeting-May 26, 2022
- Beautification Commission Meeting-June 23, 2022
- Animal Shelter Advisory Board Meeting-June 29, 2022
- Parks and Recreation Advisory Board Meeting-July 13, 2022
- Beautification Commission Meeting-August 25, 2022
- Beautification Commission Meeting-September 22, 2022
- Parks and Recreation Advisory Board Meeting-October 12, 2022
- Regular City Council Meeting-October 18, 2022
- Special City Council Meeting-November 1, 2022

Consider and Take Action on:

- Acceptance of Resignation of Board Member Ann Reel's Position on the Beautification Commission; Motion authorizing Appointment of Nicholas Scott to a Vacancy on the Beautification Commission.
- Motion authorizing Appointment of Hans Zander to the Parks and Recreation Advisory Board.

Mayor Teddy Reel advised that the last item on the consent agenda, Special City Council Meeting-November 1, 2022, needed to be moved to discuss with item #10 on the meeting agenda.

Mayor Pro Tem Anthony Henry made a motion to move the last item on the consent agenda, Special City Council Meeting minutes from November 1, 2022, to item #10 on the. The motion was seconded by Council Member Beckey Thompson, and the vote carried unanimously.

Council Member Beckey Thompson made a motion to accept the consent agenda with the noted change. The motion was seconded by Council Member Stephanie Muller, and it carried unanimously.

- 1 5. **Presentation to City Council by members of the Public.** (To be conducted as close to 6:05 p.m. as
2 possible with a three-minute limit per person. Public Comments will cease at 6:20 p.m.) This period
3 is reserved for citizens to discuss items not on the listed agenda. The response to Public Comments
4 will be limited to: 1) A statement of fact or policy; 2) Direction to take up the issue with a city staff
5 member; 3) An offer to place the item on a future Council Agenda.

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7 No one came forward.

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9 **6. Council Comments**

10 Pursuant to Texas Local Government Code 551.0415(b), The purpose of this section is to allow the Mayor
11 and each City Council Member the opportunity to announce city events/community interests and request
12 that items be placed on future City Council agendas.

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14 Mayor Pro Tem Anthony Henry thanked the City staff for their service.

15
16 Council Member Stephanie Muller said that "Miracle on Main Street" will take place on Saturday,
17 December 3rd from 3:00 to 5:00 p.m. There will be photo booths, face painting, and they hope to have a fire
18 truck there. Also, the animal shelter will bring some shelter pets to help them be adopted.

19
20 Mayor Teddy Reel had no comments.

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22 Council Member Beckey Thompson thanked the Thalian Culture Club who sponsored a toy drive at the
23 beginning of the month for Commerce Lil' Angels noting that it was very successful. She also thanked the
24 downtown merchants as they are getting ready for Christmas, and many windows downtown have been
25 painted.

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27 **7. Discussion and Possible Action on a Resolution Nominating a Representative(s) for the Hunt County
28 Appraisal District Board of Directors.**

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30 Howdy Lisenbee, City Manager, said that John Sands, former Mayor, regretfully recently passed away.
31 Manager Lisenbee noted that Mr. Sands served the community in many honorable and distinctive ways,
32 one of which being him serving as our representative on the Hunt County Appraisal District Board of
33 Directors.

34
35 Tonight's resolution is to submit Jim Bob Grove as a nomination to fill Mayor Sand's unexpired term,
36 which is through December of 2023.

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38 Mayor Pro Tem Anthony Henry made a motion to adopt a Resolution to nominate Jim Bob Grove to the
39 Hunt County Appraisal District Board of Directors representative. Council Member Beckey Thompson
40 seconded the motion, and the vote carried unanimously.

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42 **8. A Resolution Approving a Neighborhood Empowerment Zone Agreement for the Property Located
43 on 1115 Charlies Drive (Property ID #49703) with Michael White; Authorizing the City Manager to
44 Execute all Necessary Documentation.**

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46 City Manager Howdy Lisenbee advised the Council that they would need a motion to pull this item from
47 the table in order for them to discuss and consider it as it was tabled at the last City Council meeting.

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49 Council Member Stephanie Muller made a motion to remove the item from the table for discussion this
50 evening. Mayor Pro Tem Anthony Henry seconded the motion, and it carried unanimously.

51
52 Jon Harper, Assistant Director of Community Development, said that when this came to his desk,
53 everything appeared perfectly fine but ended up getting distorted as it translated to our software that creates
54 agenda packets. He said that issue has since been resolved and staff recommends approval of the
55 Agreement tonight as presented.

Council Member Stephanie Muller made a motion to approve the Resolution. Mayor Pro Tem Anthony Henry seconded the motion, and it carried unanimously.

9. Discussion and Possible Action on a Resolution Related to the Bonding of Public Officials and City Leadership.

Howdy Lisenbee, City Manager, stated that recently we were approached by a public records request or Freedom of Information request asking for copies of the bonds which are provided for some of our City Staff. We currently do not have surety bonds for any of our staff, so we began to research that concept. State law had some provisions that state officials have to be bonded by a surety bond. And while it did contain provisions that county officials have to be bonded by surety bonds, when it came to municipal government officials, it basically delegated that authority to the governing body of the city. We looked at the charter of the city of Commerce, which simply states that if the Council designates a bonding requirement, that such bond would be provided. We did not find anything in prior minutes or action by the Council to require a bond or setting bonds for staff in the past.

The question tonight is, does the current Council want or desire for officials to have a surety bond, and if yes, for what amount? Manager Lisenbee noted that it is some protection for the taxpayers if we, as primary officials, fail to act or act inappropriately in a manner that causes a loss for the community. The only officials that have that kind of risk essentially would be the City Manager, the Director of Public Safety and the Finance Director. Therefore, staff recommends that the Council require a bond for those positions.

Mayor Pro Tem Anthony Henry asked if Greenville's \$200,000 bond on the city manager is standard practice. Director of Administrative Services Molly Jacobsen stated that the cost for bonds can range from fifty dollars (\$50) to one-thousand dollars (\$1,000), which correlates with a \$10,000 bond up to a \$250,000 bond. She noted that we could opt to do it for one year, and it would be good for one year, or we could do it for up to three years at a time.

Council Member Beckey Thompson asked what amount the Council would be looking at. City Manager Howdy Lisenbee replied that Greenville has a \$200,000 bond on their city manager. Council Member Stephanie Muller added that if the Council did do the bonds, the citizens would know that's a service protecting them and the City.

City Attorney Charles Anderson stated that the City's charter does speak to this issue in Section 36 and that it does provide that the City Manager shall have bond in such amount and with surety as the Council will determine and such other officers as the Council might determine.

Council Member Stephanie Muller made a motion to approve the Resolution for bonding of the City Manager, the Director of Public Safety and the Finance Directory in the amount of \$200,000 on an annual basis. Council Member Beckey Thompson seconded the motion, and the vote carried unanimously.

10. Discussion and Possible Action on an Ordinance to Amend Ordinance 2021-27 which adopted the Fiscal Year 2022 Capital Improvements Plan to increase the budget for the Animal Shelter Expansion project.

Howdy Lisenbee, City Manager, stated that the minutes from the Special City Council Meeting on November 1, 2022 reflect the action that was taken during that special meeting and workshop. He noted that staff is not recommending any changes to the minutes as they accurately reflect what happened but that we are recommending that we discuss with them the concept of "tabling" an item at a Council meeting. He further noted that we had two Council members that were not present for that workshop and special meeting. We discussed the matter of the animal shelter and the amending of the Capital Improvements Plan, and Council took action on that without removing it from the table. Thus, the minutes reflect accurately what happened, but we feel that to keep everything procedurally correct, we need to bring it back as an agenda item, remove it from the table, and then allow for discussion tonight and then take formal action on that item in a procedurally correct manner.

Mayor Teddy Reel said that the Council has a few actions. One, that we remove the item from the table, and second, that we accept the minutes from the consent agenda, as presented.

Council Member Stephanie Muller made a motion to remove Special City Council Meeting minutes from November 1, 2022 from the table. The motion was seconded by Council Member Beckey Thompson, and it carried unanimously.

Council Member Stephanie Muller made a motion to accept the minutes for the Special City Council Meeting on November 1, 2022 as presented. Mayor Pro Tem Anthony Henry seconded the motion, and it carried unanimously.

City Manager Howdy Lisenbee said that agenda Item 10 now also needed to be removed from the table as well.

Council Member Stephanie Muller made a motion to remove from the table agenda item related to "Discussion and Possible Action on an Ordinance to Amend Ordinance 2021-27 which adopted the Fiscal Year 2022 Capital Improvements Plan to increase the budget for the Animal Shelter Expansion project." Council Member Beckey Thompson seconded the motion, and it carried unanimously.

City Manager Howdy Lisenbee said that one of the projects that is included within the City's Capital Improvements Plan is the rehabilitation or the expansion of our animal shelter. Animal services is currently operating out of a manufactured metal building that was not designed for the use that it is now functioning as. It has not aged well, and it does not have the capacity to meet the needs of our community. It does not function well enough to meet the needs of our staff. We believe we desperately need to improve the level of service we provide to the community. When we put this project together two or three years ago, the budget of \$1.5 million was supported by an anticipated cost per square foot of \$250 per square foot. At that time, that was about what construction costs were. That would have allowed us to build about 6,000 square feet of facility. However, shortly after that the construction industry exploded; the cost just completely changed. Thus, \$250 per square foot is no longer a realistic budget. We have gone through a couple of steps of the design process and have designed an addition to the animal shelter to fit within our \$1.5 million budget. However, that project does not provide the capacity nor the functionality that our community and our staff need. We are asking for a revision of that project budget to an amount that allows us to actually construct a meaningful project that both meets the capacity needs of our community and meets the functionality that our staff and animals deserve.

In speaking with the building contractor that we hired and looking at pricing now and into the future, we felt like a \$3 million budget would give us room to build a facility that has the capacity to serve the community and the functionality to make our staff effective. Our recommendation is to amend the Capital Improvement Plan to move \$1.5 million into this project to give it a total budget of \$3 million.

Council Member Stephanie Muller made a motion to amend the CIP plan for the animal shelter to include an additional \$1.5 million, making a total budget of \$3 million for the shelter expansion project. Mayor Pro Tem Anthony Henry seconded the motion, and it carried unanimously.

11. Discussion and Possible Action on Calling a Special Meeting of the Commerce City Council in December.

Howdy Lisenbee, City Manager, referring to the City charter, said that it calls for the regular city council meeting to be held on the third Tuesday of the month, unless that Tuesday falls on a holiday or an election day. The regular meeting for December is currently scheduled for December 20th, which is the week of Christmas. Manager Lisenbee noted that there are people that want to travel during the week of Christmas and are unable to due to the City Council meeting obligation. He noted that the charter additionally provides the Council with the ability to call special meetings at any time it deems necessary. Staff is suggesting that the Council call a special meeting for December 13th, which is one week earlier, and then

1 cancel the regular meeting scheduled for December 20th. That way everyone would have the ability to
2 travel and/or be with their families during the week of Christmas.

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4 Mayor Pro Tem Anthony Henry made a motion to cancel the Council's regular meeting scheduled for
5 December 20th and to call a special meeting for December 13th. Council Member Beckey Thompson
6 seconded the motion, and the vote carried unanimously.
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8 **12. City Manager's Report; discussion of same.**
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10 • **Public Input Feedback**

11 None
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13 • **Finance Update**

14 Finance Director Jamie Campbell addressed the City Council.
15

- 16 • **Sales Tax-** As of October 2022, we have \$120.66 thousand in property tax collections. This is
17 right on target with the budget. Retail continues to be strong. Accommodations/Food Service is
18 growing, and online sales tax collections continue doing well. Director Campbell noted that we
19 have not done any of our sales tax abatements yet.
20
- 21 • **Property Tax-** The biggest change is the reduction to the M & O Revenue. These are the
22 abatements that we are paying back for neighborhood empowerment zones. No more
23 neighborhood empowerment zone abatements will be paid out this fiscal year. The reason being
24 that she has to wait until our property taxes are set, and Hunt County certifies its evaluations. This
25 does decrease our overall revenue, but it does not actually reduce the pie chart. We have only
26 gotten \$5,000 in property tax this fiscal year, but we have paid out \$19,000. However, everybody
27 pays their property tax in January, so that is pretty normal. Also, our delinquent taxes have been
28 updated, so now everybody who has not paid their taxes, including last year, rolls into the
29 delinquents.
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31 • **Calendar of Upcoming Events and Meetings**

32 Finance Director Jamie Campbell addressed the City Council.

- 33 1. New schedule for the Clean Commerce Campaign- The schedule is on our website and there
34 are copies in the lobby at City Hall. The schedule also includes the dates for trash pickup holidays
35 when trash will not be picked up.
36

37 Director of Public Safety Chris Bassham addressed the City Council.

- 38 2. Volunteers for the Animal Shelter- People who have a passion for caring for animals are
39 needed. Interested individuals can call 903-886-1160 if you want to volunteer.
40

41 Director of Administrative Services Molly Jacobsen addressed the City Council.

- 42 3. IRIS alerts signup- This is a reminder that if you have relocated to Commerce, got a new phone
43 number or moved to a different address recently, you need to update your IRIS alerts. The form
44 is available electronically; the link is available on our Facebook; and you also may call City Hall.
45 The new utility bills will also include the QR code that will directly link you to the IRIS alerts.
46 University students may get IRIS alerts from the City as well.
- 47 4. Holiday Market- November 18th from 10:00 a.m. to 6:00 p.m. at Morris Recreation Center at
48 A&M-Commerce. There will be an excellent variety of handmade crafts, home décor, seasonal
49 décor, boutique clothing, jewelry, beauty products and candles.
50

51 Director of Public Safety Chris Bassham addressed the City Council.

- 52 5. Collecting donations- Sunday, November 20th, from 12:30 p.m. to 3:00 p.m. at Wal-Mart.
53 Commerce Police Officers and Firefighters will be accepting donations for Lil' Angels. There
54 will also be an Angel Tree for people to adopt an angel.
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56 Director of Administrative Services Molly Jacobsen addressed the City Council.

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6. Miracle on Main Street-Commerce Chamber of Commerce will host the Miracle on Main Street Christmas parade. It will start about 5:30 p.m. Applications to be in the parade are due to the chamber by November 28th.

Director of Public Safety Chris Bassham addressed the City Council.

7. Santa's Coming to the Station- December 9th from 5:00 p.m. to 7:00 p.m. at Commerce Police & Fire Station. Visit with Santa in his sleigh and pet a live reindeer. Santa's elves will help with your letters to Santa, and free hot cocoa and cookies will be provided.

• **Personnel**

City Manager Howdy Lisenbee stated that he wanted to recognize some outstanding effort by City staff. They have done outstanding work this past month, and he thought that it was important to publicly recognize when they go above and beyond to give exceptional service to the community.

Recently, there was a fire call at an apartment complex right on the edge of campus. From the time the tone dropped to the time they arrived on scene, it was three minutes. Our crew was able to contain a fire at the apartment complex, prevent it from spreading and limit the damage to that facility and to the public. It was an exceptional job that they did being ready and being able to respond to calls in an incredibly timely manner. He wanted to publicly say thank you to the City's fire department and their leadership for the incredible job that they do every day, every week and every month that usually goes unseen.

Additionally, he wanted to recognize some of our water staff who routinely do work that never gets seen. Sometimes we come close to being without water, and the public never knows. Within the past couple of weeks, we had two major water leaks on the raw water transmission line coming in from Tawakoni. Both of those leaks could have been catastrophic. Manager Lisenbee noted that we have a utility staff that gets out and walks incredibly long sections of that line to find the leak, get in there and dig it out and repair it in a timely manner. That way we did not lose water surface. The staff did two of those in about a 24-hour period that really pulled this city out of what would have potentially been a tough spot because that is the only line we have bringing in water. That is 26 miles of old pipeline that needs some attention. Manager Lisenbee said that we have a staff that regardless of the time, regardless of the effort, they show up, walk for hours and find the leak and fix it. They serve and usually do not get recognition. He wanted to publicly say thank you to that staff.

• **Projects Update**

The work at the pump station at Lake Tawakoni where we are replacing the electrical motor control center is scheduled to be completed by the December deadline. The project is currently at the part where they have killed permanent power so that they can actually install and switch over the electrical gear so the pumps that move water right now are operating off of a generator. We brought in a trailer mounted generator that is diesel, and we sized it in a way so that we would not have to go out there every day. However, the generator that was delivered requires us to go out there every day. Staff from the water treatment plant are traveling all the way to Tawakoni at least once or twice a day to check on the generator and to top off the fuel to make sure that water continues to flow. That is above and beyond what is normally the scope of duty. Our staff goes above and beyond without complaint, and they do it behind the scenes and rarely get any recognition for it. Manager Lisenbee noted that this community is served by an incredibly dedicated staff of employees that do exceptional work. He wants to make sure that we recognize them when we have the opportunity.

Regarding the splash pad project, they are continuing to do the prep work for the soils that will be underneath the pad, but the project is moving forward and continues to be on-schedule to be available for the community this spring.

Street engineering design is 90 percent complete. There is some utility work that is still under design. We expect to have bidding in late fall or early winter, which means work will probably be starting in the spring. We are continuing to move forward with about \$2.5 million worth of street reconstruction work that will benefit the community greatly.

1 • Intergovernmental Events & Issues

2 None

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4 13. Recess into Executive Session: PURSUANT TO THE OPEN MEETINGS ACT, CHAPTER 551,
5 TEXAS GOVERNMENT CODE, THE CITY COUNCIL WILL RECESS INTO EXECUTIVE
6 SESSION (CLOSED MEETING) TO DISCUSS THE FOLLOWING:
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- 8 • §551.071(1) and §551.071(2): Consultation with Attorney on a matter in which the duty of
9 the attorney to the governmental body under the Texas Disciplinary Rules of Professional
10 Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act and
11 Consultation with Attorney regarding pending or contemplated litigation.
12 -Maurisa Ford and Aston Walters
13

14 Council Member Beckey Thompson made a motion to recess into Executive Session. Mayor Pro Tem
15 Anthony Henry seconded the motion, and it carried unanimously. The Council recessed into Executive
16 Session at 6:55 p.m.

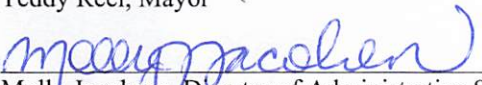
17 14. Reconvene into Open Session: In accordance with Texas Government Code, Chapter 551, the City
18 Council will reconvene into Regular Session to consider any action, if any, on matters discussed in
19 Executive Session.
20

21 The Council reconvened into Open Session at 7:13 p.m. No action resulted from the Executive Session.
22

23 15. Adjourn.

24 Council Member Beckey Thompson made a motion to adjourn. The motion was seconded by Council
25 Member Stephanie Muller, and it carried unanimously. Mayor Teddy Reel adjourned the Council meeting
26 at 7:13 p.m.
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28 
29 _____
30 Teddy Reel, Mayor

31 
32 _____
33 Molly Jacobsen, Director of Administrative Services

34 12/13/2022
35 _____
36 Date

37
38 11.15.2022.MINS