

MINUTES
SPECIAL CITY COUNCIL MEETING
December 13, 2022 – 6:00 p.m.

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

ABSENT: Council Member Beckey Thompson

1. Call to Order.

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

2. Invocation.

Dr. Lavelle Hendricks, a resident of Commerce for 20 years and an employee of Texas A&M-Commerce, provided the invocation.

3. Pledges of Allegiance.

One of Commerce's very own boys' basketball teams led the pledge of allegiance. The team won their first basketball game Saturday 23-6 over Quinlan in their Tri-County league game. Their coach is Tony Henry II, who is a 2008 Commerce High School graduate and a former basketball player and graduate of Texas A&M University-Commerce. He is currently serving in his second year as the Dean of Students at Commerce Middle School. The basketball team players include:

- Collin Davis
- Arrian Guerrero
- Kaidyn Henry
- Jaxon Jacobsen
- Jayshon Long
- Maddox Lytle
- Bryn Melton
- Elijah Scroggins
- Westyn Wilkinson

4. Consent Agenda.

Acceptance of Minutes:

- Building Standards Commission Meeting-October 20, 2022
- City Council Meeting-November 15, 2022

Consider and Take Action on:

- Motion Authorizing Reappointment of Michael Glas to the Commerce Economic Development Corporation Board.
- Motion Authorizing Appointment of Stan McKee to the Commerce Economic Development Corporation Board.
- Motion Authorizing Resolution Reappointing Johnny Flowers to the Board of Adjustment.
- Motion Authorizing Resolution Reappointing Alton Biggs to the Board of Adjustment.
- Motion Authorizing Resolution Reappointing Dennis Anderson to the Board of Adjustment.
- Motion Authorizing Reappointment of Willie Blow to the Building Standards Commission.
- Motion Authorizing Reappointment of Harvetta Henry to the Building & Standards Commission.
- Motion Authorizing Reappointment of Michelle Ramos-Martinez to the Planning & Zoning Commission.

- Motion Authorizing Reappointment of Jayson Douglas to the Planning & Zoning Commission.
- Motion Authorizing Reappointment of Sharon Duncan to the Beautification Commission.
- Motion Authorizing Reappointment of Nancy Ogden to the Beautification Commission.
- A Resolution Authorizing the Approval of an Agreement for the Lease of Ground Hangar #7 at the Commerce Municipal Airport between the City of Commerce and Brad Coonrod; and Authorizing the City Manager to Execute all Necessary Documentation.

Mayor Pro Tem Anthony Henry made a motion to accept the consent agenda. The motion was seconded by Council Member Stephanie Muller, and it 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, a resident of North Neal Street addressed the Council. He reminded the Council that he had spoken to the Council a few months back about the commercial vehicles from the manufacturing business coming down the residential street that does have a sign that says "No Trucks Beyond This Point." He noted it was supposed to be investigated as to what City Council or City Member gave the business the right-of-way. He continued that the commercial traffic could go down to Highway 71, turn and go to Highway 24, instead of driving down a residential street. He feels like there should be no lenience for that business's commercial vehicles to drive down a residential street.

Dr. Lavelle Hendricks extended an invitation to the Council to attend the annual MLK program that is scheduled for Sunday, January 15, 2023, at Mount Moriah Baptist Church. He further noted that the MLK program is the only ecumenical, multi-racial gathering that the city of Commerce hosts during an entire calendar year. The program will begin at 2:30 p.m. and Dr. Cephas Archie, the Vice-president for Diversity, Equity, and Inclusion at Texas A&M University-Commerce will be the featured speaker.

City Manager Howdy Lisenbee stated that he had done research on the problem of commercial vehicles traveling on residential streets. Commercial vehicles, by the City's ordinance are restricted to Culver Street and Highway 24. However, commercial vehicles whose destination is within the city limits either for a delivery or a pickup of materials, are not considered through commercial vehicles. Manager Lisenbee admitted that the ordinance is a little ambiguous on how the City is supposed to address this. Most municipalities address those vehicles such that if you have to stop in our town, you should take the most direct routes to get there and back out in order to minimize the impact on the streets. He continued that the City cannot prevent someone from making a delivery or picking up goods and services at a commercial or industrial operation, so he thinks that the Council needs to revisit this ordinance and clean it up. He said that he had spoken with the manager of Legacy Homes, and they talked about options to get the vehicles to Highway 71. One option would be to improve Beau Austin so that the vehicles could immediately turn north and go straight to Highway 71. Additionally, we could make some improvements to the intersection of Beau Austin and Highway 71 so that there would be an appropriate turning radius for the vehicles to go in any direction that they need to. The current ordinance specifically says that Legacy Homes is the only truck traffic that is allowed to operate in town. The city is being asked to stop Legacy Homes when the ordinance expressly gives them the right to operate within our community. The ordinance does not say that "at no time will two trucks be allowed on North Neal Street without a 10-minute gap", and it limits the hours that they can operate coming up and down North Neal Street. Those restrictions are especially for Legacy Homes. Bunker Industries is in that same area. They also receive shipments to and from their industrial site. The ordinance does not allow us to prevent them, further we're unsure whether or not state law gives the City the authority to prevent someone from making a delivery or picking up from a commercial or industrial site. He recommended that the Council look at the ordinance at the January meeting.

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6. **Council Comments**

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

- Mayor Pro Tem Anthony Henry- No comments at this time.
- Council Member Stephanie Muller- on behalf of Commerce Leadership Institute (CLI), Member Muller thanked Public Works, Animal Shelter and Fire Department employees for the success of Miracle on Main Street and related Downtown Events that took place the first Saturday in December.
- Mayor Teddy Reel- No comments at this time.
- Council Member Beckey Thompson-Absent
- Council Member Jim Ayres- No comments at this time.

7. **Presentation of Service Awards to City of Commerce Employees.**

City Manager Howdy Lisenbee spoke about each employee's service, and Mayor Teddy Reel presented the awards. City Manager Howdy Lisenbee stated that it has been a tradition within the City of Commerce to recognize employees that have spent a portion of their career in service to our community and recognize the work, expertise and the knowledge that they bring to our organization. One of the values that comes to any organization is that the longer someone commits to the organization, the more knowledge they have of our community, the more knowledge they have of our procedures, our systems, our customs and our customers. Thus, the lack of turnover provides consistency in how we operate. The City wants to thank and recognize those employees that have stayed with us so that we can avoid the turbulence that sometimes comes with high turnover.

5 Years of Service to the City of Commerce

- Jamie Campbell- She began in October of 2017 as an accounting supervisor in the Finance Department. In 2019 she was promoted to Finance Director of the City. During her time as Finance Director, the City has had multiple flawless audits, which is an accomplishment for any organization, but especially for one in which public funds are being used. Also, she has overseen improvements to the City's budgeting processes and the transparency of our finances with the community, and the City's bond rating has improved during the time she has served as our Finance Director. This is a big deal for our community as it shows the financial strength of the organization and the community that we serve.
- Genises Barroso-Salazar- She was hired in October of 2017 as a communications officer with the Commerce Police Department. She remains a dispatch telecommunicator. She has since received her advanced level of telecommunications officer license. We are grateful to have her as our hero in headphones in the city of Commerce.

10 Years of Service to the City of Commerce

- Amanda Hull- She was hired as a communications officer in March of 2012. Five years into her time with the City, she was promoted to Office Manager within the Commerce Police Department. She achieved her master level telecommunications officer license in 2021. This is the highest level of licensing that a dispatcher can accomplish. To achieve a master level certification, you have to have eight cumulative years of service and over 500 hours of training, so our community is very blessed and served well by Amanda's service to the city.

20 Years of Service to the City of Commerce

- Rida Krodle- She was hired by the City in July of 2002 as a finance clerk. By 2004 she was promoted to Finance Clerk II. By 2013 she became the Utility Supervisor within the Finance Department. She oversees all of the customer billing for water, sewer and trash. She has a long-standing history with many of the residents in Commerce, and they know her by name. Manager

1 Lisenbee joked that it has been said to him by Commerce utility customers, "I do not trust the
2 City, but I trust Rita."

3
4 Mayor Teddy Reel added that it is always a pleasure to see long-term employees and the benefit that they
5 provide to our community.
6

7 **8. Discussion and Possible Action on a Resolution Amending, Updating and Designating one or more**
8 **'Authorized Representatives' as Texas Short Term Asset Reserve program (TexSTAR) Signatories.**
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10 Jamie Campbell, Finance Director, addressed the Council saying that TexSTAR is essentially an
11 investment fund that lets us invest bond monies. It came to our attention recently that the signatories, which
12 are Marc Clayton and Brady Olsen, have not been with the City in quite some time, so it is time to update
13 the signatories. Because both of them are not employed here, we have to do this through a resolution to
14 update it. She added that City Manager Howdy Lisenbee and she are the investment officers for the City
15 according to financial policies, so they would be the signatories.
16

17 Council Member Jim Ayres made a motion to approve the Resolution designating City Manager Howdy
18 Lisenbee and Finance Director Jamie Campbell as the TexSTAR signatories. Council Member Stephanie
19 Muller seconded the motion, and it carried unanimously.
20

21 **9. Consideration of an Ordinance Amending "Ordinance No. 2022-15" which Adopted the Fiscal Year**
22 **2022-2023 ('Fiscal Year 2023') Budget, providing for the adoption of amendments to the FY 2022**
23 **Budget thereto as set forth in Exhibit "A"; and providing for an effective date.**
24

25 Howdy Lisenbee, City Manager, said that we have had a number of conversations looking for ways to
26 express our gratitude and demonstrate our thanks to the front-line staff and workers that over the past
27 couple of years, have continued to serve through COVID, SNOVID and through inflationary pressures.
28 There are always opportunities to go somewhere else in this line of work, and we have employees that have
29 continued to serve us, as demonstrated by our service awards. There is a level of commitment that they give
30 to our organization, and so we have been looking for ways to express some of that appreciation and
31 recognize the savings that they provide to our organization by staying and the improved productivity that
32 they provide our organization. The Council directed us to look for ways to accomplish that. Finance
33 Director Jamie Campbell did some research and found through some of the labor laws that as an
34 organization, we do have the ability to give discretionary bonus award checks. Thus, we recently gave
35 some discretionary appreciation checks to our staff. Part of the labor laws require that it be discretionary,
36 unplanned and optional in order to comply with those provisions within the labor law. The Texas
37 Constitution and Texas law are not necessarily contrary to that, but they state that you cannot grant public
38 funds, which is a giving of public dollars in which there is no goods or service provided or no public
39 benefit to that. To comply with state law, we have the ability to amend the budget for unforeseen
40 expenditures, so we are asking the Council to amend our budget. We are looking to add \$93,000 to
41 department line item 6028. This would recognize that expenditure is within the budget and confirm that it
42 serves a public purpose.
43

44 Council Member Stephanie Muller asked what the effective date would be. City Attorney Charles
45 Anderson said that it would be December 20, 2022.
46

47 Council Member Stephanie Muller made a motion to amend Ordinance No. 2022-15. Mayor Pro Tem
48 Anthony Henry seconded the motion, and it carried unanimously.
49

50 **10. Discussion and Possible Action on an Ordinance by the City Council of the City of Commerce**
51 **approving the Carrying-Forward of Certain Fiscal Year 2022 Funds to Fiscal Year 2023; and**
52 **Providing for an Effective Date.**
53

54 Jamie Campbell, Finance Director, stated that recently she was at a governmental accounting training
55 course. The budget director of Plano talked about a budget amendment that they do that is related to
56 "carrying forward" funds. The City has not done this in the past, but she thinks that this is a best practice by

1 GFOA standards that the City should be doing. Carry-forward is related to a project that was started in the
2 last fiscal year, which would have been Fiscal Year 2022 (FY 2022). Because of certain circumstances,
3 such as delayed shipping, we could not pay the invoice or finish paying the invoice in the Fiscal Year 2022.
4 It also would have been a project that we did not carry forward into the Fiscal Year 2023 (FY 2023) budget.
5 The purpose of this is to take the fund balance that is remaining from 2022, because it was not spent as we
6 were unable to pay those invoices in 2022. You do this to avoid using up parts of the 2023 budget paying
7 for last year's items.

8
9 Director Campbell noted that we actually only had four-line items. Two of them are in the General Fund,
10 and two of them are in the Public Utility Fund. In the General Fund, the Police Department has a radio
11 replacement for \$3,020.75. This is related to a supply chain issue. We placed an order to replace a CID
12 vehicle radio in two cars, and we have just been waiting on delivery. Before we can make payment, we
13 have to have delivery. We are requesting to carry those funds forward. The second thing in the General
14 Fund is for Department 130, which is Public Works. This is for a surveillance camera upgrade at their
15 facility. Again, this has to do with the electronic supply chain right now. The amount for that camera is
16 \$3,437.91. The total adjustment for the General Fund would be \$6,458.66. In the Public Utility Fund, we
17 have a surveillance camera upgrade at the water treatment plant for \$3,437.91. We have the parts, and we
18 are just waiting for the installation. The final item is for water meter replacements. We try to place orders
19 for water meters as we need them, knowing that they are backlogged. We need to have something on the
20 shelf to replace meters when the batteries run out or the parts go out on existing water meters. The amount
21 for that is \$8,547.60, so the total adjustment for the Public Utility Fund would be \$11,985.51.
22

23 Council Member Stephanie Muller made a motion to approve an Ordinance approving the Carrying-
24 Forward of Certain Fiscal Year 2022 Funds to Fiscal Year 2023 and providing an effective date of October
25 1, 2022. The motion was seconded by Mayor Pro Tem Anthony Henry, and the vote carried unanimously.
26

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

28
29 • **Public Input Feedback**

30 None

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32 • **Finance Update**

33 Finance Director Jamie Campbell addressed the City Council.

- 34
35 • **Sales Tax-** Overall, we have received \$292,700 and some change in sales tax revenue. Starting in
36 January, we will start seeing sales tax 380 agreement rebates. The large retail is related to the
37 semi-annual payment. Typically, we see full-service restaurants at about 48%. The mobile food is
38 at about 4%. The shift in the snack restaurants that are open only in evening hours was from the
39 Bois d'Arc Bash, such as the food trucks and the carnival trucks. Next month we should see the
40 sales tax go back to the normal distribution.
41
42 • **Property Tax-**Property tax continues to grow into November reaching a collection rate of 6.5% of
43 our budgetary tax levies. The total we have collected is \$251,000 in property tax revenue as of
44 November. We have not done any additional abatements since October. It still remains at
45 \$19,000. Our delinquent tax payments have increased and will just start slowly climb until we
46 get to January, when everybody does a mad rush to Hunt County to pay their property tax.
47
48 • **Financials-**We are under budget for the first month of the fiscal year, which is always nice to see.
49 Every department is under budget for October. We are doing well in the General Fund. There is a
50 bit of a shift in Public Utilities. There is a bit of a shift in the Water Production Department. This
51 is because of the large one-time payment that we make to Sulphur River.
52

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

54 -Director of Administrative Services Molly Jacobsen addressed the Council.

- 55 1. City Hall will be closed on Friday, 12/23 and on Monday, 12/26 for Christmas Eve and
56 Christmas Day.

2. City Hall will be closed on Monday, 1/02 for New Year's Day. Customers may still pay utility bills on the City's website.
3. Baseball registration with Commerce Parks & Recreation begins on January 1st.
4. The general election is on May 6, 2023- Candidates may register to run for Place 1 or Place 3 for a three-year term from January 18 – February 17, 2023 at Commerce City Hall between the hours of 8am – 5pm, Monday-Friday at the City Secretary's office.

• **Personnel**

City Manager Howdy Lisenbee addressed the Council. He is going to try on a monthly basis to bring the Council a document that shows where the City is at in terms of positions and vacancies. As a City organization, we are authorized for 114 positions. The majority of those are full-time, but that also does include some part-time positions. We have 19 vacancies currently. You can see the departments where many of those vacancies are located. There are five vacancies in the Fire Department. He said that he believed those are part-time positions. There are three vacancies in the Police Department. We have three vacancies at the water treatment plant but two of those vacancies are filled with temporary workers through a third party employment agency. We use a temporary work agency called Express. For some of the City's staff positions, we go through the process of advertising in the newspaper and advertising for applicants. For some of our larger jobs, we go through that process. However, many of the City's front-line workers are hired through Express. That way we get to test drive the candidate. This is very low cost in terms of advertising, and we do not have to pay benefits. They work for the City on a temporary basis, and if they turn out to be an effective worker, then we just hire them, make them one of our employees and begin paying them benefits. We have had some pretty great success of landing some high-quality employees through that program, and we have been able to keep some of our teams more fully staffed. Our community is better served when we have employees that stay with us and continue to serve our community, so we look for every opportunity to hire and train local staff.

• **Projects Update**

We have met with the contractor and engineer on the motor control center for our raw water pump station at Lake Tawakoni. We are on schedule to finish that project before Christmas and meet the December 31st deadline that the grant agency gave us. The contractor has really stepped up on this project. The water treatment plant project continues to be ongoing. We have six filters at the water treatment plant. Three of those have not worked for a number of years. We have been doing a rehab and rebuild of those filters. We have the first three rebuilt. They are holding water, which is a very important part of the treatment process. Thus, three of our filters are completely reconstructed, but we do not have valves that we need to put them online because of the problem of getting supplies built and delivered. The valves were ordered last year, and they are not delivered yet. Once we get the valves, we will be able to bring the three new filters online and then start the process of rehabilitating the three filters we have been using for the past couple of years.

The splash pad project continues to progress. That location was where the old city pool was. The geotechnical work is the dirt work that is done below the surface that impacts the foundations of the new construction. They are making sure that they get the soil treatment correct so that there will not be a lot of movement and cracking in the splash pad. We are still on pace to have that facility open for the kids and public in the spring of next year.

The design for rebuilding streets is nearing completion. The City should be bidding out that work soon so that construction can begin in the spring of 2023. On Washington Street, from Live Oak south to Culver, we will completely replace all the utilities, and then we will rebuild and resurface so that Washington Street will be improved. The City is going to reconstruct Park Street, from Maple to Aldridge down to Culver. Then we will rebuild a two or three block section of Hickory Street. Monroe Street is in good shape; it just needs cracks sealed. The maintenance work on Monroe Street will begin in spring of 2023.

• **Intergovernmental Events & Issues**

None at this time.

1 13. **Recess into Executive Session: PURSUANT TO THE OPEN MEETINGS ACT, CHAPTER 551,**
2 **TEXAS GOVERNMENT CODE, THE CITY COUNCIL WILL RECESS INTO EXECUTIVE**
3 **SESSION (CLOSED MEETING) TO DISCUSS THE FOLLOWING:**

- 4
5 • **§551.071(1) and §551.071(2): Consultation with Attorney on a matter in which the duty of**
6 **the attorney to the governmental body under the Texas Disciplinary Rules of Professional**
7 **Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act and**
8 **Consultation with Attorney regarding pending or contemplated litigation.**
9 *-Dan Edward Tolbert v. City of Commerce, Texas*

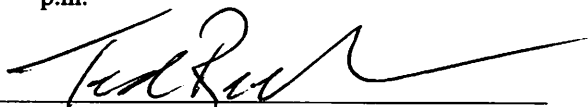
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11 Council Member Jim Ayres made a motion to recess into Executive Session. Council Member Stephanie
12 Muller seconded the motion, and it carried unanimously. The Council recessed into Executive Session at
13 6:53 p.m.

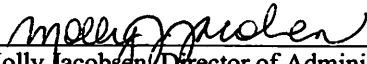
14 14. **Reconvene into Open Session: In accordance with Texas Government Code, Chapter 551, the City**
15 **Council will reconvene into Regular Session to consider any action, if any, on matters discussed in**
16 **Executive Session.**

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18 Council Member Stephanie Muller made a motion to reconvene into open session. The motion was
19 seconded by Council Member Jim Ayres, and it carried unanimously. The Council reconvened into Open
20 Session at 7:13 p.m.

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22 15. **Adjourn.**

23 Council Member Jim Ayres made a motion to adjourn. The motion was seconded by Mayor Pro Tem
24 Anthony Henry, and it carried unanimously. Mayor Teddy Reel adjourned the Council meeting at 7:13
25 p.m.

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28 _____
29 Teddy Reel, Mayor

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31 
32 _____
33 Molly Jacobsen, Director of Administrative Services

34 01/17/2023
35 _____
36 Date

37 12.13.2022.MINS