

MINUTES
City Council – Regular Meeting
January 15, 2019 – 6:00 p.m.

PRESENT: Mayor Wyman Williams
Mayor Pro Tempore Gene Lockhart
Council Members: Jean Klaus & Beckey Thompson
City Manager Darrek Ferrell
Attorney Charles Anderson
City Secretary Molly Jacobsen

ABSENT:

1. Call to order:

Mayor Wyman Williams called the meeting to order at 6:00 p.m.

2. Invocation:

Mayor Wyman Williams asked the audience for a moment of silence.

3. Pledge of Allegiance:

Council Member Jean Klaus led the Pledge of Allegiance.

4. Consent Agenda

a. Approval of Minutes:

Beautification Commission Meeting Minutes- October 25, 2018

Board of Adjustment Meeting Minutes- November 13, 2018

Commerce Economic Development Corporation Meeting Minutes – December 17, 2018

City Council Regular Meeting Minutes –December 18, 2018

b. Interlocal Agreement between the City of Commerce and the North Central Texas Council of Governments (NCTCOG) for the development of a Hazard Mitigation Action Plan (HazMAP).

c. Resolution Authorizing General Election Contract with Hunt County Elections Administration Office for the May 4, 2019 Election.

Council Member Beckey Thompson made a motion to approve the consent agenda. Council Member Jean Klaus seconded the motion and the vote carried unanimously.

5. Presentation to City Council Members 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.

No one came forward.

6. Presentation of 2018 Racial Profiling Report in Compliance with the Code of Criminal Procedure Article 2.131 – Article 2.138; discussion and acceptance of same.

Police Chief Jason Rector presented the Council with the 2018 Racial Profiling Report.

Mayor Pro-Tem Gene Lockhart made the motion to accept the annual Racial Profiling Report. Council Member Jean Klaus seconded the motion and the vote carried unanimously.

1 **7. Hold a Public Hearing to allow for comments regarding the City’s application to the Texas**
2 **Department of Agriculture for a Texas Community Development Block Grant (TxCDBG)**
3 **Program.**
4

5 City Manager Darrek Ferrell discussed that this item was related to an item acted on by the
6 Council last month in which they appointed a grant administrator for the Community
7 Development Block Grant. Mr. Ferrell reminded the Council that this is not the same block grant
8 program the City has used in the past for home grants. This grant will be utilized to assist in
9 funding the replacement of the motor control center at the raw water pump station. Grant
10 Administrator Charles Edwards of Resource Management was on hand to answer questions. He
11 stated that applications for this funding are due by March 13th and the Council will likely see a
12 Resolution next month confirming the application items. Mr. Edwards stated that the grant would
13 be for up to \$500,000 in funding with a 20% match from the City. He stated that the City would
14 likely know sometime this summer whether or not we received any funding and contracts would
15 be awarded in the Fall of this year.

16
17 The public hearing was opened at 6: 05 p.m. No one came forward. The public hearing was
18 closed at 6:05 p.m. There was no action taken on this item by the Council.
19

20 **8. Consideration of Ordinance calling the May 4, 2019 General Election.**
21

22 City Secretary Molly Jacobsen stated that the Council had before them an Ordinance calling the
23 May 4, 2019 Election. This election would be for a Mayor to serve from 2019 to 2022. Early
24 voting for this election will take place from April 22nd through April 30th. The filing period for this
25 election will run from January 16th until February 15th.
26

27 Council Member Beckey Thompson made the motion to approve the Ordinance calling the
28 Election. Seconded by Council Member Jean Klaus, the vote carried unanimously.
29

30 **9. *Second Reading- Consideration and Possible Action Regarding an Ordinance amending***
31 ***Chapter 90, “Traffic and Vehicles”, Subsections 90-101(a)(2) and (a)(3) of the Code of***
32 ***Ordinances of the City of Commerce to amend the official Traffic Parking Map and the***
33 ***official Traffic No Parking Map to designate a no parking zone on a portion of Pecan Street;***
34 ***providing for an amended map; providing a penalty; and providing an effective date.***
35

36 Police Chief Jason Rector notified the Council that the City Secretary and City Attorney identified
37 a scrivener’s error in the Ordinance in which the penalty noted “up to a \$200.00 fine” and should
38 have read, “up to a \$500.00 fine.” City Attorney Charles Anderson stated that within the City’s
39 Code of Ordinances is a general penalty and the \$500 fine is consistent with that.
40

41 Council Member Jean Klaus made the motion to approve this Ordinance. Seconded by Council
42 Member Beckey Thompson, the vote varied unanimously.
43

44 **10. *Second Reading- Discussion and Possible Action on an Ordinance Amending Appendix A –***
45 ***Zoning, in part, by Amending Part II. Uses, Section 10. – Use of Land and Buildings,***
46 ***Subsection 10-301 Definitions and Explanations Applicable to Use Schedule, and Adding the***
47 ***Definition of an Electronic Cigarette Establishment; and Providing an Effective Date.***
48

49 City Manager Darrek Ferrell reminded the Council that this was a second reading of an Ordinance
50 that would mirror the use of Tobacco stores but for electronic cigarettes.
51

52 Mayor Pro-Tem Gene Lockhart made the motion to approve this Ordinance on the second reading.
53 Council Member Jean Klaus seconded the motion and the vote carried unanimously.
54
55

1 **11. *Second Reading- Discussion and Possible Action on an Ordinance Amending Appendix A –***
2 ***Zoning, in part, by Amending Part II. Uses, Section 10. – Use of Land and Buildings,***
3 ***Subsection 10-210 Retail Sales Use, to Allow Electronic Cigarette Establishments in***
4 ***Neighborhood Service Districts, General Business Districts, Central Area Districts, Heavy***
5 ***Commercial Districts, Industrial Districts, Planned Development Districts, and Corridor***
6 ***Districts, and by Limited Use in A2 Apartment Dwelling Districts; and Providing for an***
7 ***Effective Date.***

8
9 Council Member Jean Klaus made the motion to approve this Ordinance on the second reading.
10 The motion was seconded by Mayor Pro-Tem Gene Lockhart and the vote carried unanimously.

11
12 **12. *First Reading- Consideration and Possible Action on an Ordinance Amending Chapter 2***
13 ***Administration, Article III Boards and Commissions, Division 3 Beautification Commission,***
14 ***in part, by Amending Section 2-81 Created Membership, Section 2-82 Organization, and***
15 ***Section 2-83 Duties; and Providing an Effective Date.***

16
17 City Manager Darrek Ferrell stated that this item is a recommendation from the Beautification
18 Commission governing the composition and purpose of their board. He highlighted the most
19 notable changes would include a member from the Council. Council Member Jean Klaus asked if
20 an ex-officio member from the Council was necessary since all City boards and commissions
21 didn't have ex-officio members from the Council. Mr. Ferrell stated that whether that is necessary
22 is a Council decision and that this item was just brought to them for their consideration.

23
24 Mayor Pro-Tem Gene Lockhart made the motion to approve the Ordinance. Seconded by Council
25 Member Beckey Thompson, the vote carried unanimously.

26
27 **13. *City Manager's Report:***

28 a. *Financial Update:*

29 -Accounting Supervisor Jamie Campbell stated that property tax collections
30 through December have reached \$659,781.00. The City has currently reached
31 almost 35% of the budgeted amount of collections, which is 94% of the tax levy.
32 At this time last year, we had only collected \$532,000 in property taxes, which
33 was only 31% of the budgeted collections.

34 -Sales tax collections are also above budgeted numbers for this month. For
35 January, sales tax collections were \$86,600. So far this year, the City has
36 collected almost \$349,000 in sales tax revenue, which is 36% of our budget.
37 Collections this year are \$20,000 higher than the amount collected at this time
38 last year. February is typically a record breaking month in sales tax collections
39 as you start seeing Christmas shopping sales tax revenue come in. The budget
40 for this year is to collect \$973,000 in sales tax and the hope is that we exceed the
41 \$1,000,000 in collections the City received last year.

42 b. *Public Input Feedback.*

43 c. *Calendar of upcoming events & meetings*

44 -The filing period for the May 4, 2019 election will run from January 16th-
45 February 15, 2019.

46 -January 22nd will be a special City Council Meeting to canvass the results of the
47 January 12, 2019 special election.

48 -Youth basketball games will be on Saturdays in January and February at A.C.
49 Williams and the City Gym.

50 -Youth Baseball and Softball registration through the City's Parks & Recreation
51 Department is going on now through February 28th.

52 -February 2, 2019 will be the Northeast Texas Children's Museum Unicorn Ball,
53 a Daddy-Daughter dance.

54 d. *Personnel*

55 f. *Projects Update*

56 g. *Intergovernmental Events & Issues*

1
2 **14. Recess into Executive Session:**
3

4 • §551.074: To deliberate the appointment, employment, evaluation,
5 reassignment, duties, discipline, or dismissal of a public officer or employee (City
6 Manager).
7

8 • §551.087: Discussion regarding commercial or financial information that
9 the governmental body has received from a business prospect that the governmental
10 body seeks to have locate, stay, or expand in or near the territory of the governmental
11 body and with which the governmental body is conducting economic development
12 negotiations; OR the offer of a financial or other incentive to a business prospect
13 described by Subdivision (1).
14

15 • *Project Frosty*
16

17 Council Member Jean Klaus made the motion to recess into Executive Session. Seconded by
18 Council Member Beckey Thompson, the vote carried unanimously. The Council recessed into
19 executive session at 6:17 p.m.
20

21 **15. Reconvene into Open session: In accordance with Texas Government Code, Chapter 551, the**
22 **City Council will reconvene into Regular Session to consider action, if any, on matters**
23 **discussed in Executive Session.**
24

25 The council reconvened into open session at 7:10 p.m.
26

27 There was no action taken out of executive session by the Council.
28

29 **16. Adjourn:**
30

31 Mayor Pro-Tem Gene Lockhart made the motion to adjourn. Council Member Beckey Thompson
32 seconded the motion, resulting in a unanimous vote to adjourn. The meeting was adjourned at
33 7:12 p.m.
34
35
36

37 _____
38 Wyman Williams, Mayor
39

40 _____
41 Molly Jacobsen, City Secretary
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43
44

45 _____
46 Date
47

48 01.15.19.MINS