

MINUTES
City Council – Regular Meeting
December 18, 2018 – 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:

Airport Advisory Board Meeting Minutes- August 20, 2018

Airport Advisory Board Special Meeting Minutes- October 9, 2018

City Council Regular Meeting Minutes- November 20, 2018

Airport Advisory Board Meeting Minutes- November 26, 2018

Commerce Economic Development Corporation Meeting Minutes- November 28, 2018

City Council Special Meeting Minutes- December 3, 2018

Planning & Zoning Commission Meeting Minutes- December 4, 2018

Architectural Advisory Board Meeting Minutes- December 4, 2018

b. Consideration of Resolution Authorizing Special Election Contract with Hunt County Elections Administration Office for the January 12, 2019 Election.

c. Consideration of Motion Authorizing Reappointment of Scott Ward to CEDC Board for a 3-year term.

d. Consideration of Motion Authorizing Appointment of Dr. Mark Rudin to the CEDC Board for a 3- year term.

e. Consideration of Motion Authorizing Appointment of Chris DeLong to the CEDC Board for a 2-year term.

f. Consideration of Motion Authorizing Reappointment of Gladys Gray to the Beautification Commission for a 2-year term.

g. Consideration of Motion Authorizing Reappointment of Nancy Ogden to the Beautification Commission for a 2-year term.

h. Consideration of a Motion Authorizing Reappointment of John Foster to the Beautification Commission for a 2-year term.

i. Consideration of a motion Authorizing Reappointment of Carolyn Trezevant to the Planning and Zoning Commission for a 2-year term.

j. Consideration of a motion Authorizing Reappointment of Henry Ross to the Planning and Zoning Commission for a 2-year term.

k. Consideration of a motion Authorizing Reappointment of Michelle Martinez to the Planning and Zoning Commission for a 2-year term.

l. Consideration of Motion Authorizing Reappointment of J. Eddie Smith to the Commerce Public Housing Board for a 2-year term.

- m. **Consideration of Motion Authorizing Reappointment of Jerald Thomas to the Commerce Public Housing Board for a 2-year term.**
- n. **Consideration of Motion Authorizing Reappointment of Willie Blow to the Building Standards Commission for a 2-year term.**
- o. **Consideration of Motion Authorizing Reappointment of Harvetta Henry to the Building Standards Commission for a 2-year term.**
- p. **Consideration of Motion Authorizing Reappointment of Becky Adams, an alternate member of the Building Standards Commission for a 2-year term.**

Council Member Jean Klaus made a motion to approve the consent agenda. Council Member Beckey Thompson 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 Service Awards to City of Commerce Employees.**

Patrol Officer Tyler Oakley, Patrol Sergeant Kalei Beelitz, and Police Chief Jason Rector were all honored for 5 years of service with the Commerce Police Department. Lieutenant Myles Zimmerman was honored for 5-years of service with the City of Commerce Fire Department.

- 7. **Consideration of Motion Appointing Four (4) Members to the Parks & Recreation Board for 2-year terms.**

Parks Director Lacey Dingman discussed that there are currently four (4) vacancies or expired terms up for re-election on the Parks & Recreation Board. Of the five (5) applications received, three (3) applicants are seeking reappointment. Candidates seeking reappointment include Ray Green, Blake Shaw and Teresa Machen. New applicants include Kortney Clayton and Jennie Reynolds.

Council Member Beckey Thompson made a motion to reappoint the three (3) board members seeking reappointment, Ray Green, Teresa Machen and Blake Shaw. Mrs. Thompson moved to additionally appoint Jennie Reynolds to the Parks & Recreation Board. Seconded by Mayor Pro-Tem Gene Lockhart, the motion carried unanimously.

- 8. **Consideration of Motion Appointing Members to the Airport Advisory Board.**

City Manager Darrek Ferrell discussed that there were five (5) applications received for four (4) vacancies or term expirations on the Airport Advisory Board. Four of the applications are board members seeking reappointment, which include Craig Johnson, Craig Jensen, Dewayne Evans and Jim Johnson. Additionally, an application was received from Matthew Wood.

Mayor Pro-Tem Gene Lockhart made the motion to appoint Craig Johnson, Craig Jensen, Jim Johnson, and Matthew Wood to the Airport Board. Seconded by Council Member Beckey Thompson, the vote carried unanimously.

- 9. **Discussion and Possible Action on Awarding a Contract for the Application and Administration of the 2019-2020 Texas Community Development Block Grant.**

1 City Manager Darrek Ferrell discussed that the City intends to apply for a Texas Community
2 Development Block Grant in order to replace the motor control center located at the raw water
3 pump station at Lake Tawakoni. The motor control center exploded at our water treatment plant
4 several years ago. The motor control center at the raw water pump station has been there as long
5 as the City has been taking water from Lake Tawakoni. There are exposed wires, and the motor
6 control center is considered to be a hazard that will be costly to repair. The project is estimated to
7 cost around \$500,000. The City has approximately \$250,000 remaining from a prior drinking
8 water project, that will be used to help fund this project.
9

10 The state requires that the City procure a grant administrator for the TxCDBG grant. The process
11 involves us receiving a list of prequalified candidates and seek project specific responses from
12 those candidates. We requested responses from candidates including Ark-Tex Council of
13 Governments, Rochelle (Shelly) Green, Resource Management & Consulting Co, and Traylor &
14 Associates, Inc. Everyone responded to the request except for Shelly Green. City Staff met and
15 reviewed applications. Based on costs, experience, and prior work experience, Resource
16 Management & Consulting Co. was the selection of the committee after reviewing all applications
17 and City Staff recommends award of the contract to Resource Management Consulting & Co.
18

19 Council Member Beckey Thompson made the motion to award the contract to Resource
20 Management Consulting & Co. Seconded by Mayor Pro-tem Gene Lockhart, the vote varied
21 unanimously.
22

23 **10. Discussion and Possible Action on a Resolution Committing to Funding the North Parallel**
24 **Taxiway at the Commerce Municipal Airport and Authorizing the City Manager to Execute**
25 **All Necessary Documentation.**
26

27 City Manager Darrek Ferrell discussed that the Council saw this item on the agenda last month. It
28 a project that roughly totals about \$750,000, of which the City would be responsible for funding
29 \$75,000 of. The last time this item was brought before Council, it was agreed upon that the City
30 would pursue funding opportunities to afford the \$75,000. Since then, the Commerce Economic
31 Development Corporation has agreed to fund one-third of the \$75,000. Russell Armstrong, from
32 the Airport Board, went and visited with President of the University, Dr. Mark Rudin, who also
33 agreed to fund one-third of the project. This leaves the City with the decision to fund the final
34 one-third. Mr. Ferrell stated that TxDOT has given the City a deadline of January 11th for the City
35 to agree by Resolution to fund the project to make it on their February agenda for consideration.
36 At this point, the City is unsure where the \$25,000 will come from.
37

38 Council Member Jean Klaus stated that she would hate to see the City “lose an almost one-
39 million-dollar grant,” especially when the University and EDC have already agreed to contribute
40 to funding of the project. Ms. Klaus stated that the Council had already tabled it once and she
41 hated to see that happen again. Mayor Pro-Tem Gene Lockhart asked if the airport was profitable.
42 Mr. Ferrell replied that it is currently not. Mayor Pro-Tem Gene Lockhart asked if waiting to
43 determine where the City would fund the money from would compromise any deadlines or delay
44 the City’s ability to utilize the grant. Mr. Ferrell responded that the Council could call a special
45 meeting in January and that this would not compromise the airport’s ability to still make it on
46 TxDOT’s next agenda for their February meeting.
47

48 Council Member Jean Klaus made the motion to fund the project. The motion died for lack of a
49 second.
50

51 Council Member Beckey Thompson made a recommendation that the City do some more research
52 to know where the money was coming from prior to agreeing to funding the project.
53

54 Mayor Pro-Tem Gene Lockhart made the motion to table this item. Council Member Beckey
55 Thompson seconded the motion. Council Member Jean Klaus was opposed to the motion. The
56 motion carried with a 3 to 1 vote.

1
2 **11. Discussion and Possible Action on the Adoption of a Design Manual for the Installation of**
3 **Network Nodes and Node Support Poles pursuant to Texas Local Government Code,**
4 **Chapter 284.**
5

6 City Manager Darrek Ferrell stated that this is a design manual for the small cell nodes that was
7 discussed last month at the Council Meeting. This design manual is a model from the Texas
8 Municipal League. The one change that was made to the manual since last month came after
9 Larry Willis from Oncor reached out to the City to ask if their staff could look at the design
10 manual. They removed literature from the manual which would allow a cellular provider to utilize
11 Oncor equipment to install their devices.
12

13 Council Member Beckey Thompson made the motion to approve the design manual for the small
14 cell nodes. The motion was seconded by Mayor Pro-Tem Gene Lockhart and the vote carried
15 unanimously.
16

17 **12. Second Reading- Discussion and Possible Action on an Ordinance Amending Chapter 22-**
18 **Buildings and Building Regulations of the Municipal Code of the City of Commerce by**
19 **adding the Article XIV – Small Wireless Facility Siting Ordinance.**
20

21 City Manager Darrek Ferrell stated that this is a second reading Ordinance modeled after a Texas
22 Municipal League Ordinance and developed with the assistance of AT&T. The council approved
23 the first reading of this Ordinance at the last council meeting.
24

25 Mayor Pro-Tem Gene Lockhart made the motion to approve the Ordinance. Seconded by Council
26 Member Jean Klaus, the vote carried unanimously.
27

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

34 Police Chief Jason Rector states that this is a result of the discussion the Council had last month
35 regarding options for parking on Pecan Street. Chief Rector said that the Mayor and Council
36 expressed a final plan to have “No Parking” on the west side of Pecan Street from College Street
37 to Culver Street.
38

39 Council Member Jean Klaus made the motion to approve the Ordinance. The motion was
40 seconded by Council Member Beckey Thompson and the vote carried unanimously.
41

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

47 City Manager Darrek Ferrell stated that the City did not currently have a zoning use section to
48 include a store that sells only electronic cigarettes. The city has been approached by an individual
49 who would like to open a store selling electronic cigarettes. This item and the next item on
50 tonight’s agenda both pertain to the definition and land use of establishments that would sell
51 electronic cigarettes. Both items have gone before Planning & Zoning and were approved.
52

53 Council Member Jean Klaus made the motion to approve this Ordinance. Council Member
54 Beckey Thompson seconded the motion and the vote carried unanimously.
55

1 **15. First 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 City Manager Darrek Ferrell discussed that this item relates to the last item discussed and would
10 be an amendment to our current land use ordinance. City Staff would go back in and add a row to
11 each of those zones which would mimic the current use of these zones for tobacco stores.

12
13 Mayor Pro-Tem Gene Lockhart made a motion to approve this Ordinance. Seconded by Council
14 Member Jean Klaus, the vote carried unanimously.

15
16 **16. City Manager’s Report:**

- 17 a. Financial Update:
18 -Accounting Supervisor Jamie Campbell stated that collections for Sales Tax in
19 December were almost \$81,000, which is about \$4,800 higher than it was in
20 December of last year. This month, we are 6.4% over budgeted collections, and
21 accumulatively, we are 8.8% over budgeted collections for the year.
22 -Property tax collections for this fiscal year are already at \$387,000. At this
23 time last year, we had only collected \$125,000, which was only 7% of our
24 budgeted collections. This year, we’ve collected almost 20% of our budgeted
25 collections. City Staff reached out to Hunt County to clarify why the increase
26 and we were told that tax payers seems to just be paying earlier this year and
27 there are fewer exemptions and refunds than in previous years and months. City
28 Staff predicts lower property tax collections in the coming months to balance out
29 the higher collections in earlier months.
- 30 b. Public Input Feedback.
- 31 c. Calendar of upcoming events & meetings
32 -City Hall will close December 24th & 25th.
33 -December 27th through January 8th- Early voting will take place.
34 -January 1st- City Hall will be closed for New Year’s Day.
35 -January 3rd and January 8th will be extended, early voting hours from 7:00 am
36 to 7:00 pm.
37 -January 12th will be Election Day.
- 38 d. Upcoming Council Agenda Issues
- 39 e. Personnel
40 -Joe Davis, who began working for the City in August of 1989, will end his
41 career with the City of Commerce on December 31st after 29 years.
42 -Kerry Crews, who began working for the City of Commerce in April of 1991,
43 and served as the Chief of Police, will also end his career on December 31st
44 with the City of Commerce after 27 years and begin his new career as Justice of
45 the Peace.
- 46 f. Projects Update
47 -The water towers now have freshly painted logos on them.
48 -Sidewalks are making significant progress on Live Oak Street.
- 49 g. Intergovernmental Events & Issues

50
51 **12. Recess into Executive Session:**

- 52
53 • **§551.087: Discussion regarding commercial or financial information that the**
54 **governmental body has received from a business prospect that the governmental body**
55 **seeks to have locate, stay, or expand in or near the territory of the governmental body**
56 **and with which the governmental body is conducting economic development**

1 negotiations; OR the offer of a financial or other incentive to a business prospect
2 described by Subdivision (1).

- 3
- 4 • *Project Frosty*
- 5 • *Project Bicycle*
- 6

7 • §551.071 (1) and 551.071 (2): Consultation with Attorney on a matter in which the
8 duty of the attorney to the governmental body under the Texas Disciplinary Rules of
9 Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open
10 Meetings Act and Consultation with Attorney regarding pending or contemplated
11 litigation:

- 12
- 13 • *City of Commerce v. Walker-Rahman Family Trust, Cause No. 83649, Hunt*
- 14 *County*
- 15 • *Amir Rahman v. City of Commerce, Cause No. 85096, Hunt County*
- 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 6:29 p.m.

20

21 **16. 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 8:13 p.m.

26

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

28

29 **17. Adjourn:**

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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 8:14 p.m.

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40 _____
Wyman Williams, Mayor

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42 _____
Molly Jacobsen, City Secretary

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45 _____
Date

46

47

48 12.18.18.MINS