


AGENDA

NOTICE OF MEETING

Notice is hereby given that the governing body of the City of Canyon will meet at 5:30 p.m. on the 4th day of June 2018, in the Commission Chambers of City Hall at 301 16th Street in the City of Canyon to discuss the following agenda items:

1. Call to Order.
2. Invocation.
3. Pledge of Allegiance.
4. Approval of the Minutes of the Meeting of May 21, 2018.
5. Public Comment – Comments from Interested Citizens.
6. Update from City Manager
 - Comprehensive Plan.
 - North Sewer Project.
 - Brown Road Wells.
 - 15-Minute Parking on Square.
 - Sealcoating.
 - CAP Receipts for First Weekend Opened (May26-29)
7. Consider and Take Appropriate Action on Resolution No. 10-2018, Enacting Ordinance No. 892, Prohibiting Parking Along Designated Parade Route on July 4, 2018.
8. Consider and Take Appropriate Action on Resolution No. 11-2018, Designating the Canyon Chamber of Commerce as Having Authority to Manage and Coordinate All Activities on the Downtown Square and Conner Park for the July 4 Celebration, July 4, 2018.
9. Executive Session Pursuant to §551.071 Consultation with Attorney, and §551.074 Personnel Matters (City Manager's Contract).
10. Consider and Take Appropriate Action on Items Discussed in Executive Session.
11. Consider and Take Appropriate Action on Meeting Dates for July and August 2018.
12. Adjourn.


Randy Criswell, City Manager

I certify that the above Notice of Meeting was posted on the bulletin board of the Civic Complex of the City of Canyon, Texas on the 1st day of June 2018.


Gretchen Mercer, City Clerk

The City Commission of the City of Canyon met for a Work Session beginning at 4:30 pm and regular session at 5:30 p.m. in the City Commission Chambers of the Civic Complex. Mayor Gary Hinders presided over the meeting with the following Commissioners in attendance, Mayor Pro-Tem Justin Richardson, Cordell Jones, Roger Remlinger and Paul R. Lyons.

Also present were the following City Staff: City Manager Randy Criswell, Assistant City Manager Chris Sharp, Assistant City Manager for Special Projects Jon Behrens, Public Works Director Dan Reese, Planning and Development Director Danny Cornelius, Safety Director Tony Lawson, Utility Superintendent Eric Whitten, Police Captain Ray Resendez, Code Enforcement Inspector Stan Barnard, and City Attorney Chuck Hester.

Item 1. Call to Order.

Mayor Hinders called the meeting to order at 4:33 p.m.

Work Session

- Consider and Take Appropriate Action on Review and Discussion of Xcel Energy Franchise Fee.
- Update on Parks Improvement Plan.
- Discussion on Future Protocol for Work Sessions.

City Manager Randy Criswell stated that, as discussed during budget last summer, due to the constant shortfall in the General Fund, it had been discussed that the Xcel Energy Franchise Fee could be increased from 3% to 5%. Mr. Criswell stated that all other franchise fees are at the maximum allowed, and maximizing the Xcel fee would generate approximately \$200,000 in additional revenue each year, based on historical numbers. He reminded the City Commission that this is basically a right-of-way rental fee for the use of publicly owned rights of way by privately owned utilities.

After discussion, the Commission instructed staff to bring back an Ordinance raising Xcel Franchise Fees from 3% to 5%.

Parks and Recreation Director Brian Noel gave a brief update on the Parks Improvement Plan.

Brief discussion occurred on the benefits of Work Sessions before the meetings. Commissioners decided to hold work sessions on an as needed basis.

Regular Meeting Beginning at 5:30 pm

Item 2. Invocation.

Mayor Pro-Tem Richardson gave the invocation.

Item 3. Pledge of Allegiance.

The Pledge of Allegiance was led by Commissioner Lyons.

Item 4. Approval of Minutes of the Meeting of May 7, 2018.

Mayor Pro-Tem Richardson moved, duly seconded by Commissioner Jones, to approve the minutes of May 7, 2018 as presented. Motion carried unanimously.

Item 5. Public Comment – Comments from Interested Citizens.

No comments were made.

Item 6. Present Proclamation for Emergency Medical Services Week.

Mayor Hinders presented a Proclamation for Emergency Medical Services Week, May 20-26, 2018.

Item 7. Consider and Take Appropriate Action on Ordinance No. 1087, Adjustment of Sewer Rates for WTAMU.

Director of Public Works Dan Reese presented Ordinance No. 1087 for consideration. Mr. Reese stated WTAMU had requested consideration for reducing their sanitary sewer charges on one of their large accounts, due to water that evaporates from their cooling towers. Mr. Reese stated this was a part of an “energy reduction” project/study for the entire WTAMU campus. Mr. Reese stated it was not uncommon for cities to discount sewer rates for universities with similar situations. Mr. Reese stated currently WTAMU sewer use is charged at 58% of its water bill, the same as all other commercial customers using more than 200,000 gallons of water per month. Mr. Reese said staff has reviewed data provided from WTAMU and agree it would be fair to reduce the 58% multiplier to 40% for this single meter account. Mr. Reese said based on the previous year of data, the savings to WTAMU would be approximately \$75,000 annually.

After discussion, Commissioner Jones moved, duly seconded by Commissioner Remlinger to adopt Ordinance No. 1087 as presented. Motion carried unanimously.

ORDINANCE NO. 1087

AN ORDINANCE AMENDING ORDINANCE NO. 1068 OF THE CITY OF CANYON, TEXAS; AMENDING CHAPTER 51 OF THE WATER AND SEWER CODE OF THE CITY OF CANYON, TEXAS, SECTION 51.22, SEWER RATES; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

Item 8. Conduct a Public Hearing and Consider and Take Appropriate Action on Ordinance No. 1086, Rezoning 1 Hunsley Hills Blvd. to RC-2 (Commercial District) from RC-1 (Retail District).

Director of Planning and Development Danny Cornelius presented Ordinance No. 1086 for consideration. Mr. Cornelius stated Jonathan Lair submitted a request to rezone #1 Hunsley Hills from Retail District to Commercial District as a result of a request from Jonathan Lair for the purpose of allowing a Massage Therapy Spa. Mr. Cornelius stated such a spa is not allowed in a

Retail District but is allowed by Specific Use Permit in a Commercial District. Mr. Cornelius stated letters were sent to 12 property owners within 200 feet with 6 responses received in opposition to the request. He also stated that due to the amount of opposition, a Super Majority of the City Commission will be required for approval. Mayor Pro-Tem Richardson asked why the zoning was set up as it is present day. Mr. Cornelius stated it was probably because the current office space was considered appropriate as retail use when originally zoned. Planning and Zoning Commission Chair Bill Craddock stated the Golf Course Pro Shop was located across the street at that time. Mayor Hinders asked Mr. Craddock to take the floor and discuss what the Planning and Zoning Commission considered when approving the rezoning. Mr. Craddock stated the P&Z Commission felt since the surrounding area was already RC-2 and the RC-1 usage was no longer there. Mr. Craddock stated the P&Z Commission felt the proposed use was not a "used car lot" but a good way to use the property.

Mayor Hinders opened the public hearing.

Nicole Ash of 511 5th Ave – Ms. Ash stated she hoped to open the Massage Therapy Studio at #1 Hunsley Hills, and she had previously worked at Labella's in Canyon before moving to Amarillo to gain more clients. Ms. Ash realized most of her clients lived in Canyon and decided it would be more convenient to be in Canyon. Commissioner Remlinger asked why Ms. Ash chose this location. Ms. Ash said the setup with the pond and atmosphere was a fit. Commissioner Remlinger asked if she would work with Conner House and others. Ms. Ash said yes. There being no other comment, Mayor Hinders closed the public hearing.

After discussion, Mayor Pro-Tem Richardson moved, duly seconded by Commissioner Jones to approve Ordinance No. 1086 as presented. Motion carried with Mayor Hinders Abstaining.

ORDINANCE NO. 1086

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF CANYON, TEXAS, REZONING 1 HUNSLEY HILLS BLVD, ALSO DESCRIBED AS THE NORTH IRREGULAR 145 FEET OF LOT 13, BLOCK 11, HUNSLEY HILLS DEVELOPERS INC. 1ST SECTION, PART A, SPECIAL 4, AN ADDITION TO THE CITY OF CANYON, RANDALL COUNTY, TEXAS, PROVIDING THAT THE ZONING CLASSIFICATION BE POSTED UPON THE ZONING DISTRICT MAPS OF THE CITY OF CANYON, PROVIDING THAT ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH ARE EXPRESSLY REPEALED, AND PROVIDING FOR AN EFFECTIVE DATE.

- Item 9. Conduct Public Hearing and Consider and Take Appropriate Action on a Specific Use Permit Request by Nicole Ash to Operate a Massage Therapy Establishment at 1 Hunsley Hills Blvd, Suite 2.

Director of Planning and Development Danny Cornelius presented a Specific Use Permit Request from Nicole Ash to Operate a Massage Therapy Establishment at 1 Hunsley Hills Blvd, Suite 2. Mr. Cornelius stated with the approval of Ordinance No. 1086 changing the zoning, the proposed use is allowed with an approved Specific Use Permit. Mr. Cornelius stated 12 letters were sent out to property owners within 200 feet with 5 responses received, 1 in support and 4 opposed. He

stated again that due to the amount of opposition, a Super Majority of the City Commission is required for approval.

Mayor Hinders opened the public hearing. There being no comment, Mayor Hinders closed the public hearing.

After discussion, Commissioner Jones moved, duly seconded by Commissioner Remlinger to approve the Specific Use Permit for 1 Hunsley Hills Blvd, Suite 2 as recommended by the Planning and Zoning Commission. Motion carried unanimously.

Item10. Conduct Public Hearing and Consider and Take Appropriate Action on Ordinance No. 1082, an Ordinance Amending the Code of Ordinances of the City of Canyon, Chapter 156, Zoning Code, by Adding Section 5.15 Recreational Vehicles.

Director of Planning and Development Danny Cornelius presented Ordinance No. 1082 for consideration. Mr. Cornelius stated complaints are occasionally received about people living in a travel trailer or recreational vehicles parked in a yard at a residence. Mr. Cornelius stated in the past, his department has disallowed this use, but the adoption of Ordinance No. 1082 would clarify that Recreational Vehicles may only be used for human habitation if located within a travel trailer park operating in accordance with the Zoning Code and Chapter 154 (Mobile and Modular Homes; Vacation Trailer Parks). Mr. Cornelius stated the Planning and Zoning Commission voted unanimously to recommend approval of Ordinance No. 1082 to the City Commission.

Mayor Hinders opened the public hearing. There being no comment, Mayor Hinders closed the public hearing.

After discussion, Commissioner Remlinger moved, duly seconded by Commissioner Jones to Approve Ordinance No. 1082 as presented. Motion carried unanimously.

ORDINANCE NO. 1082

Recreational Vehicles

AN ORDINANCE OF THE CITY OF CANYON, TEXAS, AMENDING CHAPTER 156, ZONING CODE, OF THE CITY OF CANYON CODE OF ORDINANCES, BY ADDING SECTION 5.15 RECREATIONAL VEHICLES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR AN EFFECTIVE DATE.

Item11. Conduct Public Hearing and Consider and Take Appropriate Action on Ordinance No. 1084, an Ordinance Amending the Code of Ordinances of the City of Canyon, Chapter 155, Subdivisions, by Adding Section 155.09, Abandonment of Public Right-of-Way.

Director of Planning and Development Danny Cornelius presented Ordinance No. 1084 for consideration. Mr. Cornelius stated that currently there isn't a defined methodology or process for dealing with requests to abandon a public right of way. As it exists today, a requestor submits a letter requesting abandonment of a public right-of-way to the City Manager. An informal process internally and with private utilities is then undertaken, and eventually the matter is considered by

the City Commission. If approved, a Quitclaim deed would then be prepared by the City Attorney and filed with the Randall County Clerk's office. Mr. Cornelius said all of this would take place with no policy, procedures, public property value consideration, or fees. Mr. Cornelius stated the adoption of Ordinance No. 1084 would adopt procedures for abandoning any public right-of-way in the City and require the person applying to have an appraisal performed at his cost as well as pay all legal and other costs involved. Commissioner Lyons questioned the requirement for the requestor to pay for the appraisal due to cost, since it would be difficult for an appraiser to find comparable transactions. City Manager Criswell stated that he and others feel it is actually questionable whether it is even legal to give away public property.

Discussion centered around whether or not an appraisal was a fair requirement, but there was no opposition stated to requiring the requestor to pay a significant fee for the process. Commissioner Jones asked Planning and Zoning Commissioner Chairman Bill Craddock what the P&Z based their approval on. Mr. Craddock stated the P&Z just didn't feel it was right for someone to be able to come in and make a request for abandonment and it's done without any consideration. Mr. Criswell stated he could see the point of view made by Commissioner Lyons and Mayor Hinders on value of the land based on use of the land and fees. Mr. Criswell agreed property that will likely never be developed will not hold the value that property requested to be vacated by an industry would hold. Mr. Criswell also agreed the fee should be raised to cover all costs, and the appraisal process language could be reconsidered based on the proposed use of the land. Mr. Criswell requested staff be given time to look at some changes, and bring the item back at a future meeting.

Ordinance No. 1084 was put aside to be amended and brought back to the Commission.

Item12. Consider and Take Appropriate Action on Ordinance No. 1085, an Ordinance Amending the Code of Ordinances of the City of Canyon, Weight Limit Zones.

City Manager Randy Criswell presented Ordinance No. 1085 for consideration. Mr. Criswell stated with Canyon's growth and annexations, we've obtained some roadways from the County that we now maintain, and staff is concerned about the integrity of those roadways. Two of the most significant are Hunsley Road and WTAMU Drive. It is staff and our engineer's opinion that those roadways cannot withstand heavy traffic indefinitely, and staff has been wanting to do this for some time. Commissioner Lyons stated that he felt decisions such as these should be approved by the City Commission, and not left to the discretion of one man. Commissioner Remlinger stated that he wasn't an expert in roadway construction and felt comfortable with staff making those decisions. Commissioner Jones asked Mr. Criswell if, after hearing the discussion, he still recommended adoption of the Ordinance, to which Mr. Criswell stated yes.

Commissioner Jones moved, duly seconded by Commissioner Remlinger to adopt Ordinance No. 1085 as presented. Motion carried unanimously.

ORDINANCE NO. 1085
AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY
OF CANYON, TEXAS, ADDING SECTION 71.57 TO THE TRAFFIC CODE,
PROVIDING WEIGHT LIMITATIONS ON CERTAIN STREETS WITHIN THE

CITY OF CANYON, PROVIDING PENALTIES, REPEALING ALL
ORDINANCES IN CONFLICT AND ESTABLISHING AN EFFECTIVE DATE.

Item 13. Executive Session Pursuant to §551.071 Consultation with Attorney, §551.072
Deliberation Real Property, and §551.074 Personnel Matters (City Manager Contract).

Mayor Hinders indicated the Commission would adjourn into Executive Session at 6:49 p.m.

Item 14. Consider and Take Appropriate Action on Items Discussed in Executive Session.

Upon returning from Executive Session at 8:55 pm, no action was taken.

Item 15. Adjourn.

There being no further business, Mayor Pro-Tem Richardson moved this meeting be adjourned.

Gary Hinders, Mayor

ATTEST:

Gretchen Mercer, City Secretary

To: Mayor and City Commission

From: Randy Criswell, City Manager

Date: June 4, 2018

Re: Item No. 7 Consider and Take Appropriate Action on Resolution No. 10-2018, Enacting Ordinance No. 892, Prohibiting Parking Along Designated Parade Route on July 4, 2018

Item No. 8 Consider and Take Appropriate Action on Resolution No. 11-2018, Designating the Canyon Chamber of Commerce as Having Authority to Manage and Coordinate All Activities on the Downtown Square and Conner Park for the July 4 Celebration to be held on July 4, 2018.

For the sake of simplicity, I've combined the two Resolutions for July 4 activities into one memo. This is pretty simple and something we do every year at this time.

Resolution No. 10-2018 enacts Ordinance No. 892 and prohibits parking along the designated parade route for the 4th of July parade.

Staff recommends adoption of Resolution No. 10-2018

Resolution No. 11-2018 designates the Canyon Chamber of Commerce as having sole authority to coordinate and manage all events, vendors and activities on the downtown square, Conner Park and adjoining streets and alleyways for the 4th of July Celebration. The Chamber will hold Fair on the Square as always and will conduct various festivities including the fireworks show, with Conner Park being the central location as in the past.

Staff recommends adoption of Resolution No. 11-2018

RESOLUTION NO. 10-2018

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF CANYON
PRESCRIBING LIMITATIONS ON PARKING OR STANDING MOTOR VEHICLES OR
TRAILERS DURING PARADE TO BE HELD JULY 4, 2018, IN THE CITY OF CANYON.**

WHEREAS, the City Commission of the City of Canyon has previously adopted Ordinance No. 892 which added §72.12 to the Code of Ordinances of the City of Canyon; and,

WHEREAS, the City Commission finds that the safety of the public during parades requires regulation of parking motor vehicles and trailers on and along the proposed parade routes in the City; and,

WHEREAS, the City Commission finds that regulation of parking as set forth herein is in the best interest of the citizens of the City of Canyon and other members of the general public attending parades in the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF CANYON,
TEXAS:

1. That July 4, 2018 is designated as the day upon which a parade may be held in the City to celebrate Independence Day.
2. Parking or allowing motor vehicles and trailers to stand on or along the roadway of 4th Avenue within the City of Canyon on July 4, 2018 shall be prohibited at the following locations:
 - a) 1100 Block through the 1300 Block - 7:00 a.m. thru 1:00 p.m.
 - b) 1700 Block through the 3400 Block - 7:00 a.m. thru 1:00 p.m.
 - c) 1400 Block through the 1600 Block - 7:00 a.m. thru 4:00 p.m.
3. The Canyon Police Department may erect any warning signage or barricades to control parking or traffic movement on 4th Avenue on the parade days as the Chief of Police and City Manager may deem appropriate.

Adopted on June 4, 2018.

GARY HINDERS, Mayor

ATTEST:

Gretchen Mercer, City Clerk

RESOLUTION NO. 11-2018

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF CANYON, TEXAS, GRANTING EXCLUSIVE MANAGEMENT RIGHTS TO THE CANYON CHAMBER OF COMMERCE OVER THE DOWNTOWN SQUARE, CONNER PARK AND PUBLIC AREAS IN AND AROUND THESE AREAS DURING THE ANNUAL FOURTH OF JULY CELEBRATION JULY 4, 2018.

WHEREAS, the Canyon Chamber of Commerce organizes and hosts various special events throughout the year including the 4th of July; and

WHEREAS, this patriotic holiday and Chamber Event has become popular in the City of Canyon drawing thousands of visitors and vendors benefitting the City; and

WHEREAS, there is a need for control and management of all activities during Chamber of Commerce Celebrations to control noise; solicitors; crowding from booths, trailers, bouncers, large trucks and trailers; generators and other non-approved vendors.

WHEREAS, the Chamber, its sponsors and membership have a substantial investment in this event making it a successful and enjoyable day for the entire community and visitors.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF CANYON, TEXAS:

That the City Commission of the City of Canyon hereby grants exclusive management rights over the Downtown Square, Conner Park and the streets and alleys immediately adjacent to these areas to the Canyon Chamber of Commerce when utilized for the 4th of July celebration to be held on July 4, 2018.

PASSED AND APPROVED this 4th day of June 2018.

GARY HINDERS, MAYOR

ATTEST:

Gretchen Mercer, City Clerk

To: Mayor and City Commission
From: Randy Criswell, City Manager
Date: June 4, 2018
Re: Consider and Take Appropriate Action on Meeting Dates for July and August 2018.

If you would, please look at your calendars prior to the meeting and make note of your scheduled vacations, etc, so we can determine when our summer meeting dates will be. The Mayor has indicated he won't be available on August 16 and July 13.

We can decide when we need to meet, if everyone knows what their summer looks like.

Thanks.

JULY 2018

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				



AUGUST 2018

Sun	Mon	Tue	Wed	Thu	Fri	Sat
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12	13	14	15	16	17	18
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19	20	21	22	23	24	25
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26	27	28	29	30	31	
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