

AGENDA

NOTICE OF MEETING

Notice is hereby given that the governing body of the City of Canyon will meet at 4:30 p.m. on the 4th day of November 2019, 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 October 21, 2019.
5. Public Comment – Comments from Interested Citizens.
6. Consider and Take Appropriate Action on Second and Final Reading on Resolution No. 16-2019, A Resolution of the City of Canyon Approving Real Estate Sale and Purchase Contract Between Charles Eugene Cooper dba Cooper Investments and Canyon Economic Development Corporation Relating to the Property Located at 1601-1607 4th Ave, Canyon, Texas
7. Consider and Take Appropriate Action on Resolution No. 18-2019, Atmos Rate Change Negotiations.
8. Consider and Take Appropriate Action on Resolution No. 19-2019, Ballot for Potter-Randall Appraisal District Board of Directors.
9. Consider and Take Appropriate Action on Sale of Firefighting Equipment to the City of Claude.
10. Adjourn.



Joseph Price, 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 November 2019.



Gretchen Mercer, City Clerk

The City Commission of the City of Canyon at 4:30 pm 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 Cody Jones, Roger Remlinger, Paul R. Lyons and Randy Ray.

Also present were the following City Staff: City Manager Joe Price, Assistant City Manager Jon Behrens, City Secretary Gretchen Mercer, Director of Finance Chris Sharp, Librarian Janice Doan, Chief of Police Dale Davis, Planning and Development Director Danny Cornelius, Public Works Director Dan Reese, Business and Community Development Director Evelyn Ecker, Utility Department Supervisor Eric Whitten, Police Corporal Matt Garza, Police Sargent Carlos Hernandez, Police Lieutenant Matt Coggins, Police Captain Ray Resendez, Police Officer Nicholas Trejo, Economic Development Board President Don Lee, Planning and Zoning Commission Chair Bill Craddock, City Engineer Dwight Brandt, and City Attorney Chuck Hester.

Item 1. Call to Order.

Mayor Hinders called the meeting to order at 4:31 p.m.

Item 2. Invocation.

Mayor Pro-Tem Jones gave the invocation.

Item 3. Pledge of Allegiance.

The Pledge of Allegiance was led by Commissioner Remlinger.

Item 4. Approval of Minutes of the City of Canyon Commission Meeting of October 7, 2019.

Commissioner Remlinger moved, duly seconded by Mayor Pro-Tem Jones to approve the minutes of October 7, 2019 as presented. Motion carried unanimously.

Item 5. Public Comment – Comments From Interested Citizens.

No comments made.

Item 6. Presentation of Life Saving Award to Two Police Officers by Chief Dale Davis.

Police Chief Dale Davis presented awards to Sargent Carlos Hernandez and Officer Nicholas Trejo for saving the life of Monte Winders. Chief Davis explained Mr. Winders had a heart attack and the quick response and preparedness of both Sargent Hernandez and Officer Trejo saved his life. Mr. and Mrs. Winders were present and expressed gratitude to both officers. The City of Canyon Commission also commended the officers on a job well done.

Item 7. First Reading of Resolution No. 16-2019, A Resolution of the City Commission of the City of Canyon Approving Real Estate Sale and Purchase Contract Between Charles Eugene Cooper dba Cooper Investments and Canyon Economic Development Corporation Relating to the Property Located at 1601-1607 4th Ave, Canyon, Texas.

Business and Community Development Director Evelyn Ecker presented Resolution No. 16-2019 for the first of two required readings. Ms. Ecker stated the Canyon Economic Development Corporation unanimously voted to approve and pursue the purchase of the property located at 1601, 1603, 1605 and 1607 4th Avenue for the total purchase price of \$435,000. Ms. Ecker stated all current tenant agreements would be honored.

First reading only, no action required.

RESOLUTION NO. 16-2019

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF CANYON APPROVING REAL ESTATE SALE AND PURCHASE CONTRACT BETWEEN CHARLES EUGENE COOPER dba COOPER INVESTMENTS AND CANYON ECONOMIC DEVELOPMENT CORPORATION RELATING TO THE PROPERTY LOCATED AT 1601-1607 4TH AVENUE, CANYON, TEXAS.

- Item 8. Conduct a Public Hearing and Consider and Take Appropriate Action on Ordinance No. 1118, Rezoning Lots 21 Through 42, block 3, Canyon East Unit No. 7, 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 Ordinance or Parts of Ordinances in Conflict Herewith are Expressly Repealed, and Providing for an Effective Date.

Planning and Development Director Danny Cornelius presented Ordinance No. 1118 for consideration. Mr. Cornelius stated Mike Standefer of Fortress Construction, LLC had submitted a plat for Canyon East Unit No. 7 and an application for change in zoning of said property. Mr. Cornelius stated currently the property is platted as one lot zoned RC-1 (Retail District). Mr. Cornelius said plans for the property is to build single-family homes on Lots 21-42 and the remaining north lot (Lot 1A) would remain RC-1 District. Mr. Cornelius stated 48 letters were sent out to property owners within 200' with 6 responses, 1 supported homes built similar to surrounding homes only, 5 were opposed. Mr. Cornelius stated much of the concern was that garden homes were going to be built, but once it was clarified the homes would be standard sized homes comparative to the rest of the homes in Canyon East, not garden homes, those with concerns seemed ok.

Mayor Hinders opened the public hearing.

Mike Standefer of 8501 81st, Amarillo (business address) addressed the Commission as the owner of Fortress Construction, LLC. Mr. Standefer said the homes would all be single story homes, all front entry garages, and would be 1600sf and up to 2299 sf homes.

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

After discussion, Commissioner Lyons moved, duly seconded by Mayor Pro-Tem Jones to approve Ordinance No. 1118 as presented. Motion carried unanimously.

ORDINANCE NO. 11118

Rezoning Lots 21 through 42, Block 3, Canyon East Unit No. 7
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF CANYON, TEXAS,
REZONING LOTS 21 THROUGH 42, BLOCK 3, CANYON EAST UNIT NO. 7, 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 Plat for Canyon East Unit No. 7.

Planning and Development Director Danny Cornelius presented a Plat for Canyon East Unit No. 7 for consideration.

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 Ray to approve the Plat for Canyon East Unit No. 7 as presented. Motion carried unanimously.

Item 10. Consider and Take Appropriate Action on Quarterly Finance Report by Finance Director Chris Sharp.

Finance Director Chris Sharp presented the Quarterly Finance Report for consideration. After discussion Mayor Pro-Tem Jones moved, duly seconded by Commissioner Ray to approve the Quarterly Finance Report as presented. Motion carried unanimously.

Item 11. Consider and Take Appropriate Action on Quarterly Investment Report by Finance Director Chris Sharp.

Finance Director Chris Sharp presented the Quarterly Investment Report for consideration. After discussion Mayor Pro-Tem Jones moved, duly seconded by Commissioner Remlinger to approve the Quarterly Investment Report as presented. Motion carried unanimously.

Item 12. Executive Session Pursuant to §551.071 Consultation with Attorney, 551.072 Deliberation Regarding Real Property, and §551.074 Personnel Matters (City Manager Contract, City Engineer, and City Attorney).

Mayor Hinders indicated the Commission would adjourn into Executive Session at 5:03 pm.

Item 10. Consider and Take Appropriate Action on Items Discussed in Executive Session.

Upon returning from Executive Session at 5:32 pm, the following action was taken.

Mayor Hinders moved, duly seconded by Mayor Pro-Tem Jones, to approve the Contract for the City of Canyon City Manager Joe Price. Motion carried unanimously.

Mayor Hinders moved, duly seconded by Mayor Pro-Tem Jones, to continue the working relationship with City Attorney Chuck Hester and to increase his monthly compensation from \$8,000 to \$8,250 a month. Motion carried unanimously.

Item 11. Adjourn

There being no further business, Mayor Pro-Tem Jones moved this meeting be adjourned at 5:37 pm.

Gary Hinders, Mayor

ATTEST:

Gretchen Mercer, City Secretary

REGARDING ITEM 6

AGENDA

To: Joe Price, City Manager

From: Evelyn Ecker, Executive Director
Canyon Economic Development Corp.

Date: November 4, 2019

Re: Consider and Take Appropriate Action on Second and Final Reading of Resolution No. 16-2019 With Regards to Approving Real Estate Sale and Purchase Contract Between Charles Eugene Cooper dba Cooper Investments and Canyon Economic Development Corporation Relating to the Property Located at 1601-1607 4th Avenue, Canyon, Texas

The Canyon Economic Development Corporation presents the second and final reading of Resolution No. 16-2019 on the Monday, November 4, 2019 City Commission agenda with regards to the purchase of the Cooper property located at 1601 – 1607 4th Ave. The anticipated closing date is on or before November 15, 2019.

The total cost of the property purchase is \$435,0000. The public hearing for this project was held September 12th during the posted meeting of the CEDC. There was not any opposition for the project funding. The CEDC voted unanimously to support the purchase during the August 28, 2019 meeting.

RECOMMENDED ACTION

It is the recommendation of staff and the Canyon Economic Development Corporation Board that Resolution No. 16-2019 be adopted.

RESOLUTION NO. 16-2019

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF CANYON APPROVING REAL ESTATE SALE AND PURCHASE CONTRACT BETWEEN CHARLES EUGENE COOPER dba COOPER INVESTMENTS AND CANYON ECONOMIC DEVELOPMENT CORPORATION RELATING TO THE PROPERTY LOCATED AT 1601 – 1607 4TH AVENUE, CANYON, TEXAS.

WHEREAS, on September 12, 2019 the Canyon Economic Development Corporation (“CEDC”) conducted a public hearing regarding the use of sales and use tax revenues collected pursuant to the Development Corporation Act of 1979, TEX. LOC. GOV'T CODE CHAPTERS 501-505, (“the Act”) and to consider purchase of property in the central business district of Canyon, specifically 1601 – 1607 4th Avenue, for the principal purpose of developing, stabilizing, diversifying, and expanding the economy through the retention, recruitment, and expansion, of employment opportunities of the citizens of Canyon and the surrounding area; and,

WHEREAS, the City Commission of the City of Canyon, Texas, finds it to be in the public interest for CEDC to close and fund the purchase and sale of the real property described as Lots 11, 12, 13 and 14, Block 33 Original Town of Canyon, Randall County, Texas as contemplated by that one certain Real Estate Sale and Purchase Contract dated September 5, 2019 wherein Charles Eugene Cooper dba Cooper Investments is Seller and CEDC is the Buyer.

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

That the above described Real Estate Sale and Purchase Contract is approved and an officer of CEDC designated by the board is authorized to close and fund the sale on behalf of CEDC. The sales tax revenue collected pursuant to “the Act” by CEDC may be used for acquisition of the real property above described. CEDC is further authorized to secure financing for the purchase price of the property through Government Capital Corporation in the amount authorized by the CEDC Board up to the total purchase price of the property. The sales tax revenue referred to in this Resolution shall be the revenue on deposit in Sales Tax Improvement Fund (Fund 40) for direct costs related to the project.

INTRODUCED at the First Reading on the 21st of October, 2019, and Adopted following the Second Reading on the 4th of November, 2019.

GARY HINDERS, MAYOR

ATTEST:

Gretchen Mercer, City Clerk

To: Joe Price, City Manager
From: Chris Sharp, Director of Finance
Date: November 4, 2019
Re: Consider and Take Appropriate Action on Resolution No. 18-2019, Atmos Rate Change Negotiations.

PURPOSE

Atmos Energy Corp., West Texas (“Atmos West Texas” or “Company”) filed an application on or about September 27, 2019 with the Railroad Commission of Texas (“Railroad Commission”), seeking to establish cost-based rates for the Triangle distribution system for the West Texas distribution system. The resolution authorizes the City to join with the Cities Served by Atmos West Texas (“West Texas Cities”) to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue.

DISCUSSION

West Texas Cities is a coalition comprised of municipalities served by Atmos West Texas that has participated in the Company’s annual Rate Review Mechanism filings and several Statement of Intent proceedings before the Railroad Commission. West Texas Cities depend upon recommendations of its Executive Committee regarding intervention in Commission proceedings, as well as settlement and litigation positions. The Executive Committee recommended intervention in Gas Utilities Docket (“GUD”) No. 10900.

Recommendation: Staff recommends approval of Resolution 18-2019 allowing for review of the Atmos filing, and to enter into negotiations with the company in regards to their latest filing with the Railroad Commission

RESOLUTION NO. 18-2019

RESOLUTION OF THE CITY OF CANYON, TEXAS, APPROVING COOPERATION WITH CITIES SERVED BY ATMOS WEST TEXAS TO REVIEW ATMOS ENERGY CORP., WEST TEXAS DIVISION'S ("ATMOS WEST TEXAS") REQUESTED RATE CHANGE; HIRING LEGAL AND CONSULTING SERVICES TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; REQUIRING REIMBURSEMENT OF CITIES' RATE CASE EXPENSES; AUTHORIZING INTERVENTION IN ANY RATEMAKING PROCEEDING AT THE RAILROAD COMMISSION THAT RELATES TO THE COMPANY'S FILING; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND CITIES' LEGAL COUNSEL

WHEREAS, on or about September 27, 2019, Atmos Energy Corp. West Texas ("Atmos West Texas" or "Company") filed with the Railroad Commission of Texas ("Commission") a Statement of Intent to Establish Cost-based Rates for the Triangle Distribution System for the West Texas Distribution System effective November 1, 2019 in Gas Utility Docket No. 10900; and

WHEREAS, the Company's filing requests inclusion of assets into its rate base that may adversely affect future rates and the cost of gas delivered to city gates; and

WHEREAS, the Executive Committee of the Cities Served by Atmos West Texas ("Cities") recommends intervention in Gas Utility Docket No. 10900; and

WHEREAS, the City of Canyon will cooperate with Cities in conducting a review of the Company's application and to hire and direct legal counsel and consultants, prepare a common response, negotiate with the Company, and direct any necessary litigation; and

WHEREAS, the Gas Utility Regulatory Act § 103.022 provides that costs incurred by Cities in ratemaking activities are to be reimbursed by the regulated utility; and

WHEREAS, the Gas Utility Regulatory Act § 103.23 grants local regulatory authorities the right to intervene in rate proceedings filed at the Railroad Commission.

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

1. That the City is authorized to intervene and participate with Cities in Gas Utilities Docket No. 10900.
2. That subject to the right to terminate employment at any time, the City of Canyon hereby authorizes the hiring of the law firm of Lloyd Gosselink and consultants to negotiate with the Company, make recommendations to the City regarding reasonable rates, and direct any necessary administrative proceedings or court litigation associated with an appeal of this application filed with the Commission

3. That the City's reasonable rate case expenses shall be reimbursed by Atmos West Texas.

4. That a copy of this suspension resolution be sent to Atmos West Texas, care of Philip Littlejohn, Vice President of Rates and Regulatory Affairs, West Texas Division, 6606 66th Street, Lubbock, Texas 79424, and Geoffrey Gay, General Counsel to Cities, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

Gary Hinders, Mayor

ATTEST:

Gretchen Mercer, City Secretary

APPROVED AS TO FORM:

Chuck Hester, City Attorney

2142/17/7944300

To: Mayor and City Commission
From: Joe Price, City Manager
Date: November 4, 2019
Re: Consider and Take Appropriate Action on Resolution No. 19-2019, Ballot for Potter-Randall Appraisal District Board of Directors.

A few meetings ago, you were provided an opportunity to make nominations for the PRAD Board of Directors. Attached are the documents we received from PRAD, including the ballot. You have a total of 85 votes to cast. You are allowed to cast your votes in any way you chose for 1 to 5 nominees, equally divided between 5, all for one, or however you wish.

Resolution No. 19-2019 has been prepared for adoption and will reflect your decision on how to cast your votes.

Potter-Randall Appraisal District

5701 HOLLYWOOD ROAD (LOOP 335) • PO BOX 7190 • AMARILLO, TX 79114-7190

PHONE (806) 358-1601 • FAX (806) 355-8426

Visit our web site @ www.prad.org Email: info@prad.org

Jeffrey Dagley, Chief Appraiser

Board of Directors - Potter

Zachary Plummer	Chairman
Gilbert Guzman Jr.	Vice Chairman
Cindy Spanel	Secretary
Leon Church	Director
Kay Ledbetter	Director
Sherri Aylor	Director

Board of Directors - Randall

Dennis Beene	Chairman
James Barrington	Vice Chairman
Henry Hamilton	Secretary
Kerry Adair	Director
Doug Srader	Director
Christina McMurray	Director

October 17, 2019

Mayor Gary Hinders
City of Canyon
301 16th St
Canyon, TX 79015-2833

Attention: Mr. Joe Price, City Manager

Re: Potter-Randall Appraisal District
Director Elections

Dear Mayor Hinders:

Enclosed please find the official ballot(s) for your district's votes for the Potter-Randall Appraisal District Boards of Directors for a term of January 1, 2020 through December 31, 2021. A governing body may cast all its votes for one candidate or distribute them among candidates for any number of directorships up to five.

We have also enclosed a sample resolution showing how to report your district's votes back to our office. Please submit the ballot and board resolution no later than December 15, 2019.

If you would like any other information, please call me any time at 354-6611.

Sincerely,



Jeffrey Dagley, RPA
Chief Appraiser

be

Enclosures
c: Jon Behrens

RESOLUTION NO. 19-2019

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF CANYON, TEXAS CASTING VOTES FOR THE MEMBERS OF THE BOARD OF DIRECTORS OF RANDALL COUNTY APPRAISAL DISTRICT.

WHEREAS, Section 6.03(c) of the Texas Property Tax Code Requires the appointment of the board of directors of an appraisal district by vote of the governing bodies of the taxing entities entitled by the Code to vote; and

WHEREAS, by previous action, nominees for the Board of Directors of Randall County were submitted to the Chief Appraiser of said county; and

WHEREAS, the City of Canyon is entitled by cumulative voting to eighty-five (85) votes for Randall County Board;

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

SECTION 1. That 85 votes be cast for one (1) to five (5) nominees on the ballot for the Randall County Appraisal District Board of Directors as follows:

	<u>No. of Votes</u>
1. James Barrington	<u>0</u>
2. Dennis Beene	<u>0</u>
3. Taylor Bonifield-Faught	<u>0</u>
4. Tim Gilliland	<u>0</u>
5. Albert Harris	<u>0</u>
6. Joe Shehan	<u>0</u>
7. Tom Novak	<u>0</u>
<u>TOTAL</u>	<u>85</u>

INTRODUCED AND PASSED by the City Commission of the City of Canyon, this 4th day of November, 2019.

GARY HINDERS, MAYOR

ATTEST:

Gretchen Mercer, City Clerk

To: Mayor and City Commission
From: Chuck Hester, City Attorney
Date: November 4, 2019
Re: Consider and Take Appropriate Action on Sale of Firefighting Equipment to the City of Claude

Attached is an Interlocal Agreement with Exhibit "A" relating to a proposal to sell a firetruck and related equipment to the City of Claude. Exhibit "A" gives a detailed description of the equipment. Canyon has purchased new equipment and no longer needs the brush rig described in the memo. If there are any questions, I believe Chief Webb will be available to answer them at the meeting.

Interlocal Agreement for Sale of Fire Equipment

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF RANDALL and §
 ARMSTRONG

This Agreement made between the CITY OF CANYON, acting by and through its duly authorized Mayor, hereinafter called "CANYON" and the CITY COUNCIL of the CITY of CLAUDE acting by and through its duly authorized Mayor, hereinafter called "CLAUDE", and is executed pursuant to Chapter 791 TEX. LOC. GOV'T CODE.

WITNESSETH:

WHEREAS, the City Council of Claude, Texas, has determined that a need exists for fire protection to be provided to protect the property of citizens of Claude; and

WHEREAS, the City of Canyon has acquired new equipment to replace the equipment herein described;

NOW, THEREFORE, CITY OF CANYON AND THE CITY OF CLAUDE hereby agree as follows:

1. CANYON agrees to sell the firefighting equipment described in Exhibit A to CLAUDE upon payment of \$10,500. CANYON will remove the radios from the truck before delivery.
2. CLAUDE agrees to insure the vehicle and equipment upon delivery and remit the \$10,500 payment to CANYON upon delivery of the truck and equipment.
3. The foregoing agreement has been approved by the governing bodies of CANYON and CLAUDE. All payments due under the terms of this agreement shall be made from revenues currently available to the party making payment and lawfully appropriated for such purposes.

Signatures Next Page

Date

Gary Hinders, Mayor
City of Canyon, Texas

ATTEST:

Gretchen Mercer, City Secretary
City of Canyon, Texas

Date

Jim Hubbard, Mayor
City of Claude, Texas

ATTEST:

Earlene Kodack, City Secretary
City of Claude, Texas

Exhibit A

City of Canyon Fire Department

8-21-19

Equipment Loan to Claude F.D.

Grass – 2

1984 GMC – 4.5 Ton VIN# 1GDM7D1E3EV531309

Inventory

- 1 – 2016 Emergency Response Guide
- 2 – Bungee Cords
- 1 – 10 Foot 3" filler hose
- 40 - Fusees
- 1 – Bolt Cutters
- 1 – Army Supply Can
- 2 – Double Female Adapters
- 2 – Scott Wildland Air Mask
- 1 – Double Male Adapter
- 1 – Wheel Chock
- 1 – 3" to 1 ¼" Reducer
- 1 – 20 lb. ABC Fire Extinguisher
- 1 – Strainer
- 1 – 10' towing chain
- 1 – Hydrant Wrench
- 1 – First Aid Kit
- 2 – 10 ft. sections of 3" hard suction
- 1 – Case drinking water
- 2 – Spanner Wrenches
- 2 – Traffic Safety vest (old style)
- 1 – 2 ½ Gallon fuel can w non-mixed gas
- 2 – Plastic clipboards
- 4 – Tie down straps
- 1 – Maglight Flashlight
- 2 – 50 ft. Sections of 1 ¼" Structural Hose (red)
- 1 – Combination Nozzle