

The City Commission of the City of Canyon met in 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, Cordell Jones, Roger Remlinger and Paul R. Lyons. Mayor Pro-Tem Justin Richardson was unable to attend.

Also present were the following City Staff: City Manager Randy Criswell, Assistant City Manager Chris Sharp, City Secretary Gretchen Mercer, Director of Business and Community Development Evelyn Ecker, Director of Parks and Recreation Brian Noel, Assistant City Manager for Special Projects Jon Behrens, Director of Code Enforcement Danny Cornelius, Safety Director Tony Lawson, Public Works Director Dan Reese, and City Attorney Chuck Hester.

Also present were members of the Canyon Economic Development Corporation Board of Directors Don Lee, Jim Bryan and Cory Bruce. A notice of possible quorum had been posted 72 hours in advance of this meeting. No action was taken by the CEDC Board members.

Item 1. Call to Order.

Mayor Hinders called the meeting to order at 5:32 p.m.

Item 2. Invocation.

Commissioner Lyons gave the invocation.

Item 3. Pledge of Allegiance.

The Pledge of Allegiance was led Parks and Recreation Director Brian Noel. The Mayor recognized Mr. Noel at this time as being named as the City of Canyon Citizen of the Year by the Canyon News at the annual Chamber Awards Banquet held January 19, 2018.

Item 4. Approval of Minutes of the Meeting January 8, 2018.

Commissioner Remlinger moved, duly seconded by Commissioner Jones, to approve the minutes of January 8, 2018 as presented. Motion carried unanimously.

Item 5. Public Comment – Comments From Interested Citizens.

No comments were made.

Item 6. Consent Agenda:

It is recommended that the consent agenda be approved with one motion.

- A. Conduct Second Reading and Consider and Take Appropriate Action on Adoption of Resolution No. 01-2018 With Regards to a Request from Panhandle-Plains Historical Museum for Sponsorship of the Pop Culture Exhibit Opening 2018.
- B. Conduct Second Reading and Consider and Take Appropriate Action on Adoption of Resolution No. 02-2018 With Regards to a Request from Creek House Honey Farm

for Direct Financial Assistance to Expand the Current Business at 5015 4th Avenue, Canyon.

- C. Conduct Second Reading and Consider and Take Appropriate Action on Adoption of No. 05-2018 With Regards to a Request from Squezy Street Juice Bar LLC., for Direct Financial Assistance for a New Business Located at 1512 5th Avenue, Ste., 203, Canyon, Texas. The Funding is Based on New Business Development.
- D. Conduct Second Reading and Consider and Take Appropriate Action on Adoption of Resolution No. 06-2018 With Regards to a Request from Canyon Main Street for Direct Financial Assistance to Fund a Twelve Month Marketing Campaign for Canyon and Downtown Dining District.

Mayor Hinders introduced the consent agenda for the required second readings and approval of Resolution No.'s 01-2018, 02-2018, 05-2018, and 06-2018.

Commissioner Jones moved, duly seconded by Commissioner Remlinger to adopt Resolution No.'s 01-2018, 02-2018, 05-2018 and 06-2018 as presented. Motion carried unanimously.

Item 7. Conduct Second Reading and Consider and Take Appropriate Action on Adoption of Resolution No. 03-2018 With Regards to a Request from Fox & Owl LLC. Dba Barrell & Pie for Direct Financial Assistance for a New Business Located at 1512 5th Avenue, Ste. 101, Canyon, Texas.

Mayor Hinders presented Resolution No. 03-2018 for the required second reading and consideration. Commissioner Lyons again expressed his opinion that he did not support salary assistance by the CEDC.

After discussion, Commissioner Rogers moved, duly seconded by Commissioner Jones to approve Resolution No. 03-2018 as presented. Motion carried with Commissioner Lyons voting against.

Item 8. Conduct Second Reading and Consider and Take Appropriate Action on Adoption of Resolution No. 04-2018 With Regards to a Request from Rocar Inc., dba U.S. Cleaners, a New Business to be Located at 2005 N. 2nd Avenue, Ste. A., (The Depot) Canyon, Texas. The Funding is Based on New Business Development.

Mayor Hinders presented Resolution No. 04-2018 for the required second reading and consideration. Commissioner Lyons again expressed his opinion that it is not the place of the CEDC to pay rent or lease for any business. Mr. Lyons offered an apology to Jeremy Johnson, owner of Modern Cleaners, for bringing his business under scrutiny at the last meeting. Mr. Lyons said he still didn't feel it was fair for a new business to receive funding when an existing business had not.

After discussion, Commissioner Jones moved, duly seconded by Commissioner Lyons to deny Resolution No. 04-2018. Motion died to a tie vote with Mayor Hinders and Commissioner Remlinger voting against, and Commissioner Jones and Commissioner Lyons voting for.

CEDC Board President Don Lee asked if he could speak. Mayor Hinders gave Mr. Lee the floor. Mr. Lee stated when a project is found to be viable by the CEDC Board of Directors, it is then brought to the City Commission to see if would be supported. Mr. Lee stated if the Commission seemed to be supportive, the CEDC proceeded with the project. Mr. Lee stated if there were questions about a project they should be asked before the final moment of adoption.

Commissioner Jones and Commissioner Remlinger expressed they felt they needed more information. There was some discussion about Mr. Johnson (Modern Cleaners) having asked for assistance and been told that the CEDC didn't fund "service" businesses. Ms. Ecker was asked to clarify what a "service" business was, which she did. She stated a Dry Cleaners collected sales tax, and therefore wouldn't be considered a "service" business. She stated she didn't believe she would have ever told anyone otherwise. Randy Criswell requested the floor. Mr. Criswell urged the City Commission not to judge one project for a new business against an existing business, when the existing business had not ever applied for or received funding. Mr. Criswell stated he felt each project should stand on its own. He asked Ms. Ecker to look through her records and see if there had ever been any conversation with Modern Cleaners, and she stated she would.

After more discussion, Commissioner Lyons moved, duly seconded by Commissioner Remlinger to table Resolution No. 04-2018. Motion carried unanimously.

RESOLUTION NO. 04-2018

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF CANYON APPROVING PROJECT FUNDING AGREEMENT BETWEEN ROCAR INC., AND CANYON ECONOMIC DEVELOPMENT CORPORATION REGARDING DIRECT FINANCIAL ASSISTANCE FOR A PROJECT LOCATED AT 2005 N. 2ND AVENUE, SUITE A, CANYON, TEXAS. THE FUNDING IS BASED ON NEW BUSINESS DEVELOPMENT.

- Item 9. Consider and Take Appropriate Action on Approval of City of Canyon's Investment Policy.

Assistant City Manager Chris Sharp presented Resolution No. 07-2018 for consideration. Mr. Sharp went over the highlights of the Investment Policy and changes made to meet all legal requirements.

After discussion, Commissioner Remlinger moved, duly seconded by Commissioner Jones to approve Resolution No. 07-2018 as presented. Motion carried unanimously.

RESOLUTION NO. 07-2018

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF CANYON, RANDALL COUNTY, TEXAS, ADOPTING RULES GOVERNING THE INVESTMENT OF FUNDS OF THE CITY, AND DESIGNATING THE DIRECTOR OF FINANCE TO BE RESPONSIBLE FOR THE INVESTMENT OF CITY FUNDS.

- Item 10. Consider and Take Appropriate Action on Quarterly Finance Report.

Assistant City Manager Chris Sharp presented the Quarterly Finance Report. After discussion Commissioner Jones moved, duly seconded by Commissioner Lyons 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.

Assistant City Manager Chris Sharp presented the Quarterly Investment Report. After discussion Commissioner Lyons moved, duly seconded by Commissioner Jones to approve the Quarterly Investment Report as presented. Motion carried unanimously.

Item 12. Consider and Take Appropriate Action on Agreement for Alternative Payment Method with Potter-Randall Appraisal District.

Assistant City Manager Chris Sharp presented an agreement between the Potter-Randall Appraisal District and the City of Canyon. Mr. Sharp said currently the City of Canyon pays PRAD one time a year which is easier than multiple times a year. Mr. Sharp said the State requires a formal agreement to continue payments once a year.

After discussion, Commissioner Jones moved, duly seconded by Commissioner Remlinger to approve the agreement for alternative payment method with Potter-Randall Appraisal District. Motion carried unanimously.

Item 13. Consider and Take Appropriate Action on Livestock Permit for Alberta Evans.

Director of Code Enforcement Danny Cornelius presented a permit renewal request from Alberta Evans at 510 US Highway 60 (Xtreme Grooming). The current permit requires Ms. Evans to apply for a renewal annually and if approved allows a maximum of 4 livestock animals (horses and donkeys) on the property. Mr. Cornelius provided photos of the property as well as a history of the permit requests back to 2010. Mr. Cornelius stated 5 notices were sent out to property owners within 200 ft with one response received in opposition to the permit. Commissioners questioned Ms. Evans about the condition of the property, junk around the property and outbuildings. Mayor Hinders stated he drove past the property and what he saw was not what he feels the City Commission envisioned it to be when previous permits were issued. Mayor Hinders suggested time be given for Ms. Evans to find an alternate home for the animals to be moved to. Ms. Evans stated she had been looking for a place to move the animals further out of the city limits, but finding a place she could afford had not been successful. Commissioner Remlinger asked if the privacy fence could be built around the whole property. Ms. Evans said she felt that could be done when her husband was home on leave in April.

After discussion, Commissioner Remlinger moved, duly seconded by Commissioner Jones to approve a Livestock Permit for 4 animals through July 1, 2018 with the requirement that a privacy fence around the entire property be in place by the end of the permit term. Motion carried

unanimously. Mayor Hinders then reiterated that it may be time for Ms. Evans to move before spending a lot of money on property improvements.

Item 14. Consider and Take Appropriate Action on Plat for Hix Road Unit No. 1.

Director of Code Enforcement Danny Cornelius presented the Commission with a Plat for Hix Road Unit No. 1 from Clay Brett Adams of Panhandle Lodging, LLC. Mr. Cornelius stated the property is not in the city limits, but the city has the authority to approve plats within the Extraterritorial Jurisdiction (ETJ). Mr. Cornelius stated the proposed use of lot one of the property is an RV park with 10 spaces with plans to build a home for himself on lot 2. Mr. Cornelius said the developer has signed a Developers Agreement so the property would be easily annexed when appropriate. Mr. Cornelius stated the Planning and Zoning Commission approved the Plat for Hix Road Unit No. 1 for recommendation to the City Commission unanimously.

After discussion, Commissioner Remlinger moved, duly seconded by Commissioner Jones to approve the Plat for Hix Road Unit No. 1 as recommended by the Planning and Zoning Commission. Motion carried unanimously.

Item 15. Consider and Take Appropriate Action on Plat for Nester Estate Unit No. 2.

Director of Code Enforcement Danny Cornelius presented the Commission with a Plat for Nester Estate Unit No. 2 from George Nester. Mr. Cornelius stated the proposed use of the property is for a store for the production and sale of honey. Mr. Cornelius said George and Paige Nester own the home at 5015 4th Ave, next to the proposed store. Mr. Cornelius said the Planning and Zoning Commission voted to approve the plat for recommendation to the City Commission unanimously.

After discussion, Commissioner Jones moved, duly seconded by Commissioner Remlinger to approve the Plat for Nester Estate Unit No. 2 as recommended by the Planning and Zoning Commission. Motion carried unanimously.

Item 16. Code Enforcement Annual Report.

Code Enforcement Director Danny Cornelius gave a summary of activity in the Code Enforcement Department for 2017.

After discussion, Commissioner Remlinger moved, duly seconded by Commissioner Jones to approve the 2017 Annual Code Enforcement Report as presented. Motion carried unanimously.

Item 17. Executive Session Pursuant to §551.072 Deliberation of Real Property, and §551.071 Consultation with Attorney.

Mayor Hinders indicated the Commission would adjourn into Executive Session at 6:50 p.m.

Item 11. Consider and Take Appropriate Action on Items Discussed in Executive Session.

Upon returning from Executive Session at 7:14 pm, the following action was taken.

Commissioner Jones moved, duly seconded by Commissioner Remlinger to authorize City Manager Randy Criswell to enter into a contract to make an offer on the property located at 204 17th Street. Motion carried unanimously.

Item 19. Adjourn.

There being no further business, Commissioner Remlinger moved this meeting be adjourned.

Gary Hinders, Mayor

ATTEST:

Gretchen Mercer, City Secretary