

The City Commission of the City of Canyon met at 4:30 pm in the Cole Community Center at 300 16th Street in the City of Canyon, Texas with the meeting broadcast on YouTube. Mayor Gary Hinders presided over the meeting with the following Commissioners in attendance, Mayor Pro-Tem Jones, Roger Remlinger, Randy Ray, and Paul Lyons.

Also present were the following City Staff: City Manager Joe Price, Assistant City Manager Jon Behrens, City Secretary Gretchen Mercer, Chief of Police Steve Brush, Fire Chief Dennis Gwyn, Director of Public Works Dan Reese, Assistant Director of Public Works Chris Enriquez, Wastewater Supervisor John Poole, Director of Business and Community Development Evelyn Ecker, Canyon Economic Development Corporation Board President Don Lee, Parks Director Brian Noel, City Engineer Dwight Brandt, Director of Planning and Development Danny Cornelius, Director of Finance Joel Wright, Utility Supervisor Eric Whitten, and City Attorney Chuck Hester.

Item 1. Call to Order.

Mayor Hinders called the meeting to order at 4:35 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 Lyons.

Item 4. Approval of Minutes of the Meeting of February 16, 2021.

Commissioner Ray moved, duly seconded by Commissioner Remlinger to approve the minutes of February 16, 2021 as presented. Motion carried unanimously.

Item 5. Public Comment – Comments from Interested Citizens.

- City Manager Joe Price introduced the new Assistant Director of Public Works Chris Enriquez.
- Mr. Price also shared comments from Mrs. Thomason, a citizen of Canyon that emailed the city stating all the great things the city staff, police, firemen, commission, and community as a whole do in making Canyon such a wonderful and safe place to live.
- Mr. Price gave “Atta boys” too all that worked a sewer line break in the middle of the extreme weather experienced the week before.
- Mr. Price gave a brief update on the weather event the week before.
- Mayor Hinders expressed appreciation to the schools and citizens for doing their part in shutting down to keep power usage to a minimum which kept power loss to a minimum.

Item 6. Consider and Take Appropriate Action on Update of Governor Greg Abbotts Executive Orders Directed at Slowing the Spread of COVID-19 in the State of Texas.

City Manager Joe Price and Assistant City Manager Jon Behrens gave an update on COVID-19. Mr. Price stated it had been reported 51,118 first doses and 24,900 second doses of the Moderna vaccine had been given at the Amarillo Civic Center. Mr. Price stated with the new orders in place

by Governor Abbott, including no longer mandating people wear masks, the City of Canyon would encourage everyone entering City Hall to wear a mask and practice social distancing and continue the requirement that a COVID plan be submitted with permitted events.

- Item 7. First Reading of Resolution No. 08-2021, A Resolution of the City Commission of the City of Canyon Approving a Project Funding Agreement Between Seneca Creek LLC, A Texas Limited Liability Company and the Canyon Economic Development Corporation Relating to Funding Building Improvements.

Don Lee, President of the Canyon Economic Development Corporation presented Resolution No. 08-2021 for the first reading. Mr. Lee stated Seneca Creek, LLC, located at 1519 4th Ave had applied for funding a project that included adaptive reuse of property from retail space to a small venue space for less than 100 people, improvement of the inside of the building to include a catering kitchen, partition walls, audio/visual capability, logo, branding, marketing and updating the curb appeal. Mr. Lee stated the total cost of the project is \$48,000 to \$50,000. Mr. Lee stated the CEDC held a public hearing on February 11, 2021 with no opposition and funding would not exceed \$25,000.

First Reading only, no action required.

RESOLUTION NO. 08-2021

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF CANYON APPROVING PROJECT FUNDING AGREEMENT BETWEEN SENECA CREEK, LLC. A TEXAS LIMITED LIABILITY COMPANY AND CANYON ECONOMIC DEVELOPMENT CORPORATION RELATING TO FUNDING BUILDING IMPROVEMENTS.

- Item 8. Update from Attorney Kelly Tidwell of Patton, Tidwell & Culbertson on Lone Star Dairy Products Operational Efforts.

City Attorney Chuck Hester presented a letter from Kelly Tidwell, attorney for Lone Star Dairy Products. Mr. Hester stated Lone Star Dairy Products board of directors requested Mr. Tidwell to conduct an investigation into the hazardous materials release on November 5, 2020 to the City of Canyon wastewater collection system. Mr. Tidwell reported to the Commissioners via Zoom that it was important to the LSDP board to achieve transparency and rebuild the trust and credibility in the process and solutions taken by LSDP. Mr. Tidwell stated ADI, an independent third party environmental consultant, will review the operational efforts of the new anaerobic digester and related equipment. Mr. Tidwell stated this included daily monitoring and record keeping giving oversight to critical measurements going to, remaining inside and leaving the digester. ADI will provide a written SOP for LSDP's wastewater operations personnel as well as training on the new equipment or regarding the procedures set out by the Process and Operations Manual for the new equipment. Mr. Tidwell stated an ADI wastewater treatment specialist will visit the plant site quarterly with 2-3 days onsite to review the ADI-BVF reactor operations, operating procedures, sampling/analytical procedures, and testing frequency. Mr. Tidwell said there will be written follow-up reports of the site visits.

Mr. Tidwell answered questions from the Commission and staff.

No action required, informational update only.

Item 9. Consider and Take Appropriate Action on Acceptance of the Chapman Forestry Foundation Grant Award.

Parks and Recreation Director Brian Noel presented information related to the acceptance of the Chapman Forestry Foundation Grant for \$2500 with zero match requirement. Mr. Noel stated 13 trees had been removed in Conner Park and replaced with 24 new trees. Mr. Noel stated the grant of \$2500 would cover about half the cost of the replacement trees.

After discussion, Commissioner Ray moved, duly seconded by Mayor Pro-Tem Jones to approve the acceptance of the \$2500 grant check from the Chapman Forestry Foundation. Motion carried unanimously.

Item 10. Consider and Take Appropriate Action on the Canyon Police Department 2020 Annual Report and 2020 Racial Profiling Report.

Chief of Police Steve Brush presented the Canyon Police Department 2020 Annual Report and 2020 Racial Profiling Report in accordance with City Ordinance 70.58.

After discussion, Mayor Pro-Tem Jones moved, duly seconded by Commissioner Remlinger to approve the Annual Report and Racial Profiling Report for 2020 as presented. Motion carried unanimously.

Chief Brush then gave a brief update on Police Department position moves. Commissioners commended the Police Department on doing a great job for the citizens of Canyon.

Item 11. Consider and Take Appropriate Action on Request to Accept the Axom Quote and Execute the Contract for the Purchase of Two Car Cameras by the Canyon Police Department.

Chief Steve Brush presented a request to purchase two car cameras from Axom for the Canyon Police Department. Chief Brush stated the funds to purchase additional equipment for patrol cars was budgeted separately. Chief Brush said in order to comply with state law, patrol cars are to be equipped with a camera system. Chief Brush stated the Canyon Police Department is currently transitioning from Coptrax to AXON Fleet cameras and that would bring the car cameras and body cameras into one operating system. Mr. Brush said the AXON Quote for two car cameras comes with a 5 year agreement for a total of \$18,788.40 broken into annual payments of \$6406.40 the first year and \$3096.00 the other 4 years.

After discussion, Commissioner Remlinger moved, duly seconded by Mayor Pro-Tem Jones to authorize the Canyon Police Department to accept the AXON quote and execute the contract with AXON Enterprise, Inc. Motion carried unanimously.

Item 12. Consider and Take Appropriate Action on January 31, 2021 Financial Report by Finance Director Joel Wright.

Finance Director Joel Wright presented the Financial Report for consideration. After discussion Commissioner Ray moved, duly seconded by Commissioner Remlinger to approve the Financial Report as presented. Motion carried unanimously.

Item 13. Consider and Take Appropriate Action on January 31, 2021 Investment Report by Finance Director Joel Wright.

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

Item 14. Consider and Take Appropriate Action on Fleet Master Equity Lease Agreement and Fleet Management Agreement with Enterprise FM Trust and Enterprise Fleet Management, Inc. to Include Approval of Funding and Authorization of City Manager to Act on Behalf of the City with Regard to All Required Documents.

City Manager Joe Price, Finance Director Joel Wright and City Attorney Chuck Hester presented a proposed agreement for Fleet Master Equity Lease Agreement and Fleet Management Agreement with Enterprise FM Trust and Fleet Management Inc. It was stated the only vehicles considered to be included at this time would be high level staff vehicles and upcoming police vehicles. Mr. Price stated this would allow the city to “test the waters” and see if the program was a fit for the City of Canyon.

After discussion, it was agreed to bring back more information at a later date.

Item 15. Consider and Take Appropriate Action on Resolution No. 10-2021, A Resolution of the City Commission of the City of Canyon, Texas, Approving the Negotiated Selection of an Engineering Firm to Provide Services for the 2021/2022 TXCDBD Program.

Assistant City Manager Jon Behrens presented Resolution No. 10-2021 for consideration. Mr. Behrens stated the City Commission approved an Interlocal agreement with the PRPC for contractual services associated with grand administration of the 2021/2022 TXCDBG program grant application with Resolution No. 06-2021 on February 1, 2021. Mr. Behrens stated Resolution No. 10-2021 would authorize the City Manager and PRPC to enter into a negotiated agreement for engineering services for the development of the 2021/2022 TXCDBG Program grant application after submitted proposals were evaluated based on scoring criteria provided by the PRPC. Mr. Behrens stated three firms’ submitted proposals that were scored to provide engineering services.

Responding Engineer	Rank	Total Score
• Brandt Engineers	1 st	389
• Parkhill	2 nd	366
• Geospatial Data, Inc.	3 rd	335

After discussion, Commissioner Remlinger moved, duly seconded by Mayor Pro-Tem Jones to adopt Resolution No. 10-1021 selecting Brandt Engineers to provide engineering services for the City of Canyon’s participation in the TXCDBG Program and hereby authorize the Mayor and the City Manager to execute any and all documents to effectuate said engineering services contract. Motion carried unanimously.

RESOLUTION NO. 10-2021

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF CANYON, TEXAS, APPROVING THE NEGOTIATED SELECTION OF AN ENGINEERING FIRM TO PROVIDE SERVICES FOR THE 2021/2022 TXCDBG PROGRAM.

Item 16. Consider and Take Appropriate Action on Resolution No. 11-2021, A Resolution of the City Commission of the City of Canyon, Texas, Approving the Negotiated Selection of an Engineering Firm to Provide Services for the 2021 TXCDBD Downtown Revitalization (Main Street) Grant Program.

Assistant City Manager Jon Behrens presented Resolution No. 11-2021 for consideration. Mr. Behrens stated the City Commission approved an Interlocal agreement with the PRPC for contractual services associated with grand administration of the 2021 Main Street Community Development grant application with Resolution No. 07-2021 on February 1, 2021. Mr. Behrens stated Resolution No. 11-2021 would authorize the City Manager and PRPC to enter into a negotiated agreement for engineering services for the development of the 2021 Main Street Community Development granp application after submitted proposals were evaluated based on scoring criteria provided by the PRPC. Mr. Behrens stated four firms’ submitted proposals that were scored to provide engineering services.

Responding Engineer	Rank	Total Score
• Brandt Engineers	1 st	382
• Parkhill	2 nd	369
• Geospatial Data, Inc.	3 rd	342
• CONSOR	4 th	314

After discussion, Commissioner Remlinger moved, duly seconded by Mayor Pro-Tem Jones to adopt Resolution No. 11-1021 selecting Brandt Engineers to provide engineering services for the City of Canyon’s participation in the Main Street Program and hereby authorize the Mayor and the City Manager to execute any and all documents to effectuate said engineering services contract. Motion carried unanimously.

RESOLUTION NO. 11-2021

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF CANYON, TEXAS, APPROVING THE NEGOTIATED SELECTION OF AN ENGINEERING FIRM TO PROVIDE SERVICES FOR THE 2021 TXCDBG DOWNTOWN REVITALIZATION (MAIN STREET) GRANT PROGRAM.

Item 17. Consider and Take Appropriate Action on Bids Received for Sealcoating – 2021 Project.

Director of Public Works Dan Reese presented bids for the 2021 Sealcoating project. Mr. Reese stated the area to be sealcoated for 2021 was all streets and avenues between 14th and 19th streets. Mr. Reese stated they were trying a little different street surface treatment process known as micro-surfacing. Mr. Reese said this process is being tried to have a more presentable, cleaner project around the “business district”. The “chip seal” would be done on the rest of the streets. Mr. Reese stated different contractors provided the micro-surfacing so the regular sealcoating was being split into two projects with the micro-surface portion set to bid on March 9.

Mr. Reese stated four bids were received with Freeman Paving submitting the low bid of \$128,778. Mr. Reese stated the budget for sealcoating is \$375,000 and leave approximately \$245,000 to accomplish the micro-surfacing.

<u>BID TAB – SEALCOATING 2021</u>	<u>TOTAL BID</u>	<u>DAYS TO COMPLETE</u>
Freeman Paving	\$128,778.00	90 days
Lipham Asphalt	\$156,916.50	45 days
G&G Operators	\$156,967.20	90 days
Bryers Paving	\$190,125.00	12 days

After discussion, Commissioner Remlinger moved, duly seconded by Mayor Pro-Tem Jones to award the Sealcoat Bid to Freeman Paving with the low bid of \$128,778.00 as recommended by the City Engineer and Staff. Motion carried unanimously.

Item 18. Consider and Take Appropriate Action on Resolution No. 09-2021, A Resolution of the City of Canyon (“City”) Suspending the Effective Date of Southwestern Public Service Company’s Proposed Increase in Rates as Allowed by Statute; Declaring Temporary Rates; Authorizing the City’s Continued Participation with Other Cities in the Alliance of Xcel Municipalities (“AXM”) to Direct the Activities of Lawyers and Consultants; Authorizing the Hiring of Attorneys and Consultants; Authorizing the Intervention and Participation in Related Rate Proceedings; and Requiring Reimbursement of Reasonable Legal and Consultant Expenses.

City Manager Joe Price presented Resolution No. 09-2021 for consideration.

After discussion, Mayor Pro-Tem Jones moved, duly seconded by Commissioner Remlinger to adopt Resolution No. 09-2021 as presented. Motion carried unanimously.

RESOLUTION NO. 09-2021
A RESOLUTION BY THE CITY OF CANYON, TEXAS (“CITY”) SUSPENDING SOUTHWESTERN PUBLIC SERVICE COMPANY’S PROPOSED EFFECTIVE DATE IN CONNECTION WITH ITS STATEMENT OF INTENT SUBMITTED ON ABOUT FEBRUARY 9, 2021; APPROVING TEMPORARY RATES;

AUTHORIZING THE CITY'S CONTINUED PARTICIPATION WITH OTHER CITIES IN THE ALLIANCE OF XCEL MUNICIPALITIES ("AXM") TO DIRECT THE ACTIVITIES OF LAWYERS AND CONSULTANTS AND PARTICIPATION IN RELATED RATE PROCEEDINGS; AUTHORIZING THE HIRING OF ATTORNEYS AND CONSULTANTS; REQUIRING REIMBURSEMENT OF REASONABLE LEGAL AND CONSULTANT EXPENSES; REQUIRING PROOF OF NOTICE; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

Item 19. Consider and Take Appropriate Action on Authorization to Certify Incumbency of City Engineer in Connection with Inspection of Public Improvements in Subdivisions.

City Attorney Chuck Hester stated as required by Exhibit C of the Development Agreement structured by the City Development Review Team regulating development both with the city limits and the ETJ, is that the City Engineer perform inspections of public improvements. Mr. Hester stated the proposed Certificate of Incumbency would be used on a case-by-case basis as development agreements are negotiated and executed by the City of Canyon. Mr. Hester stated the standard terms of the development agreement make clear that in conducting inspections, the City Engineer assumes no responsibility for design or for latent defects. Mr. Hester said the Certificate is evidence of the current engineer authorized to act for the City and the fact that the engineer is entitled to official immunity while performing governmental functions.

After discussion, Commissioner Remlinger moved, duly seconded by Mayor Pro-Tem Jones to approve the authorization to Certificate on Incumbency of the City Engineer and to authorize the City Manager as the signatory on behalf of the city. Motion carried 4-1 with Commissioner Lyons voting against.

Item 20. Executive Session Pursuant to §551.074 Board Appointments (Planning and Zoning Commission), §551.087 Economic Development Negotiations, §551.071 Consultation with Attorney, and §551.072 Deliberations About Real Property. – Commission will move to City Hall at this Time.

Commissioners broke for dinner at 6:16 pm. After eating Commissioners moved to the Conference Room in City Hall at 301 16th Street as stated on the posted agenda at 6:51 pm

Item 21. Consider and Take Appropriate Action on Items Discussed in Executive Session.

Upon returning from Executive Session at 9:30 pm, the following action was taken.

Commissioner Remlinger moved, duly seconded by Mayor Pro-Tem Jones to appoint Jason Trice and Tonya Tyler to seats vacated by Bryant Coon and Charlie Munger on the Planning and Zoning Commission. Motion carried unanimously.

Item 22. Adjourn.

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

Gary Hinders, Mayor

ATTEST:

Gretchen Mercer, City Secretary