

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, IT Director Shaun Holtman, Director of Communications and Community Engagement Megan Nelson, Director of Public Works Dan Reese, Assistant Director of Public Works Chris Enriquez, Police Chief Steve Brush, Business and Community Development Director Evelyn Ecker, Canyon Economic Development Corporation Board President Don Lee, Director of Planning and Development Danny Cornelius, Utility Supervisor Eric Whitten, and City Attorney Chuck Hester.

Item 1. Call to Order.

Mayor Hinders called the meeting to order at 4:32 p.m.

Item 2. Invocation.

Commissioner Ray gave the invocation.

Item 3. Pledge of Allegiance.

The Pledge of Allegiance was led by Commissioner Remlinger.

Item 4. Approval of Minutes of the Meeting of March 15, 2021.

Mayor Pro-Tem Jones moved, duly seconded by Commissioner Remlinger to approve the minutes of March 15, 2021 as presented. Motion carried unanimously.

Item 5. Public Comment – Comments from Interested Citizens.

No comment made.

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 people 18 years old and up are now eligible to receive the COVID-19 vaccine. Mr. Price stated Family Medicine in Canyon and United Pharmacy had some vaccines available.

Item 7. Presentation of Proclamation for CASA.

Mayor Hinders presented a Proclamation proclaiming April 2021 as Canyon Child Abuse Prevention and Awareness Month. Representatives from CASA, The Bridge and Family Support Services were present to accept the proclamation.

- Item 8. Consider and Take Appropriate Action on Second and Final 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 its final reading. Mr. Lee stated Seneca Creek, LLC, located at 1519 4<sup>th</sup> 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.

After discussion, Commissioner Remlinger moved, duly seconded by Mayor Pro-Tem Jones to adopt Resolution No. 08-2021 as presented. Motion carried unanimously.

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 9. Conduct a Public Hearing and Consider and Take Appropriate Action on Ordinance No. 1135, An Ordinance of the City Commission of the City of Canyon, Texas, Rezoning Spring Canyon Unit No. 2, 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.

Planning and Development Director Danny Cornelius presented Ordinance No. 1135 for consideration. Mr. Cornelius stated an application for a change of zoning for the proposed Spring Canyon Unit No. 2 had been submitted by Daryl Furman, a representative of Canyon Capital Group, LLC. Mr. Cornelius said the zoning request was as follows:

- Lots 41-55 and Lots 1-31 of Block 4 and 2-4 of Block 5 – Zoned as SF-E (Single-Family Estate Residential District). Currently SF-A (Single-Family Agricultural Residential District)
- Lot 32 of Block 4 and Lot 1 of Block 5 – Zoned as RC-2 (Commercial District). Currently SF-A (Single-Family Agricultural Residential District)

Mr. Cornelius said 2 letters were sent out to property owners within 200' of the request with no response. Mr. Cornelius said the Canyon Planning and Zoning Commission approved the

requested unanimously to recommend approval to the City Commission. Mr. Cornelius said Dustin Davis and Davy Hamilton were present to answer any questions.

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

After discussion, Mayor Pro-Tem Jones moved, duly seconded by Commissioner Remlinger to approve the adoption of Ordinance No. 1135 as presented. Motion carried unanimously.

ORDINANCE NO. 1135  
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF CANYON, TEXAS, REZONING SPRING CANYON UNIT NO. 2, 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 10. Consider and Take Appropriate Action on a Plat for Spring Canyon Unit No. 2.

Planning and Development Director Danny Cornelius presented a Plat for Spring Canyon Unit No. 2. Mr. Cornelius stated the plat had a total of 51 lots including 49 single-family and 2 commercial lots. Mr. Cornelius said the Canyon Planning and Zoning Commission approved the plat unanimously to recommend approval to the City Commission.

After discussion, Commissioner Ray moved, duly seconded by Mayor Pro-Tem Jones approve the plat for Spring Canyon Unit No. 2 as presented. Motion carried unanimously.

Item 11. Consider and Take Appropriate Action on bids Received for Micro-surfacing.

Public Works Director Dan Reese presented bids received for Micro-Surfacing. Mr. Reese stated Micro-Surfacing is an alternative to chip seal sealcoating and is a thin layer of asphalt emulsion with a small aggregate blended in with additives creating a “single pass” application vs applying asphalt, followed by spreading rock, then rolling it all out. Mr. Reese stated with Micro-Surfacing being a cleaner production and more foot traffic friendly, the area to be Micro-Surfaced is the “central business district” of the streets and avenues between 14<sup>th</sup> and 19<sup>th</sup> Streets. The rest of the area will be getting normal chip sealcoating as awarded at the March 1, 2021 Commission Meeting.

Mr. Reese stated two bids were received and opened March 9, 2021.

<u>BID TAB – Micro-Surfacing 2021</u>	<u>TOTAL BID</u>
Intermountain Slurry Seal, Inc.	\$224,860.00
Viking Construction, Inc.	\$243,100.00

Mr. Reese said there wasn't a contractor that used this technology in the area. Mr. Reese stated Intermountain Slurry Seal, Inc. and worked for the City of Amarillo and other cities in the Panhandle before had good reviews. Mr. Reese said it was the recommendation of staff and the City Engineer to award the bid to the low bidder, Intermountain Slurry Seal, Inc. for the low bid of \$224,860.00.

After discussion, Mayor Pro-Tem Jones moved, duly seconded by Commissioner Remlinger to award the Micro-Surfacing Bid to Intermountain Slurry Seal, Inc. with the low bid of \$224,860.00 as recommended by the City Engineer and Staff. Motion carried unanimously.

Item 12. Consider and Take Appropriate Action on Resolution No. 16-2021, A Resolution of the City Commission of the City of Canyon, Texas, Amending the City of Canyon Personnel Policy Manual, Section 8.04, Holiday Leave, and Section 5.18, Use of City Vehicles.

City Secretary Gretchen Mercer presented Resolution No. 16-2021 for consideration. Ms. Mercer provided a listing of other entities holiday lists including WTAMU, CISD, Randall County, and various cities. Ms. Mercer said she felt it was appropriate for the City of Canyon to observe Martin Luther King Day, President's Day, Veterans Day, and Columbus Day, honoring the appropriate reasons for the holidays. Ms. Mercer also stated more and more entities close on these days, including many day cares if schools are closed.

Ms. Mercer stated the proposal to ban tobacco use of any kind in city owned vehicles was needed due to the trend of leasing vehicles instead of purchasing them. Ms. Mercer said it would keep the new vehicles valued higher as they were traded out through the lease program.

After discussion, Commissioner Lyons moved, duly seconded by Commissioner Ray to adopt Resolution No. 16-2021 Amending the City of Canyon Personnel Policy Manual, Section 8.04, adding Martin Luther King Day, Presidents Day and Veterans Day as observed holidays for eligible City of Canyon employees; and Section 5.18, prohibiting tobacco use, and vaping in city vehicles. Motion carried unanimously.

RESOLUTION NO. 16-2021

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF CANYON, TEXAS, AMENDING THE CITY OF CANYON PERSONNEL POLICY MANUAL, SECTION 8.04, HOLIDAY LEAVE, AND SECTION 5.18, USE OF CITY VEHICLES

Item 13. Consider and Take Appropriate Action on Proposal to Recodify the Existing Code of Ordinances for the City of Canyon from Franklin Legal Publishing.

City Secretary Gretchen Mercer presented a proposal from Franklin Legal Publishing to recodify the City of Canyon Code of Ordinances. Ms. Mercer said Franklin Legal Publishing has been maintaining the Code of Ordinances for Canyon since 2009. Ms. Mercer said she had visited with Mr. Franklin and felt it was time to clean the current Code of Ordinances up removing anything that

conflicts and create a more organized Code of Ordinances and user friendly interactive website experience. Ms. Mercer stated the recodification would provide for a complete legal review of the code by Texas-licensed attorneys and the final codification would be brought before the City Commission for approval. Ms. Mercer said the total for recodification services is \$7450.00.

After discussion Commissioner Remlinger moved, duly seconded by Mayor Pro-Tem Jones to approve staff moving forward with the process to recodify the existing City of Canyon Code of Ordinances. Motion carried unanimously.

Item 14. Consider and Take Appropriate Action on Resolution No. 18-2021, A Resolution of the City Commission of the City of Canyon, Texas, Authorizing the Submission of a Texas Community Development Block Grant Program Application to the Texas Department of Agriculture for the Community Development Fund; and Authorizing the Mayor and City Manager to Act as the City's Executive Officer and Authorized Representative in all Matters Pertaining to the City's Participation in the Community Development Block Grant Program.

Assistant City Manager Jon Behrens presented Resolution No. 18-2021 for consideration. Mr. Behrens stated this Resolution was part of the 2021/2022 TXCDBG Program grant application being processed by the PRPC for the 6<sup>th</sup>, 7<sup>th</sup>, and 8<sup>th</sup> Avenue water lines replacement. Mr. Behrens said it has been recommended to expand the project and also replace the sewer lines due to the location of both sets of lines and both of their ages. Mr. Behrens said the total cost for replacement of both lines is \$723,975 with the grant covering \$350,000. Resolution No. 18-2021 would authorize the submission of the grant and authorize the Mayor and City Manager to act as the City's Executive Officer and Authorized Representative in all matters pertaining to the grant.

After discussion Commissioner Remlinger moved, duly seconded by Commissioner Ray to adopt Resolution No. 18-2021 as presented. Motion carried unanimously.

RESOLUTION NO. 18-2021

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF CANYON, TEXAS, AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE FOR THE COMMUNITY DEVELOPMENT FUND; AND AUTHORIZING THE MAYOR AND CITY MANAGER TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE COMMUNITY BLOCK GRANT PROGRAM.

Item 15. Consider and Take Appropriate Action on Resolution No. 19-2021, A Resolution of the City Commission of the City of Canyon, Texas, Authorizing the Submission of a Texas Community Development Block Grant Program Application to the Texas Department of Agriculture for the Downtown Revitalization (Main Street) Program and Authorizing the Mayor and City Manager to Act as the City's Executive Officer and Authorized

Representative in all Matters Pertaining to the City's Participation in the Community Development Block Grant Program.

Assistant City Manager Jon Behrens presented Resolution No. 19-2021 for consideration. Mr. Behrens stated this Resolution was part of the CDBG Downtown Revitalization (Main Street) grant and would authorize the submission of the grant for improvements to downtown Canyon and authorize the Mayor and City Manager to act as the City's Executive Officer and Authorized Representative in all matters pertaining to the grant. Mr. Behrens said the improvements would be made in the alley on the east side of the square and include replacement of water and sewer lines, moving above ground utilities to underground and for the construction of a concrete alleyway. Mr. Behrens said the estimated cost for the project was still being determined but the grant would cover \$350,000 of the project cost.

After discussion, Commissioner Ray moved, duly seconded by Mayor Pro-Tem Jones to adopt Resolution No. 19-2021 as presented. Motion carried unanimously.

RESOLUTION NO. 19-2021

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF CANYON, TEXAS, AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE FOR THE DOWNTOWN REVITALIZATION (MAIN STREET) PROGRAM AND AUTHORIZING THE MAYOR AND CITY MANAGER TO ACT AS THE CITY'S AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

- Item 16. Consider and Take Appropriate Action on Resolution No. 20-2021, A Resolution of the City Commission of the City of Canyon, Determining That an Area of the City Contains Conditions Which are Detrimental to the Public Health, Safety, and Welfare of the Community and Constitutes a Slum/Blighted Area.

Assistant City Manager Jon Behrens presented Resolution No. 20-2021 for consideration. Mr. Behrens said along with applying for a TXCDBG grant, there has to be a classification of the area as a slum or blighted area. Mr. Behrens stated Resolution No. 20-201 would meet this qualification for the grant.

After discussion, Mayor Pro-Tem Jones moved, duly seconded by Commissioner Remlinger to adopt Resolution No. 20-2021 as presented. Motion carried unanimously.

RESOLUTION NO. 20-2021

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF CANYON, TEXAS, AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE FOR THE DOWNTOWN REVITALIZATION

(MAIN STREET) PROGRAM AND AUTHORIZING THE MAYOR AND CITY MANAGER TO ACT AS THE CITY'S AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

Item 17. Consider and Take Appropriate Action on Ordinance Regarding Pro-Rata Fees.

City Manager Joe Price presented a draft Ordinance and information for the consideration of Pro-Rata Fees. Mr. Price stated there is currently an Ordinance related to Pro-Rata Fees in the City of Canyon Code of Ordinances with only a single sentence referencing "Costs Divided Proportionately" that was passed in 1979. Mr. Price said the Ordinance does not provide adequate processes or structure for the performance of a Pro-Rata Agreement. Mr. Price said the draft Ordinance presented would amend and expand the current Ordinance with a Pro-Rata Fee structure that would be used by future landowners and developers that borne the costs of extending utilities to their subdivision development in an effort to receive some compensation for others tapping into their line at a later date. Mr. Price said this would benefit CISD at this time with their new lines going to the new school in Spring Canyon and once this Ordinance was adopted, the City Attorney would draft a Pro-Rata Agreement between the City of Canyon and CISD.

No action requested.

Item 18. Executive Session Pursuant to §551.087 Deliberation on Economic Development Negotiations, §551.074 Personnel Matters (City Engineer, City Manager) §551.071 Consultation with Attorney, and §551.072 Deliberations About Real Property

Mayor Hinders indicated the Commission would adjourn into Executive Session at 5:50 pm.

Item 19. Consider and Take Appropriate Action on Items Discussed in Executive Session.

Upon returning from Executive Session at 9:08 pm, no action was taken.

Item 20. Adjourn.

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

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Gary Hinders, Mayor

ATTEST:

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Gretchen Mercer, City Secretary