

The City Commission of the City of Canyon met in regular session at 5:30 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 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, City Secretary Gretchen Mercer, Assistant City Manager for Special Projects Jon Behrens, Librarian Sandra Munger, Public Works Director Dan Reese, Fire Chief Mike Webb, Chief of Police Dale Davis, Business and Community Development Director Evelyn Ecker, Safety Director Tony Lawson, Utility Superintendent Eric Whitten, Parks Director Brian Noel, Planning and Development Director Danny Cornelius, Golf Course Manager John Haun, Code Enforcement Inspector Stan Barnard, and City Attorney Chuck Hester.

Item 1. Call to Order.

Mayor Hinders called the meeting to order at 5:35 p.m.

Item 2. Invocation.

Mayor Pro-Tem Richardson gave the invocation.

Item 3. Pledge of Allegiance.

The Pledge of Allegiance was led by Commissioner Jones.

Item 4. Approval of Minutes of the Meeting of August 6, 2018.

Mayor Pro-Tem Richardson moved, duly seconded by Commissioner Jones, to approve the minutes of August 6, 2018 as presented. Motion carried unanimously.

Item 5. Public Comment – Comments from Interested Citizens.

No Public Comment was made.

Item 6. Consider and Take Appropriate Action on Request from Wal-Mart to Change Building Exterior.

City Manager Randy Criswell explained that recently Wal-Mart Supercenter painted the outside of the building. Mr. Criswell stated with all the controversy over Wal-Mart building a Supercenter at their current location, Wal-Mart agreed and signed a Developer's Agreement that stipulates they would obtain City approval before making any changes to the appearance of the exterior of the building. The original color scheme and exterior was designed to match the area landscape. Mr. Criswell stated there have been no complaints about the new colors. Chris Evert with SGA Design Group was present to represent Wal-Mart. Mr. Evert apologized and stated the City of Canyon Planning and Development Department had been contacted to see if any permits were required, but since no one was aware of the Developer's Agreement, there was no question about the painting of the building. Mr. Evert stated the new colors are the corporate colors and Wal-Mart

wishes to have all stores painted the same. Mayor Hinders expressed he personally would like to see the original colors. Commissioner Jones asked what it would cost to restore the original colors, Mr. Evert answered \$85 to \$95 thousand dollars. Commissioners asked if permission had to be granted every time there was a change. Mr. Criswell stated yes, any changes to the exterior would require approval by the City Commission as written in the Developers Agreement which carried a continuing obligation from Wal-Mart. City Attorney Chuck Hester confirmed this. A short discussion was held with staff regarding the ability for future knowledge of the Developers Agreement.

Commissioner Remlinger moved, duly seconded by Commissioner Lyons to approve the exterior paint color changes as done. Motion carried unanimously.

Item 7. Conduct a Public Hearing and Consider and Take Appropriate Action on Ordinance No. 1083, an Ordinance Amending the Code of Ordinances of the City of Canyon, Chapter 156, Zoning Code, by Amending Table 1-1, Summary Use Chart, to Add Shelter as Allowed by Specific Use Permit in RC-1, RC-2, I-1, I-2, and PD Zoning Districts; Amending Section A.02 Terms to Add Shelter.

Planning and Development Director Danny Cornelius presented Ordinance No. 1083 for consideration. Mr. Cornelius stated currently the Zoning Ordinance does not list Shelter as an allowed use and the Planning and Zoning Commission had been discussing the need to add Shelters for 3 months. Mr. Cornelius stated this Ordinance simply establishes the allowable use of shelters as defined as an organization providing temporary boarding or lodging or both on its premises primarily to indigent, needy, homeless or transient persons. The Shelters would be allowed by Specific Use Permit. Mr. Cornelius stated the Canyon Planning and Zoning Commission voted unanimously to recommend adoption of Ordinance No. 1083 to the City Commission.

Mayor Hinders opened the Public Hearing. There being no comment, Mayor Hinders closed the Public Hearing.

After discussion, Mayor Pro-Tem Richardson moved, duly seconded by Commissioner Jones to adopt Ordinance No. 1083 as recommended by the Canyon Planning and Zoning Commission. Motion carried unanimously.

ORDINANCE NO. 1083
Shelters

AN ORDINANCE OF THE CITY OF CANYON, TEXAS, AMENDING CHAPTER 156, ZONING CODE OF THE CITY OF CANYON CODE OF ORDINANCES, BY AMENDING TABLE 1-1, SUMMARY USE CHART TO ADD SHELTER AS ALLOWED WITH A SPECIFIC USE PERMIT IN RC-1, RC-2, I-1, I-2, AND PD ZONING DISTRICTS; AMENDING SECTION A.02 TERMS TO ADD SHELTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR AN EFFECTIVE DATE.

Item 8. Conduct a 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, by Adding Section 155.09, Abandonment of Public Right-of-Way.

Planning and Development Director Danny Cornelius presented Ordinance No. 1084 for consideration. Mr. Cornelius stated this Ordinance was last considered May 21, 2018 and changes had been made as requested by the City Commission. Mr. Cornelius said changes were made to raise the application fee from \$250 to \$500 and submittal language changed as recommended. Mr. Cornelius stated this would adopt procedures to abandon public right-of-ways including streets, alleys, or easements as occasional requested by property owners. City Attorney Chuck Hester responded to Mayor Hinders questions about the appraisal requirement saying this would create a process for property owners to initiate the request and allow the City of Canyon to track what property is being given up; adding it is illegal for a City to give public property away. Mr. Cornelius stated the Canyon Planning and Zoning Commission voted unanimously to recommend adoption of Ordinance No. 1084 to the City Commission.

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 Ordinance No. 1084 as recommended by the Canyon Planning and Zoning Commission. Motion carried 4-1 with Commissioner Lyons voting against.

ORDINANCE NO. 1084

Abandonment of Public Right-of-Way

AN ORDINANCE OF THE CITY OF CANYON, TEXAS, AMENDING CHAPTER 155, SUBDIVISIONS, OF THE CITY OF CANYON CODE OF ORDINANCES, BY ADDING SECTION 155.09 ABANDONMENT OF PUBLIC RIGHT-OF-WAY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR AN EFFECTIVE DATE.

Item 9. Consider and Take Appropriate Action on Resolution No. 13-2018, Approving a Negotiated Settlement Between AXM and SPS Pertaining to a Rate Increase Filed in August 2017.

City Manager Randy Criswell presented Resolution No. 13-2018 for consideration. Mr. Criswell stated a rate case had been filed by SPS in August of 2017 for original increase of \$81 million. Mr. Criswell stated through the negotiation process and affected by a change in the Tax Cut and Jobs Act of 2017 which reduced federal corporate income tax, the rate increase eventually dropped to zero and was agreed upon at no increase to Base Rates for cities.

After discussion Mayor Pro-Tem Richardson moved, duly seconded by Commissioner Remlinger to adopt Resolution No. 13-2018 as presented. Motion carried unanimously.

RESOLUTION NO. 13-2018

A RESOLUTION OF THE CITY OF CANYON APPROVING A SETTLEMENT AGREEMENT BETWEEN THE ALLIANCE OF XCEL MUNICIPALITIES ("AXM") AND SOUTHWESTERN PUBLIC SERVICE COMPANY ("SPS" OR "COMPANY") REGARDING THE COMPANY'S STATEMENT OF INTENT TO CHANGE ELECTRIC RATES IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; REQUIRING REIMBURSEMENT OF THE CITY'S RATE CASE EXPENSES; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETING ACT; REPEALING ANY PRIOR RESOLUTIONS INCONSISTENT WITH THIS RESOLUTION AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.

Item 10. Budget Work Session.

City Manager Randy Criswell stated as discussed at the August 6, 2018 meeting, the budget had been adjusted to support one new school resource officer as requested by CISD. Mr. Criswell said the budget was balanced with approximately \$82,000 in contingencies. Mayor Hinders expressed his appreciation to the fire fighters for their service with all the wild fires locally and across the country. Mayor Hinders expressed the desire for the Fire Department and City of Canyon employees Christmas parties to be funded as a way of showing appreciation to all from the City Commission. Commissioner Remlinger said the Canyon Chamber of Commerce would like to contribute \$1,000 towards the proposed \$5,000 for the events. All Commissioners were in agreement.

Item 11. Conduct Second Public Hearing on Proposed Tax Rate for Fiscal Year 2018-2019.

Assistant City Manager Chris Sharp stated pursuant to the Texas Truth in Taxation Laws, the City of Canyon is required to hold two public hearings if adopting a tax rate higher than the effective tax rate. With the effective rate at \$0.43886/\$100 valuation, and the proposed total rate of \$0.44743/\$100 valuation (consisting of \$0.39083 M&O plus \$0.0566 I&S), the public hearings are required.

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

This is the second and final required public hearing, no action required.

Item 12. Executive Session Pursuant to §551.071, Consultation with Attorney. And §551.074 Personnel Matters – Personnel Matters (City Manager).

Mayor Hinders indicated the Commission would adjourn into Executive Session at 6:32 pm.

Item 13. Consider and Take Appropriate Action on Items Discussed in Executive Session.

Upon returning from Executive Session at 7:55 pm, no action was taken.

Item 14. Adjourn.

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

Gary Hinders, Mayor

ATTEST:

Gretchen Mercer, City Secretary