

The City Commission of the City of Canyon met 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, Paul Lyons, Kelsey Ward and Randy Ray. Commissioner Ward arrived at 4:38 pm after approval of the minutes.

Also present were the following City Staff: City Manager Joe Price, Assistant City Manager Jon Behrens, Planning and Development Director Lucas Raley, Planning and Development Building Official Craig Brown, Planning and Development Building Inspector Stan Barnard, Director of Public Works Dan Reese, Assistant Public Works Director Chris Enriquez, Public Works Office Manager Sarah Jusiak, Finance Director Joel Wright, Purchasing Manager Beau Boyer, Billing Manager Lee Porter, Communications Director Megan Nelson, HR Director Hector Mendoza, Fire Chief Dennis Gwyn, Chief of Police Steve Brush, Water Superintendent Eric Whitten, Business and Community Development Director Stephanie Tucker, Business and Community Development Admin Assistant Brittney Bates, City Engineer Adolfo Garcia, and City Attorney Chuck Hester.

Item 1. Call to Order.

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

Item 2. Invocation.

Commissioner Ray gave the invocation.

Item 3. Pledge of Allegiance.

The Pledge of Allegiance was led by Mayor Pro-Tem Jones.

Item 4. Approval of the Minutes of the Meeting of February 13, 2023.

Mayor Pro-Tem Jones moved, duly seconded by Commissioner Ray to approve the minutes of February 13, 2023 as presented. Motion carried unanimously.

Item 5. Public Comment – Comments from Interested Citizens

No public Comment was made.

NOTE* with the interest in Item 15, Mayor Hinders moved to Item 15.

Item 15. Consider and Take Appropriate Action on the Final Draft of Sub-Division Regulations.

Planning and Development Director Lucas Raley presented the final draft of the proposed Subdivision Regulations as prepared by Freese and Nichols, LLC in partnership with City of Canyon staff. Mr. Raley said this was the first update of Subdivision Regulations since 1970. Mr. Raley said public stakeholder meetings were held in March and December of 2022 for review and comments on the first draft with the final document submitted to the City Commission February 2023. Mr. Raley stated stakeholders spoke on the document and requested another month to review it and submit comments. Mr. Raley said all comments received a response from City Staff

and the document was updated and submitted again. Mr. Raley stated the final draft would create a clear and thorough guide for the city and developers to follow in the City of Canyon along with the accompanying development manual that outlines the details of the development process making it more efficient and straight-forward for everyone.

Mayor Hinders expressed appreciation to Mr. Raley and Mr. Davis for their comments and for working together on the Sub-division Regulations.

Mayor Hinders opened the public hearing.

Ty Roberts of Diamond R, PO Box 755, Canyon, Texas. – Mr. Roberts spoke to difficulty and developer expense of required traffic study and putting utilities underground vs overhead. Mr. Roberts asked for another month to consider regulations with another round-table discussion.

Dustin Davis of GDI, 3501 S. Georgia, Amarillo, Texas – Mr. Davis voiced concern with developer expense and time constraints of traffic analysis, stub out of streets, and block perimeter length.

Jeff Hamilton, Developer Spring Canyon Development, 17351 White Wing Road, Canyon, Texas – Mr. Hamilton submitted 59 points on the draft Subdivision Regulations and was concerned the City of Canyon “disagreed” with many of them. Mr. Hamilton also expressed concern of developer expense and requested another round-table meeting.

Davy Hamilton, 10554 FM 2219, Amarillo, Texas – Mr. Hamilton said easements had been addressed, voiced frustration with process and hoped for better communication with revisions, voiced concern over difficulty and expense for developers with underground vs overhead power and traffic study, requested clarification on 5.06 D(2-3).

J.T. Laramore, Amarillo Building Association, 30400 S. Soncy, Canyon, Texas – Mr. Laramore said 50 development bills were going through legislation in May providing a standardized review process.

Commissioner Lyons commented there are too many issues that have not been discussed and felt a committee should be formed to discuss all the issues.

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

After discussion, Commissioner Lyons moved to form a committee to review the Sub-Division Regulations and bring it back to the commission for approval and to name himself as the Committee Chair. Motion died due to lack of a second.

Commissioner Ward moved, duly seconded by Commissioner Ray to table consideration of the Sub-Division Regulations and bring it back for consideration April 17, 2023.

Mayor Pro-Tem Jones discussed the need for a committee so that the Commission wouldn't be in the exact same position April 17, 2023. Commissioner Lyons stated the Commission should decide everything disagreed on.

With a motion on the table, Motion carried 3-2 with Mayor Pro-Tem Jones and Commissioner Lyons voting no.

Mayor Hinders moved, duly seconded by Mayor Pro-Tem Jones to appoint a committee to consider issues with the Sub-division Regulations and to appoint Commissioner Lyons as an elected official representative. Motion carried 3-2 with Commissioner Ward and Commissioner Ray voting no.

NOTE* Mayor Hinders moved to Item 6.

Item 6. Consider and Take Appropriate Action on the Audit of the Financial Statements of the Canyon Economic Development Corporation for the Year Ended September 30, 2022 as Presented by Doshier, Pickens & Francis.

Finance Director Joel Wright introduced John Merris of Doshier, Pickens & Francis and they presented the 2022 Audit for the Canyon Economic Development Corporation for approval. Mr. Merriss reported the CEDC was doing good and received a clean audit for 2021-2022.

After discussion, Mayor Pro-Tem Jones moved, duly seconded by Commissioner Ray to approve the 2022 audit of the financial statements for the Canyon Economic Development Corporation as of and for the Year Ended September 30, 2022. Motion carried unanimously.

Item 7. Consider and Take Appropriate Action on Audit of the Financial Statements of the city of Canyon as of and for the Year Ended September 30, 2022 as Presented by the Finance Director and Doshier, Pickens & Francis.

Finance Director Joel Wright introduced John Merris of Doshier, Pickens & Francis and they presented the 2022 Audit for the City of Canyon for approval. Mr. Merriss reported the City of Canyon received a clean audit for 2021-2022 and commended the Finance Department for a doing a great job keeping the financial records for the City of Canyon in great order.

After discussion, Mayor Pro-Tem Jones moved, duly seconded by Commissioner Ward to approve the 2022 audit of the financial statements for the City of Canyon as of and for the Year Ended September 30, 2022. Motion carried unanimously.

Item 8. Consider and Take Appropriate Action on Engagement of an Auditor for City of Canyon's Financial Statement Audit for Fiscal Year Ending September 30, 2023.

Director of Finance Joel Wright recommended the appointment of Doshier, Pickens & Francis as the City of Canyon's Auditor for FY 2022-2023. Mr. Wright stated he had worked with the firm over the years and felt they provided a great service. Mr. Wright said they were available anytime needed to talk through questions or issues providing answers backed by professional experience. Mr. Wright stated Doshier, Pickens & Francis specialize in governmental audits.

After discussion, Mayor Pro-Tem Jones moved, duly seconded by Commissioner Ward to engage Doshier, Pickens & Francis to perform an audit of the City of Canyon's financial statements as of and for the year ended September 30, 2023. Motion carried unanimously.

Item 9. Consider and Take Appropriate Action on Second and Final Reading of Resolution No. 08-2023, A Resolution of the City Commission of the City of Canyon Approving A Project Funding Agreement Between Canyon Physical Therapy and Canyon Economic Development Corporation Relating to Direct Financial Assistance and Job Creation.

Canyon Economic Development Director Stephanie Tucker presented Resolution No. 08-2023 for the first of 2 required readings. Ms. Tucker stated Canyon Physical Therapy made a request for \$20,000 project funding for Direct Financial Assistance and Job Creation. Ms. Tucker said a Public Hearing was held February 9, 2023 with no opposition.

After discussion, Commissioner Ray moved, duly seconded by Mayor Pro-Tem Jones to adopt Resolution No. 08-2023 as presented. Motion carried unanimously.

RESOLUTION NO. 08-2023

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF CANYON APPROVING PROJECT FUNDING AGREEMENT BETWEEN CANYON PHYSICAL THERAPY AND CANYON ECONOMIC DEVELOPMENT CORPORATION RELATING TO DIRECT FINANCIAL ASSISTANCE AND JOB CREATION IN CANYON.

Item 10. Consider and Take Appropriate Action on Utility Rate Study Report – Presentation for Decision.

Director of Finance Joel Wright presented the Utility Rate Study for final approval. Mr. Wright stated the Rate Study was provided to the Commission in the January 9, 2023 agenda packet and discussed as well as made available to the public by posting it prominently on the home page of the City of Canyon website and conducting a public forum that all account holders were invited to by mailed notification, social media, and a press release. Mr. Wright directed the Commissioners to a list of comments submitted by citizens included in the agenda packet.

After discussion, Mayor Hinders moved, duly seconded by Commissioner Ward, to approve the water rates proposed in Scenario 2 of the Water, Wastewater and Municipal Waste cost of service and Rate Design Report, as modified for a 10% increase to the volumetric rate for Residential/Commercial Tiers 4, 5, and 6, to be spread evenly over five years, to provide for a 10% increase to the Education Rate to be spread evenly over five years, and for the proposed rate changes for Commercial Solid Waste services be adopted for implementation effective October 1, 2023. Motion carried 3-2 with Mayor Pro-Tem Jones and Commissioner Lyons voting no.

Item 11. Consider and Take Appropriate on Resolution No. 11-2023, A Resolution of the City Commission of the city of Canyon, Texas, Canceling the May 6, 2023 General Election of the City of Canyon, Texas, As Permitted Under Section 2.051 of the Texas Election Code.

City Manager Joe Price presented the City Commission with a Certification of Unopposed Candidates certifying that Canyon Commission Places 1-5 are all unopposed for the May 6, 2023 General Election. Mr. Price stated this meant the May 6, 2023 General Election must be canceled as provided by Senate Bill 1, Second Called Session 2021. Adoption of Resolution No. 11-2023 would cancel the election.

After discussion, Commissioner Ray moved, duly seconded by Mayor Pro-Tem Jones to adopt Resolution No. 11-2023 canceling the May 6, 2023 General Election. Motion carried unanimously.

RESOLUTION NO. 11-2023

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF CANYON, TEXAS, CANCELING THE MAY 6, 2023 GENERAL ELECTION OF THE CITY OF CANYON, TEXAS, AS PERMITTED UNDER SECTION 2.051 OF THE TEXAS ELECTION CODE.

- Item 12. Consider and Take Appropriate Action on Ordinance No. 1170, An Ordinance of the City of Canyon, Texas, Adopting and Enacting a New Code of Ordinances; Providing for the Repeal of Certain Ordinances Not Included Therein; Providing a Penalty for the Violation Thereof Not Exceeding \$500 Generally or Not Exceeding \$2,000 for Violations Relating to Fire Safety, Zoning or Public Health and Sanitation or Not Exceeding \$4,000 for Violations Relating to Dumping of Refuse; Providing for Amendment of Such Code; and Providing When Such Code and This Ordinance Shall Become Effective.

City Manager Joe Price presented Ordinance No. 1170 for consideration. Mr. Price stated City Secretary Gretchen Mercer had been working closely with former Planning and Development Director Danny Cornelius, Planning and Development Director Lucas Raley and all departments for two years to cleanup and update the formatting of the City of Canyon Codification through Franklin Legal Publishing. Mr. Price stated with the cleanup anything that conflicted with State Law was removed and that the Charter had no changes. Mr. Price said the new format would be much more user friendly especially for use on the city website.

After discussion Mayor Pro-Tem Jones moved, duly seconded by Commissioner Ray to adopt Ordinance No. 1170 adopting the updated City of Canyon Code of Ordinances. Motion carried unanimously.

ORDINANCE NO. 1170

AN ORDINANCE OF THE CITY OF CANYON, TEXAS, ADOPTING AND ENACTING A NEW CODE OF ORDINANCES; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF NOT EXCEEDING \$500 GENERALLY OR NOT EXCEEDING \$2,000 FOR VIOLATIONS RELATING TO FIRE SAFETY, ZONING OR PUBLIC HEALTH AND

SANITATION OR NOT EXCEEDING \$4,000 FOR VIOLATIONS RELATING TO DUMPING OF REFUSE; PROVIDING FOR THE AMENDMENT OF SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

- Item 13. Conduct a Public Hearing and Consider and Take Appropriate Action on Ordinance No. 1171, An Ordinance of the City Commission of the City of Canyon, Texas, Rezoning the Property at 1719 2nd Ave, Otherwise Described as Lot 012 Block 16, Original Town 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. Zoning Request is From SF-S (Single-Family Suburban Residential District) to MF (Multi-Family Attached Residential District).

Director of Planning and Development Lucas Raley presented Ordinance No. 1171 for consideration. Mr. Raley stated the application for change in zoning at 1719 2nd Ave from SF-S (Single-Family Suburban Residential District) to MF (Multi-Family Attached Residential District) was received from Kelby Hartman representing HPS, LLC. Mr. Raley said 14 letters were sent out to property owners within 200' with two responses received in support of the requested zoning change. Mr. Raley said the Planning and Zoning Commission voted unanimously in support of the rezoning request.

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

After discussion, Commissioner Ward moved, duly seconded by Mayor Pro-Tem Jones to adopt Ordinance No. 1171, rezoning 1719 2nd Avenue to Multi-Family. Motion carried unanimously.

ORDINANCE NO. 1171

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF CANYON, TEXAS, REZONING THE PROPERTY AT 1719 2ND AVE, OTHERWISE DESCRIBED AS LOT 012 BLOCK 16, ORIGINAL TOWN OF CANYON, 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 14. Consider and Take Appropriate Action on Resolution No. 10-2023, A Resolution by the City of Canyon, Texas ("CITY") Denying Southwestern Public Service Company's Proposed Rate Increase in Connection with Its Statement of Intent Submitted on About February 8, 2023; Authorizing the City's Continued Participation With Other Cities in the Alliance of Xcel Municipalities ("AXM") and Participation in Related Rate

Proceedings; Authorizing the Hiring of Attorneys and Consultants; Requiring Reimbursement of Reasonable Legal and Consultant Expenses; Finding That the Meeting Complies with the Open Meetings Act; Making Other Findings and Provisions Related to the Subject.

City Manager Joe Price presented Resolution No. 10-2023 for consideration.

After discussion, Mayor Pro-Tem Jones moved, duly seconded by Commissioner Ray to approve Resolution No. 10-2023 as presented. Motion carried unanimously.

RESOLUTION NO. 10-2023

A RESOLUTION BY THE CITY OF CANYON, TEXAS ("CITY") DENYING SOUTHWESTERN PUBLIC SERVICE COMPANY'S PROPOSED RATE INCREASE REQUEST IN CONNECTION WITH ITS STATEMENT OF INTENT SUBMITTED ON ABOUT FEBRUARY 8, 2023; AUTHORIZING THE CITY'S CONTINUED PARTICIPATION WITH OTHER CITIES IN THE ALLIANCE OF XCEL MUNICIPALITIES ("AXM") AND PARTICIPATION IN RELATED RATE PROCEEDINGS; AUTHORIZING THE HIRING OF ATTORNEYS AND CONSULTANTS; REQUIRING REIMBURSEMENT OF REASONABLE LEGAL AND CONSULTANT EXPENSE; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

ITEM 15 was address at the beginning of the meeting.

Item 16. Consider and Take Appropriate Action on Authorization of the City Manager to Enter Into a Contract with Freese & Nichols for the Completion of a Capital Recovery Fee Study.

Assistant City Manager Jon Behrens presented information requesting to enter into a contract with Freese & Nichols for the completion of a Capital Recovery Fee Study. Mr. Behrens stated August 15, 2022, the City Commission authorized City Manager Joe Price to move forward with the study and send out an RFQ. Mr. Behrens said RFQ's were sent out to 8 firms and that Freese and Nichols were the only ones to respond. Mr. Behrens said the need for this study had been discussed several times since 2018 and it will provide a clear picture of what the actual cost of development is to the City of Canyon and developers. Mr. Behrens said the study would include a parkland dedication ordinance along with a few other recommendations that would be brought back to the Commission for consideration. Mr. Behrens said the study is done following State Law.

After discussion, Commissioner Ray moved, duly seconded by Mayor Pro-Tem Jones to authorize City Manager Joe Price to sign the contract with Freese and Nichols for the completion of a Capital Recovery Fee Study. Motion carried 4-1 with Commissioner Lyons voting no.

Item 17. Consider Meeting Dates for the Month of May 2023.

City Manager Joe Price presented a proposed calendar for May 2023 meeting dates. Mr. Price said the Commission could not be sworn in until after the official canvassing period which ends May 17, 2023. Mr. Price said it was proposed to meet May 18, 2023 beginning with lunch at 1, moving to an open meetings and conflict of interest training presented by Slater Elza of Underwood Law Firm, and after a break, move to the Commission meeting beginning at 4:30 pm and swearing the Commission in to take their seat.

After discussion, Commissioners agreed they could meet on May 18, 2023 beginning at 1 pm.

Item 18. Executive Session Pursuant to §551.071 Consultation with Attorney, §551.087 Economic Development and §551.074 Board Appointments (Canyon Main Street Advisory Board, and Construction Advisory and Appeals Board).

Mayor Hinders indicated the City Commission would adjourn into Executive Session at 7:45 pm.

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

Upon returning from Executive Session at 8:38 pm with the following action taken.

Mayor Pro-Tem Jones moved, duly seconded by Commissioner Ward to appoint Edward Flores to replace expired seat of Joe Paulk for three year term to the Construction Advisory and Appeals Board. Motion carried unanimously.

Commissioner Ward moved, duly seconded by Mayor Pro-Tem Jones to appoint Claudia Burkett to fulfill the seat vacated by Kelsey Ward on the Canyon Main Street Advisory Board. Motion carried unanimously.

Item 20. Adjourn.

There being no further business, Mayor Pro-Tem Jones moved this meeting be adjourned at 8:39 pm.

Gary Hinders, Mayor

ATTEST:

Gretchen Mercer, City Secretary