

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, Robyn Cranmer Paul Lyons and Commissioner Danny Potter.

Also present were the following City Staff: City Manager Joe Price, Assistant City Manager Jon Behrens, City Secretary Gretchen Mercer, Director of Public Works Dan Reese, Assistant Director of Public Works Chris Enriquez, Planning and Development Director Lucas Raley, Communications Director Megan Nelson, Economic Development Director Stephanie Tucker, Finance Director Joel Wright, Purchasing Manager Beau Boyer, Chief of Police Steven Brush, Police Captain Matt Coggins, Municipal Court Judge Jennifer Cates, Fire Chief Dennis Gwyn, Assistant Fire Chief Vince Whitfill, Parks Director Brian Noel, Water Superintendent Eric Whitten, City Engineer Adolfo Garcia, and City Attorney Chuck Hester.

Item 1. Call to Order.

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

Item 2. Invocation.

Commissioner Cranmer 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 August 28, 2023.

Mayor Pro-Tem Jones moved, duly seconded by Commissioner Cranmer to approve the minutes of August 28, 2023 as presented. Motion carried unanimously.

Item 5. Public Comment – Comments from Interested Citizens.

No comments were made.

Item 6. Update and Consider and Take Appropriate Action on Repairs at Brown Road Railroad Crossing, Quiet Zone, and Future of Brown Road.

A brief update was given over the status of Brown Road Railroad crossing. City Manager Joe Price stated the city had \$250,000 budgeted to go towards the repairs and widening of the crossing and would be making “an ask” to BNSF to participate in the costs of widening the actual track area. Discussion was held on possibilities of weight limiting or restricting trucks with over so many axles.

Police Chief Steven Brush said Transportation does not allow weight limits, could consider restricting truck traffic on 4th Ave. Chief Brush said TxDOT does not allow overweight trucks on Brown Road.

Mayor Hinders reported he had been in communication with Randall County and they changed the amount to be approved for Brown Road services from Freese and Nichols from \$130,000 to \$150,000. The widening of Brown Road crossing to accommodate a quiet zone was discussed with Mayor Hinders stating he felt widening for the quiet zone would also benefit the future use of the road as traffic increases over the years.

Mayor Pro-Tem Jones asked if Randall County was agreeable to the widening of Brown Road and the quiet zone. City Attorney Chuck Hester said he had emailed Richard Gore with Randall County.

Commissioner Cranmer stated she thought it would be a good idea to do a study to find out the average weight, size, and use of semi's using Brown Road.

Mr. Price asked if the Commissioners were ok with staff looking into ways to limit use of Brown Road. Commissioner Lyons responded no, he felt there were already too many rules and regulations and we didn't need to add anymore.

Director of Public Works Dan Reese pointed out 6th Avenue would also have to be considered as the trucks could just bypass 4th Avenue and go down 5th Avenue.

After discussion, staff was directed to bring back more discussion as information becomes available.

Item 7. Consider and Take Appropriate Action on Second and Final Reading of Resolution No. 33-2023, A Resolution of the City Commission of the City of Canyon Approving A Project Funding Agreement Between Nester Apiary, LLC and Canyon Economic Development Corporation Relating to Direct Financial Assistance for Business Expansion for a Business in Canyon, Texas.

Canyon Economic Development Director Stephanie Tucker presented Resolution No. 33-2023 for the second of two required readings. Ms. Tucker said the Canyon Economic Development Corporation approved project funding for Nester Apiary, LLC for job incentives and direct financial assistance for business expansion at their July 20, 2023 board meeting. Ms. Tucker stated the total funding requested is \$100,000. Ms. Tucker said the CEDC held a public hearing August 10, 2023 and had no opposition and the CEDC voted unanimously to recommend approval by the City Commission.

After discussion, Mayor Pro-Tem Jones moved, duly seconded by Commissioner Potter to adopt Resolution No. 33-2023 as presented. Motion carried with Mayor Hinders abstaining.

RESOLUTION NO. 33-2023
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF
CANYON APPROVING A PROJECT FUNDING AGREEMENT
BETWEEN NESTER APIARY, LLC AND CANYON ECONOMIC
DEVELOPMENT CORPORATION RELATING TO DIRECT
FINANCIAL ASSISTANCE FOR BUSINESS EXPANSION FOR A
BUSINESS IN CANYON, TEXAS.

- Item 8. Consider and Take Appropriate Action on Second and Final Reading of Resolution No. 34-2023, A Resolution of the Commission of the City of Canyon Approving Project Funding Agreement Between Pondaseta Brewing Co., LLC and Canyon Economic Development Corporation Relating to Direct Financial Assistance for Business Expansion for a New Business in Canyon, Texas.

Canyon Economic Development Director Stephanie Tucker presented Resolution No. 34-2023 for the second of two required readings. Ms. Tucker said the Canyon Economic Development Corporation approved project funding for Pondaseta Brewing Co., LLC for direct financial assistance for business expansion at the July 20, 2023 board meeting. Ms. Tucker stated the total funding requested is \$50,000. Ms. Tucker said the CEDC held a public hearing August 10, 2023 and had no opposition and the CEDC voted unanimously to recommend approval by the City Commission.

After discussion, Commissioner Cranmer moved, duly seconded by Mayor Pro-Tem Jones to adopt Resolution No. 34-2023 as presented. Motion carried unanimously.

RESOLUTION NO. 34-2023

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF CANYON APPROVING A PROJECT FUNDING AGREEMENT BETWEEN PONDASETA BREWING CO., LLC AND CANYON ECONOMIC DEVELOPMENT CORPORATION RELATING TO DIRECT FINANCIAL ASSISTANCE FOR BUSINESS EXPANSION FOR NEW BUSINESS IN CANYON, TEXAS.

- Item 9. Consider and Take Appropriate Action on Ordinance No. 1182, Annexing Territory to the City of Canyon The Lumber Yard, Ltd, An Ordinance of the City of Canyon, Texas, Annexing the Territory Herein Described to the City of Canyon in Randall County, Texas, Extending the Boundary Limits of the City of Canyon to Include the Property Herein Described Within the Said City Limits, and Granting to All the Inhabitants of Said Property All the Rights and Privileges of Other Citizens and Binding Said Inhabitants by All of the Acts, Ordinances, Resolutions, and Regulations of Said City.

City Attorney Chuck Hester presented Ordinance No. 1182 annexing the Lumber Yard, LTD in the City of Canyon for consideration. Mr. Hester stated the City Commission accepted the petition for annexation and conducted the public hearings as required. Mr. Hester stated it was staff's recommendation to adopt Ordinance No. 1182 annexing The Old Lumberyard.

ORDINANCE NO.1182

ANNEXING TERRITORY TO THE CITY OF CANYON
THE LUMBER YARD, LTD
LUMBER YARD ANNEXATION

AN ORDINANCE OF THE CITY OF CANYON, TEXAS, ANNEXING THE TERRITORY HEREIN DESCRIBED TO THE CITY OF CANYON IN RANDALL COUNTY, TEXAS, EXTENDING THE BOUNDARY LIMITS OF THE CITY OF CANYON TO INCLUDE THE PROPERTY HEREIN DESCRIBED WITHIN THE

SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY.

Item 10. Consider and Take Appropriate Action on Interlocal Agreement with PRPC for Grant Management Services of Hazard Mitigation Grant Project “Master Drainage Plan”.

City Manager Joe Price presented an Interlocal Agreement with the PRPC for grant management services of a Hazard Mitigation Grant Project for the City of Canyon Master Drainage Plan. Mr. Price stated the grant application was submitted several years ago and had a 90/10 match. Mr. Price gave a high level overview of the project including that the grant was for \$250,000 with a city match of \$25,000.

After discussion, Commissioner Cranmer moved, duly seconded by Mayor Pro-Tem Jones to authorize the Mayor to sign an Interlocal Cooperation Agreement with PRPC for Grant Management Services of the Hazard Mitigation Grant for the Mast Drainage Plan. Motion carried unanimously.

Item 11. Consider and Take Appropriate Action on Bids Received for the 18” Force Main Replacement Project; Serving the Wastewater Treatment and Irrigation Facility.

Director of Public Works Dan Reese presented bids received for the replacement of the 19” Force Main. Mr. Reese said the need for the force main replacement has been 20 years when the first 2 miles of line was replaced. Mr. Reese said luckily there haven’t been many breaks in the remaining original line, but afraid breaks will begin happening soon.

Mr. Reese stated five (5) bids were received and opened on August 24, 2023 with the low bid received from Amarillo Utility Contractors for \$1,674,060.00 and a completion time of 200 days. Mr. Reese stated only \$1,450,000 was budgeted and stated the main reason for the overage is the proposed additional cost of air release valve replacements adding almost \$200,000. Mr. Reese said the project will be funded through the federal ARPA funds that are currently in hand. Mr. Reese said it was staff’s recommendation that the bid be awarded to Amarillo Utility Contractors for \$1,674,060.00.

Mayor Hinders asked where the extra \$200,000 will come from adding he didn’t want the money to come from reserves which are already on the low side. Director of Finance Joel Wright responded the city could delay spending on other projects, but he agreed using reserves was off the table.

City Engineer Adolfo Garcia discussed how all the projects had some increases to their scope and was one of the reasons for the increased costs, the Mayor and Commissioners asked if there was projects that staff could assist with; wait on the release valves to lower the costs. Mr. Reese said the valves could wait and he would attempt to budget them next budget year. Mayor Pro-Tem Jones asked about the overages on Mayra Park. Mr. Garcia stated that moving the project to the east of the road due to land acquisition issues on the west side caused some increase to the cost.

Commissioner Lyons said the City needed to put the air release valves on now since the cost to do them will only increase in the future. Commissioner Lyons said he felt the extra funds should be taken out of reserves. Mayor Hinders expressed concern that using reserves would cause the City to fall below the City of Canyon's reserve policy, which could drop the Cities bond rating. Commissioner Lyons said he didn't feel the bond rating mattered, to which Mayor Hinders disagreed.

Mayor Hinders asked if ARPA funds could be used to make up the difference and not depend on reserves. Mr. Price stated that would get into the 4th Street tank project and that timing was very important so as not to lose the ARPA funds.

City Manager stated staff would look for ways to cut the budget and possibly use sales tax revenue to cover to overages.

<u>BIDDER</u>	<u>BID AMOUNT</u>	<u>DAYS TO COMPLETION</u>
Amarillo Utility Contractors	\$1,674,060.00	200
Scott Wampler	\$1,842,857.00	200
West Texas Utility Contractors	\$1,927,019.00	240
MH Civil Constructors, Inc.	\$1,979,000.00	
LA Fuller	\$2,577,022.40	210

After discussion, Commissioner Cranmer moved, duly seconded by Commissioner Potter to award the bid for the 18" Force Main Replacement project to Amarillo Utility Contractors in the amount of \$1,674,060.00. Motion carried unanimously.

Item 12. Consider and Take Appropriate Action on Bids Received for Water and Sewer System Extensions to Serve the Mayra Park Subdivision.

Director of Public Works Dan Reese presented bids received for the extension of water and sewer to Mayra Park Subdivision. Mr. Reese stated bids were opened August 31, 2023 with three bids received and the low bid was submitted by Scott Wampler Construction in the amount of \$1,479,580.00.

<u>BIDDER</u>	<u>BID AMOUNT</u>	<u>DAYS TO COMPLETION</u>
Scott Wampler	\$1,479,580.00	200
MH Civil Contractors	\$1,525,000.00	210
Amarillo Utility Contractors	\$2,912,293.61	220

After discussion, Mayor Pro-Tem Jones moved, duly seconded by Commissioner Cranmer to award the bid for the Mayra Park Utility Extension project to Scott Wampler Construction in the amount of \$1,479,580.00. Motion carried unanimously.

Item 13. Consider and Take Appropriate Action on Bids Received for the 12” Water Main Relocation at Hunsley Road and FM 2590.

Director of Public Works Dan Reese presented bids received and opened August 24, 2023 for the relocation of the 12” water main at Hunsley Road and FM 2590 due to TxDOT beginning the rehab and traffic signal project at the intersection.

Mr. Reese said 5 bids were received with Scott Wampler submitting the low bid.

BIDDER	BID AMOUNT	DAYS TO COMPLETION
Scott Wampler Construction	\$123, 750.00	60
Turkey Creek HDD	\$142,155.60	15
Amarillo Utility Contractors	\$147,220.00	120
MH Civil Constructors, Inc.	\$165,000.00	60
LA Fuller	\$233,444.70	60

After discussion, Mayor Pro-Tem Jones moved, duly seconded by Commissioner Cranmer to award the bid for the 12” Water Main Relocation at FM 2590 and Hunsley Road to Scott Wampler Construction in the amount of \$123,750.00. Motion carried unanimously.

Item 14. Consider and Take Appropriate Action on Authorization to Commit to Purchase One Police Vehicle as Budgeted for FY 2024.

Chief of Police Steven Brush stated the Canyon Police Department would like permission to commit to the purchase of the police vehicle and police radio as budgeted in the 2023-2024 budget for \$70,394.00 for the vehicle and \$11,644.00 for the radio. Chief Brush said vehicle purchases have been problematic for the past three years and there was a vehicle available now that he would like to get and it is \$750 under the budgeted amount.

After discussion, Commissioner Cranmer moved, duly seconded by Mayor Pro-Tem Jones to allow the Police Department to commit to the purchase of one police vehicle and police radio. Motion carried unanimously.

Item 15. Presentation of the Strategic Communications Plan.

Communications Director Megan Nelson presented the Strategic Communications Plan for the City of Canyon. Ms. Nelson gave a very professional informational presentation and answered questions from the Commissioners.

- Item 16. Consider and Take Appropriate Action on Resolution No. 35-2023, A Resolution of the City Commission of the City of Canyon, Texas in Order to Make Nominations to the Board of Directors of Randall County Appraisal District.

City Manager Joe Prices presented Resolution No. 35-2023 for consideration.

After discussion, Commissioner Cranmer moved, duly seconded by Mayor Pro-Tem Jones to nominate Claudia Burkett as a candidate for the Potter Randall Appraisal District Board of Directors. Motion carried unanimously.

RESOLUTION NO. 35-2023
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF
CANYON, TEXAS IN ORDER TO MAKE NOMINATIONS TO THE
BOARD OF DIRECTORS OF RANDALL COUNTY APPRAISAL
DISTRICT.

- Item 17. Executive Session Pursuant to §551.071 Consultation with Attorney, §551.074 Personnel Matters (City Manager and Municipal Judge Annual Evaluations), §551.072 Regarding Real Property and §551.087 Regarding Economic Development Negotiations.

Mayor Hinders indicated the City Commission would adjourn into Executive Session at 5:10 pm.

- Item 18. Consider and Take Appropriate Action on Items Discussed in Executive Session.

Upon Returning from Executive Session at 9:10 pm, the following action was taken.

Mayor Pro-Tem Jones moved, duly seconded by Commissioner Potter to provide Canyon Municipal Court Judge, Jennifer Cates with a 3% merit raise. Motion carried unanimously.

- Item 19. Adjourn.

There being no further business, Mayor Pro-Tem Jones moved this meeting be adjourned at 9:11 pm.

Gary Hinders, Mayor

ATTEST:

Gretchen Mercer, City Secretary