

# AGENDA

## NOTICE OF MEETING

Notice is hereby given that the governing body of the City of Canyon will meet at 5:30 p.m. on the 17th day of October 2016, in the Commission Chambers of City Hall at 301 16th Street in the City of Canyon to discuss the following agenda items:

1. Call to Order.
2. Invocation.
3. Pledge of Allegiance.
4. Approval of the Minutes of the Meeting of October 3, 2016.
5. Public Comment – Comments from Interested Citizens.
6. First Reading of Resolution No. 15-2016 With Regards to the Purchase of Property Located at 202 N. 13th Street, Canyon, Texas by the Canyon Economic Development Corporation.
7. First Reading of Resolution No. 16-2016 With Regards to the Purchase of Property Located at 1312 W. Hwy 60, Canyon, Texas, by the Canyon Economic Development Corporation.
8. Consider and Take Appropriate Action on Report from City Engineer on Ongoing Water and Wastewater System Studies.
9. Hold Public Hearing and Consider and Take Appropriate Action on Plat for Southwind Addition Unit No. 4.
10. Consider and Take Appropriate Action on Ordinance No. 1052 Concerning the 2015-2016 Budget Amendment.
11. Consider and Take Appropriate Action on Quarterly Finance Report by Finance Director Chris Sharp.
12. Consider and Take Appropriate Action on Quarterly Investment Report by Finance Director Chris Sharp.
13. Consider and Take Appropriate Action on Canyon Family Aquatic Center – Change Order #001.
14. Executive Session Pursuant to Texas Government Code §551.071, Consultation with Attorney and §551.072 Real Property.
15. Consider and Take Appropriate Action on Items Discussed in Executive Session.
16. Adjournment.

  
Randy Criswell, City Manager

I certify that the above Notice of Meeting was posted on the bulletin board of the Civic Complex of the City of Canyon, Texas on the 14th day of October 2016.

  
Gretchen Mercer, City Clerk

The City Commission of the City of Canyon met in regular session at 5:30 p.m. in the City Commission Chambers of the Civic Complex. Mayor Pro-Tem Gary Hinders presided over the meeting with the following Commissioners in attendance. Commissioners David Logan and Joseph Shehan. Mayor Quinn Alexander and Commissioner Justin Richardson were unable to attend.

Also present were the following City Staff: City Manager Randy Criswell, City Secretary Gretchen Mercer, Assistant City Manager for Special Projects Jon Behrens, Director of Code Enforcement Danny Cornelius, Fire Chief Mike Webb, Chief of Police Dale Davis and City Attorney Chuck Hester.

Item 1. Call to Order.

Mayor Pro-Tem Hinders called the meeting to order at 5:34 p.m.

Item 2. Invocation.

Commissioner Shehan gave the invocation.

Item 3. Pledge of Allegiance.

The Pledge of Allegiance was led by Allie Welchen and Joe Clark, 4th Grade students from Reeves-Hinger Elementary.

Item 4. Approval of Minutes of the Meeting of September 12, 2016.

Commissioner Shehan moved, duly seconded by Commissioner Logan, to approve the minutes of September 12, 2016 as presented. Motion carried unanimously.

Item 5. Public Comment – Comments from In Interested Citizens.

No comments were made.

Item 6. Consider and Take Appropriate Action on Animal Control Report from Police Chief Dale Davis.

Chief of Police Dale Davis presented a report on Animal Control as requested by the City Commission with the adoption of Ordinance No. 979, restricting chickens within the city limits of Canyon. Chief Davis said Animal Control Officer Lisa Cox was very good with locating owners of stray animals by the animal's tags instead of immediately transferring them to the shelter in Amarillo. Chief Davis reported wild animals are being spotted within the city limits more frequently with the highest complaints concerning skunks and possums. Chief Davis said there had not been any complaints about chickens since the adoption of Ordinance No. 979.

After Discussion, Commissioner Shehan moved, duly seconded by Commissioner Logan to approve the Animal Control Report as presented. Motion carried unanimously.

Item 7. Consider and Take Appropriate Action on the Submission of Texas A&M Forest Service Grants.

Fire Chief Mike Webb requested authorization from the City Commission to apply for grants from the Rural VFD Assistance Program. Chief Webb said this is a cost-share program funded by the Texas State Legislature and provides funding directly to rural volunteer fire departments. Chief Webb requested authorization to submit for 6 grants.

- 1.) Structural Firefighting Gear – 90/10 cost share with the actual cost not to exceed \$15,000.00, which means the cost share for the city would be \$1,500.00.
- 2.) Wildland Gear – 90/10 cost share grant with the actual cost not to exceed \$8,400.00, which means the cost share for the city would be \$840.00.
- 3.) Rescue Equipment – 75/25 cost share grant with the actual cost not to exceed \$15,000.00, which means the cost share for the city would be \$3,750.00
- 4.) Fire Equipment – 75/25 cost share grant with the actual cost not to exceed \$15,000.00, which means the cost share for the city would be \$3,750.00.
- 5.) Training Aids – 100% of the actual cost, not to exceed \$8,000.00.
- 6.) Large Brush Truck/Tender – 90/10 cost share grant with the actual cost not to exceed \$218,000.00, which means the cost share for the city would be \$21,800.00.

After discussion, Commissioner Logan, duly seconded by Commissioner Shehan to approve the request to submit application for 6 grants as requested. Motion carried unanimously.

Item 8. Consider and Take Appropriate Action Ordinances 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, and 1051, Amending the Permits and Registrations Ordinance, Adopting the 2015 International Building Code, Adopting the 2015 Residential Code, Adopting the 2016 International Mechanical Code, Adopting the 2015 International Plumbing Code, adopting the 2016 International Fuel Gas Code, Adopting the 2015 International Swimming Pool and Spa Code, Adopting the 2015 International Energy Conservation, Adopting the 2015 International Existing Building Code, and Adopting the 2014 National Electrical Code3.

Director of Code Enforcement Danny Cornelius presented Ordinances 1042 thru 1051. Mr. Cornelius stated the adoption of these Ordinances would bring the City of Canyon into compliance and bring consistency for contractors working with the City of Canyon and City of Amarillo. Mr. Cornelius stated he had provided a hard copy of proposed Ordinance No. 1042 due to a correction in the fee structure. Mr. Cornelius gave a brief overview of each Ordinance and what its purpose is.

After discussion, Commissioner Logan moved, duly seconded by Commissioner Shehan to adopt Ordinance No. 1042 with the updated fees. Motion carried unanimously.

Commissioner Shehan moved, duly seconded by Commissioner Logan to adopt Ordinances 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050 and 1051 as presented. Motion carried unanimously.

**ORDINANCE NO. 1042**  
**Permits and Registrations**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF CANYON, TEXAS: AMENDING THE CODE OF ORDINANCES OF THE CITY OF CANYON, CHAPTER 150, SECTION 150.23 TO ADJUST PERMIT AND REGISTRATION FEES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR AN EFFECTIVE DATE.**

**ORDINANCE NO. 1043**  
**2015 International Building Code**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF CANYON, TEXAS: AMENDING THE CODE OF ORDINANCES OF THE CITY OF CANYON, CHAPTER 150, SECTION 150.20, TO RESCIND THE 2012 INTERNATIONAL BUILDING CODE; ADOPTING THE 2015 INTERNATIONAL BUILDING CODE ALONG WITH CERTAIN APPENDIX CHAPTERS; MAKING CERTAIN AMENDMENTS THERETO; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.**

**ORDINANCE NO. 1044**  
**2015 International Residential Code**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF CANYON, TEXAS: AMENDING THE CODE OF ORDINANCES OF THE CITY OF CANYON, CHAPTER 150, SECTION 150.24, TO RESCIND THE 2012 INTERNATIONAL RESIDENTIAL CODE; ADOPTING THE 2015 INTERNATIONAL RESIDENTIAL CODE; MAKING CERTAIN AMENDMENTS THERETO; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.**

**ORDINANCE NO. 1045**  
**2015 International Mechanical Code**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF CANYON, TEXAS: AMENDING THE CODE OF ORDINANCES OF THE CITY OF CANYON, CHAPTER 150, SECTION 150.40 TO RESCIND THE 2012 INTERNATIONAL MECHANICAL CODE; ADOPTING THE 2015 INTERNATIONAL MECHANICAL CODE; MAKING CERTAIN AMENDMENTS THERETO; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.**

**ORDINANCE NO. 1046**  
**2015 International Plumbing Code**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF CANYON, TEXAS: AMENDING THE CODE OF ORDINANCES OF THE CITY OF CANYON, CHAPTER 151, SECTION 151.01, TO RESCIND THE 2012 INTERNATIONAL PLUMBING CODE; ADOPTING THE 2015 INTERNATIONAL PLUMBING CODE; MAKING CERTAIN AMENDMENTS THERETO; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.**

**ORDINANCE NO. 1047**

**2015 International Fuel Gas Code**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF CANYON, TEXAS: AMENDING THE CODE OF ORDINANCES OF THE CITY OF CANYON, CHAPTER 151, SECTION 151.02 TO RESCIND THE 2012 INTERNATIONAL FUEL GAS CODE; ADOPTING THE 2015 INTERNATIONAL FUEL GAS CODE; MAKING CERTAIN AMENDMENTS THERETO; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.**

**ORDINANCE NO. 1048**

**2015 International Swimming Pool and Spa Code**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF CANYON, TEXAS: AMENDING THE CODE OF ORDINANCES OF THE CITY OF CANYON, CHAPTER 151, SECTION 151.03 TO RESCIND THE 2012 INTERNATIONAL SWIMMING POOL AND SPA CODE; ADOPTING THE 2015 INTERNATIONAL SWIMMING POOL AND SPA CODE; MAKING CERTAIN AMENDMENTS THERETO; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.**

**ORDINANCE NO. 1049**

**2015 International Energy Conservation Code**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF CANYON, TEXAS: AMENDING THE CODE OF ORDINANCES OF THE CITY OF CANYON, CHAPTER 150, SECTION 150.30, TO RESCIND THE 2012 INTERNATIONAL ENERGY CONSERVATION CODE; ADOPTING THE 2015 INTERNATIONAL ENERGY CONSERVATION CODE; MAKING CERTAIN AMENDMENTS THERETO; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.**

**ORDINANCE NO. 1050**

**2015 International Existing Building Code**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF CANYON, TEXAS: AMENDING THE CODE OF ORDINANCES OF THE CITY OF CANYON, CHAPTER 150, SECTION 150.35, TO RESCIND THE 2012 INTERNATIONAL EXISTING BUILDING CODE; ADOPTING THE 2015 INTERNATIONAL EXISTING BUILDING CODE; MAKING CERTAIN AMENDMENTS THERETO; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.**

**ORDINANCE NO. 1051**

**2014 National Electrical Code**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF CANYON, TEXAS: AMENDING THE CODE OF ORDINANCES OF THE CITY OF CANYON, CHAPTER 152, TO RESCIND THE 2011 NATIONAL ELECTRICAL CODE; ADOPTING THE 2014 NATIONAL ELECTRICAL CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.**

Item 9. Consider and Take Appropriate Action on Bids Received for Arnot Road Test Holes and Test Well and Monitoring Wells and Test Pumping at Palo Duro Creek Golf Course.

Dwight Brandt of Brandt Engineers presented bids received and opened September 15, 2016. Mr. Brandt said the Base Bid is for test holes and one test well on property under contract for water rights acquisition along Arnot Road, and the Alternate bid was for the drilling of two test wells at the future site of the replacement of Lift Station #4, to determine groundwater conditions for construction of the new Lift Station currently under design. Mr. Brandt stated three bids were received.

<u>Bidder</u>	<u>Base Bid</u>	<u>Alternate Bid</u>	<u>Total</u>
Etter	\$ 77,935.00	\$ 14,166.50	\$ 92,101.50
Hydro	\$ 80,298.10	\$ 19,663.50	\$ 99,961.60
Currie	\$128,804.00	\$ 11,440.30	\$140,244.30

Mr. Brandt recommended that the Base Bid of \$77,935.00 and the Alternate Bid No. 1 of \$14,166.50 be awarded to Etter Water Well, LLC.

After discussion, Commissioner Logan moved, duly seconded by Commissioner Shehan to award the bid for the Arnot Road Test Holes and Well, and the Monitor Wells and Test Pumping at Palo Duro Creek Golf Course to Etter Water Well, LLC. as recommended. Motion carried unanimously.

Item 10. Consider and Take Appropriate Action on Resolution No. 13-2016, Enacting Ordinance Number 892, Prohibiting Parking Along Designated Parade Route on October 8, 2016 for WTAMU Homecoming.

City Manager Randy Criswell presented Resolution No. 13-2016 for consideration. Mr. Criswell stated this was for the WTAMU Homecoming Parade being held on October 8, 2016.

After discussion, Commissioner Shehan moved, duly seconded by Commissioner Logan to adopt Resolution No. 13-2016 as presented. Motion carried unanimously.

**RESOLUTION NO. 13-2016**  
**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF CANYON**  
**PRESCRIBING LIMITATIONS ON PARKING OR STANDING MOTOR**  
**VEHICLES OR TRAILERS DURING PARADE TO BE HELD OCTOBER 8,**  
**2016, IN THE CITY OF CANYON.**

Item 11. Consider and Take Appropriate Action on Resolution No. 14-2016, Approving the Discharge of Fireworks Within the City Limits on October 7, 2016 for WTAMU Homecoming.

City Manager Randy Criswell presented Resolution No. 14-2016 for consideration. Mr. Criswell stated WTAMU has requested permission to discharge fireworks at the WT Sports Complex October 7, 2016 as part of their Homecoming festivities.

After discussion, Commissioner Logan moved, duly seconded by Commissioner Shehan to adopt Resolution No. 14-2016 as presented. Motion carried unanimously.

RESOLUTION NO. 14-2016  
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF CANYON,  
TEXAS, APPROVING A FIREWORKS SHOW WITHIN THE CITY LIMITS OF  
CANYON FOR THE WEST TEXAS A&M UNIVERSITY HOMECOMING  
FESTIVITIES OCTOBER 7, 2016.

Item 12. Executive Session Pursuant to Texas Government Code §551.071 Consultation with Attorney, §551.072 Deliberation Real Property.

Mayor Alexander indicated the Commission would adjourn into executive session at 6:33 pm.

Item 15. Consider and Take Appropriate Action on Items Discussed in Executive Session.

Upon returning from executive session at 7:21 pm, no action was taken.

Item 15. Consider Meeting Dates for November and December 2016.

City Manager Randy Criswell presented calendars for November and December 2016. Mr. Criswell stated he wanted to make sure there were no conflicts with the normal meeting dates of the 1st and 3rd Mondays with consideration of the upcoming holiday season. The Commission decided the normal Commission meeting dates would be followed.

Item 16. Adjournment

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

\_\_\_\_\_  
Gary Hinders, Mayor Pro-Tem

ATTEST:

\_\_\_\_\_  
Gretchen Mercer, City Secretary

## **REGARDING ITEM 6**

## AGENDA

To: Randy Criswell, City Manager

From: Evelyn Ecker, Executive Director  
Canyon Economic Development Corp.

Date: October 12, 2016

Re: First Reading of Resolution No. 15-2016 With Regards to the Purchase of Property Located at 202 N. 13<sup>th</sup> Street, Canyon by the Canyon Economic Development Corporation.

The Canyon Economic Development Corporation held a public hearing on Thursday, October 13, 2016 with regards to the purchase of property located at 202 N. 13<sup>th</sup> Street, Canyon. The property is being purchased for economic development purposes.

The property is approximately 66,000 square feet with a 20x40 metal building. The purchase price for the property is \$165, 000. There will not be any 3<sup>rd</sup> party financing. The closing is set for December 8, 2016.

Please find attached the Resolution for this project.

**This is the first reading of Resolution No. 15-2016. The second and final reading of the Resolution will be November 7, 2016**



**RESOLUTION NO. 15-2016**

**RESOLUTION OF THE CITY COMMISSION OF THE CITY OF CANYON  
APPROVING THE PURCHASE OF A TRACT IN SECTION 34, BLOCK B-  
5, H.&G.N. R.R. CO. ORIGINAL CANYON CITY SURVEY, RANDALL  
COUNTY, TEXAS, BY THE CANYON ECONOMIC DEVELOPMENT  
CORPORATION.**

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WHEREAS, the Board of Directors of the CEDC having taken action by majority vote on September 8, 2016, to purchase property and having recommended to the City Commission of the City of Canyon, Texas, approval of same;

WHEREAS, on October 13, 2016, the Canyon Economic Development Corporation (“CEDC”) conducted a public hearing regarding the use of sales and use tax revenues collected pursuant to the Development Corporation Act of 1979 (Tex.Rev.Civ.Stat.Art. 5190.6§4B, (“the Act”)) for the purchase of the above property described, Canyon, Randall County, Texas;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF CANYON, TEXAS:

That the property purchase by the CEDC be, and it is hereby approved, and the sales tax revenue collected pursuant to “the Act” by CEDC may be used to fund the property purchase. The sales tax revenue referred to in the Resolution shall be the revenue on deposit in Sales Tax Improvement Fund (Fund 40) for direct costs related to the project. The property purchase is to be used for economic development;

INTRODUCED at the First Reading on the 17<sup>th</sup> Day of October, 2016 and Adopted on the Second Reading on November 7, 2016.

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**QUINN J ALEXANDER, MAYOR**

**ATTEST:**

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**Gretchen Mercer, City Clerk**

## REGARDING ITEM 7

## AGENDA

To: Randy Criswell, City Manager

From: Evelyn Ecker, Executive Director  
Canyon Economic Development Corp.

Date: October 12, 2016

Re: First Reading of Resolution No. 16-2016 With Regards to the Purchase of Property Located at 1312 W US Hwy 60, Canyon, Texas, by the Canyon Economic Development Corporation.

The Canyon Economic Development Corporation held a public hearing on Thursday, October 13, 2016 with regards to the purchase of property located at 1312 W US Hwy 60, Canyon. The property is being purchased for economic development purposes.

The property is approximately 19,500 square feet. There is a 4,397 square foot building on the property and the intent is to clear the building from the property and create a pad site for development. The purchase price of the property is \$57,888. There will not be any 3<sup>rd</sup> party financing. The closing is set for December 8, 2016.

Please find attached the Resolution for this project.

**This is the first reading of Resolution No. 16-2016. The second and final reading of the Resolution will be November 7, 2016**



**RESOLUTION NO. 16-2016**

**RESOLUTION OF THE CITY COMMISSION OF THE CITY OF CANYON  
APPROVING THE PURCHASE OF PROPERTY LOCATED AT 1312  
HIGHWAY 60, RANDALL COUNTY, TEXAS, BY THE CANYON  
ECONOMIC DEVELOPMENT CORPORATION.**

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WHEREAS, the Board of Directors of the CEDC having taken action by majority vote on September 8, 2016, to purchase property and having recommended to the City Commission of the City of Canyon, Texas, approval of same;

WHEREAS, on October 13, 2016, the Canyon Economic Development Corporation (“CEDC”) conducted a public hearing regarding the use of sales and use tax revenues collected pursuant to the Development Corporation Act of 1979 (Tex.Rev.Civ.Stat.Art. 5190.6§4B, (“the Act”) for the purchase of the above property described, Canyon, Randall County, Texas;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF CANYON, TEXAS:

That the property purchase by the CEDC be, and it is hereby approved, and the sales tax revenue collected pursuant to “the Act” by CEDC may be used to fund the property purchase. The sales tax revenue referred to in the Resolution shall be the revenue on deposit in Sales Tax Improvement Fund (Fund 40) for direct costs related to the project. The property purchase is to be used for economic development;

INTRODUCED at the First Reading on the 17<sup>th</sup> Day of October, 2016 and Adopted on the Second Reading on November 7, 2016.

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**QUINN J ALEXANDER, MAYOR**

**ATTEST:**

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**Gretchen Mercer, City Clerk**

To: Mayor and City Commission  
From: Randy Criswell, City Manager  
Date: October 17, 2016  
Re: Consider and Take Appropriate Action on Report from City Engineer on Ongoing Water and Wastewater System Studies.

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Brandt Engineers will be at the meeting to provide you with a progress report on where they stand on the updates to the Water and Wastewater System Studies. As we've discussed, staff feels these studies will be critical to the development of the new Comprehensive Plan in the near future.

To: Randy Criswell, City Manager  
From: Danny Cornelius, Director of Code Enforcement  
Date: October 10, 2016  
Re: Hold Public Hearing and Consider and Take Appropriate Action on Plat for Southwind Addition Unit No. 4.

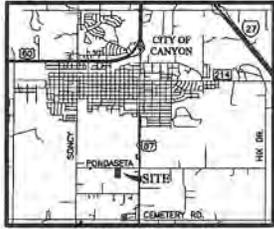
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Larry Wilhite has submitted the attached plat for Southwind Addition Unit No. 4. This is a replat of Lots 1, 2, 3, 4, and 5, Block 7, of Southwind Addition Unit No. 3. The 5 lots will become 3 larger lots and will add 260 feet from the unplatted property to the east. A copy of Southwind Addition Unit No. 3 is attached for reference.

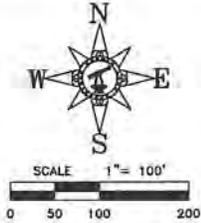
Although the property is not within our city limits, the city does have the authority to approve plats within our Extraterritorial Jurisdiction (ETJ). The ETJ for the City of Canyon is 1 mile. Southwind Addition is just under a mile south of town, west of Hwy 87, between Rice Road and Pondaseta Lane.

**The Planning and Zoning Commission voted unanimously to recommend approval of the plat.**

2010 CENSUS TRACT # 219 A.P. 1-27



VICINITY MAP  
NOT TO SCALE



- LEGEND:**
- ⊕ 1/2" IRON ROD SET W/CAP STAMPED "FURMAN RPLS"
  - 4x4 CONCRETE MARKER PND
  - ⊗ 5/8" IRON ROD W/CAP PND
  - ⊙ 1/2" IRON ROD W/CAP PND

**NOTES**

1. THERE IS HEREBY CREATED BY THIS PLAT A SANITARY CONTROL EASEMENT AROUND EACH APPROVED WATER WELL LOCATION WITH A 100 FOOT RADIUS WITHIN WHICH NO SUB-SURFACE SEWERAGE SYSTEM MAY BE CONSTRUCTED. CONVERSELY, NO WATER WELL LOCATION WILL BE APPROVED THAT IS CLOSER THAN 100 FEET TO A SUB-SURFACE SEWERAGE SYSTEM. WATER WELL LOCATION WILL BE MADE ON AN INDIVIDUAL BASIS. THIS EASEMENT IS FOR THE SOLE PURPOSE OF SANITARY CONTROL AND DOES NOT PROHIBIT BUILDING ENCROACHMENTS.
2. THE CONTOURS AND 100-YR FEMA FLOODPLAIN LOCATION WERE TAKEN FROM THE ORIGINAL PLAT OF SOUTHWIND UNIT NO. 3 (CF82014017961). NO TOPOGRAPHIC SURVEY WAS PERFORMED ON THE SUBJECT PROPERTY BY THIS FIRM.

**DESCRIPTION**

An 11.01± acre tract of land being all of Lots 1, 2, 3, 4, and 5, Block 7, Southwind Addition Unit No. 3, a suburban subdivision to the City of Canyon in Randall County, according to the map or plat thereof recorded Under Clerk's File No. 2014017961 of the Official Public Records of Randall County, Texas and a portion of an unplatted 152.33 acre tract of land described in that certain instrument recorded under Clerk's File No. 2007011181 of the Official Public Records of Randall County, Texas, all in Section 66, Block B-5, H. & G.N. R.R. Co. Survey, Randall County, Texas, said 11.01± acre tract of land having been surveyed on the ground by Furman Land Surveyors, Inc. on June 29, 2016 and being described by metes and bounds as follows:

**BEGINNING** at a 1/2 inch iron rod with cap stamped "Furman RPLS" set in the South Right-of-Way line of Pondaqueta Road as it exists on the ground, for the Northwest corner of this tract of land, same being the Northwest corner of Lot 1, Block 7 of said Southwind Addition Unit No. 3, from whence a 4 inch by 4 inch concrete marker found for the Northwest corner of said Southwind Addition Unit No. 3 bears N. 89° 12' 16" W. 388.87 feet;

**THENCE** S. 89° 12' 16" E. 510.00 feet along the South Right-of-Way line of Pondaqueta road as it exists on the ground to a 1/2 inch iron rod with cap stamped "Furman RPLS" set for the Northeast corner of this tract of land, same being in a North line of said 152.33 acre tract of land;

**THENCE** S. 00° 38' 51" W. 939.99 feet to a 1/2 inch iron rod with cap found for the Southeast corner of this tract of land, same being a common corner of Lot 8 and Lot 9, Block 7 of said Southwind Addition Unit No. 3;

**THENCE** N. 89° 21' 09" W. 510.00 feet to a 1/2 inch iron rod with cap found for the Southwest corner of this tract of land, same being a common corner of Lot 5 and Lot 6, Block 7 of said Southwind Addition Unit No. 3, also being in the East Right-of-Way line of Autumn Ridge Drive in said Southwind Addition Unit No. 3;

**THENCE** N. 00° 38' 51" E. 941.31 feet along said East Right-of-Way line of Autumn Ridge Drive to the PLACE OF BEGINNING and containing 11.01± acres of land more or less.

**GIVENES ACKNOWLEDGEMENT**

THE STATE OF TEXAS  
COUNTY OF RANDALL  
KNOW ALL MEN BY THESE PRESENTS

THAT THE UNDERSIGNED, LARRY WILHITE, FOR RIVER BEN INC, BEING THE PRESENT OWNERS OF THE LAND SHOWN AND DESCRIBED ON THIS MAP AND PLAT HAVE CAUSED ALL OF SAID LANDS TO BE SURVEYED, SUBDIVIDED, PLATTED, AND DESIGNATED AS SOUTHWIND ADDITION UNIT NO. 4, A SUBURBAN SUBDIVISION TO THE CITY OF CANYON IN RANDALL COUNTY, TEXAS AND SO DECLARE THAT ALL OF THE STREETS, ALLEYS, LANSAS AND EASEMENTS SHOWN UPON SUCH MAP AND PLAT ARE DEDICATED TO THE PUBLIC FOREVER TO BE USED AS SUCH.

EXECUTE THIS 15th DAY OF September, 2016.

*Larry Wilhite*  
LARRY WILHITE FOR  
RIVER BEN, INC  
P.O. BOX 1558  
CANYON, TEXAS 79015

**ATTEST**

THE STATE OF TEXAS  
COUNTY OF RANDALL  
KNOW ALL MEN BY THESE PRESENTS

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS 15th DAY OF September, 2016.

*Jim J. Clanton*  
NOTARY PUBLIC  
STATE OF TEXAS



*Sandy Linnell*  
SANDY LINNELL  
CITY MANAGER

9/13/16  
DATE

*Paul C. Linnell*  
PAUL C. LINNELL  
CITY PLANNING COMMISSION

10/10/16  
DATE

*Don Veece*  
DON VEECE  
DIRECTOR OF PUBLIC WORKS

9/13/16  
DATE

I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF SOUTHWIND ADDITION UNIT NO. 4, SUBURBAN SUBDIVISION TO THE CITY OF CANYON IN RANDALL COUNTY, TEXAS, WAS APPROVED BY THE CITY OF CANYON

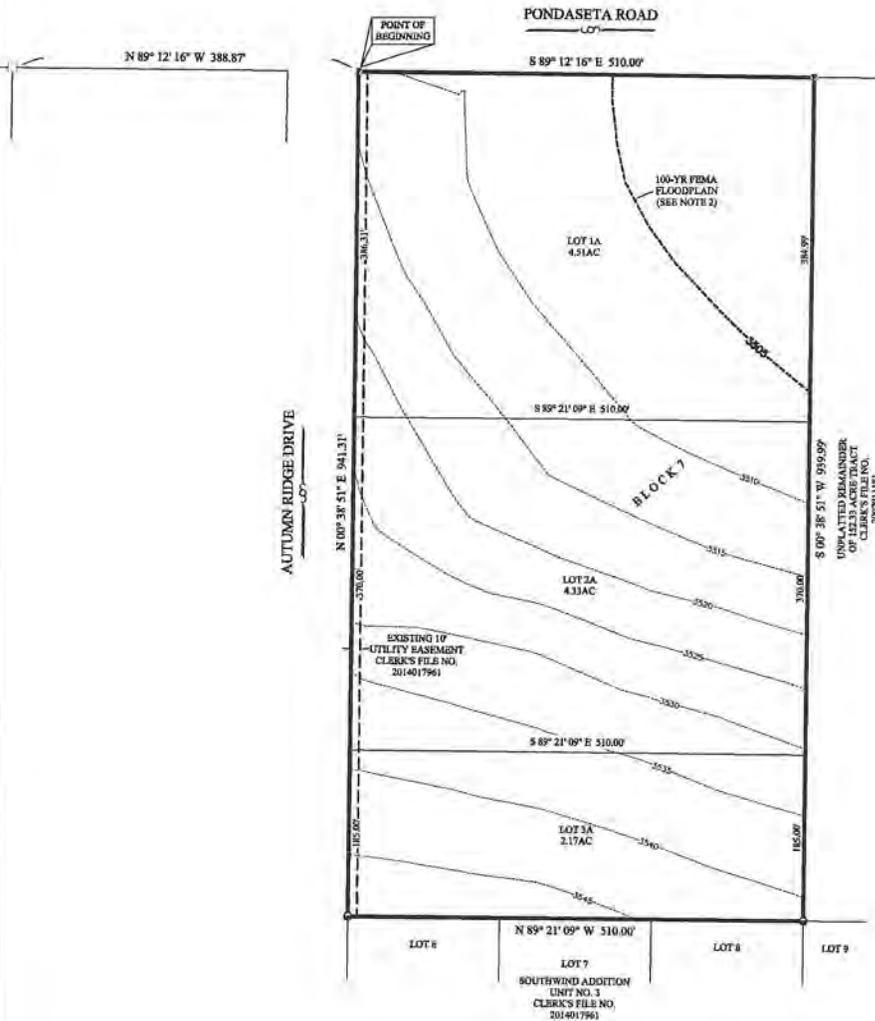
ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

THIS APPROVAL SHALL BE INVALID UNLESS THE APPROVED PLAT FOR SUCH ADDITION IS RECORDED IN THE OFFICE OF THE COUNTY CLERK OF RANDALL COUNTY, TEXAS WITHIN THIRTY (30) DAYS FROM SAID DATE OF FINAL APPROVAL.

SAID ADDITION SHALL BE SUBJECT TO ALL THE REQUIREMENTS OF THE PLATTING ORDINANCE OF THE CITY OF CANYON.

WITNESS MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

CITY SECRETARY, CITY OF CANYON, TEXAS



**APPROVAL**  
APPROVED BY THE BI-CITY-COUNTY HEALTH DEPARTMENT,  
ON THIS 15th DAY OF SEPT, 2016.  
*J. W. [Signature]*  
HEALTH OFFICER

**CERTIFICATE**

I DO HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF; THAT IT WAS PREPARED FROM A PERIMETER SURVEY MADE ON THE GROUND BY ME OR BY OTHERS UNDER MY DIRECT SUPERVISION WITH MONUMENTS, SET OR FOUND AS INDICATED, AT ALL PERIMETER CORNERS ON THIS 29TH DAY OF JUNE, 2016.

*Daryl E. Furman*  
DARYL E. FURMAN REELS 5374  
REGISTERED PROFESSIONAL LAND SURVEYOR

**SOUTHWIND ADDITION UNIT NO. 4**

A SUBURBAN SUBDIVISION TO THE CITY OF CANYON IN RANDALL COUNTY, TEXAS BEING ALL OF LOTS 1, 2, 3, 4 AND 5, BLOCK 7, SOUTHWIND ADDITION UNIT NO. 3 AND A PORTION OF AN UNPLATTED TRACT OF LAND IN SECTION 66, BLOCK B-5, H.&G.N. R.R. Co. SURVEY RANDALL COUNTY, TEXAS 11.01± ACRES

**FURMAN LAND SURVEYORS, INC.**  
SURVEYING - MAPPING - CONSULTING  
TEXAS - OKLAHOMA - NEW MEXICO  
KANSAS - COLORADO

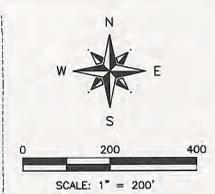
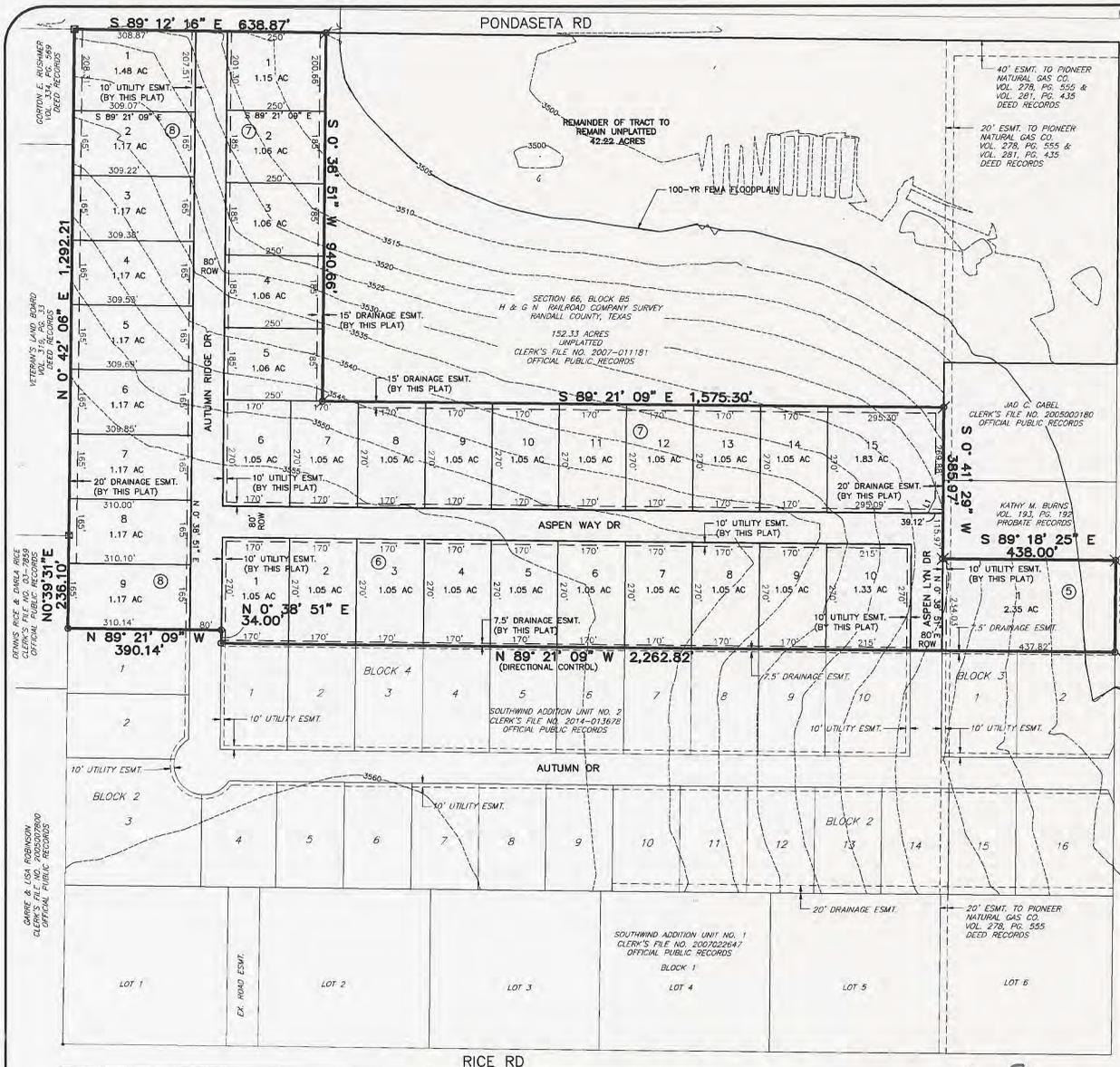
DARYL E. FURMAN, RPLS - DANIEL R. FURMAN, RPLS - DONALD R. FURMAN, RPLS  
CASEY A. MANN, RPLS - LANCE M. STOKES, RPLS  
HEATHER L. TYN LESONS, RPLS - NOAH C. HUNTINGTON, RPLS  
M.K. MCINTIRE, RPLS - KYLE L. BRADY, SIT  
TEXAS PERM #10092400 & 10092401  
P.O. BOX 1415 - AMARILLO, TEXAS 79105 - (806) 374-6246 - FAX (806) 374-6248  
P.O. BOX 484 - CUMAS, TEXAS 79005 - (806) 234-1405 - FAX (806) 234-1405

PROJECT NO. 1610876-A FILE NO. 1-27  
DRAWING NO. P.\SUB 16\RANDALL\1-29\1610876\

GRANTEES ADDRESS  
CITY OF CANYON  
301 16TH STREET  
CANYON, TEXAS 79015

FILED OF RECORD

(DATE) (COUNTY)  
CLERK'S DOCUMENT NO.



**LEGAL DESCRIPTION**

A 47.39 ACRE TRACT OF LAND BEING PART OF AN UNPLATTED 152.33 ACRE TRACT AS RECORDED IN CLERK'S FILE NO. 200701181 OF THE OFFICIAL PUBLIC RECORDS OF RANDALL COUNTY, TEXAS AND BEING IN THE NORTHEAST PART OF SECTION 66, BLOCK B5, H & G N RAILROAD COMPANY SURVEY, RANDALL COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** AT A 5/8 INCH IRON ROD WITH A CAP STAMPED "TITUS" FOUND FOR THE NORTHEAST CORNER OF LOT 2, BLOCK 3 OF SOUTHWIND ADDITION UNIT NO. 2, A SUBURBAN SUBDIVISION TO RANDALL COUNTY, TEXAS, RECORDED UNDER CLERK'S FILE NO. 2014013678 OF THE OFFICIAL PUBLIC RECORD OF RANDALL COUNTY, TEXAS BEING IN THE WEST RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 87;

**THENCE** NORTH 89 DEGREES 21 MINUTES 09 SECONDS WEST ALONG NORTH LINE OF SAID SOUTHWIND ADDITION UNIT NO. 1 FOR A DISTANCE OF 2,262.82 FEET TO A 5/8 INCH IRON ROD WITH A CAP STAMPED "TITUS" FOUND;

**THENCE** NORTH 00 DEGREES 38 MINUTES 51 SECONDS EAST FOR A DISTANCE OF 34.00 FEET TO A 5/8 INCH IRON ROD WITH A CAP STAMPED "TITUS" FOUND;

**THENCE** NORTH 89 DEGREES 21 MINUTES 09 SECONDS WEST FOR A DISTANCE OF 305.14 FEET TO A 5/8 INCH IRON ROD WITH A CAP STAMPED "TITUS" FOUND FOR THE NORTHWEST CORNER OF SAID SOUTHWIND ADDITION UNIT NO. 2, THE SOUTHWEST CORNER OF THIS TRACT;

**THENCE** NORTH 00 DEGREES 38 MINUTES 51 SECONDS EAST ALONG THE WEST LINE OF THIS TRACT FOR A DISTANCE OF 236.10 FEET TO A 4 INCH BY 4 INCH CONCRETE MARKER FOUND;

**THENCE** NORTH 00 DEGREES 42 MINUTES 06 SECONDS EAST ALONG THE WEST LINE OF THIS TRACT FOR A DISTANCE OF 1,292.21 FEET TO A 4 INCH BY 4 INCH CONCRETE MARKER FOUND FOR THE NORTHWEST CORNER OF THIS TRACT BEING THE SOUTH RIGHT OF WAY LINE OF PONDASETA ROAD;

**THENCE** SOUTH 89 DEGREES 12 MINUTES 16 SECONDS EAST ALONG SAID SOUTH RIGHT OF WAY LINE OF SAID PONDASETA ROAD AND NORTH LINE OF THIS TRACT FOR A DISTANCE OF 638.87 FEET TO A 5/8 INCH IRON ROD WITH A CAP STAMPED "TITUS" SET;

**THENCE** SOUTH 00 DEGREES 38 MINUTES 51 SECONDS WEST FOR A DISTANCE OF 940.66 FEET TO A 5/8 INCH IRON ROD WITH A CAP STAMPED "TITUS" SET;

**THENCE** SOUTH 89 DEGREES 21 MINUTES 09 SECONDS EAST FOR A DISTANCE OF 1,575.30 FEET TO A 5/8 INCH IRON ROD WITH A CAP STAMPED "TITUS" SET;

**THENCE** SOUTH 00 DEGREES 41 MINUTES 29 SECONDS WEST FOR A DISTANCE OF 385.97 FEET TO A 1/2 INCH IRON ROD WITH A CAP STAMPED "HBD" FOUND;

**THENCE** SOUTH 89 DEGREES 18 MINUTES 25 SECONDS EAST FOR A DISTANCE OF 438.00 FEET TO A 1/2 INCH IRON ROD WITH A CAP STAMPED "HBD" FOUND;

**THENCE** SOUTH 00 DEGREES 41 MINUTES 29 SECONDS WEST ALONG SAID WEST RIGHT OF WAY LINE OF SAID U.S. HIGHWAY NO. 87 AND EAST LINE OF THIS TRACT FOR A DISTANCE OF 233.68 FEET TO THE PLACE OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS A COMPUTED AREA OF 47.39 ACRES.

**DEDICATION**

STATE OF TEXAS  
COUNTY OF RANDALL

KNOW ALL MEN BY THESE PRESENTS,  
THAT LARRY WILHITE, PRESIDENT OF RIVER BEN INC. BEING THE OWNER OF THE LAND AND DESCRIBED ON THIS PLAT HAVE CAUSED ALL OF SAID LAND TO BE SURVEYED, SUBDIVIDED AND DESIGNATED AS SOUTHWIND ADDITION UNIT NO. 3, A SUBURBAN SUBDIVISION TO RANDALL COUNTY, TEXAS AND DOES DECLARE THAT ALL OF THE STREETS, ALLEYS, LANES, AND EASEMENTS SHOWN UPON THIS MAP AND PLAT ARE DEDICATED TO THE PUBLIC FORTHECOMER TO BE USED AS STREETS, ALLEY LANES, AND EASEMENTS.

EXECUTED THIS 9 DAY OF Sept 2014.  
*Larry Wilhite*  
LARRY WILHITE, PRESIDENT OF RIVER BEN INC.  
PO BOX 1558  
CANYON, TEXAS 79015

**CERTIFICATION**

THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS PLAT OF SURVEY OF THE PROPERTY DESCRIBED HEREON REPRESENTS THE RESULTS OF A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION.

DATED THIS 9 DAY OF Sept 2014.

DAVID MILLER, P.L.S.



**ATTEST**

STATE OF TEXAS  
COUNTY OF RANDALL

BEFORE ME,  
THE UNDERSIGNED AUTHORITY IN AND FOR RANDALL COUNTY, TEXAS THIS DAY PERSONALLY APPEARED LARRY WILHITE KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED.  
GIVEN UNDER MY HAND AND SEAL OF OFFICE.

THIS 9 DAY OF September 2014.  
*Dora M. Evans*

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS  
**DORA M. EVANS**  
FINANCIAL Notary Public  
**SOUTHWIND ADDITION UNIT NO. 3**  
RESIDENTIAL LOTS 09-18-2014  
BLOCK 5, LOT 9, BLOCK 6, LOTS 1-10, BLOCK 7, LOTS 1-15, & BLOCK 8, LOTS 1-9  
47.39 ACRES BEING

**A SUBURBAN SUBDIVISION TO RANDALL COUNTY IN THE NORTHEAST PART OF SECTION 66, BLOCK B5, H & G N RAILROAD COMPANY SURVEY, RANDALL COUNTY, TEXAS**

**OWNER** RIVER BEN INC.  
ATTN: LARRY WILHITE  
PO BOX 1558  
CANYON, TEXAS 79015  
TEL: (806) 685-0111

**ENGINEER** ENVIRO-AG ENGINEERING, INC.  
ATTN: ERICK EMERINE, PE  
3404 AIRWAY BLVD.  
AMARILLO, TEXAS 79118  
TEL: (806) 353-6123

**SURVEYOR** TITUS LAND SURVEYING, INC.  
ATTN: DAVID MILLER, RPLS  
321 SW 7TH  
AMARILLO, TEXAS 79101  
TEL: (806) 318-3477

SCALE 1"=200' SEPTEMBER 2014

**LEGEND**

- P.O.B. POINT OF BEGINNING
- EXISTING EASEMENT
- - - - PROPOSED EASEMENT DEDICATED BY THIS PLAT
- o 5/8" IRON ROD "TITUS" FOUND
- o 5/8" IRON ROD "TITUS" SET
- o 1/2" IRON ROD "HBD" FOUND
- o 4"x4" CONCRETE MARKER FOUND
- o BLOCK NUMBER

- NOTES:**
- THE PURPOSE OF THIS PLAT IS TO SUBDIVIDE AND DEDICATE EASEMENTS.
  - THIS PLAT LIES WITHIN THE E.T.J. OF THE CITY OF CANYON.
  - TRACT SHOWN TO BE APPROVED BY CITY OF CANYON AND RANDALL COUNTY.
  - ALL ROADS SHALL BE CONSTRUCTED TO CONFORM WITH RANDALL COUNTY ROAD POLICY SPECIFICATIONS.
  - ACCORDING TO THE FEMA FLOOD INSURANCE RATE MAP NO. 4838100360E (JUNE 4, 2010) THE PROPERTY DOES APPEAR TO BE LOCATED IN A FLOOD HAZARD AREA. THE UNDERSIGNED SURVEYOR DOES NOT ACCEPT RESPONSIBILITY FOR THE ACCURACY OF THE FEMA MAP UPON WHICH THE OPINION IS BASED.
  - SANITARY CONTROL EASEMENT THERE IS HEREBY CREATED BY THIS PLAT A SANITARY CONTROL EASEMENT AROUND EACH APPROVED WATER WELL LOCATION WITH A 100 FOOT RADIUS WITHIN WHICH NO SUB-SURFACE SEWAGE SYSTEM MAY BE CONSTRUCTED CONVERSELY NO WATER WELL LOCATION WILL BE APPROVED THAT IS CLOSER THAN 100 FEET TO A SUB-SURFACE SEWAGE SYSTEM. WATER WELL LOCATIONS WILL BE A MINIMUM OF 10 FEET FROM THE FRONT PROPERTY LINE AND 50 FEET FROM THE SIDE PROPERTY LINES. THE LAND SHOWN AND DESCRIBED IN THE PLAT IS SUITABLE FOR STANDARD, NON-STANDARD OR PROPRIETARY ON-SITE SEWAGE FACILITIES.

**APPROVAL**  
RECOMMENDED FOR FINAL APPROVAL:  
*Larry Wilhite* 9/12/14  
CITY MANAGER DATE  
*Eric Emerine* 9-15-14  
CHAIRMAN, CITY PLANNING COMMISSION DATE  
*David Miller* 9/12/14  
DIRECTOR OF PUBLIC WORKS DATE

I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF SOUTHWIND ADDITION UNIT NO. 3 TO THE CITY OF CANYON, TEXAS WAS APPROVED BY THE CITY COMMISSION OF THE CITY OF CANYON ON THE DAY OF \_\_\_\_\_, 2014.

THIS APPROVAL SHALL BE INVALID UNLESS THE APPROVED PLAT FOR SUCH ADDITION IS RECORDED IN THE OFFICE OF THE COUNTY CLERK WITHIN 30 DAYS FROM SAID DATE OF FINAL PLAT APPROVAL.

SAID ADDITION SHALL BE SUBJECT TO ALL REQUIREMENTS OF THE PLATTING ORDINANCE OF THE CITY OF CANYON.

WITNESS MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.

CITY SECRETARY, CITY OF CANYON, TEXAS

**LINE DATA**

LINE ID	LENGTH	BEARING
LT	41.50'	N28°07'45"E

To: Randy Criswell, City Manager  
From: Chris Sharp, Assistant City Manager  
Date: October 10, 2016  
Re: Consider and Take Appropriate Action on Ordinance No. 1015 Concerning the 2015 – 2016 Budget Amendment

---

As we close the book on the 2015 – 2016 budget, we would like to have the Commission review and approve the amendment of our budget for expenses that occurred in the said budget year that were not a part of the original budget. As you may recall, all major expenditures outside of the budget (Neblett Parking Lot, Aquatic Facility Architect Plans) were approved by the Commission prior to the execution of the project. The Community Center parking lot was budgeted for in the 2014-2015 budget year and encumbered so we could complete at a later date. We think it is prudent for the Commission to amend the budget so that it reflects these expenditures.

Attached to this memo is attachment A that lists the amendments that need to be made.

**It is staff's recommendation that Commission adopt Ordinance No. 1052 approving the budget amendment.**

**ORDINANCE NO. 1052**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF CANYON, TEXAS, AMENDING THE CITY'S BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2015 AND ENDING SEPTEMBER 30, 2016 AS ADOPTED BY ORDINANCE 1025; PROVIDING FOR SUPPLEMENTAL APPROPRIATIONS AND TRANSFER OF CERTAIN FUNDS; PROVIDING THAT PRIOR PARTS OF ORDINANCE 1025 INCONSISTENT WITH OR IN CONFLICT WITH ANY OF THE PROVISIONS OF THIS ORDINANCE ARE HEREBY EXPRESSLY REPEALED TO THE EXTENT OF ANY SUCH INCONSISTENCY OR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the City Commission of the City of Canyon has heretofore passed Ordinance 1025, making appropriations in support of the City of Canyon's FY 2015 – 2016 Operating Budget; and,

**WHEREAS**, Chapter 102, Sec. 102.010, Local Government Code, expressly authorizes the City Commission to transfer or revise appropriations within or among appropriation classes for municipal purposes ; and,

**WHEREAS**, the City Commission of the City of Canyon has determined that economic conditions have arisen that require amendment of the Budget adopted thereby for municipal purposes; and,

**WHEREAS**, additional revenues, reserves, and/or debt issuance funding are available for supplemental appropriation and/or that the interfund transfer of certain appropriations is economically feasible and in the best interest of prudent budgeting; and,

**WHEREAS**, the City Commission of the City of Canyon after full and final consideration desires to amend said Original FY 2015-2016 Operating Budget as provided herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF CANYON, TEXAS:**

**SECTION 1.**

**THAT**, the facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

## SECTION 2.

- a. **That**, the Original FY 2015-2016 Budget including adjustments, is hereby amended to adjust revenues and/or expenditures in the General Fund (Fund 01), Utility Fund (Fund 02) and the Golf Course Fund (Fund 03) as shown in Exhibit "A" attached.
- b. **That**, the revenues, expenditures, and amendments authorized by this Ordinance are necessary to meet economic conditions or circumstances that could not have been included in the original budget through the use of reasonably diligent thought and attention.
- c. **That**, this Ordinance and Exhibit shall be incorporated into and made part of such Original FY 2015-2016 Budget by the City Secretary and shall be filed as required by law.

## SECTION 3.

This Ordinance shall be cumulative of Ordinance 1025 and shall not repeal any of the provisions of said Ordinance except those instances where there are direct conflicts with the provisions of this Ordinance. The parts of Ordinance 1025 that are inconsistent with this Ordinance at the time this Ordinance shall take effect, are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided, however, that any complaint, action, claim or lawsuit that has been initiated or has arisen under or pursuant to Ordinances 1025 or sections thereof that have been specifically repealed on the date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance or section thereof and for that purpose the Ordinance or section thereof shall remain in full force and effect.

## SECTION 4.

If any provision, section, subsection, sentence, clause or the application of the same to any person or set of circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this ordinance or the application thereby shall remain in effect, it being the intent of the City Commission of the City of Canyon, Texas in adopting this Ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by any reasons of unconstitutionality of any other portion or provision.

## SECTION 5.

This Ordinance shall become effective upon the date of final passage.

**INTRODUCED**, on this the 17<sup>th</sup> day of October 2016, at a regular meeting of the City Commission of the City of Canyon, Texas which meeting was held in compliance with the Open

Meetings Act, Tex Gov't Code, §551.001, et.seq. at which meeting a quorum was present and voting.

**PASSED, APPROVED, AND ADOPTED**, on this the 17<sup>th</sup> day of October 2016, at a regular meeting of the City Commission of the City of Canyon, Texas which meeting was held in compliance with the Open Meetings Act, Tex Gov't Code, §551.001, et.seq. at which meeting a quorum was present and voting.

---

Quinn Alexander, Mayor

**ATTEST:**

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Gretchen Mercer, City Secretary

EXHIBIT "A"

**General Fund Budget Amendment**

Approved Budget Amount	Amended Budget Amount
\$8,711,213	\$8,711,213

Funds for line items that went over budget will be adjusted within the department.

401-4512 Street Dept - Construction of parking lot at Neblett Park Funds from 2014-2015 budget.	
Budgeted Amount - \$0	Amended amount \$118,085
402-3502 Parks Dept – Electricity for lighting park areas	
Budgeted Amount - \$30,000	Amended amount \$97,979
403-4512 Swimming Pool – Payment to Architect for new aquatic facility	
Budgeted Amount - \$0	Amended amount \$385,000
405-3601 Community Cnt – Parking lot, these funds were encumbered from 2014-2015 Budget.	
Budgeted Amount - \$5,000	Amended amount \$78,154

**Utility Fund Budget Amendment**

Approved Budget Amount	Amended Budget Amount
\$6,735,503	\$6,735,503

Funds for line items that went over budget will be adjusted within the department.  
Notable expenditures that exceed budgeted amounts are:

500-3917 Utility Billing – CC fees and additional general expenses	
Budgeted Amount - \$60,000	Amended Budget Amount \$106,929
501-3503 Water Production – Amarillo Water	
Budgeted Amount - \$725,000	Amended Amount - \$1,193,778

**Golf Course Budget Amendment**

Approved Budget Amount	Amended Budget Amount
\$1,152,554	\$1,245,525

Funds for line items that went over budget will be adjusted within the department. Additional revenue needed will be transferred from the General Fund and or the Utility Fund accounts.

Notable expenditures that exceeded budgeted amounts are:

600-3930 Pro Shop Expenses	
Budgeted Amount - \$110,000	Amended Amount - \$179,768

TO: Randy Criswell, City Manager

FROM: Chris Sharp, Assistant City Manager

DATE: October 12, 2016

SUBJECT: Consider and Take Appropriate Action on Quarterly Finance Report by Finance Director Chris Sharp.

---

A summary of all deposits for the City of Canyon as of September 30, 2016 are submitted. All funds are deposited with the City's depository bank, Happy State Bank. Also included, is a summary of the City's major funds and where they stand as of the same date.

Total deposits needing security pledge, including checking accounts are \$ 2,861,592. Total securities pledged by Happy State Bank including the FDIC insurance is \$ 6,970,350.

This report is to comply with legislation requiring periodic reports to be made to the governing body for approval.

### **RECOMMENDED ACTION**

**Approval of the Quarterly Finance Report for the Quarter Ending September 30, 2016.**

**City of Canyon**

**QUARTERLY FINANCE REPORT**

Quarter ending:

**06/30/16**

**09/30/2016**

Interest Rate

EMERGENCY MANAGEMENT	0.02	\$ 61,354.32	\$ 61,357.42
LIBRARY GIFT & MEMORIAL	0.02	\$ 4,999.39	\$ 5,204.64
GENERAL FUND DEMAND ACCT	0.02	\$ 424,043.18	\$ 653,653.62
WW/SS FUND DEMAND ACCT.	0.33	\$ 1,474,770.98	\$ 1,029,152.60
BCD	0.02	\$ 30,968.84	\$ 125,110.14
LEOSE	0.02	\$ 13,000.36	\$ 11,482.20
C.E.D.C (ECONOMIC DEVELOPMEN	0.02	\$ 273,642.53	\$ 252,412.35
C.E.D.C. MARKETING ACCOUNT	0.02	\$ 106,566.77	\$ 106,833.49
EMPLOYEES FLOWER FUND	0.02	\$ 2,083.14	\$ 2,870.86
D-FI-IT PROGRAM	0.02	\$ 4,595.40	\$ 3,095.62
Palo Duro Golf Administration	0.02	\$ 197,509.92	\$ 229,083.45
Capital Equipment Account	0.33	\$ 381,000.04	\$ 381,336.29

CHECKING / SAVINGS ACCOUNTS BALANCES		\$ 2,974,534.87	\$ 2,861,592.68
TOTAL FUNDS FOR SECURITY PLEDGES		\$ 2,974,534.87	\$ 2,861,592.68
WW/SS Utility Insured Cash Sweep Account (CDARS)	Interest 0.63	\$ 2,909,434.53	\$ 2,915,147.00
TOTAL AMOUNT OF FUNDS IN BANK		\$ 5,883,969.40	\$ 5,776,739.68

**SECURITIES PLEDGED**

HAPPY STATE BANK

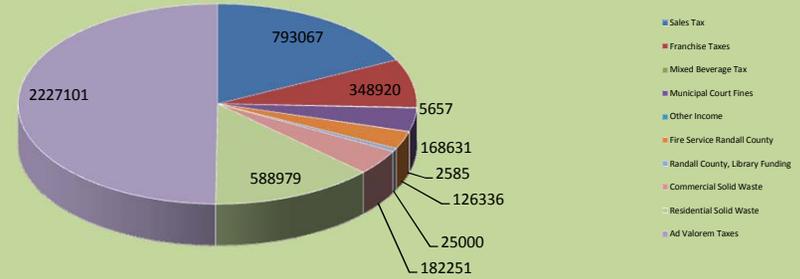
RECEIPT NUMBER	DATE MATURED	DESC.	AMOUNT	MARKET VALUE
3137ASNJ9	03/25/2022	FHMS	\$1,609,823.88	\$1,615,149.76
169412QN6	08/15/2027	China Spring ISD	\$1,058,152.38	\$1,026,312.40
552410ER9	08/15/1930	Lytle TX ISD	\$569,776.20	\$592,035.15
667825YM9	02/15/1932	Northwest TX ISD	\$1,059,009.05	\$1,112,358.80
8821172L7	07/01/1931	TX A&M UNV Func	\$1,222,959.19	\$1,265,790.00
31394FB87	05/25/1933	FNR	\$1,432,458.53	\$1,108,704.34
		FDIC INSURANCE	\$100,000.00	\$250,000.00
<b>Total Security Pledges</b>			<b>\$7,052,179.23</b>	<b>\$6,970,350.45</b>

Total Outstanding debt from 2012 issued CO's and 2013 refunded CO's **\$17,001,988**

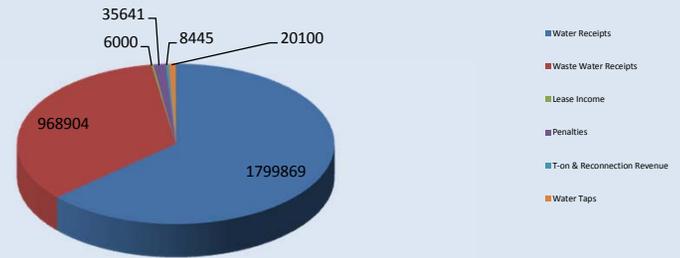
## Summary of Month Ending Sept 2016

Major Revenues	09/30/2016	Budgeted Amount	Percentage to Budget 100%
<b>General Fund</b>			
Sales Tax	\$ 2,063,052.00	\$ 1,900,000.00	108.58%
Franchise Taxes	\$ 622,509.00	\$ 690,000.00	90.22%
Mixed Beverage Tax	\$ 11,055.00	\$ 11,000.00	100.50%
Municipal Court Fines	\$ 279,961.00	\$ 320,000.00	87.49%
Other Income	\$ 80,787.00	\$ 40,000.00	201.97%
Fire Service Randall County			
County	\$ 281,528.00	\$ 239,416.00	117.59%
Randall County, Library Funding	\$ 50,000.00	\$ 50,000.00	100.00%
Commercial Solid Waste	\$ 366,357.00	\$ 348,500.00	105.12%
Residential Solid Waste	\$ 1,196,512.00	\$ 1,115,400.00	107.27%
Ad Valorem Taxes	\$ 2,319,135.00	\$ 2,340,000.00	99.11%
<b>Total General Fund Revenues</b>	<b>\$ 7,978,867.00</b>	<b>\$ 8,711,212.00</b>	<b>91.59%</b>
<b>Total General Fund Expenses</b>	<b>\$ 8,683,810.00</b>	<b>\$ 8,711,212.00</b>	<b>99.69%</b>
<b>Utility Fund</b>			
Water Receipts	\$ 4,529,757.00	\$ 4,095,000.00	110.62%
Waste Water Receipts	\$ 2,333,864.00	\$ 2,420,000.00	96.44%
Lease Income	\$ 54,003.00	\$ 54,003.00	100.00%
Penalties	\$ 84,165.00	\$ 60,000.00	140.28%
T-on & Reconnection Revenue	\$ 28,331.00	\$ 18,000.00	157.39%
Water Taps	\$ 51,758.00	\$ 30,000.00	172.53%
<b>Total Utility Fund Revenues</b>	<b>\$ 7,638,571.00</b>	<b>\$ 6,735,503.00</b>	<b>113.41%</b>
<b>Total Utility Fund Expenses</b>	<b>\$ 5,906,355.00</b>	<b>\$ 6,735,503.00</b>	<b>87.69%</b>

### Summary of Revenues General Fund



### Summary of Revenues Utility Fund



### Palo Duro Creek Golf

Course	Budgeted Amount	Percentage to Budget	
Revenues to Date	\$800,090.00	\$1,152,554.00	69.42%
Exenditures to Date	\$1,245,525.00	\$1,152,554.00	108.07%

**CITY OF CANYON  
SALES TAX COLLECTION HISTORY  
FISCAL YEAR 2015-2016**

MONTH	2013-2014 COLLECTIONS	2014-2015 COLLECTIONS	% INCREASE/ DECREASE 14-15 OVER 13-14	2015-2016 COLLECTIONS	% INCREASE/ DECREASE 15-16 OVER 14-15	2015-2016 YEAR-TO-DATE COLLECTIONS	TOTAL YEAR-TO-DATE TAXABLE SALES **
OCTOBER	\$188,929	\$223,456	18.28%	\$239,346	7.11%	\$239,346	\$15,956,400
NOVEMBER	\$225,885	\$216,081	-4.34%	\$256,488	18.70%	\$495,834	\$33,055,600
DECEMBER	\$292,194	\$185,766	-36.42%	\$266,745	43.59%	\$762,579	\$50,838,600
JANUARY	\$184,408	\$214,709	16.43%	\$208,797	-2.75%	\$971,376	\$64,758,400
FEBRUARY	\$242,684	\$217,411	-10.41%	\$261,746	20.39%	\$1,233,122	\$82,208,133
MARCH	\$182,850	\$177,351	-3.01%	\$247,382	39.49%	\$1,480,504	\$98,700,267
APRIL	\$169,113	\$226,391	33.87%	\$182,646	-19.32%	\$1,663,150	\$110,876,667
MAY	\$215,922	\$249,330	15.47%	\$253,438	1.65%	\$1,916,588	\$127,772,533
JUNE	\$173,509	\$193,998	11.81%	\$188,739	-2.71%	\$2,105,327	\$140,355,133
JULY	\$164,186	\$187,474	14.18%	\$205,105	9.40%	\$2,310,432	\$154,028,800
AUGUST	\$204,038	\$247,697	21.40%	\$235,105	-5.08%	\$2,545,537	\$169,702,467
SEPTEMBER	\$185,479	\$202,362	9.10%	\$204,903	1.26%	\$2,750,440	\$183,362,667
TOTALS	\$2,429,197	\$2,542,026		\$2,750,440			

TO: Randy Criswell, City Manager

FROM: Chris Sharp, Assistant City Manager

DATE: October 12, 2016

SUBJECT: Consider and Take Appropriate Action on Quarterly Investment Report by Finance Director Chris Sharp.

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A summary of all investments for the City of Canyon as of September 30, 2016 are submitted as an attachment to this agenda item. All funds are invested with the City's depository bank, Happy State Bank.

Total amount of investments for the City is \$3,022,804. These funds have been invested in the CDARS program and in CDs through Happy State Bank. The Canyon EDC also has investments in the CDARS program in the amount of \$174,628. The City's 2012 certificates of obligation funds have been invested into a CDARS investment account and has a balance of \$4,337,168. Total funds on hand, which includes funds in depository accounts as well as funds in investments total \$8,799,544.

This report is to comply with legislation requiring periodic reports to be made to the governing body for approval.

### **RECOMMENDED ACTION**

**Approval of the Quarterly Investment Report for the Quarter Ending September 30, 2016.**

**QUARTERLY INVESTMENT REPORT**

Quarter ending:

		Interest Rate	06/30/2016	09/30/2016	Interest earned for quarter
<b>CERTIFICATE OF DEPOSITS:</b>					
CD#		Interest Rate			
	6611 CEDC CD	0.24969	\$ 57,437.00	\$ 57,481.08	\$ 44.08
	6646 CEDC CD	0.24969	\$ 58,561.00	\$ 58,587.78	\$ 26.78
	14897 CEDC CD	0.05	\$ 58,527.52	\$ 58,559.76	\$ 32.24
<b>CDARS CERTIFICATES OF DEPOSIT</b>			<b>\$ 174,525.52</b>	<b>\$ 174,628.62</b>	
	14674 GENERAL FUND CD	0.57%	\$ 249,803.19	\$ 249,941.11	\$ 137.92
	15076 GENERAL FUND CD	0.57%	\$ 149,205.53	\$ 149,281.58	\$ 76.05
	14895 GENERAL FUND CD	0.57%	\$ 506,769.35	\$ 507,070.69	\$ 301.34
	6718 GENERAL FUND CD	0.57%	\$ 149,034.71	\$ 149,112.09	\$ 77.38
	14970 GENERAL FUND CD	0.57%	\$ 150,739.87	\$ 150,842.31	\$ 102.44
	9952 GENERAL FUND CD	0.57%	\$ 614,256.91	\$ 615,248.96	\$ 992.05
	14675 WW/SS FUND CD	0.57%	\$ 597,609.18	\$ 597,939.00	\$ 329.82
	14971 WW/SS FUND CD	0.57%	\$ 602,959.78	\$ 603,369.00	\$ 409.22
<b>TOTAL AMOUNT IN CDARS</b>			<b>\$3,020,378.52</b>	<b>\$ 3,022,804.74</b>	
<b>TOTAL AMOUNT OF FUNDS IN BANK</b>			<b>\$6,955,868.75</b>	<b>\$ 5,776,739.68</b>	
<b>TOTAL FUNDS ON HAND</b>			<b>\$9,976,247.27</b>	<b>\$ 8,799,544.42</b>	
<b>2012 Certificates of Obligations</b>		<b>(Invested in CDARS account) .33%</b>	<b>\$ 4,482,784.00</b>	<b>\$ 4,337,168.53</b>	<b>\$ 6,584.39</b>

To: Randy Criswell, City Manager  
From: Jon Behrens, Assistant to the City Manager  
Date: October 11, 2016  
Re: Consider and Take Appropriate Action on Canyon Family Aquatic Center – Change Order #001

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At the September 12, 2016 meeting, staff's recommendation was accepted and JC Commercial, Inc. was selected as the contractor for the Canyon Family Aquatic Center. The memo associated with that action discussed the fact that a Change Order reflecting the value engineering that had occurred on the project would follow the signing of the contract.

On October 11, 2016, we received Change Order Number 001 from JC Commercial showing a total deduction of \$481,686.00 from the original Contract Sum of \$6,037,777.00, which brings the new Contract Sum to \$5,556,091.00.

A preconstruction meeting was held on Monday, October 10, 2016 with JC Commercial and Kimley-Horn. A notice to proceed will be issued next week by Kimley-Horn and the project will officially be underway.

**It is the recommendation of City staff that Change Order #001 from JC Construction, Inc., a Change Order resulting in a deduction of \$481,686.00, be approved, and that the City Manager be authorized to execute the Change Order on behalf of the City.**



## **Change Proposal Request #1**

September 21, 2016

*Via Email*

To: Scott Arthur  
JC Commercial

From: Austin Powers  
Kimley-Horn and Associates, Inc.

Subject: Value Engineering Items

### **Proposal Request:**

Please provide a change proposal to the contract to indicate the following Value Engineering Items listed in the Value Engineering Proposal #3 (attached).

1. Entry Canopy & Decorative Signage	\$97,920.00
2. Irrigation	\$24,000.00
3. Landscaping	\$44,014.00
4. Substitute Coolbrella Manufacturer	\$ 5,000.00
5. Substitute Electrical Package	\$46,000.00
6. Pest Control	\$ 1,200.00
7. Parking Lot – Concrete to Asphalt	\$63,000.00
8. Faux Stone @ Raised Planter	\$75,000.00
9. Faux Stone @ Raised Pool Edge	\$46,000.00
10. Lockers	\$29,873.00
11. <u>Misc. Pool Items</u>	<u>\$49,679.00</u>
<b>Total</b>	<b>\$481,686.00</b>

In addition, please provide a cost for two (2) single exit gates with panic hardware. Refer to attached Plan Review document and example photo.

# Kimley»»Horn

## **Canyon Family Aquatic Center**

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Refer to the Technical Specifications section of the project manual, Section 01020, Contract Considerations, 1.6 Change Procedure, A-E, for additional information in Change Proposal Requests.

Copy to:  
Gordon Smith (COB)  
File



To: Mr. Mark Hatchel  
Kimley-Horn  
2201 West Royal Lane, Suite #275  
Irving TX, 75063

September 8th, 2016

Re: Canyon Family Aquatic Center – Value Engineering Proposal

Dear Mr. Hatchel,

JC Commercial is pleased to provide the following Value Engineering options for the Canyon Family Aquatic Center project. Please note that each line item stands “as is” and can be selected or rejected individually.

**Entry Canopy & Decorative Signage**

- o Deduct labor, material, masonry & concrete at Entry Canopy w/ Decorative Signage. <\$97,920.00>
- o Flatwork into project entry remains.

**Irrigation**

- o Deduct labor & material for specified Irrigation System (landscaping remains in Base Bid) <\$24,000.00>

**Landscaping**

- o Deduct labor & material for specified Landscaping (irrigation remains in Base Bid) <\$44,014.00>

**Substitute Coolbrella Manufacturer**

- o Substitute specified Coolbrella’s to “Shade Systems” Coolbrella’s <\$5,000.00>

**Substitute Electrical Package**

- o Substitute specified Gear package
- o Substitute copper service feeders to aluminum service feeders
- o Lighting package remains as originally specified <\$46,000.00>

**Pest Control**

- o Deduct Pest Control <\$1,200.00>

1801 Lakepointe Drive, Suite 129 · Lewisville, Texas 75077

P 972.436.4622 · F 972.436.4822

www.jccom.com



## Canyon Family Aquatic – Value Engineering Options – Continued

### Parking Lot – Concrete to Asphalt

- Deduct concrete as specified and replace with “HMAC Over Crushed Aggregate Base” table Per Apex Geoscience – Geotechnical Evaluation – Page 21 of 24 <\$63,000.00>

### Parking Lot –West Parking Row

- Deduct Asphalt West parking row per Exhibit “A” and relocate (3) light pole fixtures <\$5,922.00>

### Feaux Stone @ Raised Planter

- Deduct Feaux Veneer at Raised Planter & Site Retaining Wall (Concrete walls remain in Base Bid) <\$75,000.00>

### Feaux Stone @ Raised Pool Edge

- Deduct Feaux Veneer at Raised Pool Edge & add 6” x 6” Group 1 or 2 glazed pool tile <\$46,000.00>
- Deduct Feaux Veneer Coping and add Pre-Cast Coping

### Play Structure @ Leisure Pool

- Deduct labor & material for Play Structure at Leisure Pool <\$120,000.00>

### Spray Features

- Deduct labor & material for above ground features (embedded & underground remains) for Splash items <\$36,000.00>

### Enclosed Slide

- Deduct labor & material for the Enclosed Slide & associated excavations / footings <\$64,000.00>

### Materials Testing

- Deduct Materials Testing <\$20,000.00>



## Canyon Family Aquatic – Value Engineering Options – Continued

### Pump House Steel

- Provide Standard Red Oxide Primer in lieu of Galvanizing at Pump House Building <\$5,609.00>

### Owners Contingency

- Deduct Owners Contingency <\$50,000.00>

### Lockers

- Deduct lockers in Alcove #115 & alter lockers in Room #103 from three tier to two tier <\$29,873.00>

### Misc. Pool Items

- Delete all items (material & labor) as shown on Exhibit "B". <\$49,679.00>
- Installation remains for Items as noted the Exhibit "B".

Please do not hesitate to contact us should you have any additional questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Trey Wagner', is written over a horizontal line.

Trey Wagner, Vice President  
J.C. Commercial, Inc.

CC: Austin Power, Kimley-Horn

# Exhibit "B"

9/8/2016

Items to be purchased by the City of Canyon  
 Remove these from list for Contractor to Purchase

		Page	Item
Starting Platforms	7	13150-45	D <----- Installation Remains in Bid
Safety Covers for Platforms	6	13150-45	E
Lifeguard Chairs	5	13150-45	F <----- Installation Remains in Bid. (1) Lifeguard Chair (material & labor) remains in Bid.
Tall Lifeguard Chairs	2	13150-45	F
Pool Lift	2	13150-46	K <----- Installation Remains in Bid
Comp. Floating Lane Rope	6	13150-47	A
Lifeline	1	13150-47	B
Backstroke Flags		13150-47	C
Recall Rope		13150-47	D
Lane Rope Storage Reel	1	13150-47	E
Pace Clock	1	13150-47	F
Waterbasketball	1	13150-47/48	G <----- Installation Remains in Bid
Waternvolleyball Net	2	13150-48	H
Aluminum hook and pole/skim	1	13150-48	I
T Wrench	2	13150-48	J
Wall Brushes	2	13150-49	A1
Skimming Net	2	13150-49	A2
Telescopic Poles	2	13150-49	A3
Portable Vaccume Poles	2	13150-49	A4
Test Kits	2	13150-49	A5
Vaccuum Cleaner	1	13150-49	6A
Ring Buoy and Ext Rope	4	13150-50	A1
Life Hook Fiber Pole	4	13150-50	A2
Spineboards	2	13150-50	A3
First Aid Kit	2	13150-51	A4
Rescue Tubes	14	13150-51	A5
Safety Eyewash Station	2	13150-51	A6
Safety Eyeglasses	10	13150-51	A7
Bag Valve Mask	2	13150-51	A8
Portable Thermometer	2	13150-51	15A1
Inline Thermometer	2	13150-51	15A2