

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 Gary Hinders presided over the meeting with the following Commissioners in attendance, Mayor Pro-Tem Justin Richardson, Cordell Jones, Roger Remlinger and Paul R. Lyons.

Also present were the following City Staff: City Manager Randy Criswell, Assistant City Manager Chris Sharp, City Secretary Gretchen Mercer, Assistant City Manager for Special Projects Jon Behrens, Chief of Police Dale Davis, Business and Community Development Director Evelyn Ecker, Director of Code Enforcement Danny Cornelius, Director of Public Works Dan Reese, Fire Chief Mike Webb, Safety Director Tony Lawson and City Attorney Chuck Hester.

Also present were members of the Canyon Economic Development Corporation Board of Directors: President Don Lee, Doug Cowan, Jim Bryant and Randy Croslin.

Item 1. Call to Order.

Mayor Hinders called the meeting to order at 5:31 p.m.

Item 2. Invocation.

Mayor Pro-Tem Richardson gave the invocation.

Item 3. Pledge of Allegiance.

The Pledge of Allegiance was led by Commissioner Lyons.

Item 4. Approval of Minutes of the Special Meeting February 5, 2018.

Commissioner Jones moved, duly seconded by Commissioner Remlinger, to approve the minutes of February 5, 2018 as presented. Motion carried unanimously.

Item 5. Approval of Minutes of the Meeting February 22, 2018.

Mayor Pro-Tem Richardson moved, duly seconded by Commissioner Jones, to approve the minutes of February 22, 2018 as presented. Motion carried unanimously.

Item 6. Public Comment – Comments From Interested Citizens.

Dean Guell of 20 William Lane, Canyon, Texas: Mr. Guell provided photos of sidewalk access in the Canyon East Subdivision stating that the curb interfaces and location of the mailboxes make them inaccessible for wheelchairs, bicycles or tricycles. Mr. Guell asked for consideration to be given for a requirement on remodels and new buildings to make the sidewalks wheelchair, bicycle and tricycle accessible.

Don Lee, of 18 Fairway Drive, Canyon, Texas: Mr. Lee stated he is the President of the Canyon Economic Development Corporation. Mr. Lee gave a brief overview of the success and scope of

the Canyon Economic Development Corporation since its inception, thanked the City Commission for their support in the past, and expressed his desire for continued support in the future.

Item 7. Conduct Second Public Hearing and Consider and Take Appropriate Action on Resolution No. 04-2018 With Regards to a Request from Rocar Inc., dba U.S. Cleaners, A New Business to be Located at 2005 N. 2nd Avenue, Suite A. (The Depot) Canyon, Texas. The Funding is Based on New Business Development.

Business and Community Development Director Evelyn Ecker presented Resolution No. 04-2018. Ms. Ecker stated U.S. Cleaners was a family owned business that opened in 1995. Ms. Ecker said the business has gone from one location to 5 with a state of the art production facility and four satellite locations. Ms. Ecker said U.S. Cleaners felt the time was right to expand into Canyon since they were already serving 500 plus customers in Amarillo that reside in Canyon which would keep tax dollars local instead of going to Amarillo. Ms. Ecker cited a recent study completed for Canyon showed Canyon could support another Dry Cleaners.

Mayor Pro-Tem Richardson moved, duly seconded by Commissioner Remlinger to approve Resolution No. 04-2018 as presented.

Commissioner Lyons asked for the floor. Mr. Lyons apologized to U.S. Cleaners stating his problem was with the Canyon Economic Development Corporation and his dislike of the direction they are going, not with U.S. Cleaners, and preferred the discussion about this issue to take place behind closed doors. Mr. Lyons said he was glad to see U.S. Cleaners coming to Canyon with the 500 Canyon customers and wished them the best of luck. Mr. Lyons said he feels the Canyon Economic Development Corporation should not be picking winners or losers in business and felt the same thing given to U.S. Cleaners should be given to Modern Cleaners. Mr. Lyons said he was surprised at the phone calls he's received that supported his position. He said he didn't understand why taxpayer money should be used on a business that is already established in the community and it's not fair to Jeremy Johnson (Modern Cleaners) who pays taxes. Mr. Lyons asked that no one turn their backs on Modern Cleaners.

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

After discussion, Mayor Hinders asked for a vote on the motion made by Mayor Pro-Tem Richardson. Motion carried with Mayor Hinders, Mayor Pro-Tem Richardson, and Commissioner Remlinger voting for and Commissioners Jones and Lyons voting against.

RESOLUTION NO. 04-2018

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF CANYON APPROVING PROJECT FUNDING AGREEMENT BETWEEN ROCAR INC., AND CANYON ECONOMIC DEVELOPMENT CORPORATION REGARDING DIRECT FINANCIAL ASSISTANCE FOR A PROJECT LOCATED AT 2005 N. 2ND AVENUE, SUITE A, CANYON, TEXAS. THE FUNDING IS BASED ON NEW BUSINESS DEVELOPMENT.

Item 8. Hold Public Hearing and Consider and Take Appropriate Action on a Specific Use Permit Request by 806 Vapes to Operate an Electronic Cigarette Store at 306 23rd St.

Director of Code Enforcement Danny Cornelius presented a Specific Use Permit Request from Chris Goodwin of 806 Vapes to operate an Electronic Cigarette Store at 306 23rd St. Mr. Cornelius stated the City of Canyon adopted Ordinance No. 1074 in November 2017 allowing Smoke Lounges/Retail Stores in the RC-1, RC-2, I-1 and I-2 Zoning Districts by Specific Use Permit only. Mr. Cornelius stated 13 letters were sent out to property owners within 200 feet with one response received in opposition. Mr. Cornelius stated the Planning and Zoning Commission voted unanimously to recommend approval of the request to the City Commission. City Manager Randy Criswell announced the City had received an email with links to Facebook videos posted by 806 Vapes and requested the videos be shared with the Commission. The video was played for the City Commission which showed language that could be offensive to some, and what appeared to be disrespect towards the authority of the City. Mr. Goodwin asked to address the video stating it is marketed towards adults, and the characters in the video are not who you see when entering the store. Mr. Goodwin stated he was not disrespecting the authority of the City of Canyon concerning permits for signs, that he already had the permits taken care of through the City. Mr. Goodwin stated everyone on the Facebook group they post to is only approved to be a member if they are 18 or older. Mayor Pro-Tem Richardson stated he was concerned with kids under 18 being permitted into the store and Mr. Goodwin said there are signs all over the store that you must be 18 or older to enter. Commissioner Lyons asked if the other vape shops in town had Specific Use Permits. Mr. Criswell stated they were "grandfathered" in since they were established before the Ordinance was adopted, but from this point forward anyone wanting to open a vape shop, hookah bar or smoke lounge etc. would have to apply for a Specific Use Permit. Mr. Criswell confirmed that if 806 Vapes were to close, and someone wanted to open another vape store in the same location, that person would have to apply for a Specific Use Permit. Also, if 806 Vapes decided to move their business, they would have to apply for a new Specific Use Permit. The permits are issued to the merchant for the specified business and location.

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

Commissioner Remlinger moved to table consideration of the Specific Use Permit in order to gather more information. Motion failed for lack of a second.

Mayor Pro-Tem Richardson moved, duly seconded by Commissioner Lyons to approve the Specific Use Permit for 806 Vapes to operate at 306 23rd Street for one year at which time they will come back to the City Commission for review. Motion carried with Mayor Pro-Tem Richardson, Commissioner Jones and Commissioner Lyons voting for, and Mayor Hinders and Commissioner Remlinger voting against.

Item 9. Report from Fire Chief Mike Webb on Wildfire Potential and Action Plan.

Fire Chief Mike Webb addressed the City Commission concerning wildfires, safety and an action plan. Chief Webb stated he has been in contact with the City of Borger who has been implementing controlled burns for several years. Chief Webb stated Borger has used contractors

for the controlled burns and for cleanup of brush. Chief Webb said the Canyon Fire Department would like to begin burning off areas around the city limits to help alleviate dangers to the city in case of a wildfire. Chief Webb said there would be public education about the benefits of burnoffs, removing shrubs and trees in specified proximity to buildings, and funding. Commissioner Lyons asked what would happen if a land owner didn't want their property burned. Chief Webb stated it would not be mandatory but hopefully through public education people would understand and be agreeable to the need. Commissioner Jones asked if the Texas Forest Service could help. Chief Webb stated they could on public property, but not privately-owned property. After discussion, Mayor Hinders requested that Chief Webb get some numbers together for funding needs and a plan to present to the City Commission for approval.

Item 10. Consider and Take Appropriate Action on Recommendations from the Board of City Development (BCD) for 2018 Budget.

Assistant City Manager Chris Sharp presented the budget as recommended by the Board of City Development at their February 13, 2018 meeting.

Billboard Lease	\$ 6,000
Xcel Energy	\$ 2,000
Texas	\$45,000
WTAMU	\$55,000 with possible \$10,000 additional award
PPHM	\$45,000 with possible \$ 5,000 additional award
Chamber of Commerce	\$90,000 with possible \$10,000 additional award
Canyon Main Street	\$18,700
Kids Inc.	\$ 3,000
Total	\$264,700
Total Amount with additional award	\$289,700

After discussion, Commissioner Lyons moved, duly seconded by Mayor Pro-Tem Richardson to approve the BCD Budget for 2018 as recommended. Motion carried with Commissioner Remlinger abstaining.

Item 11. Consider and Take Appropriate on Ordinance No. 1076, an Ordinance Adopting a New Rate Review Mechanism (RRM) Tariff to Govern Future Annual Rate Filings by Atmos West Texas.

Assistant City Manager Chris Sharp presented Ordinance No. 1076 for consideration.

After discussion, Commissioner Jones moved, duly seconded by Commissioner Remlinger to adopt Ordinance No. 1076 as presented. Motion carried unanimously.

ORDINANCE NO. 1076

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF CANYON, TEXAS, APPROVING A TARIFF AUTHORIZING AN ANNUAL RATE REVIEW MECHANISM ("RRM") AS A SUBSTITUTION FOR THE ANNUAL INTERIM RATE ADJUSTMENT PROCESS DEFINED BY SECTION 104.301 OF THE TEXAS

UTILITIES CODE, AND AS NEGOTIATED BETWEEN ATMOS ENERGY CORP., WEST TEXAS DIVISION (“ATMOS WEST TEXAS” OR “COMPANY”) AND THE STEERING COMMITTEE OF CITIES SERVED BY ATMOS WEST TEXAS; REQUIRING THE COMPANY TO REIMBURSE CITIES’ REASONABLE RATEMAKING EXPENSES; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND LEGAL COUNSEL FOR THE STEERING COMMITTEE.

- Item 12. Consider and Take Appropriate Action on Resolution No. 08-2018, a Resolution of the City Commission of the City of Canyon, Randall County, Texas, Authorizing the Submission and Acceptance of a Grant Application to the Office of the Governor for the DJ Edward Byrne Memorial Justice Assistance Grant Program for P25 Radio Trunking System for the City of Canyon Police Department; and Authorizing the Chief of Police to Represent the City In All Matters Pertaining to This Application.

Chief Dale Davis presented Resolution No. 08-2018 for consideration. Chief Davis stated the purpose of purchasing the P25 radio trunking system is to remain compatible with a new 700 Mhz radio system for first responders that the Randall County Sheriff’s office, Amarillo Police Department and Potter County Sheriff’s office will migrate to in the near future. Chief Davis stated the Randall County Sheriff’s office provides communication services to the Canyon Police Department and other first responders so the transition needs to be made together with the other mentioned entities. Chief Davis stated the grant applied for would provide up to \$120,000 towards the new system with a required match of up to \$120,000 from the City of Canyon.

After discussion, Mayor Pro-Tem Richardson moved, duly seconded by Commissioner Jones to approve Resolution No. 08-2018 as presented. Motion carried unanimously.

RESOLUTION NO. 08-2018

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF CANYON, RANDALL COUNTY, TEXAS, AUTHORIZING THE SUBMISSION AND ACCEPTANCE OF A GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR FOR THE DJ EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM FOR P25 RADIO TRUNKING SYSTEM FOR THE CITY OF CANYON POLICE DEPARTMENT; AND AUTHORIZING THE CHIEF OF POLICE TO REPRESENT THE CITY IN ALL MATTERS PERTAINING TO THIS APPLICATION.

- Item 13. Drought Contingency Plan Implementation – Information Only.

City Manager Randy Criswell notified the City Commission the City of Canyon would implement Stage 2 of the City of Canyon Drought Contingency Plan. Mr. Criswell stated he wanted to implement Stage 2 since we are in an historic drought, combined with the fact that the east elevated tank is out of service for re-coating. Mr. Criswell said the tank being out of service does not put a strain on the system in meeting demands, but if something else goes wrong we need to

be prepared. Mr. Criswell said Stage 2 of the Drought Contingency Plan requires even/odd landscape watering day restrictions and City Staff will begin public awareness and education encouraging citizens to be water wise. Mr. Criswell confirmed Commissioner Lyons question that new yards would be an exception to the water restrictions with an approved application. Mr. Criswell stated once the east elevated tank re-coating was completed the city would return to Stage 1 of the Drought Contingency Plan.

Item 14. Discussion of Need and Protocol for City Commission Work Sessions.

City Manager Randy Criswell addressed the Commission about having work sessions as part of regular City Commission meetings in response to discussion at the Strategic Planning meeting February 22. Mr. Criswell said staff was looking into how other cities manage this type of work session and hoped to have some direction soon. Mr. Criswell said this would be beneficial for meetings that additional time needs to be spent on specific items that are complicated or complex. Mayor Hinders suggested beginning a meeting with a work session at 5 pm and then convene the regular meeting at 5:30 as is normal.

Item 15. Executive Session Pursuant to §551.072 Deliberation of Real Property, and §551.071 Consultation with Attorney.

Mayor Hinders indicated the Commission would adjourn into Executive Session at 7:30 p.m.

Item 16. Consider and Take Appropriate Action on Items Discussed in Executive Session.

Upon returning from Executive Session at 8:31 pm, no action was taken.

Item 17. Adjourn.

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

Gary Hinders, Mayor

ATTEST:

Gretchen Mercer, City Secretary