

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, Kelsey Ward, Paul R. Lyons and Randy Ray.

Also present were the following City Staff: City Manager Joe Price, Assistant City Manager Jon Behrens, City Secretary Gretchen Mercer, HR Director Hector Mendoza, IT Director Shaun Holtman, Communications Director Megan Nelson, Chief of Police Steve Brush, Police Captain Matt Coggins, Planning and Development Director Danny Cornelius, Assistant Planning and Development Director Craig Brown, Planning and Development Inspector Stan Barnard, Director of Public Works Dan Reese, Assistant Director of Public Works Chris Enriquez, Street and Solid Waste Superintendent Brendon Banner, Water Foreman Jeff Williams, Business and Community Development Director Evelyn Ecker, Parks Director Brian Noel, Fire Chief Dennis Gwyn, Assistant Fire Chief Vince Whitfill, Finance Director Joel Wright, Budgeting and Purchasing Manager Beau Boyer, City Engineer Adolfo Garcia, and City Attorney Chuck Hester.

Item 1. Call to Order.

Mayor Hinders called the meeting to order at 4:33 p.m.

Item 2. Invocation.

Mayor Pro-Tem Jones gave the invocation.

Item 3. Pledge of Allegiance.

The Pledge of Allegiance was led by Commissioner Ray.

Item 4. Approval of the Minutes of the Meeting of March 7, 2022

Commissioner Ray moved, duly seconded by Mayor Pro-Tem Jones to approve the minutes of March 7, 2022 as presented. Motion carried unanimously.

Item 5. Public Comment – Comments from Interested Citizens.

No Comments were made.

Item 6. Report on Improving the City of Canyon's Insurance Services Office (ISO) Public Protection Classification.

Fire Chief Dennis Gwyn introduced ISO consultant Mike Pietsch, P.E. Mr. Pietsch gave an overview of how the ISO rating points system works. Mr. Pietsch stated the main things that will lower the City of Canyon ISO rating are not having the Fire Department Ladder Truck staffed so it can be reported as a responding vehicle, and the lack of enough paid on-duty staff 24/7. Mr. Pietsch said he fully expected the ISO rating for the Canyon Fire Department to drop to a 3, possibly 4 with the upcoming inspection, but that the Fire Department could reapply for a higher rating once they address the concerns in the inspection. Mr. Pietsch said with the planned

increase of paid staff working 12 hour shifts for 24 hour coverage and the ability to staff the ladder truck for calls, the better ISO rating was obtainable with the re-application. Mr. Pietsch said the main things that insure the higher ratings are increased paid full-time staff, a full-time Fire Marshal on staff, and updated Fire Code.

No action required, informational only.

Item 7. Consider and Take Appropriate Action on the January 31, 2022 Financial Report by Finance Director Joel Wright.

Finance Director Joel Wright presented the Financial Report for consideration. After discussion Mayor Pro-Tem Jones moved, duly seconded by Commissioner Ward to approve the Financial Report as presented. Motion carried unanimously.

Item 8. Consider and Take Appropriate Action on January 31, 2022 Investment Report by Finance Director Joel Wright.

Finance Director Joel Wright presented the Investment Report for consideration. After discussion Mayor Pro-Tem Jones moved, duly seconded by Commissioner Ray to approve the Investment Report as presented. Motion carried unanimously.

Item 9. Consider and Take Appropriate Action on Recommendation of Architect for the Proposed Construction of a Police Station and Renovations of City Hall.

Purchasing Manager Beau Boyer presented submissions from five (5) firms in response to the City's Request for Qualifications related to the proposed construction of a Police Station and renovations to City Hall. Mr. Boyer stated each group was evaluated/scored on Firm Information, Project Team, Experience with Municipal Projects, Police/Public Safety Project Experience, Experience in Panhandle Region, and Project Approach/Philosophy with a maximum possible score of 100. Mr. Boyer said the evaluation team consisted of Mayor Gary Hinders, Mayor Pro-Tem Cody Jones, City Manager Joe Price, Assistant City Manager Jon Behrens, Police Chief Steve Brush, Fire Chief Dennis Gwyn, Director of Planning and Development Danny Cornelius, and Budget & Purchasing Manager Beau Boyer.

Average Evaluation Score Results:

Sims+ Architects	87.5
Parkhill	85.7
Dekker, Perich, Sabatini	82.0
Randall Scott Architects	76.2
Charles R. Lynch, AIA Inc. & Chapman Harvey Architects	72.2

After discussion, Commission Ray moved, duly seconded by Commissioner Ward to authorize the City Manager to negotiate a contract with Sims+ Architects, or the next qualified firm if needed, for architectural services related to the potential police station construction and city hall renovation. Motion carried unanimously.

Item 10. Consider and Take Appropriate Action on Bids Received for Micro-Surfacing Project – 2022.

Director of Public Works Dan Reese presented bids for the 2022 Micro-Surfacing of Streets and Avenues between 19th and 23rd Streets, less the brick streets. Mr. Reese said he had received many comments on the slurry seal done last year in the business district and felt it was holding up well. Mr. Reese stated only 2 bids were received as the type of work is limited in the area:

Bidder	Base Bid Total	Days to Complete
Intermountain Slurry Seal, Inc. Lewisville, Texas.	\$317,300.00	5
Viking Construction, Inc.	\$382,600.00	90

Mr. Reese said staff recommended awarding the bid to Intermountain Slurry Seal, Inc. with a low bid of \$317,300.00.

After discussion, Mayor Pro-Tem Jones moved, duly seconded by Commissioner Ward to award the bid for the 2022 Micro-surfacing project to Intermountain Slurry Seal, Inc. with the low bid of \$317,300. Motion carried unanimously.

Item 11. Presentation from City Engineer Updating Status of Current Public Works Projects.

City Engineer Adolpho Garcia updated the Commission on the status of current projects within the City of Canyon.

No action, informational only.

Item 12. Consider and Take Appropriate Action on a Plat for Hunter Estates Unit No. 2, a Subdivision Within the Extraterritorial Jurisdiction of the City of Canyon

Planning and Development Director Danny Cornelius presented a Plat for Hunter Estates Unit No. 2 submitted for approval by Robbie Christie. Mr. Cornelius said Hunter Estates is not within the City Limits of Canyon, but the city has the authority to approve plats within the ETJ (Extraterritorial Jurisdiction) of Canyon. Mr. Cornelius said the City Commission approved the Developers Agreement for Hunters Estates July 21, 2021 and the City Engineer will perform inspections of the public improvements and ensure it meets city standards. The Developer will provide a 5% development fee and surety prior to any construction of public infrastructure as noted in the Development Agreement. Mr. Cornelius said there will be approximately 112 lots of 1 acre with well and septic.

After discussion, Commissioner Ward moved, duly seconded by Commissioner Ray to approve the plat for Hunter Estates Unit No. 2. Motion carried unanimously with Mayor Hinders abstaining.

Item 13. Consider and Take Appropriate Action on Recommendations from Board of City Development (BCD).

Assistant City Manager Jon Behrens presented proposed adjustments to the BCD Budget as approved for 2021-2022. Mr. Behrens said requests had been received from:

- The Panhandle Firemen's and Fire Marshall Association (PFFMA) requested \$5,000 to support their two-day annual convention in Canyon. Mr. Behrens said the last convention hosted 223 guest and filled their block of 55 hotel rooms for 2 plus nights. Mr. Behrens said this group is among the first to provide actual data of number of attendees and hotel beds filled specific to their event.
- City of Canyon requested \$3,228 for membership in the Texas Hotel & Lodging Association that provides lodging listings on their website for members.
- Business and Community Development Director Evelyn Ecker requested \$1,500 - \$2,000 for repairs and upgrades to the City of Canyon billboard on I-27.

Mr. Behrens said the BCD Board voted unanimously on the funding requests as follows:

- Approve funding of \$5,000 in support of the PFFMA Annual convention.
- The request from the City of Canyon was tabled after the BCD Board reviewed the Texas Hotel & Lodging Association website and felt a membership would not benefit the City of Canyon. Mr. Behrens said he would be participating in a presentation related to the association in the near future and would report back.
- Approve funding of \$1,500 to \$2,000 to fund repairs and upgrades to the City of Canyon billboard.

After discussion, Mayor Pro-Tem Jones moved, duly seconded by Commissioner Ray to approve the adjustment to the Board of City Developments 2021-2022 budget as recommended by the BCD Board. Motion carried unanimously with Commissioner Ward abstaining.

Item 14. Second Reading of Ordinance No. 1154 for the Renewal of Xcel Energy Franchise Agreement.

City Manager Joe Price presented Ordinance No. 1154 for the second of 3 required readings of the full Ordinance as written in the City of Canyon Home Rule Charter (Section 3.17). Mr. Price stated in May of 2020 the City Commission approved an increase to the Franchise Fee from 3% to 4.51% with 5% being to max allowed by law. Mr. Price said the current Franchise Ordinance doesn't expire until January 2026, but the submission of a Rate Case from Xcel Energy provides an opportunity to amend the Franchise Ordinance and increase the percentage for gross receipts the final .49% bringing the total franchise fee to 5% and renewing the Franchise Agreement with Xcel Energy for 20 years.

Ordinance No. 1154 was read out loud in its entirety as recorded by City Secretary Gretchen Mercer.

No action, second reading only.

ORDINANCE NO. 1154
FRANCHISE AGREEMENT

AN ORDINANCE GRANTING TO SOUTHWESTERN PUBLIC SERVICE COMPANY ("SPS") D/B/A XCEL ENERGY THE RIGHT, PRIVILEGE AND FRANCHISE TO CONDUCT WITHIN THE CITY OF CANYON, TEXAS ("CITY"), AN ELECTRICAL LIGHTING AND POWER BUSINESS AND TO ENTER UPON, ERECT, CONSTRUCT, MAINTAIN, EXTEND, REPAIR, REPLACE AND REMOVE IN, UNDER UPON, WITHIN, OVER, ABOVE, ACROSS AND ALONG ANY AND ALL OF THE PRESENT AND FUTURE PUBLIC ROADS, HIGHWAYS, STREETS, LANES, BRIDGES AND ALLEYS OF THE CITY, A SYSTEM OF POLES, POLE LINES, TOWERS, DISTRIBUTION LINES, TRANSMISSION LINES, WIRES, GUYS, CABLES, CONDUITS, TRANSFORMERS, AND OTHER DISTRIBUTION AND TRANSMISSION EQUIPMENT, FACILITIES AND APPURTENANCES NECESSARY OR PROPER FOR THE TRANSMISSION AND DISTRIBUTION OF ELECTRICITY INTO, IN, WITHIN, FROM, ACROSS, AND THROUGH THE CITY AS NOW EXISTING, OR AS SAID CITY LIMITS MAY HEREAFTER BE EXTENDED; AND GRANTING SPS, ITS SUCCESSORS AND ASSIGNS, THE AUTHORITY TO USE SUCH FOR THE PURPOSE OF TRANSMISSION, DISTRIBUTION, DELIVERY AND SALE OF ELECTRICITY TO THE CITY, AND TO THE INHABITANTS OF THE CITY, OR ANY OTHER PERSON OR PERSONS, FIRMS OR CORPORATIONS, WHEREVER LOCATED WITHIN OR WITHOUT THE BOUNDARIES OF THE CITY, FOR USE BY SUCH PURCHASER OR PURCHASERS FOR ANY PURPOSE AUTHORIZED BY LAW FOR WHICH ELECTRICITY MAY BE USED OR FOR ANY OTHER PURPOSE OR USE WHICH IS OR MAY BECOME NORMAL OR CUSTOMARY IN THE RETAIL ELECTRIC INDUSTRY IN TEXAS; PROVIDING THAT THIS FRANCHISE SHALL BE EFFECTIVE FOR A PERIOD OF TWENTY (20) YEARS COMMENCING MAY 15, 2022; PROVIDING FOR THE TEMPORARY REMOVAL, RAISING OR LOWERING BY SPS OF ITS WIRES AND OTHER APPURTENANCES; PROVIDING FOR THE RIGHT TO, AND CONDITION OF, THE OPENING OF PAVEMENTS AND SIDEWALKS BY SPS; RETAINING ALL RIGHTS OF CITY TO REGULATE THE LOCATION OF SPS'S FACILITIES IN, UPON, ALONG, UNDER AND OVER THE STREETS, ALLEYS AND OTHER PUBLIC PLACES OF CITY, AS WELL AS TO REQUIRE THE RELOCATION OF SAME; PROVIDING FOR EFFICIENT ELECTRICAL SERVICE AND THE MAINTAINING OF SPS'S FACILITIES; PROVIDING COMPENSATION, AND METHOD OF PAYMENT OF SUCH, TO THE CITY FOR THE USE BY SPS OF THE STREETS, ALLEYS

AND PUBLIC WAYS OF THE CITY; PROVIDING FOR THE MAINTAINING OF RECORDS BY SPS WITH RIGHT OF INSPECTION BY CITY RESERVING TO CITY ALL POWERS OF REGULATION; PROHIBITING ASSIGNMENT EXCEPT BY CONSENT BY CITY EXCEPT IN CERTAIN CASES; GIVING CITY'S CONSENT TO THE CUTTING AND TRIMMING BY SPS OF CONFLICTING TREES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING THAT THIS FRANCHISE SHALL NOT BE EXCLUSIVE; MAKING MISCELLANEOUS PROVISIONS RELATIVE TO THIS GRANT OF FRANCHISE; REPEALING ALL PREVIOUS ELECTRICAL LIGHTING AND POWER FRANCHISE ORDINANCES; PROVIDING FOR THE ACCEPTANCE OF THIS FRANCHISE ORDINANCE BY SPS

Item 15. Executive Session Pursuant to §551.071 Consultation with Attorney, §551.072 for Deliberation Regarding Real Property, and §551.087 Economic Development Negotiations.

Mayor Hinders indicated the City Commission would adjourn into Executive Session at 6:12 pm.

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

Upon returning from Executive Session at 6:46 pm, no action was taken.

Item 17. Adjourn.

There being no further business, Mayor Pro-Tem Jones moved this meeting be adjourned at 6:46 pm.

Gary Hinders, Mayor

ATTEST:

Gretchen Mercer, City Secretary