

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, 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, Director of Public Works Dan Reese, Assistant Director of Public Works Chris Enriquez, Parks Director Brian Noel, Fire Chief Dennis Gwyn, Assistant Fire Chief Vince Whitfill, Finance Director Joel Wright, Budgeting and Purchasing Manager Beau Boyer, and City Attorney Chuck Hester.

Item 1. Call to Order.

Mayor Hinders called the meeting to order at 4:34 p.m.

Item 2. Invocation.

Commissioner Ward gave the invocation.

Item 3. Pledge of Allegiance.

The Pledge of Allegiance was led by Commissioner Lyons.

Item 4. Approval of the Minutes of the Meeting of March 21, 2022

Mayor Pro-Tem Jones moved, duly seconded by Commissioner Ward to approve the minutes of March 21, 2022 as presented. Motion carried unanimously.

Item 5. Public Comment – Comments from Interested Citizens.

No Comments were made.

Item 6. Proclamation Proclaiming April 2022 as Canyon Child Abuse Prevention and Awareness Month.

Mayor Hinders presented a Proclamation proclaiming April 2022 as Canyon Child Abuse Prevention and Awareness Month. Representatives from CASA, The Bridge and Family Support Services were present to accept the proclamation.

No action required, informational only.

Item 7. Presentation on Zoning and Subdivision Ordinance Update.

Planning and Development Director Danny Cornelius presented and update on the Zoning and Subdivision Ordinance. Mr. Cornelius stated City Staff had been working with Freese and Nichols

since 2019 updating the Zoning and Subdivision Ordinances and hope to have a final draft in the next few weeks. Mr. Cornelius stated drafts will be posted of the ordinances on the City of Canyon website and 4 meetings will be held with Freese and Nichols and staff leading:

- Stakeholder Meeting – Zoning Ordinance
- Stakeholder Meeting – Subdivision Ordinance
- Joint P&Z and City Commission Workshop – Zoning Ordinance
- Joint P&Z and City Commission Workshop – Subdivision Ordinance

Informational only, no action required.

Item 8. Consider and Take Appropriate Action on Resolution No. 04-2022, A Resolution by the City Commission of the City of Canyon, Randall County, Texas, Accepting a House Bill 2604 Grant From the Texas A&M Forest Service for the Purchase of Personal Protective Equipment for the Canyon Fire Department; and Authorizing the Fire Chief to Represent the City in All Matters Pertaining to the Administration of the Grant.

Fire Chief Dennis Gwyn presented Resolution No. 04-2022 for consideration. Chief Gwyn said the HB 2604 Grant, if granted, would be used to purchase Personal Protective Equipment. Chief Gwyn said the grant would reimburse 90% of the cost with a maximum of \$20,000. The City of Canyon match would be 10% and is currently budgeted in the 2021-2022 budget.

After discussion Commissioner Ray moved, duly seconded by Mayor Pro-Tem Jones to adopt Resolution No. 04-2022 authorizing the acceptance of the House Bill 2604, Texas A&M Forest Service Grant for the purchase of Personal Protective Equipment for the Fire Department. Motion carried unanimously.

RESOLUTION NO. 04-2022

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF CANYON, RANDALL COUNTY, TEXAS, ACCEPTING A HOUSE BILL 2604 GRANT FROM THE TEXAS A&M FOREST SERVICE FOR THE PURCHASE OF PERSONAL PROTECTIVE EQUIPMENT FOR THE CANYON FIRE DEPARTMENT; AND AUTHORIZING THE FIRE CHIEF TO REPRESENT THE CITY IN ALL MATTERS PERTAINING TO THE ADMINISTRATION OF THE GRANT.

Item 9. Consider and Take Appropriate Action on Ordinance No. 1155 Designating the Brown Road Sports Complex as a Public Park.

Assistant City Manager Jon Behrens presented Ordinance No. 1155 for consideration. Mr. Behrens the Brown Road Sports Complex has been greatly improved since 1998 providing great fields for soccer, flag football, and baseball with the soccer fields receiving the designation of "Soccer Field of the Year" by the Texas Turfgrass Association in 2019. Mr. Behrens said it is desired to formally dedicate the 37 acre Brown Road Sports Complex as a park.

After discussion, Commission Ward moved, duly seconded by Commissioner Ray to adopt Ordinance No. 1155 designating the area known as the Brown Road Sports Complex as a public park. Motion carried unanimously.

ORDINANCE NO. 1155  
AN ORDINANCE OF THE CITY OF CANYON, TEXAS,  
DESIGNATING CERTAIN REAL PROPERTY OWNED BY THE  
CITY AS A PUBLIC PARK TO BE USED FOR RECREATIONAL  
PURPOSES IN ACCORDANCE WITH THE MUNICIPAL  
CHARTER OF THE CITY OF CANYON AND PROVIDING FOR  
SEVERABILITY AND AN EFFECTIVE DATE.

Item 10. Consider and Take Appropriate Action on Authorization for the Signing of Grant Documents.

Assistant City Manager Jon Behrens presented Grant Documents as awarded from a Texas based foundation for the development of the Kylie Hiner playground at Conner Park. Mr. Behrens stated once the City notifies the foundation the funds to complete the project are raised and a contract for construction has been executed, funds would be granted through the foundation who requested to remain officially unnamed until construction begins.

After discussion, Commissioner Ward moved, duly seconded by Mayor Pro-Tem Jones to authorize the Mayor and City Manager to sign a grant contract associated with the awarding of funds for the Kylie Hiner Playground. Motion carried unanimously.

Item 11. Presentation of City of Canyon 2022 Strategic Plan Quarterly Update.

Assistant City Manager Jon Behrens gave an overview of the 2022 Strategic Plan as adopted by the City Commission in February 2022. Mr. Behrens said the City Commission would be updated quarterly on the progress of action items identified to be completed in 2022.

No action, informational only.

Item 12. Consider and Take Appropriate Action on Third and Final Reading of Ordinance No. 1154 for the Renewal of Xcel Energy Franchise Agreement.

City Manager Joe Price presented Ordinance No. 1154 for the final reading 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.

After discussion, Commissioner Ray moved, duly seconded by Mayor Pro-Tem Jones to adopt Ordinance No. 1154 as presented. Motion carried unanimously.

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 13. Executive Session Pursuant to §551.071 Consultation with Attorney, and §551.072 for Deliberation Regarding Real Property.

Mayor Hinders indicated the City Commission would adjourn into Executive Session at 5:32 pm.

Item 14. Consider and Take Appropriate Action on Items Discussed in Executive Session.

Upon returning from Executive Session at 6:05 pm, no action was taken.

Item 15. Consider and Take Appropriate Action on Cost Share Agreement and Annexation Agreement for Gerald Development.

The Cost Share Agreement and Annexation Agreements were not discussed or considered at this time.

Item 16. Adjourn.

There being no further business, Mayor Pro-Tem Jones moved this meeting be adjourned at 6:06 pm.

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Gary Hinders, Mayor

ATTEST:

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Gretchen Mercer, City Secretary