

The City Commission of the City of Canyon met for a Work Session beginning at 4:30 pm and 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, Assistant City Manager for Special Projects Jon Behrens, Public Works Director Dan Reese, Planning and Development Director Danny Cornelius, Safety Director Tony Lawson, Utility Superintendent Eric Whitten, Police Captain Ray Resendez, Code Enforcement Inspector Stan Barnard, and City Attorney Chuck Hester.

Item 1. Call to Order.

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

Work Session

- Consider and Take Appropriate Action on Review and Discussion of Xcel Energy Franchise Fee.
- Update on Parks Improvement Plan.
- Discussion on Future Protocol for Work Sessions.

City Manager Randy Criswell stated that, as discussed during budget last summer, due to the constant shortfall in the General Fund, it had been discussed that the Xcel Energy Franchise Fee could be increased from 3% to 5%. Mr. Criswell stated that all other franchise fees are at the maximum allowed, and maximizing the Xcel fee would generate approximately \$200,000 in additional revenue each year, based on historical numbers. He reminded the City Commission that this is basically a right-of-way rental fee for the use of publicly owned rights of way by privately owned utilities.

After discussion, the Commission instructed staff to bring back an Ordinance raising Xcel Franchise Fees from 3% to 5%.

Parks and Recreation Director Brian Noel gave a brief update on the Parks Improvement Plan.

Brief discussion occurred on the benefits of Work Sessions before the meetings. Commissioners decided to hold work sessions on an as needed basis.

Regular Meeting Beginning at 5:30 pm

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 Meeting of May 7, 2018.

Mayor Pro-Tem Richardson moved, duly seconded by Commissioner Jones, to approve the minutes of May 7, 2018 as presented. Motion carried unanimously.

Item 5. Public Comment – Comments from Interested Citizens.

No comments were made.

Item 6. Present Proclamation for Emergency Medical Services Week.

Mayor Hinders presented a Proclamation for Emergency Medical Services Week, May 20-26, 2018.

Item 7. Consider and Take Appropriate Action on Ordinance No. 1087, Adjustment of Sewer Rates for WTAMU.

Director of Public Works Dan Reese presented Ordinance No. 1087 for consideration. Mr. Reese stated WTAMU had requested consideration for reducing their sanitary sewer charges on one of their large accounts, due to water that evaporates from their cooling towers. Mr. Reese stated this was a part of an “energy reduction” project/study for the entire WTAMU campus. Mr. Reese stated it was not uncommon for cities to discount sewer rates for universities with similar situations. Mr. Reese stated currently WTAMU sewer use is charged at 58% of its water bill, the same as all other commercial customers using more than 200,000 gallons of water per month. Mr. Reese said staff has reviewed data provided from WTAMU and agree it would be fair to reduce the 58% multiplier to 40% for this single meter account. Mr. Reese said based on the previous year of data, the savings to WTAMU would be approximately \$75,000 annually.

After discussion, Commissioner Jones moved, duly seconded by Commissioner Remlinger to adopt Ordinance No. 1087 as presented. Motion carried unanimously.

ORDINANCE NO. 1087

AN ORDINANCE AMENDING ORDINANCE NO. 1068 OF THE CITY OF CANYON, TEXAS; AMENDING CHAPTER 51 OF THE WATER AND SEWER CODE OF THE CITY OF CANYON, TEXAS, SECTION 51.22, SEWER RATES; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

Item 8. Conduct a Public Hearing and Consider and Take Appropriate Action on Ordinance No. 1086, Rezoning 1 Hunsley Hills Blvd. to RC-2 (Commercial District) from RC-1 (Retail District).

Director of Planning and Development Danny Cornelius presented Ordinance No. 1086 for consideration. Mr. Cornelius stated Jonathan Lair submitted a request to rezone #1 Hunsley Hills from Retail District to Commercial District as a result of a request from Jonathan Lair for the purpose of allowing a Massage Therapy Spa. Mr. Cornelius stated such a spa is not allowed in a

Retail District but is allowed by Specific Use Permit in a Commercial District. Mr. Cornelius stated letters were sent to 12 property owners within 200 feet with 6 responses received in opposition to the request. He also stated that due to the amount of opposition, a Super Majority of the City Commission will be required for approval. Mayor Pro-Tem Richardson asked why the zoning was set up as it is present day. Mr. Cornelius stated it was probably because the current office space was considered appropriate as retail use when originally zoned. Planning and Zoning Commission Chair Bill Craddock stated the Golf Course Pro Shop was located across the street at that time. Mayor Hinders asked Mr. Craddock to take the floor and discuss what the Planning and Zoning Commission considered when approving the rezoning. Mr. Craddock stated the P&Z Commission felt since the surrounding area was already RC-2 and the RC-1 usage was no longer there. Mr. Craddock stated the P&Z Commission felt the proposed use was not a "used car lot" but a good way to use the property.

Mayor Hinders opened the public hearing.

Nicole Ash of 511 5th Ave – Ms. Ash stated she hoped to open the Massage Therapy Studio at #1 Hunsley Hills, and she had previously worked at Labella's in Canyon before moving to Amarillo to gain more clients. Ms. Ash realized most of her clients lived in Canyon and decided it would be more convenient to be in Canyon. Commissioner Remlinger asked why Ms. Ash chose this location. Ms. Ash said the setup with the pond and atmosphere was a fit. Commissioner Remlinger asked if she would work with Conner House and others. Ms. Ash said yes. There being no other comment, Mayor Hinders closed the public hearing.

After discussion, Mayor Pro-Tem Richardson moved, duly seconded by Commissioner Jones to approve Ordinance No. 1086 as presented. Motion carried 3 to 1 with Commissioner Lyons voting against and Mayor Hinders Abstaining.

ORDINANCE NO. 1086

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF CANYON, TEXAS, REZONING 1 HUNSLEY HILLS BLVD, ALSO DESCRIBED AS THE NORTH IRREGULAR 145 FEET OF LOT 13, BLOCK 11, HUNSLEY HILLS DEVELOPERS INC. 1ST SECTION, PART A, SPECIAL 4, AN ADDITION TO THE CITY OF CANYON, RANDALL COUNTY, TEXAS, PROVIDING THAT THE ZONING CLASSIFICATION BE POSTED UPON THE ZONING DISTRICT MAPS OF THE CITY OF CANYON, PROVIDING THAT ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH ARE EXPRESSLY REPEALED, AND PROVIDING FOR AN EFFECTIVE DATE.

- Item 9. Conduct Public Hearing and Consider and Take Appropriate Action on a Specific Use Permit Request by Nicole Ash to Operate a Massage Therapy Establishment at 1 Hunsley Hills Blvd, Suite 2.

Director of Planning and Development Danny Cornelius presented a Specific Use Permit Request from Nicole Ash to Operate a Massage Therapy Establishment at 1 Hunsley Hills Blvd, Suite 2. Mr. Cornelius stated with the approval of Ordinance No. 1086 changing the zoning, the proposed use is allowed with an approved Specific Use Permit. Mr. Cornelius stated 12 letters were sent out

to property owners within 200 feet with 5 responses received, 1 in support and 4 opposed. He stated again that due to the amount of opposition, a Super Majority of the City Commission is required for approval.

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

After discussion, Commissioner Jones moved, duly seconded by Commissioner Remlinger to approve the Specific Use Permit for 1 Hunsley Hills Blvd, Suite 2 as recommended by the Planning and Zoning Commission. Motion carried unanimously.

Item10. Conduct Public Hearing and Consider and Take Appropriate Action on Ordinance No. 1082, an Ordinance Amending the Code of Ordinances of the City of Canyon, Chapter 156, Zoning Code, by Adding Section 5.15 Recreational Vehicles.

Director of Planning and Development Danny Cornelius presented Ordinance No. 1082 for consideration. Mr. Cornelius stated complaints are occasionally received about people living in a travel trailer or recreational vehicles parked in a yard at a residence. Mr. Cornelius stated in the past, his department has disallowed this use, but the adoption of Ordinance No. 1082 would clarify that Recreational Vehicles may only be used for human habitation if located within a travel trailer park operating in accordance with the Zoning Code and Chapter 154 (Mobile and Modular Homes; Vacation Trailer Parks). Mr. Cornelius stated the Planning and Zoning Commission voted unanimously to recommend approval of Ordinance No. 1082 to the City Commission.

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

After discussion, Commissioner Remlinger moved, duly seconded by Commissioner Jones to Approve Ordinance No. 1082 as presented. Motion carried unanimously.

ORDINANCE NO. 1082
Recreational Vehicles

AN ORDINANCE OF THE CITY OF CANYON, TEXAS, AMENDING CHAPTER 156, ZONING CODE, OF THE CITY OF CANYON CODE OF ORDINANCES, BY ADDING SECTION 5.15 RECREATIONAL VEHICLES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR AN EFFECTIVE DATE.

Item11. Conduct Public Hearing and Consider and Take Appropriate Action on Ordinance No. 1084, an Ordinance Amending the Code of Ordinances of the City of Canyon, Chapter 155, Subdivisions, by Adding Section 155.09, Abandonment of Public Right-of-Way.

Director of Planning and Development Danny Cornelius presented Ordinance No. 1084 for consideration. Mr. Cornelius stated that currently there isn't a defined methodology or process for dealing with requests to abandon a public right of way. As it exists today, a requestor submits a letter requesting abandonment of a public right-of-way to the City Manager. An informal process

internally and with private utilities is then undertaken, and eventually the matter is considered by the City Commission. If approved, a Quitclaim deed would then be prepared by the City Attorney and filed with the Randall County Clerk's office. Mr. Cornelius said all of this would take place with no policy, procedures, public property value consideration, or fees. Mr. Cornelius stated the adoption of Ordinance No. 1084 would adopt procedures for abandoning any public right-of-way in the City and require the person applying to have an appraisal performed at his cost as well as pay all legal and other costs involved. Commissioner Lyons questioned the requirement for the requestor to pay for the appraisal due to cost, since it would be difficult for an appraiser to find comparable transactions. City Manager Criswell stated that he and others feel it is actually questionable whether it is even legal to give away public property.

Discussion centered around whether or not an appraisal was a fair requirement, but there was no opposition stated to requiring the requestor to pay a significant fee for the process. Commissioner Jones asked Planning and Zoning Commissioner Chairman Bill Craddock what the P&Z based their approval on. Mr. Craddock stated the P&Z just didn't feel it was right for someone to be able to come in and make a request for abandonment and it's done without any consideration. Mr. Criswell stated he could see the point of view made by Commissioner Lyons and Mayor Hinders on value of the land based on use of the land and fees. Mr. Criswell agreed property that will likely never be developed will not hold the value that property requested to be vacated by an industry would hold. Mr. Criswell also agreed the fee should be raised to cover all costs, and the appraisal process language could be reconsidered based on the proposed use of the land. Mr. Criswell requested staff be given time to look at some changes, and bring the item back at a future meeting.

Ordinance No. 1084 was put aside to be amended and brought back to the Commission.

Item12. Consider and Take Appropriate Action on Ordinance No. 1085, an Ordinance Amending the Code of Ordinances of the City of Canyon, Weight Limit Zones.

City Manager Randy Criswell presented Ordinance No. 1085 for consideration. Mr. Criswell stated with Canyon's growth and annexations, we've obtained some roadways from the County that we now maintain, and staff is concerned about the integrity of those roadways. Two of the most significant are Hunsley Road and WTAMU Drive. It is staff and our engineer's opinion that those roadways cannot withstand heavy traffic indefinitely, and staff has been wanting to do this for some time. Commissioner Lyons stated that he felt decisions such as these should be approved by the City Commission, and not left to the discretion of one man. Commissioner Remlinger stated that he wasn't an expert in roadway construction and felt comfortable with staff making those decisions. Commissioner Jones asked Mr. Criswell if, after hearing the discussion, he still recommended adoption of the Ordinance, to which Mr. Criswell stated yes.

Commissioner Jones moved, duly seconded by Commissioner Remlinger to adopt Ordinance No. 1085 as presented. Motion carried unanimously.

ORDINANCE NO. 1085
AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY
OF CANYON, TEXAS, ADDING SECTION 71.57 TO THE TRAFFIC CODE,

PROVIDING WEIGHT LIMITATIONS ON CERTAIN STREETS WITHIN THE CITY OF CANYON, PROVIDING PENALTIES, REPEALING ALL ORDINANCES IN CONFLICT AND ESTABLISHING AN EFFECTIVE DATE.

Item 13. Executive Session Pursuant to §551.071 Consultation with Attorney, §551.072 Deliberation Real Property, and §551.074 Personnel Matters (City Manager Contract).

Mayor Hinders indicated the Commission would adjourn into Executive Session at 6:49 p.m.

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

Upon returning from Executive Session at 8:55 pm, no action was taken.

Item 15. Adjourn.

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

Gary Hinders, Mayor

ATTEST:

Gretchen Mercer, City Secretary