

The City Commission of the City of Canyon met in regular session at 5:30 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 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, Public Works Director Dan Reese, Fire Chief Mike Webb, Business and Community Development Director Evelyn Ecker, Safety Director Tony Lawson, Planning and Development Director Danny Cornelius, Palo Duro Creek Golf Director Casey Renner, Police Captain Ray Resendez, and City Attorney Chuck Hester.

Item 1. Call to Order.

Mayor Hinders called the meeting to order at 5:33 p.m.

Item 2. Invocation.

Commissioner Jones gave the invocation.

Item 3. Pledge of Allegiance.

The Pledge of Allegiance was led by Commissioner Remlinger.

Item 4. Approval of Minutes of the Meeting of August 20, 2018.

Mayor Hinders said Item 10 – Budget Work Session, refers to committing up to \$5,000 towards the Fire Department and City of Canyon employees Christmas parties. Mayor Hinders said the minutes need to clarify the intent of the \$5,000 is for helping fund the employee Christmas meal and also to go towards an appreciation meal for the Fire Department.

Mayor Pro-Tem Richardson moved, duly seconded by Commissioner Jones, to approve the minutes of August 20, 2018 with changes. Motion carried unanimously.

Item 5. Public Comment – Comments from Interested Citizens.

Joseph Shehan of 402 Scott Lane addressed the Commission. Mr. Shehan stated the proposed Comprehensive Plan shows future development along the east end of 4<sup>th</sup> Avenue, 26<sup>th</sup> Street to 38<sup>th</sup> Street specifically, to be commercial property. Mr. Shehan pointed out this area was already mostly homes.

Diana Riha of 510 15<sup>th</sup> Street. Ms. Riha addressed the Commission with concerns of the noise from live bands / music and litter from Joe Taco. Ms. Riha requested the noise ordinance be looked at and enforced as the noise effects the quality of life in the neighborhood.

Item 6. Conduct a Public Hearing and Consider and Take Appropriate Action on Ordinance No. 1090, Rezoning the Proposed Pioneer Estates Unit No. 23 to RC-2 (Retail District) and PD (Planned Development District) from SF-S (Single-Family Suburban District).

Planning and Development Director Danny Cornelius presented Ordinance No. 1090 for consideration. Mr. Cornelius stated a plat for Pioneer Estates No. 23 and application for a change in zoning were received with a proposed zoning of PD (Planned Development District) for lots 21 through 30. Mr. Cornelius stated the PD zoning would require the developer to adhere to the proposed use and submitted site plan as approved with the plat. Mr. Cornelius stated the developer proposed to build 9 duplexes on the south side of the property to provide a buffer between the residential neighborhood and the proposed retail on the north side. Mr. Cornelius stated 28 letters were sent out to property owners within 200' with 15 responses received, 3 in support and 12 in opposition. Mr. Cornelius indicated Shawn Gillispie of Gillispie Inc. (developer); Jorge Ramirez of Höhe Design Group and Jonathan Morris of Höhe Design Group were present to answer questions. Mr. Cornelius stated the Canyon Planning and Zoning Commission met September 6, 2018 and voted to recommend approval of Ordinance No. 1090 to the City Commission.

Mayor Hinders asked Mr. Gillispie to speak. Mr. Gillispie stated the continued growth in Canyon created a need for more retail space. Mr. Gillispie stated the proposed lot was ideal with the proximity to WTAMU and considering the amount invested by WTAMU in the area, the proposed retail and townhouse construction is very high end. Mr. Gillispie stated the townhouses would be single story on the south side and two-story on the north side providing a site and sound buffer between residential and retail while prohibiting any views into neighboring yards from the second story townhomes.

Jorge Ramirez of Höhe Design Group addressed the Commission. Mr. Ramirez stated he is the architect for the proposed development and the proposed development was planned on very high standards and would be unique fitting in with the progress of Canyon and WTAMU. Mr. Ramirez said traffic would be addressed but to consider the type of business would be mostly low traffic. Mr. Ramirez stated the townhomes would not be intended for WT students for geared more towards young professionals wanting low maintenance homes to live in for years. Mr. Ramirez said the concern of people looking in residential yards could be addressed with the installation of permanent louvers installed on 2<sup>nd</sup> floor windows facing homes. Mayor Hinders asked about the possibility of an 8' fence with concrete columns. Shawn Gillispie stated they were very open to that possibility and that the townhomes would be gated. Mayor Pro-Tem Richardson asked for clarification of how many vehicles could be parked at each townhome as the plan looked very congested. Mr. Ramirez said the townhomes were designed for 1 vehicle in the driveway with space for 1 vehicle to be able to park on the curb, there were no garages. City Manager Randy Criswell asked who would be responsible for the lifetime maintenance of the fence. Mr. Gillispie stated they would maintain the fencing.

Mayor Hinders invited Planning and Zoning Chair Bill Craddock to speak on behalf of the Planning and Zoning Commission. Mr. Craddock said he appreciated all that spoke at the P&Z meeting held September 6, but when it came down to it, the P&Z the proposed plan for the property offered

something good for Canyon, that it was the best proposed use of the property he had seen and would benefit Canyon. Mr. Craddock said he there has never been a proposal for single family homes on the property. Commissioner Jones asked what the past proposals for the property had been. Mr. Cornelius responded RC-2 Commercial had been requested in the late 1990's with no specifics and it was approved by the P&Z, but denied by the City Commission due to no proposed plan. Mr. Cornelius said in 2009 a request for multi-family with 30-40 units and up to 3 story buildings was proposed and denied by the P&Z. Commissioner Jones asked if there had ever been a request for single family homes, Mr. Cornelius replied no. Mr. Criswell stated single family had been considered but TxDOT will not allow new driveways on 4<sup>th</sup> Avenue. Mr. Criswell felt this was the best plan for the property since it comes with a committed plat and site plan.

Mayor Hinders opened the Public Hearing and read the Rules for Public Hearings.

Teri Thompson of 403 Lair Lane addressed the Commission opposing the request.

Joseph Martinez of 402 Lair Land addressed the Commission opposing the request.

Anna Mae Johnson of 410 Scott Lane addressed the Commission opposing the request.

Ray Johnson of 410 Scott Lane addressed the Commission opposing the request.

Gina Woodward of 3312 Conner Drive addressed the Commission opposing the request.

Lee Anne Walter of 409 Lair Lane addressed the Commission opposing the request.

Nick Flynn of 400 Scott Lane addressed the Commission opposing the request.

Carson Gerber of 415 Lair Lane addressed the Commission opposing the request.

Becky Rose of 503 38<sup>th</sup> Street addressed the Commission opposing the request.

Calvin Richardson of 405 Lair Lane addressed the Commission opposing the request.

Stan McNutt of 3310 4<sup>th</sup> Avenue addressed the Commission opposing the request.

Courtney Dettle of 6107 S. Coulter #300, addressed the Commission if support of the request.

There being no other comments Mayor Hinders closed the public hearing.

Commissioner Remlinger asked what size the townhomes would be, it was stated the single story would be around 1200 sf and the 2 story would be 1400-1500 sf with rent running \$1,200 up per month.

Mayor Hinders asked Mr. Criswell to clarify the 1 story/2 story townhomes. Mr. Criswell said the center (north row of townhomes) would be 2 story and you would not be able to look into homes/yards with the alley and roofs to the south, and the south row would be single story. Mr.

Criswell stated the Planning and Zoning approved in their motion that ALL the townhomes would be single story only. Mr. Ramirez reiterated they could install permanent louvers on the windows that would prevent anyone being able to see into yards/homes to the south. Mr. Criswell stated the City Commission could remove the single story limitation on all the townhomes and the height of the fence from 6' to 8' made of masonry and wood by a supermajority vote only. Mr. Criswell also agreed it needs to be stated the developer commits to the lifetime maintenance of the fence.

Mayor Hinders asked for clarification of the parking. Mr. Gillispie stated they were following the zoning standards that require one parking place per unit adding the additional parking on the street. Mr. Gillispie said this was to limit congestion from cars and there would be no parking of boats, trailers, etc.

Mayor Pro-Tem Richardson asked if there was a way to slow down traffic on 4<sup>th</sup> Avenue, currently there are issues with speed, volume of traffic and "bottlenecking" at 4<sup>th</sup> and 38<sup>th</sup>. Mr. Criswell stated TxDOT controls 4<sup>th</sup> Avenue since it's a State Highway and a request to look into the concerns can be made.

Commissioner Lyons stated as a developer he understands the concerns voiced. Mr. Lyons said historically it was hard to get anything built or zoned in Canyon so the voters changed the leadership and wanted change. Mr. Lyons said past leaders made the decision that 4<sup>th</sup> Avenue was commercial years ago as evidenced by all the hotels, restaurants and businesses already present. Mr. Lyons said Gillispie Inc. is a good man and financially solid. Mr. Lyons said this was a good plan with solid regulation, if it's turned down we could end up with a hotel in the location.

Commissioner Jones asked the developer if he was committed to following through with the plan even it was approved to all be one story. The contractor, Jeff Bryant said yes, but the plan needed variation in design and square footage to make it more appealing.

After discussion, Mayor Hinders moved, duly seconded by Mayor Pro-Tem Richardson to approve the zoning request with the middle row of townhomes to be 2-story, to include an 8' fence constructed out of wood and masonry and to include a written agreement of maintenance for the fence. Motion carried 4-1 with Commissioner Remlinger voting against.

**ORDINANCE NO. 1090**

**Rezoning Pioneer Estates Unit No. 23**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF CANYON, TEXAS, REZONING PIONEER ESTATES UNIT NO. 23, 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 7. Consider and Take Appropriate Action on Plat for Pioneer Estates Unit No. 23.

Planning and Development Director Danny Cornelius presented a Plat for Pioneer Estates Unit No. 23. Mr. Cornelius stated the Canyon Planning and Zoning Commission voted 6-1 to recommend approval of the Plat as presented.

Mayor Hinders moved, duly seconded by Mayor Pro-Tem Richardson to approve the Plat as presented.

Mayor Pro-Tem Richardson voiced concern for the parking in that it looked very congested. Mr. Cornelius clarified each parking space is 18', so up to 4 vehicles COULD park in each space.

After discussion, Commissioners voted unanimously to approve the Plat as recommended by the Canyon Planning and Zoning Commission. Motion carried unanimously.

Item 8. Consider and Take Appropriate Action on TMLIRP Election for Board of Trustees.

City Manager Randy Criswell presented a ballot for the Texas Municipal League Intergovernmental Risk Pool Board of Trustees Election. Mr. Criswell stated all on the ballot had good experience.

Mayor Pro-Tem Richardson moved, duly seconded by Commissioner Jones to cast votes for the incumbent Randy Criswell, Place 11; Bert Lumbreras, Place 12; Incumbent Byron Black, Place 13; and David Harris, Place 14. Motion carried unanimously.

Item 9. Consider and Take Appropriate Action on Resolution No. 14-2018 Adopting a New Rate for Atmos West Texas.

Assistant City Manager Chris Sharp presented Resolution No. 14-2018 for consideration.

After discussion, Commissioner Remlinger moved, duly seconded by Commissioner Jones to approve Resolution No. 14-2018 as presented. Motion carried unanimously.

**RESOLUTION NO. 14-2018**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF CANYON, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE STEERING COMMITTEE OF CITIES SERVED BY ATMOS ("CITIES") AND ATMOS ENERGY CORP., WEST TEXAS DIVISION REGARDING THE COMPANY'S 2018 RATE REVIEW MECHANISM FILINGS; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHED EXHIBIT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; APPROVING AN ATTACHED EXHIBIT REGARDING AMORTIZATION OF REGULATORY LIABILITY; REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE**

**REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY**

- Item 10. Consider and Take Appropriate Action on Ordinance No. 1092, Approving a Budget for the City of Canyon for Fiscal Year October 1, 2018 through September 30, 2019.

Assistant City Manager Chris Sharp presented Ordinance No. 1092 for consideration. The Mayor and Commissioners expressed appreciation to City of Canyon staff on doing a good job.

Mayor Pro-Tem Richardson moved, duly seconded by Commissioner Remlinger to approve Ordinance No. 1092 as presented. A Record Vote was taken, motion carried 4 to 1 with Commissioner Lyons voting against.

**ORDINANCE NO. 1092  
AN ORDINANCE ADOPTING AND APPROVING A BUDGET FOR THE CITY OF CANYON, TEXAS, FOR THE FISCAL YEAR OCTOBER 1, 2018 THROUGH SEPTEMBER 30, 2019**

- Item 11. Consider and Take Appropriate Action on Ordinance No. 1093, Setting the Tax Rate and Tax Levy for the Year 2018.

Assistant City Manager Chris Sharp presented Ordinance No. 1093 for consideration.

Commissioner Jones moved, duly seconded by Mayor Pro-Tem Richardson to adopt Ordinance No. 1093, and that the property tax rate be increased by the adoption of a rate of \$0.44758, which is effectively a 1.99% increase in the tax rate, and sets the interest and sinking fund rate of \$.05675. A Record Vote was taken, motion carried 4-1 with Commissioner Lyons voting against.

**ORDINANCE NO. 1093  
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF CANYON, TEXAS, SETTING THE AD VALOREM TAX RATE OF THE CITY OF CANYON, FOR THE YEAR 2018 AT A RATE OF \$0.44758 PER ONE HUNDRED DOLLARS (\$100.00) VALUATION ON ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF CANYON SPECIFYING SEPARATE COMPONENTS OF SUCH RATE FOR OPERATIONS AND MAINTENANCE AND FOR DEBT SERVICE; LEVYING AN AD VALOREM TAX FOR THE YEAR 2018; ESTABLISHING AN EFFECTIVE DATE; PROVIDING FOR COLLECTION AND ORDAINING OTHER RELATED MATTERS; REPEALING CONFLICTING ORDINANCES.**

- Item 12. Consider and Take Appropriate Action on Ordinance No. 1094, Repealing Ordinance No. 1067, Amending Chapter 51 of the Water and Sewer Code of the City of Canyon, Texas, Section 51-21, by Increasing Rates for Water Service.

Assistant City Manager Chris Sharp presented Ordinance No. 1094 for consideration.

Mayor Pro-Tem Richardson moved, duly seconded by Commissioner Remlinger to adopt Ordinance No. 1094 as presented. Motion carried 4-1 with Commissioner Lyons voting against.

**ORDINANCE NO. 1094**

**AN ORDINANCE REPEALING ORDINANCE NO. 1067 OF THE CITY OF CANYON, TEXAS; AMENDING CHAPTER 51 OF THE WATER AND SEWER CODE OF THE CITY OF CANYON, TEXAS, SECTION 51-21, BY INCREASING RATES FOR WATER SERVICE; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.**

- Item 13. Consider and Take Appropriate Action on Ordinance No. 1095, Repealing Ordinance No. 1068, Amending Chapter 51 of the Water and Sewer Code of the City of Canyon, Texas, Section 51-21, by Increasing Rates for Sewer Service.

Assistant City Manager Chris Sharp presented Ordinance No. 1095 for consideration.

Commissioner Remlinger moved, duly seconded by Commissioner Jones to adopt Ordinance No. 1095 as presented. Motion carried 4-1 with Commissioner Lyons voting against.

**ORDINANCE NO. 1095**

**AN ORDINANCE REPEALING 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, BY INCREASING SEWER RATES; PROVIDING A SEVERABILITY CLAUSE, AND ESTABLISHING AN EFFECTIVE DATE.**

- Item 14. Consider and Take Appropriate Action on Ordinance No. 1096, Repealing Ordinance No. 1069, Amending Chapter 50 of the Garbage and Trash Code of the City of Canyon, Texas, Subsection 50-18, by Increasing Rates for Trash Disposal Service.

Assistant City Manager Chris Sharp presented Ordinance No. 1096 for consideration.

Commissioner Jones moved, duly seconded by Mayor Pro-Tem Richardson to adopt Ordinance No. 1096 as presented. Motion carried 4-1 with Commissioner Lyons voting against.

**ORDINANCE NO. 1096**

**AN ORDINANCE REPEALING ORDINANCE NO. 1069 OF THE CITY OF CANYON, TEXAS; PERTAINING TO GARBAGE AND TRASH RATES; AMENDING CHAPTER 50, "GARBAGE AND TRASH" OF THE CODE OF ORDINANCES OF THE CITY OF CANYON, TEXAS, BY AMENDING SUBSECTION 50-18 PROVIDING FOR GARBAGE AND TRASH DISPOSAL BY CITY ONLY AND ESTABLISHING RATES THEREFORE; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.**

Item 15. Consider and Take Appropriate Action on Proposed CEDC Budget for 2018-2019 with Financial Update.

Business and Community Development Director Evelyn Ecker gave an overview of the financial status of the Canyon Economic Development Corporation and the proposed CEDC budget for 2018-2019.

After discussion, Commissioner Jones moved, duly seconded by Commissioner Remlinger to approve the 2018-2019 Canyon Economic Development Corporation Budget as presented. Motion carried unanimously.

Item 16. Consider and Take Appropriate Action on Strategic Planning Session and Goals.

Mayor Hinders stated he would like to put this item aside for future discussion.

Item 17. Executive Session Pursuant to §551.071, Consultation with Attorney §551.072, Real Property and §551.074 Personnel Matters (City Manager).

Mayor Hinders indicated the Commission would adjourn into Executive Session at 8:07 pm.

Item 18. Consider and Take Appropriate Action on Items Discussed in Executive Session.

Upon returning from Executive Session at 9:48 pm, no action was taken.

Item 19. Adjourn.

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

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Gary Hinders, Mayor

ATTEST:

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Gretchen Mercer, City Secretary