

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, Business and Community Development Director Evelyn Ecker, Parks Director Brian Noel, Utility Superintendent Eric Whitten, Fire Chief Dennis Gwyn, Finance Director Joel Wright, Budgeting and Purchasing Manager Beau Boyer, Chief of Police Steve Brush, Police Captain Matt Coggins, City Engineer Adolfo Garcia, John Merris of Doshier, Pickens & Francis, and City Attorney Chuck Hester.

Item 1. Call to Order.

Mayor Hinders called the meeting to order at 4:32 p.m.

Item 2. Invocation.

Commissioner Ward gave the invocation.

Item 3. Pledge of Allegiance.

The Pledge of Allegiance was led by Mayor Pro-Tem Jones.

Item 4. Approval of the Minutes of the Meeting of February 14, 2022

Commissioner Ray moved, duly seconded by Mayor Pro-Tem Jones to approve the minutes of February 14, 2022 as presented. Motion carried unanimously.

Item 5. Public Comment – Comments from Interested Citizens.

No Comments were made.

Item 6. Consider and Take Appropriate Action on the Audit of the Financial Statements of the Canyon Economic Development Corporation for the Year Ended September 30, 2021 as Presented by Doshier, Pickets & Francis.

Finance Director Joel Wright introduced John Merris of Doshier, Pickens & Francis and they presented the 2021 Audit for the Canyon Economic Development Corporation for approval. Mr. Merriss reported the CEDC was doing good and received a clean audit for 2020-2021.

After discussion, Mayor Pro-Tem Jones moved, duly seconded by Commissioner Ray to approve the 2021 audit of the financial statements for the Canyon Economic Development Corporation as of and for the Year Ended September 30, 2021. Motion carried unanimously.

Item 7. Consider and Take Appropriate Action on the Audit of Financial Statements of the City of Canyon as of and for the Year Ended September 30, 2021 as Presented by the Finance Director and Doshier, Picketts & Francis.

Finance Director Joel Wright introduced John Merris of Doshier, Picketts & Francis and they presented the 2021 Audit for the City of Canyon for approval. Mr. Merris reported the City of Canyon received a clean audit for 2020-2021 and commended the Finance Department for a doing a great job keeping the financial records for the City of Canyon in great order.

After discussion, Commissioner Ray moved, duly seconded by Mayor Pro-Tem Jones to approve the 2021 audit of the financial statements for the City of Canyon as of and for the Year Ended September 30, 2021. Motion carried unanimously.

Item 8. Consider and Take Appropriate Action on Appointment of Auditor for City of Canyon's Financial Statement Audit for Fiscal Year Ending September 30, 2022.

Director of Finance Joel Wright recommended the appointment of Doshier, Picketts & Francis as the City of Canyon's Auditor for FY 2021-2022. Mr. Wright stated he had worked with the firm over the years and felt they provided a great service. Mr. Wright said they were available anytime needed to talk through questions or issues with professional experience. Mr. Wright stated Doshier, Picketts & Francis specialize in governmental audits.

After discussion, Mayor Pro-Tem Jones moved, duly seconded by Commissioner Ward to appoint Doshier, Picketts & Francis as the City of Canyon's Auditor for FY 2021-2022. Motion carried unanimously.

Item 9. Informational Presentation for Addition of Full-time Staff Member in Parks and Recreation Department.

Assistant City Manager Jon Behrens presented information regarding the addition of a full-time employee in the Canyon Parks Department. Mr. Behrens said the Parks Department currently has 6 full-time employees and 3 part-time with additional part-time employees hired during the summer months. Mr. Behrens said part-time employees are relied on to maintain 214 acres of parks, fields and facilities in the parks. Mr. Behrens stated at this time staff planned to create a new full-time employee using funds from the current part-time budget to provide year round manpower that is needed and easier to keep with the addition of full benefits for the position. Mr. Behrens said the addition of this employee had been approved by the City Manager.

No action required, informational only.

Item 10. Consider and Take Appropriate Action on the Lease Agreement for Parks and Recreation Maintenance Equipment.

Purchasing Manager Beau Boyer presented information for the lease of equipment for the Parks and recreation Department. Mr. Boyer said would replace aging equipment necessary to ensure

the proper maintenance of the City of Canyon parks. Mr. Boyer stated pricing had been obtained via Sourcewell Cooperative purchasing for all equipment from Professional Turf Products, L.P. for a total amount of \$229,257.96 paid over 72 months. Mr. Boyer said the annual payments would be \$42,138.44 and that \$51,500.00 had been budgeted.

After discussion, Commissioner Ward moved, duly seconded by Commissioner Ray authorize city staff to enter into a lease agreement for Parks and Recreation grounds maintenance equipment with the Huntington National Bank for the principle amount of \$229,257.96. Motion carried unanimously.

Item 11. Consider and Take Appropriate Action on Ordinance No. 1151 Annexing Territory to the City of Canyon for Canyon East Unit No. 10 Requested by Kuhlman and Sons, LP. An Ordinance of the City of Canyon, Texas, Annexing the Territory Herein Described to the City of Canyon in Randall County, Texas Extending the Boundary Limits of the City of Canyon to Include the Property Herein Described Within the Said City Limits, and Granting to All the Inhabitants of Said Property All the Rights and Privileges of Other Citizens and Binding Said Inhabitants by All of the Acts, Ordinances, Resolutions, and Regulations of Said City.

City Attorney Chuck Hester presented Ordinance No. 1151 consideration. Mr. Hester said the voluntary annexation of property adjacent to Canyon East subdivision had been requested by Kuhlman and Sons, LP and that all legal requirements had been met so it was time to act on the Annexation request. City Manager Joe Price stated Canyon East Unit 10 would have approximately 20 half acre lots with curb and gutter.

After discussion, Mayor Pro-Tem Jones moved, duly seconded by Commissioner Ward to adopt Ordinance No. 1151 annexing property as requested by Kuhlman and Sons, LP. Motion carried unanimously.

ORDINANCE NO. 1151
ANNEXING TERRITORY TO THE CITY OF CANYON
KUHLMAN AND SONS, LP.

AN ORDINANCE OF THE CITY OF CANYON, TEXAS, ANNEXING THE TERRITORY HEREIN DESCRIBED TO THE CITY OF CANYON IN RANDALL COUNTY, TEXAS, EXTENDING THE BOUNDARY LIMITS OF THE CITY OF CANYON TO INCLUDE THE PROPERTY HEREIN DESCRIBED WITHIN THE SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY.

Item 12. Consider and Take Appropriate Action on Ordinance No. 1153 – An Ordinance of the City Commission of the City of Canyon, Texas, Amending the Code of Ordinances of

the City of Canyon, Chapter 96, by Deleting Section 96.02, City Recreational Vehicle Park, Providing That All Ordinances or Parts of Ordinances in Conflict Herewith Are Expressly Repealed, and Providing for an effective Date.

Assistant City Manager Jon Behrens presented Ordinance No. 1153 for consideration. Mr. Behrens said this Ordinance would remove the former City RV Park that used to be located at 2100 North 2nd Avenue. Mr. Behrens said the facility had been gone for several years and the property now had businesses built at the location.

After discussion, Commissioner Ray moved, duly seconded by Mayor Pro-Tem Jones to adopt Ordinance No. 1153 amending the Code of Ordinances of the City of Canyon, Chapter 96, by deleting section 96.02 City Recreational Vehicle Park, providing that all ordinances or parts of ordinances in conflict herewith are expressly repealed. Motion carried unanimously.

ORDINANCE NO. 1153
CITY RECREATIONAL VEHICLE PARK

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF CANYON, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF CANYON, CHAPTER 96, BY DELETING SECTION 96.02 CITY RECREATIONAL VEHICLE PARK, PROVIDING THAT ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH ARE EXPRESSLY REPEALED, AND PROVIDING FOR AN EFFECTIVE DATE.

Item 13. First Reading of Ordinance No. 1154 for the Renewal of Xcel Energy Franchise Agreement.

City Manager Joe Price presented Ordinance No. 1154 for the first 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, first 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 17. Executive Session Pursuant to §551.071 Consultation with Attorney, and §551.087 Economic Development Negotiations.

Mayor Hinders indicated the City Commission would adjourn into Executive Session at 6:01 pm.

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

Upon returning from Executive Session at 6:10 pm, no action was taken.

Item 19. Adjourn.

There being no further business, Commissioner Ward moved this meeting be adjourned at 6:11 pm.

Gary Hinders, Mayor

ATTEST:

Gretchen Mercer, City Secretary