

The City Commission of the City of Canyon met in regular session 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, Roger Remlinger, Paul R. Lyons and Randy Ray.

Also present were the following City Staff: Interim City Manager Jon Behrens, City Secretary Gretchen Mercer, Business and Community Development Director Evelyn Ecker, Library Director Janice Doan, Finance Director Chris Sharp, Planning and Development Director Danny Cornelius, Water Superintendent Eric Whitten, Parks Director Brian Noel, Fire Chief Mike Webb, Economic Development President Don Lee, Municipal Court Judge Bob Splawn, Municipal Court Clerk Sheila Roach, and City Attorney Chuck Hester.

Item 1. Call to Order.

Mayor Hinders called the meeting to order at 4:31 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 Lyons.

Item 4. Approval of Minutes of the City of Canyon Commission Meeting of August 19, 2019.

Mayor Pro-Tem Jones moved, duly seconded by Commissioner Remlinger to approve the minutes of August 19, 2019 as presented. Motion carried unanimously.

Item 5. Public Comment – Comments from Interested Citizens.

No comment was made.

Item 6. Conduct a Public Hearing and Consider and Take Appropriate Action on Ordinance No. 1112, Amending the Code of Ordinances of the City of Canyon, Chapter 156, Zoning Code, by Amending Tables 2-1, 2-2, 2-3, 2-4, 2-5, 3-3, and 4-1.

Planning and Development Director Danny Cornelius presented Ordinance No. 1112 for consideration. Mr. Cornelius stated with HB 2439 becoming effective September 1, 2019, Ordinance No. 1112 conforms to the new law that cities are prohibited from adopting or enforcing an ordinance that limits the installation of a building product approved by a national model code. Mr. Cornelius stated this means the City of Canyon can no longer require 90% masonry exterior walls or prohibit exterior use of metal, plastic or fiberglass panels on residences in residential districts. Mr. Cornelius stated HB 2439 does allow the city to continue enforcing building products used within areas designated for development, restoration, or preservation in a Main Street City under the Main Street Program. Mr. Cornelius stated language was included in Ordinance No. 1112 addressing the continued enforcement of those areas of town, currently most of 4<sup>th</sup> Avenue and 23<sup>rd</sup> Street.

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

After discussion, Commissioner Lyons moved, duly seconded by Commissioner Ray to adopt Ordinance No. 1112 as presented. Motion carried unanimously.

ORDINANCE NO. 1112

HB 2439

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF CANYON, TEXAS AMENDING THE CODE OF ORDINANCES OF THE CITY OF CANYON, CHAPTER 156, ZONING CODE, BY AMENDING TABLES 2-1, 2-2, 2-3, 2-4, 2-5, 3-2, 3-3, AND 4-1; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR AN EFFECTIVE DATE.

Item 7. Conduct Public Hearing and Consider and Take Appropriate Action Pioneer Estates Unit No. 23 Replat.

Planning and Development Director Danny Cornelius presented a replat for Pioneer Estates Unit No. 23 received from Shawn Gillispie, INC with 2 primary revisions to the original plat. Mr. Cornelius said the original plat was approved by the P&Z on September 6, 2018. Mr. Cornelius stated the 20' Public Utility Easement has been widened to 30' primarily to provide better Fire Department access and the duplex/townhouses in the southwest corner were removed and replaced with more parking. Mr. Cornelius stated letters were sent out to 27 property owners within 200' with 2 responses received, 1 in support and 1 opposed. Mr. Cornelius stated one additional response was received outside the 200' rule in opposition. Mr. Cornelius stated the Planning and Zoning Commission voted unanimously to recommend approval of the request.

Mayor Hinders opened the Public Hearing. There being no comment, Mayor Hinders closed the Public Hearing.

After discussion, Mayor Pro-Tem Jones moved, duly seconded by Commissioner Remlinger to approve the request of the replat for Pioneer Estates Unit No. 23 as presented. Motion carried unanimously.

Item 8. Consider and Take Appropriate Action on a Plat for Southwind Addition Unit No. 5.

Planning and Development Director Danny Cornelius presented a plat for Hix Road Unit No. 5. Mr. Cornelius stated the property is within the Extraterritorial Jurisdiction (ETJ) located north of Pondaseta Road west of Hwy 87. Mr. Cornelius stated the owner is dividing the property into 2 lots, 6.03 acres and 8.60 acres respectively. Mr. Cornelius stated the Planning and Zoning Commission voted unanimously to recommend approval of the plat as presented.

After discussion, Commissioner Ray moved, duly seconded by Commissioner Remlinger to approve the plat for Hix Road Unit No. 5 as presented. Motion carried unanimously.

- Item 9. Consider and Take Appropriate Action on Resolution No. 15-2019, A Resolution of the City Commission of the City of Canyon Authorizing Representation in IRS Matter and Delegating Authority to Execute Form 2848, IRS Power of Attorney Concerning TML Multistate Employee Benefit Pool Reporting.

City Secretary Gretchen Mercer presented Resolution No. 15-2019 for consideration. Ms. Mercer stated TML Multistate Employee Benefit Pool reportedly did not file reports as required by the Affordable Care Act in 2016 and 2017 resulting in penalties being assessed against the city. Ms. Mercer said TML had retained the services of an attorney to represent all cities affected at no cost to the cities. Ms. Mercer said the adoption of Resolution No. 15-2019 would give the City Manager (Interim) the authority to execute Form 2848 IRS Power of Attorney giving attorneys retained by TML the authority to represent the city.

After discussion, Mayor Pro-tem Jones moved, duly seconded by Commissioner Remlinger to adopt Resolution No. 15-2019 as presented. Motion carried unanimously.

RESOLUTION NO. 15-2019

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF CANYON AUTHORIZING REPRESENTATION IN IRS MATTER AND DELEGATING AUTHORITY TO EXECUTE FORM 2848 IRS POWER OF ATTORNEY.

- Item 10. Consider and Take Appropriate Action on Resolution No. 13-2019, An Resolution Suspending the Effective Date of Southwestern Public Service Company's Proposed Increase in Rates As Allowed By Statue; Approving Temporary Rates; Authorizing the City's Continued Participation With Other Cities in the Alliance of XCEL Municipalities ("AXM") to Direct the Activities of Lawyers and Consultants; and Authorizing the Intervention and Participation in Related Rate Proceedings; Requiring Reimbursement of Reasonable Legal and Consultant Expenses

Interim City Manager Jon Behrens presented Resolution No. 13-2019 for consideration.

After discussion, Commissioner Remlinger moved, duly seconded by Mayor Pro-Tem Jones to approve Resolution No. 13-2019 as presented. Motion carried unanimously.

RESOLUTION NO. 13-2019

A RESOLUTION BY THE CITY OF CANYON, TEXAS ("CITY") SUSPENDING SOUTHWESTERN PUBLIC SERVICE COMPANY'S PROPOSED EFFECTIVE DATE IN CONNECTION WITH ITS STATEMENT OF INTENT SUBMITTED ON ABOUT AUGUST 8, 2019; APPROVING TEMPORARY RATES; AUTHORIZING THE CITY'S CONTINUED PARTICIPATION WITH OTHER CITIES IN THE ALLIANCE OF XCEL MUNICIPALITIES ("AXM") TO DIRECT THE ACTIVITIES OF LAWYERS AND CONSULTANTS AND PARTICIPATION IN RELATED RATE PROCEEDINGS; AUTHORIZING THE HIRING OF ATTORNEYS AND CONSULTANTS; REQUIRING REIMBURSEMENT OF REASONABLE LEGAL AND CONSULTANT EXPENSES; REQUIRING PROOF OF NOTICE; FINDING THAT THE MEETING COMPLIES WITH

THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS  
RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

- Item 11. Consider and Take Appropriate Action on Resolution No. 14-2019, A Resolution Supporting the Designation of the Extension of Interstate 27 as a Future Interstate by Congress and Urging the Texas Department of Transportation to Support Such Designation.

Interim City Manager Jon Behrens presented Resolution No. 14-2019 for consideration. Mr. Behrens stated Governor Abbott signed HB 1079 authorizing TxDOT to pursue a comprehensive study of the Ports-to-Plains Corridor, a major step forward for this project that began in the mid 90's.

After discussion, Mayor Pro-Tem Jones moved, duly seconded by Commissioner Ray to approve Resolution No. 14-2019 as presented. Motion carried unanimously.

RESOLUTION NO. 14-2019  
A RESOLUTION SUPPORTING THE DESIGNATION OF AN EXTENSION OF  
INTERSTATE 27 AS A FUTURE INTERSTATE IN TEXAS.

- Item 12. Consider and Take Appropriate Action on Ordinance No. 1115, Approving a Budget for the City of Canyon for Fiscal Year October 1, 2019 through September 30, 2020.

Director of Finance Chris Sharp presented Ordinance No. 1115 for consideration. The Mayor and Commissioners expressed appreciation to City of Canyon staff on doing a good job.

Mayor Pro-Tem Jones moved, duly seconded by Commissioner Remlinger to approve Ordinance No. 1115 as presented. A Record Vote was taken, motion carried unanimously.

ORDINANCE NO. 1115  
AN ORDINANCE ADOPTING AND APPROVING A BUDGET FOR THE CITY OF  
CANYON, TEXAS, FOR THE FISCAL YEAR OCTOBER 1, 2019 THROUGH  
SEPTEMBER 30, 2020.

- Item 13. Consider and Take Appropriate Action on Ordinance No. 1116, Setting the Tax Rate and Tax Levy for the Year 2019.

Director of Finance Chris Sharp presented Ordinance No. 1116 for consideration.

Mayor Pro-Tem Jones moved, duly seconded by Commissioner Remlinger to adopt Ordinance No. 1116, and that the property tax rate be the effective tax rate of \$0.43809, which is a 0% increase in the tax rate, and sets the interest and sinking fund rate of \$.0591. A Record Vote was taken, motion carried unanimously.

ORDINANCE NO. 1116

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 2019 AT A RATE OF \$0.43809 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 2019; ESTABLISHING AN EFFECTIVE DATE; PROVIDING FOR COLLECTION AND ORDAINING OTHER RELATED MATTERS; REPEALING CONFLICTING ORDINANCES.

- Item 14. Consider and Take Appropriate Action on Ordinance No. 1117 for the 2018-2019 Budget Amendment.

Director of Finance Chris Sharp presented Ordinance No. 1117 for consideration. Mr. Sharp said Ordinance No. 1117 lists the expenditures that were more than originally budgeted for 2018-2019.

Commissioner Remlinger moved, duly seconded by Mayor Pro-Tem Jones to adopt Ordinance No. 1117 as presented. Motion carried unanimously.

ORDINANCE NO. 1116

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF CANYON, TEXAS, AMENDING THE CITY'S BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018 AND ENDING SEPTEMBER 30, 2019 AS ADOPTED BY ORDINANCE 1092; PROVIDING FOR SUPPLEMENTAL APPROPRIATIONS AND TRANSFER OF CERTAIN FUNDS; PROVIDING THAT PRIOR PARTS OF ORDINANCE 1092 INCONSISTENT WITH OR IN CONFLICT WITH ANY OF THE PROVISIONS OF THIS ORDINANCE ARE HEREBY EXPRESSLY REPEALED TO THE EXTENT OF ANY SUCH INCONSISTENCY OR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

- Item 15. Executive Session Pursuant to §551.074 Personnel Matters (Municipal Court Judge, and City Manager Search), §551.072 Real Property, §551.087 Economic Development, and §551.071 Consultation with Attorney.

Mayor Hinders indicated the Commission would adjourn into Executive Session at 5:15 pm.

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

Upon returning from Executive Session at 6:52 pm, the following action was taken.

Commissioner Remlinger moved, duly seconded by Commissioner Ray to re-appoint Municipal Court Judge Bob Splawn for another 2 years and increase the monthly compensation from \$1,950 per month to \$2,070 per month. Motion carried unanimously.

- Item 17. Adjourn

There being no further business, Mayor Pro-Tem Jones moved this meeting be adjourned at 6:57 pm.

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Gary Hinders, Mayor

ATTEST:

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Gretchen Mercer, City Secretary