

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, Director of Public Works Dan Reese, Finance Director Chris Sharp, Fire Chief Mike Webb, Water Superintendent Eric Whitten, Parks Director Brian Noel, Library Director Janice Doan, Chief of Police Dale Davis, IT Manager Shaun Holtman, Planning and Development Director Danny Cornelius, Business and Community Development Director Evelyn Ecker, Economic Development President Don Lee, and City Attorney Chuck Hester.

Item 1. Call to Order.

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

Item 4. Approval of Minutes of the City of Canyon Commission Meeting of August 5, 2019.

Mayor Pro-Tem Jones moved, duly seconded by Commissioner Lyons to approve the minutes of August 5, 2019 as presented. Motion carried unanimously.

Item 5. Public Comment – Comments from Interested Citizens.

No comment was made.

Item 6. Update from IT Manager Shaun Holtman on Upgrades in Efficiency and Safety for the City of Canyon.

IT Manager Shaun Holtman updated the Commissioners of policies and measures being implemented to keep the City of Canyon safer from cyber-attacks and other possible intrusions.

Commissioners commended Mr. Holtman on doing a great job protecting the city and city staff and for all the upgrades around city facilities.

Item 7. Conduct Public Hearing and Consider and Take Appropriate Action on Ordinance No. 1109 Amending Chapter 156, Zoning Code, Appendix A, Section A.02 Terms, Accessory Building.

Planning and Development Director Danny Cornelius presented Ordinance No. 1109 for consideration. Mr. Cornelius stated it's been pointed out that an ordinance passed in January limiting residential accessory buildings to 1200 square feet, 16' maximum sidewall height, and 1 building over 200 square feet per dwelling unit could have a loophole. Mr. Cornelius stated the ordinance defines an Accessory Building as "in a Residential District" and it defines a Residential District as a "District where the primary purpose is residential use" which limits the regulations to the Single-Family, SF (Duplex Attached Residential), and MF (Multi-Family Attached Residential) Districts. Mr. Cornelius said this means if an Accessory Building Permit were requested for a single-family home in the RC-2 (Commercial) District, the limits would not apply as intended. Mr. Cornelius said Ordinance No. 1109 would amend the definition of Accessory Building by referring to "Residential Dwellings" rather than "Residential District" closing the loophole. Mr. Cornelius stated the Planning and Zoning Commission voted unanimously to recommend approval of the ordinance as presented.

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

After discussion, Commissioner Ray moved, duly seconded by Mayor Pro-Tem Jones to approve Ordinance No. 1109 as presented. Motion carried 4-1 with Commissioner Lyons voting nay.

ORDINANCE NO. 1109

Residential Accessory Buildings

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 APPENDIX A, SECTION A.02 TERMS, ACCESSORY BUILDING; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR AN EFFECTIVE DATE.

- Item 8. Consider and Take Appropriate Action on Ordinance No. 1108 Amending Chapter 150, Section 150.20, Deleting the Amendment to Table 1507.9.6 of the 2015 International Building Code.

Planning and Development Director Danny Cornelius presented Ordinance No. 1108 for consideration. Mr. Cornelius stated with the passage of HB 2439 and an effective date of September 1, 2019, the city can no longer limit the installation of a building product that is approved by the national model code. Mr. Cornelius said an example is limiting taper sawn shake shingles to #1 grade only or cellular core PVC pipe not being allowed. Mr. Cornelius stated 2015 International Code has approved #2 grade taper sawn shake shingles and cellular core PVC Pipe. Mr. Cornelius said the Construction Advisory and Appeals Board voted unanimously to recommend approval of the ordinance.

After discussion, Commissioner Lyons moved, duly seconded by Commissioner Ray to approve Ordinance No. 1108 as presented. Motion carried unanimously.

ORDINANCE NO. 1108

2015 International Building Code
HB 2439 Amendment

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF CANYON, TEXAS: AMENDING THE CODE OF ORDINANCES OF THE CITY OF CANYON, CHAPTER 150, SECTION 150.20; DELETING THE AMENDMENT TO TABLE 1507.9.6 OF THE 2015 INTERNATIONAL BUILDING CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR PENALTY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

- Item 9. Consider and Take Appropriate Action on Ordinance No. 1110 Amending Chapter 150, Section 150.24, Deleting the Amendments to Tables R905.8.5, P3002.1(1), and P3002.2 of the 2015 International Residential Code.

Planning and Development Director Danny Cornelius presented Ordinance No. 1110 for consideration. Mr. Cornelius stated as with Ordinance No. 1108, Ordinance No. 1110 would delete amendments to the 2015 International Residential Code affected by the passage of HB 2439. The tables will be amended allowing #2 taper sawn shake shingles and cellular core PVC pipe. Mr. Cornelius stated the Advisory and Appeals Board voted unanimously to recommend approval of Ordinance No. 1110 as presented.

After discussion, Commissioner Lyons moved, duly seconded by Commissioner Remlinger to adopt Ordinance No. 1110 as presented. Motion carried unanimously.

ORDINANCE NO. 1110
2015 International Residential Code
HB 2439 Amendment

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF CANYON, TEXAS: AMENDING THE CODE OF ORDINANCES OF THE CITY OF CANYON, CHAPTER 150, SECTION 150.24; DELETING THE AMENDMENTS TO TABLES R905.8.5, P3002.1(2), AND P3002.2 OF THE 2015 INTERNATIONAL RESIDENTIAL CODE; MAKING CERTAIN AMENDMENTS THERETO; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

- Item 10. Consider and Take Appropriate Action on Ordinance No. 1111 Amending Chapter 151, Section 151.01, Deleting the Amendments to Tables 702.1, 702.2, and 702.3 of the International Plumbing Code.

Planning and Development Director Danny Cornelius presented Ordinance No. 1111 for consideration. Mr. Cornelius said as with Ordinance No's 1108, and 1110, Ordinance No. 1111 deletes amendments to the 2015 International Plumbing Code affected by HB 2439. Mr. Cornelius stated the table would be amended to allow cellular core PVC pipe. Mr. Cornelius stated the Construction Advisory and Appeals Board voted unanimously to recommend approval of Ordinance No. 1111.

After discussion, Mayor Pro-Tem Jones moved, duly seconded by Commissioner Remlinger to approve Ordinance No. 1111 as presented. Motion carried unanimously.

ORDINANCE NO. 1111
2015 International Plumbing Code
HB 2439 Amendment

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF CANYON, TEXAS: AMENDING THE CODE OF ORDINANCES OF THE CITY OF CANYON, CHAPTER 151, SECTION 151.01; DELETING THE AMENDMENTS TO TABLES 702.1, 702.2, AND 702.3 OF THE 2015 INTERNATIONAL PLUMBING CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

Item 11. Consider and Take Appropriate Action on Resolution No. 12-2019, Enacting Ordinance No. 892, Prohibiting Parking Along Designated Parade Route.

City Secretary Gretchen Mercer presented Resolution No. 12-2019 for consideration. Ms. Mercer stated as requested by WTAMU Assistant Police Chief Robert Byrd, Resolution No. 12-2019 would allow the closure of portions of 4th Avenue and Spur 48 for the WTAMU Homecoming Parade October 5, 2019. Ms. Mercer said TxDOT requires the City to pass a Resolution approving the closure before TxDOT will approve.

After discussion, Mayor Pro-Tem Jones moved, duly seconded by Commissioner Ray to approve Resolution No. 12-2019 as presented. Motion carried unanimously.

RESOLUTION NO. 12-2019
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF CANYON, ENACTING ORDINANCE NO. 892, PRESCRIBING LIMITATIONS ON PARKING OR STANDING MOTOR VEHICLES OR TRAILERS DURING PARADE TO BE HELD OCTOBER 5, 2019, IN THE CITY OF CANYON.

Item 12. Consider and Take Appropriate Action on Ordinance No. 1113, An Ordinance Approving a Negotiated Settlement Between the Executive Committee of Cities Served by Atmos West Texas ("Cities") and Atmos Energy Corp., West Texas Division Regarding the Company's 2019 Rate Review Mechanism Filing.

Finance Director Chris Sharp presented Ordinance No. 1113 for consideration. Mr. Sharp stated the requested rate increase from Atmos Energy would result in an average increase to residents of approximately \$2.48 per month.

After discussion, Commissioner Remlinger moved, duly seconded by Mayor Pro-Tem Jones to approve Ordinance No. 1113 as presented. Motion carried unanimously.

ORDINANCE NO. 1113
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF CANYON, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE EXECUTIVE COMMITTEE OF CITIES SERVED BY ATMOS WEST TEXAS

("CITIES") AND ATMOS ENERGY CORP., WEST TEXAS DIVISION REGARDING THE COMPANY'S 2019 RATE REVIEW MECHANISM FILING; 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 ORDINANCE 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 ORDINANCE TO THE COMPANY AND THE CITIES' LEGAL COUNSEL.

Item 13. Consider and Take Appropriate Action on Contract for Bulky Solid Waste Collection Services with Republic Services.

Director of Public Works Dan Reese addressed the Commission regarding a contract for bulky solid waste collection services with Republic Services. Mr. Reese stated with the inconsistency of the Randall County trustee program, it is getting more difficult to provide bulky waste pickup for citizens. Mr. Reese stated Republic Services has assisted the city on a few occasions in picking up bulky waste with good results. Mr. Reese stated City Attorney, Chuck Hester, is currently working on a contract with Republic Service's legal team and should have it finished soon. Mr. Reese said the estimated cost for Republic Services to complete 6 pickups of bulky waste per year is \$108,000 with a proposed quarterly pickup schedule. Mr. Reese stated Hunsley Hills would remain on the current schedule of bulky waste being picked up on Monday's. After discussion, Commissioner Remlinger moved, duly seconded by Mayor Pro-Tem Jones to grant the Interim City Manager the authority to complete the negotiation and execute the contract with Republic Services for collection of the City of Canyon bulky solid waste.

Mayor Hinders asked if bulky solid waste would be picked up on a as need basis for large accumulations or from people illegally dumping, Mr. Reese stated yes.

Mayor Hinders called for a vote on the motion, motion passed unanimously.

Item 14. Budget Work Session.

Director of Finance Chris Sharp gave a brief overview of the discussion from the Budget Work Session held August 5, 2019. Mr. Sharp said with the proposed M&O tax rate of \$0.39083 and the I&S rate at \$0.0591, the total proposed tax rate would be \$0.44993, an increase to property taxes of 2.7% above the effective tax rate. Mr. Sharp said this would result in an average tax increase of \$2.43 per month and generate a little over \$76,000 for the General Fund. Commissioners asked if the roll-back rate and a lower I&S rate could be adopted so that there would be no tax increase.

Mr. Sharp presented an alternate balanced budget based on an M&O tax rate of \$0.37899 and an I&S rate of \$0.5675 for a total tax rate of \$0.43574 which results in no tax increase.

Item 15. Hold Second Public Hearing on Proposed Tax Rate for Fiscal Year 2010-2020.

Director of Finance Chris Sharp stated pursuant to the Texas Truth in Taxation Laws, the City of Canyon is required to hold two public hearing if adopting a tax rate higher than the effective tax rate. With the effective rate at \$0.43809/\$100 valuation, and the proposed total rate of \$0.44993/\$100 valuation, (consisting of \$0.39083 M&O plus \$0.0591 I&S), the public hearings are required.

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

This is the second and final public hearing, no action required.

Item 16. Executive Session Pursuant to §551.074 Personnel Matters (Economic Development Corporation Board, 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 5:48 pm.

Item 17. Consider and Take Appropriate Action on Items Discussed in Executive Session.

Upon returning from Executive Session at 8:16 pm, the following action was taken.

Commissioner Ray moved, duly seconded by Mayor Pro-Tem Jones to appoint Matthew West, Keith Brown, and Roger Remlinger to the expiring terms of Jill Shelton, James Irlbeck, and Bridget Johnson. Motion carried with Commissioner Remlinger abstaining.

Item 18. Adjourn

There being no further business, Mayor Pro-Tem Jones moved this meeting be adjourned at 8:21 pm.

Gary Hinders, Mayor

ATTEST:

Gretchen Mercer, City Secretary