

## REGULAR MEETING OF THE CANTON CITY COUNCIL

6:00 P.M., TUESDAY, MAY 19, 2015

City Hall Council Chambers

290 East Tyler Street, Canton, Texas 75103

### MINUTES

The Canton City Council met at the above-named date and time in the City Hall Council Chambers. Members present were Mayor Richard Lawrence and Councilmembers Elisa Heard, Cary Hilliard, Cindy Malouf, Scott Perkins, and Shawn Stewart. Also present were City Manager Lonny Cluck, City Secretary Debra Johnson, Finance Director Kimberly Kroha, Municipal Court Judge Lilia Durham, Police Chief Mike Echols and CEDC Executive Director Julie Seymore. City Attorney Ron Stutes was also in attendance.

1. CALL TO ORDER - The meeting was called to order and a quorum was declared by Mayor Rick Lawrence at 6:00 p.m.
2. INVOCATION was given by Judge Durham.
3. PLEDGE OF ALLEGIANCE was led by Councilmember Stewart.
4. MAYOR'S WELCOME – Mayor Lawrence welcomed everyone to the meeting.
5. PROCLAMATIONS AND ANNOUNCEMENTS
  - A. Designate May 2015 as Motorcycle Safety and Awareness Month
6. ISSUE CERTIFICATES OF ELECTION, ADMINISTER STATEMENTS OF ELECTED OFFICER AND OATH OF OFFICE TO NEWLY ELECTED COUNCILMEMBERS – At 6:05 p.m., newly-elected Mayor Lou Ann Everett and Councilmembers Nathan Moore and Connie Odic were duly sworn in by Judge Lilia Durham and took their places on the dais.
7. PRESENTATION TO OUTGOING COUNCIL MEMBERS RECOGNIZING THEIR DEDICATED SERVICE TO THE CITY OF CANTON AND ITS CITIZENS – Mayor Lawrence thanked Councilmembers Heard and Hilliard for their service to the City. Councilmember Stewart presented Mayor Lawrence with a plaque in appreciation of his contributions to the City.
8. DECLARATIONS REGARDING CONFLICTS OF INTEREST - None

### CITIZENS FORUM

9. CITIZENS FORUM – CITIZENS ARE INVITED TO SPEAK FOR THREE (3) MINUTES ON MATTERS RELATING TO CITY GOVERNMENT THAT ARE NOT LISTED ON THE REGULAR AGENDA – Lawrence Greer asked Council why Saline Creek was named as the site for the proposed reservoir. Micki Greer asked Councilmembers to put themselves in others' shoes when making decisions. Jimmy Hare said he did not understand why there was a special called meeting about the lake. Ray Murphree asked for signs on Stacey Street to slow down drivers. He also asked for support from the City in attending a grand opening of the Sixth Floor Museum archives in Dallas. Mayor Everett directed Mr. Murphree to speak with City staff about the speed bumps or signs. Cary Hilliard said he would speak at the time they addressed Item 25.

## CONSENT AGENDA

10. CONSIDER APPROVAL OF MINUTES OF THE APRIL 21 AND 30, 2015 CITY COUNCIL MEETINGS - The minutes of the April 21 and 30, 2015, City Council meetings were unanimously approved upon motion by Councilmember Malouf and second by Councilmember Stewart.

Mayor Pro Tem - Shawn Stewart: Approve  
Council Member - Scott Perkins: Approve  
Council Member - Cindy Malouf: Approve  
Council Member - Connie Odic: Approve  
Council Member - Nathan Moore: Approve

11. CONSIDER APPROVAL OF APRIL 2015 FINANCIAL STATEMENTS - The financial statements for April 2015 were unanimously approved upon motion by Councilmember Stewart and second by Councilmember Perkins.

Mayor Pro Tem - Shawn Stewart: Approve  
Council Member - Scott Perkins: Approve  
Council Member - Cindy Malouf: Approve  
Council Member - Connie Odic: Approve  
Council Member - Nathan Moore: Approve

## INDIVIDUAL CONSIDERATION

12. CONSIDER APPOINTMENT OF MAYOR PRO TEM – Councilmember Malouf made a motion to appoint Councilmember Stewart as Mayor Pro Tem. Councilmember Moore seconded.

Mayor Pro Tem - Shawn Stewart: Approve  
Council Member - Scott Perkins: Approve  
Council Member - Cindy Malouf: Approve  
Council Member - Connie Odic: Approve  
Council Member - Nathan Moore: Approve

13. REPORT BY HILLCREST CEMETERY COMMITTEE – Ann Moore gave a report on the progress made in the refurbishment at Hillcrest Cemetery. Ms. Moore said they now had a list of everyone buried in the cemetery with had marked graves.

14. CONSIDER ACCEPTANCE OF 2013-2014 FISCAL YEAR AUDIT – Councilmember Stewart made a motion to accept the 2013-2014 fiscal year audit. Councilmember Malouf seconded.

Mayor Pro Tem - Shawn Stewart: Approve  
Council Member - Scott Perkins: Approve  
Council Member - Cindy Malouf: Approve  
Council Member - Connie Odic: Approve  
Council Member - Nathan Moore: Approve

15. CONSIDER ADOPTION OF RESOLUTION NO. 2015-13 CANTON ECONOMIC DEVELOPMENT CORPORATION'S AMENDED BUDGET FOR FISCAL YEAR

ENDING SEPTEMBER 30, 2015 – Councilmember Malouf made a motion to adopt Resolution No. 2015-13. Councilmember Stewart seconded.

Mayor Pro Tem - Shawn Stewart: Approve  
Council Member - Scott Perkins: Approve  
Council Member - Cindy Malouf: Approve  
Council Member - Connie Odic: Approve  
Council Member - Nathan Moore: Approve

16. CONSIDER AWARDING CONTRACT FOR CONSTRUCTION OF CITY HALL FOUNDATION AND AREA PAVING WORK – Only one bid was received. Councilmember Perkins made a motion to award the contract for the City Hall foundation and area paving work to Henderson Concrete in the amount of \$195,858.00. Councilmember Moore seconded.

Mayor Pro Tem - Shawn Stewart: Approve  
Council Member - Scott Perkins: Approve  
Council Member - Cindy Malouf: Approve  
Council Member - Connie Odic: Approve  
Council Member - Nathan Moore: Approve

17. CONSIDER AWARDING CONTRACT FOR CONSTRUCTION OF CITY HALL ELECTRICAL WORK – No bids were received. Councilmember Malouf made a motion to postpone the award of contract for City Hall electrical work. Councilmember Stewart seconded.

Mayor Pro Tem - Shawn Stewart: Approve  
Council Member - Scott Perkins: Approve  
Council Member - Cindy Malouf: Approve  
Council Member - Connie Odic: Approve  
Council Member - Nathan Moore: Approve

18. CONSIDER AWARDING CONTRACT FOR CONSTRUCTION OF CITY HALL METAL BUILDING – Only one bid was received. Councilmember Perkins made a motion to award the contract for construction of the metal building of City Hall to Van Zandt Steel, Inc. in the amount of \$276,747.12. Councilmember Stewart seconded.

Mayor Pro Tem - Shawn Stewart: Approve  
Council Member - Scott Perkins: Approve  
Council Member - Cindy Malouf: Approve  
Council Member - Connie Odic: Approve  
Council Member - Nathan Moore: Approve

19. CONSIDER APPROVAL OF APPLICANTS FOR FIRST MONDAY HIGHWAY 64 CONTRACT PARKING – Councilmember Stewart made a motion to accept the First Monday Highway 64, including all eleven applications. Councilmember Odic seconded.

Mayor Pro Tem - Shawn Stewart: Approve  
Council Member - Scott Perkins: Approve  
Council Member - Cindy Malouf: Approve  
Council Member - Connie Odic: Approve  
Council Member - Nathan Moore: Approve

20. CONSIDER APPROVAL OF SETTLEMENT AND RELEASE AGREEMENT WITH ONCOR ELECTRIC DELIVERY COMPANY, LLC. – Councilmember Stewart made a motion to approve the Settlement and Release Agreement with Oncor Electric Delivery Company, LLC. Councilmember Malouf seconded.

Mayor Pro Tem - Shawn Stewart: Approve  
Council Member - Scott Perkins: Approve  
Council Member - Cindy Malouf: Approve  
Council Member - Connie Odic: Approve  
Council Member - Nathan Moore: Approve

21. CONSIDER APPOINTMENTS TO THE PLANNING & ZONING COMMISSION – Councilmember Perkins made a motion to postpone Items 21 and 22 until the next regular meeting. Councilmember Moore seconded.

Mayor Pro Tem - Shawn Stewart: Approve  
Council Member - Scott Perkins: Approve  
Council Member - Cindy Malouf: Approve  
Council Member - Connie Odic: Approve  
Council Member - Nathan Moore: Approve

22. CONSIDER APPOINTMENTS TO THE BOARD OF ADJUSTMENT

23. CONSIDER ADOPTION OF RESOLUTION NO. 2015-14 APPROVING NEGOTIATED SETTLEMENT AGREEMENT BETWEEN ATMOS CITIES STEERING COMMITTEE AND ATMOS MID-TEX DIVISION - Councilmember Malouf made a motion to adopt Resolution No. 2015-14. Councilmember Odic seconded.

Mayor Pro Tem - Shawn Stewart: Approve  
Council Member - Scott Perkins: Approve  
Council Member - Cindy Malouf: Approve  
Council Member - Connie Odic: Approve  
Council Member - Nathan Moore: Approve

24. DISCUSS AND CONSIDER RESTRICTIONS ON PLACEMENT OF ANTENNAS, COMMUNICATION DEVICES, ETC. ON NEW WATER TOWER IN FM 859 INDUSTRIAL PARK – Councilmember Stewart made a motion to postpone this item until the next regular meeting. Councilmember Perkins seconded.

Mayor Pro Tem - Shawn Stewart: Approve  
Council Member - Scott Perkins: Approve  
Council Member - Cindy Malouf: Approve  
Council Member - Connie Odic: Approve  
Council Member - Nathan Moore: Approve

25. DISCUSS LONG-RANGE WATER PLAN FOR CITY – Councilmember Malouf made the motion to postpone this item until after discussion with water consultant, Brad Castleberry. Councilmember Odic seconded.

Mayor Pro Tem - Shawn Stewart: Approve  
Council Member - Scott Perkins: Approve

Council Member - Cindy Malouf: Approve  
Council Member - Connie Odic: Approve  
Council Member - Nathan Moore: Approve

26. FIRST READING OF RESOLUTION NO. 2015-12 CONCERNING A PERFORMANCE AGREEMENT BY AND BETWEEN THE CANTON EDC AND C&E GROUP, INC, OR A RELATED ENTITY, FOR FINANCIAL ASSISTANCE IN AN AMOUNT NOT TO EXCEED \$176,000 FOR THE CONSTRUCTION OF A HOTEL/CONFERENCE CENTER FACILITY - Ms. Seymore requested Items 26 and 27 be postponed to a future meeting.
27. SECOND READING OF RESOLUTION NO. 2015-12 AND CONSIDER APPROVAL OF PERFORMANCE AGREEMENT BY AND BETWEEN THE CANTON EDC AND C&E GROUP, INC, OR A RELATED ENTITY, FOR FINANCIAL ASSISTANCE IN AN AMOUNT NOT TO EXCEED \$176,000 FOR THE CONSTRUCTION OF A HOTEL/CONFERENCE CENTER FACILITY
28. CONSIDER APPROVAL OF AN ECONOMIC DEVELOPMENT AGREEMENT PURSUANT TO CHAPTER 380 OF THE LOCAL GOVERNMENT CODE WITH C&E GROUP, INC., OR AN AFFILIATE OF THAT CORPORATION, TO SUPPORT THE CONSTRUCTION OF A HOTEL/CONFERENCE CENTER FACILITY - Mr. Stutes requested this item be postponed until after the Executive Session.
29. CONSIDER DESIGN, CONSTRUCTION AND FINANCING OF PROJECTS INCLUDING, BUT NOT LIMITED TO, STREETS AND UTILITIES, IMPROVEMENTS TO FIRST MONDAY GROUNDS, CONSTRUCTION OF NEW CELL TOWER, RELOCATION OF ANTENNAS FROM HISTORIC WATER TOWER, REPAINTING OF HISTORIC WATER TOWER, AND NEW CITY HALL – Mr. Cluck reported he met with architects regarding the Trade Center IV extension. He hoped to have a design back in a couple weeks for Council's approval.
30. DISCUSS COUNCIL'S GOALS, OBJECTIVES AND SPECIAL PROJECT REQUESTS FOR INCLUSION IN THE FISCAL YEAR 2015-16 PROPOSED BUDGET - Ms. Johnson encouraged Council to submit their comments to staff as soon as possible so the goals could be finalized.
31. CITY MANAGEMENT REPORTS
  - A. NEW CITY HALL – Mr. Cluck said they were moving forward with the dirt work.
  - B. FIRST MONDAY – EXTENSION OF TRADE CENTER IV
  - C. FINANCIAL REPORTS – Ms. Kroha gave an overview for April 2015. First Monday revenue was up 5% and sales taxes were up 7% year-to-date.
  - D. OTHER ITEMS – Mr. Cluck explained how the First Monday report showed revenue for the past five years.

#### EXECUTIVE SESSION

**In accordance with the authority contained in Sections 551.071 and 551.072 of the Open Meetings Law, Chapter 551, Govt. Code, Vernon's Texas Codes Annotated, Council will convene in closed or executive session to discuss the following matters.**

32. EXECUTIVE SESSION FOR DELIBERATIONS REGARDING ECONOMIC

DEVELOPMENT NEGOTIATIONS (Section 551.087) - Mayor Everett convened Council into executive session at 7:54 p.m.

**RETURN TO OPEN SESSION**

33. RECONVENE TO OPEN SESSION AND CONSIDER ACTION, IF ANY, ON ITEMS DISCUSSED IN EXECUTIVE SESSION - Council reconvened into open session at 8:42 p.m. No action was taken.
34. ITEMS FOR FUTURE AGENDAS – Mayor Everett requested regulations on invisible fences be added to the agenda. Mr. Cluck asked to have a discussion of the sports complex.
35. ADJOURN - There being no further business to discuss, the meeting was adjourned at 8:45 p.m.