

**REGULAR MEETING OF THE CANTON CITY COUNCIL
6:00 P.M., FEBRUARY 16, 2016**

Canton City Hall
290 E. Tyler, Canton, Texas 75103

MINUTES

The Canton City Council met at the above-named date and time in the City Municipal Courtroom. Members present were Mayor Lou Ann Everett and Councilmembers Shawn Stewart, Cindy Malouf, Nathan Moore, Scott Perkins and Connie Odic.

Also present were City Manager Lonny Cluck, City Secretary Debra Johnson, Finance Director Kimberly Kroha, Public Works Director Walt Lehmann, Building Inspector Dwight Lancaster, CEDC Executive Director Julie Seymore, and City Attorney Ron Stutes.

1. CALL TO ORDER - The meeting was called to order and a quorum was declared by Mayor Lou Ann Everett at 6:00 p.m.
2. INVOCATION was led by John Chism.
3. PLEDGE OF ALLEGIANCE was led by Mayor Everett.
4. MAYOR'S WELCOME – Mayor Everett welcomed everyone to the meeting.
5. DECLARATIONS REGARDING CONFLICTS OF INTEREST - None
6. PROCLAMATIONS AND ANNOUNCEMENTS – Mayor Everett recognized Josh Mims, who was recently named Firefighter of the Year. She also commended Captain Brian Horton for the job he did during the recent tragedy in Van.

CITIZENS FORUM

7. CITIZENS FORUM – Chris Gamrod requested two hour parking in front of his store, Sun Riot, in the downtown area.

CONSENT AGENDA

8. CONSIDER APPROVAL OF MINUTES OF THE JANUARY 19, 2016 CITY COUNCIL MEETING
9. CONSIDER APPROVAL OF JANUARY 2016 FINANCIAL STATEMENTS
10. CONSIDER APPROVAL OF JOINT ELECTION AGREEMENT WITH CANTON INDEPENDENT SCHOOL DISTRICT FOR MAY 7, 2016 GENERAL ELECTION
11. CONSIDER APPROVAL OF ELECTION EQUIPMENT CONTRACT WITH THE VAN ZANDT COUNTY CLERK FOR MAY 7, 2016 GENERAL ELECTION

12. CONSIDER ADOPTION OF RESOLUTION NO. 2016-01 APPOINTING DEPUTY CITY SECRETARIES

Councilmember Stewart made a motion to approve Items 8 through 12 of the Consent Agenda. Councilmember Moore seconded.

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

INDIVIDUAL CONSIDERATION

13. STATUS REPORT ON COUNTRY INN AND SUITES - Chad Encheff , President and COO for the C&E Group, gave a brief update on the status of the hotel they were building on I-20.

Mayor Everett convened Council into Executive Session at 6:14 p.m. Council reconvened into open session at 6:52:56 p.m. with no action taken.

14. CONSIDER APPROVAL OF ASSOCIATES JUDGES FOR MUNICIPAL COURT – Councilmember Malouf made a motion to approve Beverley Pearson and Rachel Ramsey as associate judges for the Municipal Court. Councilmember Perkins seconded.

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

15. CONSIDER ADOPTION OF ORDINANCE NO. 2016-03 AUTHORIZING A GENERAL MUNICIPAL ELECTION TO BE HELD ON MAY 7, 2016, FOR THE PURPOSE OF ELECTING THREE CITY COUNCILMEMBERS; PROVIDING FOR NOTICES, VOTING EQUIPMENT AND A JOINT ELECTION WITH CISD; AND DESIGNATING THE POLLING PLACES AND TIMES FOR EARLY VOTING AND ELECTION DAY - Councilmember Stewart made a motion to adopt Ordinance No. 2016-03. Councilmember Perkins seconded.

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

16. CONSIDER APPROVAL OF CONTRACT WITH PYRO SHOWS FOR JULY 4TH 2016 FIREWORKS DISPLAY – Councilmember Perkins made a motion to approve the contract with Pyro Shows for the July 4, 2016, fireworks display as presented with an alternate date of July 9, 2016. Councilmember Stewart seconded.

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

17. CONSIDER DESIGNATION OF SURPLUS EQUIPMENT AND AUTHORIZING THE SALE THEREOF - Councilmember Perkins made a motion to designate property listed as surplus equipment. Councilmember Malouf seconded.

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

18. CONSIDER ALL ASPECTS OF FIRST MONDAY-RELATED BUSINESS INCLUDING, BUT NOT LIMITED TO, BUILDINGS, POLICIES, SOLICITATION ON THE GROUNDS AND FUTURE PLANS - Council had no changes to the policy as presented.

19. 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 said there might be a sixty-day delay on moving the antennas from the historic water tower. Mr. Cluck reported the extension for Trade Center IV was moving along. They were as far as they could go on the metal building. The new section would not be open this First Monday because Oncor might not have the electricity on for another month.

20. CONSIDER PERSONNEL BENEFIT TO EMPLOYEES – WATER DISCOUNT – Councilmember Stewart made a motion to amend the employee water discount rate to a flat 20%. Councilmember Malouf seconded.

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

21. CONSIDER PLAN FOR CAPITAL STREETS PROJECTS – Walt Lehmann presented the cost of redoing Goshen and Woodland Streets. Council requested an updated street assessment and the cost for redoing the utilities under Goshen Street.

22. DISCUSS CHURCH'S CHICKEN PROPERTY/BUILDING – Dwight Lancaster said he would start the process again to make sure all the proper procedures were followed.

23. CONSIDER FUTURE USE OF 290 E. TYLER OFFICE SPACE – It was the consensus of Council to keep the building at this time for a future meeting room rental space.

24. CITY MANAGEMENT REPORTS

- A. FIRST MONDAY – Mr. Cluck said it was an outstanding month because the weather was good.
- B. CITY HALL RENOVATION – Mr. Cluck said the City Hall renovation was not 100% done because there were still issues with the ADA inspection.
- C. MILL CREEK TRAIL – Mr. Cluck reported the Mill Creek Trail was temporarily on hold until the ground was dry enough to bring in the necessary equipment.
- D. CHERRY CREEK TRAIL – Mr. Cluck said the Texas Parks and Wildlife Department was reviewing the proposed plan.
- E. FINANCIAL – Kimberly Kroha said all the funds were doing well. Revenue for First Monday was up about 4%. The sales tax revenue was about the same as it was last year at this time.
- F. CITY WEBSITE – Debra Johnson announced the website had been updated and was now online.
- G. REPORT FROM CHIEF ALLISON, POLICE DEPT. – Chief Allison reported he had done a lot of remodeling on the Police Department building since he took the position on September 1, 2015. Most of the labor was furnished free by trustees. The trustees were also furnishing labor to paint the floor at the animal shelter.
- H. OTHER ITEMS – Mr. Cluck said the Kid Fish had been a great success.

EXECUTIVE SESSION

In accordance with the authority contained in Sections 551.071 and 551.074 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.

- 25. EXECUTIVE SESSION FOR CONSULTATION WITH ATTORNEY REGARDING EXISTING OR POTENTIAL LITIGATION (Section 551.071)
 - a. *Bement v. Bradshaw, et. al*, Cause No. 6:15CV391, Eastern District of Texas.
 - b. *Johnson v. City of Canton*, Cause No. 6:15CV1140, Eastern District of Texas
 - c. *Stephens v. City of Canton*, Cause No. 14-00288; 294th District Court, Van Zandt County
 - d. *Henry Lewis v. Jane Cox, Joe Groves and the City of Canton*; Cause No. 16-00043, 294th District Court, Van Zandt County
- 26. EXECUTIVE SESSION FOR DELIBERATIONS REGARDING POTENTIAL PURCHASE OF REAL PROPERTY (Section 551.072) – Council convened into Executive Session at 8:09 p.m.
- 27. EXECUTIVE SESSION FOR CONSULTATION WITH ATTORNEY REGARDING CONTRACT TO PURCHASE PROPERTY LOCATED ON GROVES STREET IN CANTON, TEXAS, AND POTENTIAL DISPUTES REGARDING THAT CONTRACT. (Section 551.072)

RETURN TO OPEN SESSION

28. RECONVENE TO OPEN SESSION AND CONSIDER ACTION, IF ANY, ON ITEMS DISCUSSED IN EXECUTIVE SESSION – Council reconvened into open session at 8:30 p.m. with no action taken.
29. CONSIDER FINANCING FOR PURCHASE OF REAL PROPERTY – Mayor Everett passed over this item.
30. ITEMS FOR FUTURE AGENDAS – Council requested Hillcrest Cemetery, parking around the square and the streets for the half marathon be addressed.
31. ADJOURN - There being no further business to discuss, the meeting was adjourned at 8:32 P.M.