

**REGULAR MEETING OF THE CANTON CITY COUNCIL  
6:00 P.M., MARCH 15, 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, Scott Perkins and Connie Odic. Councilmember Nathan Moore was absent.

Also present were City Manager Lonny Cluck, City Secretary Debra Johnson, Finance Director Kimberly Kroha, Public Works Director Walt Lehman, Captain Brian Horton and Assistant City Attorney David Ritter.

1. CALL TO ORDER – The meeting was called to order and a quorum was declared by Mayor Lou Ann Everett at 6:01 p.m.
2. INVOCATION was led by Mayor Everett.
3. PLEDGE OF ALLEGIANCE was led by Mayor Everett.
4. MAYOR'S WELCOME - Mayor Everett welcome Boys Scouts visiting from Allen, Texas, who were working on their Eagle Citizenship badges.
5. DECLARATIONS REGARDING CONFLICTS OF INTEREST - None
6. PROCLAMATIONS AND ANNOUNCEMENTS
  - A. PROCLAMATION OBSERVING APRIL AS CHILD ABUSE PREVENTION MONTH IN THE CITY OF CANTON - Sandy Hilliard announced several events scheduled in April in honor of Child Abuse Awareness month.
  - B. PRESENTATION OF GO TEXAS CERTIFIED RETIREMENT COMMUNITY AWARD - Richard De Los Santos presented the Go Texan certified Retirement Community award to Council.
  - C. SPRING CLEAN-UP WEEK – APRIL 11 – 14, 2016
  - D. DINNER ON MAIN STREET – MARCH 19, 2016, 6 PM – This event was postponed until April 9, 2016, due to the bad weather forecast.

**CITIZENS FORUM**

7. CITIZENS FORUM – CITIZENS ARE INVITED TO SPEAK FOR THREE MINUTES ON MATTERS RELATING TO CITY GOVERNMENT THAT ARE NOT LISTED ON THE REGULAR AGENDA – John Kendrick requested an exception to the First Monday rule prohibiting sales on days other than Wednesday and Sunday so they could deliver maps ordered by vendors.

## CONSENT AGENDA

8. CONSIDER APPROVAL OF MINUTES OF THE FEBRUARY 16 AND 22, 2016 CITY COUNCIL MEETINGS
9. CONSIDER APPROVAL OF FEBRUARY 2016 FINANCIAL STATEMENTS

Councilmember Stewart made a motion to approve Items 8 and 9 of the Consent Agenda. 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: Absent

## INDIVIDUAL CONSIDERATION

10. CONSIDER REQUEST FROM CARY HILLIARD FOR SOLICITOR'S PERMIT TO COLLECT DONATIONS AT THE INTERSECTION OF BUFFALO AND DALLAS STREETS APRIL 16, 2016, FOR THE VETERANS MEMORIAL – Councilmember Malouf made a motion to grant the request from Cary Hilliard for a solicitation permit for April 26, 2016. Councilmember Odic 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: Absent

11. CONSIDER ACCEPTANCE OF CITY SECRETARY'S CERTIFICATION OF UNOPPOSED CANDIDATES IN MAY 7, 2016 GENERAL ELECTION - Councilmember Perkins made a motion to accept the City's Secretary's Certification of Unopposed Candidates. 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: Absent

12. CONSIDER ADOPTION OF ORDINANCE NO. 2016-4 CANCELLING MAY 7, 2016 GENERAL ELECTION AND DECLARING CYNTHIA MALOUF, STEVEN SCOTT PERKINS AND SHAWN STEWART ELECTED TO CANTON CITY COUNCIL FOR TWO-YEAR TERMS - Councilmember Odic made a motion to adopt Ordinance No. 2016-4 cancelling the May 7, 2016 election. 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: Absent

13. CONSIDER FENCE TO BE INSTALLED AROUND HILLCREST CEMETERY – Councilmember Perkins made a motion to proceed with replacing the fence at Hillcrest Cemetery, as budgeted. 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: Absent

14. CONSIDER PARKING ISSUES FOR DOWNTOWN AREA – Councilmember Stewart made a motion to postpone the item to a later date. 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: Absent

15. CONSIDER APPOINTMENTS TO CANTON ECONOMIC DEVELOPMENT CORPORATION'S BOARD OF DIRECTORS – Councilmember Perkins made a motion to reappoint Steven Dye, Kevin Deibert and Johnny Blevins to the Canton Economic Development Corporation's Board of Directors. 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: Absent

16. CONSIDER ADOPTION OF RESOLUTION NO. 2016-02 AUTHORIZING INDIVIDUALS TO SIGN CONTRACTUAL DOCUMENTS ASSOCIATED WITH THE TEXAS CAPITAL MAIN STREET GRANT PROGRAM (7215352) - Councilmember Perkins made a motion to adopt Resolution No. 2016-2. Councilmember Odic 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: Absent

17. CONSIDER POSSIBLE STREET CLOSURES OF DOWNTOWN STREETS TO BE USED FOR HALF MARATHON ON MAY 14, 2016 - Councilmember Perkins made a motion to close Tyler Street from Buffalo to Capital; Capital Street from Dallas Street to Tyler Street; Cherry Creek from Cherry Creek Park to Old Kaufman Road; and one lane of southbound Trade Days Boulevard from Dealers Row to Eubank Street on May 14, 2016, from 8 am to 12 noon on May 14, 2016. Councilmember Odic 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: Absent

18. CONSIDER SELECTION OF CITY OF CANTON'S CITIZEN OF THE YEAR AWARD TO BE PRESENTED AT THE CANTON TEXAS CHAMBER OF COMMERCE GALA – Councilmember Stewart made a motion to select the Committee's recommendation as Citizen of the Year. Councilmember Odic 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: Absent

19. CONSIDER ADOPTION OF ORDINANCE NO. 2016-6 SETTING OUT THE OPERATION POLICIES AND PROCEDURES FOR CITY OF CANTON'S FIRST MONDAY TRADE DAYS - Councilmember Stewart made a motion to adopt Ordinance No. 2016-6. 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: Absent

20. CONSIDER USES LISTED UNDER GATEWAY DISTRICT ZONING - The consensus of Council was to leave the uses in the Gateway District zoning as stated in the ordinance.

21. CONSIDER ADOPTION OF ORDINANCE NO. 2016-5 AMENDING THE BUDGET FOR FISCAL YEAR BEGINNING OCTOBER 1, 2015 AND ENDING SEPTEMBER 30, 2016 - Councilmember Malouf made a motion to adopt Ordinance No. 2016-5. 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: Absent

22. DISCUSS COUNCIL'S GOALS, OBJECTIVES AND SPECIAL PROJECT REQUESTS FOR INCLUSION IN THE FISCAL YEAR 2016-17 PROPOSED BUDGET - Ms. Johnson requested Council review the goals to determine what changes they would like for the upcoming budget year.

23. CONSIDER APPROVAL BY COUNCIL TO DELEGATE AUTHORITY TO EXECUTE CONTRACTS UNDER \$50,000 IN VALUE TO APPROPRIATE CITY STAFF, CONSISTENT WITH THE CITY'S PURCHASING POLICY AND PURSUANT TO HB 1295 – Councilmember Malouf made a motion to delegate authority to execute contracts

under \$50,000 in value to appropriate City staff, consistent with the City's purchasing policy. 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: Absent

24. CONSIDER PLAN FOR CAPITAL STREETS PROJECTS – Councilmember Stewart made a motion to move forward on the 25 streets proposed as well as Lake Meadows, per the Public Works Director's discretion. 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: Absent

25. 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 – It was the consensus of Council to have the historic water tower repainted silver. They requested more images be presented to them before they determined what image would be painted on the tower.

26. CITY MANAGEMENT REPORTS

- A. FIRST MONDAY – Mr. Cluck reported he had stopped demolition on the blue bathroom in order to obtain the proper certifications re asbestos.
- B. SMART PHONE METER READING DEVICE / SYSTEM – Mr. Cluck explained the new software he wanted to use for meter reading in the future. The approximate cost would be \$4,000. Would allow the meter readers to enter readings on Smart Phones and have the information automatically loaded into the billing system.
- C. FINANCIAL – Ms. Kroha reported First Monday revenue was up. Sales tax revenue was up 2.7% year-to-date. She anticipated the City would earn 9% more from sales tax than budgeted. There was a decrease in the debt service fund because of the first payment on the tax note.
- D. OTHER ITEMS – Ms. Johnson reminded everyone of the ceremony for the City Hall cornerstone on Thursday. The Chamber banquet was scheduled for April 21 and an employee picnic was set for April 16. Ms. Seymore said several local contractors were scheduled to do work on the new hotel.

Mayor Everett called a brief recess at 8:17 p.m.

## 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.

27. EXECUTIVE SESSION FOR CONSULTATION WITH ATTORNEY REGARDING EXISTING OR POTENTIAL LITIGATION (Section 551.071)
  - a. *Johnson v. City of Canton*, Cause No. 6:15CV1140, Eastern District of Texas
  - b. *Henry Lewis v. Jane Cox, Joe Groves and the City of Canton*; Cause No. 16-00043, 294<sup>th</sup> District Court, Van Zandt County
28. EXECUTIVE SESSION FOR DELIBERATIONS REGARDING POTENTIAL PURCHASE OR LEASE OF REAL PROPERTY (Section 551.072) – Mayor Everett convened Council into Executive Session at 8:17 p.m.

## RETURN TO OPEN SESSION

29. RECONVENE TO OPEN SESSION AND CONSIDER ACTION, IF ANY, ON ITEMS DISCUSSED IN EXECUTIVE SESSION – Council reconvened into open session at 8:17 p.m. with no action taken.
30. ITEMS FOR FUTURE AGENDAS
31. ADJOURN - There being no further business to discuss, the meeting was adjourned at 8:35 p.m.