

**REGULAR MEETING OF THE CANTON CITY COUNCIL
6:00 P.M, MARCH 16, 2021**

Canton City Hall
201 N. Buffalo, Canton, Texas 75103

MINUTES

The Canton City Council met at the above-named date and time in the Canton City Hall. Members present were Mayor Lou Ann Everett and Councilmembers Blake Fowler, Jim Fuller, and Chase Melton. Councilmembers Nathan Moore, and Randon Sumner were absent.

Also present were City Manager Lonny Cluck, City Secretary Debra Johnson, Finance Director Teri Pruitt, Director of Operations Peter Lamont, Municipal Judge Lilia Durham, Executive Director of CEDC Julie Seymore and Michael Martin of Brown, Hofmeister.

1. CALL MEETING TO ORDER AND DECLARE A QUORUM PRESENT – Mayor Everett opened the meeting and declared a quorum present at 6:08 p.m.
2. INVOCATION was led by Mayor Everett.
3. PLEDGE OF ALLEGIANCE was led by Mayor Everett.
4. MAYOR'S WELCOME
5. DECLARATIONS REGARDING CONFLICTS OF INTEREST - None
6. PROCLAMATIONS AND ANNOUNCEMENTS
 - A. CITY-WIDE CLEANUP – MARCH 22-25, 2021

CITIZENS FORUM

7. CITIZENS FORUM – CITIZENS ARE INVITED TO SPEAK ON MATTERS RELATING TO CITY GOVERNMENT

CONSENT AGENDA

8. CONSIDER APPROVAL OF FINANCIAL REPORTS FOR JANUARY, 2021
9. CONSIDER APPROVAL OF MINUTES FOR FEBRUARY 23, 2021, CITY COUNCIL MEETING
10. CONSIDER DESIGNATION OF VEHICLES AND OFFICE EQUIPMENT AS SURPLUS EQUIPMENT AND AUTHORIZING THE SALE THEREOF
11. CONSIDER ADOPTION OF RESOLUTION NO. 2021-8 DESIGNATING AUTHORIZED SIGNATORIES FOR CONTRACTUAL DOCUMENTS AND DOCUMENTS FOR REQUESTING FUNDS PERTAINING TO THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (TXCDBG) CONTRACT NUMBER 7220081

12. CONSIDER ADOPTION OF RESOLUTION NO. 2021-11 AUTHORIZING CONTINUED PARTICIPATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR; AND AUTHORIZING THE PAYMENT OF SIX CENTS PER CAPITA TO THE STEERING COMMITTEE TO FUND REGULATORY AND LEGAL PROCEEDINGS AND ACTIVITIES RELATED TO ONCOR ELECTRIC DELIVERY COMPANY, LLC
LE YEARLY HOUSEKEEPING
13. CONSIDER APPROVAL OF COUNCIL'S GOALS, OBJECTIVES AND SPECIAL PROJECT REQUESTS FOR INCLUSION IN THE FISCAL YEAR 2021-2022 PROPOSED BUDGET
14. CONSIDER APPROVAL OF LEASE FOR CIVIC CENTER CONCESSION WITH ROCKIN L DBA LONE STAR WAFFLE

Councilmember Fowler made a motion to approve Items 8 through 14 of the Consent Agenda. Councilmember Melton seconded.

Council Member - Nathan Moore: Absent
 Mayor Pro Tem - Randon Sumner: Absent
 Council Member - Chase Melton: Approve
 Council Member - Blake Fowler: Approve
 Council Member - Jim Fuller: Approve

INDIVIDUAL CONSIDERATION

15. CONSIDER ADOPTION OF ORDINANCE NO. 2021-2 ANNEXING APPROXIMATELY 20.006 ACRES OF LAND IN THE Q.C. NUGENT SURVEY, A-618, VAN ZANDT COUNTY, TEXAS, OWNED BY BETTY WILKERSON, EDWARD DEARING, DORIS BUTLER, AND THE ESTATE OF JOYCE CRABTREE - Councilmember Fuller made a motion to postpone Items 15 and 16 to the next regular meeting of Council on April 20, 2021, upon request of the Applicant. Councilmember Melton seconded.

Council Member - Nathan Moore: Absent
 Mayor Pro Tem - Randon Sumner: Absent
 Council Member - Chase Melton: Approve
 Council Member - Blake Fowler: Approve
 Council Member - Jim Fuller: Approve

16. PUBLIC HEARING AND CONSIDER ADOPTION OF ORDINANCE NO. 2021-3 GRANTING A ZONING CHANGE FROM RURAL AGRICULTURAL (RA) DISTRICT TO A PLANNED DEVELOPMENT (PD) DISTRICT ON THAT APPROXIMATELY 20.006 ACRE TRACT OF LAND IN THE Q.C. NUGENT SURVEY, A-618, LOCATED IN THE NORTHEAST CORNER OF THE INTERSECTION OF HWY 19 AND I-20, CURRENTLY UNDER CONSIDERATION FOR ANNEXATION INTO THE CITY OF CANTON, TEXAS, CURRENTLY OWNED BY EDWARD DEARING, BETTY WILKERSON, DORIS BUTLER, AND THE ESTATE OF JOYCE CRABTREE
17. PUBLIC HEARING AND CONSIDER ADOPTION OF ORDINANCE NO. 2021-5 GRANTING A ZONING CHANGE FROM GENERAL BUSINESS DISTRICT (B-2) TO A PLANNED DEVELOPMENT (PD) DISTRICT ON THAT APPROXIMATELY 6.05 ACRE TRACT OF LAND IN THE J. DOUTHIT SURVEY, A-198, LOCATED AT THE END OF THE

EXISTING BURNETT TRAIL CITY AND BEING PART OF THE 60-ACRE TRACT IN CANTON, TEXAS, CURRENTLY OWNED BY CANTON ECONOMIC DEVELOPMENT - Mayor Everett opened a public hearing at 6:15 p.m. Mitchell Kaufman introduced himself to Council as the purchaser and developer of the property. Ms. Johnson reported the Planning & Zoning Commission recommended approval of the zoning change to Planned Development. Mayor Everett closed the public hearing at 6:16 p.m.

Councilmember Fowler made a motion to adopt Ordinance No. 2021-5 changing the zoning from General Business (B2) to a Planned Development. Councilmember Melton seconded.

Council Member - Nathan Moore: Absent
Mayor Pro Tem - Randon Sumner: Absent
Council Member - Chase Melton: Approve
Council Member - Blake Fowler: Approve
Council Member - Jim Fuller: Approve

18. CONSIDER APPROVAL OF ORDINANCE NO. 2021-8 ON VOLUNTARY ANNEXATION OF APPROXIMATELY 1.72 ACRES OF LAND IN THE C. BECKETT SURVEY, A-93, VAN ZANDT COUNTY, TEXAS, OWNED BY ZANBAKA USA, LLC. – Councilmember Fuller made a motion to approve Ordinance No. 2021-8 annexing the approximately 1.72 acres of land in the C. Beckett Survey, A-93, Van Zandt County, Texas, owned by Zanbaka USA LLC. Councilmember Fowler seconded.

Council Member - Nathan Moore: Absent
Mayor Pro Tem - Randon Sumner: Absent
Council Member - Chase Melton: Approve
Council Member - Blake Fowler: Approve
Council Member - Jim Fuller: Approve

19. CONSIDER APPROVAL OF ORDINANCE NO. 2021-6 DESIGNATION OF NO PARKING AREA AND INSTALLATION OF NO PARKING SIGNS ON BOTH SIDES OF COLLEGE STREET FROM ATHENS STREET TO BIG ROCK STREET - Councilmember Melton made a motion to approve Ordinance No. 2021-6 designating a No Parking Area and approving the installation of No Parking signs on both sides of College Street between Athens Street and Big Rock Street. Councilmember Fowler seconded.

Council Member - Nathan Moore: Absent
Mayor Pro Tem - Randon Sumner: Absent
Council Member - Chase Melton: Approve
Council Member - Blake Fowler: Approve
Council Member - Jim Fuller: Approve

20. CONSIDER APPROVAL OF FIRST MONDAY LEASE BETWEEN CITY OF CANTON AND JEREMY MEDLIN FOR TEXAS BEST - Councilmember Fuller made a motion to approve the proposed lease between the City of Canton and Jeremy Medlin for Texas Best on the First Monday grounds. Councilmember Melton seconded.

Council Member - Nathan Moore: Absent
Mayor Pro Tem - Randon Sumner: Absent
Council Member - Chase Melton: Approve
Council Member - Blake Fowler: Approve

Council Member - Jim Fuller: Approve

21. CONSIDER SELECTION OF CITY OF CANTON'S CITIZEN OF THE YEAR AWARD TO BE PRESENTED AT THE CANTON TEXAS CHAMBER OF COMMERCE GALA – Councilmember Fowler made a motion to select the Committee recommendation to receive the Citizen of the Year Award. Councilmember Melton seconded.

Council Member - Nathan Moore: Absent
Mayor Pro Tem - Randon Sumner: Absent
Council Member - Chase Melton: Approve
Council Member - Blake Fowler: Approve
Council Member - Jim Fuller: Approve

22. CONSIDER ACCEPTANCE OF CITY SECRETARY'S CERTIFICATION OF UNOPPOSED CANDIDATES IN MAY 1, 2021, GENERAL ELECTION - Councilmember Fuller made a motion to accept the City's Secretary's Certification of Unopposed Candidates of the May 1, 2021, General Election. Councilmember Fowler seconded.

Council Member - Nathan Moore: Absent
Mayor Pro Tem - Randon Sumner: Absent
Council Member - Chase Melton: Approve
Council Member - Blake Fowler: Approve
Council Member - Jim Fuller: Approve

23. CONSIDER ADOPTION OF ORDINANCE NO. 2021-7 CANCELLING MAY 1, 2021, GENERAL ELECTION AND DECLARING MAYOR LOU ANN EVERETT AND COUNCILMEMBERS NATHAN MOORE AND RANDON SUMNER ELECTED TO CANTON CITY COUNCIL FOR TWO-YEAR TERMS - Councilmember Melton made a motion to adopt Ordinance No. 2021-7 cancelling the May 1, 2021, General Election and declaring Mayor Lou Ann Everett and Councilmembers Nathan Moore and Randon Sumner elected to Canton City Council for two-year terms. Councilmember Fowler seconded.

Council Member - Nathan Moore: Absent
Mayor Pro Tem - Randon Sumner: Absent
Council Member - Chase Melton: Approve
Council Member - Blake Fowler: Approve
Council Member - Jim Fuller: Approve

24. DISCUSS AND CONSIDER AMENDED FIRST MONDAY CONTRACT FOR CIVIC CENTER EVENTS – After a brief discussion, this matter was postponed to the next regular meeting.

25. DISCUSS AND CONSIDER APPROPRIATE ACTION REGARDING THE CITY OF CANTON'S RESPONSE TO THE URGENT PUBLIC NECESSITY CONCERNING COVID-19, INCLUDING BUT NOT LIMITED TO:

A. SOCIAL DISTANCING AND NECESSARY PRECAUTIONS RELATED THERETO;
B. POTENTIAL CANCELLATION / RESCHEDULING OF UPCOMING CITY EVENTS;
AND

26. CITY MANAGEMENT REPORTS

- A. **FIRST MONDAY** – Brent Stewart reported First Monday revenue was down about \$750 from last year at this time. Revenue for the year was up about \$113,000. Mr. Stewart said the April show was looking good. The RV spots were full in the reserved area.
- B. **MARKETING** – Austin Melton reported they reached over 1.1 million people on Facebook. The website was up slightly from last year. The weather had not been great during the last show so they had pushed the message that First Monday was open come rain or shine. They planned to have an Easter Theme during the April First Monday with an Easter Egg Hunt for the kids outside Trade Center I.
- C. **OTHER ITEMS** – Mr. Cluck said we planned to add two speakers to the Council Room to allow better coverage for Councilmembers. Mr. Cluck informed Council they had changed the date for mailing utility bills. Instead of the last day of the month, they would be mailed on the 25th of the month to allow more time for customers to make their payments. Mr. Cluck also said as of April 1 they would no longer allow septic haulers to dump at the WWTP. This would continue at through the planned expansion of the plant.

Mayor Everett called Council into Executive Session at 6:37 p.m.

EXECUTIVE SESSION

In accordance with the authority contained in the Texas Government Code, Chapter 551, including but not limited to, Sections 551.071, 551.072, 551.074 and 551.087. Council will convene in closed or executive session to discuss the following matters.

- 27. **EXECUTIVE SESSION FOR DELIBERATIONS REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS (Section 551.087) REGARDING THE FOLLOWING:**

Section 551.087 – to deliberate commercial or financial information the CEDC has received from a business prospect, and to deliberate the offer of a financial or other incentive for Bluegreen Development; Phoenix Food, LLC, a downtown building renovation project; and other business prospects, including but not limited to, recruitment of new commercial, industrial, retail, restaurant, hospitality, and family entertainment prospects

- 28. **EXECUTIVE SESSION FOR CONSULTATION WITH ATTORNEY REGARDING EXISTING OR POTENTIAL LITIGATION (Section 551.071) REGARDING ONGOING LITIGATION INVOLVING CITY OF CANTON VS. JERRY L. HARRELL, CAUSE NO. 20-00121, PENDING IN THE 294TH JUDICIAL DISTRICT COURT OF VAN ZANDT COUNTY; AND DUSTIN REYNOLDS VS. MICHAEL KING ET AL, CAUSE NO. 4:20-CV-691, IN THE U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS**
- 29. **EXECUTIVE SESSION FOR CONSULTATION WITH ATTORNEY (Section 551.071)**
- 30. **EXECUTIVE SESSION FOR DELIBERATIONS REGARDING POTENTIAL PURCHASE OF REAL PROPERTY (Section 551.072)**

RETURN TO OPEN SESSION

Council reconvened into Open Session at 7:15 p.m.

31. FIRST READING AND DISCUSS RESOLUTION NO. 2021-9 APPROVING AND AUTHORIZING A PERFORMANCE AGREEMENT BY AND BETWEEN CANTON ECONOMIC DEVELOPMENT CORPORATION AND STACY ALEXANDER
32. SECOND READING AND CONSIDER APPROVAL OF RESOLUTION NO. 2021-9 APPROVING AND AUTHORIZING A PERFORMANCE AGREEMENT BY AND BETWEEN CANTON ECONOMIC DEVELOPMENT CORPORATION AND STACY ALEXANDER – Councilmember Fowler made a motion to approve Resolution No. 2021-9. Councilmember Melton seconded.
33. FIRST READING AND DISCUSS RESOLUTION NO. 2021-10 APPROVING AND AUTHORIZING A PERFORMANCE AGREEMENT BY AND BETWEEN CANTON ECONOMIC DEVELOPMENT CORPORATION AND PHOENIX FOOD, LLC
34. SECOND READING AND CONSIDER APPROVAL OF RESOLUTION NO. 2021-10 APPROVING AND AUTHORIZING A PERFORMANCE AGREEMENT BY AND BETWEEN CANTON ECONOMIC DEVELOPMENT CORPORATION AND PHOENIX FOOD, LLC – Councilmember Fowler made a motion to approve Resolution No. 2021-10. Councilmember Fuller seconded.

Council Member - Nathan Moore: Absent
Mayor Pro Tem - Randon Sumner: Absent
Council Member - Chase Melton: Approve
Council Member - Blake Fowler: Approve
Council Member - Jim Fuller: Approve

35. ITEMS FOR FUTURE AGENDAS
36. ADJOURN - There being no further business to discuss, the meeting was adjourned at 7:19 p.m.