

**SPECIAL MEETING OF THE CANTON CITY COUNCIL
6:00 P.M, FEBRUARY 23, 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, Chase Melton, Nathan Moore, and Randon Sumner.

Also present were City Manager Lonny Cluck, City Secretary Debra Johnson, Finance Director Teri Pruitt, Director of Operations Peter Lamont; Police Chief Brad Allison, and Fire Chief Bud Sanford.

1. CALL MEETING TO ORDER AND DECLARE A QUORUM PRESENT – Mayor Everett opened the meeting and declared a quorum present at 6:07 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
 - B. CITIZEN OF THE YEAR APPLICATIONS

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 NOVEMBER AND DECEMBER , 2020
9. CONSIDER APPROVAL OF MINUTES FOR JANUARY 19, 2021, CITY COUNCIL MEETING
10. CONSIDER APPROVAL OF JOINT ELECTION AGREEMENT WITH CANTON INDEPENDENT SCHOOL DISTRICT FOR MAY 1, 2021, GENERAL ELECTION
11. CONSIDER APPROVAL OF ELECTION EQUIPMENT CONTRACT WITH THE VAN ZANDT COUNTY CLERK FOR MAY 1, 2021, GENERAL ELECTION

12. CONSIDER ADOPTION OF RESOLUTION NO. 2021-4 APPOINTING ELECTION JUDGE, ALTERNATE ELECTION JUDGE, AND EARLY VOTING BALLOT BOARD JUDGE FOR MAY 1, 2021, GENERAL ELECTION
13. CONSIDER ADOPTION OF RESOLUTION NO. 2021-5 APPOINTING DEPUTY CITY SECRETARIES
14. CONSIDER APPOINTMENT OF JAYLA BRAY AND ELAINE HUBBARD TO CANTON MAIN STREET ADVISORY BOARD

Councilmember Moore move a motion to approve Items 8, 9 and 14 of the Consent Agenda. Blake Fowler seconded.

Council Member - Nathan Moore: Approve
 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
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

Councilmember Moore made a motion to postpone Items 15 and 16 to the next regular meeting on March 16, 2021, at the request of the applicant. Chase Melton seconded.

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

17. PUBLIC HEARING 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.

Mayor Everett opened a public hearing at 6:13 p.m. There being no comments, the public hearing was closed at 6:13 p.m.

18. PUBLIC HEARING AND CONSIDER ADOPTION OF ORDINANCE NO. 2021-4 GRANTING AN AMENDMENT TO THE FUTURE LAND USE PLAN ON THE 2004 COMPREHENSIVE PLAN

Councilmember Sumner entered the meeting at 6:15 p.m.

Mayor Everett opened the public hearing at 6:15 p.m. There being no comments, the public hearing was closed at 6:15 p.m.

Councilmember Moore made a motion to adopt Ordinance No. 2021-4 changing the Future Land Use Map. Councilmember Fowler seconded.

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

19. PUBLIC HEARING AND CONSIDER ADOPTION OF ORDINANCE NO. 2021-5 GRANTING A ZONING CHANGE FROM RURAL AGRICULTURAL (RA) DISTRICT 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 – Councilmember Sumner made a motion to postpone the matter to the next regular meeting on March 16, 2021, to allow applicant adequate time to complete his development document. Councilmember Moore seconded.

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

20. CONSIDER APPROVAL OF PRELIMINARY PLAT FOR BURNETT TRAIL SUBDIVISION CONTAINING APPROXIMATELY 6.05 ACRE LOCATED IN THE J. DOUTHIT SURVEY, ABSTRACT NO. 198, LOCATED AT THE END OF THE EXISTING BURNETT TRAIL AND BEING PART OF THE 60-ACRE TRACT IN CANTON, TEXAS, CURRENTLY OWNED BY CANTON ECONOMIC DEVELOPMENT CORPORATION – Councilmember Sumner made a motion approve the preliminary plat for Burnett Trail Subdivision. Councilmember Melton seconded.

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

21. CONSIDER APPROVAL OF FINAL PLAT FOR BURNETT TRAIL SUBDIVISION CONTAINING APPROXIMATELY 6.05 ACRES LOCATED IN THE J. DOUTHIT SURVEY, ABSTRACT NO. 198, LOCATED AT THE END OF THE EXISTING BURNETT TRAIL AND

BEING PART OF THE 60-ACRE TRACT IN CANTON, TEXAS, CURRENTLY OWNED BY CANTON ECONOMIC DEVELOPMENT CORPORATION – Councilmember Moore made a motion to approve the final plat for Burnett Trail Subdivision. Councilmember Sumner seconded.

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

22. CONSIDER APPROVAL OF CONTRACT FOR CONTRACTOR FOR 2019 TEXAS CAPITAL FUND MAIN STREET GRANT / TXCDBG PROGRAM CONTRACT NO. 7219021 FOR SIDEWALK RECONSTRUCTION ALONG BUFFALO, PEACE, TYLER AND GRAND SALINE STREETS

The following bids were received:

<i>Carr Construction</i>	<i>\$370,032.00</i>
<i>FDC Construction</i>	<i>\$405,396.00</i>
<i>Morrow Construction</i>	<i>\$364,028.00</i>
<i>Axis Contracting</i>	<i>\$612,562.00</i>
<i>MHB Construction</i>	<i>\$340,509.44</i>
<i>JB & Co.</i>	<i>\$279,792.00</i>

Motion: Councilmember Moore made a motion to award the contract to JB & Co in the amount of \$279,792.00 with Alternate Bid 2. Councilmember Sumner seconded.

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

23. DISCUSSION OF AND CONSIDER APPROVAL OF CONTRACT WITH PYRO SHOWS OF TEXAS, INC. FOR JULY 4TH 2021 FIREWORKS DISPLAY – Councilmember Sumner made a motion to approve a contract for the same show as 2020 with the 6% increase. Councilmember Chase seconded.

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

24. 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 COLLEGE STREET BRIDGE – After some discussion, Council requested staff to amend the proposed ordinance to be considered at the next regular meeting.

25. DISCUSSION RE AMENDMENTS TO FIRST MONDAY CONTRACT FOR CIVIC CENTER EVENTS
26. DISCUSSION AND CONSIDERATION OF 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
 - C. BUDGET ADJUSTMENTS
27. CITY MANAGEMENT REPORTS
 - A. FIRST MONDAY – MR. CLUCK SAID REVENUES WERE UP ABOUT \$85,000 FOR THE YEAR. THERE WERE SOME FREEZING PROBLEMS DURING THE STORM WHICH HAVE ALREADY BEEN ADDRESSED.
 - B. MARKETING – AUSTIN MELTON REPORTED A REACH ON FACEBOOK OF OVER 1 MILLION. ENGAGEMENT WAS AT 68,000. APPROXIMATELY \$10,000 WAS SPENT.
 - C. PECAN STREET GRANT – MR. CLUCK REPORTED SAID WE HAD NOT INCLUDED THE GRANT NUMBERS IN THE BUDGET BECAUSE WE WERE NOT SURE IF WE WERE GOING TO RECEIVE ANY FUNDS. WE PLANNED TO RUN 850 FEET OF A NEW EIGHT-INCH LINE DOWN PECAN AND INSTALL ABOUT THREE MANHOLES. THE CITY WOULD CONTRIBUTE ABOUT \$41,000 AS THE MATCH, WHICH WOULD BE SPLIT BETWEEN TWO FISCAL YEARS. THE SEWER WOULD RUN THE ENTIRE LENGTH OF PECAN. A BUDGET ADJUSTMENT WOULD BE BROUGHT TO COUNCIL IN THE FUTURE.
 - D. REPORT ON COVID FUNDS RECEIVED/EXPENDED – MR. CLUCK REPORTED THE CITY HAD RECEIVED \$4,000 IN FUNDS FROM THE CARES ACT TO HELP THE CITY MAKE ADJUSTMENTS DUE TO COVID. THE CITY HAS SPENT APPROXIMATELY \$61,742.
 - E. POLYCARTS – MR. CLUCK SAID THE POLYCARTS COST \$13.74 LAST YEAR, BUT THE COST WAS NOW ONLY \$13.75. SANITATION SOLUTIONS STARTED DELIVERING THE POLYCARTS A WEEK BEFORE THEY TOLD US, WHICH CAUSED SOME CONFUSION. ABOUT ONE-THIRD OF THE COMMUNITY WERE ALREADY USING CARTS.
 - F. OTHER ITEMS – MR. CLUCK COMMENDED CITY EMPLOYEES ON HOW THEY DEALT WITH THE RECENT ICE STORM. HE SAID THE CITY HAD TO DO A BOIL WATER NOTICE DUE TO AN ELECTRICAL PROBLEM AT THE PLANT. WATER USAGE WAS UP BECAUSE PEOPLE WERE RUNNING WATER THROUGH THEIR PIPES TO KEEP THEM FROM FREEZING.

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.

Council convened into Executive Session at 7:15 p.m.

28. 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 Box It Up, LLC; Project Bluegreen Development; and other business prospects, including but not limited to, a mixed-use development project, a local business retention and expansion project, a local capital investment project, a downtown retail rent subsidy prospect, and recruitment of new commercial, industrial, retail, restaurant, hospitality, and family entertainment prospects

29. 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

30. EXECUTIVE SESSION FOR CONSULTATION WITH ATTORNEY (Section 551.071)

31. EXECUTIVE SESSION FOR DELIBERATIONS REGARDING POTENTIAL PURCHASE OF REAL PROPERTY (Section 551.072)

RETURN TO OPEN SESSION

Council reconvened into Open Session at 8:36 p.m.

32. FIRST READING AND DISCUSSION OF RESOLUTION NO. 2021-7 APPROVING AND AUTHORIZING A PERFORMANCE AGREEMENT BY AND BETWEEN CANTON ECONOMIC DEVELOPMENT CORPORATION AND BOX IT UP, LLC

33. SECOND READING AND CONSIDER APPROVAL OF RESOLUTION NO. 2021-7 APPROVING AND AUTHORIZING A PERFORMANCE AGREEMENT BY AND BETWEEN CANTON ECONOMIC DEVELOPMENT CORPORATION AND BOX IT UP, LLC – After the second reading of the caption of Resolution No. 2021-7, Councilmember Sumner made a motion to approve the resolution. Councilmember Moore seconded.

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

34. DISCUSSION AND CONSIDERATION OF LETTER OF SUPPORT TO TEXAS DEPARTMENT OF TRANSPORTATION FOR BLUEGREEN DEVELOPMENT ON PROPERTY LOCATED AT I-20 AND STATE HIGHWAY 19 – Councilmember Moore made a motion to approve sending a letter of support to Texas Department of Transportation for BlueGreen Development. Councilmember Sumner seconded.

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

35. ITEMS FOR FUTURE AGENDAS – Ms. Johnson said the Council would consider cancelling the election at the next meeting.
36. ADJOURN - There being no further business to discuss, the meeting was adjourned at 8:43 p.m.