

January 7, 2021

The Graham City Council met in REGULAR SESSION in the Council Chambers at 9:00 a.m. on Thursday, January 7, 2021 with the following members present:

MEMBERS: Mayor: Neal Blanton  
 Mayor Pro-Tem: Lee Boyd  
 Council Members: Kyle Peavy  
 Shana Weatherbee-Wolfe  
 Alex Heartfield  
 City Manager: Brandon Anderson  
 City Secretary: Sharon McFadden  
 City Attorney: Dan De La Cruz (absent)  
 Municipal Judge: Teresa Bishop (absent)  
 Police Chief: Brent Bullock (absent)  
 Fire Chief: Jim Don Laurent (absent)

VISITORS: Thomas Wallner, Randall Dawson, Sarah Lundgren, Kelli Shifflett, Krisa De La Cruz, Dorman Holub, and Lisa Kinhead.

ORDER: Mayor Blanton called the meeting to order. At the request of Mayor Blanton, Dorman Holub conducted prayer.

PROCLAMATION: Mayor Blanton recognized Dorman Holub's dedication to research and sharing the history of Young County. Mayor Blanton stated Mr. Holub has served as a pastor for more than 41 years. Mayor Blanton declared by Proclamation that January 10, 2021 be Dorman Holub day in Graham, Texas. Mayor Blanton encouraged citizens and businesses to join the celebration and honor Mr. Holub on this day (referring to January 10, 2021).

Dorman Holub thanked everyone and said he intends to remain in Graham and will be sharing additional history.

PUBLIC FORUM: Mayor Blanton asked if anyone would like to speak in the public form. No comments were made.

**APPROVAL OF MINUTES:**

Minutes from the Regular Session Council meeting held on Thursday, December 10, 2020 were considered. Kyle Peavy made the motion to approve the minutes. Alex Heartfield seconded, and the minutes were unanimously approved 4-0.

**CONSIDER AND ACT ON THE NOVEMBER 2020 FINANCIAL REPORTS AS PRESENTED BY THE CHIEF FINANCIAL OFFICER OR HER DESIGNEE:**

Sharon McFadden noted in the general fund that animal control is over \$16,000 due to debt service payments made on their capital items. Property tax received to date is \$548,000 and the sales tax is at \$599,000 and those amounts will help to offset for the December report. The garbage fund is the pass-through account. The lakes section of the water fund is over budget due to the sanitation contract fees for lake lot garbage service. The sewer fund is in a good position. Kyle Peavy made the first motion and Lee Boyd seconded. The financial reports were unanimously accepted 4-0.

**DISCUSS THE SALES TAX REPORT FOR OCTOBER 2020 RECEIVED IN DECEMBER 2020:**

Brandon said there was a 4.22 percent increase in sales tax received over the same month for the previous year. That will be good if future payments do not reflect any negative percentages in the coming months. Brandon said approximately five years ago, when 80 employees were lost due to the closure of Schlumberger and it adversely impacted sales tax. Brandon said he believes the City has recovered from that loss.

**CONSIDER AND ACT ON INTERLOCAL COOPERATION FUNDING AGREEMENT WITH YOUNG COUNTY, STEPHENS COUNTY, CITY OF BRECKENRIDGE, CITY OF OLNEY, AND CITY OF GRAHAM AND AUTHORIZE MAYOR TO SIGN. (AGREED TRANSFER OF MANAGEMENT OF WARRANT OFFICER FROM THE CITY OF GRAHAM TO YOUNG COUNTY):**

Brandon stated this has already taken place and was discussed in the budget sessions. The City of Graham carried a larger burden than necessary. There was a discussion between all the participating entities and those entities understood the City's point. The Warrant Officer is now reporting to the Young County Judge and the District Judge. The agreement presented formalizes the process and at the approval of Council, allows the Mayor to sign on behalf of the City. Lee Boyd made the motion to approve. Shana Weatherbee-Wolfe seconded, and the request was unanimously approved 4-0.

**CONSIDER AND ACT ON APPROVING AGREEMENT FOR PROPERTY EXCHANGE BETWEEN THE CITY OF GRAHAM AIRPORT AND ADJOINING PROPERTY OWNER, RODNEY HAWKINS TO ASSIST WITH COMPLIANCE WITH FAA GUIDELINES AND AUTHORIZE THE CITY MANAGER TO SIGN:**

Brandon referred to the three maps presented to Council. There will be a more formal document presented once the surveys are completed. Brandon identified Map 2 and referred to the end of the runway and past the runway is a red line. There is an easement already in place for the City to clear the trees. The trees need to be cleared past the City's property for compliance with FAA nighttime landings. FAA identifies the trees and "penetrators" to the landing pathway. Previously, the City staff is required to "top" those trees and it is a constant maintenance issue. Brandon said the City is currently just trimming trees and he would like to see the trees removed. The current \$1.5 million improvement project is on hold due to this concern. The City also owns the vacant lot property shown above the previous concern. The vacant lot mentioned also has trees needing removed due to their location in the "penetration zone." Brandon said the City has been negotiating with Mr. Hawkins on a property exchange. Discussion included selling some land. The City is going to have the area surveyed in the City's air easement. Brandon referred to Map 1 for additional clarification of the location. Brandon identified a brown area that was followed by trees and the red property line. Brandon said when the fence was installed, it was along a rough edge of property. The area from the fence to property line, Mr. Hawkins has access for grazing, it is not private property. The area is considered "land-locked" with the airport on one side and Hawkins ranch on the other. That

section of land is what is being proposed for the "swap" with Mr. Hawkins. Brandon said this agreement provides the City ability to remove the trees. Mr. Hawkins has offered to pay for the surveys, and they have not been completed yet. Brandon recommended approval so the City can move forward on the airport project. Mayor Blanton stated the request would provide the City ability to remove the problem instead of continuing to "top" the trees. Utility companies recognize this issue, and this agreement would be best for the airport. Mayor Blanton said Mr. Hawkins would also benefit from the agreement. Lee Boyd asked if the City owns vacant lot 5189. Brandon said the City does own that lot. Brandon said there will be about 12 trees removed. Alex Heartfield asked how many acres the property includes. Brandon said there is likely seven to ten acres in that area and by the time of survey will likely be 20 to 30 acres on the City side. Lee Boyd asked if the City would have mineral rights. Brandon said that would be in the deed. Kyle Peavy made the first motion. Alex Heartfield provided the second motion. The property exchange agreement was unanimously approved 4-0.

**DISCUSS CURRENT POLICY ON WATER BILL PAYMENT, LATE FEES, AND OTHER CHARGES INSTITUTED BY CITY COUNCIL THROUGH ORDINANCE #1033 AND ORDINANCE #1038:**

Mayor Blanton stated there was a lady that spoke during the public forum of the previous Council meeting (December 10, 2020). She voiced her concerns regarding water bill payments, late fees, and other charges. Brandon provided and referred to copies of both ordinances he provided to Council. Brandon said after the conclusion of the meeting, he realized the previous Council members and Mayor when these ordinances were passed are no longer serving. Brandon said this item is on the agenda as strictly a discussion item only. During the time frame of passing on the ordinances, staff were experiencing excessive number of individuals not following through with timely payments or agreements. The disconnection fee at the time was \$25 and only provided a short time to ride-out the cut-off process. Staff brought Ordinance #1033 to Council and then Ordinance #1038 provided corrections to #1033. Brandon said when the utility bill is issued and mailed, customers have until the 12<sup>th</sup> of the month (due date). Utility bills are printed and submitted to the post office by the 25<sup>th</sup> of each month. Customer has the opportunity to pay between the 25<sup>th</sup> of that month until the 12<sup>th</sup> of the following month to pay without incurring a late fee. After the 12<sup>th</sup>, the late fee is applied to the account. By the 28<sup>th</sup>, the bill is considered delinquent. However, under Ordinance #1033, a customer has until the 28<sup>th</sup> of the following month. The additional 30 days was the correction to Ordinance #1038. By the time water service is disconnected, sufficient payment has not been made for two months. Brandon said he does not have data on the number of cutoffs during that time frame. We are now experiencing an average of 20 to 40 disconnections each month. Sharon agreed with Brandon's comment. Brandon said this action provides us the ability to remind customers their utility bills need to be paid. Our utility is the same as other utilities whether it be electric or gas. The City staff work for taxpayers and there are expectations by the taxpayers. Brandon for today, he wanted to provide the ordinances and possible discussion. Kyle Peavy said he may be willing to consider dropping the \$75 fee down to \$60 and with water being a necessity, and if someone is facing a financial hardship, the fees are a deterrent from playing games. Kyle said if a slight adjustment is considered, then see what happens. If there are a whole lot more in cutoffs, then consider whether the fees are working. Mayor Blanton asked if there was data available on how many were on cutoff (prior to Ordinances #1033 and #1038). Sharon stated there were more than 200 and now rarely exceed 50 to 60. Lee Boyd asked for the previous fee. Sharon said the prior fee was \$25. Lee Boyd asked how many months a customer is delinquent prior to cutoff. Sharon said the customer is 45 days behind before cutoffs are issued. Lee Boyd asked if customers received any warnings prior to cutoff. Sharon stated the customer receives at least five computer generated phone calls advising them to contact City Hall regarding their utility account. The customer needs to keep their phone number current with the City. Sharon said prior to the computer-generated calls, letters were mailed to customers which was very time-consuming and costly for dealing with 300 to 400 customers in delinquency. Sharon said during each billing cycle, there are about 200 delinquent accounts. The computer-generated calls provide notice and customer the opportunity to either pay or do an arrangement with management. Sharon said on the 28<sup>th</sup> of each month, the account must be paid by 9:00 a.m. and the cutoff tags are issued at 10:00 a.m. The meter reader then takes the tags and starts the cutting off service. Sharon said the current process is working effectively and if customers have a hardship or issue, they can contact her prior to the cutoff process. Brandon said that even a year into the ordinances being put in place, the ordinances were not being followed by staff. Brandon said when Sharon took over as CFO/City Secretary, there was a discussion between he (Brandon) and Sharon regarding the process and following the guidelines of the ordinances. Brandon said customers now know we are following our policies. Brandon said he consistently supports Sharon and her decisions with utility billing. Sharon does the bulk of labor on this and when people want to talk with her boss, Brandon said he asks what has occurred. Brandon emphasized that he has always supported Sharon with how she handles utility billing. Lee Boyd said \$75 does not cover all the City's costs to go out and turn off, then turn back on, and the time it takes to do all of it. Kyle Peavy said it appears we are sticking to the established policy and maintain expectations. Mayor Blanton asked if the up to 50 are the same accounts every month. Sharon said the majority are the same accounts every month. Mayor Blanton asked if we are still working with those accounts to work out a payment plan. Sharon said the decision on how to proceed is based upon the situation. Sharon said she treats each account fairly and does not provide preferential treatment to anyone. Sharon said as an example that if someone has a health issue, that is taken seriously and considers waiving a fee or providing an extension or payment plan. Sharon said when she provides a payment plan and the customer signs or agrees to it, it is made clear to the customer this is a binding contract and paying as agreed is expected. Sharon said if a customer does not comply with the agreement, then cutoff occurs. When customer contacts Sharon for explanation for cutoff she advises the agreement was not adhered to. Sharon said it is not fair for the citizens (utility customers) to have to support the accounts of those who do not pay their utility bills. Alex Heartfield said he understands the disconnect fee to be \$75 and the reconnect fee to be \$75 so the total fees are \$150. Sharon acknowledged that is correct. Lee Boyd asked if customers in dire straits will be able to obtain assistance. Brandon said the City does work with churches and other organizations in assisting those in need. Brandon said there is a letter he (Brandon) and Sharon sign together for a good faith situation. Brandon said if Sharon recognizes and understands sensitive situations where someone needs help. Alex Heartfield asked the process of a new resident opening a utility account. Sharon explained the resident completes an application, provides identification, and pays a non-refundable new account fee of \$75. Sharon said if a resident wants to change service to a different address, the fee is \$10 if the account is in good standing. Mayor Blanton asked if the \$75 fee to turn on is non-refundable. Sharon said the fee is non-refundable and that years ago, the City did have a special designated account to hold deposits until termination of service. Alex Heartfield asked how difficult it would be to determine which of our utility customers are over the age of 65. Sharon said the application has a place for the birth date and the information box on the screen is checked showing the customer is over 65. Brandon said anytime there is a concern or issue with an account, the system has a place for City staff to document a permanent note about the situation. Brandon said the notes are vital to addressing future concerns on accounts. Brandon said he is concerned with those who have accounts in other people's names and the lady that spoke at the Council meeting (December 10, 2020) is an

example. The account she was representing was not in her name. The account was in her parents' account. Brandon said it is difficult to identify who resides at the address and whose name is on the account. Brandon said by the time a new bill is received by the customer, they have already used the water. The City has already expended funds. Kyle Peavy asked if someone moving away from town is required to pay a fee to discontinue utility services. Sharon said the fees do not apply to voluntary termination of utility services. Lee Boyd said it appears the City has a good system of taking everything into account. Brandon said the staff is satisfied with the current guidelines. Staff are willing to meet with anyone concerned or that may have ideas. Kyle Peavy mentioned the lady who spoke to Council stated she had surveyed other cities fees. Kyle said he agreed the high fees the City has are a deterrent, but he is concerned with those having hardships. Sharon said when she is presented with a hardship, the situation is taken into consideration and do work with those individuals to the best of our ability. Mayor Blanton said our current procedures are working effectively and this was on the agenda as a discussion item.

**CONSIDER AND ACT ON ALLOWING CITY STAFF TO TRANSFER FUNDS FROM THE SPECIAL PARK FUND TO THE GENERAL FUND PARKS BUDGET TO COVER EXPENSE OF CLEARING THE BANKS OF SALT CREEK ALONG THE PROPOSED TRAILS AREA. THE EXPENSE IS NOT TO EXCEED \$10,000 IF ESTIMATE IS NOT SUPPLIED BEFORE THE COUNCIL MEETING:**

Brandon said the City did not receive the trails grant but the Parks Board is continuing to pursue opportunities. The Parks Board is waiting to receive notification on the application that Lee Boyd and the Parks Board have worked very hard on with the assistance of Jacob & Martin engineering firm. Lee Boyd has located a company that has a machine that pulverizes trees and shrubbery. The machine would be used to clear the banks of Salt Creek. Brandon said the proposed areas for the park and trails has been identified. Brandon said by clearing the area, that will show progress and hope for the future park. The park and trails are designed and ready to go. The only holdback is the funding. The project cannot be completed without grant funding. Lee Boyd said the company he has contacted is Pierce Land Clearing. Lee said he is very impressed with the company and the type of equipment they have available. There is a large hydraulic mulcher on the front of the machine that pulverizes the tree and quickly turns it into mulch. Lee said the bid is by the acre and the plan is to clear from the highway bridge down to the dam. Lee said the clearing will take place on both sides of the creek and part of it has already been somewhat cleared. Lee said if the brush and small trees are removed, leaving the large trees, the area will be beautiful. Lee said he spoke with Mr. Hamilton and he agreed to do a fly-over of the area before and after the clearing. Lee wants to include those photos in the trail grant application in February. Lee believes the City should be able to receive the grant. Lee said once we receive the grant, the clearing all the way to the soccer fields will occur. Lee said the cost should remain within the \$10,000 range. Brandon said the City still has \$1.2 million of the \$1.3 million in funds received. The City purchased a tractor and shredder to maintenance the area. There was an additional expense in engineering fees. Lee said he plans to contact the fish hatchery to seek a stocking program that only requires a request for it. Mayor Blanton said the Community Foundation may be contacted and a request submitted. Brandon said he would be hesitant to reach out to the Community Foundation at the point since the City currently has the funds. Brandon said the first two phases of the project will be funded with roughly the \$1 million the City already has. The third phase will require matching funds. Brandon said he recommends reaching out for community support once the first two phases are completed. Lee said there has been discussion about opening a dog park by the library. Lee asked what the best way to install fencing would include. Brandon said the budget approved would require funds transferred to cover the fencing installation. Lee recommended getting the creek cleared and the dog park fencing in place would receive a lot of attention. Lee said he expects to receive a response on the grant by late this coming summer. Lee stated he believes the costs for removing brush and trees will remain below \$10,000. Alex Heartfield made the first motion. Shana Weatherbee-Wolfe made the second motion. The request was unanimously approved 4-0.

**CONSIDER AND ACT ON REQUEST FROM THE SPIVEY HILL CHALLENGE BOARD FOR THE USE OF FIREMAN'S PARK AND THE SPIVEY HILL AREA AS WELL AS ASSISTANCE FROM STAFF ON ROAD CLOSURES TO HOST THE 7<sup>TH</sup> ANNUAL SPIVEY HILL CHALLENGE 5K ON SATURDAY, APRIL 17, 2021:**

Shana Weatherbee-Wolfe said she was abstaining from the vote due to being a member of the Spivey Hill Challenge Board. Brandon said it is a great event for the community and City staff works well with the group. Alex Heartfield made the first motion. Kyle Peavy made the second motion. With a vote of 3-0, the request was unanimously approved.

**CONSIDER AND ACT ON A REQUEST FROM GRAHAM LIONS CLUB FOR USE OF THE SOUTH END OF THE SQUARE TO HOST THEIR ANNUAL GRAHAM LIONS CLUB CARNIVAL MAY 5-8, 2021. SET UP WILL BEGIN ON FRIDAY, MAY 1, 2021 AND ALL EQUIPMENT WILL BE REMOVED BY MONDAY, MAY 9, 2021. PER PRIOR DISCUSSIONS AND AGREEMENTS, THE SET UP WILL BEGIN DIRECTLY SOUTH OF THE ENTRANCE TO THE NEW CITY HALL AND GO AROUND TO THIRD STREET ON THE WEST SIDE OF THE INTERIOR OF THE SQUARE:**

Kyle Peavy said he was abstaining from the vote due to a conflict of interest. Lee Boyd made the first motion and Shana Weatherbee-Wolfe seconded. The request was unanimously approved 3-0.


**REPORTS:**

- Krisa De La Cruz, CEO of the Chamber and CVB, mentioned the Chamber Banquet will take place on January 26, 2021. The banquet will be different this year with satellite locations and people can choose where they want to attend the banquet when registering to attend. There will also be a "Shop Local" raffle in conjunction with the banquet. There will be a combination of virtual and in-person with interactive components. They plan to "go live" in host locations and present awards to those attending.
- Brandon mentioned the reports within the packet which included the City Hall Activities Report, the Utility Service Representative Report, the Code Enforcement Report, and the CVB Dashboard Report. Grant Ingram, CVB Manager, is now working with Positive Radio network morning crew from 6:30 a.m. to 9:00 a.m. There is a signed agreement in place stating the radio show will not conflict with Grant's CVB duties. The current lake level is at 95 percent full. The lake lot letters are needing a more accurate and better RFP (request for proposal) on the land for discussion. The survey is in process and he (Brandon) will be reaching out to the engineering firm. Any information sent to those lake lot holders to receive "high quality" RFP information. Brandon recommended if anyone is approached regarding the status, the letters will be sent out between February 1<sup>st</sup> and 15<sup>th</sup>, 2021. Brandon apologized for the delay but said he wants the information to be clear and self-explanatory.

- Mayor Blanton mentioned the current cases of COVID-19. Brandon said there are four currently in the hospital and once the capacity reaches up to eight, there is capability to increase beds up to thirteen more. If the cases reach that point, then postponement of elective surgeries and other services will occur. Brandon said GMA received 200 units of vaccinations and those have been administered. Lee Boyd asked the status of nursing home vaccinations. Brandon said those are being taken care of through, he believes, is CVS pharmacy. Kyle Peavy questioned the arrival of the second vaccine doses. Brandon said the second vaccine doses are already scheduled to arrive. Mayor Blanton stated if someone receives an initial vaccine dose, they must have the second vaccine dose in the specified time frame (21 or 28 days). Brandon said when better weather approached (summer 2020), there were less COVID-19 cases reported. Mayor Blanton complimented Dr. Martin on his communication and handling of COVID-19.

## ADJOURNMENT:

On a motion by Kyle Peavy, a second from Lee Boyd, the Council meeting was unanimously adjourned.

  
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Neal Blanton, Mayor

ATTEST:

  
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Sharon McFadden, City Secretary