

March 26, 2015

The Graham City Council met in REGULAR SESSION in the Council Chambers at City Hall at 9:30 a.m. on Thursday, March 26, 2015 with the following members present:

MEMBERS: Mayor: Jack Graham
 Mayor Pro-Tem: Pam Scott
 Council Member: Spencer Street III
 Brint Albritton
 Darby Brockway
 City Manager: David Casteel
 City Secretary: David Maddy
 Chief Accountant: Sharon McFadden
 Police Chief: Tony Widner
 Assistant Police Chief: Brent Bullock
 Fire Chief: Dennie Covey

VISITORS: Mike McClendon (BRA), Jeff Jennis (BRA), Clay Church (USACOE), Ray Russo (USACOE), Elston Eckhardt (USACOE), Peggy Grubbs (USACOE), Sally Stacy with several special needs adults, Allen Phillips (Jacob & Martin), Terry Bishop, Laura Taylor, Alex Heartfield, Roy Pitcock Jr., Chris Blanton, Tom Pierce, Gary Tull, Neal Blanton, Jimmy McLeroy, Eddie Gellner, Randall Dawson, Frank Herpeche, Dennis Fellows, Justin Howard, Jennifer Conway, Sandra Helvey, Jim Helvey, Jason Cottongame and Casey Holder.

ORDER: Mayor Jack Graham called the meeting to order and opened with prayer.

PUBLIC FORUM:

Mayor Graham presented a plaque to David Casteel recognizing his service as City Manager.

MINUTES APPROVED:

Minutes from the February 26, 2015 regular meeting were approved 4-0. Pam Scott made the motion to approve minutes and Brint Albritton made the second.

CONSIDER FINAL FINANCIAL REPORTS FOR JANUARY 2015:

Financial Statements for February 2015 were presented and approved 4-0 on a motion by Pam Scott and a second by Spencer Street.

DISCUSS STATUS OF CORPS OF ENGINEERS AND BRAZOS RIVER AUTHORITY NEW PARK PROJECT:

In previous meetings, Council has heard from staff and the BRA concerning the project. The Corps has been unable to attend previous meetings due to their busy schedule. The Corps were at this meeting and present their update. The Corps recently sent a letter saying they would not meet the planned July 2015 construction start date, as they laid out in their November 2014 meeting with the BRA and staff, and that would be pushed to November 2015. Their letter also included unexpected language concerning City financial proof, ecosystem restoration and was silent on other large issues such as the feed store. David Casteel recapped information from the letters enclosed in the agenda packet, citing dates and events over the past several years. Elston Eckhardt with the USACOE discussed the 2015 letter from the Corp addressing the changes since the November 2014 meeting saying the Corp was not party to the meetings; David Casteel disagreed with that comment saying representatives were present. There are still ten properties in condemnation proceedings on which the Department of Justice (DOJ) has to act. He said those properties are not part of the recreational facilities and can be worked around and still enact the three part agreement. Ray Russo said the feed store has been eliminated from the project (which frees up funds for the park use) and the planting of trees dropped from the ecosystem requirement allowing for the native grasses on 17 acres. As far as the recreational facilities the USACOE is allowed only to do trails and the City has to prove it can maintain the park at an estimated \$30,000 to \$35,000 a year. Michael McClendon with the BRA said the project is taking too long and the BRA is ready to move and that the three main points from the November 2014 meeting have been dealt with. The project now remains for the USACOE to complete their process and sign off to the BRA. Mr. Eckhardt did not say how long that would take but seemed to agree with David Casteel that things could be wrapped up later this year for a groundbreaking in November. Sally Stacey and that the Parks Board understands the situation but city citizens just want the park which is important to the area.

DISCUSS STATUS OF NEW WATER LINE TO CITY:

In previous meetings Dean Hinton was authorized to design and take bids on behalf of the City for the construction of a new water line to the City from the water plant. The new line will provide redundancy to the existing line. The existing line has had several breaks and is currently leaking. Having a new line in place will allow the existing line to be taken out of service and repaired properly. Dean Hinton said the new 20" 3 mile long line will follow the old railroad track r.o.w. Bids will be taken around April 15 and should be in the area of \$1 million. The Water Plant construction is on schedule.

DISCUSS STATUS OF CONNECTING THE WELL FIELD TO THE WATER PLANT:

In previous meetings, Allen Phillips was tasked with connecting the well fields to the water plant. A report on the current status of the project will be provided as well as the planned route and cost estimate. Allen Phillips reported that the pump station will be installed on skids at Kindley Park and the line will run to the plant via the lake next to the spillway. The City will use a local firm to lay the line starting in July and finishing in November.

DISCUSS AND CONSIDER PROVIDING DIRECTION TO STAFF REGARDING POTENTIAL VARIANCES AND EXCEPTIONS TO STAGE 4 WATER RESTRICTIONS:

In a previous meeting, staff was authorized to allow all requested exceptions to be approved until the end of March.

These exceptions fall in four categories:

1. Car Washes. Under Stage 4 adopted rules, car washes would cease operation under Stage 4 unless a variance is requested. All the car washes in town except the Laser Wash have submitted variance request as of March 20. Laser Wash was contacted and should be turning in a variance.
2. Businesses. Businesses do not have staff on the payroll during the prescribed 7-8 pm allowable hand held watering time. Several have requested the ability to water ornamental plants and conduct other business during normal business hours.
3. Playfields. The Little League and School have requested the ability to water grass at the facilities to prevent hard surfaces and subsequent injuries to players.
4. House Foundations. Some home owners have requested the ability to use soaker hoses on foundations to prevent differential settlement resulting in slab and wall cracking.

Previously staff was authorized to contact the school concerning the potential for drilling wells for grass watering. Pam Scott suggested the car washes close one to two days a week for public perception. Mr. Pierce and Jason Cottongame said that other cities with water restrictions are leaving them open. Council granted the variances for the car washes. Those submitting requests under #2 need to specify the hour they want to water. These variances were granted. The school district has not responded as to the status of the well they want to drill. David Casteel said that Frank Herpeche could use his water truck to water the ball fields. There will be discussion of the City and GISD to share the cost of drilling a well at the arena and share the water. There was no approval of any other kind of watering. #4 was denied.

CONSIDER APPOINTMENT OF SHIRLEY CHOATE AS THE ELECTION JUDGE FOR MUNICIPAL ELECTIONS:

In a previous meetings, the County Election staff was engaged to conduct the municipal election. This measure will appoint Ms. Choate as the judge for the election. Staff recommended approval. Darby Brockway made the motion to approve, Brint Albritton made the second and motion passed 4-0.

CONSIDER APPROVING A CONTRACT FOR SUPPLY OF WELL WATER:

In previous meetings, the council directed staff to advertise for proposals for the provision of well water, selected a best proposal, authorized phase I exploratory wells, and authorized Phase II development wells. Approval of this item memorializes the actions to date and defines the relationship forward in accordance with the proposal and direction of the council. Staff recommended approval. Darby Brockway made the motion to approve and have the Mayor sign, Spencer Street made the second and motion passed 4-0.

CONSIDER AUTHORIZING STAFF TO REQUEST THE COUNTY PARTICIPATE IN THE DEVELOPMENT OF A NEW AG PROJECT CENTER:

In previous meetings, the concept of a new Ag Project Center has been discussed. Staff was authorized to obtain a topographic and boundary survey of the area to determine the best location and ownership. That has been completed. The best location is the north east corner of the area generally known as the Arena Property. This area is under ownership of the County and is leased to the City. With Council direction, staff will request the county terminate the City lease on this land and transfer ownership to the School District of 4.0 acres of land. The City will subsequently sell the old ag project center and proceeds will be directed to the construction of a new ag project center in concerted efforts with the School District. Staff recommended approval. The center will be for FFA and 4H use and is actually 5-6 acres. The County will consider at its' next Commissioners meeting to donate the land with the City relinquishing its' lease. Pam Scott made the motion to authorize, Darby Brockway made the second and motion passed 4-0.

CONSIDER THE SALE OF THE OLD AG PROJECT CENTER LAND:

This would authorize staff to advertise for sale the old ag project center as surplus property to the City. The timing of the sale would be contingent upon agreement by the county and school district as shown in the previous item. With approval, appropriate steps including appraisal, surveying and offering for sale may commence at the appropriate time. Staff recommended approval. This parcel is around 7 acres. Spencer Street made the motion to approve the City taking bids, Pam Scott made the second and motion passed 4-0.

CONSIDER APPROVAL OF THE ADOPTION OF THE 1997 UNIFIED HOUSING CODE TO REPLACE THE CURRENTLY ADOPTED 1969 CODE:

The City is delinquent in adopting modern codes and this has detrimentally impacted fire insurance ratings for residents and businesses. Staff recommended approval. The City's fire code rating was dropped as it had not updated the housing code. Pam Scott made the motion to approve the adoption, Brint Albritton made the second and motion passed 4-0.

CONSIDER A PROPOSAL FROM THE WATER BOYS WATERING COMPANY TO PROVIDE PLANT WATER TO CITY FACILITIES:

Jack and Will Hayes and Steven Kimberling have submitted a proposal to water city plant beds with their supply of non-potable water from sources other than Lake Graham. The company will provide water for \$50/ 1000 gallons and place it for \$75 dollars per hour. The proposal was passed on as the discussion centered on the City planting more succulents and would not need the service.

CONSIDER VARIOUS STREET CLOSURES FOR THE RUN FOR THE CHILDREN ON MAY 16, 2015:

Dr. Dora Cawley has submitted a request on behalf of the "Run for the Children" for use of portions of 2nd, 3rd and Oak Streets as well as the Square for the event. This is an annual event. Staff recommended

approval of the request. Spencer Street made the motion to approve the request, Brint Albritton made the second and motion passed 4-0.

CONSIDER ITEMS RELATED TO SUPPORT OF A CVB EVENT ON THE SQUARE AND AT THE DRIVE-IN:

The CVB has planned a large event on the square and at the Drive-In on June 6. The event includes the Possum Pedal, a Food Truck Championship and a Concert.

To support the event:

Consider approval of lane closures on 2nd, 3rd and inside the square on the day of the event and inside the square on the night prior to the event.

Consider a temporary variance to Section 16-9.2 allowing consumption of alcohol on the square during the day of the event, provided applicable permits are attained from stage agencies.

Consider a temporary variance to Section 16-8 allowing for sound amplifying devices at the concert until midnight on the day of the event.

Consider approval of the closure of a portion of Cliff Drive from 4th Street to Old Jacksboro Road for event parking at the concert. Staff recommended approval. One citizen disapproved of serving alcohol at the event. Two Council members did not want alcohol served on the Square. Darby Brockway made the motion to approve the event as stated above, Brint Albritton made the second and motion passed 4-0. Spencer Street made the motion to amend the event by taking out the variance allowing consumption of alcohol, Pam Scott seconded the motion. Darby Brockway then made the motion to approve the event with the just stated amendment, Brint Albritton made the second and motion passed 4-0.

CONSIDER A MODIFICATION TO ORDINANCE NO. 1033 CHANGING THE TURN OFF DATE FOR NON-PAYMENT:

An Ordinance was passed in November 2014 concerning non-payment of utility bills. In the ordinance the water was to be turned off on the 28th day after the bill was due if payment was not received. The 28th day after due date coincides with the next reading of usage and there is a lack of manpower to turn off water. It is proposed that the turn off date be changed to the 28th day of the month when payment becomes 30 days past due. Staff recommended approval. Darby Brockway made the motion to approve the modification, Pam Scott made the second and motion passed 4-0.

CONSIDER REMOVING PARKING ON THE WEST SIDE OF ELM STREET FROM 4TH STREET TO THE ALLEY TO THE NORTH

Some citizens have expressed the desire to remove parking in the area described above in order to make the transition more smoothly to the improved section on Elm from 4th to 2nd Street as approved previously by the Council. This would reduce parking at Joy's Flowers on Elm Street. The area would be re-stripped by TxDOT accordingly. Staff recommended approval. Pam Scott made the motion to approve, Brint Albritton made the second and motion passed 4-0. Jason Cottongame will inform the owners of Joy's Flowers.

REPORTS:

Dennie Covey presented the January-February Fire Rescue report which listed 99 business inspections, the \$6,400 equipment reimbursement grant from Texas Forest Service and commented on the injuries of Captain Speck received in an off duty incident. Jennifer said she would introduce the new CVB director at the next meeting. David Maddy said the water meter RFQ was issued. David Casteel reported the lake level at 1060.33' or 37.8%. 1075' is full.

EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS RELATED TO THE INTERIM AND FULL TIME FILLING OF THE CITY MANAGER POSITION:

Executive Session to Discuss City Manager Position in accordance with Texas Government Code Section 551.074 (Personnel Matters). No Action will be taken in the Executive Session. Executive session was called to order at 12:46 p.m. and adjourned at 1:04 p.m.

CONSIDER APPROPRIATE ACTIONS RELATED TO THE TO THE APPOINTMENT OF A FULL TIME CITY MANAGER:

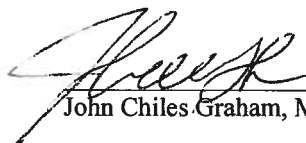
No items required action.

CONSIDER APPROPRIATE ACTIONS RELATED TO THE TO THE APPOINTMENT OF AN INTERIM CITY MANAGER:

It was decided to hire Larry Fields as interim manager on a three month basis. Larry requested that he only received reimbursement for expenses. Council also approved Jason Cottongame as interim Public Works director with an increase to his existing contract agreement.

ADJOURNMENT:

On a motion by Spencer Street, a second from Darby Brockway and a vote of 4-0 the Council meeting was adjourned.


John Chiles Graham, Mayor

ATTEST:


David Maddy, City Secretary