

March 4, 2021

The Graham City Council met in REGULAR SESSION in the Council Chambers at 9:00 a.m. on Thursday, March 4, 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, Kelli Shifflett, Krisa De La Cruz, Rick Moore, Carolyn Moore, Casey Creager, and Jimmy Guinn.

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

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, February 4, 2021 were considered. Alex Heartfield made the motion to approve the minutes. Kyle Peavy seconded, and the minutes were unanimously approved 4-0.

**CONSIDER AND ACT ON THE JANUARY 2021 FINANCIAL REPORTS AS PRESENTED BY THE CHIEF FINANCIAL OFFICER OR HER DESIGNEE:**

Sharon McFadden said the general fund now has a positive balance at this time. Seventy percent of the property tax (Ad Valorem) tax has been collected for this year. Thirty three percent of the delinquent tax payments (according to the budgeted amount) has been received. Kyle Peavy asked if this amount was normal for this time of year. Sharon responded that the amount of taxes collected at this time is the normal average. Mayor Blanton asked if the City of Graham receives a portion of the late payment fees assessed (by the Young Central Appraisal District). Brandon said the City of Graham does receive a percentage of late payment fees. Kyle Peavy voiced his concern for those who may be slow-paying due to COVID-19. Sharon offered to review January 2020 figures, compare to January 2021 and follow up with Kyle. Sharon mentioned a few departments are over budget in the general fund. Sharon said the garbage fund is the pass-through account and the amounts will fluctuate due to financial reports being calculated from the first to the end of the month. The City's billing cycle runs from the fifteenth to the fifteen of each month. The water fund revenue is slightly below budget. However, the water fund is in a good cash position. The sewer fund revenue is a little over the budgeted amount with a positive cash position. Lee Boyd mentioned the State (of Texas) is up 2.4 percent on sales tax and the City is up almost thirteen (13) percent. Kyle Peavy identified an error in the sales tax report. Brandon recommended Sharon review and correct the error after conclusion of the meeting. Brandon said the City (of Graham) did see the 12.94 percent increase but the numbers in the report are incorrect. Sharon said the correction will be made and included in the next Council packet. Brandon said the sales tax report does not include any decisions, just discussion. He advised that after the correction is made, there will be an email sent with an update after the conclusion of the meeting. Sharon apologized for the error. Mayor Blanton asked if anyone had additional questions regarding the financial reports. Kyle Peavy made the first motion and Lee Boyd seconded. The financial reports were unanimously accepted 4-0.

**DISCUSS THE SALES TAX REPORT FOR DECEMBER 2020 RECEIVED IN FEBRUARY 2021:**

Mayor Blanton said the sales tax report was already discussed in the financial reports. He said the figures of the sales tax report would be reviewed and corrected.

**ENTERED INTO A PUBLIC HEARING AT 9:07 A.M.**

Mayor Blanton announced the Public Hearing is for a request to rezone property at 901 Pine Tree Drive from Office (O) to Residential Zone-One (RZ-1) Zero Lot Line.

Mayor Blanton announced the Public Hearing on a request to rezone property located between U.S. Highway 380 West (Newcastle Highway), State Highway 16 North (Loving Highway), North Cherry Street, and Walker Street is further referenced as Young County Parcel #ID's 3266, 3263, 3260, 3254, 3257, 3259, 3265, 3266, 3267, 3271, 3269, and 2964 from Mobile Home (MH) to Commercial (C).

Brandon said these are two separate items. The first item to discuss involves Mr. and Mrs. Moore who were attending the meeting today. Brandon told them he appreciated them attending. Brandon said one Public Hearing has taken place on the particular property which is located on Pine Tree Drive. The property is currently zoned as Office (O) and Mr. Moore is requesting a rezoning of the property to a Zero Lot Line District (RZ-1). Brandon referred to the request letter and map of the property in the Council packet. Brandon stated the property is located at the intersection of Pine Tree and Normandy. The third page (referenced in the Council packet) displays the plan for twenty foot (20) off the right-a-way at Pine Tree. There are five (5) fifty-one (51) foot lots. Mayor Blanton asked if these were zero lot lines. Mr. Moore stated yes, and Brandon also agreed that the design is for zero lot lines.

Brandon said the second request refers to the previous request on properties. The City (of Graham) is Trustee to the small property located at Loving Highway (State Highway 16) right after the turn past the Subway on the left side right past the storage buildings. On the second map it is identified as #2964 and the City (of Graham) is the Trustee. What is being requested is a zoning change for the entire area from Mobile Home (MH) to Commercial (C). Brandon said after that change is made, then the property will be marketed through the previous Council discussion.

Brandon said if no one has comments, then he recommended closing the Public Hearing and then vote on each as separate items. Brandon said the second Public Hearing was postponed due to the City Council meeting being cancelled on February 18, 2021. As soon as the meeting was cancelled, it was put into the Graham Leader that the Public Hearing was being postponed to this date (March 4, 2021). Kyle asked if the City of Graham is required to have a specific amount (of properties) in the community zoned as Mobile Home (MH). Brandon and Randall agreed there were no specific requirements for Mobile Home (MH). Kyle mentioned a previous master plan review. Mayor Blanton stated he is not aware of any specifics from the State (of Texas) on a certain number or percentage. Randall agreed that he is not aware of a specific percentage requirement. Mayor Blanton stated it is the same situation with manufactured housing. Lee Boyd said he is surprised the tract on Normandy is zoned as Commercial (C). Brandon said it (tract on Normandy) is currently zoned as Office (O). Mayor Blanton said that surprised him also. Brandon said the tract backs-up to the Richeson office and that may have been the reason for that zoning. Mayor Blanton said that zoning change occurred more than twenty-five (25) years ago. Brandon said two individuals stated concerns in the previous Public Hearings. The concerns were about traffic in the alley and trash for Wal-Mart, clearing of the trees that are in the easement. Brandon said there was a discussion with Mr. Moore on installation of "speed bumps" in the alley if it is an issue. The City (of Graham) staff could put in the speed bumps later, if necessary. Mayor Blanton said the alley is not designed for excessive speed. Brandon said the property directly north to this area (referring to Pine Tree and Normandy) already has three duplexes backing up to the alley. This property will be more conforming and drives being close to alley and property line and would be legal non-conforming. Brandon said he, Mr. Moore, and Randall discussed the concern when mentioned. There is a plan in place to alleviate the concern. Kyle said he was concerned with blind spots and Mr. Moore said that concern has been addressed and will not be an issue. Lee asked if Mr. Moore planned to just sell the lots. Mr. Moore referred to the brochure (he provided copies to Council) with the design of the houses that are planned to be constructed. Mr. Moore said the pricing point of the houses will be between \$220,000 and \$250,000. Lee asked if there will be five (5) houses built. Mr. Moore answered "Yes." The preliminary plat has been completed and surveyed. Lee said he saw the surveyors at the location a few days ago. Mr. Moore said the storm caused delays. The lot sizes will be fifty-one (51) feet by one-hundred-ten (110) feet, which is standard size. Mr. Moore said the last one will be slightly larger. Mayor Blanton asked if the P & Z (Planning and Zoning Commission) has reviewed this request. Brandon said both items have been reviewed and approved by P & Z. Mr. Moore said he looked up the Texas Transportation Code and was not able to identify an ordinance or law but the speed limit is fifteen (15) miles per hour. Mayor Blanton asked if there were any further comments regarding the Public Hearing. Mayor Blanton announced with no comments, the public hearing is now closed.

#### **EXIT FROM THE PUBLIC HEARING AT 9:17 A.M.**

**CONSIDER AND ACT ON A REQUEST FROM RICK MOORE TO REZONE PROPERTY AT 901 PINE TREE ROAD, DESCRIBED IN ATTACHED EXHIBIT, FROM (O) OFFICE TO AN RZ-1 (ZERO LOT LINE):**

Kyle Peavy made the motion to approve the rezoning request. Shana Weatherbee-Wolfe seconded, and the request was unanimously approved 4-0.

**CONSIDER AND ACT ON A REQUEST FROM THE CITY OF GRAHAM TO REZONE THE PROPERTY LOCATED BETWEEN U.S. HWY 380 WEST (NEWCASTLE HIGHWAY), STATE HWY 16 NORTH (LOVING HIGHWAY), NORTH CHERRY STREET, AND WALKER STREET, IS FURTHER REFERENCED AS YOUNG COUNTY PARCEL ID#'S 3266, 3263, 3260, 3254, 3256, 3257, 3259, 3265, 3266, 3271, 3269, AND 2964, DESCRIBED IN ATTACHED EXHIBIT, FROM MOBILE HOME (MH) TO COMMERCIAL (C):**

Brandon said during the first Public Hearing there were no comments made regarding this matter. Mr. Pettus owns adjoining properties and told Brandon there are no concerns. Brandon recommended the request be approved. Alex Heartfield made the motion to approve the rezoning of the property. Kyle Peavy made the second and the request was unanimously approved 4-0.

**CONSIDER AND ACT ON APPROVING A PROJECT AS REQUESTED BY THE GRAHAM ECONOMIC IMPROVEMENT CORPORATION (GEIC) TO BE ABLE TO EXPEND PUBLIC FUNDS FROM THE GEIC TO PAY FOR THE CITY PORTION OF NEED IN REPLACEMENT OF THE AUTOMATED WEATHER OBSERVING SYSTEM (AWOS) AT THE GRAHAM MUNICIPAL AIRPORT:**

Brandon said he was advised by the new Airport Manager that it is no longer acceptable to continue repairs to the AWOS. Mayor Blanton asked if everyone understood what AWOS is and how it works. Brandon said it is a weather mechanism that measures air speed, measures temperature, provides pilots information necessary to make a safe approaches and landings. Brandon said Graham no longer has a temperature display on local news channels and that is a function of AWOS. Brandon said at the Airport Board meeting the importance of the AWOS system was discussed. The item is not budgeted. The GEIC will provide approximately \$45,000. There is a quote for \$90,000 plus, an additional \$5,000 to \$10,000 for installation. Brandon said it could be done with the RAMP 50/50 grant funds through TXDOT aviation. TXDOT also offers a 75/25 grant option. However, the budget is at \$180,000 which is twice what staff thinks AWOS can be replaced for. Brandon said that would be about \$45,000 to \$50,000. Either way, the GEIC has approved the project and now is being presented to Council, as required. The funds cannot be spent for ninety (90) days and a Public Hearing will occur. Alex said the way he understood the AWOS is that it allows the pilots to do instrument planning. Mayor Blanton said he understands AWOS to be a very important system and the City of Olney also relies on the City of Graham AWOS. Kyle asked if GEIC was paying for the entire system. Mayor Blanton said the City (of Graham) will not be paying but Council is required to approve the project. Kyle Peavy made the first motion and Shana Weatherbee-Wolfe seconded. The request was unanimously approved with a vote of 4-0.

**CONSIDER AND ACT ON AN INTERLOCAL AGREEMENT WITH REGION EIGHT (8) EDUCATION SERVICE CENTER FOR A COOPERATIVE PURCHASE PLAN AND AUTHORIZE THE CITY MANAGER TO SIGN:**

Brandon said this service is very similar to the Buy Board that the City (of Graham) uses to make purchases. He was provided information while reviewing options for repair of the Library roof. This service is popular with school districts. This agreement allows the City (of Graham) to become a member at no cost. Brandon recommends the roof repair at the Library be offered local bidding first. Brandon recommended approval since there is no harm or costs involved in the request. Mayor Blanton said if there is a project, this plan will allow them to take-over the bidding process and meet the City's specifications. Lee Boyd asked if they (referring to the cooperative plan administrators) charged a fee for the service. Brandon said bids are contingent if the project is accepted. Lee asked how the cooperative is structured and receives financial support. Brandon said members of the organization support through competitive bids and like the Buy Board system. Brandon said this process prevents a city from having to issue for bids on projects exceeding \$50,000 that require three (3) separate bids. Lee asked if contractors were members (referring to membership with the cooperative). Brandon confirmed it is a "two-way" membership. Mayor Blanton said there will be outside sources providing funding and the City (of Graham) will not be absorbing any costs. Mayor Blanton asked if an insurance claim has been initiated for the Library roof damage. Sharon answered, "Yes." Brandon said the contractors likely pay a fee, but participating cities are not required to pay any fees. Lee Boyd made the motion to approve. Alex Heartfield provided the second motion. The request was unanimously approved 4-0.

**CONSIDER AND ACT ON TRANSFERRING AUTHORITY TO THE CITY MANAGER FOR DAY-TO-DAY MANAGEMENT OF THE MUNICIPAL JUDGE AND THE CITY SECRETARY PER THE PERSONNEL HANDBOOK. THE CHARTER STATES THESE OFFICIALS ARE TO BE APPOINTED BY COUNCIL:**

Brandon said four (4) positions in the City (of Graham) are appointed by Council. Those positions are the City Manager, City Attorney (which is not on salary or payroll), the City Secretary, and the Municipal Judge. This action will make it clear that the City Manager will oversee the day-to-day activities of the City Secretary and the Municipal Judge. The appointing and firing authority will remain vested with the Council. For day-to-day and according to the Personnel Handbook, provides the City Manager to supervise the day-to-day activities. Mayor Blanton said this is important and Council has been the supervising entity over this group. Mayor Blanton stated he believes someone needs to evaluate and see what is going on. There was discussion about changing the Charter but that cannot be done. Mayor Blanton said Council can act on this request and allow the City Manager to oversee these positions. Kyle asked if the changes made (referring to Municipal Court) have been effective so far. Mayor Blanton said that so far it is working well. Mayor Blanton said there will likely be a large backlog on trials due to COVID-19. Kyle asked if there have been any Zoom meetings for trials. Mayor Blanton said there has not been any on the Municipal Court side. Brandon said Municipal Court averages two (2) trials per quarter, and he estimates they (Municipal Court) are five (5) to ten (10) trials behind. Alex Heartfield made the motion to approve the request. Shana Weatherbee-Wolfe seconded, and the request was unanimously approved with a 4-0 vote.

**CONSIDER AND ACT ON APPROVING LETTER FOR LAKE LOT LEASE HOLDERS EXPLAINING PROPOSED FUTURE PLANS, SURVEY FOR ALL LEASE HOLDERS AS WELL AS PROPOSED REQUEST FOR PROPOSAL (RFP) OF CURRENT LAND OWNED BY THE CITY OF GRAHAM AND BEING USED AS A RECREATIONAL (RV) PARK AND AUTHORIZE CITY MANAGER AND STAFF TO MAIL OUT:**

Brandon said his proposed letter, proposed survey, and proposed request for proposal (RFP) was recently finalized. Brandon said he is asking for permission from Council to send these out (referring to Lake Lot Leaseholders) and include a self-addressed, stamped envelope for the surveys to be returned to City Hall. Brandon said if the lease holders are going to be taxed on the properties, then he (Brandon) thinks it would be in their (leaseholders) best interest to own the properties. Brandon said any recommended changes to the letter, or the RFP can be made prior to mailing. Brandon is proposing on the RFP, at the Council meeting on April 1, 2021 that it will be approved to be put out for an RFP. Brandon said if leaseholders did not want to attend the Council meeting, this would provide them the opportunity to provide comments. Shana mentioned that appraisers are backed up forty-five (45) to sixty (60) days at this time. Brandon said he wants an appraiser to conduct common sense appraisals to every piece of land because every piece of land is different and not just assess. Brandon said if the City (of Graham) obtains these appraisals, the appraisal district will have better comparisons and achieve a better figure than just \$35,000 per acre. Lee asked what comparables the appraiser used. Shana said there are not any. Mayor Blanton said this is the first step in doing what is appropriate for the lake properties. Lee asked how many properties were at the lake. Brandon said approximately 384 lots. Mayor Blanton said there are two (2) lots are not occupied. Brandon said there are two (2) possibly buildable lots the City (of Graham) owns. Alex asked what changes are being considered on the letter and RFP. Brandon said that the City would consider issuing an RFP at the April 1, 2021 Council meeting. Lee recommended that RFP be written out since some may not know what that means. Brandon said he would address Lee's concern. Kyle Peavy made the first motion. Alex Heartfield made the second motion, and the request was unanimously approved 4-0.

**CONSIDER AND ACT ON A SPECIAL USE PERMIT REQUESTED BY CREAGER PROPERTIES, LLC FOR PROPERTY TO BE USED FOR OVERNIGHT RENTAL AND VACATION LODGING (COPY OF REQUEST IN PACKET):**

Brandon asked Randall to address the request. Randall said the property is located at the corner of Second Street and Grove Street. The property is currently zoned as Commercial (C), and it was formally a church. The building has been converted to an Air BNB and based on City Ordinance; these businesses require a Special Use Permit. Mayor Blanton asked if the interior is going to be subdivided. Randall said the building currently has a half bath and they (property owners) are intending to add to the bath and install a kitchen. Randall said it is intended to leave the interior the same, where possible. Casey Creager said she is the owner and intends to leave as a "one open space." Ms. Creager is working with a local cabinet company. The maximum occupancy will be four (4) people. Brandon confirmed with Ms. Creager that there will be no changes to the exterior of the building. Brandon and Mayor Blanton agreed this is a good idea to keep the building in use. Shana Weatherbee-Wolfe abstained from the vote due to a conflict. Alex Heartfield made the first motion to approve. Lee Boyd made the second. The request was unanimously approved with a vote of 3-0.

**CONSIDER AND ACT ON A REQUEST FROM RUN FOR THE CHILDREN BOARD TO CLOSE THIRD STREET FROM GROVE STREET TO THE ENTRANCE OF THE SQUARE ON ELM STREET, OAK STREET FROM SECOND STREET TO FOURTH STREET AND THE SECOND STREET ENTRANCE TO THE SQUARE THAT IS NEAREST TO OAK STREET FROM 5:00 A.M. TO 11:00 A.M. ON RACE DAY. THE REQUEST INCLUDES CLOSURE OF THE SECOND STREET ENTRANCE TO THE SQUARE NEAREST ELM STREET FROM 7:30 A.M. TO 11:00 A.M. (DURING THE OPENING CEREMONIES AND THE BEGINNING OF RACES). RUN FOR THE CHILDREN WILL HOST THEIR 16<sup>TH</sup> ANNUAL 5K, 10K, AND 1K FUN RUN ON SATURDAY, APRIL 24, 2021:**

Alex Heartfield made the motion to approve the request. Shana Weatherbee-Wolfe seconded, and the request was unanimously approved 4-0.

REPORTS:

- Krisa De La Cruz, CEO of the Chamber and CVB, mentioned the Chamber Luncheon will take place on March 9, 2021. Weatherbee Real Estate is sponsoring the luncheon. Brandon Anderson will be the guest speaker. Brandon will do a presentation on the "State of the City." The Wildcatter will be providing the catering. There are still seats available and Krisa encouraged registration. At Fort Belknap, the Crawfish and Cannons event and the Goodnight Loving Run is scheduled for April 10, 2021. Also occurring the same day is the Texas Forts Trail Wine Festival and the official Longhorn Herd of Texas. Farmers Market will be open along with Shane Smith and the Saints Band will be playing that evening. The Chamber Ambassador Golf Tournament is scheduled for April 26, 2021. The Possum Pedal Bike Ride and the Food Truck Championship of Texas will be on June 5, 2021.
- Brandon mentioned the reports within the packet which included the City Hall Activities Report for January 2021, the Utility Service Representative Report for January 2021, the Library Report for January 2021, the Municipal Court Reports (were not submitted), and the GEIC – AWOS for Airport. The previous City Council meeting scheduled on February 18, 2021 was cancelled due to the inclement weather. There were very minor issues with City facilities. The City offered the service of turning off meters for frozen pipes and approximately 400 meters were turned off by request. Staff are working with and will continue to work with customers on water loss issues. The Police Department conducted a lot of welfare checks. Young County Arena did not lose electricity service and it was offered as a warming center. The community and businesses stepped up during the crisis. The Texas City Manager's Association is meeting (Brandon is President) to discuss electric "black outs" and how it was handled. Some were without electricity for long periods of time while others had no loss. Mayor Blanton, Lee, and Brandon discussed ERCOT and ONCOR responsibilities regarding the electrical outages. Mayor Blanton said he thinks they (he and Council) need to commend City employees. Randall's group repairing water leaks in five (5) degree temperatures, Dennis at the water treatment plant and everything he did there. Mayor Blanton said City staff came through in a meaningful way for the community. Brandon said Ace Hardware opened with no electric for those needing parts is one of many examples of Graham coming together in need. The lake level is currently 93.2 percent full as of today (March 4, 2021). Brandon said next month will be a challenge for staff with the effects of the inclement weather. This month (February 2021) there were only twenty (20) water cutoffs for non-payment which is the lowest recorded in many years. Brandon said this morning Sharon showed him a plaque she received on a program she has been working on the past four (4) years. Sharon said it is the Certified Municipal Clerk certification through the International Institute of Municipal Clerks. Brandon said he had a successful meeting yesterday (March 3, 2021) with Park Hill staff, the company hired to assist with water line replacement. The City is continuing to work with Gary of GrantWorks and Curt with Jacob & Martin on the TDA grant application. The Texas Street project is going to be a higher cost but funds within the water fund will cover that need. Texas Street has been a long-term need and focus needs to remain in that area. Brandon mentioned that the Governor of Texas is releasing the statewide mandate for wearing a mask. The Governor of Texas is also allowing businesses to open and operate at 100 percent. Our local economy remained open more than most and that is fortunate for the City of Graham. We do not need to discount our personal responsibility when it comes to health. Safeguard yourself, your family, and the elderly. Mask requirement is the choice of the businesses themselves.

ADJOURNMENT:

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

  
Neal Blanton, Mayor

ATTEST:   
Sharon McFadden, City Secretary