

April 29, 2021

The Graham City Council met in REGULAR SESSION in the Council Chambers at 9:00 a.m. on Thursday, April 29, 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
	Municipal Judge:	Teresa Bishop (absent)
	Police Chief:	Brent Bullock
	Fire Chief:	Jim Don Laurent

VISITORS: Thomas Wallner, Randall Dawson, Kelli Shifflett, David Aleshire, Sarah Lundgren, Sonya Ramos, Tony Ramirez, Grant Ingram, Lisa Kinkead, John T. Brown, and Joel Williams.

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 forum. No comments were made.

APPROVAL OF MINUTES:

Minutes from the Regular Session Council meeting held on Thursday, April 15, 2021 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 MARCH 2021 FINANCIALS:

Sharon McFadden said there was not much change from the February 2021 financials. Sharon mentioned that she and Brandon plan to meet with staff and will be presenting a budget amendment to offset the variances. Mayor Blanton asked if all the tax money (referring to Ad Valorem tax receivables) has been received. Brandon said the City (of Graham) has received about 97 percent. Sharon said the receivables are approximately \$80,000 short of the budgeted amount. Mayor Blanton asked if that was delinquent accounts. Sharon stated 60 percent of the designated delinquent taxes budgeted have been collected. Brandon said if the current outstanding Ad Valorem are not paid, then they will become delinquent. Brandon said City (of Graham) revenues are ahead due to the bulk of tax dollars being received over the past four to five months. Alex Heartfield made the first motion. Shana Weatherbee-Wolfe seconded, and the financial report was unanimously accepted 4-0.

CONSIDER AND ACT ON ORDINANCE #1108 DENYING THE PROPOSED CHANGE IN RATES OF ONCOR ELECTRIC DELIVERY COMPANY, LLC, FINDING, AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW, AND DECLARING AN EMERGENCY:

Brandon said when dealing with utilities and the way the Legislature changed it, nearly ten years has passed since the rate review mechanism. On the gas side, the City of Graham is not a member, but used to be a member, of a steering committee that would work with Oncor. Steering committees no longer negotiate the rates, they go to the PUC (Public Utility Commission) and to the rate review mechanism. That is how utility rate adjustments get made. Brandon said it is recommended to deny the request that will result in pushing to the rate review mechanism and allow the PUC to determine as stated in ordinance #1108. Mayor Blanton said this has become standard procedure for most communities that do not have the ability to hire an attorney and represent. Lee Boyd asked what rate was being proposed. Mayor Blanton said he did not recall a percentage. Lee Boyd said he would review the information (within the Council packet) for the rate percentage. Lee Boyd asked if this is just a beginning phase. Mayor Blanton said if the request is not denied, then the rate requested to become effective without review. Mayor Blanton said it is a necessity to decline the request. Kyle Peavy stated the request only applies to ONCOR's delivery charge on a bill. Mayor Blanton confirmed it applies only to the ONCOR delivery charge and has nothing to do with the retail provider. Brandon said gas and electric are both seeking changes due to the upgrades in the infrastructure due to winter weather (February 2021). Brandon said our electric provider, which the contract was recently extended, is providing our electric at \$0.03/kWh. Brandon said these low rates will not become available for a long time due to investments that will have to make to their infrastructure because of the freeze. Sharon said she has received four Public Information Requests (Open Records Requests) for copies of the electricity contract. Sharon said in speaking

with other electric providers, the City of Graham is very fortunate to have extended the contract at the rates offered. Lee Boyd asked how long the electricity contract extended. Brandon said at least until 2026. Lee Boyd made the first motion. Kyle Peavy seconded, and Ordinance #1108 was approved 4-0.

CONSIDER AND ACT ON THE REAL PROPERTY SALE OF 818 LOVING HIGHWAY COMPRISED OF APPROXIMATELY 8.862 ACRES WHICH IS KNOWN IN THE YOUNG COUNTY PROPERTY TAX SYSTEM BY THE PROPERTY ID "2509" AND AUTHORIZE CITY MANAGER TO SIGN ALL PERTINENT DOCUMENTS FOR THE SALE:

Mayor Blanton stated this agenda item was being moved to the end of the agenda. The item will require an Executive Session.

CONSIDER AND ACT ON A CONTRACT AGREEMENT WITH PAPPAS TECHNOLOGY, INC. TO REPLACE AND UPGRADE THE CURRENT AWOS SYSTEM FOR THE CITY OF GRAHAM MUNICIPAL AIRPORT:

Brandon said this is the AWOS for the airport that has GEIC approved funds to extend to pay for half (agreed to pay up to \$47,000). Brandon said the remaining costs will be through the 50/50 TxDOT aviation matching grant program. Brandon stated he needs authorization to sign the contract so the equipment can be ordered. May 4, 2021 is the earliest that GEIC can expend the funds. Brandon said this is the last meeting prior to May 4, 2021 and would like to get the contract executed. The total cost is \$87,976 and there may be \$5,000 installation fees. Mayor Blanton said pilots can confirm the AWOS is essential. When watching the news, Graham does not have

temperature or weather reporting due to the AWOS not functioning. Alex Heartfield made the motion to accept the contract and authorize Brandon to sign the contract. Shana Weatherbee-Wolfe seconded, and the request was unanimously approved 4-0.

CONSIDER AND ACT ON A REQUEST FROM THE GRAHAM ROTARY CLUB TO USE SALT CREEK AND FIREMAN'S PARK TO HOST THEIR FOURTH ANNUAL DUCK DERBY ON SATURDAY, SEPTEMBER 25, 2021:

Brandon said the request letter was in the packet and asked John T. Brown to cover the request. Mr. Brown explained details regarding the duck derby. A COVID-19 plan has been submitted that includes hand sanitizing stations and social distancing. Mr. Brown asked incoming Rotary President-Elect Grant Ingram if there is anything to add. Grant Ingram said everything has been covered. Lee Boyd asked where the ducks would be put into the water. Mr. Brown due to the improvements made, the ducks will be put into Salt Creek. Kyle Peavy stated the Topsy Trailer will be at the event serving alcohol and asked if this is the first time for this to take place. Mr. Brown said the Topsy Trailer did serve alcohol last year and that the Topsy Trailer will not be advertised. Mr. Brown said all involved are licensed and will be following set rules and laws. Lee Boyd asked if people will be able to stand below the swinging bridge at Salt Creek to view the event. Mr. Brown said Rotary is working on the details. Lee Boyd mentioned the area could be dangerous with someone slipping into the creek. Lee Boyd said the absence of a trail that is planned could pose a problem. Brandon said there will be a track installed (barrier tape in dangerous areas) and he shares Lee Boyd's concern. Brandon said City staff will work with Rotary however possible to make the creek flow quicker. Brandon said the Duck Derby is a great event and Rotary always works well with the City (of Graham). There have been no issues in the past and Rotary cleans up Fireman's Park to prepare for the event to occur. Lee Boyd said he has someone interested in assisting on cleaning up the creek and advised Randall Dawson to contact him, if needed. Shana Weatherbee-Wolfe made the first motion. Kyle Peavy made the second motion. The request for the Graham Rotary Club use of Salt Creek and Fireman's Park was unanimously approved 4-0.

CONSIDER AND ACT ON A REQUEST FROM MIKE RHODES TO HOLD POSSUM KINGDOM AIR TOURS AT THE GRAHAM MUNICIPAL AIRPORT AND AUTHORIZE BRANDON ANDERSON TO SIGN A PERMIT OF APPROVAL:

Brandon said commercial use of the airport requires a written request to the airport board for a decision. The request is forwarded to City Council for final consideration. Brandon said Mike Rhoades, Chief Test Pilot, has worked for Air Tractor in Olney for a long time. Mr. Rhodes wants to conduct tours and Brandon said it would be a neat added attraction for the airport. Brandon said Jon (airport manager) has done a lot of work at the airport and will continue to do so. Brandon mentioned there is a concern about parking, but Mike is willing to work through this. Brandon said the airport board responded positively at their meeting and he recommends approval for the request. Lee Boyd asked what type of plan that Mr. Rhoades would be using. Mayor Blanton said he is not aware of what type of plan is being used. Kyle Peavy asked if there was any liability to the City of Graham. Brandon said the City (of Graham) has no liability and Mr. Rhodes is self-insured. Grant Ingram said the planes are open cockpits. Alex Heartfield made the first motion and Shana Weatherbee-Wolfe seconded. The request was unanimously approved 4-0.

CONSIDER AND ACT ON A REQUEST FROM RANDY HAMMOND ON BEHALF OF FTK RALLIES ON THEIR SECOND ANNUAL FTK LAKESIDE RUMBLE MOTORCYCLE RALLY AND MUSIC FEST TO BE HELD AT LAKE EDDLEMAN PARK AUGUST 20-22, 2021:

Brandon said he and others (City of Graham Fire Chief, City of Graham Police Chief, Young County Sheriff, and the City of Graham Public Works Director, and the City of Graham Code Enforcement Officer) met with Mr. Hammond. Brandon said he wanted Council to see the request and Brandon is concerned with Mr. Hammond's security, the ability to limit and control where Mr. Hammond would alcohol be allowed. The area for alcohol is an open spot and Mr. Hammond has proposed to rope-off with plastic tape which to him (Brandon) does not secure a venue. Brandon said staff were all in concurrence that if the event were to happen, there would be a necessity for additional security officers. Current plan only provides six (6) security officers. Brandon said he requested a new plan from Mr. Hammond addressing the concerns from City staff and that was not received this week. Mr. Hammond requested an extension from Brandon. Brandon said if Council approves the request, City staff recommend denying the alcohol variance. Brandon said restricting the alcohol would limit Mr. Hammond's ability to host the event. Brandon said there is too much of a safety concern and the ability to control the event. Brandon suggested to table the request and wait for a new plan submission, approve event excluding the alcohol variance, or deny the current request. Mayor Blanton asked if the request is denied, would Mr. Hammond be able to submit another request. Brandon confirmed Mr. Hammond could submit another request. Kyle Peavy voiced his concern for the effect the event would have on the residents in the area. Shana Weatherbee-Wolfe asked if the event is to raise money for suicide prevention. Brandon said according to the request, the funds raised would go to Arley Circle, anti-bullying, teen suicide prevention. Kyle Peavy stated he thinks there may be a better place for the event to take place. Police Chief Brent Bullock said the Police Department is concerned with security and due to staffing, there is limited availability of officers. Police Chief said he personally does not think his staff can adequately take care of the event at this point. Kyle Peavy said considering the Police Chief's concerns, he made a motion to disapprove the request. Lee Boyd seconded the disapproval. Council unanimously voted 4-0 to deny the request.

PROCLAMATION DECLARING MAY 2-8, 2021 AS THE 52ND ANNUAL PROFESSIONAL MUNICIPAL CLERKS WEEK:

Mayor Blanton presented Sharon McFadden with a Proclamation declaring May 2 to 8, 2021 as the 52nd Annual Professional Municipal Clerk's Week. He further extended the appreciation for the City of Graham's Professional Municipal Clerk, Sharon McFadden, CMC, and to all Professional Municipal Clerk's for the vital service they perform and their exemplary dedication to their communities they represent. Mayor Blanton thanked Sharon for her service to the City of Graham.

PRESENTATION OF SERVICE AWARDS TO KYLE PEAVY, COUNCIL PLACE THREE, AND LEE BOYD, COUNCIL PLACE FOUR:

Mayor Blanton announced Kyle Peavy and Lee Boyd are ending their service as Council members. The election will be held on Saturday, May 1, 2021 to elect two new Council members. Mayor Blanton said on behalf of the City of Graham, he is presenting Kyle Peavy and Lee Boyd plaques in appreciation. Mayor Blanton thanked Lee Boyd, Council Place Four for appreciation of six years of dedicated service to the City of Graham, Alderman Place Four

from 2015 to 2021. Mayor Blanton thanked Kyle Peavy, Council Place Three for appreciation of six year of dedicated service to the City of Graham, Alderman Place Three from 2015 to 2021. Lee Boyd said, "Thank you." Mayor Blanton asked Kyle Peavy and Lee Boyd if they had any comments. Kyle Peavy stated he thinks they (referring to himself and Lee Boyd) have fulfilled the challenge presented by Brint Albritton to keep the lake full and that has been accomplished.

REPORTS:

- Public Works Director, Randall Dawson, said he invited Joel Williams, Manager of the Convenience Station, to attend the Council meeting. Joel informed Council that the semi-annual "Spring Clean Up" went well. There were twelve and a half boxes filled up at 40 yards per box. The total was right at 500 cubic yards which is down for a "Spring Clean Up." Joel said 16 tons of scrap iron were received, 98 tires, and 83 mattresses. Joel said that he normally receives 1,200 mattresses per year. Joel said he already has 150 mattresses this month (April 2021) so far. Mayor Blanton said he wanted to thank Joel Williams for the job he does at the Convenience Station. Mayor Blanton said the Convenience Station is well ran and how well it is maintained.
- City Manager, Brandon Anderson said the lake level is 96.6 percent full. He knows recent rains have been two to three inches and our runoff comes to Graham from Olney. He said it is likely we will be at 100 percent full or at least close to it going into the summer. The City of Graham is blessed with going into the summer with a full lake. The final chance to vote in the 2021 Municipal (Local) Election is on Election Day (May 1, 2021). As of yesterday (April 28, 2021) there had been 187 early votes and 100 mail-in ballots for a total of 287 votes cast. Not a huge turn-out but Brandon encouraged everyone to do their part and vote. The audit was supposed to occur at this meeting but not able to get it done. Valerie Halverson (MWH Auditor) still has a few items she is working on. We plan to have the audit presentation at the next Council meeting (May 13, 2021). There is one more agenda item to get back to and this is all the reporting Brandon has currently.

EXECUTIVE SESSION:

Mayor Neal Blanton requested all attending to exit the Council Chamber for the Executive Session.

ENTERED INTO EXECUTIVE SESSION AT 9:29 A.M.

TLGC Sec. 551.072 Deliberations regarding real property.

EXIT FROM EXECUTIVE SESSION AT 9:37 A.M.

CONSIDER AND ACT ON THE REAL PROPERTY SALE OF 818 LOVING HIGHWAY COMPRISED OF APPROXIMATELY 8.862 ACRES WHICH IS KNOWN IN THE YOUNG COUNTY PROPERTY TAX SYSTEM BY THE PROPERTY ID "2509" AND AUTHORIZE CITY MANAGER TO SIGN ALL PERTINENT DOCUMENTS FOR THE SALE:

Alex Heartfield made the first motion. Kyle Peavy seconded, and the request was unanimously approved 4-0.

Lee Boyd asked if GIA bought the old motel (American Inn). Mayor Blanton said, "Yes." Brandon said it is in the process but has not been approved yet. Lee Boyd asked if that would become City (of Graham) property. Mayor Blanton and Brandon both said the property would become GIA property. Mayor Blanton said the GIA will tear down the buildings. Alex Heartfield asked if the property was the American Inn. Mayor Blanton said, "Yes." Brandon said now that the City (of Graham) is closing the motel, maybe there will be new interest in a new motel. Lee Boyd asked if anyone had shown interest in building at that location.

ADJOURNMENT:

Mayor Blanton stated with there being no further business to discuss, the Council meeting is now adjourned. Mayor Blanton again thanked Kyle Peavy and Lee Boyd for their service to the City of Graham.


Neal Blanton, Mayor

ATTEST: 
Sharon McFadden, City Secretary