

August 1, 2013

The Graham City Council met in REGULAR SESSION in the Council Chambers at City Hall at 9:30 a.m. on Thursday, August 1, 2013 with the following members present:

MEMBERS: Mayor: Barry White
 Mayor Pro-Tem: Jack Graham
 Council Member: Spencer Street III -absent
 Pam Scott-absent
 Greg Montgomery
 City Manager: Larry Fields
 City Secretary: David Maddy
 Public Works Director: David Casteel
 Police Chief: Tony Widner
 Assistant Police Chief: Brent Bullock
 Fire Chief: Dennie Covey

VISITORS: Eddie Gellner, Doug Jefferson, Judy Langrill, Nick Bulaiche, Dean Hinton, Frank Herpeche, Robert San Miguel, Sandra Helvey, Jennifer Conway, Jason Cottongame, Jessica James and Cherry Rushin.

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

PUBLIC FORUM:

None. David Maddy swore in the new Police Officer, Caleb Brazeal.

MINUTES APPROVED:

Minutes from the July 18, 2013 regular meeting were approved 3-0 on a motion from Jack Graham and a second from Greg Montgomery.

CONSIDER AMENDMENT OF NEWCASTLE WATER CONTRACT:

The City of Newcastle's water contract was executed in 1984 with a take or pay provision based on a minimum take of 1.84 million gallons per month. The first six years of the contract they were always under the minimum take and had to pay for water not used. In 1990 they requested the minimum take gallons to be reduced to 1.65 million gallons per month and the City agreed and amended the contract to reflect the requested allocation. Newcastle is now requesting the minimum take or pay provision be removed and they be allowed to pay for actual water used. From 2007 through 2012 they paid \$55,000 for water not actually used. Larry recommended that the City execute a new Wholesale Treated Water Contract prepared by Bill Dugat, Water Rights Attorney, rather than amend the old 1984 contract. The new contract better reflects current terminology and meets state water standards and is the same contract that Bryson and Throckmorton are under. Jack Graham made the motion to approve the new contract, Greg Montgomery made the second and motion passed 3-0.

CONSIDER REQUEST FOR A SPECIAL PERMIT TO ALLOW A TRAVEL TRAILER AS A TEMPORARY RESIDENCE AT 216 SMITH STREET:

Charles Dobbs requested permission to place a thirty (30') foot travel trailer at his residence at 216 Smith Street. His brother, Kenneth Dobbs, has cancer and needs family assistance with his medical needs. The property is zoned for mobile homes, but the City codes do not allow travel trailers. The location has been inspected by Jason Cottongame and has enough space to allow the travel trailer. The address is comprised of two lots and the permit is to be reviewed annually. Greg Montgomery made the motion to approve the permit, Jack Graham made the second and motion passed 3-0.

CONSIDER REQUEST TO EXTEND OPEN DOOR CHRISTIAN SCHOOL ZONE TO INCLUDE FIRST STREET BETWEEN OAK STREET AND ELM STREET:

This is a primary area for student pick up and drop off and the school is not requesting a flashing light; just the basic markings. Greg Montgomery made the motion to approve the request, Jack Graham made the second and motion passed 3-0.

CONSIDER OPEN DOOR CHRISTIAN SCHOOL REQUEST TO HOST ANNUAL FALL FEST:

The request is for October 12, 2013 and for a portion of Oak Street to be closed from 5:00 a.m. to 10:30 p.m. from First and Oak to the property line at 735 Oak. They also requested portions of other streets be closed for the run/walks planned the same day. Jack Graham made the motion to approve the event, Greg Montgomery made the second and motion passed 3-0.

DISCUSS ALTERNATIVES FOR CYPRESS STREET/CHERRY STREET INTERSECTION:

David Casteel developed several alternative solutions to the problems being encountered and previously discussed at the above intersection. After discussion of the different approaches it was decided to install a small island on Cherry to clearly mark the right turn lane onto Cypress and another larger island made up of speed humps and white tape to designate the turns from Cypress and southbound Cherry traffic through the intersection and onto Cherry. This should work to tell drivers where to be to stop and to turn and to slow the traffic on Cherry moving south through the intersection.

DISCUSS FINANCING OPTIONS FOR THE WATER TREATMENT AND DISTRIBUTION PROJECT:

Nick Bulaiche with First Southwest was present to explain the City's options. The City's appeal to be considered as economically disadvantaged was turned down. The TWDB is competitive only on tax exempt rates and Fort Belknap keeps the City's project from being considered tax exempt. The draft notes he handed out with the comparison of TWDB and open market rates do not include bond insurance. If the City qualifies for such, it should lower the rates listed in the draft. Open market financing is for 20 years and is a bit better than TWDB (5.25% compared to 5.5%). Mr. Bulaiche also prepared a timetable beginning with August 15, 2013 when applications will be accepted and the method of financing is to be determined. Dates for official statements, notices and publications were listed. Closing and delivery of funds is anticipated around November 21, 2013. Greg Montgomery made the motion to pursue the open market rate as recommended by the financial advisors, Jack Graham made the second and motion passed 3-0.

CONSIDER RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MULTIPLE USE AGREEMENT WITH TXDOT:

Previously, the Council approved a multiple use agreement with TxDOT allowing the City to construct a bike and hike trail beneath SH 67 where it crosses Salt Creek. This trail is part of the NO Name park plan. The current resolution is required by TxDOT and authorizes the Mayor to sign the agreement. Jack Graham made the motion to approve the resolution, Greg Montgomery made the second and motion passed 3-0.

CONSIDER BOARD APPOINTMENTS:

- A. Main Street: Kathy Martin and Pam Scott are up for reappointment. Jeff Mercer is nominated to replace Larry Hollingsworth.
 - B. CVB: Marlene Edwards and Jeff Gough are up for reappointment.
 - C. Arena: Pascal Hosch is up for reappointment as the GEIC representative.
 - D. Cemetery: Sandra Boedeker, Cheryl Groves and Pam Scott are up for reappointment.
- Greg Montgomery made the motion to approve all the appointments, Jack Graham made the second and motion passed 3-0.

CONSIDER ORDINANCE # 1007 ADOPTING A WATER CONSERVATION & CONTINGENCY PLAN:

This ordinance adopted the plan as presented to Council the prior meeting. This constituted the third and final reading. Jack Graham made the motion to approve the ordinance, Greg Montgomery made the second and motion passed 3-0.

CONSIDER ORDINANCE NO. 1008 AMENDING SEC. 14-14, SEC. 15-15 AND SEC. 14-16 OF GRAHAM CODE OF ORDINANCES, REGARDING UNSANITARY AND UNSIGHTLY CONDITIONS:

The proposed amendments clarify the amount of time a property owner has to correct a noted violation, as well as clarifying the notification, citation and cost collection procedures associated with the violations. This constituted the second reading. Jack Graham made the motion to approve the ordinance, Greg Montgomery made the second and motion passed 4-0.

CONSIDER ORDINANCE NO. 1009 AMENDING ORDINANCE NO. 892, SECTION 2, COMPOSITION, APPOINTMENT OF MEMBERS AND TERMS TO ARENA BOARD:

The Arena Board has term limits of three consecutive terms. The nature of the business of this board needs continuity as the board is involved in a long term capital improvement project as well as a re-roofing project through the City's insurance carrier. There are three current members that are not eligible for reappointment and Larry feels they are needed and the operation better served if they could be reappointed. He wanted the ordinance amended to eliminate term limits. Jack Graham and Greg Montgomery were not in favor of the amendment. Council decided to talk to Spencer Street and Pam Scott to get their feelings.

REPORTS:

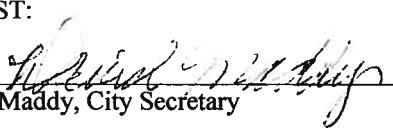
Chief Covey reported that the Fire Department received a \$4,000 grant for special equipment costing \$4,500. David Casteel said the Corp of Engineers will finish its work in August. Frank Herpeche is working on the purchase of the fence pipe for Pioneer Cemetery. Larry reported the lake level at 1067.41 or 63% capacity. 1075' is full. The budget is being prepared and will be ready for the Council workshops on August 26 and 27. The Municipal Court report for July reflected 208 new cases and City revenues were \$10,227.

ADJOURNMENT:

On a motion by Greg Montgomery, a second from Jack Graham and a vote of 3-0 the Council meeting was adjourned.


Barry White, Mayor

ATTEST:


David Maddy, City Secretary