

November 20, 2014

The Graham City Council met in REGULAR SESSION in the Council Chambers at City Hall at 9:30 a.m. on Thursday, November 20, 2014 with the following members present:

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

VISITORS: Charles Harrell, Elaine Harrell, Erminio Nevarez, James Shifflett, Doug Stroud, Darrell Dodson, Winn Graham, Lane Ledbetter, Warren Bachman, Hester Bender, Larry Novak, Glenn Gilliam, Danny Cusenbary, Anita McLeroy, Eddie Gellner, Wayne Christian, Jerry Schultz, Neal Blanton, Jerry David, Joel Williams, Teresa Bishop, Randall Dawson, Jimmy McLeroy, Mike Gaver, Sharon McFadden, Sandra Helvey, Jason Cottongame, Jim Helvey and Casey Holder.

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

PUBLIC FORUM:

Warren Bachman expressed his disapproval of the ATV Park.

PUBLIC HEARING – USE OF GEIC FUNDING FOR EXPANSION AND RELOCATION OF AN EXISTING BUSINESS:

Mayor Graham opened the hearing at 9:40 a.m. This was the first reading for the proposal for funds for an expansion into the old Otis/Koda Building on Ohio Street for the relocation of Graham Equipment and manufacturing. If approved by Council the funds would be available in 60 days to install a sprinkler system to bring the building up to code. The project will cost up to \$200,000 paid from GEIC funds. The cost would be forgiven over time if the business stays in the building, in operation and employing local residents. Should any of the conditions not be met, the balance of the cost would be due back to GEIC. No one was present to comment. Mayor Graham closed the hearing at 9:43 a.m.

MINUTES APPROVED:

Minutes from the November 06, 2014 regular meeting were approved 3-0 on a motion from Darby Brockway and a second from Pam Scott.

CONSIDER CLOSURE OF BRAZOS STREET FROM CAROLINA TO TENNESSEE STREETS:

A citizen appeared before the council at a previous meeting to discuss traffic concerns on Brazos. Staff developed several options and recommended closing Brazos between Tennessee and Carolina. Council directed staff to implement interim measures short of closure. At a previous meeting the stop signs at Kentucky and Brazos were approved and a proposal for stop signs at Tennessee and Brazos was deferred pending a further discussion of possible closure of Brazos between Carolina and Tennessee. Council requested the item on this agenda and requested that the School District be invited to attend the discussion. The superintendent was notified of the item before the Council. Mr. McLeroy who lives on Virginia Street said that parents should drop off and pick up students on Calaveras Street and that parents are parking in the no parking zone on Brazos. Pam Scott felt the City should wait and see how the stop signs at Kentucky affected traffic and look closer at other options. Closing Brazos would keep buses from getting to the field house. Lane Ledbetter, superintendent, said the district is considering all options and prefers the option of closing Brazos from Tennessee to Carolina Streets. The buses have an alternate route to the field house. Darby Brockway made the motion to close Brazos, Brint Albritton made the second and motion passed 2-0-1.

CONSIDER ACCEPTING A BID FROM HABITAT FOR HUMANITY FOR SURPLUS LOTS WHERE THE CITY IS THE TRUSTEE:

Failure to pay taxes has resulted in five properties that are of no use to the City and the Habitat for Humanity Organization is interested in obtaining them for the construction of affordable housing. These properties are located 213 Gleese, 210 Ragland, 212 Ragland and 118 Summit. These properties went unsold in a Sheriff sale. There are three ways to dispose of the property once the city is named trustee. Method A: Accept a private bid; Method B: Place back into a Sheriff Sale with no minimum; Method C: Advertise and Accept Sealed Bids. Staff recommends Method A and acceptance of a private bid from Habitat for Humanity for the five properties listed and waiver of all unmet city liens on the properties. The bid was \$500 for all five properties. The taxes and liens will have to be written off. Acceptance of the bid is subject to approval by the Hospital, County and School District. Brint Albritton made the motion to accept the bid, Pam Scott made the second and motion passed 3-0.

CONSIDER AUTHORIZING ADVERTISING FOR SEALED BIDS FOR A SURPLUS LOT WHERE THE CITY IS THE TRUSTEE:

Failure to pay taxes has resulted in the property at 1711 Family Lane being deeded back to the City. In the previous item three methods for disposal of such property was discussed. Staff

recommends advertising for sealed bids for this property with an established no minimum bid and waiver of any unmet city liens on the property. The other taxing entities have expressed their approval. Pam Scott made the motion to advertise for sealed bids, Brint Albritton made the second and motion passed 3-0.

CONSIDER AUTHORIZING THE ISSUANCE OF NOTICE TO PROCEED WITH THE DRILLING OF WELLS FOR THE SUPPLY OF WELL WATER TO THE CITY OF GRAHAM:

In previous meetings, the supply of water has been discussed. The Council previously authorized the issuance of a request for proposals for the supply of well water and authorization for the negotiation of a contract with the best responsive proposer. The action today, if approved, would authorize staff to issue a notice to proceed to drill wells and test for quality and production. The anticipated city share of this phase is \$45,400. Staff will seek further authorization before proceeding to subsequent phases. Proceeding to subsequent phases is dependent upon test results from this phase. Staff recommended approval. Charles Harrell expressed concern about the lack of measuring the drawdown of the water level and the possible adverse effect on neighboring owners. He referred to Texas law about the rule of capture. The Jacob and Martin study commissioned by the City lists the wells as being the least costly and highest risk option, whereas the Possum Kingdom Lake option was the highest cost. He fears depletion of the water tables and said that due to the sands there is no recharge and wanted the City to seriously consider the P.K. lake option. Pam referred to a documentary about California aquifers being drained and land levels dropping one to six feet. David Casteel said the P.K. option would be 12-18 months from the inception of any work, would provide up to 890k gallons a day of raw water with much less in potable water after treating with reverse osmosis. The cost would be between 12 and 15 million dollars. Mayor Graham said that the near term requires the wells and that P.K. is a long term option. The well water will be piped directly to the plant, bypassing the Lake Graham in order to avoid evaporation. The effluent reuse permit is in the works with about 300 days to process through TCEQ. Brint Albritton made the motion to approve the authorization to drill ten wells and test the results for quality and quantity, Pam Scott made the second and motion passed 3-0.

CONSIDER ALTERNATIVES FOR SEWER PLANT ROAD PROPERTY:

Performing due diligence, staff has developed a fatal flaw analysis for the identified alternatives for the sewer plant road property. A public meeting was held to discuss the analysis. Various methods of public involvement allowed public input to be received on the alternatives. Staff discussed the alternatives, public involvement results and presented a recommendation on the next steps in the analysis process. David Casteel referred to the recap of the meetings and surveys provided to Council. A fatal flaw analysis including cultural and environment factors resulted in no flaws for any of the options. He met with the Parks Board last week who recommended either an equestrian facility, hiking trails, wildlife habitat or do nothing. A public use of the last is strongly favored. The City will have to give back any grant if the ATV Park is not developed. Pam Scott favored doing nothing at this point because of the water situation and to spend no money pursuing any options. She said others may have land available for an ATV park. Darby Brockway made the motion to drop the ATV Park and sell options and continue evaluating the remaining options, Brint Albritton made the second and motion passed 2-1.

CONSIDER APPROVAL OF A CURBSIDE RECYCLING PROGRAM FOR GRAHAM:

In several previous meetings, the council has discussed recycling and has previously authorized staff to negotiate an agreement with the waste provider to implement a curbside recycling program in the city. The council has previously requested a roundtable discussion to be organized by the Chamber of Commerce regarding the initiative. Results of the roundtable were favorable for implementation. The details of the proposed agreement were present at several previous meetings. Council had a couple of follow up questions. The waste provider is developing responses to the council questions.

- A. What is the geometry required of an alley in order to have a front load dumpsters pick up?
What alleys in Graham meet this geometry?
- B. If a resident had sufficient alley width and is willing to place a slab for the front load dumpster, what would be the monthly charge for such a dumpster?
- C. What alleys in Graham would be eligible for roll out cart pick up from within the alley?

Staff recommended approval. With approval the program would commence approximately June 2015. Mike Gaver with Progressive Waste provided the answers to the above questions. There are no alleys wide enough for front-load containers even if they were to be placed on slabs. There are four alleys possible for roll out poly carts. The rest of the alleys have low power lines, are too narrow and cluttered and/or have low tree branches. Mike provided the size, configuration and pictures of the new trucks they are having to put into service and explained again that the old trucks being used for the current dumpster service are no longer being made and that their budgeting cycle allows them to add recycling at no charge, whereas it would be charged for if added later. Pam Scott was in favor of waiting until late next year or the year after to implement any change. Brint Albritton made the motion to approve the new poly cart and curbside recycling program, Darby Brockway made the second and motion passed 2-1.

CONSIDER ORDINANCE # 1035 REGARDING ITINERANT VENDORS:

In a previous meeting, the Council discussed itinerant vendors and a concern from a local merchant. Council directed staff to review how other municipalities handle such issues and develop an ordinance for consideration.

The proposed Ordinance provides:

- (a) Vendors who do not possess a certificate of occupancy for a structure on the property where they are selling merchandise or do not sell their merchandise at the location on a daily basis in Graham must first obtain a permit to sell their merchandise within the city limits.

- (b) To obtain an Itinerant Vendor Permit, the vendor must present to the City Secretary their Tax Identification Number and proof of current registration with the Texas State Comptroller for Collection of Sales Tax.
- (c) The Permit issued must be conspicuously displayed at the place of business.
- (d) The Permit issued will be \$25 per day and will be issued for no more than seven consecutive days.
- (e) Failure to obtain or properly display a permit is considered a misdemeanor and punishable by a fine not to exceed one thousand dollars per day (\$1000).

The City Manager may waive this permit requirement for vendors duly authorized to sell merchandise at City Owned facilities or vendors selling merchandise at a fair, carnival, or similar event. This was the first reading. Food and produce are addressed in Section 15 of the Code. Darby Brockway made the motion to approve the ordinance, Pam Scott made the second and motion passed 3-0.

CONSIDER FINANCIAL REPORTS:

In the previous meeting, a format and draft financial report was discussed. It was noted that these reports should be at the second meeting of the month. No approval was given at the previous meeting. David Maddy presented the monthly financial report per the previous discuss and sought approval. Pam Scott made the motion to approve, Darby Brockway made the second and motion passed 3-0.

DISCUSS SCHEDULE FOR CREDIT/DEBIT CARD AND ON-LINE BILL PAYMENT:

In the previous meeting, Council authorized staff to develop a method for payment of utility bills by credit and debit card in person and on-line. Considerable progress has been made and an update is being presented to the council concerning timeline and notification of customers for these improvements. Sharon McFadden said that last month's bills announced the new service. The equipment has been received and is being connected and tested. She and David Maddy told Council that the online access to utility accounts and online payments is being discussed with the utility billing software provider.

CONSIDER APPROVAL OF GEIC FUNDS FOR BUSINESS EXPANSION:

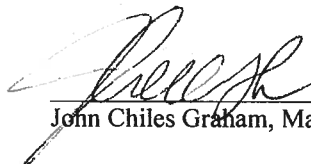
This was the second reading of the proposal. Pam Scott made the motion to approve the funding, Darby Brockway made the second and motion passed 3-0.

REPORTS:

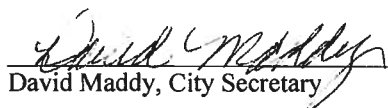
Mayor Graham commended the Fire Department for the response to the fire on the Square the previous week and thanked the Street Department for helping move furniture and clean the street. Chief Widner presented the October Police report noting that burglaries were down 50% from the same time last year. All hires are on the street with traffic enforcement up. There are two open full time positions. He presented the 2014 annual Fire/Police Departments golf tournament trophy to Chief Covey whose department won this year's tournament. David Casteel reported the lake level at 1060.45' or 38.2% capacity. 1075' is full. The meeting with BRA on the park is next week. He referred Council to the Code Enforcement report in the agenda packets. There were 75 violations recorded in October and 750 recorded year to date. There were a total of 16 recorded warrant related actions for October.

ADJOURNMENT:

On a motion by Pam Scott, a second from Darby Brockway and a vote of 3-0 the Council meeting was adjourned.


 John Chiles Graham, Mayor

ATTEST:


 David Maddy, City Secretary