GRAHAM CITY COUNCIL
REGULAR SESSION
DECEMBER 8, 2022

COUNCIL MEMBERS PRESENT
Neal Blanton, Mayor
Alex Heartfield, Mayor Pro Tem
Shana Weatherbee-Wolfe
Randy Cantin
Jack Little

STAFF PRESENT
Eric Garretty, City Manager
Larry Fields, Interim City Manager
Sandra Helvey, City Secretary
Marci Bueno, Financial Officer
Brent Bullock, Chief of Police
Jim Don Laurent, Fire Chief
Randall Dawson, Director of Public Works/Building Official
James Reeves, Municipal Judge

Mayor Blanton convened the Council into the Regular Session on Thursday, December 8, 2022 at 9:00 a.m. in the Council Chambers of Graham City Hall, 608 Elm Street. A quorum was present.

OPENING PRAYER
Pastor Gary Elrod led the invocation.

CEREMONY
Municipal Judge Reeves administered the swearing-in ceremony of Police Officer Nathan L. Bueno.

SPECIAL PRESENTATION
Mayor Blanton presented Bronwen Choate the state "Yellow Rose of Texas Award" on behalf of Governor Greg Abbott.

PUBLIC FORUM
None.

REPORTS
City Manager Eric Garretty provided key calendar reminders and dates, an explanation of employee health insurance benefits, along with a status update of major capital projects.
Mayor Blanton recognized and congratulated the Chamber of Commerce and those involved in making this year's Christmas Stroll very successful.

CONSIDER AND ACT ON APPROVAL OF THE MINUTES OF THE REGULAR CALLED MEETING HELD ON NOVEMBER 10, 2022. Motion made by Shana Weatherbee-Wolfe and seconded by Jack Little to approve the minutes of the November 10, 2022 Regular Called Meeting. Motion carried unanimously.

PRESENTATION OF THE SALES TAX REPORT DETAILING SEPTEMBER 2022 SALES TAX REVENUE. Financial Officer Marci Bueno reviewed the September 2022 sales tax report.

CONSIDER AND ACT ON FINANCIAL REPORTS FOR THE PERIOD ENDING OCTOBER 31, 2022. Upon consideration of the financial reports for the period ending October 31, 2022 presented by Financial Officer Marci Bueno, motion was made by Alex Heartfield and seconded by Jack Little to approve the financial reports for the period ending October 31, 2022. Motion passed unanimously.

CONSIDER AND ACT ON ORDINANCE NO. 1136 AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1129 AND 1135 FOR FISCAL YEAR 2022 - 2023. Motion made by Alex Heartfield and seconded by Shana Weatherbee-Wolfe to approve Ordinance No. 1136 amending Appropriation Ordinance No. 1129 and 1135 for fiscal year 2022-2023 was approved unanimously.

CONSIDER AND ACT ON PROPOSED PLANNED DEVELOPMENT OF PARCEL NO. 57290, LOCATED AT THE CORNER OF PINE TREE ROAD AND WALMART DRIVE, AND FURTHER LEGALLY DESCRIBED AS 2.90 ACRES, WALMART SUBDIVISION-A-1334/1338-LT3, AND FURTHER STILL NOTING A FAVORABLE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION (AS AMENDED). Motion by Jack Little and seconded by Alex Heartfield to approve the proposed planned development of Parcel No. 57290, located at the corner of Pine Tree Road and Walmart Drive, and further legally described as 2.90 acres, Walmart Subdivision A1334/1338-LT3. Motion passed unanimously.

CONSIDER AND ACT ON A PROPOSED REPLAT OF 416 RED TOP ROAD LEGALLY DESCRIBED AS 0.47 ACRES, P. PIER SURVEY, ABSTRACT NO. 219, AND FURTHER NOTING A FAVORABLE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION. Motion made by Jack Little and seconded by Randy Cantin to approve the proposed replat of 416 Red Top Road legally described as 0.47 acres, P. Pier Survey, Abstract No. 219. Motion carried unanimously.

CONSIDER AND ACT TO AUTHORIZE THE CITY MANAGER TO RETROACTIVELY APPROVE AN AMENDED LEASE AGREEMENT WITH LIVESTOCK REALTY (GRAHAM, TEXAS), A LIMITED LIABILITY COMPANY, FOR THE PURPOSE OF ADDING AN UPDATED DESCRIPTION OF THE METES AND BOUNDS OF CERTAIN REAL PROPERTY DESCRIBED IN A LEASE BETWEEN THE CITY AND LIVESTOCK REALTY. Upon consideration, motion made by Randy Cantin and seconded by Shana Weatherbee-Wolfe to approve the authorization of the City Manager to retroactively approve the amended lease agreement with Livestock Realty (Graham, Texas) a limited liability company, for the purpose of adding an updated description of the metes and bounds of certain real property described in a lease between the City and Livestock Realty. The motion was approved 4-0.

CONSIDER AND ACT ON THE APPOINTMENT OF THE FOLLOWING SLATE OF DIRECTORS TO THE MEMORIAL AUDITORIUM BOARD OF DIRECTORS AND FURTHER DESIGNATE THE TERMS OF APPOINTMENT AS INDICATED: Motion made by Jack Little and seconded by Alex Heartfield to approve the appointment of the following slate of Directors to the Memorial Auditorium Board of Directors and further designate the terms of appointment as indicated. Motion carried unanimously.

Brendan Weatherman (Chair)	December 9, 2022 - June 30, 2025
Terri Christian	December 9, 2022 - June 30, 2024
Renee Hobson	December 9, 2022 - June 30, 2025
Gordon Grubbs	December 9, 2022 - June 30, 2024
Grant Ingram	December 9, 2022 - June 30, 2025
Susie White	December 9, 2022 - June 30, 2024

CONSIDER AND ACT ON THE APPOINTMENT OF BRENDAN WEATHERMAN AND PENNY BEREND TO THE CONVENTION AND VISITORS BUREAU BOARD OF DIRECTORS AND FURTHER TO DESIGNATE THE FOLLOWING TERMS OF APPOINTMENT. Motion made by Alex Heartfield and seconded by Randy Cantin to approve the appointment of Brendan Weatherman and Penny Berend to the Convention and Visitors Bureau Board of Directors and to designate the terms of appointment. Motion passed unanimously.

Brendan Weatherman	December 9, 2022 – September 30, 2024
Penny Berend	December 9, 2022 – September 30, 2024

CONSIDER AND ACT ON THE APPOINTMENT OF BRYAN BIVENS TO THE LIBRARY OF GRAHAM BOARD OF DIRECTORS AND FURTHER TO DESIGNATE THE FOLLOWING TERMS OF APPOINTMENT: Motion made by Alex Heartfield and seconded by Shana Weatherbee-Wolfe to approve the appointment of Bryan Bivens to the

Library of Graham Boards of Directors and the status of appointment. Motion carried unanimously.

Eddleman RV Park: and

Bryan Bivens December 9, 2022 – September 30, 2024

- Discuss bids received for the following Lake Lots:

CONSIDER AND ACT TO AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND CONCLUDE A CONTRACT FOR PROFESSIONAL BUDGETING SOFTWARE, IN AN AMOUNT NOT TO EXCEED $10,000 PER YEAR. Upon consideration, motion was made by Jack Little and seconded by Randy Cantin to authorize the City Manager to negotiate and conclude a contract for professional Budgeting software in an amount not to exceed $10,000 per year. Motion passed 3-0.

b. Sec. 551.071 - Personnel Matters

- Discussion on the potential employment and duties of:

CONSIDER AND ACT TO AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND CONCLUDE A CONTRACT FOR THE ACQUISITION OF TWELVE (12) NON-LETHAL FORCE TASER INSTRUMENTS, UNDER A FIVE-YEAR LEASE AGREEMENT, IN AN AMOUNT NOT TO EXCEED $8,200 PER YEAR. Motion made by Randy Cantin and seconded by Jack Little to authorize the City Manager to negotiate and conclude a contract for the acquisition of twelve (12) non-lethal force Taser instruments under a five year lease agreement in an amount not to exceed $8,200 per year. Motion carried 4-0.

An Assistant City Manager for Economic Development.

Discuss amendment of the City Manager's contractual benefits.

RECONVENE FROM EXECUTIVE SESSION AND TAKE ACTION, AS REQUIRED. Mayor Pro Tem Alex Heartfield reconvened from Executive Session at 10:48 a.m.

CONSIDER AND ACT TO AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND CONCLUDE A PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH, AND COOPER ENGINEERS, IN AN AMOUNT NOT TO EXCEED $60,000 FOR ENGINEERING AND DESIGN SERVICES RELATED TO MODIFICATION OF THE SCOPE OF WORK FOR THE ALTERNATE WATER LINE CAPITAL PROJECT. Upon discussion and consideration, motion made by Jack Little and seconded by Alex Heartfield to authorize the City Manager to negotiate and conclude a professional services agreement with Parkhill, Smith and Cooper Engineers in an amount not to exceed $60,000 for engineering and design services related to modification of the scope of work for the alternate water line capital project. Motion passed unanimously.

Motion to approve Plats I, II, and III of the Replat of Lake Graham Lake Lots and authorize the City Manager and City Secretary to execute documents was made by Randy Cantin and seconded by Jack Little. Motion carried unanimously.

Motion to approve the Closing Documents with an amendment to show the escrow monies required will be set at $1,000 and further allow the City Manager to execute all documents on behalf of the City was made by Jack Little and seconded by Randy Cantin. Motion carried unanimously.

CONSIDER AND ACT TO AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND CONCLUDE A SETTLEMENT AGREEMENT WITH THE DESIGNATED AGENT OF THE EXECUTIVE INN HOTEL, IN AN AMOUNT NOT LESS THAN $23,079, FOR THE PAYMENT OF CERTAIN MONIES OWED TO THE CITY PURSUANT TO ASSESSMENT OF THE HOTEL/MOTEL OCCUPANCY TAX. Upon consideration, motion was made by Alex Heartfield and seconded by Shana Weatherbee-Wolfe to authorize the City Manager to negotiate and conclude a settlement agreement with the designated agent of the Executive Inn Hotel, in an amount not less than $23,079, for the payment of certain monies owed to the City pursuant to assessment of the Hotel/Motel Occupancy Tax. Motion carried unanimously.

Motion to allow the City Manager to combine the Financial Director and City Secretary positions was made by Randy Cantin and seconded by Shana Weatherbee-Wolfe. Motion passed unanimously.

Motion to allow the City Manager to create an Assistant City Manager position was made by Randy Cantin and seconded by Alex Heartfield. Motion passed unanimously.

CONSIDER AND ACT TO AUTHORIZE THE CITY SECRETARY TO POST NOTICE OF DEADLINE TO FILE APPLICATION FOR PLACE ON THE BALLOT FOR MAY 6, 2023, GENERAL ELECTION. Motion made by Jack Little and seconded by Alex Heartfield to authorize the City Secretary to post Notice of Deadline to File Application for Place on the Ballot for May 6, 2023 General Election. Motion carried 4-0.

There being no further business, the meeting was adjourned.

DISCUSSION REGARDING CURRENT ORDINANCES PERTAINING TO THE REGULATION OF MOBILE FOOD VENDORS WHICH ARE ALSO KNOWN AS "FOOD TRUCKS". Upon considerable discussion of the current ordinances regulating mobile food vendors, also known as "food trucks", Mayor Blanton recommended that the issue be researched further for clarification.

Neal Blanton, MAYOR

RECESS INTO EXECUTIVE SESSION UNDER THE FOLLOWING PROVISIONS OF THE TEXAS LOCAL GOVERNMENT CODE: Mayor Blanton convened the Council into Executive Session at 9:50 a.m.

Sandra Helvey, City Secretary

a. **Sec. 551.072 - Deliberations about Real Property**

- Deliberations regarding a potential contract for the acquisition of certain real property in the vicinity of Fireman's Park; and

Library of Graham Board of Directors and designate term of appointment. Motion carried unanimously.

Bryan Bivens December 9, 2022 – September 30, 2024

CONSIDER AND ACT TO AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND CONCLUDE A CONTRACT FOR PROFESSIONAL BUDGETING SOFTWARE, IN AN AMOUNT NOT TO EXCEED $10,000 PER YEAR. Upon consideration, motion was made by Jack Little and seconded by Randy Cantin to authorize the City Manager to negotiate and conclude a contract for professional Budgeting software in an amount not to exceed $10,000 per year. Motion passed 4-0.

CONSIDER AND ACT TO AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND CONCLUDE A CONTRACT FOR THE ACQUISITION OF TWELVE (12) NON-LETHAL FORCE 'TASER' INSTRUMENTS, UNDER A FIVE-YEAR LEASE AGREEMENT, IN AN AMOUNT NOT TO EXCEED $8,200 PER YEAR. Motion made by Randy Cantin and seconded by Jack Little to authorize the City Manager to negotiate and conclude a contract for the acquisition of twelve (12) non-lethal force Taser instruments under a five year lease agreement in an amount not to exceed $8,200 per year. Motion carried 4-0.

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CONSIDER AND ACT TO AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND CONCLUDE A SETTLEMENT AGREEMENT WITH THE DESIGNATED AGENT OF THE EXECUTIVE INN HOTEL, IN AN AMOUNT NOT LESS THAN $23,079, FOR THE PAYMENT OF CERTAIN MONIES OWED TO THE CITY PURSUANT TO ASSESSMENT OF THE HOTEL/MOTEL OCCUPANCY TAX. Upon consideration, motion was made by Alex Heartfield and seconded by Shana Weatherbee-Wolfe to authorize the City Manager to negotiate and conclude a settlement agreement with the designated agent of the Executive Inn Hotel, in an amount not less than $23,079, for the payment of certain monies owed to the City pursuant to assessment of the Hotel/Motel Occupancy Tax. Motion passed unanimously.

CONSIDER AND ACT TO AUTHORIZE THE CITY SECRETARY TO POST NOTICE OF DEADLINE TO FILE APPLICATION FOR PLACE ON THE BALLOT FOR MAY 6, 2023, GENERAL ELECTION. Motion made by Jack Little and seconded by Alex Heartfield to authorize the City Secretary to post Notice of Deadline to File Application for Place on the Ballot for May 6, 2023 General Election. Motion carried 4-0.

DISCUSSION REGARDING CURRENT ORDINANCES PERTAINING TO THE REGULATION OF MOBILE FOOD VENDORS WHICH ARE ALSO KNOWN AS "FOOD TRUCKS". Upon considerable discussion of the current ordinances regulating mobile food vendors, also known as "food trucks", Mayor Blanton recommended that the issue be researched further for clarification.

RECESS INTO EXECUTIVE SESSION UNDER THE FOLLOWING PROVISIONS OF THE TEXAS LOCAL GOVERNMENT CODE: Mayor Blanton convened the Council into Executive Session at 9:50 a.m.

a. **Sec. 551.072 - Deliberations about Real Property**

- Deliberations regarding a potential contract for the acquisition of certain real property in the vicinity of Fireman's Park; and

- Discussing regarding the status of a certain lease at the Lake Eddleman RV Park: and

- Discuss bids received for the following Lake Lots:

  Lot Numbers 38, 39, 119, 108A 109, 163,547 and 548

b. **Sec. 551.071 - Personnel Matters**

- Deliberate on the potential employment and duties of:

  - A City Secretary; and
  - An Executive Assistant to the City Manager and Finance Director; and
  - An Assistant City Manager for Economic Development.

- Discuss amendment of the City Manager's contractual benefits.

RECONVENE FROM EXECUTIVE SESSION AND TAKE ACTION, AS REQUIRED.
Mayor Pro Tem Alex Heartfield reconvened from Executive Session at 10:48 a.m.

Motion was made by Alex Heartfield and Jack Little to reject the bids of Lake Lots 38 and 39. Motion passed unanimously. Motion was made by Alex Heartfield and seconded by Randy Cantin to approve the bids for Lake Lots 119, 108A, 109, 163, 547 and 548. Motion passed unanimously.

Motion to approve Plats I, II, and III of the Replat of Lake Graham Lake Lots and authorize the City Manager and City Secretary to execute documents was made by Randy Cantin and seconded by Jack Little. Motion carried unanimously.

Motion to approve the Closing Documents with an amendment to show the escrow monies required will be set at $1,000 and further allow the City Manager to execute all documents on behalf of the City was made by Jack Little and seconded by Randy Cantin. Motion carried unanimously.

Motion to allow the City Manager to combine the Financial Director and City Secretary positions was made by Randy Cantin and seconded by Shana Weatherbee-Wolfe. Motion passed unanimously.

Motion to allow the City Manager to create an Assistant City Manager position and commence with negotiations to fill that position was made by Randy Cantin and seconded by Jack Little. Motion carried unanimously.

Motion to amend the contractual benefits to the City Manager Contract by allowing for a membership to the Graham Country Club was made by Jack Little and seconded by Shana Weatherbee-Wolfe. Motion carried unanimously.

There being no further business, the meeting was adjourned.

Neal Blanton, MAYOR

Sandra Helvey, City Secretary