

**GRAHAM CITY COUNCIL
REGULAR SESSION
MAY 11, 2023**

COUNCIL MEMBERS PRESENT

Alex Heartfield, Mayor
Shana Weatherbee-Wolfe, Mayor Pro-Tem
Jeff Dickinson
Jack Little
Randy Cantin (Exited council table at 8:45 a.m.)
Brant Lundgren (Joined council table at 8:50 a.m.)

STAFF PRESENT

Eric Garretty, City Manager
Marci Bueno, City Secretary
Grant Ingram, Assistant City Manager
Sandra Helvey, Executive Assistant
Randall Dawson, Director of Public Works/Building Official
David Aleshire, Assistant Fire Chief
B.J. Cook, Code Enforcement Officer

1. CALL TO ORDER

Mayor Heartfield convened the Council into Regular Session on Thursday, May 11, 2023 at 8:30 a.m. in the Council Chambers of Graham City Hall, 608 Elm Street. A quorum was present.

2. OPENING PRAYER

Gary Elrod led the invocation.

3. NOTICE OF POSTING: Notice of this Regular Called Meeting of the City Council of the City of Graham Texas was duly posted at a place readily accessible to the public at least 72 hours prior to the date and time of this meeting, in accordance with the Texas Open Meetings Act.**4. PUBLIC FORUM**

Martha Green proposed the city to build a dog park in Alice Ann Street's memory and name it "Annie's Dog Park".

5. REPORTS

Individual Department Heads provided overviews for Council of ongoing updates of their respective departments which included: Public Works, Chamber of Commerce/CVB and GEIC.

City Manager Eric Garretty provided reports on Lake Graham Water Level, Key Dates and Upcoming Events, 2023 Summer Concert Series, along with the Project Status Report.

6. CONSIDER AND ACT TO APPROVE RESOLUTION NO. 142 CERTIFYING THE RESULTS OF THE MAY 6, 2023, CITY GENERAL ELECTION.

Motion made by Randy Cantin and seconded by Shana Weatherbee-Wolfe to approve Resolution No. 142 certifying the results of the May 6, 2023, City General Election. Motion passed unanimously 5 – 0.

7. CONSIDER AND ACT TO APPROVE RESOLUTION NO. 143 CERTIFYING THE RESULTS OF THE MAY 6, 2023, CITY SPECIAL ELECTION.

Motion made by Jack Little and seconded by Randy Cantin to approve Resolution No. 143 certifying the results of the May 6, 2023, City Special Election. Motion passed unanimously 5 – 0.

8. CEREMONY: ADMINISTER THE OATH OF OFFICE TO THE NEWLY ELECTED MAYOR AND COUNCILMEMBERS: City Secretary Marci Bueno administered the Oath of Office to the newly elected Mayor and Councilmembers:

Alex Heartfield – Mayor
Jeff Dickinson – Councilmember Place 2
Jack Little – Councilmember Place 3
Brant Lundgren – Councilmember Place 4

9. **CONSIDER AND ACT TO APPROVE THE MINUTES OF THE REGULAR CALLED MEETING, HELD ON APRIL 27, 2023.**
 Motion made by Shana Weatherbee-Wolfe and seconded by Jack Little to approve the Minutes of the Regular Called Meeting, held on April 27, 2023. Motion passed unanimously 5 – 0.
10. **CONSIDER AND ACT TO APPROVE THE CLOSURE OF THE INTERIOR OF THE SQUARE ON MAY 29, 2023, DURING 11:00 A.M. TO 2:00 P.M., IN SUPPORT OF THE OBSERVANCE OF MEMORIAL DAY BY THE AMERICAN VOLUNTEER RESERVE.**
 Motion made by Jack Little and seconded by Jeff Dickinson to approve the closure of the interior of the Square on May 29, 2023, during 11:00 a.m. to 2:00 p.m., in support of the observance of Memorial Day by the American Volunteer Reserve. Motion passed unanimously 5 – 0.
11. **CONSIDER AND ACT TO APPROVE RESOLUTION NO. 144, ACCEPTING FOR RECORD AND FILING, THE AUDIT OF FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2022, AND FURTHER DIRECTING THE PUBLICATION OF SAME TO THE CITY WEBSITE.**
 Motion made by Jeff Dickinson and seconded by Shana Weatherbee-Wolfe to approve Resolution No. 144, accepting for record and filing, the Audit of Financial Statements for the Fiscal Year ended September 30, 2022, and further directing the publication of same to the City website. Motion passed unanimously 5 – 0.
12. **CONSIDER AND ACT TO APPROVE A REQUEST FOR VARIANCE, FROM ROBERT L. GUHL, FOR CONSTRUCTION OF A NON-CONFORMING PRIVACY FENCE AT HIS RESIDENCE WITH A PHYSICAL ADDRESS OF 1509 NORTHCLIFF COURT; BASED ON A FAVORABLE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION.**
 Motion made by Jack Little and seconded by Jeff Dickinson to approve a request for variance, from Robert L. Guhl, for construction of a non-conforming privacy fence at his residence with a physical address of 1509 Northcliff Court; based on a favorable recommendation from the Planning and Zoning Commission. Motion passed unanimously 5 – 0.
13. **CONSIDER AND ACT TO APPROVE A REQUEST FOR VARIANCE, FROM ROBERT HART, FOR INSTALLATION OF A NON-CONFORMING SIGN TO THE UNDERSIDE OF THE DECKING LOCATED AT A COMMERCIAL PROPERTY WITH A PHYSICAL ADDRESS OF 609 ELM STREET; BASED ON A FAVORABLE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION.**
 Motion made by Jack Little and seconded by Brant Lundgren to approve a request for variance, from Robert Hart, for installation of a non-conforming sign to the underside of the decking located at a commercial property with a physical address of 609 Elm Street; based on a favorable recommendation from the Planning and Zoning Commission. Motion passed unanimously 5 – 0.
14. **CONSIDER AND ACT TO APPROVE A SPECIAL USE PERMIT REQUEST, FROM JAYME AND KELLY CRAWFORD, FOR OPERATION OF A NON-CONFORMING, NON-HOSTED 'AIR BED AND BREAKFAST' LOCATED AT A RESIDENTIAL PROPERTY WITH A PHYSICAL ADDRESS OF 1308 FOURTH STREET, WITH A PHYSICAL ADDRESS OF 609 ELM STREET; BASED ON A FAVORABLE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION.**
 Motion made by Jeff Dickinson and seconded by Shana Weatherbee-Wolfe to approve a Special Use Permit request, from Jayme and Kelly Crawford, for operation of a non-conforming, non-hosted 'Air Bed and Breakfast' located at a residential property with a physical address of 1308 Fourth Street, with a physical address of 609 Elm Street; based on a favorable recommendation from the Planning and Zoning Commission. Motion passed unanimously 5 – 0.
15. **CONSIDER AND ACT TO APPROVE, UPON SECOND READING, ORDINANCE NO. 1148 AMENDING APPENDIX A – 'ZONING ORDINANCE', ARTICLE 11 –**

'PLANNED DEVELOPMENT DISTRICT' BY ADDING SECTION 4.1 – 'DOWNTOWN DEVELOPMENT DISTRICT NO. 1' FOR THE PURPOSE OF DEFINING AND DESCRIBING THE GEOGRAPHIC BOUNDARIES OF THE PROPOSED DISTRICT, AND RELATED PROVISIONS.

Motion made by Jeff Dickinson and seconded by Jack Little to approve, upon **SECOND READING**, Ordinance No. 1148 amending Appendix A – 'Zoning Ordinance', Article 11 – 'Planned Development District' by adding Section 4.1 – 'Downtown Development District No. 1' for the purpose of defining and describing the geographic boundaries of the proposed District, and related provisions. Motion passed unanimously 5 – 0.

- 16. CONSIDER AND ACT TO APPROVE RESOLUTION NO. 145 AUTHORIZING THE CITY MANAGER TO IMPLEMENT THE FISCAL YEAR 2022-2023 LEAVE BUYBACK PROGRAM IN AN AMOUNT NOT TO EXCEED \$142,601.**

Motion made by Jack Little and seconded by Jeff Dickinson to approve Resolution No. 145 authorizing the City Manager to implement the Fiscal Year 2022-2023 Leave Buyback Program in an amount not to exceed \$142,601. Motion passed unanimously 5 – 0.

- 17. CONSIDER AND ACT TO AUTHORIZE THE CITY MANAGER TO ACCEPT THE HIGHEST VALUE SEALED BID, FOR THE PURCHASE OF A CERTAIN PROPERTY HELD IN TRUST BY THE CITY AND LEGALLY DESCRIBED AS BEN HILL/GRAHAM BLOCK 59, LOT 4, CITY OF GRAHAM, COUNTY OF YOUNG, WITH PHYSICAL ADDRESS 324 TENNESSEE STREET AND FURTHER, AUTHORIZING THE CITY MANAGER TO COORDINATE THE SALE OF SAME WITH RELATED TAXING ENTITIES.**

Motion made by Jack Little and seconded by Brant Lundgren to authorize the City Manager to award the highest value sealed bid from Maria Morales for \$10,000.00, for the purchase of a certain property held in Trust by the City and legally described as Ben Hill/Graham Block 59, Lot 4, City of Graham, County of Young, with physical address 324 Tennessee Street and further, authorizing the City Manager to coordinate the sale of same with related taxing entities. Motion passed unanimously 5 – 0.

- 18. CONSIDER AND ACT TO APPROVE A TEMPORARY EMERGENCY WHOLESALE TREATED WATER SUPPLY AGREEMENT BY AND BETWEEN THE CITY OF GRAHAM, THE CITY OF THROCKMORTON, AND THE FORT BELKNAP WATER SUPPLY CORPORATION.**

Motion made by Jeff Dickinson and seconded by Jack Little to approve a Temporary Emergency Wholesale Treated Water Supply Agreement by and between the City of Graham, the City of Throckmorton, and the Fort Belknap Water Supply Corporation. Motion passed unanimously 5 – 0.

- 19. DISCUSSION REGARDING PROPOSED FUTURE AGENDA ITEMS.**

Discussion regarding proposed future agenda items included establishing a committee for "Transportation Improvements".

- 20. RECESS INTO EXECUTIVE SESSION UNDER THE FOLLOWING PROVISIONS OF THE TEXAS LOCAL GOVERNMENT CODE:** Mayor Alex Heartfield convened the Council into Executive Session at 9:07 a.m.

Sec. 551.072 – Deliberations About Real Property

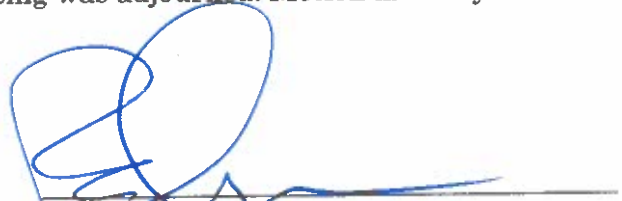
- Deliberations regarding the proposed lease of certain real property located at 786 Sewer Plant Road, Graham, Texas

- 21. RECONVENE FROM EXECUTIVE SESSION AND TAKE ACTION, AS REQUIRED.** Mayor Alex Heartfield reconvened from Executive Session at 9:30 a.m.

Motion made by Jeff Dickinson and seconded by Jack Little to direct the City Manager to negotiate a lease extension with Zito West Holding, LLC located at 786 Sewer Plant Road. Motion passed unanimously 5 – 0.

22. ADJOURNMENT.

There being no further business, the meeting was adjourned. Motion made by Jack Little and seconded by Jeff Dickinson.



R. Alex Heartfield, MAYOR



Marci Bueno, City Secretary/Financial Officer