

**GRAHAM CITY COUNCIL
REGULAR SESSION
JUNE 22, 2023**

COUNCIL MEMBERS PRESENT

Alex Heartfield, Mayor
Shana Weatherbee-Wolfe, Mayor Pro-Tem (Absent)
Jeff Dickinson
Jack Little (Absent)
Brant Lundgren

STAFF PRESENT

Eric Garretty, City Manager
Marci Bueno, City Secretary/Financial Official (Absent)
Sandra Helvey, Executive Assistant
Randall Dawson, Director of Public Works/Building Official
Brent Bullock, Chief of Police
Jim Don Laurent, Fire Chief
David Aleshire, Assistant Fire Chief
B.J. Cook, Code Enforcement Officer
Kelly LaFarge, Library Director
Jon Delamarter, Airport Manager
Jack Edwards, Street Supervisor

1. CALL TO ORDER

Mayor Heartfield convened the Council into Regular Session on Thursday, June 22, 2023 at 8:30 a.m. in the Council Chambers of Graham City Hall, 608 Elm Street. A quorum was present.

2. 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.

3. ROLL CALL OF MEMBERS PRESENT**4. OPENING PRAYER**

Cathy Partridge led the invocation.

5. POLICE DEPARTMENT AWARD CEREMONY – PRESENTATION BY BRENT BULLOCK, CHIEF OF POLICE

Police Chief Brent Bullock presented Sergeant Christopher Denney with the merit award for going far beyond the performance of his normal duty to contribute to a more effective and efficient workplace.

6. PUBLIC FORUM

-Sonya Ramos invited everyone to the Graham Memorial Auditorium to see 'The Wizard of Oz' by Graham Regional Theater.

-Guy Farquharson sent a letter stating his opinion on golf carts being allowed on city streets. He also stated his tree limbs that were placed at the curb have not been picked up.

-Susan Smith sent a letter informing the city that in front of her business there was an elderly patron that was trying to get out of his vehicle where the curb is high, reached up, grabbed the garbage polycart for support and fell and broke his wrist. She would like the council to consider an agenda item to install handrails along the high portion of the curb.

7. REPORTS

Individual Department Heads provided overviews for Council of ongoing updates of their respective departments which included: Code Enforcement, Municipal Court, Library, Street Department, Chamber of Commerce/CVB, Airport and Public Works. City Manager Eric Garretty provided reports on Lake Graham Water Level, Key Dates and Upcoming Events, Hotel Occupancy Tax Report, along with the Project Status Report.

8. **CONSIDER AND ACT TO APPROVE THE MINUTES OF THE REGULAR CALLED MEETING, HELD ON MAY 25, 2023.**
Motion made by Brant Lundgren and seconded by Jeff Dickinson to approve the Minutes of the Regular Called Meeting, held on May 25, 2023. Motion passed unanimously 3 – 0.
9. **CONSIDER AND ACT ON THE FINANCIAL REPORTS FOR THE PERIOD ENDING MAY 31, 2023.**
Motion made by Jeff Dickinson and seconded by Brant Lundgren to approve the Financial Reports for the period ending May 31, 2023. Motion passed unanimously 3 – 0.
10. **PRESENTATION OF THE SALES TAX REPORT DETAILING SALES TAX REVENUE COLLECTED DURING APRIL 2023.**
City Manager Eric Garretty presented the Sales Tax Report detailing sales tax revenue collected during April 2023.
11. **CONSIDER AND ACT TO APPROVE RESOLUTION NO. 151, NOMINATING A CERTAIN QUALIFIED PERSON TO BE CONSIDERED FOR ELECTION TO THE YOUNG CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS, PURSUANT TO THE NEED TO FILL A CURRENT VACANCY ON THE BOARD OF DIRECTORS OF SAME.**
Motion made by Brant Lundgren and seconded by Jeff Dickinson to take no action on Resolution No. 151, nominating a certain qualified person to be considered for election to the Young Central Appraisal District Board of Directors, pursuant to the need to fill a current vacancy on the Board of Directors of same. Motion passed unanimously 3 – 0.
12. **DISCUSSION REGARDING A PROPOSAL TO INSTALL AN OUTDOOR MURAL ON THE GROUNDS OF CITY HALL.**
City Manager Eric Garretty discussed a proposal to install an outdoor mural on the grounds of City Hall.
13. **CONSIDER AND ACT TO AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND CONCLUDE A PRELIMINARY DESIGN AGREEMENT FOR THE PLACEMENT OF A CERTAIN OUTDOOR MURAL ON THE GROUNDS OF CITY HALL, IN AN AMOUNT NOT TO EXCEED \$5,000.**
Motion made by Jeff Dickinson and seconded by Brant Lundgren to authorize the City Manager to negotiate and conclude a preliminary design agreement for the placement of a certain outdoor mural on the grounds of City Hall, in an amount not to exceed \$5,000. Motion passed unanimously 3 – 0.
14. **CONSIDER AND ACT TO APPROVE A JOINT 'SPECIAL USE PERMIT' TO THE GRAHAM CHAMBER OF COMMERCE, AND THE GRAHAM CONVENTION AND VISITORS BUREAU, TO PERMIT THE PLAYING OF AMPLIFIED MUSIC ON THE SQUARE DURING 9:00 A.M. – 9:00 P.M., ON WEEKDAYS AND WEEKENDS, AND FURTHER, WAIVING THE REQUIREMENTS CONTAINED IN SECTION 16-8 – 'USE OF AMPLIFYING DEVICES AND SOUND TRUCKS', OF THE CODE OF ORDINANCES, OF THE CITY OF GRAHAM (AS AMENDED).**
Motion made by Jeff Dickinson and seconded by Brant Lundgren to approve a joint 'Special Use Permit' to the Graham Chamber of Commerce, and the Graham Convention and Visitors Bureau, to permit the playing of amplified music on the square during 9:00 a.m. – 9:00 p.m., on weekdays and weekends, and further, waiving the requirements contained in Section 16-8 – 'Use of amplifying devices and sound trucks', of the Code of Ordinances, of the City of Graham (as amended) for a period of 30 days. Motion passed unanimously 3 – 0.
15. **CONSIDER AND ACT TO APPROVE A VARIANCE REQUEST FROM ADRIAN SERRANO AND VIANEY HERNANDEZ TO INSTALL A NON-CONFORMING FENCE, EIGHT FEET IN HEIGHT, ALONG A CERTAIN SEGMENT OF THE PERIMETER OF A RESIDENTIAL PROPERTY, WITH A PHYSICAL ADDRESS OF 810 TENNESSEE STREET; BASED ON A FAVORABLE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION.**

Motion made by Brant Lundgren and seconded by Jeff Dickinson to approve a variance request from Adrian Serrano and Vianey Hernandez to install a non-conforming fence, eight feet in height, along a certain segment of the perimeter of a residential property, with a physical address of 810 Tennessee Street; based on a favorable recommendation from the Planning and Zoning Commission. Motion passed unanimously 3 – 0.

16. **CONSIDER AND ACT TO APPROVE A VARIANCE REQUEST, AND A RELATED 'SPECIAL USE PERMIT' REQUEST, FROM TRENTON THETFORD, TO ALLOW FOR THE NON-CONFORMING EMPLACEMENT OF A MOBILE HOME IN A COMMERCIAL ZONE AND FURTHER, PERMITTING THE PRESENCE OF TWO RESIDENTIAL STRUCTURES ON A SINGLE PARCEL, WITH A PHYSICAL ADDRESS OF 2707 SKY STREET; BASED ON A FAVORABLE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION.**

Motion made by Brant Lundgren and seconded by Jeff Dickinson to table a variance request, and a related 'Special Use Permit' request, from Trenton Thetford, to allow for the non-conforming emplacement of a mobile home in a commercial zone and further, permitting the presence of two residential structures on a single parcel, with a physical address of 2707 Sky Street; based on a favorable recommendation from the Planning and Zoning Commission. No action taken.

17. **CONSIDER AND ACT TO APPROVE A 'SPECIAL USE PERMIT' REQUEST, FROM ROLLING PLAINS MANAGEMENT CORPORATION (CROWELL, TEXAS), TO ALLOW FOR THE OVERNIGHT PARKING OF COMMERCIAL TRANSPORTATION VEHICLES AND THE INSTALLATION OF A MODULAR OFFICE BUILDING, ON NON-COMPANY OWNED PROPERTY, WITH A PHYSICAL ADDRESS OF 1417 REMINGTON STREET; BASED ON A FAVORABLE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION.**

Motion made by Jeff Dickinson and seconded by Brant Lundgren to approve a 'Special Use Permit' request, from Rolling Plains Management Corporation (Crowell, Texas), to allow for the overnight parking of commercial transportation vehicles and the installation of a modular office building, on non-company owned property, with a physical address of 1417 Remington Street; based on a favorable recommendation from the Planning and Zoning Commission. Motion passed unanimously 3 – 0.

18. **CONSIDER AND ACT TO APPROVE RESOLUTION NO. 152, AUTHORIZING APPLICATION TO THE TEXAS PARKS AND WILDLIFE DEPARTMENT FOR A GRANT, IN AN AMOUNT NOT TO EXCEED \$500,000, IN FURTHERANCE OF THE CITY'S 'PHASE 2 PARKS IMPROVEMENT PROGRAM'; AND FURTHER RESOLVING THAT THE CITY IS ELIGIBLE TO RECEIVE PROGRAM ASSISTANCE, THAT THE CITY HAS AVAILABLE MATCHING FUNDS, AND THAT THE CITY WILL DEDICATE THE PROJECT SITE FOR PERMANENT PARK AND RECREATIONAL USES; AND FURTHER STILL, DESIGNATING CITY MANAGER ERIC GARRETTY, AS THE CITY'S DESIGNATED REPRESENTATIVE, FOR ALL MATTERS PERTAINING TO SAID GRANT.**

Motion made by Jeff Dickinson and seconded by Brant Lundgren to approve Resolution No. 152, authorizing application to the Texas Parks and Wildlife Department for a grant, in an amount not to exceed \$500,000, in furtherance of the City's 'Phase 2 Parks Improvement Program'; and further resolving that the City is eligible to receive program assistance, that the City has available matching funds, and that the City will dedicate the project site for permanent park and recreational uses; and further still, designating City Manager Eric Garretty, as the City's Designated Representative, for all matters pertaining to said grant. Motion passed unanimously 3 – 0.

19. **CONSIDER AND ACT TO APPROVE RESOLUTION NO. 153, NAMING CITY MANAGER ERIC GARRETTY AS THE CITY'S DESIGNATED AGENT FOR ALL MATTERS PERTAINING TO CONVEYANCE OF ALL REAL PROPERTY LYING ADJACENT AND CONTIGUOUS TO LAKE GRAHAM AND LAKE EDDLEMAN.**

Motion made by Jeff Dickinson and seconded by Brant Lundgren to approve Resolution No. 153, naming City Manager Eric Garretty as the City's Designated Agent for all matters pertaining to conveyance of all real property lying adjacent and contiguous to Lake Graham and Lake Eddleman. Motion passed unanimously 3 – 0.

20. **CONSIDER AND ACT TO APPROVE THE "VARIANCE OF AREA RESTRICTIONS" FORM, FOR USE IN THE GRANTING OF CERTAIN VARIANCES TO LAKE LOT PURCHASERS AND FURTHER, DIRECTING THE CITY MANAGER TO IMPLEMENT THE USE OF SAME.**

Motion made by Jeff Dickinson and seconded by Brant Lundgren to approve the "Variance of Area Restrictions" form, for use in the granting of certain variances to Lake Lot purchasers and further, directing the City Manager to implement the use of same. Motion passed unanimously 3 – 0.

21. **CONSIDER AND ACT TO AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND CONCLUDE A CONTRACT WITH TIMCO CONSTRUCTION INCORPORATED (BRISTOW, OKLAHOMA), IN AN AMOUNT NOT TO EXCEED \$3,000,000, PURSUANT TO SAID COMPANY'S LOW BID PROPOSAL FOR THE NEW ALTERNATE WATERLINE CAPITAL PROJECT AND FURTHER, MAKE SUCH CONTRACT AWARD BASED ON A FAVORABLE RECOMMENDATION FROM THE CITY'S CONSULTING ENGINEER.**

Motion made by Jeff Dickinson and seconded by Brant Lundgren to authorize the City Manager to negotiate and conclude a contract with TIMCO Construction Incorporated (Bristow, Oklahoma), in an amount not to exceed \$3,000,000, pursuant to said company's low bid proposal for the New Alternate Waterline capital project and further, make such contract award based on a favorable recommendation from the City's consulting engineer. Motion passed unanimously 3 – 0.

22. **PRESENTATION BY THE CITY MANAGER OF THE DRAFT, PROPOSED FISCAL YEAR 2023-2024 ANNUAL BUDGET.**

City Manager Eric Garretty presented the draft for the Proposed Fiscal Year 2023-2024 Annual Budget.

23. **DISCUSSION REGARDING PROPOSED FUTURE AGENDA ITEMS.**

Discussion regarding proposed future agenda items included installing handrails around the square.

24. **RECESS INTO EXECUTIVE SESSION UNDER THE FOLLOWING PROVISIONS OF THE TEXAS LOCAL GOVERNMENT CODE:** Mayor Alex Heartfield convened the

Council into Executive Session at 10:34 a.m.

a. Sec. 551.071 – Consultation with Attorney

- Consultation regarding the status of pending contracts related to the sale of certain real property on Lake Graham; and
- Consultation regarding potential litigation resulting from damage to a privately-owned vehicle on city property.

b. Sec. 551.072 – Deliberations About Real Property

- Deliberations regarding an offer to purchase Lake Lot No. 15; and
- Deliberations regarding an offer to purchase Lake Lot Nos. 24, 25 and 26; and
- Deliberations regarding an offer to purchase Lake Lot No. 28; and
- Deliberations regarding an offer to purchase Lake Lot No. 102; and
- Deliberations regarding an offer to purchase Lake Lot No. 161; and
- Deliberations regarding an offer to purchase Lake Lot Nos. 194 and 195; and
- Deliberations regarding an offer to purchase Lake Lot Nos. 532, 533 and 534.

25. **RECONVENE FROM EXECUTIVE SESSION AND TAKE ACTION, AS REQUIRED.**

Mayor Alex Heartfield reconvened from Executive Session at 11:26 a.m.

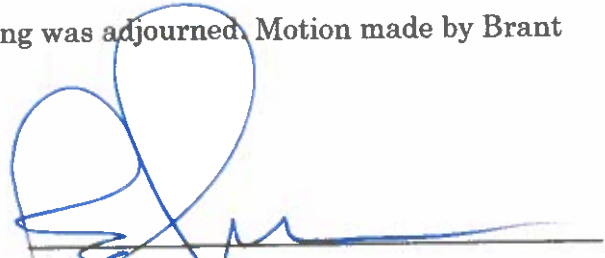
Motion made by Jeff Dickinson and seconded by Brant Lundgren to approve offers to purchase Lake Lot No. 15, 24, 25, 26, 28, 102, 161, 194, 195, 532, 533 and 534. Motion passed unanimously 3 – 0.

Motion made by Jeff Dickinson and seconded by Brant Lundgren to amend future lake lot sale approvals to note that appraisals for approved lake lots must be less than one year old and contracts must be executed within 90 days of contract submitted to purchaser. Motion passed unanimously 3 – 0.

Motion made by Jeff Dickinson and seconded by Brant Lundgren to authorize the City Manager to negotiate a release of an all claims agreement with Brady Bynum. Motion passed unanimously 3 – 0.

26. ADJOURNMENT.

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



R. Alex Heartfield, MAYOR



Marci Bueno, City Secretary/Financial Officer