

**GRAHAM CITY COUNCIL
REGULAR SESSION
SEPTEMBER 14, 2023**

COUNCIL MEMBERS PRESENT

Mayor: Alex Heartfield
Mayor Pro-Tem/Place 1: Shana Weatherbee-Wolfe
Councilmember Place 2: Jeff Dickinson
Councilmember Place 3: Jack Little
Councilmember Place 4: Brant Lundgren

COUNCIL MEMBERS ABSENT

None

STAFF PRESENT

Eric Garretty, City Manager
Grant Ingram, Assistant City Manager
Cassie Kieschnick, Executive Assistant
Randall Dawson, Director of Public Works/Building Official
B.J. Cook, Code Enforcement Officer
Carla Ritchie, Municipal Court Clerk
Jon Delamarter, Airport Manager
Chris Denney, IT Director
Deanna Bullock, Interim Library Director

1. CALL TO ORDER

Mayor Alex Heartfield called the meeting to order at 8:30 a.m.

- 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

Mayor: Alex Heartfield
Mayor Pro-Tem: Shana Weatherbee-Wolfe
Councilmember Place 2: Jeff Dickinson
Councilmember Place 3: Jack Little
Councilmember Place 4: Brant Lundgren

4. OPENING PRAYER

Cathy Partridge led the invocation.

5. PUBLIC FORUM

Sonya Ramos invited everyone to Graham Regional Theatre's fall production of *The Revolutionist* on September 23rd & 24th.
Dale Garner and Charles Crumpton with Abilene Environment Landfill (AEL) wanted to let the City of Graham know there are other options when it comes to municipal solid waste. Dale stated AEL owns the landfill in Abilene which is about 264 acres. He stated Alamo Environmental is the owner of AEL.

6. CONSIDER AND ACT TO APPROVE RESOLUTION NO. 159 HONORING THE SERVICE OF FORMER MAYOR EDWIN M. HINSON.

Motion made by Jack Little and seconded by Jeff Dickinson to approve Resolution No. 159 honoring the service of former Mayor Edwin M. Hinson. Motion passed unanimously 5 – 0.

7. REPORTS

Individual Department Heads provided overviews for Council on ongoing updates of their respective departments which included: TDEM, Library, Airport, Public Works, Chamber/Visit Graham, Parks and Arena.
City Manager Eric Garretty provided reports on the City Manager Report, Lake Graham Water Level, Key Dates and Upcoming Events, Boards Update, along with the Project Status Report.

8. CONSIDER AND ACT TO APPROVE THE MINUTES OF THE REGULAR CALLED MEETING HELD ON AUGUST 31, 2023.

Motion made by Shana Weatherbee-Wolfe and seconded by Brant Lundgren to approve the Minutes of the Regular Called meeting held on August 31, 2023. Motion passed unanimously 5 – 0.

9. CONSIDER AND ACT TO APPROVE RESOLUTION NO. 160, RATIFYING THE CITY OF GRAHAM INVESTMENT POLICY FOR FISCAL YEAR 2023-2024.

Motion made by Brant Lundgren and seconded by Jack Little to approve Resolution No. 160, ratifying the City of Graham Investment Policy for Fiscal Year 2023-2024. Motion passed unanimously 5 – 0.

10. CONSIDER AND ACT TO APPROVE AND ADOPT, ON THIRD AND FINAL READING, ORDINANCE NO. 1153 AMENDING SECTIONS 20-2 "LIBRARIAN", AND 20-21 "BUDGET AND EXPENDITURES", OF CHAPTER 20 – 'PUBLIC LIBRARY', OF THE CODE OF ORDINANCES (AS AMENDED), TO PROVIDE FOR THE RESOLUTION OF CERTAIN CONFLICTS BETWEEN SAID SECTIONS AND THE CITY OF GRAHAM CHARTER.

Motion made by Jack Little and seconded by Brant Lundgren to approve and adopt, on **THIRD AND FINAL READING**, Ordinance No. 1153 amending Sections 20-2 "Librarian", and 20-21 "Budget and expenditures", of Chapter 20 – 'Public Library', of the Code of Ordinances (as amended), to provide for the resolution of certain conflicts between said Sections and the City of Graham Charter. Motion passed unanimously 5 – 0.

11. CONSIDER AND ACT TO APPROVE, ON FIRST READING, ORDINANCE NO. 1155, AMENDING SECTION 3-19 -"USE OF AIRPORT RESTRICTED", OF CHAPTER 3 "AIRPORT", OF THE CODE OF ORDINANCES (AS AMENDED), TO PROVIDE FOR THE TRANSFER TO THE AIRPORT BOARD OF DIRECTORS, THE FULL APPROVAL AUTHORITY TO APPROVE COMMERCIAL ACTIVITY AT THE GRAHAM MUNICIPAL AIRPORT.

Motion made by Brant Lundgren and seconded by Shana Weatherbee-Wolfe to approve, on **FIRST READING**, Ordinance No. 1155, amending Section 3-19 -"Use of airport restricted", of Chapter 3 "Airport", of the Code of Ordinances (as amended), to provide for the transfer to the Airport Board of Directors, the full approval authority to approve commercial activity at the Graham Municipal Airport. Motion passed unanimously 5 – 0.

12. CONSIDER AND ACT TO APPROVE, ON FIRST READING, ORDINANCE NO. 1156, AMENDING SECTION 16-12 "CAMPING AND RELATED USES OF CITY OWNED PROPERTIES", OF CHAPTER 16 "MISCELLANEOUS OFFENSES AND PROVISIONS", OF THE CODE OF ORDINANCES (AS AMENDED), TO PROVIDE FOR A PROHIBITION ON THE USE OF OPEN FIRES, OF ANY TYPE, IN ALL CITY PARKS.

Motion made by Shana Weatherbee-Wolfe and seconded by Jack Little to table, on **FIRST READING**, Ordinance No. 1156, amending Section 16-12 "Camping and related uses of city owned properties", of Chapter 16 "Miscellaneous Offenses and Provisions", of the Code of Ordinances (as amended), to provide for a prohibition on the use of open fires, of any type, in all City parks. Motion passed unanimously 5 – 0.

13. CONSIDER AND ACT TO AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND CONCLUDE A CONTRACT FOR CONSTRUCTION OF A RECLAIMED WATER PIPELINE, WITH ACADIA SERVICES (RICHLAND HILL, TEXAS), A LIMITED LIABILITY COMPANY, IN AN AMOUNT NOT TO EXCEED \$6,150,000, BASED ON A FAVORABLE RECOMMENDATION FROM THE CITY'S ENGINEER OF RECORD, KIMLEY-HORN.

Motion made by Jeff Dickinson and seconded by Jack Little to table authorizing the City Manager to negotiate and conclude a contract for construction of a Reclaimed Water pipeline, with Acadia Services (Richland Hill, Texas), a Limited Liability Company, in an amount not to exceed \$6,150,000, based on a favorable recommendation from the City's Engineer of Record, Kimley-Horn. Motion passed unanimously 5 – 0.

(Note: Under Agenda Item No. 14 a Motion to reconsider Agenda Item No. 13 made by Jack Little and seconded by Brant Lundgren. Motion passed unanimously 5 – 0.)

The previous motion to table was vacated by a Motion to Reconsider. Upon reconsideration, a Motion was made by Jack Little and seconded by Jeff Dickinson to authorize the City Manager to negotiate and conclude a contract for construction of a Reclaimed Water pipeline, with Acadia Services (Richland Hill, Texas), a Limited Liability Company, in an amount not to exceed \$6,150,000, based on a favorable

recommendation from the City's Engineer of Record, Kimley-Horn. Motion passed unanimously 5 – 0.

14. **CONSIDER AND ACT TO AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND CONCLUDE A CONTRACT FOR CONSTRUCTION OF A PUMP STATION FOR RECLAIMED WATER, WITH MELA CONTRACTING INCORPORATED (RHOME, TEXAS), IN AN AMOUNT NOT TO EXCEED \$3,255,000, BASED ON A FAVORABLE RECOMMENDATION FROM THE CITY'S ENGINEER OF RECORD, KIMLEY-HORN.**

THE CITY COUNCIL MEETING RECESSED AT 9:36 A.M. TO ALLOW THE CITY MANAGER TO OBTAIN DOCUMENTS FOR COUNCIL REVIEW.

THE CITY COUNCIL MEETING RECONVENED AT 9:43 A.M.

Motion made by Jeff Dickinson and seconded by Jack Little to authorize the City Manager to negotiate and conclude a contract for construction of a Pump Station for Reclaimed Water, with MELA Contracting Incorporated (Rhome, Texas), in an amount not to exceed \$3,255,000, based on a favorable recommendation from the City's Engineer of Record, Kimley-Horn. Motion passed unanimously 5 – 0.

After concluding discussion of Agenda Item #14, a Motion was made by Jack Little and seconded by Brant Lundgren to reconsider Agenda Item No. 13. Motion passed unanimously 5 – 0.

15. **CONSIDER AND ACT TO AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND CONCLUDE A CONTRACT FOR CITYWIDE CONCRETE CURB AND GUTTER REPAIR, WITH R. MORALES CONCRETE (GRAHAM, TEXAS), A LIMITED LIABILITY COMPANY, IN AN AMOUNT NOT TO EXCEED \$85,000, BASED ON THE SELECTION OF R. MORALES CONCRETE AS THE SOLE RESPONSIVE BIDDER TO A CITY ADVERTISEMENT FOR CONCRETE CURB AND GUTTER REPAIR.**

Motion made by Jeff Dickinson and seconded by Shana Weatherbee-Wolfe to authorize the City Manager to negotiate and conclude a contract for citywide concrete curb and gutter repair, with R. Morales Concrete (Graham, Texas), a Limited Liability Company, in an amount not to exceed \$85,000, based on the selection of R. Morales Concrete as the sole responsive bidder to a City advertisement for concrete curb and gutter repair. Motion passed unanimously 5 – 0.

16. **CONSIDER AND ACT TO AUTHORIZE THE CITY MANAGER TO INSTALL CROSSWALKS, SPEED REDUCTION DEVICES, AND LIGHTED SPEED LIMIT SIGNS, IN THE SCHOOL ZONE LOCATED ALONG OAK STREET BETWEEN FIRST AND SECOND STREETS, BASED ON A FAVORABLE RECOMMENDATION FROM THE TRANSPORTATION IMPROVEMENTS COMMITTEE.**

Motion made by Brant Lundgren and seconded by Shana Weatherbee-Wolfe to authorize the City Manager to install crosswalks, speed reduction devices, and lighted speed limit signs, in the school zone located along Oak Street between First and Second Streets, based on a favorable recommendation from the Transportation Improvements Committee. Motion passed unanimously 5 – 0.

17. **CONSIDER AND ACT TO AUTHORIZE THE CITY MANAGER TO INSTALL SPEED REDUCTION DEVICES ACROSS CERTAIN SEGMENTS OF MONTGOMERY AND EAST STREETS IN THE VICINITY OF THE GRAHAM REGIONAL MEDICAL CENTER, BASED ON A FAVORABLE RECOMMENDATION FROM THE TRANSPORTATION IMPROVEMENTS COMMITTEE.**

Motion made by Jeff Dickinson and seconded by Brant Lundgren to authorize the City Manager to install speed reduction devices across certain segments of Montgomery and East Streets in the vicinity of the Graham Regional Medical Center, based on a favorable recommendation from the Transportation Improvements Committee. Motion passed unanimously 5 – 0.

18. **CONSIDER AND ACT TO APPROVE THE USE OF SALT CREEK PARK FOR THE 'GROWING CHORDS FALL GATHERING' ON SATURDAY, SEPTEMBER 23, 2023.**

Motion made by Jeff Dickinson and seconded by Brant Lundgren to approve the use of Salt Creek Park for the 'Growing Chords Fall Gathering' on Saturday, September 23, 2023. Motion passed unanimously 5 – 0.

19. **CONSIDER AND ACT TO AUTHORIZE THE CITY MANAGER TO ISSUE A SPECIAL USE PERMIT TO GROWING CHORDS INCORPORATED WHICH**

ALLOWS FOR THE CONSUMPTION OF ALCOHOL IN SALT CREEK PARK DURING THE 'GROWING CHORDS FALL GATHERING' TO BE HELD ON SATURDAY, SEPTEMBER 23, 2023.

Motion made by Brant Lundgren and seconded by Jack Little to authorize the City Manager to issue a special use permit to Growing Chords Incorporated which allows for the consumption of alcohol in Salt Creek Park during the 'Growing Chords Fall Gathering' to be held on Saturday, September 23, 2023. Motion passed unanimously 5 - 0.

20. **CONSIDER AND ACT TO AUTHORIZE THE CITY MANAGER TO TAKE SUCH ACTIONS AS MAY BE REQUIRED TO REMOVE SANDRA HELVEY AS A SIGNATORY AUTHORITY FROM ALL CITY OF GRAHAM FINANCIAL ACCOUNTS EFFECTIVE SEPTEMBER 14, 2023.**

Motion made by Jeff Dickinson and seconded by Brant Lundgren to authorize the City Manager to take such actions as may be required to remove Sandra Helvey as a signatory authority from all City of Graham financial accounts effective September 14, 2023. Motion passed unanimously 5 - 0.

21. **DISCUSSION REGARDING PROPOSED FUTURE AGENDA ITEMS.**
Future agenda items included the Plug Power final agreement.

22. **RECESS INTO EXECUTIVE SESSION UNDER THE FOLLOWING PROVISION OF THE TEXAS LOCAL GOVERNMENT CODE:** Mayor Alex Heartfield convened the Council into Executive Session at 10:10 a.m.

Sec. 551.072 – Deliberations About Real Property

- Deliberations regarding an offer to purchase Lake Lot No. 248R; and
- Deliberations regarding the replat of Lake Lots 501 through 529, of the Lake Graham East Side Subdivision, and Lake Lots 530 through 549, of the Northeast Lake Graham Subdivision.

23. **RECONVENE FROM EXECUTIVE SESSION AND TAKE ACTION, AS REQUIRED.**
Mayor Alex Heartfield reconvened from Executive Session at 10:17 a.m.

Motion made by Jeff Dickinson and seconded by Shana Weatherbee-Wolfe to approve the offer from Marshall and Elizabeth Davis to purchase Lake Lot Number 248R, for \$30,000, the appraised value. Motion passed unanimously 5 - 0.

Motion made by Jeff Dickinson and seconded by Jack Little to approve the replat of Lake Lot Numbers 501 through 529 of the Lake Graham East Side Subdivision, and further move, to approve the replat of Lake Lot Numbers 530 through 549, of the Northeast Lake Graham Subdivision, and further still move, to direct the City Secretary to file the same for public record. Motion passed unanimously 5 - 0.

24. **ADJOURNMENT**

There being no further business, the meeting was adjourned at 10:19 a.m. Motion made by Jack Little and seconded by Jeff Dickinson.

R. Alex Heartfield, MAYOR

Marci Bueno, City Secretary/Financial Official