

MINUTES
FRITCH CITY COUNCIL REGULAR SESSION
TUESDAY MARCH 22, 2016
CITY ANNEX 509 W. BROADWAY FRITCH, TEXAS
7:00 P.M.

1. **Call to order.** Meeting called to order by Mayor W. Kelly Henderson at 7:00 pm. Council members present: Yvonne Blackwell, Denise Campbell, Richard Hein and Arturo Gutierrez. Absent - Mayor Pro Tem Arlin Audrain. City Employees present: Steve McKay, Cody Benge, Ed Adamson, Monte Leggett and Cindy Cook. Guests: Dwight Kirksey, Jesse Shuffield and Tara Huff.
2. **Invocation – pledge of allegiance.** Prayer given by Chief Monte Leggett Pledge of allegiance led by Council member Blackwell.
3. **Recognize visitors – Mayor Kelly Henderson.**
4. **Open forum.** No one signed up to speak on open forum.
5. **New business:**
 - A. **Approve minutes of the following meetings: February 16, 2016.** Council member Campbell made the motion to approve the minutes of February 16, 2016. Second made by Council member Gutierrez. Vote 4/0.
 - B. **Discuss and take action on accounts payable.** Council member Hein made the motion to approve the accounts payable. Second made by Council member Blackwell. Vote 4/0.
 - C. **Discuss and take action to accept certification of unopposed candidates prepared by the city secretary.** Council member Blackwell made the motion to accept the certification of unopposed candidates as prepared by the city secretary. Second made by Council member Gutierrez. Vote 3/0. Council member Hein abstained.
 - D. **Discuss and take action on Ordinance No. 544, declaring unopposed candidates in the May 7, 2016 general city election, elected to office; canceling the election; providing a severability clause; and providing an effective date.** Council member Campbell made the motion to approve Ordinance No. 544, declaring unopposed candidates in the May 7, 2016 general city election, elected to office; canceling the election; providing a severability clause; and providing an effective date. Second made by Council member Blackwell. Vote 3/0. Council member Hein abstained.
 - E. **Discuss and take action on Ordinance No. 545 amending Article 13.02, Section 13.02.009 of the City of Fritch Code of Ordinances, setting a minimum living standard, making it unlawful to reside in any premise in the City of Fritch without water service being fully connected and functional, setting an effective date and repealing any conflicting ordinances.** Council member Campbell made the motion to approve Ordinance No. 545 amending Article 13.02, Section 13.02.009 of the City of Fritch Code of Ordinances, setting a minimum living standard, making it unlawful to reside in any premise in the City of Fritch without water service being fully connected and functional, setting an effective date of April 1, 2016 and repealing any conflicting ordinances. Second made by Council member Blackwell. Vote 4/0.
 - F. **Discuss and take action on Ordinance No. 546 amending Article 13.06, Section 13.06.001(g) and deleting of Section 13.06.001(h) the City of Fritch Code of Ordinances, changing the fee schedule for use of the Recycle Station, setting an effective date and repealing any conflicting ordinances.** Council member Campbell made the motion to approve Ordinance No. 546 amending Article 13.06, Section 13.06.001(g) and deleting of Section 13.06.001(h) the City of Fritch Code of Ordinances, changing the fee schedule for use of the Recycle Station, setting an effective date of March 23, 2016 and repealing any conflicting ordinances. Second made by Council member Hein. Vote 4/0.
 - G. **Discuss and take action on Resolution No. 2016 – 2: Suspension of Southwestern Public Service Company’s proposed effective date as allowed by statute; authorizing the city to join with other cities in the alliance of Xcel municipalities (“AXM”) to direct the activities of lawyers and consultants; authorizing the hiring of attorneys and consultants; requiring reimbursement of reasonable legal and consultant expenses; and requiring SPS to provide proof of publication of notice.** Jesse Shuffield came as the representative for Southwestern Public Service Company. He told the council that the main reason for the increase was construction of a new substation and upgrading of facilities in order to handle future needs and expansion of service. Motion was made by Council member Hein to approve Resolution No. 2016 – 2: Suspension of

Southwestern Public Service Company's proposed effective date as allowed by statute; authorizing the city to join with other cities in the alliance of Xcel municipalities ("AXM") to direct the activities of lawyers and consultants; authorizing the hiring of attorneys and consultants; requiring reimbursement of reasonable legal and consultant expenses; and requiring SPS to provide proof of publication of notice. Second made by Council member Campbell. Vote 4/0.

H. Discuss and take action on Resolution No. 2016 -3: Approving a negotiated resolution between the Atmos West Texas Cities Steering Committee and Atmos Energy Corp., West Texas Division regarding the company's 2015 rate review mechanism filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the attached tariffs to be just and reasonable and in the public interest; requiring the company to reimburse cities' reasonable ratemaking expenses; determining that this resolution was passed in accordance with the requirements of the Texas open meetings act; adopting a savings clause; declaring an effective date; and requiring delivery of this resolution to the company and the WTX cities' legal counsel. Motion was made by Council member Hein to approve Resolution No. 2016 – 3: Approving a negotiated resolution between the Atmos West Texas Cities Steering Committee and Atmos Energy Corp., West Texas Division regarding the company's 2015 rate review mechanism filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the attached tariffs to be just and reasonable and in the public interest; requiring the company to reimburse cities' reasonable ratemaking expenses; determining that this resolution was passed in accordance with the requirements of the Texas open meetings act; adopting a savings clause; declaring an effective date; and requiring delivery of this resolution to the company and the WTX cities' legal counsel. Second made by Councilmember Blackwell. Vote 4/0.

I. Discuss and take action on bid submitted for inspection, cleaning and test pumping of Fritch water system wells no. 1, 3 and 4. Public Works Director Cody Bengé explained that this is the beginning process to repair the three wells on the city side and the preplanning step for the future project of tying the wells together. Brinson wells will take more work and money to make operational. These wells will have three bacteriological samples pulled to see if the wells are good. Samples will be pulled by engineer and tested by TCEQ. City Manager Steve McKay recommended accepting the bid by Etter Water Well of Canadian of \$34,590.00. The other bid put in by High Plains Water was \$151,100. Council member Hein made the motion to accept the bid of \$34,590 as submitted by Etter Water Well of Canadian. Second made by Council member Gutierrez. Vote 4/0.

J. Discuss and take action on Ordinance 547 amending article 7.01, section 7.001.004 pertaining to the judge of the municipal court and section 7.01.006 pertaining to the clerk of the municipal court setting an effective date and repealing any conflicting ordinances. Motion made by Council member Campbell to approve Ordinance 547 amending article 7.01, section 7.001.004 pertaining to the judge of the municipal court and section 7.01.006 pertaining to the clerk of the municipal court setting an effective date of today and repealing any conflicting ordinances. Second made by Council member Gutierrez. Vote 4/0.

K. Discuss and take action to appoint a municipal court judge and a secondary judge with recommendations from the City Manager. City Manager McKay recommended appointing Shila Hart as the municipal court judge. She currently serves as the Justice of the Peace Precinct 1 for Hutchinson County. Ms. Hart will be required to attend training for municipal court judge. Councilmember Hein made the motion to accept the city manager's recommendation and appoint Shila Hart as the municipal court judge. Second made by Council member Campbell. Vote 4/0/

L. Discuss and take action to nominate one candidate by resolution to fill a vacancy on the Moore County Appraisal District board. No action taken on this item.

6. City officers' reports.

A. Report from City Manager. City Manager Steve McKay told the Council that as of 10:30 a.m. Monday, March 21, 2016, the City of Fritch was completely current with the 2003 sewer bond. Paid \$200,920. \$920 was interest. Monte, Steve, Ronnie working on what must be done to cleanup and mow property that is out of compliance. I will get with the new judge to see what needs to be done to tear down some structures. 225 structures Letters are being sent. Citations have been issued on mowing. Chief Leggett explained that the police department is limited to what we can and can't do. Ordinances give them a legal basis for enforcement. Fire Chief Ed Adamson said some of the properties pose an extreme fire hazard to the city with weeds that are higher than the house. When the wind gets going, the high wire lines slap together in the alley and catch brush

on fire. We have three houses that have agreed to be torn down at city's expenses, when the city is able to do it. One trailer house will be used for fire dept. practice and training. We have about one or two days before all of the tree limbs involved with the grant project are all gone. People cannot dump tree limbs yet. If they were to dump in the wrong place, it could cause the city to have to pay the grant back. This is a huge step forward and it is spectacular looking. I have contacted a Mr. Holloway from Umbarger will be coming to work on the dirt roads. We are looking at a tractor that comes with a land plane. If Mr. Holloway could crown the roads once a quarter, we could maintain in between. There is a dirt road by Nara Visa that may have to be closed temporarily so the drainage can be fixed. We need to dig out some intersections to repack and work on them. We may be able to have an actual road repair plan next year. The Attorney General asked for more information which has been sent. Council member Hein asked how much it cost to have the code books updated. Reply – About \$49,000. Council member Campbell asked when the online pay service would be ready. Reply – We are waiting on the software company to finish building it for us.

- B. Report from Chief of Police.** We have hired a new reserve officer, Chylo Graham, who is fresh out of the academy. We have exceeded the court budget today in revenue brought in. Our dispatch calls are going down as we use cop sync. We are working on installing fire wall in police department. Borger Dispatch is raising cost per call because Fritch and Sheriff's department has cut down on the number of calls. We are looking to hire a new prosecutor for court, where we can have docket call every thirty days and actual trial every six months. Her name is Misty walker. She was the attorney for Wheeler County. I believe she will save us money. She wants to ride with each officer to observe process of traffic stops. Reserve Officer Carrie Driscoll's Grandpa will be here on a visit. His name is James Leavelle. He was the Dallas officer that Lee Harvey Oswald was handcuffed to when he was shot. He is 94 years old. Police are doing a fund raiser for an interview with him. Some people from Saudia Arabia want to meet him. We have had a rash of calls where people were kicking, knocking on doors and running off. One guy left town and these calls have stopped. Hair salon was broke into but the lock wasn't very good. Mr. Hardy has now replaced the lock. Foot traffic was happening at night but now it is happening in the day. We feel like some stolen goods are at one of the houses that has no water.
 - C. Report from Public Works Director.** The new booster pumps have been installed and are working well.
 - D. Report from Fire Chief.** Chief Adamson reviewed the report with Council. He highly recommended that everyone pay close attention to weather warnings and fire red flag warnings. Move debris away from your homes. Fire danger is very critical at this point. Water is having very little effect on the wild land fires. These fires are running deep into the ground and into the root system. While working on a fire at Stinnett recently, the fire had been declared out and we were about to go home when it was found to have flared up again from a Yucca root. I believe we have already had more fires this month than the month of February. We are receiving some false calls. On one of them, a lady had burned the bacon and not called into the alarm company to let them know. Some of these calls were caused by the weather. One lady had used her alarm as an alarm clock. She said she forgot to reset it. The new alarms are interactive with your phone. If you hit the wrong app on your phone you can set off your alarms at your house.
 - E. E.D.C. Report.** No report.
 - F. Crime Control Report.** Dwight Kirksey brought a copy of the unapproved minutes for the council to read. He reported that they are in the process of passing the responsibility of the director off. This item should be on the agenda for next month.
- 7. Mayoral/councilmember announcements.** Next council meeting will be April 19, 2016. We plan to have a workshop at 6:30 and the regular meeting right after.
- 8. Future agenda items.** Meet to approve new director of Crime Control board.
- 9. Adjourn.** Motion to adjourn made by Councilmember Blackwell. Second made by Council member Hein. Vote 4/0. Time 8:25 p.m.

READ, PASSED AND APPROVED on this _____ day of _____, 2016.

Mayor W. Kelly Henderson

Cindy Cook, City Secretary