**MINUTES**

**FRITCH CITY COUNCIL REGULAR SESSION**

**AUGUST 21, 2018**

**SFISD BOARD ROOM 540 EAGLE DRIVE FRITCH, TEXAS**

**6:30 P.M.**

**All agenda items are subject to action. The City Council reserves the right to adjourn into Executive Session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.**

1. **Call to order. Welcome Citizens and Visitors.**

**Mayor Dwight Kirksey**

1. **Invocation and Pledge of Allegiance.**

**Invocation by Arlin Audrain, Pledge by Billy Robbins**

1. **Discussion and possible appointment of new Council member to fill unexpired term.**

**Mayor Kirksey summarizes the selection process for a replacement Council Member. Ruth DeRosa is in attendance. Richard Heine asks if Executive Session is required, Mayor Kirksey agrees this is true and agrees to invite Ruth DeRosa into Executive Session. Billy Robbins moves for Executive Session with Richard Seconding. Council goes into Executive Session at 6:34p.**

**Council reconvenes at 7:24p.**

**Richard moves to appoint Ruth DeRosa, 2nd by Audrain. 5/0 Appointed**

**Mayor Kirksey swears in new Council Member Ruth DeRosa.**

1. **Consent Items:**

*This section shall provide for items that require action by the council, but where little or no discussion is anticipated. By a single motion, second and affirmative majority vote, items under this section are approved without further discussion or action. Any council member desiring more discussion on an item may request an item be withdrawn for separate discussion and action.*

* 1. Approve minutes of the following meetings: 07/17/2018 and 08/14/2018
  2. Approve accounts payable.
  3. Approve Tax Deeds. R8744 from McClelland for $50, R9216 from Karlin for $400, R9218 from Karlin for $400, R9220 from Karlin for $600, R9345 from Karlin for $400, and R9804 from McClelland for $76.

D. Consider Resolution 18-8: Declaring the City’s Mission, Vision, and Values.

**Consent Items approval: Billy Robbins wants to know if the Resolution needs separate consideration. Item D is removed from Consent Items and placed in New Business. Richard Hein moved to approve, 2nd By Arlin Audrain. 4/0/1 Passed.**

1. **Open forum – Comments/Concerns from Citizens**

*Individual citizen comments are normally limited to five (5) minutes (time limits can be adjusted by the Mayor). The purpose of this item is to allow citizens an opportunity to address the City Council regarding any topic not on the agenda. By State law, the City Council is not allowed to respond to comments and questions asked of them by an open forum speaker. Any response by a member of the City Council must be limited to referring the matter to staff, a statement of specific factual information/ recitation of existing policy, or a proposal to place the subject on a future agenda for a future City Council meeting.*

**Darla Harriman stated: She attended the Budget Workshop and was concerned about the Reserve Account. She said the CM agreed that the subject of a reserve account had been brought up previously and she was not hearing anything regarding this account. Further she was concerned that in 2015-16 Budget there was 171,000.00 budgeted and nothing was spent but it just got lost in the main Budget and not carried forward. Again last year 600,000.00 was budgeted and 109,000.00 were spent and that we had a deficit budget and that the Reserve would cover the deficit. Last year’s Budget there was only 300,000.00. When asked how much we had set aside the CM stated that Public Works had 1.5 million is in Public Works with 700,000.00 ear-marked. She is again stating that she thinks other Council members seemed concerned as well. Regarding increasing the General Fund Transfer, what was overlooked is that 55% of customer live outside the city limits and don’t see benefits. So when you increase the transfer it’s like asking someone else to pay your bills.**

**Mrs. Miriam Savage stated: Chief Legette had passed and that the viewing was open to the public and funeral date had been set.**

**Mayor thanks those that have attended and contributed to the meeting and assured all that this was a safe space to speak concerns regarding Fritch.**

**6. City Staff & Affiliated Entities reports**

A. Report from Chief of Police – July Call Report, Technology, Personnel, and Equipment Updates

B. Report from Public Works Director – Streets, Parks, Sewer, Water, Recycle & Equipment Updates

* 1. Report from Fire Chief – Department Projects Updates
  2. Court Report – July Report
  3. E.D.C. Report – Financial Report and Future Projects
  4. Report from City Secretary – Financial Report
  5. Report from City Manager – Budget and Projects Updates

**7. New business**

D. Consider Resolution 18-8: Declaring the City’s Mission, Vision, and Values.

**CM Found research out there that says… we need to have clear and measurable goals for the City and its employees. From this framework and conversations he had with citizen, he created the current resolution. The plan is to take the three sections and post it in all offices and make it a code of ethics. Also make it apart of the employee manuals. Mayor Kirksey is curious if this needs to be incorporated into Resolution or can it just be stated? CM is asking for a stamp of approval. It will not become an ordinance. This is more for the employees to help guide them on their decision making. It also lays groundwork for what they are working toward. Mayor is in agreement but thinks it’s a bit legalese. CM said the format is for the Council. That’s why it was in the consent items. CM confirms that this is a normal route for municipalities. Richard Hein is clarifying this as for the City Employees not the Citizens. CM agrees it is employee based, but restates that this is normal for most cities. CM thinks this will help the Citizens get better service from the City Employees. Mayor agrees that vision is important. Arlin wants to clarify if there will be training, CM answered that it will be more explanation than training because it is largely in place already.**

1. **Discussion and possible awarding of bid for Water System Improvements.**

**Dwight Brandt of Brandt Engineering reports that they have received two bidders West Texas Utilities and MH Civil Constructors; it was done with a base bid and two alternate bids. WT Utilities bid $832,657.00 and MH Civil Constructors bid $1,133,000.00. WT’s days bid 480 Calendar days to construct the project and MH was 360 days. Brandt Engineering recommends the bid from WT. Broken down to three bids, first well #1 piping bypass around the tank, chlorination system and the controls for $366,659.00. Alternate 1 is for doing well number 2 is $161,014.00 and Alternate 2 is for doing wells 3 and 4 for $304,984.00. They are split because the base bid work has to be done. Question is do you have the money to do some or all of this. Mayor appreciates Mr. Brandt providing good information. Billy Robbins questions if those bids would include all of Phase 1 and Brandt says yes. Phase 2 is the tanks. These repairs would immediately help with water pressure. Arlin Audrain wants to know if we accept bids only based on money or do we worry about their reputations. Brandt says that the low bid is the City’s instructions but he has faith in both contractors. Richard Hein is asking if any of these projects will run concurrently. Brandt says it could be possible but that’s the contractors call and he believes that WT will do the work in a timely fashion and he doesn’t expect the work to take as long as bid. Brandt will ask for a schedule and a pre-construction meeting. CM says WT were the only ones to show up at bid and was able to ask. WT said that yes, parts of the jobs will run concurrent. Mayor Kirksey expressed concern for coming up with money now. Brandt says there are several processes that will take 4-6 weeks for contracts, then submission of materials list which takes another 6 weeks then material will need to be ordered so this will not start for at least 3 months. Ruth DeRosa wants to know if there is a possibility that funds will not be in place and can we schedule parts. Brandt says decision is up to City Council how little or how much is done. Richard Hein asks if we have money that has been building. CM says money is in bank but it has not been specifically budgeted. Richard confirms that we have the monies and will visit this during Budget Workshop. We need to change the line item for total amount. Motion to award bid to WT Utilities with base bid and Alternates 1 & 2 by Arlin Audrain, seconded by Richard Hein. 4/0/1 passed with Council Member Ruth DeRosa abstaining.**

1. **Discussion and possible action concerning solid waste agreement with Double Diamond.**

**CM states there are several issues to discuss but most importantly the agreement, signed in 2011, the math does not add up. Years ago Double Diamond approached the City to have the billing done for them. Upon investigating he found that Fritch is supposed to bill Citizens of Double Diamond for $19.00 plus $1.57 for sales tax for a total of $20.57. The City keeps $3.09 for the service. Then the City pays Double Diamond $15.91 per customer to pay Republic for the Trash Service. The problem is that after we take out our $3.09 for service there is still the &1.57 left. Richard Hein states that the sales tax should be sent to the state. CM agrees that theoretically that’s true but that is not addressed in the contract and this leads to another set of problems regarding billing issues and tracking. CM would like the Council to decide what they want done with this agreement. Billy Robbins and Ruth DeRosa are both concerned about who has the tax liability. Richard feels it might be our responsibility but CM points out that this is not addressed in the contract which is part of the problem. Billy would like to entertain the idea to drop this contract. CM says we can terminate contract in 30 days with or without cause. Richard Hein wants to know where a $265.00 loss come in. CM does not feel that is our biggest focus. The negative is based on the difference from the amount that is actually billed as opposed to how many clients are paying their bill as we have to pay for all customers regardless. Richard points out on paper that it looks profitable. CM states that this is not on any real spreadsheet. Should have billed, from Oct-Aug. $21,331.09, we have only billed $20,091.00 of that we paid Double Diamond $16,498.67, if you look at amounts per customer those are the contract number. In October, November and December seem to be an anomaly that the differences in how much customers are paying differs from month to month. We have unreliable info. Billy Robbins would like to give CM authority to explore and possibly renegotiate the contract. Mayor Kirksey would like to know what would happen if we abandoned the project. CM says it would free up 2 employees from having to deal with this to do other thing. Richard Hein is really worried about the $1.57. CM wants to investigate this. Richard Hein sees how it started but if it causes liability then he would rather not do it. CM points out that we do not provide this service for other communities outside of City Limits. CM would like to end or renegotiate this contract with more detail. Ruth DeRosa agrees that the billing amounts per customer are suspect and are definitely not allocated. CM says we need to clean this up because of billing and record keeping issues. Arlin re-runs the math and thinks it seems like extra work for the City. Richard Hein clarifies that CM wants permission to address a bad agreement and get it fixed or gone. Richard Hein is concerned over office issues because they are not due to contract, CM agrees. Entire Council is now concerned about how this contract is being handled. Mayor wants us to find out if we owe back taxes and also if we should just let contract go also wants to make sure that Customers do not get another bill after we end our agreement. Richard is concerned over our non-profit collecting taxes. Richard Heine wants us out due to liability and how do we fix what had already been done. CM will confirm. Mayors asks for a Motion to give City Manager authorization to end the Double Diamond Contract. Motion by Richard Hein, seconded by Arlin Audrain. 5/0 passed.**

**8. Mayoral/councilmember announcements.**

**- Reminder to the public that August 29th is Eagle Press Day in the City of Fritch.**

**Mayor Kirksey recognizes The Eagle Press as the Newspaper of Record and in honor of a proclamation made in Aug 29, 1998 by Mayor HC Herd and reads the proclamation. We are restating this proclamation that Aug. 29 is officially Eagle Press Day. Mayor Kirksey gave thanks to Tara Huff.**

**9. Future agenda items.**

**Need to obtain contact info from Council members including preferred contact**

**and preferred contact time. Next Budget Workshop will be at Sanford Fritch Admin Building which will be on Thursday at 6:30p. Mayor asks for any future Agenda items.**

**10. Adjournment.**

**Motion to Adjourn by Arlin Audrain, seconded by Billy Robbins. 5/0 passed.**

Adjournment -- *Mayor Dwight Kirksey –*

* The City Council will be meeting for a:
  + Regular Meeting at the SFISD Admin Building on Tuesday, at 6:30 pm.
    - Persons desiring to present business to the city council at that meeting are directed to submit a request in writing to the City Secretary by Monday, in order to be included on the agenda.
* There being no other business, the meeting is hereby adjourned.

Called Adjournment at 8:55pm.

**READ, PASSED AND APPROVED on this \_\_\_\_\_ day of\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2017.**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Mayor Dwight Kirksey Tammy Schmidt, City Secretary**