

**MINUTES**  
**FRITCH CITY COUNCIL REGULAR SESSION**  
**TUESDAY NOVEMBER 21, 2017**  
**SFISD BOARD ROOM 540 EAGLE DRIVE FRITCH, TEXAS**  
**7:00 P.M.**

1. **Call to order. Welcome Citizens and Visitors.** Meeting called to order by Mayor W. Kelly Henderson at 7:00 p.m. Councilmembers present: Denise Campbell, Richard Hein, Arlin Audrain, Dwight Kirksey and Tom Ray. City Employees present: Drew Brassfield, Cindy Cook, Roger Pense, Houston Gass and Ed Adamson
2. **Invocation and Pledge of Allegiance.** Prayer led by Councilmember Audrain.
3. **Open forum – Comments/Concerns from Citizens.** No speakers for open forum.
4. **Consent Items:**
  - A. **Approve minutes of the following meetings: October 17, 2017.**
  - B. **Approve accounts payable.** Motion made by Mayor Pro Tem Hein to approve the consent items as presented. Second made by Councilmember Audrain. Vote 5/0.
5. **New business:**
  - A. **Discuss and take action on approving updated City Employee Handbook.** Motion made by Councilmember Kirksey to approve the new handbook as presented. Second made by Councilmember Ray. Vote 5/0.
  - B. **Discuss and take action on ballot for positions for the board of Directors of the Hutchinson County Appraisal District by Resolution 2017-16.** Motion made by Councilmember Kirksey to approve Resolution 2017-16 and putting all of the 56 votes for Richard Hein. Second made by Councilmember Ray. Vote 4 for the Resolution and Mayor Pro Tem Hein abstained.
  - C. **Discuss and take action on invoice from Bickerstaff, Heath, Delgado, Acosta, LLP.** This invoice is from November 17, 2011. This is the law firm that handled the purchase of the Brinson system. Normally, attorney fees are included in the costs of the bond. The attorney who originally handled this no longer works for the firm and it was learned that the attorney did not follow normal procedures. The transcript of the proceedings has been made available to the Council. This bill is out of the statute of limitations so the firm could not sue the City but they would like to be paid. City Manager Brassfield recommended that we offer to settle for less than \$10,000. Councilmember Campbell asked why should we pay it and also do we know if they actually provided the services to the city that we should have received. Mayor Henderson stated we have a moral obligation and if they provided the services, we should pay them. Councilmember Kirksey asked if they are a legitimate firm. Mayor Pro Tem Hein stated they are the largest bond attorney firm in the state. They also handled the recent bond for the school system. Councilmember Audrain said we need a statement that the bond fees were not rolled into the costs of the bond. Councilmember Campbell said this expense was not included in the budget. If we pay it this budget year, we will have to amend the budget. Mayor Henderson said we need to decide if we're going to pay and how much. It is a common practice to settle large legal bills. Motion was made by Mayor Pro Tem to authorize City Manager Drew Brassfield to negotiate a settlement with Bickerstaff, Heath, Delgado, Acosta, LLP firm. Second made by Councilmember Kirksey. Vote 5/0.
  - D. **Discuss and take action on Ordinance 569 amending budget to reflect insurance settlement from lightning strike.** Motion made by Councilmember Campbell to amend the budget to reflect the insurance settlement by Ordinance 569. Second made by Mayor Pro Tem Hein. Vote 5/0.

**E. Discuss and take action concerning PANCOM contribution for regional 911 services.** Mayor Henderson said the PANCOM contribution is voluntary. The City has not participated in a while because of the financial issues. PRPC does a lot for the City and our area. Motion made by Councilmember Campbell to approve the contribution to PANCOM for fiscal year of 2018 to PRPC in the amount of \$904.19. Second made by Councilmember Ray. Vote 5/0.

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

**A. Report from City Manager – Over all status update.** First piece of good news, Danny Barrett with Texas Communities Group, has emailed that all of the interlocal agreements have been signed for us to move forward on getting all the trust properties in Fritch marketed and hopefully sold. We also received the invoice since that was the agreement Council had made. This invoice has been paid. We have sixty-nine properties that are in trust. At this time, I do not know if there is a difference between a trust property and a struck-off property. If there is a difference in the terminology, we may have more than the sixty-nine that we may be able to market. Ronnie Morrison will be going to every property to see if there are buildings that need to be torn down and what properties need to be cleaned up before they can be marketed so we can get this ball rolling. Another piece of good news is that I have finished the certified manager course with Texas Tech as of last Friday. On roads, we have been discussing redoing Walnut Street. Money was budgeted to completely redo this street in order to fix the drainage problems. There were several steps that had to be taken before the project could be started. One of them was having Dig Tess mark the underground lines. This has been done. We should begin ground breaking on the week of December 4, 2017. Dwayne Chisum, the road and bridge superintendent for Hutchinson County said the right of way must be marked. The City has forty feet right of way, twenty foot from the center. We have priced out culverts. We will need to talk to probably about four homeowners about the possibility that they will need to purchase the culverts. There is about six that the city will need to purchase to go in the alley ways. I have called and checked on prices and they are all within about forty dollars of each other. We will probably go with Scrap Processing. The Community Development Block Grant, despite all the headaches we have had with the contractors tying the new in with the old, are officially almost finished. Roger and I will be going out in the morning at 10 a.m. to do a punch list with them to make sure everything looks good and that we will not have property owners coming out and claiming damage. Provided we don't have a bunch of things they have to do, they will be finished four and a half months ahead of schedule. A representative of Brandt Engineering will also be here for the walk through. I have been hounding Brandt Engineering for updates on where we stand with Phase 1 A and B. One of the pieces of the puzzle that they had been missing was the water storage facilities survey that we had done a couple of months ago. That information was sent over earlier this month. We have not heard anything yet, but I continue to stay in contact with them for updates. I know they have been out at the well field doing hydrovacating. I do not have a punch list back from them as to what they have specifically done. We had a representative from Republic Service come over today. We have been asking for an audit since August. We did an internal audit and discovered we were being charged for dumpsters that were located in Hereford. There were several different discrepancies that we started noticing. After two or three of those, we decided we needed to take our notes and compare with Republic's notes and make sure we are all on the same page. I don't know how many months went by that we were paying for a dumpster in Hereford because it is just one little line in a thousand lines. Cindy and Emily started the audit and caught several things, so we are getting this fixed. Councilmember Kirksey commended Manager Brassfield for the way complaints are handled on the City's Facebook page. Mayor Pro Tem Hein asked about what is being done on the other roads. Manager Brassfield said that Dwayne Chisum had recommended a field mechanic to work on the city maintainer. The hang up in getting the maintainer repaired has been finding a way to transport it to Amarillo. We

can save money by having the field mechanic come and repair the maintainer instead of renting a trailer and taking it over. The City also has a backhoe and a front end loader that needs repairing. Ed Adamson has volunteered to run the maintainer to help with cleaning out of the ditches. The County has offered to clean out the ditches for a fee. The County has hauled in some top soil that will be superior material to fill in the ruts on our dirt roads. Roger and his crew have been doing an outstanding job filling in potholes as we get them reported. We still have quite a few potholes to be filled but we have made significant progress. Councilmember Campbell recommended obtaining training for running the maintainer. Manager Brassfield said part of the frustration comes from the fact that so many citizens have seen no progress and what progress has been made has not been real blatant and visible. People may only see that the one road they drive on is still tore up and not realize that seven other streets have been repaired. This is where some of the complaints come from. We take these complaints seriously and add them to the constantly evolving list of areas that need attention. Manager Brassfield drives these roads himself. Councilmember Kirksey asked if citizens may repair the dirt roads themselves. Manager Brassfield said they can but if the city comes in to redo it, the citizen will have wasted their money. If the improvement is in the city's right of way, then the city can tear it out if need be to make repairs. On Walnut Street, there are some culverts that will need to be replaced. The city shouldn't buy private property but the citizens may not want to spend the money. Two hundred dollars is the best price we have been able to find. It is not an exorbitant amount of money. Councilmember Audrain stated that outside our allotted street that will be repaired, the others should be chosen by safety and the amount of traffic.

**B. Report from Chief of Police – Patrol procedures.** Police Chief Houston Gass reported from October 17 to November 16, there have been 215 calls for service. Out of those calls for service 104 were traffic related, 5 welfare concerns, 1 Driving while intoxicated, 5 civil standby's, 7 alarm calls, 7 suspicious activity calls, 11 assault/family disturbance calls, 10 follow up investigation calls, 10 house/business checks, 5 criminal mischief calls, 2 911 hang up calls, 3 burglary calls, 18 public service phone calls, 8 nuisance animal/bite calls, 1 funeral escort, 1 harassment call, 2 mental commitment calls, 1 loud noise/shots fired call, 1 sexual assault call, 2 warrant service, 1 traffic accident, 1 lost property, 1 medical assist, 1 fire assist, 1 vehicle pursuit, 5 arrests for narcotics, 1 arrest on the vehicle pursuit and 2 warrant arrests. The contracts for Tyler Public Safety have been signed and sent back to the company. He is waiting to hear back when the project and implementation will begin. Everything for the light parade for December 9 has been approved by TX Dot and coordination with Hutchinson County Fire and EOC. Councilmember Audrain asked about the drug problems in town and how do we look – bad, mediocre. Chief Gass responded that the department is addressing them. He said the drug problem in town is not good but it is not the worst he has ever seen. It is pretty bad. We are working on them and working hand in hand with the County and Stinnett PD on some things. It is a slow process. Councilmember Kirksey asked about the patrolling and traffic stops. He said he was asked to represent some concerned citizens who are not seeing a police presence on Broadway. Is there a reason for that or a plan? Chief Gass said we are spreading our patrols out around the entire city. Some of our stops are made on interior streets. The recent pursuit started on Ohio Street. We are seeing a reduced number of burglaries. These burglaries take place during the day when people are at work. We do have a presence out there. We had a 104 traffic stops. This may not be as many as used to happen but it is more in line with what is going on in town. Manager Brassfield stated that emphasis has been on quality not quantity. He said Chief Gass and his officers have done a very good job. The quality on the traffic stops has increased based on the feedback he has received. Councilmember Ray stated that one of the comments he has been hearing is that in the school zone these trucks are not slowing down. Chief Gass said he could not tell how fast these trucks are going but my officers are not stopping them so they must not be speeding. He said the bigger the vehicle the faster it appears to be going. My

officers are in the school zones, especially at lunch. They travel Eagle Boulevard and circle around to Highway 136. Their presence is a deterrent. They are school kids driving hot and texting at lunch time and right after school. There have been two or three accidents in that area. Councilmember Audrain said it always seems like people drive faster on their road than any other. Comments were made by Fire Chief Adamson about school children texting and walking into the crosswalk on Highway 136 without even looking for traffic. Councilmember Campbell stated the drivers have to watch for them because they are not watching for the drivers. Mayor Henderson asked how much a ticket for texting in the school zone is and if any tickets had been written for that offense. Also, what is the burden of proof? Chief Gass said no. We have to be able to catch them on the phone. We have to physically see them with their cell phone out.

**C. Report from Public Works Director – Update on water, sewer and streets.** Director Roger Pense reported there were sixty-three work orders between October 13, 2017 and November 16, 2017. An EZ Street Asphalt sales representative left five bags of product for the city to try out. Holes were patched at 509 Holmes and the intersection of Walnut and S. Ridgeland. They did have water in them. It pushed the water out as the flyer said. These are still holding which was about two weeks ago. This is a cold patch that doesn't have to be heated. It can be used even during the snow. The cost per fifty pound bag is about fourteen dollars. A pallet is about seven hundred dollars. This is a better product and cheaper than what had been used before. An order has been placed for more of the product. There is nothing to report in parks right now. In the Sewer Department, the North Aerator at the sewer plant burned up on November 3<sup>rd</sup>. A spare motor was put on. The new motor that burned up may still be under warranty. If it is not warrantied, it will have to be taken to West Texas Electric Motors in Hereford to be rewound. In the Water Department, twelve leaks have been repaired this month. I have included a list of completed leaks and current leaks. On November 15, the Harbor area was shut down so MH Civil Constructors could tie in the new main lines from El Paso to Board Ramp. They did a good job on clean up. Director Pense also went out with Devin from Brandt Engineering to GPS the lines running to the city and the lines running from Wells 1, 2, 3 and 4 to the city ground storage tank on Deahl Ranch. Manager Brassfield inquired about whether a leak near one of the wells had been located. Director Pense said no because of the weather and also because he did not have the clamps for it. He didn't want it unearthed spraying everywhere or left open and freezing. He took measurements of the pipes and ordered the clamps. Mayor Henderson asked how many of the rereads were accurate as opposed to "we were wrong". Director Pense said most of the time we are accurate and when we pull a meter for testing, the customer usually comes out on top as the meters are not reading as much as flows through. Accurate records are signed off on and kept at City Hall.

**D. Report from Fire Chief – Call report for October.** Chief Ed Adamson reported that the Fire Department had less calls than the Police Department. They reported seven calls for the month of October. Two of those calls were in the city and five were in Hutchinson County. The calls so far for the month of November have been low. It is hoped that they will stay that way. Borger and Potter County are running fires every day. Fritch has been fortunate. The prescribed burn on the North Railroad Project is ready to go. The Fire Department is waiting on the weather window. The response from the citizens has been more than what was expected. "It is finally time somebody is doing something." Are responses have been positive. The North side across from CEFCO has been trimmed. The burn plan for the South side is ready to go. There is just a little more work to be done on it. Only one citizen on the South side who has asthma has said anything. She gave us her phone number and asked to be called the day before so she could go to her daughter's during that time. We have not received any negative comments to the chief's knowledge concerning the prescribed burns. South side should be ready to go next week. We are looking for a weather window to do both at the same time. Chief Adamson talked to Mr. Brinson who owns part of the property on the

South side and he has given permission to do whatever needs to be done including burning it off. This area includes the big triangle East of CEFCO. Councilmember Audrain made a comment about deer running out of the area into the road. Chief Adamson said the burn plan gives them a way out.

**E. Museum Report – Upcoming events.** Director Stephanie Davidson was absent.

**F. Court Report – October report.** Report in Council packet.

**G. E.D.C. Report.** Councilmember Kirksey reported that he and EDC President Kendal Glover went for a week of training. They were both certified as Basic Economic Developers, which is a big title. We learned a lot. Matter of fact, it was massive learning. It was really good and will impact Fritch for the positive and has impacted EDC and their processes.

**H. Crime Control Report – No report.**

**7. Mayoral/councilmember announcements.** Next Council meeting will be December 19, 2017. December 16 will be the City employee appreciation and Christmas dinner. Audit will be the week of December 11, 2017.

**8. Future agenda items.**

**9. Convene into Executive Session.** No executive session.

**10. Reconvene into Open Session.**

**11. Adjournment.** Motion made by Mayor Pro Tem Hein. Second was made by Councilmember Audrain. Vote 5/0.

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

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**Mayor W. Kelly Henderson**

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**Cindy Cook, City Secretary**