**AGENDA**

**FRITCH CITY COUNCIL REGULAR SESSION**

**TUESDAY APRIL 18, 2017**

**CITY ANNEX 509 W. BROADWAY FRITCH, TEXAS**

**7:00 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.**
2. **Invocation and Pledge of Allegiance.**
3. **Presentation of Certificate for five years of service.**
4. **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 necessarily on the agenda. The City Council is not allowed to respond to comments and questions asked of them by the speaker, with a few exceptions. In accordance with the “Texas Open Meetings Act,” Government Code Chapter 551, any response by a member of the City Council must be limited to a statement of specific factual information, a recitation of existing policy, or a proposal to place the subject on the agenda for a future City Council meeting.*

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 move to withdraw it to the New Business section.*

* 1. Approve minutes of the following meetings: March 21, 2017.
  2. Approve accounts payable.
  3. Discuss and take action to remove Cody Benge from all City of Fritch bank accounts.
  4. Discuss and take action to amend Resolution 2017 – 1 in regards to the translator for the May 6, 2017 Election and Early Voting April 24, 2017 through May 2, 2017.

1. **New business:**
2. Discuss and take action on bid for struck off property located at 400 S. Railroad Avenue, Fritch, Texas described as Lots One (1) thru Four (4), in Block Nine (9), Original Town of Fritch, Hutchinson County, Texas.
3. Discuss and take action on Ordinance Number 553 approving a negotiated resolution between the Atmos WTX Cities and Atmos Energy Corporation.
4. Discuss and take action on the Fritch EDC hiring Josh and Stephanie Davidson to do landscaping and lights at the welcome signs.
5. Discuss and take action on expenditure of donated funds by Fritch EDC.
6. Discuss and take action on bid for struck off property located at 209 N. Sheridan Avenue, Fritch, Texas described as Lots One (1) and Two (2), in Block Thirty-two (32), Original Townsite of the City of Fritch, Hutchinson county, Texas including a 1976 White/Yellow 14X49’ mobile home with identifying label number of PFS0017779.
7. Discuss and take action on grazing lease.
8. Discuss and take action on offer to utilize SFISD’s board room for future council meetings by resolution.
9. Discuss and take action to deny SPS’s application to implement the proposed surcharge related to Docket No. 45524 by Resolution.
10. Discuss and take action on Police Department salaries and number of personnel.
11. Discussion on general policy whether City Secretary works/hired by City Council or works/hired by City Manager.
12. **City Staff & Affiliated Entities reports**
    1. Report from City Manager.
    2. Report from Chief of Police
    3. Report from Public Works Director
    4. Report from Fire Chief
    5. Museum Report
    6. Court Report
    7. E.D.C. Report
    8. Crime Control Report
13. **Mayoral/councilmember announcements.**
14. **Questions from the Media**
15. **Future agenda items.**
16. **Convene into Executive Session:**

**The Fritch City Council reserves the right to adjourn into a closed meeting at any time during the course of this meeting to discuss any of the matters listed, as authorized by the Texas Government Code;**

* 1. **Section 551.071 (consultation with attorney)**
  2. **Section 551.072 (deliberations regarding real property)**
  3. **Section 551.073 (deliberations regarding prospective gift)**
  4. **Section 551.074 (personnel matters)**
  5. **Section 551.076 (deliberations about security devices)**
  6. **Section 551.087 (Economic Development)**

1. **Reconvene into Open Session.** Take action as necessary.
2. **Adjournment.**

**Persons who plan to attend this public meeting and who may require auxiliary aid or services are requested contact Cindy Cook, City Secretary at (806) 857-3143 within 48 business hours of the scheduled meeting date. Reasonable accommodations will be made to assist your needs.**

The City Council may vote and/or act upon each of the items listed on this agenda.

This is to certify that I, Cindy Cook, City Secretary, posted this agenda on the front window of City Hall on the \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 20\_\_\_\_ at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ -- Posted in accordance with the Texas Government Code, Chapter 551.

By: By:

Cindy Cook, City Secretary Witness

Removed from posting:

Date: Time:

Signature of person removing from posting

**Call to Order, Invocation, Pledge of Allegiance**

**Items 1 & 2**

**Call to order; Welcome Citizens and Visitors**

Called to Order at: pm

Suggested Action: Mayor Kelly Henderson to call the meeting to order and welcome visitors and citizens

Invocation: led by:

**Pledge of Allegiance** – U.S. Flag led by:

**Presentation of Certificate for five years of service.**

City Manager and Mayor Henderson will present certificate for five years of service to Brody Crupe.

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**Citizen Comments**

**Item 4**

**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 necessarily on the agenda. The City Council is not allowed to respond to comments and questions asked of them by the speaker, with a few exceptions. In accordance with the “Texas Open Meetings Act,” Government Code Chapter 551, any response by a member of the City Council must be limited to a statement of specific factual information, a recitation of existing policy, or a proposal to place the subject on the agenda for a future City Council meeting.*

Executive Summary: The City Council welcomes public comments at this point on items **not** specifically listed on the agenda. Speakers are limited to five (5) minutes each. The Council cannot discuss or deliberate subject matter; only agree to place on a future meeting agenda.

**Consent Items:**

**Item 5**

**Consent Items:**

* 1. Approve minutes of the following meetings: March 21, 2017
  2. Approve accounts payable.
  3. Discuss and take action to remove Cody Benge from all City of Fritch bank accounts.
  4. Discuss and take action to amend Resolution 2017 – 1 in regards to the translator for the May 6, 2017 Election and Early Voting April 24, 2017 through May 2, 2017.

**Executive Summary: C.** Cody Benge was terminated as Public Works Director on April 3, 2017. He is on the Grant account. We need this item as authorization for the bank to change the signature cards. **D.** On Resolution 2017 – 1, it has been brought to my attention that the translator Simona Cortez is the mother-in-law of one of the school board candidates. Jan Barnes, our election official at Hutchinson County gave us the following information:

Qualification of Poll Worker…

Can they be a relative of a Candidate?  No..if related within second degree of consanguinity or affinity to an opposed candidate – cannot serve in precinct for which candidate appears on the ballot.

For this reason, we will not use Mrs. Cortez as the translator. I have left her name off of the amended version. Whoever we hire, I will be sure and ask if they are related.

**Suggested Action:** I, move that the City Council (approve/not approve) the consent items as submitted.

Seconded by Councilmember

Ayes Nays Motion: Carried Failed

**New Business:**

**Item 6**

**New business:**

**A. Discuss and take action on bid for struck off property located at 400 S. Railroad Avenue, Fritch, Texas described as Lots One (1) thru Four (4), in Block Nine (9), Original Town of Fritch, Hutchinson County, Texas.**

**Executive Summary:** This property was “struck off” to the entities on November 12th, 2015. The Appraisal District appraised this property at $31,310.00. Kara Badeaux of Fritch Texas has submitted an offer of $2,000. Taxes have not been paid on this property since 2007.

**Suggested Action:** I move the City Council (approve/not approve) the offer of $2,000 for 400 S. Railroad Avenue, Fritch Texas described as Lots One (1) thru Four (4), in Block Nine (9), Original Town of Fritch, Hutchinson County, Texas.

Seconded by Councilmember

Ayes Nays Motion: Carried Failed

**B. Discuss and take action on Ordinance Number 553 approving a negotiated resolution between the Atmos WTX Cities and Atmos Energy Corporation.**

**Executive Summary:** Atmos originally requested to increase natural gas base rates system-wide by $12.17 million and for WTX Cities by $5.15 million. WTX Cities recommended $1.72 million in adjustments. Atmos reached an agreement to adjust its $5.15 million request by $95 million. The Executive Committee, as well as WTX Cities’ counsel and consultants recommend that WTX Cities (which Fritch is a part of) approve the negotiated rates which will increase the Company’s revenues by $4.2 million.

**Suggested Action:**  I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_move the City council (approve/not approve) Ordinance Number 553 approving a negotiated resolution between WTX Cities and Atmos Energy Corp., West Texas Division regarding the company’s 2016 Rate review mechanism filing.

Seconded by Councilmember

Ayes Nays Motion: Carried Failed

C. Discuss and take action on the Fritch EDC hiring Josh and Stephanie Davidson to do landscaping and lights at the welcome signs.

**Executive Summary:** This is an EDC item requested by President Kendal Glover.

**Suggested Action:**  I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_move the City council (approve/not approve) the hiring of Josh and Stephanie Davidson by the Fritch EDC to do landscaping and lights at the welcome signs.

Seconded by Councilmember

Ayes Nays Motion: Carried Failed

**D. Discuss and take action on expenditure of donated funds by Fritch EDC.**

**Executive Summary:** This is an EDC item requested by President Kendal Glover.

**Suggested Action:**  I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_move the City council (approve/not approve)

Seconded by Councilmember

Ayes Nays Motion: Carried Failed

**E. Discuss and take action on bid for struck off property located at 209 N. Sheridan Avenue, Fritch, Texas described as Lots One (1) and Two (2), in Block Thirty-two (32), Original Townsite of the City of Fritch, Hutchinson county, Texas including a 1976 White/Yellow 14X49’ mobile home with identifying label number of PFS0017779.**

**Executive Summary:** This property was “struck off” to the entities on June 29th, 2016. The Appraisal district appraised this property at $3,860.00. Kara and Joseph Badeaux III have submitted an offer of $250.

**Suggested Action:**  I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_move the City council (approve/not approve) the bid of $250 submitted for 209 N. Sheridan Avenue, Fritch, Texas described as Lots One (1) and Two (2), in Block Thirty-two (32), Original Townsite of the City of Fritch, Hutchinson county, Texas including a 1976 White/Yellow 14X49’ mobile home with identifying label number of PFS0017779.

Seconded by Councilmember

Ayes Nays Motion: Carried Failed

**F. Discuss and take action on grazing lease.**

**Executive Summary:** This item was last voted on December 15, 2015. Here are the minutes from that item:Last month (November 2015), bids for the grazing lease behind the sewer plant were received and awarded to James Murley/Cody Benge. The previous lease was for fifteen (15) years. The agreement has been updated changing dates and setting the term for five (5) years. Motion to accept the grazing lease as presented made by Mayor Pro Tem Audrain. Second made by Council member Blackwell. Vote 5/0. We have received only $1500 from James Murley on 12/19/2016. It is recommended that Council revisit this contract and decide if they wish to continue to lease out the property. If so, should it be advertised for bids?

**Suggested Action:**  I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_move the City council continue/discontinue the grazing lease.

Seconded by Councilmember

Ayes Nays Motion: Carried Failed

**G. Discuss and take action on offer to utilize SFISD’s board room for future council meetings by resolution.**

**Executive Summary:** Jim McClellan, superintendent for SFISD has offered to let the City use the board room for future council meetings without any charge.

**Suggested Action:**  I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_move the City council (approve/not approve) moving the location of city council meetings to the SFISD Administration Building Board Room at 540 Eagle Drive, Fritch Texas by resolution.

Seconded by Councilmember

Ayes Nays Motion: Carried Failed

**H. Discuss and take action to deny SPS’s application to implement the proposed surcharge related to Docket No. 45524 by resolution.**

**Executive Summary:** It is recommended that the City deny SPS's application to implement the proposed surcharge related to Docket No. 45524. While an intervention deadline has not yet been established and the proposed effective date of the tariff authorizing the surcharge is not effective until July 1, 2017, it is recommended that the City take action as soon as possible to allow for full participation in proceedings before the PUC.

It is also recommended that the City retain the law firm of Herrera & Boyle, PLLC to represent the City's interest in matters related to SPS's surcharge application and to advise the City with regard to SPS's application, and that the City intervene in the proceeding before the PUC, and represent the City in appeals, if any, regarding SPS's application.

Cities, by statute, are entitled to recover their reasonable rate case expenses from the utility. Legal counsel and consultants approved by the City will submit monthly invoices to the City that will be forwarded to ASM for reimbursement.

**Suggested Action:**  I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_move the City council (approve/deny) SPS’s application to implement the proposed surcharge related to Docket No. 45524 by Resolution.

Seconded by Councilmember

Ayes Nays Motion: Carried Failed

**I. Discuss and take action on Police Department salaries and number of personnel.**

**Executive Summary:** As you will recall, we restructured the PD to take advantage of an exception in federal law to save the cost of overtime pay on police officers. That move has resulted in a savings to the city, to date, and that will continue to grow through the remainder of this fiscal year, if we continued to utilize that exception. You know that savings is very meaningful to our city budget and can free funds from police pay to be used on other city priorities. As you might guess, the decision to remove overtime pay has not been popular among officers. It is a challenge for any city manager and council to find the right balance between pay for valuable officers and still fund other urgent needs in the city. However, as I begin to think about next year’s budget, I want to start a conversation with you, about the right balance. We don’t necessarily have to decide anything tonight, but I do want to start having the conversation as we move into budget talks in the very near future.  Are you comfortable continuing on the no overtime path or, would you like to see some cost estimates for offering the officers some reduced amount of overtime pay in next year’s budget (--but still lower than the full blown federal time and a half)? For example, take 20% of the savings and cycle that back into OT pay? Or, should we consider offering a comp time program as way of appreciating the extra hours put in by our officers? Or restore full federal overtime? Our current threshold for overtime is anything beyond 86 hours.

**Suggested Action:**  I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_move the City council (approve/not approve)

Seconded by Councilmember

Ayes Nays Motion: Carried Failed

**J. Discussion on general policy whether City Secretary works/hired by City Council or works/hired by City Manager.**

**Executive Summary:** This item was requested by the Mayor. Documentation from TML Assistant General Counsel Laura Mueller has been included for your information. It states “In a Type A general Law city, (which Fritch is) most city employees are appointed or hired by the city council. However, for employees who are not city “officers” as listed in Secton 22.071 of the Local Government Code, the city council is authorized to delegate initial hiring authority to the mayor or the city manager or any other city official. For city employees in Type A cities that are city officers, such as the city secretary or city treasurer, the city council is the hiring authority.

**Suggested Action: This is a discussion item only.**

**City Staff & Affiliate Entities Reports**

**Item 7**

* 1. Report from City Manager.
  2. Report from Chief of Police.
  3. Report from Public Works Director.
  4. Report from Fire Chief.
  5. Museum Report
  6. Court Report.
  7. E.D.C. Report.
  8. Crime Control Report.

**Mayoral/Councilmember announcements**

**Item 8**

**Questions from the Media**

**Item 9**

**Future agenda items**

**Item 10**

**Executive Session**

**Item 11**

**Executive Session**

**Adjourn into Executive Session:** *Mayor Kelly Henderson* **“The Fritch City Council will adjourn into executive session at p.m. as authorized by the Texas Government Code under.”** *(Check all that apply and provide specifics under the heading)*

* 1. **Section 551.071 (consultation with attorney)**
  2. **Section 551.072 (deliberations regarding real property)**
  3. **Section 551.073 (deliberations regarding prospective gift)**
  4. **Section 551.074 (personnel matters)**
  5. **Section 551.076 (deliberations about security devices)**
  6. **Section 551.087 (Economic Development)**

**Item 12**

**Reconvene out of Executive Session**

*Mayor Kelly Henderson* **“The Fritch City Council is reconvening out of executive session at p.m.**

**Action from discussion held in Executive Session**

**Adjournment**

**Item 13**

Adjournment -- *Mayor Kelly Henderson –*

* The City Council will be meeting for a:
  + Regular Meeting at the City Annex / SFISD Admin building on Tuesday May 16, 2017 at 7:00 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, May 8, 2017 in order to be included on the agenda.
* There being no other business, the meeting is hereby adjourned.

Called Adjournment at pm

Motion by

Seconded by Councilmember

Ayes Nays Motion: Carried Failed