

MINUTES OF THE REGULAR CITY COUNCIL MEETING

September 24, 2018

MEMBERS PRESENT: Mayor Ray Schultz  
Mayor Pro tem Sherrie Williams  
Councilwomen Deborah (Dyer) Klein and Lori Shierry  
Councilmen Tim Sheppard and Brad Wynn

MEMBERS ABSENT: None

PERSONNEL: Jerry Flemming, City Manager  
David Sherrill, Public Works Director  
Jason Griffin, Parks and Recreation Director  
David Owen, Economic Development Director  
Andy Payne, Fire Chief  
Tracey Jennings, City Attorney  
Steve Davis, Police Lieutenant  
Becky Ferguson, Director of Finance  
Sherry Fowler, Police Sergeant  
Chris Kelmer, Police Sergeant  
Mike McCarty, Water/Wastewater Supervisor  
Greg Polly, Code Compliance Officer  
Lewis Skinner, Fireman  
Ross Caston, Fireman  
Jeremy Hicks, Reserve Police Officer  
Ben Beutel, Reserve Fireman  
Janice Newman, City Secretary

VISITORS: Dolores Hamilton                      Misty McCarty  
Travis Little                                      Rena Davis  
Kathy Hicks                                      Paul Genvardi  
Jered Hicks                                      Jennifer Gracin  
Jason Gracin                                      Lindsey Vann  
Kelsey Davis                                      Angie Kauffmann  
Lupe Perez                                      Areli Perez  
Sanjuanita Perez                              Christopher Kauffmann  
Esther Berndt

AGENDA ITEM NO. 1: Call to Order.

The Mayor called the meeting to order at 7:00 p.m.

AGENDA ITEM NO. 2: Invocation.

The City Manager gave the invocation.

AGENDA ITEM NO. 3: Recognition of Special Guest(s)/Action(s).

The Mayor presented Miss Areli Perez with a Bravery Award. Miss Perez, sixteen years old, and her family were involved in a vehicle crash on US Highway 287 at 3<sup>rd</sup> Street. Miss Perez got herself, her 4 year old sister and infant sister safely out of their vehicle while her father attended her mother who was trapped in the vehicle. She stayed with her sisters while the other victims were rescued and transferred to area hospitals. Mayor Schultz recognized Miss Perez for exhibiting composure in the face of crisis and, in spite of being injured herself, rescuing and providing safety to the juvenile victims at the scene of a vehicle collision on U.S. Highway 287 on September 9, 2018.

AGENDA ITEM NO. 4: Citizens' Input.

No individuals registered to participate in the citizens' input.

AGENDA ITEM NO. 5: General Consent.

- A. Acceptance and Approval of the Minutes of the Regular City Council Meeting of September 10, 2018.
- B. Acceptance and Approval of the Minutes of the Special City Council Meeting of September 17, 2018.
- C. Acceptance and Approval of the Minutes of the Special Economic Development Corporation's Board of Directors' Meeting of September 11, 2018.
- D. Acceptance and Approval of the Minutes of the Board of Adjustment Meeting of September 17, 2018.
- E. Approve a Request by the Iowa Park High School for Permission to Allow a Bonfire on the Iowa Park High School Property on Thursday, September 27, 2018 in Conjunction With the Homecoming Festivities as Allowed by Section 5.01.001 (1) of the City's Code of Ordinances.

Motion was made by Councilwoman Williams and seconded by Councilman Sheppard accepting and approving the general consent agenda as presented. Motion carried with five ayes. (Unanimous)

AGENDA ITEM NO. 6. Oath of Office.

- A. Administer Oath of Office to Reserve Patrol Officer Jeremy Hicks.

The City Secretary administered the oath of office to Reserve Patrol Officer Jeremy Hicks.

AGENDA ITEM NO. 7: Public Appearance.

- A. A Pubic Appearance by Mr. Ben Beutel to Discuss an Invoice He Received From the City for a Dozer and Operator for Firefighting at His Property Located at 1508 Quail Valley.

Mr. Ben Beutel appeared before the Council asking that an invoice he received from the City for a City dozer and City employee operator be dismissed. On August 27<sup>th</sup>, the City was asked by the Fire Department to assist with a fire on Quail Valley and sent out a dozer and operator to build a fire line to protect other properties. The fire was started by a welding contractor of Mr. Beutel. The City was called out a second time later that afternoon when the fire rekindled. It was noted this happened during the burn ban and was a windy day. Mr. Beutel was not there and did not know the welder was working. The welder was issued a citation but was dropped after he made donations to the Iowa Park Volunteer Fire Department, Wichita Falls Fire Department and Burkburnett Volunteer Fire Department. It was noted Sheppard Fire Department was also on scene. Mr. Beutel was afraid that if word got out the City was billing residents for assisting with fires, some would not call in a fire until it was too late. Councilwoman Klein stated she was out there helping friends with their horses and was very concerned that welding was being done in those conditions. Councilwoman Shierry has issues with the City paying a City employee's time, including overtime on the second call out. Members of the Fire Department that were present stated no other entity in this area bills for this service.

- (i) Action as a Result of Public Appearance.

Motion was made by Councilwoman Klein and seconded by Councilman Sheppard dismissing the invoice sent to Mr. Ben Beutel for a dozer and operator for firefighting at his property located at 1508 Quail Valley. Motion carried with five ayes. (Unanimous) Staff asked for guidance on billing for City assistance on future fires and it was the consensus of the Council that billing should be on a case by case basis.

AGENDA ITEM NO. 8: Public Hearing.

- A. A Public Hearing to Determine Whether the 2000 Ford SUV, Bearing Texas Tag Number 985-ZFG and Also Identified by VIN #1FMZU62X1YZA06269, Being Located Upon Private Property at 1310 North 4<sup>th</sup> Street, Should be Abated in Accordance With the Junked Vehicle Regulations Outlined in Section 8.06 of the City's Code of Ordinances.

The public hearing opened at 7:29 p.m. The Code Compliance Officer stated the owner of the property, Terry and Natalie Fleck, or the owner of the vehicle, Dillard and Maxine Walters, have not made contact with the City. First letters were sent to both on June 5, 2018 and second notice letters were sent out on July 23, 2018. The public hearing closed at 7:31 p.m.

- (i) Action as a Result of Public Hearing.

Motion was made by Councilman Sheppard and seconded by Councilwoman Shierry approving and adopting Resolution Number 18-25 ordering the abatement, removal and/or destruction of a 2000 Ford SUV, bearing Texas tag number 985-ZFG and also identified by VIN #1FMZU62X1YZA06269, being located upon private property at 1310 North 4<sup>th</sup> Street, Iowa Park, Wichita County, Texas within forty-five (45) days from the adoption of this resolution. Motion carried with five ayes. (Unanimous)

- B. A Public Hearing to Determine Whether the 1993 4-Door Jaguar, Bearing Texas Tag Number CS6-C213 and Also Identified by VIN #SAJKW174XPC673507, Being Located Upon Private Property at 610 East Cash, Should be Abated in Accordance With the Junked Vehicle Regulations Outlined in Section 8.06 of the City's Code of Ordinances.

The public hearing opened at 7:32 p.m. The Code Compliance Officer stated there were originally four junk vehicles located at this property prior to notices being sent. This is the only vehicle left and there is now a tarp laid over it. Notices were sent to the owner of the property, Dilts Construction, Inc. and the vehicle owner is listed as Alvin Graham, as well as to the water utility customer listed at this address, Randy Doan. The public hearing closed at 7:34 p.m.

- (i) Action as a Result of Public Hearing.

Motion was made by Councilman Sheppard and seconded by Councilwoman Shierry approving and adopting Resolution Number 18-26 ordering the abatement, removal and/or destruction of a 1993 4-door Jaguar, bearing Texas tag number CS6-C213 and also identified by VIN #SAJKW174XPC673507, being located upon private property at 610 East Cash, Iowa Park, Wichita County, Texas within forty-five (45) days from the adoption of this resolution. Motion carried with five ayes. (Unanimous)

AGENDA ITEM NO. 9: Resolution.

- A. A Resolution of the City Council of the City of Iowa Park, Texas Approving and Adopting a Roth 457 Amendment to the Security Benefit 457 Deferred Compensation Plan.

The City Manager explained that the City currently offers a pretax 457 deferred compensation plan to employees through Security Benefit. The Small Business Jobs Act of 2010 allows employers to deduct funds, at the employees' request, after taxes to go into a ROTH IRA. Motion was made by Councilwoman Shierry and seconded by Councilwoman Williams approving and adopting Resolution Number 18-27 approving and adopting a Roth 457 amendment to the Security Benefit 457 Deferred Compensation Plan. Motion carried with five ayes. (Unanimous)

- B. A Resolution of the City Council of the City of Iowa Park, Texas Authorizing and Approving the Write-Off of Bad Debts.

This year's utility billing write-off is \$6,764.68. Motion was made by Councilwoman Williams and seconded by Councilman Sheppard approving and adopting Resolution Number 18-28 authorizing and approving the write-off of bad debts. Motion carried with five ayes. (Unanimous)

- C. A Resolution of the City Council of the City of Iowa Park, Texas Adopting the Operations Budgets for the General Fund and Water and Sewer Fund for Fiscal Year 2018/2019.

Motion was made by Councilman Sheppard and seconded by Councilwoman Klein approving and adopting Resolution Number 18-29 adopting the City of Iowa Park General Fund operating budget in the amount of \$3,714,660.00 and the Utility Fund operating budget in the amount of \$3,605,280.00 for the fiscal year beginning October 1, 2018 and ending September 30, 2019. Motion carried with five ayes. (Unanimous)

- D. A Resolution of the City Council of the City of Iowa Park, Texas Establishing an Ad Valorem Tax Rate for the Year 2018 on All Property Situated Within the City Limits of Iowa Park on January 1, 2018.

Motion was made by Councilwoman Williams and seconded by Councilwoman Shierry approving and adopting Resolution Number 18-30 that the property tax rate be increased by the adoption of a tax rate of \$0.76 per \$100.00 valuation which is effectively a 2.33 percent increase in the tax rate. It was noted the tax rate is the same but due to an increase in property values it is considered a tax increase. This will generate \$44,549.00 more in revenues. Motion carried with five ayes. (Unanimous)

- E. A Resolution of the City Council of the City of Iowa Park, Texas Amending the General Fund and Water & Sewer Fund Budgets for Fiscal Year 2017/2018 to Reflect the Adjustments of Revenue and Expenditures.

This resolution will cover unbudgeted expenses for this fiscal year. Motion was made by Councilwoman Shierry and seconded by Councilwoman Williams approving and adopting Resolution Number 18-31 amending the General Fund and Water & Sewer Fund budgets for fiscal year 2017/2018 to reflect the adjustments of revenue and expenditures. Motion carried with five ayes. (Unanimous)

AGENDA ITEM NO. 10: City Manager's Report.

- A. Discuss and Consider Authorizing the Fire Chief to Purchase a Lifepak 15 Cardiac Monitor/Defibrillator From Physio Control in the Amount of \$26,308.16 for Use by the Iowa Park Volunteer Fire Department.

This item was discussed in the budget process but was not included. The company, Physio Control, is offering a \$9,000.00 discount if purchased before September 28, 2018. It was pointed out that the amount listed included sales tax. The corrected amount to purchase this unit is \$23,461.00. Motion was made by Councilman Sheppard and seconded by Councilwoman Shierry authorizing the Fire Chief to purchase a Lifepak 15 cardiac monitor/defibrillator from Physio Control in the amount of \$23,461.00. Motion carried with five ayes. (Unanimous)

- B. Discuss and Consider Setting Date and Time for Executive Session to Consider Finalist for the Chief of Police Position.

The Mayor announced that he is abstaining from any discussion on this item since he has submitted his resume for this position. Councilwoman Williams announced that she too is abstaining from any discussion on this item since she has a family member that has applied for this position. At this time it was the consensus of the Council to have Councilwoman Shierry preside over the discussion and selection for this position. Motion was made by Councilman Sheppard and seconded by Councilwoman Klein scheduling Monday, October 15, 2018 at 7:00 p.m. for an executive session to consider finalist for the Chief of Police position. Motion carried with three ayes.

Police Chief Robert Johnson arrived at this time.

AGENDA ITEM NO. 11: Executive Session.

- A. Pursuant to the Texas Government Code, Section 551.085 of the Texas Open Meetings Act for the Purpose of Deliberating the Appointment, Employment, Evaluation, Reassignment, Duties, Discipline, or Dismissal of Public Officers or Employees; and More Specifically to Deliberate the Separation Notice of Chief of Police Robert Johnson.

The Council entered into executive session at 7:53 p.m.

The Council reconvened in open session at 8:35 p.m.

AGENDA ITEM NO. 12: Action as a Result of Executive Session.

- A. Discuss and Consider the Appointment, Employment, Evaluation, Reassignment, Duties, Discipline, or Dismissal of Public Officers or Employees, and More Specifically to Accept the Separation Notice of Chief of Police Robert Johnson.

The Mayor announced no action would be taken at this time.

The meeting adjourned at 8:35 p.m.

PASSED, APPROVED AND ADOPTED this 8<sup>th</sup> day of October, 2018.

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Mayor Ray Schultz

ATTEST:

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City Secretary Janice Newman