

MINUTES OF THE REGULAR CITY COUNCIL MEETING

December 12, 2016

MEMBERS PRESENT: Mayor Ray Schultz
Mayor Pro tem Sherrie Williams
Councilmen Keith Dyer, Tim Sheppard and Brad Wynn

MEMBERS ABSENT: Councilwoman Lori Shierry

PERSONNEL: Jerry Flemming, City Manager
Robert Johnson, Chief of Police
David Sherrill, Public Works Director
David Owen, Economic Development Director
Andy Payne, Fire Chief
Jay Cantrell, City Attorney
Patrick Moulton, Assistant Fire Chief, Fire Operations
Amie Schultz, Library Director
Charles Dudley, Code Enforcement Officer
Mike McCarty, Water & Sewer Maintenance Operator
Janice Newman, City Secretary

VISITORS: Dolores Hamilton David White
Clay Parker Michael Volcik
Tressa Boyd Jeff Rhoades
H. C. Johnson John Scholl
Benny Bowden Matt McCulloch
Miguel Juime Chris Collins
Cindy Arevalo

AGENDA ITEM NO. 1: Call to Order.

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

AGENDA ITEM NO. 2: Invocation.

Councilman Keith Dyer gave the invocation.

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

Michael Volcik and Cindy Arevalo, Claims Specialists with TML Intergovernmental Risk Pool, were introduced to the Council.

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 November 14, 2016.
- B. Acceptance and Approval of the Minutes of the Special City Council Meeting of November 21, 2016.
- C. Acceptance and Approval of the Minutes of the Regular City Council Meeting of November 28, 2016.
- D. Acceptance and Approval of the Minutes of the Planning and Zoning Commission Meeting of December 5, 2016.

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

AGENDA ITEM NO. 6: Public Appearance.

- A. A Public Appearance by Tressa Boyd and Billy Nunley to Discuss Damages at 811 Johnson Road Caused by the Rupture of a Waterline on the Adjacent Right-of-Way.

Ms. Tressa Boyd spoke to the Council regarding damage to her home and property that was damaged when the City's waterline ruptured. Two vehicles were damaged as well as her home, including fish that were killed in their fish pond. She stated she was assured by the City that the damage would be taken care of, however, the City's insurance denied the claim. Her insurance will cover the damage to the house and vehicles but they will have to pay three deductibles. Mr. Michael Volcik and Ms. Cindy Arevalo, claims specialist with TMI, were present and explained the City was not liable for the incident under the Texas Tort Claims Act. It was explained for the claim to be covered, the cause would have to have been from the City's operation or use of a motor vehicle or from the operation or use of motor driven equipment.

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

No action was taken.

- B. A Public Appearance by Representative of the Iowa Park Chamber of Commerce to Discuss the Proposed Service Agreement Between the City and Chamber.

Mr. Jeff Rhoades, Chamber of Commerce president, asked that the agreement include wording to allow the Chamber to have a workspace and storage for their records.

(i) Action as a Result of Public Appearance.

Motion was made by Councilwoman Williams and seconded by Councilman Sheppard approving the service agreement between the City and the Iowa Park Chamber of Commerce, with the above described changes. Motion carried with four ayes. (Unanimous)

AGENDA ITEM NO. 7: Public Hearing.

- A. A Public Hearing to Determine Whether the Brick Residential Structure Located at 1500 Karen, Also Known as Lot 16, Block F, Country Hills Estates to the City of Iowa Park, Wichita County, Texas Should be Declared a “*Substandard Structure*” as That Term is Defined in Section 3.02.001 of the Code of Ordinances and Whether Said Structure Should be Abated Accordingly.

The public hearing opened at 7:20 p.m. This home is vacant and is unsecure due to multiple doors being damaged or missing. Records indicate Thomas A. Smith of Vernon, Texas owns the home. He did receive the certified letter Code Enforcement sent to him but has not responded. The public hearing closed at 7:21 p.m.

(i) Action as a Result of Public Hearing.

Motion was made by Councilman Sheppard and seconded by Councilman Dyer approving and adopting Council Order Number 16-05 declaring the brick residential structure located at 1500 Karen, also known as Lot 16, Block F, Country Hills Estates to the City of Iowa Park, Wichita County, Texas “*Substandard Structures*” as that term is defined in Section 3.02.001 of the Code of Ordinances and ordered the structures to be abated within forty-five (45) days of the adoption of this Council Order. Motion carried with four ayes. (Unanimous)

- B. A Public Hearing to Determine Whether the 1993 Ford Pickup, Bearing Texas Tag Number FRZ-7232 and Also Identified by Vehicle Identification Number 1FTEX14N10KA88844, Being Located on the Public Right-of-Way Adjacent to 117 Westview, Should be Abated in Accordance With the Junked Vehicle Regulations Outlined in Section 8.06 of the City’s Code of Ordinances.

It was noted this vehicle has been removed. No action was taken.

AGENDA ITEM NO. 8: Ordinance.

- A. An Ordinance of the City of Iowa Park, Texas Accepting and Approving the Replat of Lot 1, in Block 26 of the Original Townsite to the City of Iowa Park, Wichita County, Texas.

It was noted that a replat was previously done on this property and had a twenty foot utility easement. However, Oncor is requiring a fifty foot utility easement. Motion was made by Councilwoman Williams and seconded by Councilman Dyer approving and adopting Ordinance Number 1226 accepting and approving the replat of Lot 1 in Block 26 of the Original Townsite to the City of Iowa Park, Wichita County, Texas. Motion carried with four ayes. (Unanimous)

AGENDA ITEM NO. 9: City Manager's Report.

- A. Discuss and Consider Authorizing an Expenditure of \$5,249.29 to NetEssentials for Wireless Remote to the Wastewater Treatment Facility.

The City Manager stated that this is for the installation of a wireless remote to the wastewater treatment plant office which will support a secure network and telephone connection for staff to input and access reports online and share instantly with staff at ground storage and management. This is a budgeted item. Motion was made by Councilman Sheppard and seconded by Councilman Dyer authorizing the expenditure of \$5,249.29 to NetEssentials for wireless remote to the wastewater treatment facility. Motion carried with four ayes. (Unanimous)

- B. Discuss and Consider Authorizing an Expenditure of \$16,000.00 to Garcia's Construction to Cut and Cap the 16" Waterline East and West of the Concrete Vault at the Ground Storage Facility.

This item is for piping modifications at the ground storage facility. This is a budgeted item. Motion was made by Councilwoman Williams and seconded by Councilman Dyer authorizing the expenditure of \$16,000.00 to Garcia's Construction to cut and cap the 16" waterline east and west of the concrete vault at the ground storage facility. Motion carried with four ayes. (Unanimous)

- C. Discuss and Consider Authorizing the Public Works Director to Install a "Slow Children at Play" Sign in the Right-of-Way at 309 East Washington.

The City Manager stated he has had a request to install a "Slow Children at Play" sign in the 300 block of East Washington. Councilwoman Williams reminded the Council that the City has had several requests over the years for such signs and the Council has declined each of those requests. It was the consensus of the Council to have the Police Department place their electronic speed radar in the area and have staff install additional speed limit signs.

- D. Discuss and Consider the Value and Disposal of Surplus Properties Owned by the City.

The Council discussed value and disposal of three surplus properties, the former Chamber of Commerce building at 101 West Cash, the former Pallet Outlet at 400 East Highway and the former Friendship Cable lot on West Highway. There was discussion on the two properties on the Highway of setting a minimum building value and size. Motion was made by Councilman Dyer and seconded by Councilman Wynn to demolish the old Chamber of Commerce building located

at 102 North Wall with the possibility of turning it into a grassy park type area. Motion carried with four ayes. (Unanimous)

- E. Discuss and Consider Responses to the Request for RFQ for Engineering Services for Hydrologic and Hydraulic Analyses.

The City Manager informed the Council that only one bid was received from Halff. The Council was reminded that state law prohibits local governments from soliciting fee schedules from professional engineers or architects prior to selecting a proposal. The City Manager explained that with the water line break, personnel and legal situations he failed to send out notices to specific engineering firms. He would like to republish the request for proposal for the hydrologic and hydraulic analyses engineering work. Motion was made by Councilman Sheppard and seconded by Councilwoman Williams to accept statement of qualifications and negotiate fees with Halff for the drainage analyses on the property behind the Iowa Park Clinic. Motion carried with four ayes. (Unanimous)

AGENDA ITEM NO. 10: Executive Session.

- A. Pursuant to the Texas Government Code, Section 551.072 of the Texas Open Meetings Act for the Purpose of Deliberating the Purchase, Exchange, Lease or Value of Real Property and More Specifically Defined as Follows:
 - 1. Discuss and Consider the Value and Terms of Site Lease Agreements for Telecommunications Antennas on Public Water Towers.

- B. Pursuant to the Texas Government Code, Section 551.074 of the Texas Open Meetings Act for the Purpose of Deliberating the Appointment, Employment, Evaluation, Reassignment, Duties, Discipline or Dismissal of a Public Officer or Employee and More Specifically Defined as Follows:
 - 1. Discuss and Consider the Appointment and Duties of a Building, Electrical and/or Plumbing Inspector and/or a Code Enforcement Officer.
 - 2. Discuss and Consider the Appointment and Duties of a City Attorney.

The Council entered into executive session at 8:28 p.m.

The Council reconvened in open session at 9:49 p.m.

- (i) Action as a Result of Executive Session.

The Mayor announced that on item 10. A. no action would be taken.

On item 10. B. 1., motion was made by Councilman Dyer and seconded by Councilman Sheppard for the City Manager to create a second Code Enforcement Officer position. Motion carried with four ayes. (Unanimous)

On item 10. B. 2., the Mayor announced there was no action.

The meeting adjourned at 9:50 p.m.

PASSED, APPROVED AND ADOPTED this 9th day of January, 2016.

Mayor Ray Schultz

ATTEST:

City Secretary Janice Newman