

MINUTES OF THE REGULAR CITY COUNCIL MEETING

December 14, 2015

MEMBERS PRESENT: Mayor Ray Schultz  
Mayor Pro tem Sherrie Williams  
Councilwomen Lori Shierry and Stephanie Wooten  
Councilmen Keith Dyer and Tim Sheppard

MEMBERS ABSENT: None

PERSONNEL: Jerry Flemming, City Manager  
David Sherrill, Public Works Director  
Robert Johnson, Chief of Police  
Andy Payne, Fire Chief  
Patrick Moulton, Assistant Fire Chief  
Becky Ferguson, Director of Finance  
Charles Dudley, Code Enforcement Officer  
Janice Newman, City Secretary

VISITORS: John Scholl Susan Morris  
Lou Kreidler Kim French  
Darrin French Carmen Lozipone  
Alex Achten Clay Parker  
David White Barry Mahler

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).

There were no special guest(s)/action(s).

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 9, 2015.
- B. Acceptance of the Minutes of the Iowa Park Economic Development Corporation's Board of Directors' Meeting of December 1, 2015.
- C. Acceptance of the Minutes of the Iowa Park Economic Development Corporation's Board of Directors' Special Meeting of December 8, 2015.

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

AGENDA ITEM NO. 6: Appointment.

- A. Approve the Re-Appointment of Mr. Dan King as the City's Joint Representative to the Medical Services Board.

This position to the Medical Services Advisory Board is shared between the cities of Burkburnett and Iowa Park. Mr. Dan King, Burkburnett, has indicated his willingness to continue to serve on the Board. Motion was made by Councilwoman Williams and seconded by Councilwoman Wooten approving the re-appointment of Mr. Dan King as the City's joint representative to the Medical Services Board. Motion carried with five ayes. (Unanimous)

AGENDA ITEM NO. 7: Public Appearance.

- A. A Public Appearance by Ms. Kim French to Request Water and Sewer Service on a Property on South Texowa in Unincorporated Wichita County Adjacent to the City of Iowa Park.

Ms. Kim French appeared before the Council requesting water and sewer services to an unincorporated twenty-six acre tract of land on South Texowa, across from Entex. This land is contiguous to the City limits. Ms. French would like to develop the property as a rustic special events center on the front part of land and agriculture in the back. She provided the Council with photos of what she is proposing, which is a large 5,000 square foot barn that will include restrooms and kitchen with up to 200 capacity. The Council indicated they would grant water and sewer services only if Ms. French would annex the property. Ms. French agreed to annex and would get with the City staff to start the proceedings.

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

Motion was made by Councilwoman Williams and seconded by Councilman Sheppard granting water and sewer services to Ms. Kim French on property on South Texowa if the property is annexed. Motion carried with five ayes. (Unanimous)

AGENDA ITEM NO. 8: Public Hearing.

- A. A Public Hearing to Determine Whether the 1999 Dodge Pickup, Bearing Texas Tag Number CGH-3070 and Also Identified by Vehicle Identification Number 1B7HF13Z2XJ623996, Being Located on Private Property at 105 James Drive, 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 7:16 p.m. The vehicle is owned by Mercedes Boyd and the property is owned by Larsen Holdings. Charles Dudley, Code Enforcement Officer, has spoken to the property owner who is working on getting the vehicle removed. The public hearing closed at 7:18 p.m.

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

Motion was made by Councilman Sheppard and seconded by Councilwoman Wooten approving and adopting Resolution Number 14-46 ordering the abatement, removal and/or destruction of the 1999 Dodge pickup truck, bearing Texas tag number CGH-3070, and also identified by Vehicle Identification Number 1B7HF13Z2XJ623996, being located upon on private property at 105 James Drive, within forty-five (45) days from adoption of this resolution. Motion carried with five ayes. (Unanimous)

AGENDA ITEM NO. 9: Bid Action.

- A. Receive, Review and Consider Proposals Received for the Design and Construction of the Iowa Park Animal Reclaim Center.

This Request for Proposal (RFP) was for a 16 kennel animal reclaim center on City owned property located north of the Street Barn on FM 368. One proposal was received as follows:

BYSP/Connolly Architects + Trinity Hughes Construction

Technical Proposal – scored 70 points out of 80 - - - Cost Proposal – scored 0 points out of 20

Total – scored 70 points out of 100

Total amount of proposal \$398,874.00

City staff met with the proposers to seek a scaled down version of the project, an 8 kennel center with the ability to expand. The proposers came back with a 1,630 square foot 8 kennel center at \$337,704.00. The Community Development Board had expressed interest in funding the reclaim center. The original cost estimate was \$250,000.00. Staff recommended rejecting the proposal and asked Council how to proceed. Motion was made by Councilwoman Shierry and seconded by Councilman Sheppard rejecting the proposal received for the design and construction of the Iowa Park Animal Reclaim Center and to revisit this item after the first of the new year. Motion carried with five ayes. (Unanimous)

AGENDA ITEM NO. 10: Ordinance.

- A. An Ordinance of the City Council of the City of Iowa Park, Texas Amending Chapter 3 of the Code of Ordinances by Adding a New Section 3.02.039 to Division 2 of Article 3.02 Entitled “Asbestos Requirements”; Providing for a Severability Clause and an Effective Date.

The City Manager explained the current Code of Ordinances does not address the State and Federal regulations on asbestos. The law requires an asbestos survey be performed on commercial buildings prior to a building permit being issued. The City does enforce this law and would like to have it addressed in the Code of Ordinances. Motion was made by Councilwoman Williams and seconded by Councilman Dyer approving and adopting Ordinance Number 1202 amending Chapter 3 of the Code of Ordinances by adding a new Section 3.02.039 to Division 2 of Article 3.02 entitled “Asbestos requirements”; providing for a severability clause and an effective date. Motion carried with five ayes. (Unanimous)

- B. An Ordinance of the City Council of the City of Iowa Park, Texas Amending Section 3.02.036 (a)(8) to Add (A) and (B) Dealing With the Issuance of Building Permits and to Specify “Double Charge” for Failure to Obtain a Building Permit Prior to Commencing Work.

The City charges double the permit fee for building permits issued after construction has begun/finished. The Code of Ordinances currently specifies a double charge for electrical permits but not for building permits. Motion was made by Councilman Sheppard and seconded by Councilwoman Wooten approving and adopting Ordinance Number 1203 amending Section 3.02.036 (a)(8) to add (A) and (B) dealing with the issuance of building permits and to specify “double charge” for failure to obtain a building permit prior to commencing work. Motion carried with five ayes. (Unanimous)

- C. An Ordinance of the City Council of the City of Iowa Park, Texas Amending the Code of Ordinances at Article 13.05 to Revise the City’s Drought Contingency Plan.

The City of Wichita Falls recently updated their Drought Contingency Plan. Iowa Park purchases all of its water from Wichita Falls and must have water reduction goals based on lake capacity triggers that would determine each drought stage. Motion was made by Councilwoman Shierry and seconded by Councilwoman Williams approving and adopting Ordinance Number 1204 amending the Code of Ordinances at Article 13.05 to revise the City’s Drought Contingency Plan. Motion carried with five ayes. (Unanimous)

- D. An Ordinance of the City of Iowa Park, Texas Amending the Code of Ordinances at Section A8.002 of Article A8.000 in

Appendix A to Increase the Fee Charged for Residential Solid Waste Collection/Disposal Services.

Progressive Waste is increasing their residential rates beginning January 1, 2016. This ordinance will raise the residential trash rates from \$14.00 to \$14.30 for a single dumpster. The rates for additional dumpsters will stay the same at \$7.00 each. Motion was made by Councilwoman Wooten and seconded by Councilman Sheppard approving and adopting Ordinance Number 1205 amending the Code of Ordinances at Section A8.002 of Article A8.00 in Appendix A to increase the fee charged for residential solid waste collection/disposal services. Motion carried with five ayes. (Unanimous)

- E. An Ordinance of the City Council of the City of Iowa Park, Texas Amending Article 6.04 of the Code of Ordinances of the City of Iowa Park Relating to Food Establishments; Establishing Revised Regulations; Providing for Fees and Penalties; Providing for Severability, the Continued Enforcement of Existing Regulations and an Effective Date.

Susan Morris and Lou Kreidler with Wichita Falls-Wichita County Public Health District were present to explain the new rules imposed by the State. They noted that items for inspections at food establishments had grown from twenty-seven items to forty-seven. They are offering classes to educate the food handlers on the new regulations. Councilwoman Williams stated she had a real problem with the wording in Section 6.04.042 (c) that states any menu change must be reported to the regulatory authority. Motion was made by Councilman Sheppard and seconded by Councilman Dyer approving and adopting Ordinance Number 1206 amending Article 6.04 of the Code of Ordinances of the City of Iowa Park relating to food establishments; establishing revised regulations; providing for fees and penalties; providing for severability, the continued enforcement of existing regulations and an effective date. Councilwoman Williams voted nay. Motion carried with four ayes.

AGENDA ITEM NO. 11: Resolution.

- A. A Resolution of the City Council of the City of Iowa Park, Texas Relating to Service by the Mayor and Members of the City Council as Members of the Iowa Park Volunteer Fire Department.

The City Manager contacted both TML legal and the City Attorney since there are three members of the Council that are also members of the fire department. The City Attorney prepared the proposed resolution that will allow volunteer service on the fire department by elected officials. Motion was made by Councilwoman Shierry and seconded by Councilman Dyer approving and adopting Resolution Number 15-47 relating to service by the Mayor and members of the City Council as members of the Iowa Park Volunteer Fire Department. Motion carried with five ayes. (Unanimous)

- B. A Resolution of the City Council of the City of Iowa Park, Texas Approving the Nomination of City Manager Jerry Flemming to Represent the Municipalities Interest Group on the Board of the Regional Planning Group-Area B.

The City Manager explained he has been asked to run for a vacant position that will expire on August 31, 2016. Motion was made by Councilman Dyer and seconded by Councilman Sheppard approving and adopting Resolution Number 15-48 approving the nomination of City Manager Jerry Flemming to represent the municipalities interest group on the board of the Regional Planning Group-Area B. Motion carried with five ayes. (Unanimous)

- C. A Resolution of the City Council of the City of Iowa Park, Texas Amending the City's Investment Policy and Affirming Approval of Said Investment Policy.

This resolution adds a qualified broker, Cetera Investment Services to the policy and minor changes including updating the limits allowed by the Federal Deposit Insurance Corporation.

Motion was made by Councilman Sheppard and seconded by Councilwoman Wooten approving and adopting Resolution Number 15-49 amending the City's Investment Policy and affirming approval of said investment policy. Motion carried with five ayes. (Unanimous)

D. A Resolution of the City Council of the City of Iowa Park, Texas Accepting the Wastewater Treatment Plant Effluent Reuse Conveyance Facilities and Authorizing Final Payment.

It was noted this project has been completed. Motion was made by Councilman Dyer and seconded by Councilwoman Wooten approving and adopting Resolution Number 15-50 accepting the Wastewater Treatment Plant Effluent Reuse Conveyance Facilities and authorizing final payment. Motion carried with five ayes. (Unanimous)

AGENDA ITEM NO. 12: City Manager's Report.

A. Discuss and Consider Repayment Options to the State Comptroller for Overpayment of Sales Tax.

The City Manager explained the City was notified by the State Comptroller that there was an overpayment of \$43,621.94 from 2011 to 2013 that must be repaid. One half of that amount is owed by the City and one fourth is owed by the 4A and 4B Boards. The State has offered repayment options of 1) full reimbursement; 2) apply all monthly collection to the overpaid amount until the full amount has been repaid; or 3) a 41 month payback agreement. By repaying the full amount, the City would receive a two percent discount. Motion was made by Councilwoman Shierry and seconded by Councilwoman Williams to repay the full amount. Motion carried with five ayes. (Unanimous)

B. Discuss and Consider Authorizing the City Manager to Purchase a Dump Truck Tailgate Salt Spreader From Commercial Body & Rigging for \$6,880.00.

The staff had received two quotes on a dump truck tailgate salt spreader. Commercial Body & Rigging for \$6,880.00 with a one week delivery and Four Seasons Equipment, Inc. for \$4,524.25 with 30-45 day delivery. A total of \$7,500.00 was budgeted for this item. Motion was made by Councilman Sheppard and seconded by Councilwoman Wooten authorizing the City Manager to purchase a dump truck tailgate salt spreader from Four Seasons Equipment, Inc. for \$4,524.25. Motion carried with five ayes. (Unanimous)

The meeting adjourned at 8:17 p.m.

PASSED, APPROVED AND ADOPTED this 11<sup>th</sup> day of January, 2016.

---

Mayor Ray Schultz

ATTEST:

---

City Secretary Janice Newman