

MINUTES OF THE SPECIAL CITY COUNCIL MEETING

February 20, 2018

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

MEMBERS ABSENT: None

PERSONNEL: Jerry Flemming, City Manager
Robert Johnson, Chief of Police
David Sherrill, Public Works Director
Jason Griffin, Parks and Recreation Director
David Owen, Economic Development Director
Becky Ferguson, Director of Finance
Sherry Fowler, Police Sergeant
Greg Polly, Code Compliance Officer
Janice Newman, City Secretary

VISITORS: Dolores Hamilton
Ricky Shook
Tim Mowery
Lindsey Vann
Macy Shoemaker
Jimmy Denton
Gratan Eiben

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 Chief of Police gave the invocation.

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

There were no recognitions at this time.

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 January 22, 2018.
- B. Acceptance and Approval of the Minutes of the Special Economic Development Corporation's Board of Directors' Meeting of January 23, 2018.
- C. Acceptance and Approval of the Minutes of the Special Economic Development Corporation's Board of Directors' Meeting of February 5, 2018.

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: Public Hearing.

- A. A Fourth Public Hearing to Consider Granting an Extension for the Property Owner to Abate the Retail Strip Mall/Center Structure Located at 606 E Highway, Also Known as Lots 4 & 5 & East 10 ft. of Lot 6, Block 96, Original Townsite to the City of Iowa Park, Wichita County, Texas.

The public hearing opened at 7:01 p.m. Mr. Adam Dehoyos, owner of the property, was not present. The City Manager stated the main concern with the building is that it is not secure. Staff did attempt to put plywood on the back of the building and could not find any solid surface to nail it into. It was pointed out that if the City were forced to demolish this structure, an asbestos survey would have to be performed and there is an underground fuel tank that would have to be removed. Councilwoman Williams pointed out this substandard structure first came to the Council over six months ago and nothing has been done. She asked the staff to research State law that allows a municipality to fine a property owner \$1,000.00 per day for a substandard structure. The public hearing closed at 7:13 p.m.

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

Motion was made by Councilwoman Shierry and seconded by Councilwoman Dyer to table this item to allow staff to research other possible alternatives. Motion carried with five ayes. (Unanimous)

- B. A Fourth Public Hearing to Consider Granting an Extension for the Property Owner to Abate the Detached Wooden Accessory Building Structure Located at 401 East Lafayette, Also Known as W 30' of Lot 4 & Lots 5 & 6, Block 5, McCleskey Addition to the City of Iowa Park, Wichita County, Texas.

The public hearing opened at 7:13 p.m. Mr. Jim Denton, owner of the property, was present and asked the Council for more time to complete the clean-up of the property. It was noted the structure has been demolished but there is still junk that needs to be removed. The public hearing closed at 7:17 p.m.

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

Motion was made by Councilwoman Shierry and seconded by Councilwoman Williams approving and adopting Council Order #17-18-C granting an extension for the property owner to abate the detached wooden accessory building structure located at 401 East Lafayette, also known as W 30' of Lot 4 & Lots 5 & 6, Block 5, McCleskey Addition to the City of Iowa Park, Wichita County, Texas within thirty (30) days from the adoption of this Council Order. Motion carried with five ayes. (Unanimous)

- C. A Fourth Public Hearing to Consider Granting an Extension for the Property Owner to Abate the H.U.D. Manufactured Home Structure Located at 315 East Crystal, Also Known as Lots 1-2, Block 168, Original Townsite to the City of Iowa Park, Wichita County, Texas.

The public hearing opened at 7:17 p.m. Mr. Timothy Mowery, owner of the property, was present and asked the Council for an additional forty-five days to abate the structure. Mr. Mowery stated he has decided to keep the mobile home, instead of tearing it down and removing the structure. He believes he can have the structure looking good, but it might not be habitable within that timeframe. He has started work on removing an addition to the home and has taken most of the roof and siding down. He informed the Council the reason it taking so long is because he has a limited income and no one to help him. Councilman Sheppard stated there appears to be a lot of damage to the mobile home due to areas where there has been no siding or underpinning for years. The public hearing closed at 7:36 p.m.

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

Motion was made by Councilwoman Williams and seconded by Councilwoman Shierry approving and adopting Council Order #17-17-C granting an extension for the property owner to abate the

H.U.D. manufactured home structure located at 315 East Crystal, also known as Lots 1-2, Block 168, Original Townsite to the City of Iowa Park, Wichita County, Texas by March 26, 2018 and must have notable progress on the structure. Councilman Sheppard voted against the motion. Motion carried with four ayes.

- D. A Fourth Public Hearing to Consider Granting an Extension for the Property Owner to Abate the Wooden Residential Structure Located at 904 South Wall, Also Known as Lots 1-2, Block 172, Original Townsite to the City of Iowa Park, Wichita County, Texas.

The public hearing opened at 7:37 p.m. The City Manager stated that Mr. Gregory Dickey, owner of the property, left a phone message this afternoon stating he would be unable to attend this meeting and would call back next week. It was noted that nothing has been done to this property since the Council first met on it on July 24, 2017. Also noted that the structure was still unsecured due to a broken window. The public hearing closed at 7:45 p.m.

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

Motion was made by Councilman Sheppard and seconded by Councilwoman Dyer endorsing Council Order #17-21-B and ordering the demolition of the wooden residential structure. Councilwoman Shierry voted against the motion. Motion carried with four ayes.

- E. A Public Hearing to Determine Whether the Manufactured Home-Type Residential Structure Located at 709 E Park, Also Known as Lots 7-8-9-10, Block 81, Original Townsite 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 started at 7:47 p.m. Mr. Grantan Eiben, owner of the property, appeared before the Council. He stated he will tear down and remove the mobile home. The public hearing ended at 7:48 p.m.

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

Motion was made by Councilman Sheppard and seconded by Councilman Wynn approving and adopting Council Order #18-05 declaring the manufactured home-type residential structure located at 709 E Park, also known as Lots 7-8-9-10, Block 81, Original Townsite to the City of Iowa Park, Wichita County, Texas a “*Substandard Structure*” as that term is defined in Section 3.02.001 of the Code of Ordinances and ordering the structure to be secured and liens to be paid off within forty-five (45) days of the adoption of this Council Order. Motion carried with five ayes. (Unanimous)

AGENDA ITEM NO. 7: Resolution.

- A. A Resolution of the City Council of the City of Iowa Park, Texas Accepting the Annual Racial Profiling Report for Calendar Year 2017 as Submitted by the Iowa Park Police Department.

The Chief of Police presented the racial profiling report for 2017. The report reflected the number of motor vehicle stops, race or ethnicity and searches conducted. Motion was made by Councilwoman Williams and seconded by Councilman Sheppard approving and adopting Resolution Number 18-05 accepting the annual racial profiling report for calendar year 2017 as submitted by the Iowa Park Police Department. Motion carried with five ayes. (Unanimous)

- B. A Resolution of the City Council of the City of Iowa Park, Texas Authorizing the City Manager to Execute, on Behalf of the City of Iowa Park, a Fifth Amendment to the Lease Agreement With Cingular Wireless PCS, LLC for Equipment Modifications on

the Water Tower Located Within the West Emerald Street Right-of-Way.

The City Manager explained that the current lease agreement expires February 23, 2018. The new lease will allow AT&T to keep their equipment on the water tower. Motion was made by Councilman Sheppard and seconded by Councilwoman Shierry approving and adopting Resolution Number 18-06 authorizing the City Manager to execute, on behalf of the City of Iowa Park, a Fifth Amendment to the lease agreement with Cingular Wireless, PCS, LLC for equipment modifications on the water tower located within the West Emerald Street right-of-way. Motion carried with five ayes. (Unanimous)

AGENDA ITEM NO. 8: City Manager's Report.

A. Discuss and Consider Approving a List of Streets to be Built, Rebuilt and/or Slurried for Fiscal Year 2017/2018.

It was noted there is \$140,000.00 budgeted for street construction. The Public Works Director put together a list of streets in need of slurry and asphalt repair. He also included Wigley Road, which is one-third owned by Wichita County. Wichita County is willing to go in half to chip seal Wigley Road, from the Access Road to the entrance of the Gun Club. Total cost of that project is \$10,677.00. He highlighted several streets he felt were the worst as follows:

Slurry seal

Emma - \$9,072.00

Kathleen - \$2,611.44

900 – 1000 block West Louisa - \$8,506.80

North Jackson from West Alameda to West Park - \$4,949.28

West Bank from West Highway to North Jackson - \$10,241.28

South Colorado from West Daisy to West Lafayette - \$7,212.32

West Lafayette from South Wall to South Yosemite - \$1,758.96

South Alcott from East Jefferson to East Lafayette - \$3,517.92

Elizabeth - \$2,151.36

200 block West Park - \$1,063.92

100 South to 100 North Saratoga - \$3,790.03

100 West to 300 East Bank - \$7,116.48

Asphalt rebuild

Park Place Circle north - \$42,213.40

Second Street from West Washington to West Alameda - \$9,597.50

Motion was made by Councilwoman Shierry and seconded by Councilman Sheppard approving the above listed streets to be slurried and asphalt rebuilt and Wigley Road chip seal for fiscal year 2017/2018. Motion carried with five ayes. (Unanimous)

B. Discuss and Consider Authorizing the City Manager to Enter Into a Contract Service Agreement With Texas Communities Group, LLC to Create a Plan for Addressing Problem Properties, Dilapidated Structures and Property Foreclosures Within the City of Iowa Park.

The City Manager briefed the Council on the proposed service agreement. The Texas Communities Group, LLC works with Perdue, Brandon, Fielder, Collins & Mott Law Firm to collect delinquent taxes for the City and School Tax Office. They specialize in problem properties, dilapidated structures and property foreclosures. The cost is \$3,500.00 annually. Staff is recommending approval of the contract to focus on past due taxes and property liens which will complement code enforcement of substandard structures. Motion was made by Councilwoman Williams and seconded by Councilwoman Dyer authorizing the City Manager to enter into a contract service agreement with Texas Communities Group, LLC to create a plan for addressing problem properties, dilapidated structures and property foreclosures within the City of Iowa Park. Motion carried with five ayes. (Unanimous)

C. Receive a Report From the Chief of Police Concerning the Use of Asset Forfeiture Funds For the Relocation of Two Small Ocean Containers by Waters Ag.

The Chief of Police explained that his Department received two small ocean containers from the Department of Defense through the 1033 program. He used \$480.00 from the Asset Forfeiture Funds to have Waters Ag move the containers from Fort Sill to behind the Police Department. State law requires him to inform the Council when he uses any of those funds.

The meeting adjourned at 8:16 p.m.

PASSED, APPROVED AND ADOPTED this 26th day of February, 2018.

Mayor Ray Schultz

ATTEST:

City Secretary Janice Newman