

MINUTES OF THE SPECIAL CITY COUNCIL MEETING

May 18, 2015

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

MEMBERS ABSENT: Mayor Ray Schultz

PERSONNEL: Jerry Flemming, City Manager  
David Sherrill, Public Works Director  
Robbie Matthews, Parks and Recreation Director  
David Owen, Economic Development Director  
Andy Payne, Fire Chief  
Jimmy Eaton, Lieutenant  
Becky Ferguson, Director of Finance  
Amie Schultz, Library Director  
Charles Dudley, Code Enforcement Officer  
John Scholl, Water Plant Operator  
Janice Newman, City Secretary

VISITORS: Dolores Hamilton  
David White  
Darlene Gilbert  
Susan Rogers  
Billy England  
Don Martin  
Steve Smith  
Larry Hayes  
Jimmy Via  
Ronny Guthrie  
Terry Rogers  
Charla Martin  
Danny Long  
David Parkey

AGENDA ITEM NO. 1: Call to Order.

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

AGENDA ITEM NO. 2: Invocation.

The Economic Development Director gave the invocation.

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

The Mayor Pro tem complimented the Police Department on their recent open house with over seventy-five people attending the event.

AGENDA ITEM NO. 4: Citizens' Input.

Mr. Larry Hayes who lives at 503 South Colorado, addressed the Council on his complaints on truck drivers using their engine brakes around the curve at Lafayette and FM 368 South. He asked that the Council consider creating an ordinance prohibiting the use of engine brakes. He also asked that the Police Department patrol the area for speeding vehicles.

Mr. Billy England expressed his concerns on the recent flooding on Bell Road. His wife's aunt, lives at 1209 North Bell Road and her home has flooded three times since the rain started this month. Mr. England believes the homes being built in the area are contributing to the flooding and asked the Council to have an engineering study done before any more construction is allowed. He also believes a couple of culverts in the area are not draining properly.

AGENDA ITEM NO. 5: General Consent.

A. Acceptance and Approval of the Minutes of the Regular City Council Meeting of April 27, 2015.

B. Acceptance and Approval of the Minutes of the Regular Community Development Corporation's Board of Directors' Meeting of April 28, 2015.

C. Acceptance and Approval of the Minutes of the Regular Economic Development Corporation's Board of Directors' Meeting of May 5, 2015.

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

AGENDA ITEM NO. 6: Election Business.

A. Swear in Newly Elected Members of the City Council.

The City Secretary swore in Tim Sheppard, City Council, Place 1, Keith Dyer, City Council Place 3 and Sherrie Williams, City Council Place 5.

B. Consider and Approve the Appointment of a Mayor Pro tem.

Motion was made by Councilman Dyer and seconded by Councilman Sheppard appointing Sherrie Williams as Mayor Pro tem. Motion carried with four ayes. (Unanimous)

AGENDA ITEM NO. 7: Appointment.

A. Consider the Appointment of Sherrie Williams as the Designated Representative From the City of Iowa Park on the Nortex Regional Planning Commission.

Motion was made by Councilman Sheppard and seconded by Councilwoman Shierry appointing Sherrie Williams as the designated representative from the City of Iowa Park on the Nortex Regional Planning Commission. Motion carried with four ayes. (Unanimous)

AGENDA ITEM NO. 8: Public Hearing.

A. A Public Hearing to Determine Whether the Manufactured Housing Residential Structure Located at 404 East Alameda, Also Known as Lot 9 in Block 32 of the 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 opened at 7:12 p.m. The City Manager explained this mobile home is being occupied by one or more individuals, but has not had water, sewer or solid waste disposal services since January, 2014. Ms. Darlene Gilbert stated she is the sister of the deceased owner. Her nephew, Jimmy Via, has been living in the mobile home without their permission. Ms. Gilbert said Charla and Don Martin are wanting to purchase the property and mobile home. It was suggested to Ms. Gilbert to visit the Justice of the Peace to legally evict her nephew. The public hearing closed at 7:18 p.m.

(i) Action as a Result of Public Hearing.

Motion was made by Councilwoman Wooten and seconded by Councilman Sheppard approving and adopting Council Order Number 15-03 declaring the manufactured housing residential structure located at 404 East Alameda, also known as Lot 9 in Block 32 of the 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 ordered the structure to be abated within forty-five (45) days and the owner of the manufactured residential structure and/or any or all tenants of the housing unit must secure water, wastewater and solid waste disposal service utilities to the residential structure or vacate the premises on or before July 9, 2015. The City Manager will schedule a second public hearing for Monday, July 13, 2015 at which time evidence will be

presented to the City Council to have the manufactured residential housing unit abated by seizure and demolition following the allotted forty-five (45) day appear period. Motion carried with four ayes. (Unanimous)

- B. A Public Hearing to Determine Whether the Two (2) Manufactured Housing Residential Structures Located at 405 East Aldine #4 and #6, Also Known as Lots 2 Thru 6 in Block 22 of the 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 opened at 7:19 p.m. Mr. Terry Rogers, owner of the property, told the Council he has one of the mobile homes nearly torn down. The recent rains have slowed down the progress. Mr. Rogers asked the Council to give him time to tear both down and haul the debris away. The public hearing closed at 7:21 p.m.

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

Motion was made by Councilwoman Shierry and seconded by Councilwoman Wooten approving and adopting Council Order Number 15-04 declaring the two (2) manufactured housing residential structures located at 405 East Aldine #4 and #6, also known as Lots 2 thru 6 in Block 22 of the Original Townsite 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 ninety (90) days of the adoption of this Council Order. Motion carried with four ayes. (Unanimous)

AGENDA ITEM NO. 9: Bid Action.

- A. Review, Discuss and Consider Bids Received for the Construction of Water Line Improvements to Serve Dollar General and Authorizing the City Manager to Execute a Contract With the Lowest and Most Responsible Bidder.

Three bids were received as follows:

<u>Name of Bidder</u>	<u>Amount of Bid</u>
Hypoworks	\$45,985.00
Bowles Construction Company	\$49,405.00
Wichita Contractors, Inc.	\$73,400.00

The staff recommended the Council accept the low bid from Hypoworks. Motion was made by Councilman Sheppard and seconded by Councilman Dyer accepting the low bid from Hypoworks in the amount of \$45,985.00 for the construction of the water line improvements to serve Dollar General and authorizing the City Manager to execute the contract. Motion carried with four ayes. (Unanimous)

- B. Consider Authorizing the City Manager to Advertise a Request for Proposal (RFP) for Wastewater Aeration System Improvements.

The City Manager updated the Council on the work needed to be done at the wastewater treatment plant. Some of the improvements needed are critical to keep the plant operational and in compliance with regulations. The RFP includes blowers, controls, electrical panel, monitor/sensor system, bar screen and back-up generator. \$35,000.00 has been budgeted this fiscal year for the replacement of the bar screen. The remaining items are estimated to cost \$300,000.00. Estimated annual savings on electricity with this project is \$28,000.00. Motion was made by Councilwoman Wooten and seconded by Councilman Sheppard authorizing the City Manager to advertise a request for proposal (RFP) for Wastewater Aeration System Improvements. Motion carried with four ayes. (Unanimous)

AGENDA ITEM NO. 10: Resolution.

- A. A Resolution of the City Council of the City of Iowa Park, Texas Authorizing the Mayor to Execute an Amended and Restated Non-Annexation Agreement With the Sealed Air Corporation, Cryovac Division.

It was noted the Council passed a similar resolution in January. There has been minor revisions to the agreement that clarifies procedures for the effluent rates. Motion was made by Councilman Sheppard and seconded by Councilwoman Shierry approving and adopting Resolution Number 15-15 authorizing the Mayor to execute an amended and restated non-annexation agreement with Sealed Air Corporation, Cryovac Division. Motion carried with four ayes. (Unanimous)

- B. A Resolution of the City Council of the City of Iowa Park, Texas Approving a Negotiated Settlement Between the Atmos Cities Steering Committee (“ACSC”) and Atmos Energy Corp., Mid-Tex Division Regarding the Company’s 2014 and 2015 Rate Review Mechanism Filings; Approving a Settlement Agreement With Attached Rate Tariffs and Proof of Revenues; Declaring Existing Rates to be Unreasonable; adopting Tariffs That Reflect Rate Adjustments Consistent With the Negotiated Settlement; Finding the Rates to be Set by the Settlement Tariffs to be Just and Reasonable and in the Public Interest; Requiring the Company to Reimburse ACSC’s Reasonable Ratemaking Expenses; Determining That This Resolution was Passed in Accordance With the Requirements of the Texas Open Meetings Act; Adopting a Savings Clause; Declaring an Effective Date; and Requiring Delivery of This Resolution to the Company and the ACSC’s Legal Counsel.

It was noted the Atmos Cities Steering Committee has reached a settlement with Atmos Energy and this resolution will approve the negotiated settlement. Motion was made by Councilwoman Wooten and seconded by Councilman Dyer approving and adopting Resolution Number 15-16 approving a negotiated settlement between the Atmos Cities Steering Committee (“ACSC”) and Atmos Energy Corp., Mid-Tex Division regarding the Company’s 2014 and 2015 Rate Review Mechanism filings; approving a settlement agreement with attached rate tariffs and proof of revenues; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the settlement tariffs to be just and reasonable and in the public interest; requiring the Company to reimburse ACSC’s reasonable ratemaking expenses; determining that this resolution was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and requiring delivery of this resolution to the Company and the ACSC’s legal counsel. Motion carried with four ayes. (Unanimous)

The meeting adjourned at 7:39 p.m.

PASSED, APPROVED AND ADOPTED this 8<sup>th</sup> day of June, 2015.

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Mayor Ray Schultz

ATTEST:

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City Secretary Janice Newman