

MINUTES OF THE REGULAR CITY COUNCIL MEETING

September 14, 2020

MEMBERS PRESENT: Mayor Ray Schultz  
Mayor Pro tem Sherrie Williams (via Zoom)  
Councilwomen Kelly Ewing and Lori Shierry  
Councilmen Andy Payne and Brad Wynn

PERSONNEL: Jerry Flemming, City Manager  
David Sherrill, Public Works Director  
Steve Davis, Chief of Police  
David Owen, Economic Development Director  
Jason Griffin, Parks and Recreation Director  
Amie Schultz, Library Director  
Karla Neal, Municipal Court Clerk/Code Enforcement Officer

VISITORS: Dolores Hamilton Harold Langlois  
Barry Mahler Chris Eaves  
Amanda Myers Andrew Hambright  
Linda Frazier Rick Frazier

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).

Mr. Barry Mahler, County Commissioner, Precinct 3, was recognized.

AGENDA ITEM NO. 4: Citizens' Input.

No individuals registered to participate in the citizens' input.

AGENDA ITEM NO. 5: General Consent.

Item C was pulled from the general consent.

- A. Acceptance and Approval of the Minutes of the Regular City Council Meeting of August 24, 2020.
- B. Approve a Request from City Staff to Close a Portion of the 100 Block of East Cash Street for the 4<sup>th</sup> Annual S-5! Manufacturing Community Chow Down Event to be Held on Friday, September 25, 2020 From 11:00 A.M. to 2:00 P.M. and to Close City Hall From 10:00 A.M. to 3:00 P.M. to Allow City Staff to Work the Event
- D. A Resolution of the City Council of the City of Iowa Park Prohibiting Fishing to the General Public at Lake Gordon From 8:00 A.M. on Thursday, October 8, 2020 Until 12:00 P.M. on Saturday, October 10, 2020 Except for Participants of the City's Fish Fest Event.

Motion was made by Councilwoman Shierry and seconded by Councilwoman Ewing accepting and approving the general consent agenda as presented including Resolution Number 20-20 prohibiting fishing to the general public at Lake Gordon from 8:00 a.m. on Thursday, October 8,

2020 until 12:00 p.m. on Saturday, October 10, 2020, except for participants of the City's "FishFest" event. Motion carried with five ayes. (Unanimous)

The City Manager explained he was contacted today requesting a waiver to allow a fireworks display for the Homecoming pep rally which is Thursday, September 24<sup>th</sup>. It was noted the school was not going to have a bonfire due to social distancing. The pep rally will be held in the stadium with the fireworks to be shot off from the visitors' parking lot.

- C. Approve a Request From Iowa Park Consolidated Independent School District Staff to Close a Portion of the 100-300 Blocks of West Park Avenue for the Annual Homecoming Parade From 2:00 P.M. to 4:00 P.M. on Friday, September 25, 2020.

Motion was made by Councilman Payne and seconded by Councilwoman Ewing approving the request from the Iowa Park Consolidated Independent School District staff to close a portion of the 100-300 blocks of West Park Avenue for the annual Homecoming parade from 2:00 p.m. to 4:00 p.m. on Friday, September 25, 2020 and approving the request for the fireworks display. Motion carried with five ayes. (Unanimous)

AGENDA ITEM NO. 6: Public Appearance.

- A. A Public Appearance by Mr. Chris Eaves to Discuss the City's Golf Cart Ordinance.

Mr. Eaves spoke to the Council regarding the newly passed ordinance allowing golf carts and off highway vehicles, specifically Section 12.06.006 (f) that basically states no golf cart shall be operated at night. Mr. Eaves believes there is a misunderstanding of the Texas Transportation Code. The City Manager stated the City Attorney agrees with Mr. Eaves that the City Council can allow golf carts at night. Also discussed was Section 12.06.005 (b) stating no golf cart shall cross a multi-lane federal, state or county route.

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

Motion was made by Councilwoman Williams and seconded by Brad Wynn to strike out Section 12.03.005 (b) dealing with no golf cart to cross a multi-lane federal, state or county route and Section 12.06.006 (f) dealing with no golf cart to be operated at night. Motion carried with five ayes. (Unanimous)

- B. A Public Appearance by Mr. Rick Frazier to Discuss the Residential Construction on North Bell Road.

Mr. Frazier spoke to the Council concerning construction across from his residence, which is located at 1213 North Bell Road. He said that the law states you cannot divert water onto another person's property. Mr. Frazier believes that with a heavy rain his home will flood. He is seeing dirt being hauled in across the street and that the future houses will be three feet higher and will cause rain water to flood his home. He stated he is ready to file a restraining order tomorrow to stop the construction until the drainage problem is solved. He is asking the City for their help in solving this problem.

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

Both the Mayor and Commissioner Mahler stated the City and County will be monitoring the area during rains. Commission Mahler also suggested Mr. Frazier redo his drive way that should help divert water to the drainage ditch.

AGENDA ITEM NO. 7: Public Hearing.

- A. A Public Hearing to Discuss and Consider the City of Iowa Park's Operating Budget for Fiscal Year 2020/2021.

B. A Public Hearing to Discuss and Consider a Proposal to Increase Total Tax Revenue from Properties on the Certified Tax Rolls.

The City Manager briefed the Council on the proposed operating budget for fiscal year 2020/2021. The General Fund's budget contains \$4,146,420.00 and the Water and Sewer Fund contains \$4,075,810.00. The budget contains a three percent pay increase to all employees; a full-time police officer, which brings the total to 12 officers; upgrade the Park's part-time laborer to full-time; three new radios for the Police Department that will complete the upgrade from analog to digital and a new grass fire truck. The General Fund's budget will require a 2020 tax rate of \$0.75 per \$100.00 valuation. The Mayor announced that Councilwoman Williams's internet service went down so she is no longer present. There were no other comments or questions. No action was taken.

AGENDA ITEM NO. 8: Ordinance.

- A. An Ordinance of the City of Iowa Park, Texas Amending the Code of Ordinances at Sections 9.02.003, 9.02.004, 9.02.005, 9.02.006 and 9.02.007 to Modify the City's Personnel Policies.

The City Manager met with most employees to discuss the proposed changes dealing with leave time donations. This ordinance replaces maternity leave with family and medical leave and reduces the maximum personal leave donated to any employee from 1,040 hours to 480 hours and limits donations to come from personal leave and not major medical leave. Most of the employees understood the cost to the City and the hardships which can be placed on departments with long term absences. Motion was made by Councilwoman Shierry and seconded by Councilman Payne approving and adopting Ordinance Number 1295 amending the Code of Ordinances at Sections 9.02.003, 9.02.004, 9.02.005, 9.02.006 and 9.02.007 to modify the City's personnel policies. Motion carried with four ayes. (Unanimous)

AGENDA ITEM NO. 9 Resolution.

- A. 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 2020 Rate Review Mechanism Filing; 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 Attached Settlement Tariffs to be Just and Reasonable and in the Public Interest; Approving an Attached Exhibit Establishing a Benchmark for Pensions and Retiree Medical Benefits; Approving an Attached Exhibit Regarding Amortization of Regulatory Liability; 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.

The Atmos Steering Committee, which the City is a member of, is recommending approval of this resolution. Motion was made by Councilman Payne and seconded by Councilwoman Ewing approving and adopting Resolution Number 20-21 approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the Company's 2020 Rate Review Mechanism Filing; 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 attached settlement tariffs to be just and reasonable and in the public interest; approving an attached exhibit establishing a benchmark for pensions and retiree medical benefits; approving an attached exhibit regarding amortization of regulatory liability; 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)

- B. A Resolution of the City Council of the City of Iowa Park, Texas Accepting and Approving the City of Iowa Park's Reimbursement Policy for Use of Iowa Park Volunteer Fire Department Member Personal Vehicles to Respond to Calls for Fires and/or Medical Emergency Services on Behalf of the Iowa Park Volunteer Fire Department.

This proposed resolution is a reimbursement of expenses. It is based on the number of calls with an assumed mileage for members responding to the Fire station at four miles per call and the standard IRS mileage rate. For the Fire Chief and/or Assistant Fire Chief who respond directly to the scene in their personal vehicles, the mileage will be eight miles per call. Motion was made by Councilwoman Shierry and seconded by Councilwoman Ewing approving and adopting Resolution Number 20-22 accepting and approving the City of Iowa Park's Reimbursement Policy for use of Iowa Park Volunteer Fire Department member personal vehicles to respond to calls for fires and/or medical emergency services on behalf of the Iowa Park Volunteer Fire Department. Motion carried with four ayes. (Unanimous)

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

- A. Discuss and Consider Authorizing the Mayor to Execute the First Amendment to the April 13, 2015 Cooperative Agreement with the Iowa Park Volunteer Fire Department for Municipal Fire and Emergency Services.

This amendment to the Cooperative Agreement makes the changes Resolution Number 20-22 above provides for. Motion was made by Councilwoman Ewing and seconded by Councilwoman Shierry authorizing the Mayor to execute the First Amendment to the April 13, 2015 Cooperative Agreement with the Iowa Park Volunteer Fire Department for Municipal Fire and Emergency Services. Motion carried with four ayes. (Unanimous)

- B. Discuss and Consider the Local State of Disaster for Public Health Emergency Adopted by City Council on March 23, 2020.

On March 20, 2020, the Mayor declared a local state of disaster and on March 23, 2020, the Council voted to extend the declaration until further notice. The City Manager briefed the Council on the latest information. He stated Covid-19 has hit close to home. Several employees are out under mandatory quarantine by the County Health Department. City Hall lobby has been closed and other employees have stepped up and covered for those out. Staff does recommend that the declaration remain in effect.

The meeting adjourned at 8:23 p.m.

PASSED, APPROVED AND ADOPTED this 28<sup>th</sup> day of September, 2020.

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Mayor Ray Schultz

ATTEST:

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City Secretary Janice Newman