

**City of Newark
City Council Meeting Minutes
Thursday, March 16, 2017**

1. Call to Order, Roll Call, and announce a Quorum is Present.

Mayor Van Wagner called the meeting to order at 7:00 p.m. on Thursday, March 16, 2017 in the Newark Community Center located at 209 Hudson Street in Newark, Texas and announced that a quorum was present. Those present were: Mayor Gary Van Wagner, Mayor Pro-Tem Mark Wondolowski, Councilmember Chris Raines, Councilmember Eric Fleischer, Councilmember Hans Wilson, Sheriff Deputy Jed Moore, City Attorney Will Trevino, City Administrator Diane Raser, Assistant Director of Public Works Jaret Holmes, Code Enforcement Officer Michael Gonce and Assistant City Secretary Jeanine Inman. Those absent: Councilmember Jenny Wilson.

2. Invocation and Pledge of Allegiance to the Flag - Mayor Van Wagner delivered the invocation and led the pledge to the Flag.

3. Citizen Comments

Tammy McCune, 517 Post Oak, asked to wait to speak until after the City Council completed their deliberations in executive session regarding her drainage issues.

4. Consent Agenda – Consider and act on the following items: A. February 16, 2017 Minutes; B. Accounts Payables from February 16 – March 10, 2017; C. Budget vs. Actual and Financial Statements; D. Staff Reports – City Administrator, Municipal Court, Animal Control, Library, Building Permits, and Code Enforcement.

Mayor Pro-Tem Wondolowski moved to accept the items on a consent agenda as a whole and Councilmember Raines seconded the motion. All approved. The motion passed.

5. Old Business

A. Consider and act Ordinance No. A-449 requiring Knox Boxes at new commercial buildings, existing commercial buildings with improvements, existing commercial businesses and certain multi-family residential buildings.

Newark Volunteer Assistant Fire Chief Jerry Taylor spoke concerning the proposed ordinance regarding the requirement of the installation of Knox Boxes for commercial buildings. He explained the boxes save the fire department valuable time and helps limit any damage made by gaining access into a structure. He explained the process for operating the boxes. They also help the Insurance Service Office rating. Mayor Pro-Tem Wondolowski stated that he could not see a value for existing business but maybe for new businesses. Councilmember Raines

suggested that they be mandatory for apartments, new commercial or remodeled commercial, any business needing a new C.O. and then ask existing businesses to do it voluntarily.

Councilmember Fleischer moved to approve Ordinance No. A-449, with the change to paragraph B from all existing commercial buildings to any remodeled existing commercial building or any existing commercial buildings with changes to the Certificate of Occupancy; Councilmember Raines seconded the motion. All approved. The motion passed.

B. Consider and act on selecting an energy company as the City's electric service provider.

This item was briefly discussed at the last City Council meeting. The City has been with Cirro for several years. She explained that several companies have submitted rate quotes and that these rates are typically offered at term lengths of 12, 24 and 36 months. City Administrator Rasor explained that Summer Energy, LLC, which had the lowest rate for 36 month recommended rates.

Councilmember Fleischer moved to select Summer Energy, LLC as the City's electric service provider for a period of 36 months; Mayor Pro-Tem Wondolowski seconded the motion. All approved. The motion passed.

C. Consider and act on American Towers' proposal for an additional 40 year lease.

The proposed lease is for an additional 40 years onto the existing lease that runs through 2039.

No action was taken on this item.

6. New Business

A. Discussion and possible action on de-annexing 9.75 acres on Rogers Road in the Derrett Creek Ranch Addition.

The property was annexed in 2009 into the City with two lots being zoned for multifamily and a RV park. It was filed with Wise County Clerk but was not forwarded to Wise County Appraisal District.

Mr. Richard Sidebottom, 13 PR 4889, property owner, stated he found out that he is in the City limits and is requesting de-annexation. He purchased the 9.75 acres in 2013. Councilmember Hans Wilson asked Mr. Sidebottom what were the plans for his property and he replied "Hope Ranch" a residential treatment center for abused children. Mayor Van Wagner announced that this item would be tabled for further discussion.

B. Consider and act on an agreement between the City of Newark, Texas and Sergio Cardoza doing business as Azle Towing.

Code Enforcement Officer Gonce has checked into several towing companies and Sergio Cardoza with Azle towing was willing to work with the City to get through the junk vehicle process. Code Enforcement Officer Gonce explained that he sends the notice to the owner and then they have ten days to comply or go to court. If it goes to court, the court decides if the vehicle is junk or not. If it is junk, then it will be abated and the tow company is called. The City is not charged a fee for the towing.

Councilmember Fleischer moved to enter into an agreement between the City of Newark and Sergio Cardoza doing business as Azle Towing; Mayor Pro-Tem Wondolowski second the motion. All approved. The motion passed.

C. Consider and act on Ordinance No. A-451 amending the Newark Code of Ordinances, Chapter 8, Offenses and Nuisances, Article 8.05, Junk Vehicles by adding aircraft and watercraft.

Code Enforcement Officer Gonce explained that state laws have changed regarding junk vehicles and he is asking that the City's ordinance be updated to meet the state standards. Councilmember Hans Wilson asked if Sergio can take watercraft and Mr. Cardoza said that he could.

Councilmember Fleischer moved to approve Ordinance No. A-451 amending the Newark Code of Ordinances, Chapter 8, Offenses and Nuisances, Article 8.05, Junk Vehicles by adding aircraft and watercraft; Councilmember Raines seconded the motion. All approved. The motion passed.

D. Consider and act on variance requests for accessory building setbacks for the following properties: 401, 403, 443, 447B and 450 Sandy Bass Lane.

This item will be scheduled for the Board of Adjustment prior to the next Council meeting.

E. Consider and act on Ordinance No. A-450 declaring unopposed candidates elected to office and canceling the May 6, 2017 General Election.

Councilmember Fleischer moved to approve Ordinance No. A-450 declaring unopposed candidates elected to office and canceling the May 6, 2017 General Election; Mayor Pro-Tem Wondolowski seconded the motion. All approved. The motion passed.

F. Consider and act on appointing the Election Judge and the Alternate Judge for the City of Newark's and the Northwest Independent School District's Special Elections to be held on May 6, 2017. No Action taken on this item.

Mayor Van Wagner announced that the City Council would close the open session and would convene into execution session at 8:10 p.m.

7. Executive Session – The City Council will convene in closed session as authorized by Texas Local Government Code Chapter 551, Section 551.074 – Deliberation regarding personnel matters on the following item(s):

- Discussion on hiring part-time help for the library.

and Section 551.072 – Deliberation about real property:

- Drainage Issue between 515 and 517 Post Oak Drive
- The city owned property for sale on Marshall Road

Mayor Van Wagner announced that the City Council would close the executive session and reconvene the open session at 9:15 p.m.

8. Reconvene – take action, if necessary, on items addressed during executive session.

Mayor Pro-Tem Wondolowski moved to hire a part-time person for the library for 10 hours a week as discussed and to reevaluate at the next City Council meeting and Councilmember Fleischer seconded the motion. All approved. The motion passed.

9. Adjourn.

Mayor Van Wagner declared that the meeting was adjourned at 9:16 p.m.

APPROVED:

Gary Van Wagner, Mayor

Date

ATTEST:

Diane Rasor, City Administrator