

**City Council Special Called and Regular Meeting
Thursday, March 20, 2014, 6:00 p.m. and 7:00 p.m.
Municipal Building – 209 Hudson Street, Newark, Texas 76071**

Special Called Meeting – 6:00 p.m.

I. Call to Order

Mayor Gary Van Wagner called the special called meeting to order at 6:00 p.m. on Thursday, March 20, 2014 in the Newark Municipal Building located at 209 Hudson Street, Newark, Texas. Those present were Mayor Gary Van Wagner, Mayor Pro Tem Bob Wells, Councilmember Linda Anderson, Councilmember Taylor Burton, Councilmember Dan Sessler, Councilmember Doug Anderson, City Administrator Diane Rasor, and City Attorney Kevin Curley.

II. Invocation – Mayor Van Wagner delivered the invocation.

III. Executive Session: The City may enter into executive session during the meeting to seek legal advice from its attorney on any posted agenda item, or to discuss any item that is authorized by the Texas Open Meetings Act to be discussed in closed session. Contemplated litigation related to LaDonna v. City of Newark – 820 McCanne Contemplated litigation related to right of way near Killough

The City Council entered into executive session at 6:05 p.m. and returned to open session at 6:50 p.m.

1. Consider and act on executive session item(s).

Mayor Pro Tem Wells moved to initiate a zoning change from Single Family Residential (SF1) to Commercial 1 (C1) for the properties just south of the railroad tracks from McCanne Street to East end of Hudson Street including 820 McCanne Street;

2. Discussion and possible action on how to address non-compliant code violators and theft of water service including cutting the City's lock and turning the water back on.

City Attorney Kevin Curley advised municipal court may only prosecute criminal cases of theft cases under \$20.00, which is a Class C misdemeanor, however the fined that may be assessed may be as much as \$500.00 per day. The City Council may also send the complaint to the Wise County District Attorney's office for prosecution for theft over \$20.00.

Mayor Van Wagner closed the special called meeting at 6:55 p.m.

Regular Meeting – 7:00 p.m.

I. Call to Order

Mayor Van Wagner called the regular meeting to order at 7:00 p.m. on Thursday, March 20, 2014 in the Newark Municipal Building located at 209 Hudson Street, Newark, Texas. Those present were Mayor Van Wagner, Mayor Pro Tem Wells, Councilmember Linda Anderson, Councilmember Burton, Councilmember Sessler, Councilmember Doug Anderson, Financial Advisor Ted Christensen, and City Administrator Diane Rasor.

II. Citizens Comments - None

III. Consent Agenda - A. Approval of Minutes, B. Approval of Accounts Payables, C. Approval of Budget and Financials, D. Approval of Staff Reports

Mayor Pro Tem Wells moved to approve the consent agenda items A, B, C, D; Councilmember Sessler seconded the motion. All approved. Motion passed.

1. Discussion and possible action on a Resolution of the City Council of the City of Newark ordering the creation of a non-profit corporation under Section 53.35(b), Texas Education Code; designating the incorporators thereof; approving Articles of Incorporation and appointing the initial directors thereto; approving the bylaws of the Corporation; containing other provisions and making certain findings relating thereto.

Ted Christensen, Financial Advisor, explained this corporation will basically be doing the same thing the Newark Cultural Education Finance Facility Corporation (NCEFFC) does now. Creating this corporation will allow the City to facilitate issuing debt for charter schools and allow the City to bring in more revenue.

Mayor Pro Tem Wells moved to create the Newark Higher Education Finance Corporation; Councilmember Doug Anderson seconded the motion. All approved. Motion passed.

2. Consider and act a resident's request to be able to plant flowers around the water tower on FM 718 and for a water line and faucet be installed at the site to water the plants.

Ms. Rhonda Stoll, 304 FM 718, requested the City Council to allow her to plant Texas sage bushes next to the water tower located adjacent to her property. Public Works Director William Allen stated he could run a water line and install a meter next to the tower.

Councilmember Linda Anderson moved to allow Ms. Stoll to plant Texas sage bushes, and any other plants, and install a water meter so she may maintain the plants next to the FM 718 water tower; Councilmember Doug Anderson seconded the motion. All approved. Motion passed.

3. Consider and act past due water charges at 442 Sandy Bass Lane.

Mr. John Horner, 442 Sandy Bass, stated that his meter had been misread for the past year and then all of a sudden he is charged an additional three hundred dollars (\$300) for the City's mistake. He doesn't believe it is fair for him to pay for the additional charges.

Mayor Pro Tem Wells explained that an audit of the account showed in 2012 that Mr. Horner was using an average of 8000 gallons of water per month, however after his water meter was changed out in January of 2013, the water usage dropped that month to 200 per month and continued in that pattern the rest of the year. The meter was not being read incorrectly, the utility billing software was calculating the usage incorrectly. Mr. Horner had actually used the water; he was just not being billed for water. It was recommended to allow Mr. Horner to pay the \$300 over several months.

Mr. Horner would like to have a year to pay at twenty five dollars (\$25.00) a month. The additional \$25.00 will be added to Mr. Horner's water bill each month. The City Council agreed to this arrangement. No action taken.

4. Consider and act on past due water charges at 524 Pettit.

The tenant's water at 524 Pettit was cut off in February 2012 for non-payment of six months of past due bills in the amount of \$881.00. When it was discovered that someone was living at the residence in February 2014, 532,400 gallons of water had been used since the water was cut off, which equates to \$3,892 in charges. The water was turned back on by someone other than the City. The tenant, Ms. Sherry Edwards, had never moved out of the house after the water was cut off. The owner, Ms. Rogers, has agreed to pay an additional \$200.00 a month with the current charges due each month until the past due charges are satisfied. The City Council agreed to this arrangement. No action taken.

5. Consider and act on Ordinance No. A-408 amending the Newark Code of Ordinances, Appendix A, Fee Schedule, Article A3.000, Building Related Fees and adding temporary fees until January 1, 2015. *(The motion needs to be clarified from the last meeting).*

Mayor Pro Tem Wells moved to bring back Ordinance A-408 amending the Appendix A – The Fee Schedule, Article A.3000, Building Related Fees, by adding a \$50.00 administrative fee plus the pass through of any inspection fees; Councilmember Linda Anderson seconded the motion. All approved. Motion passed.

6. Discussion and possible action on reconsidering an Agreement between Wise County and the City of Newark for additional law enforcement protection.

Mayor Van Wagner and City Administrator Diane Rasor met with the City Secretary of New Fairview to discuss the positive experience they have had with their resident deputy program. There is a list of Wise County Deputies desiring to participate in this program, they are paid the same wage as they receive from Wise County and benefits, vehicles, and fuel are supplied by the County. Mr. Cary Mellema, who was a police officer for the City of Rhome, volunteered to help the City Council interview the candidates. A budget will need to be presented to the City Council and a meeting with Sheriff Walker to discuss the program will need to be done as the first two (2) steps moving forward with this project.

7. Consider and act on Ordinance No. A-411 certifying the candidates for the unexpired terms for the Office of Mayor and Place 4 as being unopposed and hereby being elected and cancelling the Special Election to be held on May 10, 2014.

Mayor Pro Tem Wells moved to approve the certification of the candidates for the unexpired terms for the Office of Mayor and Council Place 4; Councilmember Sessler seconded the motion. All approved. Motion passed.

8. Consider and act on issuing an Order appointing the Judge and Alternate Judge for the General Election to be held on May 10, 2014.

Councilmember Linda Anderson moves to appoint Ron Statzer as judge and Darla Loggains as alternate judge; Mayor Pro Tem Wells seconded the motion. All approved. Motion passed.

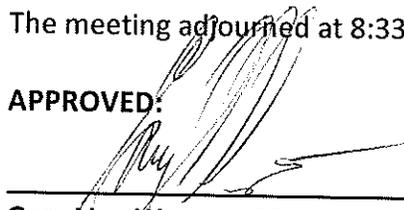
9. Consider and act on amending the Library bylaws and budget.

Mayor Pro Tem Wells moved to increase the Library Board Members by one (1); Councilmember Taylor Burton seconded the motion. All approved. Motion passed.

10. Adjourn.

The meeting adjourned at 8:33 p.m.

APPROVED:



Gary Van Wagner, Mayor

4.17.14

Date

ATTEST:



Diane Rasor, City Administrator