

**City Council Minutes**  
**Thursday, April 17, 2014, 7:00 p.m.**  
**Municipal Building – 209 Hudson Street, Newark, Texas 76071**

**I. Call to Order**

Mayor Gary Van Wagner called the meeting to order at 7:01 p.m. in the Newark Community Center located at 209 Hudson Street, Newark, Texas. Those present were: Mayor Gary Van Wagner, Mayor Pro Tem Bob Wells, Councilmember Taylor Burton, Councilmember Dan Sessler, Councilmember Doug Anderson, and City Administrator Diane Raser. Councilmember Linda Anderson was absent.

**II. Citizens Comments**

Ms. Darla Bethany, 203 Hudson Street, requested an update on the City placing speed bumps on Hudson Street. Ms. Bethany has called the Wise County Sheriff's Office on the speeders; however the Sheriff cannot enforce the law unless he physically sees people who are speeding.

Ms. Jan Van Wagner, 536 Post Oak Drive, recognized Mayor Pro Tem Wells as a man of honor. He has served the community in numerous ways including balancing the budget, spearheading road repairs and water and sewer projects. She also thanked his wife, Mary Ann Wells, for her work on the Spirit of Christmas and the Annual Easter Egg Hunt.

**III. Consent Agenda – A. Approval of Minutes, B. Approval of Accounts Payables, C. Approval of Budgets and Financials, D. Approval of Staff Reports.**

Mayor Pro Tem Wells moved to approve the consent agenda items A, B, C, and D with the correction to the March 5, 2014 minutes (changing the line item amount in street repairs from \$37,000 to \$47,000); Councilmember Doug Anderson seconded the motion. All approved. Motion passed.

**1. Consider and act on Samantha Tison's request to have more than the allowed amount of dogs on her property.**

Mr. Jose Balderas, the owner of the property at 509 Central, received notice from the City stating he has too many dogs. He requested to keep the extra dogs (11 all together) because he had five (5) prior to the ordinance allowing on five (5) dogs was adopted. The City Council is required to enforce the City ordinances for the safety and welfare of all and therefore told Mr. Balderas he would need find a place outside the City limits for six (6) of the dogs. They will allow him ninety (90) days to do so.

**2. Consider and act on awarding the bid for the Wastewater Treatment Plant Improvements – Effluent Filters and Chlorine Contact Chamber.**

Mayor Pro Te Wells explained this bid does not include the chlorine contact chamber it was substantially higher than was budgeted for the project. A new chlorine contact chamber is not necessary for the wastewater treatment plant to operate.

Councilmember Sessler moved to award the bid of \$155,900 to Fryer Construction since it was lowest bid; Councilmember Burton seconded the motion. All approved. Motion passed.

**3. Consider and act on purchasing and installing portable heavy-duty speed bumps on Rogers Road and Hudson Street.**

This item is postponed until the next meeting pending more information.

**4. Consider and act on American Tower proposal regarding the property they are currently leasing from the City of Newark for use as a communications tower.**

Mayor Pro Tem Wells said every year American Tower offers a proposal, usually of a lump sum, however the lease renews every five (5) years and the City receives a 15% increase on the rent. Continuing the lease is a better financial decision for the City. No action taken on this item.

**5. Consider and act the 2014 Consumer Price Index (CPI) Adjustment to Municipal Telecommunications Right-of-Way Access Line Rates.**

Mayor Pro Tem Wells moved to decline the adjustment to the Municipal Telecommunications Right-of-Way Access Line Rates; Councilmember Sessler seconded the motion. All approved. Motion passed.

**6. Consider and act on Ordinance No. A-408, amending Appendix A – The Fee Schedule, Article A3.000, Building Related Fees, Section A3.001.1 - Recording the Established Permit Fees for the Electrical, Plumbing, Mechanical, Building, Construction, Demolition, or Alteration of any Building in the City of Newark.**

Councilmember Doug Anderson moved to approve Ordinance No. A-408, amending Appendix A – The Fee Schedule, Article A3.000, Building Related Fees, and Section A3.001 by recording established permit fees; Councilmember Burton seconded the motion. All approved. Motion passed.

**7. Consider and act on Ordinance No. A-413 temporarily (until January 1, 2015) amending Appendix A – The Fee Schedule, Article A.3000, Building Related Fees, by charging only the building inspection services pass through fee plus a \$50.00 administrative fee.**

Councilmember Doug Anderson moved to approve Ordinance No. A-413, temporarily amending Appendix A-The Fee Schedule, Article A3.000, Building Related Fees, by charging only the building inspection services pass through fee plus a fifty dollar (\$50.00) administrative fee, noting that all permit fees must be purchased by January 1, 2015; Councilmember Sessler seconded the motion. All approved. Motion passed.

**8. Consider and act on ratifying the certification of candidates for unexpired terms for the Office of Mayor and Council Place 4 as being unopposed and hereby declaring the candidates elected and therefore cancelling the Special Election by adopting Ordinance No. A-411.**

Mayor Pro Tem Wells moved to approve Ordinance No. A-411; Councilmember Sessler seconded the motion.

**9. Consider and act on amending the appointment of an alternate judge for the General Election on May 10, 2014.**

Councilmember Doug Anderson moved to appoint Charlie Robertson as Alternate Judge for the General Election; Councilmember Sessler seconded the motion. All approved. Motion passed.

**10. Consider and act on Ordinance No. A-412 establishing and implementing a program to charge mitigation rates for the deployment of emergency and non-emergency services by the Newark Volunteer Fire Department for services provided/rendered for the City of Newark.**

Assistant Fire Chief Jerry Taylor stated that pursuant to the Texas Penal Code the fire department is authorized to charge for emergency medical services. The Newark Volunteer Fire Department desires to change collection agencies at this time to collect those charges and therefore request the City Council approve a new contract allowing them to do so.

Mayor Pro Tem Wells was not satisfied with the contract stating there were significant areas that need to be changed because they did not describe the role of the City correctly. This item is postponed until the next meeting pending corrections to the contract.

**V. 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, including: Section: 551.074. Personnel Matters; Closed Meeting. (a) This chapter does not require a governmental body to conduct an open meeting: (1) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee**

- Patti Boyd – Probationary Employee Evaluation

and Section 551.071. Consultation with Attorney; Closed Meeting. A governmental body may not conduct a private consultation with its attorney except: (1) when the governmental body seeks the advice of its attorney about: (A) pending or contemplated litigation; or (B) a settlement offer; or (2) on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter. Possible Litigation:

- Contemplated litigation related to right of way near Killough

The City Council adjourned into executive session at 8:41 p.m. and returned to open session at 9:41 p.m.

**11. Consider and act on executive session item(s).**

Patti Boyd's probationary period is complete and she will receive another review during the budget workshops. The contemplated litigation concerning 200 Killough Street was discussed.

**12. Adjourn.**

The meeting was adjourned at 9:42 p.m.

**APPROVED:**

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Gary Van Wagner, Mayor

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Date

**ATTEST:**

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Diane Rasor, City Administrator