

City Council Minutes
Thursday, May 15, 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. on Thursday, May 15, 2014 in the Newark Municipal Building located at 209 Hudson Street, Newark, Texas. Those present were: Mayor Gary Van Wagner, Councilmember Doug Anderson, Councilmember Linda Anderson, Councilmember Dan Sessler, Councilmember Elect Cary Mellema, Councilmember Elect Mark Wondolowski, Public Works' employee Jeret Holmes and City Administrator Diane Rasor.

II. Consider and act on Resolution #279 canvassing the May 10, 2014 general election results, issuing Oaths of Office to the elected officials and electing a councilmember to serve as Mayor Pro Tem.

Councilmember Linda Anderson moved to approve Resolution #279 canvassing the May 10, 2014 General Election results; Councilmember Sessler seconded the motion. All approved. Motion passed. City Administrator Diane Rasor swore in the newly elected Mayor and Councilmembers: Mayor Gary Van Wagner, Councilmember Cary Mellema, Councilmember Doug Anderson, Councilmember Linda Anderson, and Councilmember Mark Wondolowski.

Mayor Van Wagner recommended Councilmember Linda Anderson for the position of Mayor Pro Tem. Councilmember Mellema moved to elect Councilmember Linda Anderson for the position of Mayor Pro Tem; Councilmember Wondolowski seconded the motion. All approved. Motion passed.

III. Citizens Comments

Mayor Van Wagner praised the leadership of outgoing Councilmember Bob Wells stating that the City has grown in size, and in the process one of the officials, Bob Wells, helped make that happen. Mr. Wells was not present to accept the plaque to be presented to him.

Councilmember Doug Anderson stated that Bob Wells worked tirelessly for the City of Newark and never quit. He wanted to thank him publically stating that Mr. Wells always took on the challenging projects and brought a wealth of intelligence to the City budget.

Cynthia, from Northwest Independent School District, thanked the City of Newark for donating over \$900 to the school's Christmas program for needy families. This past year they provided food, clothing, and gifts for over forty-seven families.

Andrew Watkins spoke against the rental inspection agreement quoting the 4th Amendment of the United States Constitution and asking where would the invasion of privacy stop?

Mr. Ken Hatmaker, spoke against the rental inspection agreement stating that landlords also serve the community. Tenants actually have more rights than landlords and he always uses the Texas Rental Lease Agreement, which requires background checks.

Ms. Laura Pixler, spoke honoring Bob Wells and all that he has accomplished for the City. When Bob got on the Council there was a lot of cleanup work to do and he and other volunteers worked long hours to accomplish the task. Ms. Pixler also spoke against the rental inspection agreement asking how many renters had complained to City Hall concerning the properties. She said it is not the City's job to make sure she is doing her job.

IV. Public Hearings

Public Hearing regarding the close-out of the Texas Community Development Block Grant Contract (TxCDBG) #712259, Wastewater Treatment Plant Improvements, including but not limited to, relocating the discharge line, a new lift station, and a new filtration system. Any person wishing to comment for or against the project is encouraged to do so at this time.

Mayor Van Wagner opened the public hearing at 7:45 p.m. There were no comments. Mayor Van Wagner closed the public hearing at 7:46 p.m.

Public Hearing regarding amending the zoning classification of properties located just south of the railroad tracks (822 McCanne, 820 McCanne, 803 Main Street, and 311 Hudson) from Single Family Residential (SF1) to Light Commercial (C1). Any person wishing to speak for or against the zoning changes is encouraged to do so at this time.

Mayor Van Wagner opened the public hearing at 7:46 p.m. Pamela Thomas, who spoke during the public comment section of the meeting, stated that she is in favor of the zoning change; however she has heard that a motorcycle group may move into the building at 311 Hudson and she is not in favor of that since the property is across the street from hers. There were no other comments. Mayor Van Wagner closed the public hearing at 7:47 p.m.

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

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

VI. Regular Meeting

1. Consider and act on authorizing Mayor Van Wagner to sign the Project Completion Report for TxCDBG Contract #712259.

Councilmember Mellema moved to authorize Mayor Van Wagner to sign the Project Completion Report for TxCDBG Contract #712259; Mayor Pro Tem Anderson seconded the motion. All approved. Motion passed.

2. Consider and act on the resident's at 526 Oak Hills Drive request to adjust his water and sewer bill.

Mr. Mincey, the property owner, was not present so Mayor Van Wagner requested this item be postponed until the next meeting.

3. Discussion and possible action on the 2012-2013 City of Newark financial statement (audit).

Mr. Bill Spore, City Auditor, explained the audit layout for the general fund and the water and sewer fund. The general fund transferred \$147,885 dollars, which caused a loss for the general fund of \$43,070 and without the depreciation the water and sewer fund showed a loss of \$17,182. City Administrator Diane Rasor explained that the Small Towns Environmental Program (STEP) grant had cost the City \$70,000 more in construction cost than was budgeted. She also pointed out that the water and sewer assets had increased greatly, which is a reflection of the improvements being made in Newark.

Councilmember Sessler moved to accept the audit; Councilmember Mellema seconded the motion. All approved Motion passed.

4. Consider and act on Ordinance No. A-414 amending the Comprehensive Zoning Ordinance by changing the zoning classification of properties located at 820 McCanne Street, 822 McCanne Street, 803 Main Street, and 311 Hudson Street from Single Family Residential (SF1) to Light Commercial (C1).

Councilmember Doug Anderson moved to approve Ordinance 414; Mayor Pro Tem Anderson seconded the motion. All approved. Motion passed.

5. Consider and act on approving Mayor Van Wagner's appointments of Municipal Court Judge and Assistant Municipal Court Judge for the City of Newark.

Councilmember Mellema moved to appoint Jim Minter as the municipal court judge and Renee Marks as the assistant municipal court judge; Councilmember Sessler seconded the motion. All approved. Motion passed.

6. Consider and act on Ordinance No. A-415 setting fines for ordinances violations.

This item is tabled until the next.

7. Consider and act on the City "hosting" the annual Northwest Independent School District Senior Celebration in June.

Mayor Pro Tem Anderson moved to approve hosting the annual Northwest Independent School District Senior Celebration; Councilmember Doug Anderson seconded the motion. All approved. Motion passed.

8. Consider and act on appointing Monique Murray to the Library Board.

Councilmember Mellema moved to appoint Monique Murray to Library Board; Councilmember Sessler seconded the motion. All approved. Motion passed.

9. Consider and act on Resolution No. 278 denying the rate increase requested by Atmos Energy Corporation.

Mayor Pro Tem Anderson moved to approve Resolution #278 denying the rate increase requested by Atmos Energy Corporation; Councilmember Mellema seconded the motion. All approved. Motion passed.

10. Consider and act on removing Robert Wells' authorization and signature and adding an active Councilmember's authorization and signature to the City of Newark's Woodhaven Bank accounts, Account No. 4003704501 (Reserve Fund), Account No. 4003704493 (Debt Service Fund), Account No. 4003704519 (Meter Deposit), Account No. 4003703297 (Certificates of Obligation, and Account No. 4003704790 (Grant Fund).

Councilmember Doug Anderson moved to remove Robert Wells and add Mayor Pro Tem Linda Anderson from the signature cards at Woodhaven Bank; Councilmember Wondolowski seconded the motion. All approved. Motion passed.

11. Consider and act on removing Robert Wells' authorization and signature and adding an active Councilmember's authorization and signature to the City of Newark's Wells Fargo Bank account, Account No. 1020023952 (Consolidated).

Councilmember Doug Anderson moved to remove Robert Wells' and add Mayor Pro Tem Linda Anderson from the signature card at Wells Fargo Bank; Councilmember Mellema seconded the motion. All approved. Motion passed.

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

This item will be postponed until the next meeting.

13. Consider and act on Ordinance No. A-416 amending the Newark Code of Ordinances, Appendix A, the Fee Schedule, Article A1.000 – Miscellaneous Fees, Section A1.001 – Copies, faxes, and request for information, (i) Fax (incoming) and (j) Fax (outgoing).

Councilmember Sessler moved to accept the new fees for \$1.00 up to 10 pages and .50 for each additional page after that for outgoing faxes; Councilmember Mellema seconded the motion. All approved. Motion passed.

14. Consider and act on Ordinance No. A-417 requiring inspections for rental properties in Newark.

Councilmember Linda Anderson stated that the committee still needs to have one more meeting. She believes there are a significant number of landlords that do not take care of their rental properties. Mayor Van Wagner suggested that the City's responsibility may be to receive the documents that the State of Texas recommends for landlords and tenants. Councilmembers Mellema and Sessler were not in favor of the inspections.

15. Discussion and possible action on the Texas Department of Transportation's comments and required repairs to the City bridges on Central Avenue and Rogers Road.

Mayor Van Wagner requested Public Works' Director William Allen speak to the Wise County Road Supervisor Danny Lambert to obtain more information on repairing the bridges. No action taken on this item.

16. Discussion and possible action on a written policy to refund water meter deposits.

Mayor Van Wagner explained that the water meter deposits are restricted from City use nor may the City collect interest on the money, therefore he asked the Council to consider refunding the money to the citizens that had lived in the City for a period of time or had not been late on their payment for a period of time. Mayor Van Wagner and City Administrator Diane Razor will submit a policy on refunding the deposits at the June meeting.

17. Discussion and possible action on the meeting with Wise County Sheriff David Walker and moving forward with the contract with Wise County to participate in the resident deputy program.

It was discussed that another meeting needed to take place between the City and Sheriff Walker to answer some additional questions. Mayor Van Wagner recommended Councilmember Mellema attend the meeting which the City Administrator will schedule.

18. Adjourn.

City Administrator Diane Razor presented Mayor Van Wagner and the City Council informational books about the City of Newark for their reference. The meeting was adjourned at 9:26 p.m.

APPROVED:

Gary Van Wagner, Mayor

Date

ATTEST:

Diane Razor, City Administrator