

**City of Newark
City Council Minutes
May 21, 2015**

I. Call to Order and Announce a Quorum is Present.

Mayor Gary Van Wagner called the meeting to order at 7:07 p.m. on Thursday, May 21, 2015 in the Newark Municipal Building located at 209 Hudson Street, Newark, Texas and announced that a quorum was present. Those present were: Mayor Gary Van Wagner, Mayor Pro Tem Linda Anderson, Councilmember Cary Mellema, Councilmember Mark Wondolowski, City Administrator Diane Rasor, Director of Public Works William Allen and Assistant City Secretary Jeanine Inman. Councilmember Dan Sessler was not present.

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

III. Issuance of Oaths of Office and Certificates of Election

City Administrator Diane Rasor administered the Oaths of Offices and issued the Certificates of Election to Mayor Van Wagner and Councilmember Wondolowski.

IV. Public Hearing to consider a request from the Northwest Independent School District (NISD) to re-plat 29.961 acres legally described as: Lots 1R and 2 Seven Hills being a revision of Lot 1, Seven Hills an addition of the City of Newark, Wise County, Texas according to the plat recorded in Cab. C, Sld. 409 P.R.W.C.T. The property is more commonly referred to as 654 FM 3433, Seven Hills Elementary School property.

Mayor Van Wagner opened the public hearing at 7:13 P.M. Mr. Ron Aghili, 1800 Hwy 114, representing Northwest ISD, was available to answer any questions regarding the re-platting request. Mayor Van Wagner closed the public hearing at 7:14 p.m.

V. Citizen Comments

- *John Wittmaak, 133 Marshal Road, he did not wish to speak;
- *Terry Hastreiter, 219 Marshal Road, was not present at the time called;
- *Mike Moss, 153 Marshal Road, was not present at the time called;
- *George Fields, 1280 Rogers Road, was not present at the time called;
- *Dana Moss, 153 Marshal Road, was not present at the time called;
- *David Zulejkic, 506 St. Michaels Way, did not wish to speak at this time;
- *Don Drain, 190 Hudson, asked to be placed on the next agenda; and
- *Ron Aghili, 1800 Hwy 114, did not wish to speak at this time.

VI. Consent Agenda A. Approval of April 16, 2015 Minutes, B. Approval of Accounts Payables, from April 17 – May 22, 2015, C. Approval of the Budget vs. Actuals and City Financials, D. Consideration of Staff Reports

City Administrator Diane Rasor gave a brief verbal staff report concerning the flooding issues and how they are being handled in the City. Councilmember Mellema moved to approve items A, B, C and D of

the consent agenda as presented; Mayor Pro Tem Anderson seconded the motion. All approved. The motion passed.

VII. Regular Meeting

1. Consider and act on Resolution #285 approving a financing by the Newark Cultural Education Facilities Finance Corporation (NCEFFC) for the benefit of John Cooper School and related matters.

Ted Christenson with Government Capital spoke regarding the four (4) financing items that are appearing on tonight's agenda. The request by "The John Cooper School" is to assist in financing the acquisition, construction, renovation and equipping of: health facilities; a performing arts facility; a student center/dining hall; the addition of five pre-k classrooms; a multipurpose academic building; a multipurpose physical education building; a visual arts instructional center; a building and parking for the lower school; the three story Rock Center for Math and Science; renovations to the middle and upper schools; an addition to the admissions and administrative office; campus landscaping; and an athletic field house.

Councilmember Wondolowski moved to approve Resolution #285 approving the financing by the NCEFFC for the benefit of John Cooper School and related matters; Councilmember Mellema seconded the motion. All approved. The motion passed.

2. Consider and act on Resolution #286 approving a financing by the NCEFFC for the benefit of Abilene Christian University and related matters.

The request is for the construction and renovation of Bennett Gymnasium; a new track and soccer stadium; the Onstead Science Center; the Hardin Administration Building; the Zona Luce Building; the Halbert-Walling Research Center; and streets and sidewalks.

Mayor Pro Tem Anderson moved to approve Resolution #286 approving the financing by the NCEFFC the benefit of Abilene Christian University and related matters; Councilmember Mellema seconded the motion. All approved. The motion passed.

3. Consider and act on Resolution #287 approving Newark Higher Education Finance Corporation (NHEFC) Education Revenue Bond Series 2015A (A+ Charter Schools) and NHEFC Education Revenue Bonds Taxable Series 2015B (A+ Charter Schools); and other matters in connection therewith.

This request is to finance, reimburse and/or refinance certain costs for the purchase, construction, renovation and equipment of educational facilities for the Gateway College Preparatory School. It will include two permanent buildings, a student union building; a new learning center building; athletic fields, court yard and parking area.

Councilmember Mellema moved to approve Resolution #287 approving NHEFC Education Revenue Bond Series 2015A (A+ Charter Schools) and NHEFC Education Revenue Bonds Taxable Series 2015B (A+ Charter Schools); and other matters in connection therewith; Mayor Pro Tem Anderson seconded the motion. All approved. The motion passed.

4. Consider and act on Resolution #288 approving NHEFC Education Revenue and Refunding Bonds Series 2015A (Orenda Education) and NHEFC Education Revenue and Refunding Bonds Taxable Series 2015B (Orenda Education); and other matters in connection therewith.

The request is for refinancing of bonds. Mayor Pro Tem Anderson moved to approve Resolution #288 approving NHEFC Revenue and Refunding Bonds Series 2015A (Orenda Education) and NHEFC Education Revenue and Refunding Bonds Taxable Series 2015B (Orenda Education); and other matters in connection therewith; Councilmember Wondolowski seconded the motion. All approved. The motion passed.

5. Consider and act on the 2013-2014 Annual Audit.

William Spore, C.P.A. – Keller, Texas, reviewed the draft audit report dated September 30, 2014. The General Fund ended the year with at \$22,665 surplus, and for the first time in years, the Water and Sewer Fund had a profit (\$12,000) and has 2.5 million in assets. Mr. Spore stated cities need to have three (3) to six (6) months of expenses funded at a time and the City of Newark currently has one (1) year of expenses funded. The City Council will review the audit report and discuss and act on it at the next Council meeting.

Mayor Van Wagner announced that the City Council would be addressing agenda item# 11 next.

11. Discussion on upgrading the City's water meters to the Neptune Electronic Reading Meter.

Public Works Director William Allen talked about how most of the water meters the City currently uses need to be replaced as they do not read correctly causing revenue loss.

Jeff Richards and Kevin Cherrington, HD Supplies, gave a power point presentation regarding the Neptune Technology meters. They explained that they offer 24/7 service to meter customers and free training and retraining for the operators. The meters can be read by hand, with a drive by system or can send the reading directly to the office. The cost is approximately \$30,000 for a 100 meter package. They can do different size/amount packages of meters. Mayor Van Wagner asked for the City Staff to gather more information and bring it forward for further discussion at budget time.

6. Consider and act on the request from Northwest Independent School District to re-plat 29.961 acres located at 654 FM 3433.

City Administrator Rasor briefly explained the details of the property being re-platted stating it is already zoned for Single Family Residential. Mr. Aghili said that the children at Seven Hills either wanted to name the street on the north side of the plat, "Star or Lone Star". Lone Star Drive was recommended.

Councilmember Mellema moved to approve the re-platting request from the NISD for the 29.961 acres located at 654 FM 3433; Mayor Pro Tem Anderson seconded the motion. All approved. The motion passed.

7. Consider and act on eight (8) applications from Newark Estates requesting approval to move new manufactured homes onto lots on Sandy Bass Lane and an update from the property manager concerning the homes still needing repairs.

Sandra Ray & David Zulejkic, Metra Properties presented the applications to the Council. Mr. Zulejkic stated that the new homes are 2015 Legacy Homes and are top of line. He stated four (4) of the existing homes located in the mobile home community were in need of repair and that two (2) will be removed and two (2) will be refurbished. Mr. Zulejkic discussed adding matching storage sheds to each of the properties to be more uniform. City Administrator Rasor reminded him that the setbacks are seven (7) feet and that they would need a variance to put them closer.

Councilmember Wondolowski moved to approve the eight applications from Newark Estates to move new manufactured homes on lots on Sandy Bass Lane; Councilmember Mellema seconded the motion. All approved. The motion passed.

8. Consider and act on the enforcement of the City Council Orders for 726 McCanne Street provided the City Council has found (A) That such defects or conditions exist to the extent that the life, health, property or safety of the public or the occupants of the building are endangered; and (B) The building is infeasible of repair; or (C) There is no reasonable probability the building will be repaired within a reasonable period of time if additional time is given.

Greta Mosley Rodriguez, owner of property at 726 McCanne Street, addressed the Council concerning the progress of the repairs on her property. She reminded them that they requested bids from licensed foundation repair companies. She said she contacted several companies but only received one written bid. Ms. Rodriguez explained that she was told by several of the contractors that they are bonded but not required to be licensed. She submitted the one handwritten bid for \$10,000 and a few business cards for the Council to review. Mayor Van Wagner stated that he could see extending the time an additional thirty (30) days to allow Ms. Rodriguez to obtain professional bids. The contractor must be certified and the plans engineered.

Councilmember Mellema moved to grant the homeowner thirty (30) more days to find a reputable company to complete the foundation repairs and to bring the proper foundation repair paperwork back before the City Council. Councilmember Wondolowski moved to amend the motion to say the reputable company of the owner's choosing shall submit all the proper documentation and submits an application to the permit department of the City; Councilmember Mellema seconded the amended motion. Ayes: Councilmembers Mellema and Wondolowski; Nays: Mayor Pro Tem Anderson; Abstentions: None. The motion passed with two (2) ayes and one (1) nay and zero (0) abstentions.

9. Consider and act on the enforcement of the City Council Orders for 536 Wise Street provided the City Council has found (A) That such defects or conditions exist to the extent that the life, health, property or safety of the public or the occupants of the building are endangered; and (B) The building is infeasible of repair; or (C) There is no reasonable probability the building will be repaired within a reasonable period of time if additional time is given.

A bid of \$5,800 dollars was received for demolishing and removing the burnt mobile home on the property. A courtesy letter will be sent to the owners again, however if they do not respond and the City does the work, a lien will be placed on the property.

Mayor Pro Tem Anderson moved to act on enforcing the City Council orders for 536 Wise Street as there is no reasonable probability that the building will be repaired within a reasonable period of time and pending the City Administrator gathering information at the County Courthouse regarding any other lien

holders to the property; Councilmember Mellema seconded the motion. All approved. The motion passed.

10. Discussion on purchasing the property at 402 Hovey Street.

Mr. Ozuna contacted the City Staff stating that he could not maintain the property and wanted to know if the City would like to purchase the property. City Administrator Rasor explained that the property abuts one the City parks and that they could possibly add it to the parkland. No action taken on this item.

Mayor Van Wagner announced that the City Council would be addressing agenda item# 12 next.

12. Discussion and possible action on the drainage solutions for streets that are flooding and mosquito control.

McCanne, Killough, Main and Chambers Street were some of the harder hit streets from the flooding due to the recent heavy rains and there is not adequate drainage. The City Staff suggested renting the equipment to dig the drainage ditches out and adding culverts where needed. Mr. Chaffin was concerned that the above solution would be redirecting the water to his property on Crow Street. Mayor Van Wagner requested the Staff get the City Engineer's opinion and reschedule the drainage issue for the next agenda. Mayor Pro Tem Anderson suggested contacting Wise County to see if there was emergency spraying available. Public Works will begin putting "donuts" (mosquito larvae killer) in all standing water and in the meter boxes that hold water.

13. Consider and act on Resolution #290 authorizing continued participation with the Atmos Cities Steering Committee; and authorizing the payment of five cents (5¢) per capita to the Atmos Cities Steering Committee to fund regulatory and related activities related to Atmos Energy Corporation.

Mayor Pro Tem Anderson moved to approve Resolution #290 authorizing continued participation with the Atmos Cities Steering Committee; and authorizing the payment of five cents (5¢) per capita to the Atmos Cities Steering Committee to fund regulatory and related activities; Councilmember Mellema seconded the motion. All approved. The motion passed.

14. Consider and act on Ordinance #A-430 approving the negotiated settlement between the Atmos Cities Steering Committee and Atmos Energy.

Councilmember Wondolowski moved to approve Ordinance #A-430 approving the negotiated settlement between the Atmos Cities Steering Committee and Atmos Energy. Mayor Pro Tem Anderson seconded the motion. All approved. The motion passed.

15. Consider and act on Resolution #289 approving the 2013 – 2035 Planning Documents as presented.

Mayor Van Wagner said that Sue Short, the representative from the State, had a list of item that needed to be completed before this Resolution could be considered. This item was tabled until the items are completed.

16. Consider and act on approving the funds for performing inspections for asbestos at the City Hall/Gymnasium building and for approving the funding for the removal of asbestos and demolition of the Gymnasium building.

An estimate of \$2,000 was received for evaluating the removal of asbestos in the gymnasium building next to City Hall.

Councilmember Mellema moved to approve the funds for performing inspections for asbestos at the City Hall/Gymnasium building and for approving the funding for the removal of asbestos and demolition of the Gymnasium building. Councilmember Wondolowski seconded the motion. All approved. The motion passed.

17. Consider and act on re-allocating funds to install the proper duct work system to match the airflow of the heating, ventilation, and air conditioning (HVAC) at 209 Hudson Street, the City Hall and Community Center.

Mayor Pro Tem Anderson moved to approve the re-allocating funds (\$2,975) to install the proper duct work system to match the airflow of the heating, ventilation, and air conditioning (HVAC) at 209 Hudson Street, the City Hall and Community Center. Councilmember Wondolowski seconded the motion. All approved. The motion passed.

18. Consider and act on re-allocating funds for a SPAM filtering system.

Councilmember Mellema explained that he had asked for this item to be placed on the agenda due to the large amount of spam he receives in his council email. Councilmember Wondolowski said that he can set up a spam filter for Councilmember Mellema and will email the procedures to the Council and Staff.

19. Discussion on adding to the SCADA (Supervisory Control and Data System).

Director of Public Works Allen explained that not all of the City's systems are online with the SCADA but he would like them to be. Because of the SCADA, several things were kept from breaking down during the storms. It would cost approximately \$60,000 to complete the system and it could be broken down to do sections of it over time. City Council would like to discuss this more at budget time.

20. Discussion and possible action on joining with neighboring communities to purchase a camera system for wastewater systems.

There have been leaks in the sewer lines that have been difficult to locate. Several surrounding cities have had the same issues and would like to purchase a camera system to locate the issues. The system can cost as much as \$25,000 so it was suggested the cities share the cost and the camera. Mayor Van Wagner asked for this to be discussed during the budget workshops.

21. Adjourn - The meeting was adjourned at 9:46 p.m.

APPROVED:

Gary Van Wagner, Mayor

Date

ATTEST:

Diane Razor, City Administrator