

**City of Newark
City Council Minutes
Thursday, November 16, 2017**

1. Call to Order and Announce a Quorum is present.

Mayor Gary Van Wagner called the meeting to order at 7:00 p.m. on Thursday, November 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 Eric Fleischer, Councilmember Chris Raines, Councilmember Michael Murray, Councilmember Taylor Burton, City Administrator Diane Rasor, Director of Public Works William Allen, Assistant Director of Public Works Jaret Holmes, Wise County Sheriff Sergeant Jed Moore and Assistant City Secretary Jeanine Inman.

2. Invocation and Pledge of Allegiance to the Flag

Mayor Van Wagner delivered the invocation and led the pledge to the flag.

3. Consider and act on certifying the unopposed candidate, Ordinance No. A-471 cancelling the November 7, 2017 special election, issuing the *Certificate of Election and Oath of Office* to Mr. Michael Murray to Place # 1 on the Newark Council.

Councilmember Fleischer moved to certify the unopposed candidate and approve Ordinance No. A-471 cancelling the November 7, 2017 special election and Mayor Pro-Tem Wondolowski seconded the motion. All approved. The motion passed.

City Administrator Rasor issued the Certificate of Election and administered the Oath of Office to Mr. Michael Murray.

4. Consider and act on appointing a councilmember to fill the unexpired term of Place #2 on the Newark City Council.

Councilmember Fleischer moved to appoint Taylor Burton to fill the unexpired term of Place# 2 on the Newark City Council and Mayor Pro-Tem Wondolowski seconded the motion. All approved. The motion passed.

City Administrator Rasor administered the Oath of Office to Taylor Burton.

5. Consider and act on Resolution No. 318 approving certain obligations by Newark Higher Education Finance Corporation providing for the issuance of such obligations for Abilene Christian University.

Mr. Ted Christensen with Government Capital addressed the City Council and explained that there are actually two parts under this item. Part 2A is for Abilene Christian University and Part 2B is for a Presbyterian School. He explained that there is current Federal legislation being considered that would eliminate these types' loans in the future.

Councilmember Fleischer moved to approve both parts under a single motion and Councilmember Raines seconded the motion. All approved. The motion passed.

6. Presentation:

Dr. Ryder Warren, Northwest Independent School District Superintendent, gave an update on district affairs.

Dr. Warren explained that the district is one of the fastest growing districts in Texas and had a student enrollment this year of over 23,000 students. He went on to say that with the bond program that was approved in May, there will be several new facilities and expansions to current facilities.

7. Public Hearings:

A. Conduct second public hearing on rezoning 8.37 acres of land out of Lot 14, WATER BOARD-NEWARK SUBDIVISION to the City of Newark, Wise County, Texas, being the same tract of land as deeded to the City of Newark in Volume 379, Page 637, Deed Records, Wise County, Texas. More commonly referred to as Lot 14 Marshal Road from Single Family District 1 (SF-1) to Planned Development District (PD).

Mayor Van Wagner opened the public at 7:24 p.m. No one wished to speak for or against the rezoning item. Mayor Van Wagner closed the public hearing at 7:26 p.m.

B. Conduct second public hearing on rezoning 9.750 acres of land out of the Derrett Creek Ranch Addition to the Town of Newark, Wise County, Texas, being PT 1 & 2; more commonly referred 138 PR 4889, Newark, Texas 76071 from Planned Development District (PD) for Multi-Family (MF) use to Planned Development District (PD).

Mayor Van Wagner opened the public at 7:26 p.m. No one wished to speak for or against the rezoning item. Mayor Van Wagner closed the public hearing at 7:27 p.m.

C. Conduct second public hearing on rezoning 12.780 acres, Lot PT 1 & 2, Block 1; more commonly known as the 1200 block of Rogers Road from a Planned Development (PD) District for Multi-Family (MF) use to Planned Development (PD) District.

Mayor Van Wagner opened the public at 7:27 p.m. No one wished to speak for or against the rezoning item. Mayor Van Wagner closed the public hearing at 7:28 p.m.

8. Citizen Comments - No citizens wished to speak at this time.

9. Consent Agenda – Consider and act on the following items:

A. September 16, 19, and 25, 2017 Minutes

B. Accounts Payables from September 1- October 31, 2017

- C. Budget vs. Actual and Financial Statements**
- D. Staff Reports – City Administrator, Municipal Court, Animal Control, Library, Building Permits, Code Enforcement and Public Works**

Mayor Pro-Tem Wondolowski moved to approve the consent agenda in its entirety and Councilmember Raines seconded the motion. All approved. The motion passed.

10. Old Business

- A. Consider and act on drainage issue at 515 Oak Hills Drive.**

No action taken on this item.

- B. Consider and act on Ordinance No. A-466 amending the Subdivision Ordinance to provide additional regulations related to adequate drainage facilities.**

Councilmember Raines moved to approve on Ordinance No. A-466 amending the Subdivision Ordinance to provide additional regulations related to adequate drainage facilities and Councilmember Murray seconded the motion. All approved. The motion passed.

- C. Consider and act on the City's mowing contract. This item was tabled.**

11. New Business

- A. Consider and act on the following permits and license allowing ZAYO to lay fiber optic lines in the City's right-of-way.**

- (1) Utility Right of Way Construction Permit**
- (2) Right of Way/Excavation Permit Application**
- (3) Contractor Registration**
- (4) License Agreement with ZAYO for Right of Way Use**

City Administrator Rasor explained that Zayo has not completed the applications and still need to provide the correct insurance, bonds, and franchise agreement. A special meeting was scheduled for Monday, November 20th at 5:30 p.m. to reconsider the item if Zayo provided the necessary documents.

- B. Consider and act on Ordinance No. A-464 rezoning 8.37 acres of land out of Lot 14, WATER BOARD-NEWARK SUBDIVISION to the Town of Newark, Wise County, Texas, being the same tract of land as deeded to the City of Newark in Volume 379, Page 637, Deed Records, Wise County, Texas. More commonly referred to as Lot 14 Marshal Road from Single Family District 1 (SF-1) to Planned Development District (PD).**

Mayor Pro-Tem Wondolowski moved to approve Ordinance No. A-464 rezoning 8.37 acres of land out of Lot 14, WATER BOARD-NEWARK SUBDIVISION to the Town of Newark, Wise County,

Texas, being the same tract of land as deeded to the City of Newark in Volume 379, Page 637, Deed Records, Wise County, Texas. More commonly referred to as Lot 14 Marshal Road from

Single Family District 1 (SF-1) to Planned Development District (PD) and Councilmember Raines seconded the motion. All approved. The motion passed.

C. Consider and act on Ordinance No. A-465 rezoning 9.750 acres of land out of the Derrett Creek Ranch Addition to the Town of Newark, Wise County, Texas, being Lots PT 1 & 2; Block 1 more commonly referred 138 PR 4889, Newark, Texas 76071 from Planned Development District (PD) for Multi-Family (MF) use to Planned Development District (PD).

Councilmember Fleischer moved to approve Ordinance No. A-465 rezoning 9.750 acres of land out of the Derrett Creek Ranch Addition to the Town of Newark, Wise County, Texas, being Lots PT 1 & 2; Block 1 more commonly referred 138 PR 4889, Newark, Texas 76071 from Planned Development District (PD) for Multi-Family (MF) use to Planned Development District (PD) and Councilmember Raines seconded the motion. All approved. The motion passed.

D. Consider and act on Ordinance No. A-472 rezoning 12.78 acres, Lot PT 1 & 2, Block 1; more commonly known as the 1200 block of Rogers Road from a Planned Development (PD) District for Multi-Family (MF) use to Planned Development District (PD).

No action taken on this item.

E. Consider and act on Ordinance No. A-470 amending the Newark Code of Ordinances, Appendix A – Fee Schedule, by providing for the increase in Garbage Collection Fees.

Councilmember Raines moved to approve Ordinance No. A-470 amending the Newark Code of Ordinances, Appendix A – Fee Schedule, by providing for the increase in Garbage Collection Fees and Councilmember Murray seconded the motion. All approved. The motion passed.

F. Consider and act on the contract of service between Wise County, Texas and the Newark Public Library for services as a County library.

Mayor Pro-Tem Wondolowski moved to approve the contract of service between Wise County, Texas and the Newark Public Library for services as a County Library and Councilmember Raines seconded the motion. All approved. The motion passed.

G. Consider and act on the Interlocal Agreement between Wise County, Texas and the City of Newark for road repairs and maintenance.

Councilmember Fleischer moved to approve the Interlocal Agreement between Wise County, Texas and the City of Newark for road repairs and maintenance and Mayor Pro-Tem Wondolowski seconded the motion. All approved. The motion passed.

H. Consider and act on Resolution #317 designating Pinnacle Band for the revenue generated for the Newark Municipal Development District and designating persons authorized to request and sign for funds under the City of Newark, Texas Newark Municipal Development District.

Councilmember Fleischer moved to approve Resolution #317 designating Pinnacle Band for the revenue generated for the Newark Municipal Development District and designating Gary Van Wagner, Mark Wondolowski and Diane Rasor as persons authorized to request and sign for funds under the City of Newark, Texas Newark Municipal Development District and Mayor Pro-Tem Wondolowski seconded the motion. All approved. The motion passed.

I. Consider and act on the Contract for Assessment and Collection Services with the Wise County Appraisal District.

Mayor Pro-Tem Wondolowski moved to approve the Contract for Assessment and Collection Services with the Wise County Appraisal District and Councilmember Raines seconded the motion. All approved. The motion passed.

J. Consider and act on a Resolution voting on nominees for the Directors of the Wise County Appraisal District.

Councilmember Fleischer moved to take no action on this item and Mayor Pro-Tem Wondolowski seconded the motion. All approved. The motion passed.

K. Consider and act on purchase of a third vehicle for public works.

A third vehicle would increase productivity instead of two of the workers having to share one vehicle. Director of Public Works Allen stated that he would rather see the money spend on some other much needed projects first and then purchase another vehicle in the next year. The new employee still needs some more training to be able to work independently.

Mayor Pro-Tem Wondolowski wanted to see a list of what these projects were, what their costs were and their priorities. Councilmember Fleischer asked that this be discussed at the next City Council meeting and to have a list of how much time shadowing is still needed for the new employee and the cost of a new vehicle. Item was tabled.

The City Council adjourned into executive session at 8:08 p.m.

12. EXECUTIVE SESSION – A. Review of City Administrator, B. Review of Assistant City Secretary, C. Review of Municipal Court Clerk, D. Review of Public Works Director, E. Review of Assistant Public Works Director, F. Review of Public Works Maintenance Worker

The City Council reconvened into open session at 9:21 p.m.

13. Consider and Act on Executive Session Items.

Councilmember Fleischer moved to approve on the employees and benefits items as discussed and Mayor Pro-Tem Wondolowski seconded the motion. All approved. The motion passed.

14. Adjourn.

Mayor Van Wagner adjourned the meeting at 9:22 p.m.

APPROVED:

Gary Van Wagner, Mayor

Date

ATTEST:

Diane Razor, City Administrator