

**CITY OF NEWARK
CITY COUNCIL MINUTES
THURSDAY, MAY 19, 2011**

I. Call to Order

Mayor Matt Newby called the meeting to order at 7:00 pm on Thursday, May 19, 2011 in the Newark Public Library located at 209 Hudson, Newark, Texas. Those present were Mayor Matt Newby, Mayor Pro Tem Laura Pixler, Council Member Bob Wells, Council Member Chana Massey, Council Member Doug Anderson, City Administrator Diane Rasor and Public Works Director Adam Farguson. Council Member Bandy Hicks was absent.

II. Invocation – Pastor Scott delivered the invocation.

III. Citizen Comments – None.

V. Mayor's Report – None.

VI. Consent Agenda

- A. Approval of Accounts Payable
- B. Approval of Financial Data for April – May 2011
- C. Approval of Staff Reports

Mayor Pro Tem Pixler moved to accept consent agenda items A, B, and C as presented; Council Member Massey seconded the motion. All approved. Motion passed.

VI. Regular Meeting

1. Canvass of the May 14, 2011 General Election.

Mayor Newby certified the figures on the election tally sheets corresponded with the returns:
Mayor – Matt Newby – 148 votes, Bill Malone – 41 votes
Council Member Place 4 – Chana Massey – 144 votes, Jerry Palmer – 44 votes
Council Member Place 5 – Laura Pixler – 152 votes, Katrina Ellis – 36 votes

2. Consider and act on Resolution #260 approving the canvass of the May 19, 2011 general election results.

Council Member Wells moved to accept Resolution No. 260; Council Member Anderson seconded the motion. All approved. Motion passed.

3. Consider and act on appointing a Mayor Pro Tem.

Council Member Massey moved to appoint Laura Pixler as Mayor Pro Tem; Council Member Wells seconded the motion. All approved. Motion passed.

4. Consider and act on authorizing the Mayor and City Administrator to seek direction from the District Court to pursue an injunction and a declaratory judgment to require removal of the illegal fence at 200 Killough and the payment of City Attorney fees.

Council Member Wells showed pictures of the fence taken on May 13, 2011 and the letters from the City Administrator and City Attorney requesting/demanding Ms. Ellis remove this fence. She has had five (5) court appearances, three (3) of which she appeared and (2) of which she did not. A map of Ms. Ellis's property was shown with the fifty foot (50) right-of-way. After being cited, she was found guilty and fined \$5.00.

This right-of-way will eventually be used to run a sewer line through it to Unnamed Tributary where the wastewater treatment plant effluent will run into.

Council Member Anderson moved to authorize the Mayor and City Administrator to seek any avenues necessary including the District Court to pursue an injunction and a declaratory judgment to require removal of the illegal fence at 200 Killough and the payment of City Attorney fees; Council Member Massey seconded the motion. All approved. Motion passed.

5. Consider and act Ordinance No. A-375 establishing the Municipal Court in Newark as a Municipal Court of Record.

Council Member Massey moved to accept Ordinance No. A-375 establishing the Municipal Court in Newark as a Municipal Court of Record; Mayor Pro Tem seconded the motion. All approved. Motion passed.

6. Consider and act on Ordinance No. A-376 authorizing the municipal court power to punish for contempt any person who commits the offense of failure to appear in municipal court.

Mayor Pro Tem Pixler moved to approve Ordinance No. A-376 authorizing the municipal court power to punish for contempt any person who commits the offense of failure to appear in municipal court; Council Member Anderson seconded the motion. All approved. Motion passed.

7. Adjourn

The meeting adjourned at 7:24 p.m.

APPROVED:

Matt Newby, Mayor

Date

ATTEST:

Diane Razor, City Administrator