

REGULAR CITY COUNCIL MEETING
Thursday, August 18, 2011 at 7:00 pm
Municipal Building, 209 Hudson, Newark, Texas 76071

I. Call to Order

Mayor Newby called the meeting to order at 7:06 p.m. in the Newark Municipal Building located at 209 Hudson Street, Newark, Texas 76071. Those present were: Mayor Matt Newby, Mayor Pro Tem Laura Pixler, Council Member Bob Wells, Council Member Chana Massey, Council Member Doug Anderson, Public Works Director Adam Farguson, Administrative Assistant Nancy Chambers, Public Works Employee Brad Scott and City Administrator Diane Raser. Council Member Bandy Hicks was absent.

II. Invocation

Council Member Anderson delivered the invocation.

III. Citizen Comments - None.

V. Mayor's Report

Mayor Newby read the e-mail from Ms. Neal and his response to the Texas Rural Water Authority ("TRWA"). He explained which water lines the City plans to replace with the STEP grant. He commented that the TWRA received an e-mail from Bonnie Neal containing incorrect information. Ms. Neal has constantly tried to slow the progress of the City. Mayor Newby responded to TRWA, giving them the correct information.

VI. Consent Agenda

- A. Approval of Past Minutes - May 19, May 26, June 16,
- B. Approval of Accounts Payable
- C. Approval of Financial Data for July – August 2011
- D. Approval of Staff Reports

The May 26, 2011 minutes need to be corrected by reflecting Pastor Six, instead of Pastor Scott Six, delivered the invocation.

Council Member Massey moved to approve A, B, C, consent agenda items except for the Mayor 26, 2011 minutes since she was absent; Mayor Pro Tem Laura Pixler seconded the motion. All approved. Motion passed.

Council Member Wells moved to accept the May 26, 2011 minutes; Mayor Pro Tem Pixler seconded the motion. Ayes: Mayor Pro Tem Pixler, Council Member Wells, Council Member Anderson. Nays: None. Abstentions: Council Member Massey.

VII. Regular Meeting

1. Consider and act on appointing Mary Kay Thomas the Labor Standards Officer for the City's 2011 TxCDBG STEP Contract #711016.

Council Member Massey moved to appoint Mary Kay Thomas the Labor Standard Officer for the City's 2011 TxCDBG STEP Contract #711016.

2. Consider and act on Resolution No. #263 designating individuals as authorized signators for the City's 2011 TxCDBG STEP contract #711016.

The designated signors are Mayor Newby, Mayor Pro Tem Pixler and City Secretary Diane Rasor.

Council Member Wells moved to accept Resolution No. #263 designating individuals as authorized signators for the City's 2011 TxCDBG STEP Contract #711016; Council Member Anderson seconded the motion. All approved. Motion passed.

3. Consider and act on Resolution No. #262 authorizing the sale of the north one-half of lots eight (8), nine (9), and ten (10), in block number fifty-one (51) and all of lot number seven (7) and the east eighteen and three fourths (18 ¾) feet of lot number six (6), block number fifty-one (51) of the Original Town of Newark and authorizing the signators for the sale.

Council Member Anderson moved to accept Resolution #262 for the property listed and authorized the sale; Mayor Pro Tem Pixler seconded the motion. All approved. Motion passed.

4. Consider and act on Ordinance No. 378 approving a negotiated resolution between the Atmos cities Steering Committee and Atmos Energy regarding the Company's fourth annual rate review mechanism filing in all cities exercising original jurisdiction; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement and finding the rates to be set by the attached tariffs to be just and reasonable; requiring the Company to reimburse Cities' reasonable ratemaking expenses.

Council Member Wells moved to accept Ordinance No. A-378 approving a resolution between the Atmos cities Steering Committee and Atmos Energy; Council Member Anderson seconded the motion. All approved.

5. Consider and act on Ordinance No. 379 amending and updating the City of Newark Subdivision Ordinance incorporating amendments into sections of the subdivision ordinance and re-numbering sections in order to facilitate the codification process.

Mayor Newby postponed this item until Thursday, August 25, 2011 since it needs to have a public hearing.

6. Consider and act the City's water and sewer rates.

Council Member Wells reviewed the current charges and stated that they make no sense. After researching other city's rates, he is recommending a minimum sewer rate of \$25.00 and a new system that has gradual increases per 1000 gallons. The City needs to increase the rates to continue upgrading the water and sewer system and have the water and sewer system support itself.

Proposed rates: 0-2,000 gallons – minimum charge of \$24.00, 2,000-9,000 – \$5.00 per 1000, 9,001 and up - \$6.00 per 1000 gallons. The proposed sewer rate will be \$25.00 up to 30,000 gallons and then 35% of the water usage over 30,000 gallons. The apartment rate will be the same.

Council Member Wells moved to accept the rates proposed to incorporate into a water rate ordinance; Council Member Massey seconded. All approved.

7. Consider and act on having Rogers' Road surveyed to determine right of way.

Public Works Director Adam Ferguson received an estimate of \$7,500 from Edwards Surveying to survey Rogers Road from Main Street to the bridge by the sewer plant. Trees, mailboxes, utility poles and anything in the right of way will need to be moved prior to the planned road work. Trimming the trees should cost \$4,500 to \$4,800. Council Member Massey suggested getting an estimate from R&B Surveying.

Council Member Massey moved to authorize Adam Ferguson or Mayor Newby to get two additional surveys and move forward with the project with funds not exceeding \$7,500; Mayor Pro Tem Pixler seconded the motion. All approved. Motion passed.

8. Consider and act on purchasing a mini-excavator.

Mayor Newby stated this is a good opportunity to purchase this piece of equipment. Adam Ferguson said the one the City owns now is not safe. Mr. Ferguson has found a used John Deere mini-excavator for \$18,500. The Council would like a log book kept on each piece of equipment for maintenance.

Council Member Wells moved to authorize Adam Ferguson and Mayor Newby to find a mini excavator for \$18,000 or less and see what kind of a deal they can work out to get it in the 2012 budget; Council Member Anderson seconded the motion. All approved. Motion passed.

VIII. EXECUTIVE SESSION

Texas Government Code, Section 551.074. PERSONNEL MATTERS – (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; or (2) to hear a complaint or charge against an officer or employee.

- Evaluation of Brad Scott
- Evaluation of Nancy Castle
- Evaluation of Adam Farguson
- Evaluation of Diane Razor

Mayor Newby closed the open session at 8:03 p.m. and the Council adjourned into executive session at 8:06 p.m.

9. Consider and act on executive session items.

Council Member Massey moved to put Brad Scott on probation for six (6) months, beginning August 18, 2011 through February 20, 2012; Council Member Wells seconded the motion. All approved. Motion passed.

Council Member Massey moved to give Nancy Castle, the Utility Billing Clerk, a raise to \$9.55 per hour to become effective on October 1, 2011; Council Member Wells seconded the motion. Ayes: Council Member Wells, Council Member Massey, Council Member Anderson; Nay: Mayor Pro Tem Pixler. Abstentions: None. The motion passed with three (3) ayes, one (1) nay and zero (0) abstentions.

No action on evaluation of Diane Razor.

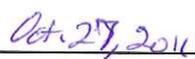
10. Adjourn.

The meeting adjourned at 9:50 p.m.

APPROVED:



Matt Newby, Mayor



Date



Diane Razor, City Administrator