

City of Newark
City Council Minutes
Tuesday, September 19, 2017

1. **Call to order and announce a quorum is present.**

Mayor Van Wagner called the meeting to order at 7:00 p.m. on Thursday, September 19, 2017 in the Newark Municipal Building located at 209 Hudson Street and announced a quorum was present. Those present were: Mayor Gary Van Wagner, Mayor Pro Tem Mark Wondolowski, Councilmember Jenny Wilson, Councilmember Eric Fleischer, Councilmember Chris Raines, Assistant City Secretary Jeanine Inman, City Attorney Courtney Kuykendall, and City Administrator Diane Rasor.

2. **Invocation and pledge of allegiance to the flag.**

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

3. **Newark Higher Education Finance Corporation Revenue and Newark Cultural Education Facilities Finance Corporation Bonds.**

3. (A) Consider and act on Resolution #316 approving Newark Higher Education Finance Corporation Education Revenue Bonds (Village Tech Schools) Series 2017A and Newark Higher Education Finance Corporation Education Revenue Bonds (Village Tech Schools) taxable Series 2017B; and other matters in connection therewith.

Councilmember Fleischer moved to approve Resolution #316 approving the bonds; Mayor Pro Tem Wondolowski seconded the motion. All approved. Motion passed.

3. (B) Consider and act on authorizing Newark Cultural Education Facilities Finance Corporation to execute amendments related to its retirement facility revenue refunding bonds (MCR Cornerstone Project, Series 2011A and Newark Cultural Education Facilities Finance Corporation Retirement Facility Revenue Bonds (MRC Towncreek Project), Series 2011B; and other matters in connection therewith.

This is an amendment to a previous loan. Councilmember Fleischer moved to authorize the NCEFFC to execute the amendments; Councilmember Wilson seconded the motion. All approved. Motion passed.

4. **Public Hearings:**

4. (A) Conduct a public hearing on the Fiscal Year 2017-2018 City of Newark Budget: "This budget will raise more total property taxes than last year's budget by \$51,980.32 or 8% and of that amount \$29,913.60 is tax revenue to be raised from new property added to the tax roll this year.

Mayor Van Wagner opened the public hearing at 7:10 p.m. Councilmember Fleischer stated the City Council is not raising the tax rate this year (the additional property tax raised will only be \$26,517.95), however, if a homeowner's property value increased, then they will see an increase in their actual taxes. Mayor Van Wagner closed the public hearing at 7:12 p.m.

4. (B) Conduct the second public hearing regarding a proposed tax rate for the 2017 tax year.

Mayor Van Wagner opened the public hearing at 7:15 p.m. Comments were as follows:

Ms. Monique Murray stated she was upset because \$46,000 was spent on a flume to help two residents. Oak Hills Drive backs up to Seven Hills and has a ditch between them that flows to the highway, however, the water still backs up and floods her back yard and shop. It needs to be dredged out. Councilmember Raines explained that the flume collects water from the majority of residents in Thousand Oaks.

Ms. Tammy McCune stated that she has spent money on their property to solve the drainage issue and that nothing was given to them for free. The flume has now been deeded to the City as an easement.

Ms. Cylinda Chaisson has lived in Newark for over 50 years. She stated that when a previous Council ordered a culvert to be installed in front of her house that it was put in at an angle incorrectly and causes a drainage issue. She requested that the Council have one installed correctly to resolve the problem.

Mayor Van Wagner closed the public hearing.

4. (C) Conduct the second public hearing on a re-plat of Lot 33R, Block E, Newark Ranch Addition.

Mayor Van Wagner opened the public hearing. There were no proponents nor opponents to speak. Mayor Van Wagner closed the public hearing.

4. (D) Conduct first public hearing on re-zoning 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 SF-1 to PD.

Notice was sent to property owners on the City's tax roll, however the City Attorney recommended also publishing the notice in the paper. This public hearing will be postponed to the November 16, 2017 meeting.

4. (E) Conduct first public hearing on re-zoning 9.75 acres of land out of the Derrett Creek Ranch Addition to the City of Newark, Wise County, Texas, being PT 1 & 2; more commonly referred to as the Diane Meadows Subdivision, 138 PR 4889, Newark, Texas 76071 from Planned Development District for Multi-Family Use to Planned Development District.

Notice was sent to property owners on the City's tax roll, however the City Attorney recommended also publishing the notice in the paper. This public hearing will be postponed to the November 16, 2017 meeting.

4. (F) Conduct first public hearing on re-zoning 12.78 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 to as the Diane Meadows Subdivision, Rogers Road, from Planned Development District for Multi-Family Use to Planned Development District.

Notice was sent to property owners on the City's tax roll, however the City Attorney recommended also publishing the notice in the paper. This public hearing will be postponed to the November 16, 2017 meeting. Councilmember Raines moved to table Items 4D, 4E, and 4F until the November 16, 2017 council meeting; Councilmember Fleischer seconded the motion. All approved. Motion passed.

4. (G) Conduct public hearing regarding proposed changes to the Subdivision Ordinance, Chapter 10 of the Code of Ordinances of the City of Newark.

Mayor Van Wagner opened the public hearing. City Attorney Courtney Kuykendall stated that with direction from the Council, this amendment to the Subdivision Ordinance, Chapter 10, on drainage regulations is recommended to provide for better drainage. The current ordinance allows for overflow on up to two lots, however, this ordinance will change the allowance by stating the water needs to be directed to the street and from an easement that the developer has dedicated.

Michael and Monique Murray stated that everyone is having drainage problems in Thousand Oaks and she may need to have a retaining wall installed at her expense because of the developer. She doesn't think it is right to be charged a permit fee for this. Mr. Murray requested that the council members walk his street so they may see what can and cannot be done to address this issue.

Mr. Brad Reid stated the Council should cut some items in the budget to deal with the drainage issues. He wanted to know the purpose of purchasing the house on Hovey Street. Mayor Van Wagner stated that the property added to the park property and eventually the City would move the library into the house or sell it as commercial property. Mr. Reid suggested tearing the house down and selling the re-conditioned wood.

Mayor Van Wagner closed the public hearing(s) at 7:42 pm.

5. Citizen Comments

Mr. Brad Reed, Oak Hills Drive, stated the Council needs to decide what they are going to do with the house on Hovey, suggesting that it be torn down and a new building constructed to be used as a softball complex to give kids in the community something to do. He also asked why the City is not generating revenue from the ball park, stating that currently the City is overpaying for someone to mow a pasture. He believes the City should receive three bids each year for the mowing contract.

Mr. Michael Murray, 525 Oak Hills Drive, said he wanted to address the City's "wish list", which contained roads needing to be re-paved when some roads in the City have not yet been paved.

Mr. Joey Martin, 515 Oak Hills, asked if the Council knew when the drainage was constructed in Thousand Oaks and how many houses were in the flood plain. He has tried everything to address the drainage issue on his property and would like this item on the next agenda to be discussed. The lady who lives behind him complains that the water is coming underneath his back fence onto her property. His property has an easement that could be dredged out.

Ms. Monique Murray address the Council recommending the "Hovey House" could possibly be a house for unwed mothers. She asked that this item be placed on the next agenda for discussion.

6. Consent Agenda – Consider and act on the following items: A. August 17th and 24th, 2017 Minutes. B. Accounts Payables from August 18-September 14, 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.

Councilmember Fleischer moved to approve the consent agenda; Councilmember Raines seconded the motion. All approved. Motion passed.

7. Old Business

7. (A) Consider and act on the Fiscal Year 2017-2018 City of Newark budget.

Councilmember Fleischer moved to reschedule this vote for at least three days in the future since the second public hearing had just occurred; Councilmember Wilson seconded the motion. All approved. Motion passed.

7. (B) Consider and act on the mowing contract between Matt Newby and the City of Newark.

Councilmember Raines moved to table this item; Councilmember Fleischer seconded the motion. All approved. Motion passed.

8. New Business

8. (A) Consider and act on the re-plat of Lot 33R, Block E, Newark Ranch Addition.

Assistant City Secretary Jeanine Inman stated that the City Engineer, Misty Christian and her had reviewed and approved the plat. Councilmember Raines moved to approve the re-plat of Lot 33R, Block E, Newark Ranch Addition; Councilmember Wondolowski seconded the motion. All approved. Motion passed.

8. (B) Consider and act on Ordinance No. A-467 calling for a special election to be held on November 7, 2017 to fill vacancies for two (2) council places and establishing other election procedures for conducting the election.

Councilmember Fleischer moved to approve Ordinance No. A-467 calling for a special election; Councilmember Wilson seconded the motion. All approved. Motion passed.

8. (C) Consider and act on Ordinance No. A-466 amending Ordinance A-359, the Subdivision Ordinance of the City of Newark, as amended, by amending Chapter 10, "Subdivision Regulation, Exhibit "A:, Subdivision Ordinance", Chapter 1, Policies, Purposes, and Administrative Authority", Chapter 2, "Definitions", Chapter 4, "Requirements for Public and Semi-Public Improvements", and Chapter 12, "Subdivision Design Criteria" to provide additional regulations related to adequate drainage and facilities.

City Attorney Courtney Kuykendall suggested locating the "Design Manual" prior to approving this ordinance and to give the Council more time to review it. Councilmember Fleischer moved to table this item; Councilmember Raines seconded the motion. All approved. Motion passed.

The Council adjourned into executive session at 8:06 p.m.

9. Executive Session: In accordance with Texas Government Code, Section 551.001, et seq., the City Council will recess into Executive Session (closed meeting) to discuss the following:

a) § 551.071): Consultation with the City Attorney regarding pending or contemplated litigation with Philip Timothy Pixler.

(a) § 551.071 (2): Consultation with the City Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act regarding:

- Annexation and S.B. 6;
- Ordinance implementing a municipal drainage utility fee
- Extraterritorial Jurisdiction (ETJ) boundary matter with the City of Fort Worth.

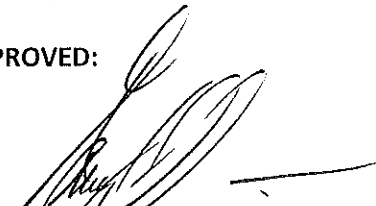
The Council reconvened into open session at 8:29 p.m.

10. Reconvene into Open Session

No action was taken on any executive session items.

11. Adjourn – The meeting was adjourned at 8:32 p.m.

APPROVED:



Gary Van Wagner, Mayor

11.15.2017
Date

ATTEST:



Diane Rasor, City Administrator