

City of Newark
City Council Meeting Minutes
Thursday, January 19, 2017

1. Call to Order, Roll Call, and announce a Quorum is Present.

Mayor Van Wagner called the meeting to order at 6:00 p.m. on Thursday, January 19, 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 Chris Raines, Councilmember Eric Fleischer, Councilmember Jenny Wilson, Sheriff Deputy Jed Moore, City Attorney Andy Messer, City Administrator Diane Rasor, Director of Public Works William Allen and Assistant City Secretary Jeanine Inman. Those absent: Councilmember Hans Wilson.

2. Executive Session - In accordance with Texas Government Code, Chapter 551, Subchapter D, the City Council will recess into Executive Session (closed meeting) to discuss the following: (a) §551.072: Deliberation about Real Property regarding the purchase, exchange, lease, or value of real property where deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations: Discussion on property for sale on the corner of Marshall and Rogers Road. (b) §551.074: Deliberations regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of public office or employee: City Engineer.

Mayor Van Wagner stated that the City Council would adjourn the open session and convened into executive session at 6:01 p.m.

3. Reconvene into Regular Session and take any actions on items listed in Executive Session.

Mayor Van Wagner adjourned the executive session and reconvened the regular session at 6:45 p.m.

Mr. Steve Free and Mr. Brian Setter gave a brief presentation on the proposed project for the corner of Marshall and Rogers Road. They explained that the development would conform to the current zoning for the property and the infrastructure would cost an estimated one million dollars. They asked the City to participate in the cost with \$300,000, one-half of the cost, for getting water and sewer to the site and for a lift station.

The Council convened into executive session at 7:07 p.m. and returned to open session at 7:35 p.m. Mayor Van Wagner stated that the City Council would not be taking any action as there needed to be more study on the proposed project.

4. Invocation and Pledge of Allegiance to the Flag.

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

5. Citizen Comments.

Stephanie Miller, 111 Cheyenne Trail South, addressed the City Council regarding drainage issues from the property being built next to them at 109 Cheyenne Trail South. She praised the City Staff for their help with trying to resolve the issue. She told City Council that she would like McBee Homes held accountable for the excess drainage onto her property.

6. Consent Agenda – Consider and act on the following items: A. December 15, 2016 Minutes, B. Accounts Payables from December 10, 2016 – January 13, 2017, C. Budget vs. Actual and Financial Statements, D. Staff Reports – City Administrator, Municipal Court, Animal Control, Library, Building Permit, Code Enforcement, and Newark Volunteer Fire Department

Councilmember Fleischer moved to approve the Consent Agenda as presented and Mayor Pro-Tem Wondolowski seconded the motion. All approved. The motion passed.

7. Old Business.

A. Code Enforcement Presentation.

City Administrator Razor referred the Councilmembers to the before and after photos in their packets taken by Code Enforcement Officer Michael Gonce for code violations. She stated that Officer Gonce is doing a great job and has brought many properties into compliance. It was decided that the Councilmembers would review the photos and information on their own instead of reviewing the documents and photos in their entirety at the meeting.

B. Update and discussion on drainage issue between 515 and 517 Post Oak Drive.

Tammy McCune, 517 Post Oak Drive, was present to discuss the drainage issues between 515 and 517 Post Oak Drive. She was concerned with the flooding and pooling of water being a breeding ground for mosquitoes. Commissioner Harry Lamance was contacted concerning the drainage issues, however he said it was a civil matter. Public Works Director William Allen stated that cleaning up the area around the fence that divides the county property from the city property would help the situation. Mayor Van Wagner directed City Staff to contact the City Engineer to evaluate the issue and make recommendations.

C. Consider and act on continuing the City's "Survey Monkey" for subdivisions in the City's Extra-Territorial Jurisdiction (ETJ).

There was a very brief discussion and it was decided to end the survey. No other action taken.

D. Consider and act on authorizing the Mayor to execute an agreement with PRYM Architects, LLC for architectural services for the City's 2016 TxCDBG Community Enhancement Project #7216048.

Mayor Pro-Tem Wondolowski moved to authorize the Mayor to execute an agreement with PRYM Architects, LLC for architectural services for the City's 2016 TxCDBG Community Enhancement Project #7216048; Councilmember Fleischer seconded the motion. Ayes: Mayor Pro-Tem Wondolowski, Councilmember Fleischer and Councilmember Wilson. Nays: None. Abstentions: Councilmember Raines. The motion passed with 3 Ayes, 0 Nays and 1 Abstention.

E. Consider and act on authorizing the Mayor to execute an agreement with PRYM Architects, LLC to pay invoices within thirty (30) days and paying for additional services on a fee basis pertaining to the 2016 TxCDBG Community Enhancement Project.

Mayor Pro-Tem Wondolowski moved to authorize the Mayor to execute an agreement with PRYM Architects, LLC to pay invoices within thirty (30) days and paying for additional services on a fee basis pertaining to the 2016 TxCDBG Community Enhancement Project and Councilmember Fleischer seconded the motion. Ayes: Mayor Pro-Tem Wondolowski, Councilmember Fleischer and Councilmember Wilson. Nays: None. Abstentions: Councilmember Raines. The motion passed with 3 Ayes, 0 Nays and 1 Abstention.

F. Consider and act on approving and authorizing the Mayor to execute TxCDBG Contract No. 7216048 between the City of Newark and the Texas Department of Agriculture for the Community Enhancement Project.

Councilmember Fleischer moved to approve to authorize the Mayor to execute TxCDBG Contract No. 7216048 between the City of Newark and the Texas Department of Agriculture for the Community Enhancement Project; Mayor Pro-Tem Wondolowski seconded the motion. Ayes: Mayor Pro-Tem Wondolowski, Councilmember Fleischer and Councilmember Wilson. Nays: None. Abstentions: Councilmember Raines abstaining from the vote. The motion passed with 3 Ayes, 0 Nays and 1 Abstention.

G. Consider and act on the offer to buy the City's oil and/gas royalty interest(s) from Fort Worth Mineral Company.

No action taken.

8. New Business.

A. Consider and act on Resolution #303 relating to approving a financing agreement by the Newark Cultural Education Facilities Finance Corporation for the benefit of Hardin-Simmons University and related matters.

Ted Christensen, Government Capital Securities Corporation, addressed the City Council regarding the proposed Resolution to approve the financing agreement. The City will receive a fee of \$15,000.

Councilmember Fleischer moved to approve Resolution #303 relating to approving a financing agreement by the Newark Cultural Education Facilities Finance Corporation for the benefit of Hardin-Simmons University and related matters and Mayor Pro-Tem Wondolowski seconded the motion. All approved. The motion passed.

B. Consider and act on Resolution #304 authorizing the submission of an application to the Texas Department of Agriculture for funding through the Texas Community Development Block Grant Program (TxCDBG) and designating the Mayor to act as the City's Executive Officer and authorized representatives for all matters pertaining to the application and committing local match.

Councilmember Raines moved to approve Resolution #304 authorizing the submission of an application to the Texas Department of Agriculture for funding through the Texas Community Development Block Grant Program (TxCDBG) and designating the Mayor to act as the City's Executive Officer and authorized representatives for all matters pertaining to the application and committing local match and Councilmember Jenny Wilson seconded the motion. All approved. The motion passed.

C. Consider and act on appointing an engineering firm for general engineering services and City Engineers.

Councilmember Fleischer moved to appoint Kimley-Horn & Associates as the City's Engineers and Councilmember Raines seconded the motion. All approved. The motion passed.

D. Consider and act on raises for the Resident Deputies.

Mayor Van Wagner recommended the deputies salaries be raised by one dollar per hour. The funds were already allocated in this year's budget. Mayor Pro-Tem Wondolowski asked that the salaries for the resident deputies be discussed again at budget time.

Councilmember Fleischer moved to approve a dollar an hour increase for each of the resident deputies; Councilmember Raines seconded the motion. All approved. The motion passed.

E. Consider and act on the Restrictive Covenant Agreement between the City of Newark, Texas and the Tarrant Regional Water District ("TRWD") for a buffer zone on TRWD's property.

The City needs to get the easements to finalize the wastewater treatment plant permit process from Texas Commission on Environmental Quality. TRWD will sign off on the agreement for a consideration of \$2,500.

Mayor Pro-Tem Wondolowski moved to approve the Restrictive Covenant Agreement between the City of Newark, Texas and the Tarrant Regional Water District ("TRWS") for a buffer zone on TRWD's property and Councilmember Fleischer seconded the motion. All approved. The motion passed.

F. Consider and act on Ordinance A-446 establishing a Buffer Zone of 150' from the Wastewater Treatment Plant.

Councilmember Fleischer moved to approve Ordinance A-446 establishing a Buffer Zone of 150' from the Wastewater Treatment Plant; Mayor Pro-Tem Wondolowski seconded the motion. All approved. The motion passed.

G. Consider and act on Ordinance A-447 calling a General Election on May 6, 2017 for the purpose of electing a Mayor, Councilmember Place #4, Councilmember Place #5 and holding a joint election with Northwest Independent School District.

Mayor Pro-Tem Wondolowski moved to approved Ordinance A-447 calling a General Election on May 6, 2017 for the purpose of electing a Mayor, Councilmember Place# 4, Councilmember Place# 5 and holding a joint election with Northwest Independent School District; Councilmember Fleischer seconded the motion. All approved. The motion passed.

H. Consider and act accepting Ron Statzer's resignation and appointing Matt Newby to the Newark Cultural Education Facility Finance and the Newark Higher Education Finance Corporations.

Councilmember Fleischer moved to accept Ron Statzer's resignation and to appoint Matt Newby to the Newark Cultural Education Facility Finance and the Newark Higher Education Finance Corporations. Councilmember Wilson seconded the motion. All approved. The motion passed.

I. Discussion on annexing property on Berke and Central into the City limits.

Mayor Van Wagner declared that this item would be tabled.

J. Consider and act on allocating funds for the City Engineer to begin the process of obtaining the City's Certificate of Convenience and Necessity (CCN).

Mayor Van Wagner declared that this item would be tabled.

K. Consider and act on creating a Development Review Committee and appointing members to the committee.

There was a brief discussion on creating a DRC – Development Review Committee. The committee will consist of (3) members and will establish procedures for developing property in the City. Councilmember Fleischer and Councilmember Raines volunteered to be on the Committee.

Councilmember Fleischer moved to create a Development Review Committee and to appoint himself and Councilmember Raines as members to the Committee; Councilmember Raines seconded the motion. All approved. The motion passed.

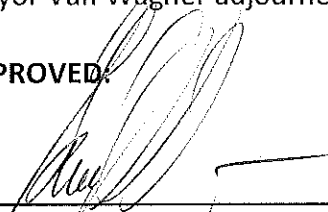
L. Consider and act on calling an election to abolish the ½ cent for property tax relief to form an Economic Development Corporation.

Councilmember Fleischer moved to call an election to abolish the ½ cent for property tax relief to form an Economic Development Corporation and Mayor Pro-Tem Wondolowski seconded the motion. All Approved. The motion passed.

9. Adjourn.

Mayor Van Wagner adjourned the meeting at 8:43 p.m.

APPROVED:



Gary Van Wagner, Mayor

2.16.2007
Date

ATTEST:



Diane Rasor, City Administrator