

**City of Newark  
City Council Meeting Minutes  
Thursday, February 16, 2017**

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

Mayor Van Wagner called the meeting to order at 7:00 p.m. on Thursday, February 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 Chris Raines, Councilmember Eric Fleischer, Councilmember Jenny Wilson, Councilmember Hans Wilson, Sheriff Deputy Nathan Graves, City Attorney Will Trevino and Assistant City Secretary Jeanine Inman. Those absent: 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. Citizen Comments**

Mike Cushman, 201 Marshal Road, stated that he lived directly across from the cell tower and had a complaint regarding the buzzards that roost on it. Mr. Cushman said he was never contacted when the tower was first installed and smell from the bird droppings was overpowering. Mayor Van Wagner asked City Staff to add an agenda item regarding it be placed on the next agenda.

Terry Hastreiter, 219 Marshal Road, concurred with Mr. Cushman adding that in the lease agreement, the Environmental Section; it states that Lessee will be responsible for all obligations of compliance with any and all environmental and industrial hygiene laws. Mayor Van Wagner said it will be addressed at the next City Council meeting.

**4. Consent Agenda – Consider and act on the following items: A. January 19, 2017 Minutes, B. Accounts Payables from January 20 – February 16, 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 Councilmember Jenny Wilson seconded the motion. All approved. Motion passed.

**5. Old Business**

**A. 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 that where the fence is leaning, additional water will knock the fence down. Assistant City Secretary Inman went over "Opinion of Probable Construction Cost" submitted by the City Engineer. Director of Public Works William Allen felt Option# 1 was the best choice. Option# 2 is cheaper but may not last as long. City Staff was directed to have Director of Public Works William Allen to be in attendance at the next City Council meeting. City Councilmember Jenny Wilson would look into the County Soil and Conservation District. City Attorney Trevino recommended having a discussion regarding this in executive session at the next meeting.

**6. New Business**

**A. Consider and act on Ordinance No. A-448 calling a Special Election to abolish the current one-half percent sales and use tax for municipal purposes and adopting a one-half percent sales and use tax to authorize the creation of the Newark Municipal Development District.**

City Attorney Will Trevino explained the Special Election is to abolish the current one-half percent sales tax used for municipal purposes and authorize the creation of the Newark Municipal Development District and collect the one-half percent sales tax for economic development. The tax would only be collected inside the city limits; however, the Council could call another election for next year to add the City's extra-territorial jurisdiction.

Mayor Pro-Tem Wondolowski moved to approve Ordinance No. A-448 calling for a Special Election to abolish the current one-half percent sales and use tax for municipal purposes and adopting a one-half percent sales and use tax to authorize the creation of the Newark Municipal Development District; Councilmember Raines seconded the motion. All approved. Motion passed.

**B. Consider and act on American Tower's request for a lease extension on the cell tower on Marshall Road.**

This item is postponed and will be rescheduled for the March 16, 2107 meeting.

**C. Consider and act on Ordinance No. A-449 requiring Knox Boxes at new commercial buildings, existing commercial buildings with improvements, existing commercial businesses and certain multi-family residential buildings.**

There were concerns regarding liability for the City and that someone may tamper with the boxes to gain entrance to the businesses. This item is postponed until the March 16, 2017 meeting so that Assistant Fire Chief Jerry Taylor could be present to answer questions.

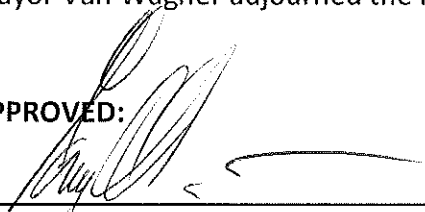
**D. Consider and act on renewing the City's contract with Cirro Energy for electric service.**

There were additional questions regarding any hidden or additional fees. This item is postponed and will be rescheduled for the March 16, 2017 meeting.

**7. Adjourn**

Mayor Van Wagner adjourned the meeting at 7:42 p.m.

APPROVED:



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Gary Van Wagner, Mayor

4.11.2017  
Date

ATTEST:



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Diane Rasor, City Administrator