

**City Council Meeting Minutes
April 6, 2020
New Fairview City Hall
999 Illinois Ln.
New Fairview TX 76078**

**STATE OF TEXAS
COUNTY OF WISE
CITY OF NEW FAIRVIEW**

THE CITY COUNCIL CONVENED INTO A CITY COUNCIL MEETING , THE SAME BEING OPEN TO THE PUBLIC, THE 2nd DAY OF MARCH 2020 IN THE NEW FAIRVIEW CITY HALL AND NOTICE OF SAID MEETING GIVING THE TIME, PLACE AND SUBJECT THEREFORE HAVING BEEN POSTED AS PRESCRIBED BY ARTICLE 5 OF THE TEXAS GOVERNMENTAL CODE, WITH THE FOLLOWING MEMBERS PRESENT:

Pursuant to Section 551.071 of the Texas Government Code, the Council may convene into Executive Session(s) from time to time as deemed necessary during the meeting for any posted agenda item and may receive advice from its attorney as permitted by law.

**CITY COUNCIL
Mayor Joe Max Wilson
Mayor Pro Tem Scott Johnson
Councilman Rick White
Councilwoman Rebecca McPherson
Councilman Charlie Stumm
Councilman William Payne**

**PRESENT
City Manager Allen Guard
City Secretary Monica Rodriguez
City Clerk Brooke Boller
City Attorney Bradley Anderle**

ITEM NUMBER 1. CALL TO ORDER

Mayor Pro Tem Scott Johnson called the meeting to order at 7:03 PM

ITEM NUMBER 2. ROLL CALL

Roll call with the above-mentioned names present

ITEM NUMBER 3. EXECUTIVE SESSION

Advice from City Attorney: Pursuant to Sec. 551.071 of the Texas Government Code, the Board of Aldermen reserves the right to convene in Executive Sessions(s), from time to time as deemed necessary during this meeting for any posted agenda item, to receive advice from its attorney as permitted by law.

A. Per Attorney Bradley Anderle no Executive Session required.

ITEM NUMBER 4. CONSENT AGENDA:

All matters listed as Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will not be a separate discussion of these items. If discussion is desired, that item will be removed from the consent agenda and will be considered separately.

A. Approve minutes for February 3, 2020, February 17, 2020, February 24, 2020, March 2, 2020, March 9, 2020, March 16, 2020, March 23, 2020

B. Discuss, consider and act on approving Resolution No. 2020-005-095 to amend the Master Fee Schedule for Building Permits

C. Discuss, consider and act on approving Resolution No. 2020-006-096 adopting a Fund Balance Policy.

D. Discuss, consider and act on approving Resolution No. 2020-007-097 to award a contract for the purchase of Fund Accounting and Payroll Software to CSA Software Solutions of North Little Rock, AR in the amount of \$9,309 plus additional on-site time and travel expenses, and authorize the interim city administrator to sign the contract

E. Discuss, consider and act to extend the application for Pioneer Ranch Preliminary Plat till our next monthly meeting.

F. Discuss, consider act to extend the application for Pioneer Ranch Final Plat till our next monthly meeting.

ITEM NUMBER 5. OPEN FORUM

The City Council invites persons with comments or observations related to city issues, projects, or policies to briefly address the City Council. Anyone wishing to speak should sign-in with the City Secretary before the beginning of the City Council Meeting. In order to expedite the flow of business and to provide all citizens the opportunity to speak, there is a three-minute limitation on any person addressing the City Council. State law prohibits the City Council from discussing or taking action on any item not listed on the posted agenda.

ITEM NUMBER 6. PUBLIC HEARING:

A. A Public Hearing to consider the Proposed Annexation by the City of New Fairview, Texas of approximately 723.822 acres of land located on the Southeast corner of the city and bounded by FM 407 on the north, Sam Reynolds Road on the east, Dove Hollow Lane on the south, and County Line Road on the west, known as the Constellation Lake Development.

1. Marissa states she cannot hear the council. They can hear Attorney Anderle but not the Council Room. They have adjusted the microphone and the Council will attempt to pull up the Webex on their own devices to assist with sound.

2. Some of the attachments are showing as blank. City Council is addressing the issue and these documents will be available through the city's open records as per normal.

3. There are several technical issues during this meeting attempting to adjust to the Webex Virtual Meeting.

4. Mr. Berry was able to explain why there was a mention of Ag in the document. Mayor Pro Tem Scott Johnson asks is this something that needs to be removed. Berry stated it is related to 10-2 of

the Zoning Ordinance for single family residences so these describe the lots that are on the interior of Constellation Lakes. These lots will be too small to accommodate any noxious agriculture uses on these lots. They may need to look at it and see if there are some agricultural uses, they could add into the document where they could list these uses. This is worth a discussion with the developer.

5. Mayor Joe Max Wilson states he believes they keep it Ag in that area so they don't have to pay development prices on County prices, and they will probably use that farmland as they have for years. They still intend to look into this question.

6. Brooke is going to open the chatroom for any questions.

B. A Public Hearing to consider the Proposed Zoning by the City of New Fairview, Texas of approximately 723.822 acres of land located on the southeast corner of the City and bounded by FM 407 on the north, Sam Reynolds Road on the east, Dove Hollow Lane on the south, and County Line Road on the west, known as the Constellation Lake Development.

1. Scott Johnson states if they annex the property then it will not be in the ETJ anymore so how will it affect Item C.

2. Attorney Bradley Anderle states it will still technically be in the ETJ when they vote on the PID as in Item C. They will come back on April 20th to vote so it will ultimately be in the City's limits before it is developed or at the time it is developed or it is anticipated anyway as per the agreement. However, for the time being and at the creation of this PID it will be in the ETJ.

3. Kyle Sikorski states this is just Creating the PID on the piece of land and no one is levying any assessment that will be in the future. Designation 28 acres PID, the definition and such are not in review at this point. Kyle will answer any questions regarding the PID. PID's only exist for the property it is created for.

4. Chris raised his hand but no one can hear him. Chris stated he can not hear anything either. Chris is in the lobby of City Hall. He has been allowed inside of the auditorium at a distance.

C. A Public Hearing to consider the advisability of the improvements and creation of a public improvement district within the Extraterritorial Jurisdiction of the City of New Fairview, Texas to make certain improvements over certain 723.822-acre property located within the extraterritorial jurisdiction of the City, known as the Constellation Lake Development.

1. No public input.

ITEM NUMBER 7. NEW BUSINESS:

A. Discuss, consider and act on Resolution No. 2020-009-099 creating the Constellation Lake Public Improvement District.

1. Kyle states at this point they are taking a piece of property and creating a PID and no money is needed from the city and it is all paid for by the developers. This is just drawing a boundary and creating a district.

2. Rebecca McPherson believes they should have more input before agreeing to this PID.

3. Kyle said briefly the PID will cover the infrastructure, parks and roads of the development and the cost would later fall on the future homebuyers. What is not covered is water and sewer this will be covered by Aqua Texas. This will be approximately 40 Million dollars total They are trying to keep a tax stack of \$2.70 on smaller lots and \$2.20 on the larger lots. This equals approximately \$19,452 per lot.

4. Charlie asks who would be respond to any water main breaks or other issues with the water and/or sewer? Kyle states it would be Aqua Water.

5. Rebecca asked if the water main break damaged the roadway would Aqua fix the road and Kyle stated yes, they would fix any damages caused by their water system.

6. Creating the PID: Rebecca makes motion to accept the PID. Charlie Seconds. PASSED

B. Discuss, consider and act on Resolution No. 2020-008-098 determining the costs of certain authorized improvements to be financed by the Constellation Lake Public Improvement District, approving a Preliminary Service and assessment Plan, including a proposed assessment roll, and calling and noticing a public hearing for April 20, 2020 to consider an ordinance levying assessment on property located within the Constellation Lake Public Improvement District.

1. See summary above. One obligation of city council is to approve the assessment each year. This is just preliminary assessment and should be very close to what it will be moving forward. No money is incurred from the city.

2. Rebecca asks if they should hear from any of the others at this time. Bob Hanson can speak on bonds, but they are not talking about bonds at this point. Bob states the steps tonight is developing the PID and approving the preliminary assessment. As at this moment the council is not committing to any money.

3. Charlie makes a motion to approve. Rick White seconds. PASSED

C. Discuss, consider and act on approving Ordinance No. 2020-05-200 adopting an amendment to the Fiscal Year 2020 General Fund Budget.

1. Allen Guard Stated October 2019. When he started, he has sort of rearranged the budget but has not changed the revenue. We are being billed by our consultants and then we charge the developers. We are sitting at about \$97,000 expense for the year. We will be getting more property tax now that many issues have been resolved. Right now the sales tax is at \$80,000 but we get these checks about 3 months late.

2. Included is each department's budget and Allen asks for approval.

3. Charlie makes a motion to the amendment of the budget and Rebecca seconds. PASSED

D. Discuss, consider and act on the Final Plat for Falcon Ridge, Phase 2, being 10.98 acres in the R.A Walker Survey, Abstract #1392, Denton County, Texas

1. This is the part outside of Wise County where the roads were not paved. Barry states this was correct as this part is out of the ETJ. Since we didn't have the jurisdiction, we can approve the plat prior to the annexation. This is in the Denton County ETJ. 10 acres in the North East Corner.

2. Charlie makes a motion. Rick White Seconds. PASSED

E. Discuss and consider providing staff direction regarding various property tax exemptions.

1. Allen Guard states at March 16th meetings a citizen asked about the exemptions offered. The only thing the city has passed is the Senior tax freeze. They do not have Homestead, Senior, Veteran or Disability exemption.

2. Only school districts offer Homestead Exemption of 25,000 and Runaway Bay offers \$5000.

3. The Senior exemption is about \$10,000 relief for Senior or Disability not both.

4. The Veteran Exemption is a state run protocol.

5. If the council would like an exemption the council can tell him which ones they want and he can put it together. He does not recommend homestead as it is not commonly used. But does recommend the Senior and Veteran.

F. Discuss, consider and act on approving Resolution No. 2020-010-100 adopting Council Procedures and Decorum Policy.

G. Presentation of Monthly Financial Report through March 13.

1. Allen Guard states he would like to make a presentation every month on where they are with the budget. It will be about a month behind. He is hopeful with the new software it will be more organized. We have a bank account of about \$70,000. They have filled in the potholes in Hilltop and Allen has called TXDOT who fixed the railroad.

2. Several permits have been coming in quickly.

3. He has asked for proposals for building inspectors which should be complete by the 21st.

4. Charlie wants to know when they get the report on the roadways. They have sent the worst 25 and he is working on the financials and the presentation will be by May 4th. Allen would like to schedule a strategic meeting on May 16th.

5. Charlie states we need to start on the roads because that is why they implemented the taxes. Perhaps fix the ditches this year and start the roads next. We need to do something.

6. Bill asks When sales tax is paid from the state do we get a list of who paid those taxes? Allen Guard states you have to ask the state for the list separately.

ITEM NUMBER 8. ADJOURNED AT

I, the undersigned authority, do hereby certify the above notice of the meeting of the City Council of New Fairview, is a true and correct copy of the said notice that I posted on the official posting place at New Fairview City Hall, FM 407, New Fairview, Texas, a place of convenience and readily accessible to the general public at all times, and said notice posted this 3rd day of April 2020 at 7:00 PM at least 72 hours proceeding the meeting time.

Monica Rodriguez, City Secretary

SEAL:

APPROVED:

Mayor Joe Max Wilson

Mayor Pro Tem Scott Johnson

Councilman Rick White

Councilwoman Rebecca McPherson

Councilman Charlie Stumm

Councilman William Payne