

**MINUTES
COUNCIL MEETING
July 15, 2019
7:00 PM**

**State of Texas
County of Wise
City of New Fairview**

The City Council convened into a Special Meeting. The same being open to the public, the 15th day of July 2019 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:

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

**PRESENT
City Secretary Monica Rodriguez
Attorney Corey Fickes**

ITEM NUMBER 1. CALL TO ORDER:

Mayor Joe Max Wilson called the meeting to order at 7:00 PM.

ITEM NUMBER 2. ROLL CALL:

Roll call with the above-mentioned names present.

ITEM NUMBER 3. CONSENT:

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 and ratify the Professional Services Agreement with Bloomfield Homes, L.P. and Royal Crest Properties LLC.

B. Approve Inter-local Agreement for Property Tax Assessment and Collection Between Denton County, Texas and City of New Fairview, Texas

Mayor Pro Tem Johnson made a motion to approve consent items. Motion seconded by Councilman McPherson. Motion passed unanimously.

ITEM NUMBER 4. 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 5. PUBLIC HEARING: Opened at 7:35 P.M.

A. Public Hearing on the proposed annexation by the City of New Fairview, Texas of approximately 3.006 acres of land situated in the Smith County School Land Survey, Abstract Number 744, Denton County, Texas, and being a portion of a called 6.014 acre tract of land described by deed to James Heath Ward, recorded in County Clerk's File Number 2012-3262, Deed Records, Denton County, Texas, located east of the City at the intersection of County Line Road and Brock Lane.

Councilman Rick White made a motion to close the Public Hearing at 7:40 PM. Motion seconded by Mayor Pro Tem Scott Johnson. Motion passed unanimously.

B. Public Hearing on the proposed amendment to the Comprehensive Zoning Ordinance of the City of New Fairview, Texas, to repeal the planning and zoning commission.

Opened at 7:50 PM. Councilman Rick White made a motion to close the Public Hearing at 7:57 PM. Motion seconded by Mayor Pro Tem Scott Johnson. Motion passed unanimously.

ITEM NUMBER 6. NEW BUSINESS:

A. Discuss, consider, and act on Ordinance No. 2019-02-189 annexing approximately 3.006 acres of land situated in the Smith County School Land Survey, Abstract Number 744, Denton County, Texas, and being a portion of a called 6.014 acre tract of land described by deed to James Heath Ward, recorded in County Clerk's File Number 2012-3262, Deed Records, Denton County, Texas, located east of the City at the intersection of County Line Road and Brock Lane.

Mayor Pro Tem Scott Johnson made a motion for the approval of annexation of exhibit C with Ordinance No. 2019-02-189. Motion seconded by Councilman Rick White.

Councilwoman Rebecca McPherson approved the amended motion. Motion passed unanimously.

ORDINANCE NO. 2019-02-189

AN ORDINANCE PROVIDING FOR THE ANNEXATION INTO THE CITY OF NEW FAIRVIEW OF PROPERTY DESCRIBED BELOW AND IN EXHIBIT "A", LOCATED WITHIN THE CURRENT ETJ OF THE CITY OF NEW FAIRVIEW, TEXAS, FOR ALL MUNICIPAL PURPOSES; DIRECTING AMENDMENT OF THE OFFICIAL MAPS; ESTABLISHING THE RIGHTS AND DUTIES OF INHABITANTS IN THE ANNEXED AREA; PROVIDING FOR FILING NOTICE OF THIS ANNEXATION IN DEED RECORDS OF DENTON COUNTY AND WITH THE DENTON COUNTY APPRAISAL DISTRICT; APPROVING AN ANNEXATION SERVICES AGREEMENT FOR SUCH TERRITORY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE EXCLUSION OF AREAS EXCEPTED FROM ANNEXATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.

B. Discuss consider and act on Ordinance No. 2019-03-190 amending the Comprehensive Zoning Ordinance of the City of New Fairview repealing the planning and zoning commission.

The City Council decided to temporary do away with the Planning and Zoning Commission due to the lack of members. The Planning and Zoning Commission did not have a quorum. The city tried to get people on the commission but had no luck in getting any volunteers. With the commission being active by ordinance when ever we had any zoning applications we had to go thru the commission first and there was no quorum so therefore it was suggested that we pass this ordinance at this time and when we get volunteers to form a complete Commission the city will then pass an ordinance to establish the commission back.

Councilman Rick White made a motion to approve Ordinance No. 2019-03-190. Motion seconded by Councilman Charley Stumm. Motion passed unanimously.

ORDINANCE NO. 2019-03-190

AN ORDINANCE OF THE CITY OF NEW FAIRVIEW, TEXAS, REPEALING THE PLANNING AND ZONING COMMISSION; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A CUMULATIVE CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

C. Discuss, consider, and act on Ordinance No. 2019-04-191 amending the fee schedule for the City of New Fairview, Texas.

Councilman White made a motion to approve Ordinance 2019-04-191. Motion seconded by Councilman Stumm. Motion passed unanimously.

ORDINANCE NO 2019-04-191

AN ORDINANCE OF THE CITY OF NEW FAIRVIEW, TEXAS, AMENDING THE FEE SCHEDULE FOR CERTAIN ADMINISTRATIVE AND OTHER SERVICES OF THE CITY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

D. Receive presentation from Corey Fickes with Linebarger, Goggan, Blair & Sampson, LLP, regarding delinquent tax collection services.

Attorney Corey Fickes – (80%) are in Wise County and the other 20% are in Denton County. Corey Fickes talked with the council about the agreement and how it worked. The firm shall be responsible for all actions to collect property tax that are owed to the city. The taxes become delinquent February 1 of the year.

E. Discuss, consider, and act on agreement with Linebarger, Goggan, Blair & Sampson, LLP, for delinquent tax collection services.

Mayor Pro Tem Scott Johnson made a motion for the approval of the agreement. Motion seconded by Councilwoman Rebecca McPherson. Motion passed unanimously.

F. Discuss, consider, and act on Resolution No. 2019-R003-089 authorizing the imposition of a twenty percent penalty for collection costs on delinquent taxes for tax year 2019 and subsequent years.

Mayor Pro Tem Johnson made a motion to approve the Resolution No. 2019-R003-089. Motion seconded by Councilman White. Motion passed unanimously.

RESOLUTION NO. 2019-R003-089

A RESOLUTION OF THE CITY OF NEW FAIRVIEW, TEXAS AUTHORIZING THE IMPOSITION OF A 20% PENALTY FOR COLLECTION COSTS ON DELINQUENT TAXES FOR TAX YEAR 2019 AND SUBSEQUENT YEARS AND PROVIDING AN EFFECTIVE DATE.

G. Discuss, consider, and act on Resolution No. 2019-R004-090 changing the City of New Fairview, Texas, to a Type-A general law municipality.

Per City Attorney Bradley Anderle the city needs to change to a Type-A general law municipality. A – has more definition, authority for operating the City and for the collection of taxes is much broader.

Mayor Pro Tem Scott Johnson made a motion to approve Resolution No. 2019-R004-090. Motion seconded by Councilman Rick White. Motion passed unanimously.

RESOLUTION NO. 2019-R004-090

A RESOLUTION OF THE CITY OF NEW FAIRVIEW, TEXAS, TO CHANGE THE CITY FROM A TYPE B GENERAL LAW MUNICIPALITY TO A TYPE A GENERAL LAW MUNICIPALITY; AND PROVIDING AN EFFECTIVE DATE.

ITEM NUMBER 7. ADDITIONAL BUSINESS:

- A. Discuss, consider and act on gravel road statements. Martindale. Graham. The city does not plan on paving these roads within the next x number of years.

- B. Discuss consider and act on Rules with Dan stating on Graham road the gravel road has to be paved by Cates water tank property and dollar general property. On down the road within five years of the business beginning..... a new system.

- C. Discuss consider and act on Devon moving away from road agreements with houses. Pioneer. 4717. Graham. Martindale.

- D. Discuss consider and act on the status of the Pioneer Estates development.

- E. Discuss consider and act on the Carter property development. Five acre lots do not have to be platted even in a city and can have gravel roads now...Old state law. New state law. They plan on using this law in ponder and new Fairview. On the CARTER property.

- F. Discuss consider and act on the status of the Fairview Meadows development. Phases and roads

- G. Discuss consider and act on development presentation from Jon Westrom regarding the Oliver Creek Ranch development.

- H. Discuss the status of the Falcon Ridge development.

- I. Discuss the boundary adjustment agreement with Fort Worth.

ITEM NUMBER 8. BUDGET WORKSHOP:

- A. Discuss and consider proposed budget for Fiscal Year 2019.

ITEM NUMBER 9. EXECUTIVE SESSION:

Pursuant to authorization by title 5, Chapter 551, of the Texas Government Code:

- A. Section 551.071: closed session consultation with city attorney to seek legal advice from the city attorney regarding legal issues related to any item on the agenda.
- B. Section 551.074: deliberation regarding the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public office or employee. City Council went into executive session at 9:04 PM. Back to open session at 9:31 PM.

ITEM NUMBER 10. OPEN SESSION:

- A. Discuss, consider and act on necessary items discussed in Executive Session.
No discussion

ITEM NUMBER 11. ADJOURN:

Mayor Pro Tem Scott Johnson made a motion to adjourn the meeting at 9:32 PM. Motion seconded by Councilman Rick White. Motion passed unanimously.

APPROVED:

Mayor Joe Max Wilson

Mayor Pro Tem Scott Johnson

Councilman Bill Payne

Councilwoman Rebecca McPherson

Councilman Charlie Stumm

Councilman Rick White

ATTEST:

City Secretary Monica Rodriguez

Date