

**CITY COUNCIL MEETING**

**APRIL 20, 2020**

**7:00 P.M.**

**New Fairview City Hall**

**999 Illinois Ln.**

**New Fairview TX 76078**

**MINUTES**

**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 20<sup>TH</sup> DAY OF APRIL 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 City 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**

**Councilman Charlie Stumm**

**Councilwoman Rebecca McPherson**

**Councilman Bill Payne**

**Councilman Rick White**

**ABSENT**

**Mayor Pro Tem Scott Johnson**

**PRESENT**

**City Administrator Alan Guard**

**City Secretary Monica Rodriguez**

**City Clerk Brooke Boller**

**City Attorney Bradley Anderle**

**City Planner Barry Hudson**

**City Engineer Ryley Paroulek**

**P3 Works Kyle Sikorski**

**Bond Counsel Bob Dransfield**

**P3 Works Jim Douglas**

## **ITEM NUMBER 1. VIDEO CONFERENCE**

A. This City Council Meeting will be held via Videoconference. The City Council will participate remotely via videoconference. The facility will not be open to the public. Members of the public are entitled to participate remotely via broadcast through Cisco Webex at the following URL location.

<https://meetingsamer11.webex.com/join/cnfcclerks>

Instructions on how to change the settings within the meeting app to call in are below. Please note that if you do not call in through the Cisco Webex app with the Access Code and Attendance ID you will only be able to hear the meeting and will not be able participate. It is highly recommended that everyone follows the instructions attached. We will still be streaming the meeting so that everyone will have a visual as well.

[Calling in using a computer and telephone](#)

[Calling in using an Android device](#)

[Calling In using an Apple device](#)

Access Code: 298-437-804

## **ITEM NUMBER 2. CALL TO ORDER**

**Mayor Joe Max Wilson called the meeting to order at 7:12 P.M.**

## **ITEM NUMBER 3. ROLL CALL**

**Roll call with the above-mentioned names present**

## **ITEM NUMBER 4. 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.

**City Attorney Bradley Anderle – No Executive Session required**

## **ITEM NUMBER 5. 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 April 6, 2020**

**Councilwoman McPherson made a motion to approve minutes for April 6, 2020. Motion seconded by Councilman Stumm. Motion passed unanimously.**

## **ITEM NUMBER 6. 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.

**No request or chats**

**ITEM NUMBER 7. NEW BUSINESS:**

A. Discuss, consider and act on Annexation Services Agreement between the City of New Fairview and Royal Crest Properties, LLC concerning 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 Constellation Lake Development that is proposed to be annexed into the City of New Fairview, Texas.

City Attorney Bradley Anderle said that the city council has already approved the Development agreement. This agreement calls for the annexation of the property in connection with the PID and agreement to reimburse the property owner for the costs of the construction of authorized improvements within the development through assessments on the property within. The city will enter into an agreement as required by section 43.0672, of the Texas Local Government Code. The development agreement tells what services the city provides currently and that the city will provide those services to this property. After this the annexation will take place. Mayor Joe Max Wilson wanted to make sure it was stated for clarification to everyone that the PID will take care the roads and Aqua Texas is taking care of the water and sewage at this time and not the city. City Attorney Bradley Anderle said this document has already been executed by the developer.

**Councilwoman Rebecca McPherson made a motion to approve the Annexation Service Agreement between the City of New Fairview and Royal Crest Properties LLC concerning the 723.822 acres of land known as Constellation Lake Development. Motion seconded by Councilman Charlie Stumm and Councilman Rick White. Motion passed unanimously.**

B. Discuss, consider and act on Ordinance No. 2020-06-201 annexing into the City of New Fairview, Texas 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.

City Attorney Bradley Anderle said that this ordinance will accomplish the Annexation of Constellation Lake Development. It will amend the zoning map of the city. Councilman William Payne clarified that the owner of the development asked to be annexed into the city limits. **Councilman Rick White made a motion to approve Ordinance 2020-06-201 annexing into the City approximately 723.822 acres of land known as the Constellation Lake Development. Motion seconded by Councilman William Payne. Motion passed unanimously.**

C. Discuss, consider and possible action on the "PD" Planned Development zoning for Constellation Lake, being 723.822 of land in the William C. Brookfield Survey, Abstract No. 34, and the Robert A. Walker Survey, Abstract No. 1302, Denton County, Texas

City Planner Barry Hudson went thru the PD Zoning with the council. The PD Zoning is divided into 7 tracts with 5 different zonings. 3 tracts are Type A- SF with 1 acre minimum - 152.313 acres. Type B-SF- 5,000sq ft lot min with sewer- 492.789 acres. Commercial - 34.771 acres. Multi-Family/Apartments, -24 unites/acres maximum with 10-year delay - 24.708 acres and Townhouse/SF attached - 12 units/acre maximum - 19.240 acres. There was an error on the roof pitch maximum which has been revised. The development agreement required a maximum roof pitch of 6/12 for type A and type B single family residences and multi-family structures. The planned development zoning ordinance approved by the city council for the property requires a minimum roof pitch of 6/12 for type A and type B. City attorney Bradley Anderle will draft an agreement letter concerning the development agreement since the typo was in the agreement in order for the zoning to control the development agreement. No billboards. The council has gone thru all the other PD items. **Councilwoman Rebecca McPherson made a motion to approve**

**the "PD" Planned Development zoning for Constellation Lake. Motion seconded by Councilman Charlie Stumm. Motion passed unanimously.**

**D. Public Hearing to consider proposed assessments to be levied against the assessable property within the Constellation Lake Public Improvement District**

**Mayor Joe Max Wilson opened the Public Hearing at 7:40 PM. To accept public comments. There was no comments or chats. Public Hearing closed by Mayor Joe Max Wilson at 7:42 P.M.**

**E. Discuss, consider and act on Ordinance No. 2020-07-2020 accepting and approving a service and assessment plan and assessment roll for the Constellation Lake Public Improvement District, making a finding of special benefit to the property in the district, levying special assessments against property within the district and establishing a lien on such property, providing for payment of the assessment in accordance with Chapter 372, Texas Local Government Code, providing for the method of assessment and the payment of the assessments, and providing penalties and interest on delinquent assessments.**

Kyle Sikorski with P3 Consulting addressed the council on the service and assessment plan for Constellation Lake Public Improvement District know as the PID. They have ben working through this PID. This is the final step. The actual cost will be \$39,760,000 and secured by assessments levied on assessed properties in the district to be paid to the Developer as stated in the reimbursement agreement. The interest rate is 4.84%. The lien has been established and how it will be collected in the assessment. If the ordinance is approved, then it will transfer to the homeowner they will have the ability to prepay the lien or can make installment payments of \$ 1,260.00 per year. The tax came in at \$2.30 to \$2.40 based on the installments and with the road maintenance it came in at \$2.70 tax rate. The annual operations and maintenance assessment will not exceed \$0.30 per one hundred dollar of taxable ad valorem property value. This will help with the maintenance of the roads in the district. Mayor Joe Max Wilson stated that the area cities are in the \$0.30 or more so this was good to stay below that. The developer's goals were to stay under \$2.90 and they came in at \$2.70 with the assessment fees.

Bob Dransfield said there were no bonds issued at this time.

**Councilman Rick White made a motion to approve Ordinance No. 2020-07-2020 accepting and approving a service and assessment plan and assessment roll for the Constellation Lake Public Improvement District, making a finding of special benefit to the property in the district, levying special assessments against property within the district and establishing a lien on such property, providing for payment of the assessment in accordance with Chapter 372, Texas Local Government Code, providing for the method of assessment and the payment of the assessments, and providing penalties and interest on delinquent assessments. Motion seconded by Councilman Charlie Stumm. Motion passed unanimously.**

**F. Discuss, consider and on Resolution No. 2020-010-100 approving the PID Reimbursement Agreement-Constellation Lake Public Improvement District Project with Royal Crest Properties, LLC and authorizing and directing the Mayor of the City to execute the agreement.**

City Attorney Bradley Anderle said this was the next step, to approve the PID reimbursement agreement. Kyle Sikorski and Bob Dransfield were available if council had any additional comments. The amounts will show up in the tax roll each year and the developer will be reimbursed over time. P3 Works will take care of the reimbursements. **Councilman Charlie Stumm made a motion to approve the PID Reimbursement Agreement-Constellation Lake Public Improvement District Project with Royal Crest Properties, LLC and authorizing and directing the Mayor of the City to execute the agreement. Motion seconded by Councilwoman Rebecca McPherson. Motion passed unanimously.**

G. Discuss, consider and act to award a contract to Franklin Legal Publishing of Lubbock, TX for codification services in the amount of \$9,900.00 and authorize the interim city administrator to sign the contract.

City Administrator Alan Guard presented the information to council. He looked into three different companies. The pricing was about the same for all three. He suggested that we use Franklin Legal Publishing. It will take about 8 months to get the ordinances online. This will get all the ordinances on the website and make them searchable and easy to view for everyone. The purchase cost is \$9,900 with an annual charge of \$395 for Franklin Legal to host the city's code. They will host it on their site, but it will show up on our city website. A lot of the city's around use Franklin Legal. **Councilwoman Rebecca McPherson made a motion to approve the contract with Franklin Legal Publishing of Lubbock, TX for codification services in the amount of \$9,900.00 and authorize the interim city administrator to sign the contract. Motion seconded by Councilman Bill Payne. Motion passed unanimously.**

H. Discuss, consider and act to award a contract to ProudCity of Oakland, CA for website hosting services and agenda management software in the amount of \$4,500.00 and authorize the interim city administrator to sign the contract.

City Administrator Alan Guard presented this information to council. The price for this service is low because they have a lot of cities that they work with. The other companies that he looked into were about \$30,000. This company is only \$4,500 with an annual charge of \$1,800 for website hosting services. In addition, they also offer agenda management software for \$500 plus \$50 per month. This is a great value. It will upgrade the professionalism of the website. ProudCity is very easy to use. City Administrator Alan Guard reached out to other cities that are using it and they really liked it and it was a huge upgrade for them as well. This will make the agendas very easy to do and the minutes for Monica or anyone that uses it. We will keep up the old one until we have the new one set up. He mentioned to the council that the financial software will be transferred on June 1 and that will be able to transfer to this software. Councilman Bill Payne and Rick White told City Administrator Alan Guard that they appreciated all his extra work. **Councilwoman Rebecca McPherson made a motion to approve the contract with ProudCity of Oakland, CA for website hosting services and agenda management software in the amount of \$4,500.00 and authorize the interim city administrator to sign the contract. Motion seconded by Councilman Rick White. Motion passed unanimously.**

**ITEM NUMBER 8. ADJOURN:**

**Mayor Joe Max Wilson adjourned the meeting at 8:20 P.M.**

**APPROVED:**

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**Mayor Joe Max Wilson**

*Scott Johnson*  
\_\_\_\_\_  
**Mayor Pro Tem Scott Johnson**

\_\_\_\_\_  
**Councilman Rick White**

*Rebecca McPherson*  
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**Councilwoman Rebecca McPherson**

\_\_\_\_\_  
**Councilman William Payne**

*Charlie Stumm*  
\_\_\_\_\_  
**Councilman Charlie Stumm**

**ATTEST:**

*Monica Rodriguez*  
\_\_\_\_\_  
**City Secretary Monica Rodriguez**