



**CITY COUNCIL MINUTES**  
**February 1, 2021**  
**7:00 P.M.**

**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 1st DAY OF FEBRUARY 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 GOVERNMENT CODE WITH THE FOLLOWING MEMBERS PRESENT:**

**CITY COUNCIL**

**Mayor Joe Max Wilson**  
**Councilman Walter Clements**  
**Councilwoman Julie Burger**  
**Councilman Steve Misner**  
**Councilman Patrick Gunter**  
**Councilman Nolan Shoonmaker**

**PRESENT**

**City Administrator Ben Nibarger**  
**City Planner Barry Hudson**  
**City Attorney Bradley Anderle**  
**Financial Advisor Nick Bulloch**  
**City Secretary Monica Rodriguez**  
**City Clerk Brooke Boller**

**ITEM NUMBER 1. CALL MEETING TO ORDER:**

**Mayor Wilson called the meeting to order at 7:00 P.M.**

**ITEM NUMBER II. ROLL CALL:**

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

**ITEM NUMBER III. PLEDGE TO FLAGS**

**A. United States of America**

**B. Texas Flag Honor the Texas Flag, I pledge allegiance to thee, Texas, one state under God, one and indivisible.**

**ITEM NUMBER IV. WORK SESSION: No action will be taken during the work session; the work session provides the Council an opportunity to discuss consent items, receive and provide information regarding regular agenda items, and presentations from staff. City Admin told the council that this session was for the council, staff and any one person that wants to address the council.**

**A. Discussion with staff and presentation regarding economic development by Glacier Commercial.**

Debra Walls with Glacier Commercial presented herself to the council and the company she works for. This company has been established for 22 years. So many corporations are moving to this area. Growth is here. They are working on industrial projects in the alliance area. They can help bring in any commercial business establishment. Councilman Schoonmaker asked How many rooftops are they needing? Councilwoman Burger asked them if they want a rooftop in place. There is a need for good jobs, with good wages. These directly impact the quality of life of our residents, visitors, and success of local businesses. The council received a Economic Development Handbook to go over.

**B. Discussion with staff and presentation of the proposed concept plan for the 1,806-acre Shoop Ranch has been requested by Rockhill Capital & Investment.**

Mayor Wilson told the council that they will need to be more involved in this development than the planning and Zoning Commission. Presentation of the proposed concept plan for the 1,806 acre Shoop Ranch has been requested by Rockhill Capital & Investment. Rockhill Capital & Investments has been in discussion with the city regarding the potential development of the 1,806 acre Shoop Ranch which is generally located at FM 407 and South County Line Road heading north for approximately two-and-one-half miles to AA Bombarge Rd and west approximately one-mile on FM 407. Rockhill Capital & Investments has expressed an interest in utilizing some form of an improvement district, such as the Public Improvement District (PID) used with Constellation Lake, or a Municipal Management District (MMD) that operates in a similar fashion but is created legislatively. The developers have already participated in the cost of the water/sewer feasibility study as well as the annual fee for the transportation consulting services. They are working the development with 300ft setbacks to gas wells. They have 37 gaswells and 35 gaspads.

You also provided a flow chart earlier. It takes hours just to meet with different people. Time Management issues. During my career, many days I would have to attend meetings all day and then do the paperwork after everyone left the building. It was amazing how much work you could accomplish without people in the building after work. It was unfortunate that you had to work many twelve plus hour days. Spreading yourself too thin can lead to negative side effects. We all know what these can be. Burnout can happen quickly. Mistakes and neglect with projects begin. Then poor performance. Frustration. Stress... The City Council needs to be aware of the workload increasing in our city. When citizens come and city contractors come to the office - You, Monica, and Brooke must speak with them and help them with their issues. The citizens, contractors, businesses evaluate so much about our city with these unannounced meetings. It takes away from your work but the staff has to do it. We all have been hearing great reports with your interactions with the public - but it adds to your load and it only takes a few bad encounters or a few bad phone calls to damage the city reputation. What do they say - it takes ten good responses to make up for one bad encounter? Saying we can do it -- we can do it all --- is a hole that gets deeper and deeper. Use the professionals.... You have also brought in other companies to take care of many projects -- the professionals. Financial Information: Undetermined, if the Council

**G. Discuss with staff the city website (requested by the Mayor). It sounded like at our last meeting we needed to move forward with purchasing**

The present Website software was very limiting and difficult to use. Please present what you would like the city council to consider purchasing. A plan to do the information transferring and updating? Another part time employee to do this work that has much experience with working with websites.

**H. Discuss with staff the agenda format, links to items (requested by the Mayor)**

**.I. Discuss with staff the monthly financial report (requested by the Mayor)**

**J. Discuss with staff Items requested by a Council member for upcoming agendas: speed limits within New Fairview; changing the meeting date from Monday to an alternative day**

City Administrator said that there were several people here to discuss economic development and Rockhill Capital to go over the concept plan. Councilman Misner said that there was a legal opinion to have the message board on the webpage and it is not there yet. City Admin said that our webpage does not have the ability to have one. Other options will be looked at. City Admin told Mayor Wilson that the City Planner and City Attorney are here to discuss some items on the agenda.

**ITEM NUMBER V. CONSENT AGENDA: All matters listed as Consent Agenda are 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.**

**]Acceptance of the January 11th, 2021 City Council minutes.**

**C. Discussion with staff regarding the street's improvement project**

Pacheco Koch informed the City Administrator that the survey is now behind schedule due to several of their employees being out with Covid. They estimated this would lead to a 30+ day delay in deliverables. This means that we may have a push in the start of streets construction from the March/April time frame to potentially May. They recommended that we could start to bid out the projects in pieces but that would potentially cost the city hundreds of thousands of dollars mobilization fees and reduce our ability to maximize the impact on fixing the streets. I've asked them to come up with other solutions, adding additional people working on the documents following the completion of the survey. I've asked them to update their projections on when we will be getting the documents ready for bid after they have developed solutions to mitigate this delay. Staff will update the Council and the city website regarding the timing as soon as we have better dates. They presented an outline for the different steps and process. Construction is expected to start May 2021. City Admin said that the project has got behind a few weeks because of some surveyors out with covid.

**D. Discussion with staff regarding the City of New Fairview revenues, expenditures, property tax rate, and exemptions.**

The Council has requested that the staff prepare and present an ordinance that would provide a general homestead exemption. The statute governing a municipality's ability to offer this type of exemption allows for an exemption of up to 20% of the assessed value, but no less than \$5,000.

**E. Discussion with staff regarding public safety services in New Fairview through the introduction of annual safety inspections.**

Municipalities are granted regulatory authority to ensure public health and safety. Certain Business and commercial operations in the City, due to the nature of the operation, carry them particular risks for the occurrence of dangerous incidents, including fire, explosion, 24254nuisance or other catastrophe, and for that reason present a threat to the health and safety of the City. The city is not currently enforcing safety inspections to ensure that commercial entities within the city limits are in compliance with applicable federal, state and local regulations to protect the health, safety, and welfare of the city. Program to ensure that business and commercial operations within the City are operating in compliance with these regulations. Staff will bring forward an updated fee schedule at a future meeting that establishes the fees, timelines, checklists, and documentation for implementing the annual safety inspections.

**F. Discuss with staff the workload and utilization of consultants (requested by the Mayor).**

This item was requested to be added to the agenda by the Mayor. His email outlines what he wishes to discuss regarding this issue: Make sure you use the professionals --- most of their work is paid for by developers - or from bond money to make sure the road projects are done correctly -you You may need several additional professionals in the near future to do some of the request in this letter. Ben - all the council members see how hard you and the office staff are working. We see all the different tasks piling up on you It is easy to make a list of all the different projects you, Monica, and Brooke are working on.

**ITEM NUMBER VI. 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 acting on any item not listed on the posted agenda.**

**ITEM NUMBER VII. NEW BUSINESS:**

**A. Discuss, consider, and act on an ordinance of the City of New Fairview, Texas Combination Tax and Revenue Certificates of Obligation, Series 2021”; providing for the payment of said certificates of obligation by the levy of an ad valorem tax upon all taxable property within the City and a limited pledge of the net revenues of the City’s solid waste disposal system; providing the terms and conditions of such certificates of obligation and resolving other matters incident and relating to the issuance, payment, security, sale and delivery of said certificates of obligation, including the approval and execution of a Paying Agent/Registrar Agreement and the approval and distribution of a Preliminary Official Statement and an Official Statement pertaining thereto; and providing an effective date.**

Nick Bulush is the city’s financial advisor. He discussed with the council how bonds work and the process. The city got A+ rating. Today was the last day to receive the bids for the three- million for improvements. This morning they received 4 bids. The bid came in 50 points less than Nick Bulush with Hilltop Securities is the city’s financial advisor. He discussed the bonds with the council. Today was the last day to receive bids for the city’s 3 million dollar for improvements. He congratulated the city for having an A+ rating. It’s a phenomenal record for a city as New Fairview, The city is very marketable. The city is being very strategic with the new developments. Following the decorum and procedures is good. Councilman Misner said that the citizens need to know this is an obligation that if not paid they will come to the city and go toward the homeowners on their taxes. The interest rate for the whole period is 1.338% for a 20 year term. The city put \$150,000 into the budget to cover the payments. BOK is who got the bid. \$147,000 will give you that amount extra for the purchase of the bonds. The debt service payments \$143,000 that the city will pay back. They will now update the rates for the final. Councilman Misner asked how they would buy these bonds. Nick said they are taking a risk if they don’t sell the bonds. They will either sell the bonds or stay on it. Each bond has a different buyer. No action today, just information. Ben said this is either we reject the bonds or sell them. Mayor Wilson asked about the sewage. What does that have to do with this? Nick said that most cities have some kind or secondary account and since the city didn’t have one then they used the trash service. Councilman Misner told them that the citizens need to know that if the city doesn’t come through then they can come in and raise taxes to get their money. Councilman Misner asked if this money strictly goes to one thing only. Ben said yes there is a bit of flexibility but since streets are a major issue then that’s what was put on the application. Moving forward now the applications will be sent to the Attorney General’s

Office. They will go over the applications and make sure everything is good and if all is good the city will receive the money around March 3days Each bond is a different person. Misner said you can fix the drainage and fix the subbase and chip seal. Ben said that chipseal does not work. If you want to go a different route would be a gravel road but what he was told to do was to asphalt the roads. Ben said from day one he was asked to asphalt roads per council. And in the city standards it is asphalt and or concrete. Mayor Wilson asked Ben if he has gone through and saw all the times that the council has discussed roads. Ben said yes the same thing has been on the agenda almost 4 to 5 times. Councilman Schoonmaker. Ben said that Branding Iron would cost about one million dollars. Ben said that 3 million dollars is not enough to fix Hilltop roads. Ben said it cost \$300,000 to get the surveys and get the construction plans. We are going to come into some litigation about the road and extend the life of the road because we will be back discussing this again .**Councilman Clemants made a motion to approve item 7A. Motion seconded by Councilwoman Burger. Councilman Misner against the motion. 4-1.**

**B. Discuss, consider, and act on a resolution approving a reimbursement agreement with Rockhill Capital & Investments regarding professional fees for the Shoop Ranch development; authorizing the City Administrator to negotiate an agreement for presentation to the Council regarding the establishment of a public improvement district (PID), a zoning ordinance to create a planned district (PD), a development agreement, as well as resolving other matters incident and related thereto.**Councilman Clements made a motion to approve a reimbursement agreement with Rockhill Capital & Investments. Motion seconded by Councilman Misner. Motion passed unanimously.

**C. Discuss, consider, and act on an ordinance of the City of New Fairview, Texas adopting a general residential homestead exemption for residential homesteads located within the city in accordance with the Texas Tax Code; establishing the amount of such exemption; providing that this ordinance shall be cumulative of all ordinances; providing a severability clause; and providing an effective date.**

**D. Discuss, consider, and act on an ordinance of the City of New Fairview, Texas adopting an annual safety inspection program to require an annual safety inspection for operations that present a risk of dangerous incidents and establishing a fee for the inspection; providing that this ordinance shall be cumulative of all ordinances; providing a savings clause; providing a severability clause; providing for a penalty; providing a publication clause; and providing an effective date.**Councilman Clements made a motion to approve ordinance adopting an annual safety inspection for operational risk. Motion seconded by Councilman Misner. Motion passed unanimously

**E. Discuss, consider, and act on a resolution engaging William C. Spore, P.C. to provide annual auditing services for the fiscal years ending in September 30, 2021, 2022, and 2023 for a fixed rate of \$3,000 per year**

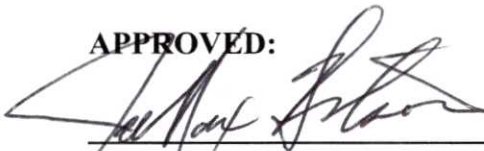
Councilman Misner made a motion to approve resolution engaging William C Spore to do annual audits. Motion seconded by Councilman Clements. Motion passed unanimously.

**F. Discuss, consider, and act on a resolution calling a general election for the office of Mayor and City Members Place 2 and Place 4 to be held May 1, 2021, as well as a Special Election for an unexpired term for City Council Member Place 5 to be held May 1, 2021; authorizing execution of a joint election agreement with the Wise County Elections Administration and Denton County Administration to conduct the election; and provide procedures to conduct the election as well as resolving other matters incident and related thereto**

Mayor Pro Tem Gunter made a motion to approve a resolution calling a general election and special election for May 1, 2021. Motion seconded by councilman Clements. Motion passed unanimously.

**ITEM NUMBER VIII. ADJOURN: Mayor Wilson Adjourned the meeting at 10:30p.m.**

**APPROVED:**



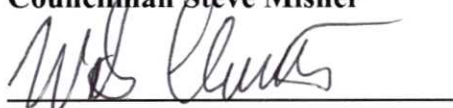
Mayor Joe Max Wilson



Mayor Pro Tem Patrick Gunter




Councilman Steve Misner



Councilman Walter Clements

Councilwoman Julie Burger



Councilman Nolan Schoonmaker

**ATTEST:**

*Monica Rodriguez*  
**City Secretary Monica Rodriguez**