

**CITY COUNCIL  
February 22, 2021  
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 22nd DAY OF FEBRUARY 2021 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  
Councilman Walter Clements  
Councilwoman Julie Burger  
Councilman Steve Misner  
Councilman Nolan Schoonmaker  
Councilman Patrick Gunter**

**PRESENT**

**City Administrator Ben Nibarger  
City Secretary Monica Rodriguez  
City Clerk Brooke Boller  
City Attorney Bradley Anderle**

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

Mayor Wilson called the meeting to order at 7:00pm

**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. 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 V. 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.

#### **A. Discussion with Schaumburg & Polk, Inc., and staff regarding the Water & Wastewater Infrastructure report.**

City Administrator said that back when he was hired 6 months ago, he was told by City council about the importance of infrastructure and water. Schaumburg & Polk, Inc (SPI) was selected to conduct the feasibility study, which included investigating all available options and cost to bring public water (surface water) and wastewater service to New Fairview. The city has partnered with two local developers, Bloomfield Homes (Constellation Lake) and Rockhill Investment & Capital (Shoop Ranch) to fund the feasibility study. The draft report was delivered to city last week for comments. The city shared the SPI report and the City of Rhome Water Study for review and scheduled a meeting for discussion on February 11<sup>th</sup> with Constellation Lake, Shoop Ranch and Paloma Ranch Estates (formerly Dove Hollow). Fairview Meadows was unable to attend but staff is keeping them informed. SPI presented their findings for the group and the overall comments were positive with the group consensus being is in a unique position. Multiple stakeholders currently working on similar projects. If we had to make a choice today it would be the upper trinity district. They can provide that treated water. City of Just and anywhere east and north is also using trinity river. City Administrator said that he asked if they to be provided by Rhome. can build a lake in the area and they will look into that and costs. In the state water plan it calls for water to be provided by City of Rhome. We need to make sure we are responsible with the fees, policies that we put in place. By policy we are going to pay \$120 million to bring it up to standards. Without infrastructure like this then you cannot have developments like the this. City Admin said that the city will be taking action soon. Mayor Wilson said that the citizens need to know more about this.

#### **B. Discussion with Pacheco Koch and staff regarding transportation impact fees.**

City Administrator told the council that the city needs to do an impact study. He will be reaching out to Constellation and other developers to talk to them about possible participation. All developer should be on the same level. Mayor Wilson said that after 3 years of asking City Attorney to look into impact fees and now it's finally the right time City Engineer Cha said this was not a council item. There is a planning and zoning and or an advisory committee. The committee will put together the information and then bring it back to council in March. Create Capital Improvement Plan (CIP) for roadways and prioritize construction sequencing of major road projects, analyze potential deficiencies in existing roadway. Impact fees will require development to set aside an initial amount needed for improvements up front to be used for roadway projects that serve new development. Impact fees cannot pay for maintenance or improvement for existing roadway facilities (not including expansion for development)

Impact fees must be held within their own fund and expended on roadway improvements identified in CIP.

### **Thoroughfare Plan & Ordinance Update**

Roadway improvement requirements set on case-by-case basis depending on future development volumes, targeted to roadway corridors along future developments, where most of the demand and usage, will be from said development. Ordinance update will require developer to improve portions of roadway, along their development, with construction of their site or can establish a fund to pay in lieu of so roadway facility can be expanded later, particularly if multiple developments are coming in along the same corridor.

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

A Concept Plan for Shoop Ranch located within the city limits was presented to council. Rockhill Capital & Investments is looking at developing a master planned community. They have helped to fund the water/sewer feasibility study and the transportation consultants. They have agreed in principle, staff is still negotiating the final terms to present to the Council: Financial participation in offsite streets improvements. Financial participation in capital investments for public safety and Financial participation in funding a Public Works Director

### **D. Discussion with staff regarding a citizen survey.**

Its good to do surveys in your city to receive input from the citizens. There are two different companies that we will be looking into. ETC Institute \$9,000 and Polco / NRC \$ 12,965 year 1; \$8,300 annually

### **E. Discussion with staff regarding the Council-Manager form of government.**

Petition requesting the Mayor to call a special election to determine whether the city shall adopt the city manager form of government from qualified voters of the city equal to 20% of number that voted in the last election for Mayor. Proclamation from the Mayor ordering a special election. Within 10 days after the date a petition is filed. Must be posted in at least 5 conspicuous places and the Election must be held on the first authorized uniform election date prescribed by the Election Code after the date the petition is submitted. Ballots must allow voting for or against this proposition: The governing body of the municipality of New Fairview appointing a city manager and setting by ordinance the salary of the manager. If the proposition passes, the city must operate under the city manager form of government. City for at least 10 days prior to the election. Must be appointed within 60 days of election day. Salary is set by ordinance (typically budget). City Manager is appointed by and serves at the will of the governing body. City Manager appointed based upon the person's administrative ability. City manager not required to meet residency requirements. Administer the municipal business. Governing body shall ensure the administration is efficient. Governing body may delegate any additional powers or duties the governing body considers proper for the efficient administration of municipal affairs. Must execute a bond in the amount set by ordinance and conditioned upon the City Manager faithfully performing the duties of manager. Enforce all city ordinances, rules, and regulations. Supervise all employees and programs. Prepare and execute the city's budget as adopted by city council. Manage city funds and prepare periodic reports on financial condition. Provide council information to facilitate its ability to make informed decisions for the city. Prepare council meeting agendas and attend meetings. Draw the council's attention to community needs and recommend alternatives for council to respond to those needs. City Council serves as legislative body. Sets policy, approves the budget, and sets the tax rate. Determines the size of the payroll and the extent and cost of municipal services. Mayor and Council have no administrative duties. City Manager has all administrative duties for the city. Directs the workforce and programs of the city in accordance with ordinances, rules, and regulations adopted by the council. Hires, fires, disciplines the department heads under his control.

### **F. Discussion with staff regarding amending the language of the City Council Procedures and Decorum Policy: including, how items are added to the agenda, the order of business on the agenda, council communication, and other sections that may arise through discussion.**

Council members asked to add this to the agenda to discuss changes to the policy document regarding:  
Discuss amending Section 1-110 - City Council Agenda-how items are added to the agenda.  
Discuss amending Section 1-120 - Types of Meetings-the day of the week meetings are held.

Discuss amending Section 1-140 - Order of Business

Order of items on the agenda

Public Forum

Work session

Consent

Regular Meeting / New Business

Executive Session

Council members asked to add this to the agenda to discuss changes to the policy document regarding:

Discuss amending Section 1-160 - Decorum.

review the language regarding professionalism of the elected officials.

Discuss amending Section 1-170 - Staff Relations

elected official's interaction with staff and residents

Discuss amending Section 1-220 - Policy Enforcement

review what consequences are available for offenses.

Discuss adding a report section.

**G. Discussion with staff regarding the creation of a Municipal Development but gain and what business that we have for now I will say that we are in the process of doing fixation of our zoning ordinance this record is 70 update and that's something that we will be working with the council meeting on the books and the council will be working on getting updated District.**

The Type A sales tax is primarily intended for manufacturing and industrial development. EDCs may use Type A revenue to fund land, buildings, equipment, facilities expenditures, targeted infrastructure, and improvements for projects.

The Type B sales tax may be used for any project eligible under Type A rules and several other project types, including quality of life improvements. Type B corporations may pay for land, buildings, equipment, facilities, targeted infrastructure, and improvements.

Municipal Development Districts (MDD) may be created by a city comprising all or part of its city limits, all or part of its ETJ, or any combination of all or part of these areas. The sales tax rate adopted must be one-eighth, one-fourth, three-eighths, or one-half of one percent.

**H. Discussion with staff regarding the annual calendar for Council meetings in 2021.**

Went over the holidays and when city hall closes.

**I. Discussion with staff regarding ongoing projects.**

This may be a good report section; Council can pull it for discussion if they wish or they can just review the report and not take up Council time. Streets-we have 37 culverts in the Chisholm Hills neighborhood that need to be upsized, lowered, or raised to resolve drainage; staff will start working to contact residents and let them know what the next steps will be; if we are going to have to work on or replace, etc., we may just fix all the damaged culverts without charging the residents. Bonds - the bond attorney has prepared and submitted the packet to the AG; we should see proceeds by the first week of March. Ordinance Codification - we have returned comments on the first draft; will continue working to update the document for Council presentation. Electronic Records - we are continuing to make progress on this, but it will take most of the year to complete this project. Development Activity: Paloma Ranch - dirt work has started; developers believe first permits will be pulled in April; Fort Worth has agreed to the release of the ETJ for the final phases of the project and will be placed on Fort Worth agenda in March. Fairview Meadows - completing seven-to-eight homes per month; just submitted the construction plans for Phase III and should begin work this week.

Municipal Management Software - staff is finalizing the GIS feed necessary to implement the software; staff are working on the checklists to implement in the software Annual Safety Inspections - staff is going to postpone the fee schedule until the second meeting in March to provide adequate time for review and recommendation.

Ready-mix Concrete Plant - staff prepared and delivered a 380 agreement and has received comments back; staff is working on a response and will keep the Council informed as we move forward. EMS in New Fairview - staff has discussed the option with the EMS Director for Wise County; they are interested and will be touring the facility and sitting down for further discussion; dependent upon staffing approval in upcoming County budget. Election Application closed on February 12th, 2021 and the applicants are:

Mayor (closed Feb 12th): Harvey Burger, Lisa Reid, Nolan Schoonmaker, and Joe Max Wilson (asked to withdraw)

Place 2 (closed Feb 12th): Patrick Gunter Place 4 (closed Feb 12th): Walter Clements and Cynthia Poe

Place 5 (open Mar 3rd): John Taylor

City Admin Items

Vision, Mission, and Values - Select dates and get back to City Admin.

Dark sky initiative

Social Media Policy

Household Hazardous Waste Program

Public Improvement District (PID) Policy

Strategic Partnership Agreement - Fairview Meadows

Council Requested Items:

Speed limits in New Fairview (March 1st)

Disaster response

**ITEM NUMBER VI. EXECUTIVE SESSION: The Council will conduct a closed session pursuant to Texas Government Code, annotated, Chapter 551, Subchapter D for the following:**

**A. The Council will conduct a closed session pursuant to Texas Government Code, annotated, Chapter 551, Subchapter D for the following: Section 551.074 - Personnel Mares; (a) This chapter does not require a governmental body to conduct an open meeting: (1) to deliberate the appointment, employment, evaluation, reassignment, dues, discipline, or dismissal of a public officer or employee; or (2) to hear a complaint or charge against an officer or employee; (b) Subsection (a) does not apply if the officer or employee who is the subject of the deliberation or hearing requests a public hearing: City Administrator**

**B. The Council will conduct a closed session pursuant to Texas Government Code, annotated, Subchapter D for the following: Section 551.071 Consultation with Attorney, authorizing a governmental body to consult with its attorney in an executive session to seek his or her advice on legal matters; it provides as follows: A governmental body may not conduct a private consultation with its attorney except: (1) when the governmental body seeks the advice of its attorney about: (A) pending or contemplated litigation; or (B) a settlement offer; or (2) on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.**

**ITEM NUMBER VII. ADJOURN: Mayor Joe Wilson made a motion to adjourn at 10:45pm**

APPROVED:

  
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Mayor Joe Max Wilson

  
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Mayor Pro Tem Patrick Gunter

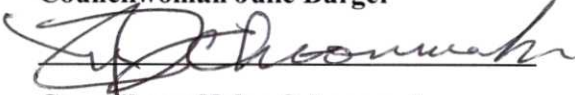
  
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Councilman Steve Misner



Councilman Walter Clements

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Councilwoman Julie Burger



Councilman Nolan Schoonmaker

ATTEST:



City Secretary Monica Rodriguez