



CITY COUNCIL MINUTES

March 1, 2021

**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 MARCH 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 PRO TEM PATRICK GUNTER
COUNCILMAN WALTER CLEMENTS
COUNCILWOMAN JULIE BURGER
COUNCILMAN STEVE MISNER**

ABSENT

MAYOR JOE MAX WILSON

PRESENT

**CITY ADMINISTRATOR BEN NIBARGER
CITY SECRETARY MONICA RODRIGUEZ
CITY CLERK BROOKE BOLLER
CITY ATTORNEY BRADLEY ANDERLE**

ITEM NUMBER 1. CALL MEETING TO ORDER:

Mayor Pro Tem Gunter called the meeting to order at 7:00p.m.

ITEM NUMBER II. ROLL CALL:

Roll call with the above-mentioned names present

ITEM NUMBER III. PLEDGE TO FLAGS

United States of America 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.

Julie Ivy lives on Pioneer Rd. Been there 5yrs and the road is horrible. She is requesting that the city improve Pioneer Rd.

City Administrator Nibarger told her that gravel has been ordered. We are looking for alternatives to get some equipment out here. The engineering and design nis almost done on Pioneer Rd. Fairview Meadows will be discussed on the agenda soon. It will be an agenda item in the future. The engineering is almost done on that part. So we will talk to the developer on Pioneer Road and see if they are interstate in being a part of this project.

ITEM NUMBER V. CONSENT ITEMS: 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. Acceptance of the January 2021 Financial Report

Councilman Clements made a motion to accept the January 2021 financial report as presented. Motion seconded by councilman Misner. Motion passed unanimously.

B. Acceptance of the February 1, 2021 City Council Meeting minutes.

Due to technical difficulties minute meetings were not completed.

C. Acceptance of the amendments made to the New Fairview City Council Procedures and Decorum Policy.

Sec. 1-110 - City Council Agendas (e)

Agenda items placed on the agenda by the Mayor or members of the City Council previously considered and whereby action was taken by the City Council may not be placed on a future agenda for reconsideration within six months of such action unless either: (1) directed by a majority of the City Council to the City Administrator during any scheduled regular or special meeting or work session; or (2) directed by the Mayor and one Council Member in writing to the City Administrator.

In all cases, at least one member of the City Council who is requesting that the item be renewed on an agenda shall have been on the prevailing side of the previous vote on the item.

Further, items placed on the agenda by the Mayor or members of the City Council for discussion and/or action whereby no action was taken by the City Council may not be placed on a future agenda for discussion within six months, unless either: (1) requested in writing by three members of the Council; or (2) three Council members direct staff to add the item to an upcoming agenda during a Council meeting.

Sec. 1-140 - Order of Business

- (a) Regular Meeting Agenda (Public Forum moved to first item of business)
- (b) Worksession (if necessary)
- (c) Executive Session

Councilwoman Burger made a motion to approve the amendments made to the New Fairview City Council Procedures and Decorum Policy. Motion seconded by Councilman Clements. Motion passed unanimously.

ITEM NUMBER VI. NEW BUSINESS:

A. Discuss, consider and act to adopt an ordinance of the City of New Fairview, Texas reinstating the Planning and Zoning Commission; providing a cumulative clause; providing a savings clause, and providing an effective date.

City Administrator Nibarger said that back in the January Meeting the Council approved to reinstate the Planning and Zoning Commission but since he failed to do the required notifications it was put back on this agenda for action. The required 2 week notices were sent out as required prior to action being taken. **Councilman Clements made a motion to adopt an ordinance that reinstates the previously repealed ordinance establishing the Planning and Zoning Commission; the effective date will be June 2021 to provide staff time to work with and provide training for the commissioners. Motion seconded by Councilman Misner. Motion passed unanimously.**

ORDINANCE NO. 202103-29-120

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

This Ordinance shall take effect from and after **JUNE 1st, 2021** in accordance with law, and it is so ordained.

PASSED AND APPROVED THIS THE 1st DAY OF March, 2021.

B. Discuss, consider, and act on a resolution appointing five commissioners and two alternate commissioners to the Planning and Zoning Commission

Applications were accepted and presented to the Council Council back in the January meeting. Councilman Clements made a motion to approve resolution appointing five commissions and two alternates to the commission. Motion seconded by Julie Burger. Motion passed unanimously.

Resolution No. R202103-13-155

A RESOLUTION OF THE CITY OF NEW FAIRVIEW, TX APPOINTING FIVE COMMISSIONERS AND TWO ALTERNATE COMMISSIONERS TO THE PLANNING AND ZONING COMMISSION.

Commissioners	Alternates
John Taylor	David Randolph
Marissa Randolph	Rebecca McPherson
Harvey Burger	
Don Duval	
Alisa Scheps	

C. Discuss, consider, and act on a resolution authorizing the City Administrator to expend funds not to exceed \$10,000 to conduct activities, enter into agreements, and resolve other matters incident and related to the creation of a Municipal Development District (MDD). In the previous meeting the City Administrator Nibarger talked to the council about the different taxes and the necessary steps to take. It would allow the city to collect taxes on our ETJ. Currently the city has 12 local businesses. two to three of the businesses in the ETJ would supersede the amount of the total taxes we get now. In order to get this started we consult with Laura. We will do our best to put this in the November election. This will cost between \$5,000 to \$10,000. The grant money will pay for all the consultants and attorney. Councilwoman Burger made a motion to approve for services. Motion seconded by Councilman Clements. Motion passed unanimously.

Resolution No. R202103-14-156

A RESOLUTION OF THE CITY OF NEW FAIRVIEW, TX AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO AGREEMENTS AND EXPEND NO MORE THAN \$10,000 TO ESTABLISH A MUNICIPAL DEVELOPMENT DISTRICT (MDD).

D. Discuss, consider, and act on a resolution approving the recommendation of the Selection Review Committee to award Freeman-Millican Inc for engineering services for the City's 2021-2022 Texas Department of Agriculture, Texas Community Development Block Grant (TxCDBG) to provide application assistance and project implementation, if awarded.

Currently the city has 60 completed surveys out of the 300 surveys we need to reach the 80% threshold established by the Department of Housing and Urban Development (HUD) to get the money to fix the roads. City Clerk Boller has been calling residents sending emails and posted on the website. Josh is helping out as well.

Resolution No. R202103-15-157

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW FAIRVIEW,
SELECTING AN ENGINEER IN CONJUNCTION WITH THE SUBMITTAL OF AN
APPLICATION FOR FUNDING THROUGH THE TEXAS DEPARTMENT OF
AGRICULTURE, TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT.**

E. Discuss, consider and act on a resolution authorizing the City Administrator to enter into an agreement with Pacheco Koch for the transportation impact fee study and resolving other matters incident and related thereto.

Pacheco Koch presented two options that the city could utilize to incorporate the cost of improving transportation to the developments that are going to be primary drivers of the need for additional capacity and wear and tear.

Capital Improvement Plan & Impact Fee Study - this allows the city to update the capital plan for transportation improvements, determine costs and assess a proportional fee to those developing within a defined geographic area. This takes approximately three-to-four months to complete and will cost approximately \$15,000.

Thoroughfare Plan & Ordinance Update - this allows the city to collect 50% of the cost of improvements for roads that front the property being developed. It does not allow for the overall impact of the development to be incorporated into the fee collected but it takes a few weeks to implement and would cost approximately \$5,000.

Council asked that staff bring forward a resolution to take action and begin the first option, the Capital Improvement Plan & Impact Fee Study. Impact fees are up-front fees charged to developers for the burden their new development will place on City infrastructure. These assessments generate revenue for funding or recouping the costs of capital improvements or facility expansions required by and attributed to the new development.

Chapter 395 of the Local Government Code allows cities to impose these fees and there are specific guidelines that must be followed when working with developers and administering impact fees. Impact fees may also be imposed in the ETJ with some exceptions outlined in Chapter 395. Not to exceed \$15,000. **Councilman Clements made a motion to approve Resolution authorizing the City Administrator to enter into an agreement with Pacheco Koch to conduct a Transportation Impact Fee Study. Motion seconded by Councilman Schoonmaker. Motion passed unanimously.**

Resolution No. R202103-16-158

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW FAIRVIEW,
AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO AN AGREEMENT
WITH PACHECO KOCH TO CONDUCT A TRANSPORTATION IMPACT FEE
STUDY.**

ITEM NUMBER VII. 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 staff regarding a citizen survey

ETC Institute cost \$9,000 every other year. Its flexible questionnaire with customizable questions. The importance- satisfaction matrix helps focus resources on areas where the residents see the most value. Polcocost \$12,965 year 1 \$8,300 annually. Slightly more expensive but allows for smaller custom electronic surveys throughout the year; although we can do that with Google Forms

B. Discussion with staff regarding disaster response and continuity of operations

The City was impacted significantly by the recent severe weather event, including inability to leave their homes, due to snow/ice on the roads, loss of power, loss of water, etc. Staff and Council members received feedback from residents asking what the City could do to improve our response in the future

C. Discuss with staff options regarding a printed and mailed quarterly newsletter

Staff has received comments from residents that do not have access to internet, smart phones, or other means to receive the updates that the City is currently producing. They have asked that the City Council consider mailing a newsletter to the residents. This would also allow for the City to deliver the call-in information for upcoming meetings allowing individuals the ability to access the meetings through the call-in feature versus the video link and potentially open the meetings availability to more residents that are currently unable to attend in-person or lack the information to connect virtually. Estimate \$2,500 annually to send a four-page newsletter quarterly

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

A. Section 551.074 - Personnel Matters;(a) This chapter does not require a governmental body to conduct an open meeting:(1) to deliberate the appointment ,employment, valuation, reassignment, duties, discipline, or dismissal of a public officer or employee; or (2) to hear 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 : Mayor and Place 3 Council Member

B. Section 551.074 - Personnel Matters; (a) This chapter does not require a governmental body to conduct an open meeting: (1) to deliberate the appointment, employment, evaluation, reassignment, duties, 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

ADJOURN: Mayor Pro Tem Gunter adjourned the meeting at 11:30PM

APPROVED:



Mayor Joe Max Wilson

Mayor Pro Tem Patrick Gunter



Councilman Steve Misner



Councilman Walter Clements

Councilwoman Julie Burger



Councilman Nolan Shoonmaker

ATTEST:



City Secretary Monica Rodriguez