



CITY COUNCIL MINUTES

March 15, 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 15 TH 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 Joe Max Wilson

Place 4 Councilman Walter Clements

Place 1 Councilwoman Julie Burger

Place 3 Councilman Steve Misner

Place 5 Councilman Nolan Schoonmaker

PRESENT

City Administrator Ben Nibarger

City Secretary Monica Rodriguez-virtual

ABSENT

Place Mayor Pro Tem Patrick Gunter

City Clerk Brooke Boller

ITEM NUMBER I. CALL MEETING TO ORDER:

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

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.

Mayor Wilson said he only has 1 or 2 meetings left before the election. Mayor Wilson said that in the 14 years on council and 20 years living here he was able to see a lot of changes.

Ocie Vest from Rockhill Investments & Capital presented a proposed master planned community on the Shoop Ranch with approximately 4,000 homes on 1,807 acres located at County Line Road and Farm Road 407. This new development will have 1,200 acres of parkland including 14 miles of trails. Rockhill has executed the agreement and presented the city with a \$50,000 deposit for expenditures including professional fees upon approval of this agreement. City Administrator Nibarger asked the council for authorization to enter into negotiations regarding the Shoop Ranch development, including: a planned district zoning ordinance (PD), a public improvement district (PID), and a development agreement that will be presented to the Council in future meetings for input and possible action.

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 February 2021 Financial Report.

The City Administrator told the council that he would give them the financial report at the next meeting because there were some corrections that had to be made. Monica still has some adjustments to make before it is brought to council. Mayor Wilson asked the City Administrator if this was a group type project. The City Administrator said yes. Brooke inputs all accounts payable into the system, Monica runs the reports and generates the checks which are then printed and matched to what is in the system. Then he goes through all the invoices and receipts and verifies the amounts and makes sure that all entries are coded to the right location. Mayor Wilson said to Ben then this is a group project! Ben said yes it was done intentionally to have everyone involved in every part of the process.

B. Acceptance of the February 1, 22, and March 1, 2021 City Council Meeting minutes.

The City Administrator said that the City Secretary had some technical issues with the minutes from February 1 and 22 so therefore those two minutes will be removed and put back on at our next meeting. Mayor Wilson asked City Administrator if we now had a good recording system that would record and copy the meetings. He said we don't have to have a recording of each meeting. Ben said that we don't need to have transcripts of meetings. We are looking for motions and any changes if made.

- **City Council went into Executive Session at 7:13 P.M**
- **Back from Executive Session**

ITEM NUMBER VI. NEW BUSINESS:

A. Discuss, consider, and act on a resolution of the City Council of the City of New Fairview, Texas, accepting a petition to create the Shoop Ranch Public Improvement District No. 1; calling for a public hearing to consider the feasibility and advisability of establishing the district; authorizing and directing the publication and mailing of notices of the public hearing; and providing an effective date.

Councilman Clements made a motion to approve the Resolution accepting a petition to create the Shoop Ranch Public Improvement District No. 1; Calling for a public hearing to consider the feasibility and advisability of establishing the district; authorizing and directing the publication and mailing of notices of the public hearing; and providing an effective date.

Rockhill Investment team is finalizing the potential deal points for establishing a PID for the Shoop Ranch project. There will actually be two PIDs requested, the first for the infrastructure (capital improvements) and the second for operations and maintenance (authorized services). The developer has filed the petitions with the City to consider the creation of these PIDs and resolutions to hold the required public hearings on April 5, 2021 during the regularly scheduled City Council meeting. Rockhill Investment team is working on a development agreement that will be presented to the Council on April 5th for consideration prior to the creation of the PID. The development agreement will outline the terms and conditions of the development and obligations of the City and Rockhill.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW FAIRVIEW, TEXAS, ACCEPTING A PETITION TO CREATE THE SHOOP RANCH PUBLIC IMPROVEMENT DISTRICT NO. 1; CALLING FOR A PUBLIC HEARING TO CONSIDER THE FEASIBILITY AND ADVISABILITY OF ESTABLISHING THE DISTRICT; AUTHORIZING AND DIRECTING THE PUBLICATION AND MAILING OF NOTICES OF THE PUBLIC HEARING; AND PROVIDING AN EFFECTIVE DATE.

B. Discuss, consider, and act on a resolution of the City Council of the City of New Fairview, Texas, accepting a petition to create the Shoop Ranch Authorized Services Public Improvement District No. 1; calling for a public hearing to consider the feasibility and advisability of establishing the district; authorizing and directing the publication and mailing of notices of the public hearing; and providing an effective date.

Councilman Misner made a motion to approve resolution accepting a petition to create the Shoop Ranch Authorized Services Public Improvement District No. 1; calling for a public hearing to consider the feasibility and advisability of establishing the district; authorizing and directing the publication and mailing of notices of the public hearing; and providing an effective date. Motion seconded by Councilman Clements. Motion passed unanimously.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW FAIRVIEW, TEXAS, ACCEPTING A PETITION TO CREATE THE SHOOP RANCH PUBLIC IMPROVEMENT DISTRICT NO. 1; CALLING FOR A PUBLIC HEARING TO CONSIDER THE FEASIBILITY AND ADVISABILITY OF ESTABLISHING THE DISTRICT; AUTHORIZING AND DIRECTING THE PUBLICATION AND MAILING OF NOTICES OF THE PUBLIC HEARING; AND PROVIDING AN EFFECTIVE DATE.

C. Discuss, consider, and act on a resolution of the City Council of the City of New Fairview, Texas, authorizing the City Administrator to enter into an agreement with SPI, Inc. to complete an application for the City of New Fairview to establish a Certificate of Convenience and Need (CCN) for a water and wastewater system and resolving other matters incident and related thereto. Councilman Misner made a motion to approve Resolution authorizing the City Administrator to enter into an agreement with SPI, Inc. to complete an application for the City of New Fairview to establish a Certificate of Convenience and Need (CCN) for a water and wastewater system and resolving other matters incident and related thereto. Motion seconded by Councilwoman Burger. Motion passed unanimously. In September, 2020 the City Council approved a feasibility study to bring public water and wastewater service to New Fairview. City partnered with two local developers, Bloomfield Homes (Constellation Lakes) delivered to staff last week for comments. Schaumburg & Polk, Inc (SPI) was selected to conduct the feasibility study, which included investigating all available options and cost estimates for establishing a public water and wastewater system in New Fairview. Further, they were asked to review the possibility of a regional solution for the southwest corner of Wise County and southeast corner of Denton County. The cost of extending the water lines as well as implementing a wastewater system. This is due to the fact that FM 407 has significant development east of New Fairview to Justin. Further, New Fairview currently has two large development projects that require both water and wastewater services, as well as the City of Rhome needing to establish a new source of water for their existing system. The confluence of these events is not likely to occur again in the future and creates this unique opportunity. Bloomfield and Rockhill development teams have agreed to fund the cost of the CCN application. Staff is working to update the reimbursement agreements to include a \$20,000 additional contribution towards the legal and consulting fees for the CCN application.

RESOLUTION NO. 202103-19-161

A RESOLUTION OF THE CITY OF NEW FAIRVIEW, TX APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH SCHAUMBERG & POLK, INC. TO COMPLETE AND SUBMIT AN APPLICATION FOR A CERTIFICATE OF CONVENIENCE AND NEED (CCN); AUTHORIZING THE CITY ADMINISTRATOR TO AMEND THE REIMBURSEMENT AGREEMENTS WITH THE BLOOMFIELD AND SHOOP RANCH DEVELOPMENTS TO INCLUDE \$20,000 CONTRIBUTIONS TOWARDS THE COMPLETION OF THE CCN APPLICATION; AUTHORIZING THE CITY ADMINISTRATOR TO EXPEND FUNDS TO COMPLETE THE APPLICATION NOT TO EXCEED \$40,000.

D. Discuss, consider, and act on a resolution authorizing the City Administrator to enter into an agreement with ETC, Inc. to conduct a citizen survey.

Councilman Misner made a motion to approve Resolution authorizing the City Administrator to enter into an agreement with ETC, Inc. to conduct a citizen survey. Motion seconded by Councilman Schoonmaker. Motion passed unanimously.

Following the March 1, 2021 Council meeting, staff continued discussions with the ETC Institute to complete a citizen survey. Staff was able to adjust the services and negotiate a new price of \$7,500 to complete the citizen survey. This citizen survey can assess our residents' satisfaction with existing services, identify areas where they wish to see improvement, and ensure that we are including input from a representative sample of the whole community.

RESOLUTION NO. 202103-20-162

A RESOLUTION OF THE CITY OF NEW FAIRVIEW, TX APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH ETC INSTITUTE, INC. TO COMPLETE A CITIZEN SURVEY.

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. Discuss with staff a Social Media Policy

Social Media has become a very important and useful tool in the collection and distribution of information for the City. Over the last few months, the City has seen an almost 400% increase in people visiting the City's Facebook page, as well as 3,000-to-4,000% increase in engagement of those individuals that are accessing the Facebook page. During the same time period, the City has also seen an increase in utilization of the City website, but less than a 100% increase in visitations and engagement. The city might need to two different policies, one that would be focused on staff utilization and guidelines and a separate policy that would amend the Council Procedures

The City Administrator said this is something that was brought up by the council. This policy is for staff and council. Council will look through the policy and will come back at the next meeting for discussion and possible action

B. Discuss with staff options regarding dark sky initiatives.

This is something that has been put off since August. You can see the stars. This has been discussed before and as we have developments coming in we will be ready for this topic if the council seems willing to do so.

C. Discuss with staff opens a public debate for the May 2021 election. Nolan Schoonmaker suggested that we have a time at the next meeting for the election candidates to introduce themselves. Councilman Clements suggested that we don't have the meet and greet for the candidates the same day as the meeting. The Mayor requested that the Council discuss holding a debate for the candidates for the upcoming May election. Staff has been working with the Council Members and candidates to complete profiles that will be added to the website within the next couple of weeks. Most of them are finalized and will share them with the individuals prior to publication.

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:

- **Councilman Misner left the meeting**

A. The Council will conduct a closed session pursuant to Texas Government Code, annotated, Chapter 551, Subchapter D for the following: Second 551.087 - Deliberation Regarding Economic Development Negotiations (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1) for the following: Shoop Ranch

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, 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: Mayor Joe Max Wilson and Place 3 Steve Misner Wilson said that during the 14years he wanted hewantedthe attorney present and always made sure we had our professional

ITEM NUMBER IX. CONSIDER/TAKE ACTION ON MATTERS DISCUSSED IN THE EXECUTIVE SESSION.

Councilman Clements made a motion to take action on matters discussed in the executive session Motion seconded by Councilman Schoonmaker. Motion passed unanimously.

**Censure of Mayor Joe Max Wilson and Place 3 Council Member Steve Misner
STATEMENT TO THE PUBLIC**

As newly elected officials that campaigned on conducting an ethical, open, and transparent government, we believe that it is important to recognize and acknowledge when errors are made. We also believe that a certain level of grace should be granted to individuals that are volunteering their time and effort to serve the community. We believe that it is through our openness and transparency that we build a relationship of trust between our elected officials, community members, and staff. It is with this in mind that we read the following statement to the public.

The New Fairview City Council is governed by laws, statutes, and regulations that are in place largely to ensure that the public's interest is best served. One of these is the Texas Open Meetings Act (TOMA). In simplified terms, TOMA provides the guidelines on when, where, and how City meetings are conducted. The rules are in place so that the public has adequate notice to review materials and make arrangements to attend the meeting and let their voice be heard.

Following our election and appointment, the New Fairview City Council received substantial training regarding TOMA during our orientation as well as completing state-mandated online training provided through the Attorney General's office. Further, direct communication from staff and the City Attorney was provided to the Council regarding potential violations of TOMA.


The New Fairview City Council recently became aware of activities, among several of their members, that was in potential violation of TOMA. Staff provided the materials to the City Council and the City Attorney for review. The New Fairview City Council was presented with a legal opinion as well as what potential actions the Council could take.

Following a thorough review and discussion of the issue, the New Fairview City Council finds that the Mayor and Council Member Misner were in violation of TOMA and agree that the public should be made aware of the circumstances as well as inform the public that this type of behavior is not acceptable for individuals in positions of authority in our community.

Therefore, the New Fairview City Council will now take official action to censure Mayor Wilson and Council Member Misner and asks them to: (1) issue an apology to the community, (2) agree to align their future actions and behavior with the Council adopted Procedures and Decorum Policy, and (3) follow all state and federal laws.

ITEM NUMBER X. ADJOURN: Councilman Clements made a motion to adjourn. Motion seconded by Councilwoman Burger.

APPROVED:



Mayor Joe Max Wilson

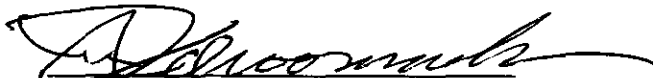


Mayor Pro Tem Patrick Gunter



Councilman Walter Clements

Councilwoman Julie Burger

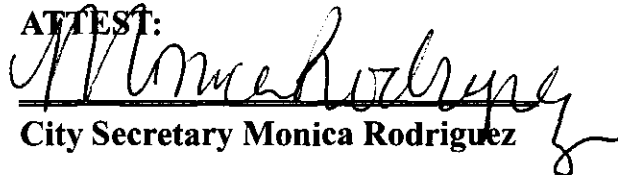


Councilman Nolan Schoonmaker



Councilman Steve Misner

ATTEST:



City Secretary Monica Rodriguez