



**MINUTES  
CITY COUNCIL MEETING  
April 5, 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 5TH DAY OF APRIL 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:**

**CITYCOUNCIL**

**Councilman Nolan Schoonmaker  
Councilman Walter Clements  
Councilwoman Julie Burger  
Councilman Steve Misner  
Councilman Patrick Gunter**

**PRESENT**

**City Administrator Ben Nibarger  
City Secretary Monica Rodriguez  
City Clerk Brooke Boller**

**ABSENT**

**Mayor Joe Max Wilson**

**I. CALL MEETING TO ORDER:** The Chair of the meeting will call the city council meeting to order  
(Mayor Pro Tem Patrick Gunter called the meeting to order at 7:02 P.M. )

**II. ROLL CALL:** (Roll call with the above-mentioned names present.)

**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

**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. **(Five citizens asked to signed up to speak)**

**Rebecca McPherson - Shoop Ranch-** re-evaluate and consider before action is taken. Long term for the city.

**Michael Henn-** he is against the Shoop Development. He asks that the council make the right decision and deny the new development and take care of what we have now.

**Janet Kennedy-**Is the city going to have enough to provide to the citizens, wanting to preserve the country feel. She wants all the zoning and related documents

**Cindi Poe-** She wants the council to be held accountable for being rude and disrespectful, her complaint was already addressed

**Mickey Malone-** asked council members if they know where Brock Lane was? Over the years they have seen growth. Some of the needs have not been met. For future growth some things need to be addressed first. The city needs a solid foundation. There are animal control issues that have not been taken care of

**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 and March 2021 Financial Reports.

B. Acceptance of the February 1, February 22, March 1, and March 15, 2021 City Council minutes. **(Motion made to approve A and B consent items.)**

**Motion:** Councilman Walter Clements **Second:** Councilwoman Julie Burger **Vote:** 5-0

C. Acceptance of the Social Media Policy. **(Councilman Steve Misner requested this item be removed from consent.)**

**VI. NEW BUSINESS:** All matters listed as New Business will be discussed and considered separately.

**A.** Discuss, consider, and act on a joint ordinance and boundary agreement between the City of Fort Worth and the City of New Fairview releasing approximately 179.779 acres of property from the ETJ of the City of Fort Worth and accepting said 179.779 acres into the ETJ of the City of New Fairview. (**Motion to approve the boundary agreement between the city of Fort Worth and the City of New Fairview accepting 179.779 acres into the ETJ of the City of New Fairview.**)

**Motion:** Councilman Walter Clements **Second:** Councilman Julie Burger. **Vote:** 5-0

**Opened Public Hearings: Mayor Pro Tem Patrick Gunter at 7:52 PM**

**B.** Conduct public hearings to accept public comments and discuss the creation of the Shoop Ranch Public Improvement District No. 1.

**C.** Conduct public hearings to accept public comments and discuss the creation of the Shoop Ranch Authorized Services Public Improvement District No. 1.

**D.** Conduct public hearings to accept public comments and discuss the proposed rezoning by the City of New Fairview, Texas of approximately 1807.64 acres of land generally located north of FM 407, South of A.A. Bombarger Road, and east and west of N. County Line Road in the city limits of New Fairview, from Agriculture (AG) to Planned Development (PD).

**Michael Henn is against**

**Closed the Public Hearing at 8:05 P.M: Mayor Pro Tem Patrick Gunter**

**E.** Discuss, consider and act on a Resolution approving the Development Agreement between Rockhill Capital & Investments, LLC, a Texas limited liability company, and the City of New Fairview regarding the development of a parcel of land being a 1807.64 acre tract of land situated in the Smith County School Land Survey, Abstract No. 744, I. Davis Survey, Abstract No. 247, J. Beebe Survey, Abstract No. 56, T. Samuel Survey, Abstract No. 757 and the J. C. Bateman Survey, Abstract No. 1154, Wise County, Texas and the T. Samuel Survey, Abstract No. 1148, JC Brumley Survey, Abstract No. 1520, and the A. Pulen Survey, Abstract No. 1057, Denton County, Texas and being all of those tracts of land described to Shoop Trust and Glenn P. Shoop, Trustee by deeds recorded in Volume 502, Page 904; Volume 530, Page 523; Volume 1520, Page 530; Volume 2295, Page 213, Official Public Records, Wise County, Texas and Document No. 2018-997; Document No. 2018-998, Official Public Records, Denton County, Texas. (**Councilman Steve Misner made a motion to approve a Development Agreement between Rockhill Capital & Investments LLC, and the City of New Fairview. )**

**Motion:** Councilman Steve Misner **Seconded:** Councilman Walter Clements **Vote:** 5-0

F. Discuss, consider and act on an Ordinance amending the zoning map of the City of New Fairview by changing the zoning designation of a parcel of land being a 1807.64 acre tract of land situated in the Smith County School Land Survey, Abstract No. 744, I. Davis Survey, Abstract No. 247, J. Beebe Survey, Abstract No. 56, T. Samuel Survey, Abstract No. 757 and the J. C. Bateman Survey, Abstract No. 1154, Wise County, Texas and the T. Samuel Survey, Abstract No. 1148, JC Brumley Survey, Abstract No. 1520, and the A. Pulen Survey, Abstract No. 1057, Denton County, Texas, and being all of those tracts of land described to Shoop Trust and Glenn P. Shoop, Trustee by deeds recorded in Volume 502, Page 904; Volume 530, Page 523; Volume 1520, Page 530; Volume 2295, Page 213, Official Public Records, Wise County, Texas and Document No. 2018-997; Document No. 2018-998, Official Public Records, Denton County, Texas from Agriculture (AG) to Planned Development (PD) for Single-Family Residential, Multi-Family Residential, Townhomes, Condominiums, Schools, Parks, Open Space, Civic Uses and Commercial Uses. **(Motion amending the zoning map of the City of New Fairview by changing the zoning designation of a parcel of land being a 1807.64 acre tract of land situated in the Smith County School Land Survey, Abstract No. 744, I. Davis Survey, Abstract No. 247, J. Beebe Survey, Abstract No. 56, T. Samuel Survey, Abstract No. 757 and the J. C. Bateman Survey, Abstract No. 1154, Wise County, Texas and the T. Samuel Survey, Abstract No. 1148, JC Brumley Survey, Abstract No. 1520, and the A. Pulen Survey, Abstract No. 1057, Denton County, Texas, and being all of those tracts of land described to Shoop Trust and Glenn P. Shoop.)**

**Motion:** Councilman Steve Misner   **Second:** Councilman Walter Clement   **Vote:** 5-0

G. Discuss, consider and act on a resolution authorizing and creating the Shoop Ranch Public Improvement District No. 1 in accordance with Chapter 372 of the Texas Local Government Code.**(Council discussed Resolution authorizing and creating the Shoop Ranch Public Improvement District No. 1 in accordance with Chapter 372 of the Texas Local Government Code. Motion seconded by Councilman Walter Clements. Motion passed unanimously.**

**Motion:** Councilman Steve Misner   **Second:** Councilman Walter Clements   **Vote:** 5-0

H. Discuss, consider and act on a resolution authorizing and creating the Shoop Ranch Authorized Services Public Improvement District No. 1 in accordance with Chapter 372 of the Texas Local Government Code. **(Councilman Misner made a motion to approve a resolution authorizing and creating the Shoop Ranch Authorized Services Public Improvement District No. 1 in accordance with Chapter 372 of the Texas Local Government Code. Motion seconded by Councilwoman Julie Burger. Motion passed unanimously.**

**Motion:** Councilman Steve Misner   **Second:** Councilwoman Julie Burger.   **Vote:** 5-0

I. Discuss, consider, and act on a resolution of the City council of the City of New Fairview, Texas, authorizing the submission of a Texas Community Development Block Grant Program application to the Texas Department of Agriculture for the Community Development Fund; and authorizing the Mayor and City Administrator to act as the city's executive officers and authorized representatives in all matters pertaining to the city's participation in the Texas Community Development Block Grant Program. **(Councilman Walter Clements made a motion to approve and authorize the submission of a Texas Community Development Block Grant Program application to the Texas Department of Agriculture for the Community Development Fund and authorizing the mayor and city administrator to act as executive officers.**

**Motion:** Councilman Walter Clements **Second:** Councilman Nolan Schoonmaker

**Vote:** 5-0

J. Discuss, consider, and act on a resolution of the City Council of the City of New Fairview, Texas, appointing a Judge Hubbs as the City of New Fairview municipal court judge and approving the contracted services agreement. **(Councilman Steve Misner made a motion to appoint Judge Hobbs as the Municipal Court Judge. Motion seconded by Councilwoman Julie Burger. Motion Passed unanimously.)**

**Motion:** Councilman Steve Misner **Second:** Councilwoman Julie Burger. **Vote:** 5-0

K. Discuss, consider and act on Employment Agreement with Ben Nibarger **(City Council discussed renewing 5 year agreement with former City Administrator Ben Niabarger. Councilman Misner did not agree to the 5 year agreement. He does not think that anyone should have a 5 year term.)**

**Motion:** Councilman Walter Clements **Second:** Councilwoman Julie Burger. **Vote:** 4-1

L. Discuss, consider and act on an Ordinance amending the job duties and qualifications of the city administrator. **(Councilman Walter Clements made a motion to approve an ordinance amending the job duties and qualifications of the city administrator.) Motion seconded by Steve Misner. Motion passed unanimously.)**

**Motion:** Councilman Walter Clements **Second:** Councilman Steve Misner **Vote:** 5-0

**I. 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.

**Closed Session:** 8:35PM to 9:45PM

**II.** 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 551.087 - 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: Paloma Ranch

**B.** The Council will conduct a closed session pursuant to Texas Government Code, annotated, Chapter 551, Subchapter D for the following: Section 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) deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1) for the following: Shoop Ranch

**C.** The Council will conduct a closed session pursuant to Texas Government Code, annotated, Chapter 551, Subchapter D for the following: Section 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: Sunrise LLC

D. 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.

E. 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

**IX. CONSIDER/TAKE ACTION ON MATTERS DISCUSSED IN THE EXECUTIVE SESSION. (No action taken)**

**X. ADJOURN: (Meeting adjourned at 9:55 P.M)**

**Motion:** Councilman Walter Clements **Second:** Councilman Steve Misner **Vote:** 5-0

**APPROVED:**

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**Mayor Joe Max Wilson**

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**Councilwoman Julie Burger**

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**Councilman Walter Clements**

*Steve C Misner*  
Steve c misner (Oct 22, 2021 15:33 CDT)

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**Councilman Steve Misner**

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**Councilman Patrick Gunter**



Nolan Schoonmaker (Sep 1, 2021 23:09 CDT)

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**Councilman Nolan Schoonmaker**

**ATTEST:**

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**City Secretary**

