



**MINUTES
CITY COUNCIL MEETING
December 6, 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 6th DAY OF DECEMBER 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 Nolan Schoonmaker
Mayor Pro Tem John Taylor
Place 1 Councilwoman Julie Burger
Place 2 Councilman Scott Johnson
Place 3 Councilman Steve Misner
Place 4 Councilman Steven King

PRESENT

City Administrator Ben Nibarger
City Attorney Larry Collister
Interim Deputy City Secretary/City Clerk Brooke Boller
Interim Assistant City Secretary Salvador Gonzalez

ABSENT

WORK SESSION: 7:00 PM

1. Call to Order and roll call. **(Regular Session called to order by Mayor Nolan Schoonmaker at 7:01 pm; Roll Call with the above-mentioned names present.)**
2. Discussion of all items on the agenda.
3. Work Session discussion items:
 - A. Receive an update and presentation from Dr. Warren, the Northwest ISD Superintendent. **(Dr. Warren presented the current state of NISD and how they are progressing on the bond program for new facilities. He invited the Council to participate in the recruitment process for his replacement.)**
 - B. Discuss with staff and provide feedback on the City Secretary position profile. **(The City Council reviewed the City Secretary position profile and discussed reducing the qualifications and experience to be considered; following the discussion, the Council approved the position profile as presented.)**
 - C. Discuss with staff the 2021 Streets Improvement Project. **(Staff presented the current status of the streets improvement project, the TxDOT FM 407 feasibility study, and the funding shortfall to complete the whole project as originally bid out; staff referenced potential solutions for this under the regular session items C and D.)**
4. Adjournment **(8:26 PM)**

REGULAR SESSION: 7:00 PM or immediately following the Work Session.

5. Call to Order and roll call. **(Regular Session called to order by Mayor Nolan Schoonmaker at 8:33 pm; Roll Call with the above-mentioned names present.)**
6. Pledge to the 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.
7. 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.

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

- a. An ordinance of the City of New Fairview, Texas, adopting and enacting a new code of ordinances; providing for the repeal of certain ordinances not included therein; providing a penalty for the violation thereof not exceeding \$500 generally or not exceeding \$2,000 for violations relating to fire safety, zoning or public health and sanitation or not exceeding \$4,000 for violations relating to dumping of refuse; providing for the amendment of such code; and providing when such code and this ordinance shall become effective.

Motion: Councilman Steven King

Second: Mayor Pro Tem John Taylor

Voted in Favor: Mayor Pro Tem John Taylor, Councilman Scott Johnson, and Councilman Steven King

Voted in Opposition: Councilman Steve Misner

Abstained: Councilwoman Julie Burger

Result: The City of New Fairview Codification Ordinance was approved.

- b. An ordinance of the City of New Fairview, Texas, providing for a change in the municipal contributions to the current service annuity reserve at retirement of the employees of the City of New Fairview, Texas. **(Staff informed the Council that they approved and appropriated the funds for this in the most recently adopted budget; TMRS requires an updated ordinance to reflect the changes; Council Members Burger and Misner stated that the Council should hold off on this action until the next fiscal year, while the remaining Council members stated that it was already approved in the budget.)**

Motion: Mayor Pro Tem John Taylor

Second: Councilman Steven King

Voted in Favor: Mayor Pro Tem John Taylor, Councilman Scott Johnson, and Councilman Steven King voted in favor.

Voted in Opposition: Councilman Steve Misner and Councilwoman Julie Burger voted in opposition.

Abstained: N/A

Result: The Ordinance was approved.

- c. Discuss, consider, and act on a resolution of the City of New Fairview, Texas, amending the Council adopted fee schedule to include commercial safety inspection fees, establish the inspection schedules and criteria, and authorize the City Administrator to enter into agreements with East Wise Fire Rescue and Modern Geosciences to provide the commercial safety inspection services. **(Staff asked to combine the discussion of items C and D due to their relationship in being able to help fund the streets funding shortfall, provide needed equipment to implement the commercial safety inspection program, and provide improved public safety operations without impacting the tax rate; Council agreed to discuss the items together.)**

Motion:

Second:

Voted in Favor:

Voted in Opposition:

Abstained:

Result: No Action Taken

- d. Discuss, consider, and act on a resolution of the City Council of the City of New Fairview, Texas, regarding a financing agreement for the purpose of procuring a hot box, crack seal unit, seal coat unit, a trailer, vehicles, and safety inspection equipment. **(Staff presented an opportunity to use currently budgeted dollars for the maintenance of streets in the bond funds, as well as purchase of streets improvement and public safety equipment to help fill the gap for streets improvement by financing the equipment over a four-to-six-year timeframe ; the cost of borrowing (\$33K to \$42K) would be much less than the cost of the**

interest on the loan and mobilization fees (approximately \$175K) for construction crews to return and complete the project at a later date; staff explained that the funding method would allow the City to meet three of its primary goals, improve streets, improve public safety, and efficient use of public funds without impacting the tax rate; staff informed the Council that if they did not provide the necessary tools and resources (funding) that it was likely that street(s) would have to be pulled from the 2021 project and that the the commercial safety inspection program would not be able to be implemented; staff informed the Council that they would bring back a list of streets for their consideration and selection for the removal from the 2021 project.)

Motion: Councilman Scott Johnson

Second: Mayor Pro Tem John Taylor

Voted in Favor: Mayor Pro Tem John Taylor, and Councilman Scott Taylor

Voted in Opposition: Councilwoman Julie Burger, Councilman Steve Misner, and Councilman Steven King

Abstained:

Result: Resolution failed to pass.

(The Council adjourned for break at 10:12pm. They reconvened at 10:17pm.)

e. Discuss, consider, and act on the executive session items.

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

(Adjourned to Executive Session at 11:20pm; reconvened regular session at 1:05am.)

- A. Section 551.071 (Consultations with Attorney) of the Texas Government Code to discuss (i) potential litigation related to the removal of Monica Rodriguez and legal issues related thereto.

Motion:

Second:

Voted in favor:

Voted in Opposition:

Abstained:

Result: No action taken

- B.** Section 551.071 (Consultations with Attorney) of the Texas Government Code to discuss (i) the Texas Public Information Act (“TPIA”) as it applies to the Council members, board and/or commission members, and City staff and legal issues related to the TPIA; and (ii) the Texas Open Meetings Act (“TOMA”) as it applies to the Council members and board and/or commission members and legal issues related to the TOMA; and (iii) the City of New Fairview City Council Procedures and Decorum Policy as it applies to the Council members and board and/or commission members and legal issues related to this policy.

Motion:

Second:

Voted in Favor:

Voted in Opposition:

Abstained:

Result: No action taken

- C.** 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 Attorney

Motion: Councilman Scott Johnson

Second: Councilman Steve Misner

Voted in Favor: Councilman Scott Johnson, Councilman Steve Misner, Councilman Steven King, Councilman John Taylor, and Councilwoman Julie Burger

Voted in Opposition: None

Abstained: None

Result: The Council formally accepts the resignation of the City Attorney

- D. 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: Place 1 **(Item moved to open session)**

Motion:

Second:

Voted in Favor:

Voted in Opposition:

Abstained:

Result: No action taken

- 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: Place 3 **(Item moved to open session)**

Motion:

Second:

Voted in Favor:

Voted in Opposition:

Abstained:

Result: No action taken

10. ADJOURN:

Motion: Councilman Scott Johnson

Second: Councilman Steve Misner

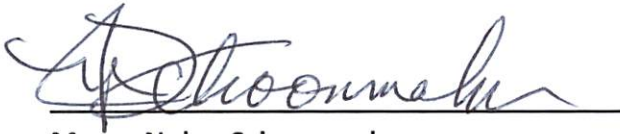
Voted in Favor: Mayor Pro Tem John Taylor, Councilman Scott Johnson, Councilman Steven King, Councilman Steve Misner, and Councilwoman Julie Burger

Voted in Opposition:

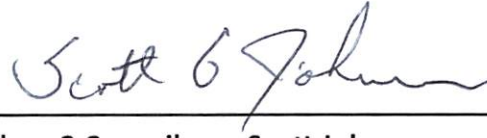
Abstained:

Result: Meeting adjourned at 1:07am.

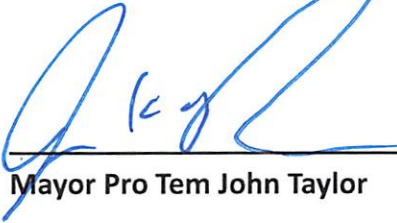
MINUTES APPROVED ON THIS, THE 24TH DAY OF JANUARY 2022:



Mayor Nolan Schoonmaker



Place 2 Councilman Scott Johnson



Mayor Pro Tem John Taylor



Place 3 Councilman Steve Misner

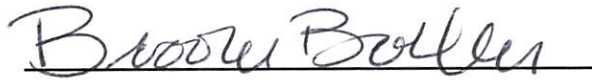


Place 1 Councilwoman Julie Burger



Place 4 Councilman Steven King

ATTEST:



Brooke Boller,
Interim Deputy City Secretary