

CITY COUNCIL November 1, 2021

WORK SESSION: 7:00 PM

- **1**. Call to Order and roll call.
- **2**. Discussion of all items on the agenda.
- **3**. Work Session discussion items:
 - **A**. Discuss with staff the status of the City's ordinances and resolutions prior to adopting the final codification.
 - **B.** Discuss with staff the streets improvement project.
 - **C.** Presentation and discussion with Government Capital regarding public sector financing.
- 4. Adjournment.

<u>REGULAR SESSION</u>: 7:00 PM or immediately following the Work Session.

- 5. Call to Order and roll call.
- **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. **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. Accept the City Council Meeting Minutes for August 19, October 1, October 4, and October 18, 2021.
- **9. NEW BUSINESS:** All matters listed as New Business will be discussed and considered separately.
 - A. Discuss, consider, and act on a resolution of the City of New Fairview, Texas, authorizing the City Administrator to sign an Professional Services Reimbursement agreement with Beaten Path Development, LLC for the consideration of the Settlers Glen residential development currently located in the City's ETJ.
 - B. Discuss, consider, and act on a resolution of the City of New Fairview, Texas, City Council, approving a Specific Use Permit (SUP) authorizing the placement of a single manufactured housing unit to be placed on a one acre tract in the Benjamin Ford Survey, Abstract No. 317, Wise County, Texas and being a part of the 35.5 acres as described in the deed to Tony M. Dickey and Wife, Dorris E. Dickey as recorded in Volume 686, Page 874, Real Records, Wise County, Texas.
- 10. ADJOURN: I, the undersigned authority, do hereby certify the above notice of the meeting of the City Council of New Fairview, is a true and correct copy of the said notice that I posted on the official posting place at New Fairview City Hall, FM 407, New Fairview, Texas, a place of convenience and readily accessible to the general public at all times, and said notice posted this 29th day of October, 2021 at 7:00 PM at least 72 hours proceeding the meeting time.

Brooke Boller, Interim Deputy City Secretary

SEAL:

This facility is wheelchair accessible; parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the Interim Deputy City Secretary at city hall 817-638-5366 or fax 817-638-5369 or by email at citysecretary@newfairview.org for further information.



Agenda Item:

(Work Session Item)

Agenda Description:

Discuss with staff the status of the City's ordinances and resolutions prior to adopting the final codification.

Background Information:

Staff and Council have been discussing the situation regarding the City's ordinances and resolutions. The Council and staff will discuss the ordinances and resolutions that have one of the following issues:

- Duplicate numbers on different ordinances
- Enrolled ordinances where no Council action was not taken
- Ordinances that were not enrolled but Council action was taken
- Missing ordinances that were referenced in the comprehensive index
- Ordinances that were not included in the comprehensive index

Financial Information:

Ben Nibarger, City Administrator

City Contact and Recommendation:

Ben Nibarger, City Administrator

Attachments:



Agenda Item:

(Work Session Item)

Agenda Description: Discuss with staff the streets improvement project.

Background Information: Update on the streets improvement project.

Financial Information: Ben Nibarger, City Administrator

City Contact and Recommendation: Ben Nibarger, City Administrator

Attachments: N/A



Agenda Item:

(Work Session Item)

Agenda Description:

Presentation and discussion with Government Capital regarding public sector financing.

Background Information:

Government Capital provides financing options for local governments. With the unexpected expenditures related to the City Secretary and other legal fees, the City may need to consider financing the capital equipment approved in the FY 2021/22 budget.

Financial Information:

Ben Nibarger, City Administrator

City Contact and Recommendation:

Ben Nibarger, City Administrator

Attachments:



Agenda Item:

(Consent Item)

Agenda Description:

Accept the City Council Meeting Minutes for August 19, October 1, October 4, and October 18, 2021.

Background Information:

Please review the minutes and be prepared to amend or add any clarification that the Council may deem necessary for the minutes.

Financial Information:

Ben Nibarger, City Administrator

City Contact and Recommendation:

Ben Nibarger, City Administrator Review, make recommendations for comments/changes, and accept the meeting minutes

Attachments:

August 19, 2021, City Council Meeting minutes October 1, 2021, City Council Meeting minutes October 4, 2021, City Council Meeting minutes October 18, 2021, City Council Meeting minutes



CITY COUNCIL MINUTES August 19, 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 19TH DAY OF AUGUST 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 Councilman John Taylor Councilwoman Cindy Poe Councilwoman Julie Burger Councilman Steve Misner

> > STAFF

Ben Nibarger, City Administrator Brooke Boller, Interim Deputy City Secretary / City Clerk Larry Collister, City Attorney

ABSENT

Councilman Mickey Malone

REGULAR SESSION: 7:00 PM

- 1. Call to Order and roll call. (Regular Session called to order by Mayor Nolan Schoonmaker at 7:00 pm; Roll Call with the above-mentioned names present.)
- 2. EXECUTIVE SESSION: The Council will conduct an executive, or closed, session pursuant to Section 551.074 (Personnel Matters) and Section 551.071 (Consultations with Attorney) of the Texas Government Code to (i) deliberate the appointment, employment, evaluation, duties, discipline, or dismissal of the City Secretary; (ii) deliberate the appointment, employment, evaluation, duties, discipline, or dismissal of the City Administrator, and (iii) consult with the City Attorney about contemplated litigation related to (i) and (ii) above; and (iv) consult with the City Attorney about legal issues related to (i) and (ii) above.

(Adjourned to Executive Session at 7:02 pm; reconvened regular session at 9:41 pm.)

The City Administrator requested that the executive session regarding personnel matters related to the City Administrator be moved into an open session. The auditor presented his report of the 140 transactions provided for review by the City Attorney. The auditor provided a limited statement, related only to those specific items provided by the City attorney for review, stating that there were no irregularities found. Following the auditor's report, the Mayor asked if this was sufficient and Council members Julie Burger and Steve Misner stated that the review was too narrow in scope and needed to be expanded.

The Mayor asked the Council, if the review is expanded, when we get the answers back, will we be done with this. Councilwoman Julie Burger responded, do we have to be. Councilwoman Julie Burger presented bank statements to the auditor as evidence of wrongdoing. The City Attorney asked that all materials be delivered to him and he would compile and forward to the auditor. The City Administrator stated that he had requested a deep dive audit of the Mayor as well, and the Council agreed to expand the audit to include a review of 100% of the FY 2020-2021 transactions. The auditor requested that the Council members provide him with "all their concerns" so that when he completed his review and presented his report, there would not be additional items added at that time. The City Attorney agreed to collect "all concerns" from the Council members and forward to the auditor.

Councilman Steve Misner asked the City Attorney if they needed a motion to adjourn and was told that it was not necessary.

3. ADJOURN:

Motion:	N/A
Second:	N/A
Vote:	N/A
Result:	Meeting was adjourned at 10:34 pm.

MINUTES APPROVED ON THIS, THE 1ST DAY OF NOVEMBER 2021:

Mayor Nolan Schoonmaker

Place 3 Councilman Steve Misner

Mayor Pro Tem John Taylor

Place 4 Councilwoman Cindy Poe

Place 1 Councilwoman Julie Burger

ATTEST:

Brooke Boller, Interim Deputy City Secretary



CITY COUNCIL MINUTES October 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 OCTOBER 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 Councilwoman Cindy Poe

STAFF

Ben Nibarger, City Administrator Brooke Boller, Interim Deputy City Secretary / City Clerk Larry Collister, City Attorney

ABSENT

REGULAR SESSION: 7:00 PM

- 1. Call to Order and roll call. (Regular Session called to order by Mayor Nolan Schoonmaker at 7:10 pm; Roll Call with the above-mentioned names present.)
- **2.** 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.
- 3. EXECUTIVE SESSION: The Council will conduct an executive, or closed, session pursuant to Section 551.074 (Personnel Matters) and Section 551.071 (Consultations with Attorney) of the Texas Government Code to (i) deliberate the appointment, employment evaluation, duties, discipline, or removal of the City Secretary and (ii) discuss legal matters and potential legal issues related to the same.

Adjourned to Executive Session at 7:12 pm; reconvened in Regular Session at 8:23 pm.

4. **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. (There were no public comment forms completed.)

5. OPEN SESSION:

A. City Administrator's report related to action on a resolution removing the City Secretary based on one or more of the stated reasons allowed under Texas Local Government
Code, Section
22.077 (a).

Kathryn Usrey presented an independent review of the City Administrator's report, the due process granted to the City Secretary, and specific claims made against the City Secretary; the City Administrator filed the report with the City Secretary's office as part of the official record of this meeting.

B. City Secretary's statutory opportunity to be heard by the Council prior to any action on her removal as City Secretary for one or more of the stated reasons allowed under Texas Local Government Code, Section 22.007 (a). Notice of the bases for possible action on her removal under Texas Local Government Code, Section 22.077 (a) was provided to the City Secretary on September 16, 2021 and September
23, 2021.

Monica Rodriguez, through her legal representative, notified the City Attorney that she would not be in attendance in-person, virtually, nor provide a written response to the City Administrator's report; Monica Rodriguez was not present for the meeting.

Consider action on a resolution removing the City Secretary based on one or more of the stated reasons allowed under Texas Local Government Code, Section 22.077 (a).

Motion:	Mayor Pro Tem John Taylor
Second:	Councilwoman Cindy Poe
Vote:	Mayor Pro Tem John Taylor, Councilwoman Cindy Poe, and Councilman Scott Johnson voted in favor; Councilwoman Julie Burger and Councilman Steve Misner voted in opposition.
Result:	Resolution passed and Monica Rodriguez was removed from the office of City Secretary.

10. ADJOURN:

Motion:	Councilman Steve Misner
Second:	Councilwoman Cindy Poe
Vote:	All in favor; none opposed
Result:	Meeting adjourned at 8:42 pm

MINUTES APPROVED ON THIS, THE 1ST DAY OF NOVEMBER 2021:

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 Councilwoman Cindy Poe	
	ATTEST:	

Brooke Boller, Interim Deputy City Secretary -



CITY COUNCIL MINUTES October 4, 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 4TH DAY OF OCTOBER 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

STAFF

Ben Nibarger, City Administrator Brooke Boller, Interim Deputy City Secretary / City Clerk Larry Collister, City Attorney

ABSENT

Place 4 Councilwoman Cindy Poe

WORK SESSION: 7:00 PM

- 1. Call to Order and roll call. (Regular Session called to order by Mayor Nolan Schoonmaker at 7:00 pm; Roll Call with the above-mentioned names present.)
- 2. Discussion of all items on the agenda.
- **3**. Work Session discussion items:
 - A. Discuss with staff the City's financial policies and procurement process.

The Council and staff discussed the current procurement policy, the amounts allowed per the law and delegated authority to the City Administrator; the Council asked for a weekly report to be provided to the Council for all expenditures that are greater than \$10,000; the Council asked for two signatures to be added to the city checks (Mayor, Mayor Pro Tem, and staff to be signers on the account).

B. Discuss with staff the City Administrator's delegated supervisory duties.

The Council and staff discussed the current delegated supervisory duties and decided to make no changes.

C. Discuss with staff the City's franchise agreement with Frontier Waste Solutions to include monthly bulk trash pickup services.

The Council discussed the \$2.95 monthly price increase and felt that it was high but that it would likely help with code enforcement and generally the issues of trash throughout the community; staff stated that there was no rush on this decision and that we could bring it back up in the future.

D. Discuss with staff the executive summary of the deep dive audit.

The Council and staff discussed the summary of findings from the deep dive audit; the auditor's summary stated: "There were a few transactions that were not properly approved and some that were not supported by paid invoices. These errors were all with vendors that the City uses recurringly (for example, inspectors, contract police, contract maintenance workers). None of these exceptions were deemed to be of a fraudulent nature. All checks were properly signed."

"In reviewing the general ledger postings multiple miss posting were identified, i.e., checks posted to the incorrect the expense accounts. Theses items will be corrected during the upcoming financial audit. I believe that all of the miss posting are unintentional errors which are mostly related to the unfamiliarity of the new accounting software and the new chart of accounts. As the City moves forward these types of errors should be reduced." E. Discuss with staff the streets improvement project.

The Council and staff discussed an unanticipated issue related to the nine 60" CMP culverts that convey storm water under Hilltop Trail; the culverts were corroded and initial estimates for replacement/repair were \$350,000; staff was working with the construction team and our consulting engineers to determine the best path forward and value engineered costs to be presented to the Council at a future meeting.

4. Adjournment.

Motion:	Councilman Steve Misner
Second:	Councilman Scott Johnson
Vote:	All in favor; none opposed
Result:	Work Session adjourned at 9:43 pm

<u>REGULAR SESSION</u>: 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 9:50 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. **EXECUTIVE SESSION:** The City Council will conduct a closed session pursuant to Section 551.087 (Deliberation Regarding Economic Development Negotiations) of the Texas Government Code to (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: (a) Settler's Glen; (b) Paloma Ranch; LLC. and (c) Satellite City Holdings,

Adjourned to Executive Session at 10:00 pm; reconvened in Regular Session at 11:07 pm.

8. **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.

- Steven King The max tax rate set by the Council allowed for a tax increase; the budget slides showed the cost of new services; Councilman Mickey Malone made a motion for the de minimis rate; taxes could have been increased even though the budget presented to the Council by staff was \$0.30 per \$100 of valuation.
- Rudy Sanchez Stated that he was Monica Rodriguez's fiance and that he did not believe that the Council and staff should discuss these items without her being present; asked the City Administrator direct questions and was asked by the Mayor to address the Council as a whole.
- **9. 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. Accept the minutes for the September 13 and 27, 2021, City Council meetings.

Motion:	Mayor Pro Tem John Taylor
Second:	Councilman Steve Misner
Vote:	All in favor; none opposed
Result:	Consent items accepted by Council.

10. ADJOURN:

Motion:	Councilman Scott Johnson
Second:	Councilman Steve Misner
Vote:	All in favor; none opposed
Result:	Meeting adjourned at 11:12 pm

MINUTES APPROVED ON THIS, THE 1ST DAY OF NOVEMBER 2021:

Mayor Nolan Schoonmaker

Place 2 Councilman Scott Johnson

Mayor Pro Tem John Taylor

Place 3 Councilman Steve Misner

Place 1 Councilwoman Julie Burger

ATTEST:

Brooke Boller, Interim Deputy City Secretary



CITY COUNCIL MINUTES October 18, 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 18TH DAY OF OCTOBER 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

STAFF

Ben Nibarger, City Administrator Brooke Boller, Interim Deputy City Secretary / City Clerk Larry Collister, City Attorney

ABSENT

Place 4 Councilwoman Cindy Poe

WORK SESSION: 7:00 PM

- 1. Call to Order and roll call. (Regular Session called to order by Mayor Nolan Schoonmaker at 7:00 pm; Roll Call with the above-mentioned names present.)
- 2. Discussion of all items on the agenda.
- **3**. Work Session discussion items:
 - A. Presentation and discussion with the auditor regarding the deep dive audit.

Item was tabled until the November 15, 2021, meeting due to the auditor being unable to attend the meeting.

B. Discuss with staff the Grand Jury Subpoena for City Financial records "pursuant to an official criminal investigation, of a suspected felony, being conducted by the District Attorney of Wise County."

Item B was combined with Item E. On October 7, 2021, the Texas Ranger stated: "I have completed my inquiry into the City of New Fairview and did not locate any discrepancies in the City's financial accounts. This matter is closed unless additional evidence is discovered."

C. Discussion of the Texas Municipal League Conference (TML) that was recently attended by several members of the Council and staff.

The Mayor, Councilman Scott Johnson, and City Administrator attended the TML conference and were able to attend a variety of sessions that covered transparency, financials, water issues, sales tax sourcing, collaboration and regional solutions, cyber security, etc. The Council members stated that they had many opportunities to meet others and network as well as walk through the exhibit hall and see many solutions; the Mayor and Councilman Scott Johnson stated that they hope more of the Council members would choose to attend and learn about their role moving forward.

D. Discuss with staff the status of the new website and obtain feedback from the council regarding the proposed branding guidelines.

The Council and staff reviewed the design guide and draft website. Staff has asked the Council to come back with any comments they may have regarding this as we continue to move forward on the development of the site.

E. Discuss the New Fairview City Council Procedures and Decorum Policy, the Texas
Open Meetings Act, and the Texas Public Information Act related to recent Council
member actions and behavior.

Resident Carissa Rouse and the Mayor worked on a presentation to facilitate

conversation with the Council regarding the recent behavior of the Council, the Texas Open Meetings Act, and the Texas Public Information Act. The comments and behavior exhibited by several Council members on social media were discussed.

The facilitator discussed crisis management, brand protection, and the desired outcomes from the discussion. Three questions were presented to the Council, 1) what are you known for vs what you want to be known for; 2) how long are you invested in the improvement process; and 3) which do you want more...to be right or to serve your city?

The current cost of the audit, criminal investigation, and removal of the City Secretary was shared with the Council, totaling \$57,100 in relation to the widely discussed \$1,200 of damage to the City's garage door by the City Administrator. The audit results were discussed as well as the closing of the criminal investigation conducted by the Texas Rangers for the Wise County District Attorney, with no discrepancies in the City's financials accounts being identified, nor any fraudulent financial transactions.

Adjourned to Executive Session at 7:50 pm; reconvened to Work Session at 8:10 pm.

The Mayor led discussion regarding the Council's need to be responsible for its own development as a body and as individuals, how the Council needed to maintain responsibility, accountability, and discipline. The Council needed to promote an atmosphere conducive to fair exchange of ideas and maintain good communication amongst the residents and Council. That the information being shared needs to be accurate/factual and that the Council needed to steer clear of communication that does not improve the quality and image of public service, helping to build public trust.

The City Administrator asked if each of the Council Members were willing to commit to being kind, courteous, and professional in their communication with the residents, staff, and other members of the Council. Each of the Council members and staff committed to these behaviors.

4. Adjournment.

<u>REGULAR SESSION</u>: 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 9:35 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. EXECUTIVE SESSION: The Council will conduct an executive, or closed, session pursuant to 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.

Adjourned to Executive Session at 7:50 pm; reconvened to Work Session at 8:10 pm.

- 8. 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.
 - Jimmy Smith Moved here in July and knew what he was getting into but loves the community but water and streets are an issue, EMS can't respond fast enough and services are not free; the social media attacks, personal opinions and agendas, show that we have a lot of growing up to do; Council can't seem to get out of their own way; not being prepared prior to meeting is unacceptable; educate yourself so that you can educate your city; fix the audio issues and that's going to cost money; speak up and control the room; improve the behavior online and in the meetings as it is currently unfit for leadership; how many more witch hunts.
 - Steven King Knew what he was getting into when he moved to New Fairview; city taxes changed the situation; Councilman Steve Misner ran on no taxes, fire the City Administrator, City Secretary and use the money to fix roads; push the past aside and move on; save money, don't spend and wait for tax base; try to live within our means and take out no new debt.
 - Arne Wissman Absent when called upon.

- **9. 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. Accept the Deep Dive Audit Report. (Tabled until November 15, 2021)
- **10. NEW BUSINESS:** All matters listed as New Business will be discussed and considered separately.
 - **A.** Discuss, consider, and act on a resolution authorizing the City Administrator to execute an agreement with the City's auditor regarding the Fiscal Year 2020-2021.

Motion:	Councilman Steve Misner
Second:	Mayor Pro Tem John Taylor
Vote:	All in favor; none opposed
Result:	Resolution was approved authorizing the City Administrator to execute the engagement letters.

B. Discuss, consider, and act on a resolution authorizing the City Administrator to approve an expenditure not to exceed \$100,000 from the contingency fund for the reconstruction of drainage infrastructure not previously anticipated in the streets improvement program.

Motion:	Councilman Scott Johnson

Second: Mayor Pro Tem John Taylor

- Vote: Councilman Scott Johnson, Mayor Pro Tem John Taylor, and Mayor Nolan Schoonmaker voted in favor; Councilwoman Julie Burger and Councilman Steve Misner voted in opposition.
- Result: Resolution was amended and approved, authorizing the City Administrator to approve expenditures not to exceed \$190,000 to install box culverts.

11. ADJOURN:

Motion:	Councilman Steve Misner
Second:	Councilman Scott Johnson
Vote:	All in favor; none opposed

Result: Meeting adjourned at 10:43 pm

MINUTES APPROVED ON THIS, THE 1ST DAY OF NOVEMBER 2021:

Mayor Nolan Schoonmaker

Place 2 Councilman Scott Johnson

Mayor Pro Tem John Taylor

Place 3 Councilman Steve Misner

Place 1 Councilwoman Julie Burger

ATTEST:

Brooke Boller, Interim Deputy City Secretary



Agenda Item:

Resolution

(Action Item)

Agenda Description:

Discuss, consider, and act on a resolution of the City of New Fairview, Texas, authorizing the City Administrator to sign an Professional Services Reimbursement agreement with Beaten Path Development, LLC for the consideration of the Settlers Glen residential development currently located in the City's ETJ.

Background Information:

Staff has received proposed development standards and draft development agreement which are being reviewed by our consultants and City Attorney. The proposed neighborhood development would include an HOA for the maintenance of entryway features and common areas. It includes one-half acre lots (21,780 square feet) and a minimum of 2,000 square feet dwelling units. Staff has been told that the homes would be in the \$500,000+ price range.



This agreement requires an escrow of developer funds to cover the costs associated with the review of the submission by the City's consultants (planner, engineer, legal, etc.).

Financial Information:

Could potentially double the current total City tax base at build out.

City Contact and Recommendation:

Ben Nibarger, City Administrator Approve resolution

Attachments:

Resolution Draft Development Standards Draft Concept Plan Professional Services Reimbursement Agreement (delivered under separate cover)



City of New Fairview, Texas Resolution No. _____

A RESOLUTION OF THE CITY OF NEW FAIRVIEW, TX AUTHORIZING THE CITY ADMINISTRATOR TO SIGN A PROFESSIONAL SERVICES REIMBURSEMENT AGREEMENT WITH BEATEN PATH DEVELOPMENT, LLC; PROVIDED THAT BEATEN PATH DEVELOPMENT, LLC, PROVIDES A DEPOSIT WITH THE CITY OF NEW FAIRVIEW FOR \$25,000 TO COVER PROFESSIONAL SERVICES FEES RELATED TO THE SETTLERS GLENN RESIDENTIAL DEVELOPMENT.

WHEREAS, the City of Fairview is an incorporated city in the State of Texas; and

WHEREAS, the City of New Fairview is a General Law city as classified by the Texas Municipal Code; and

WHEREAS, the City of New Fairview is entering into negotiations for the annexation of the Settlers Glenn residential development; and

WHEREAS, Beaten Path Development, LLC, agrees to provide a deposit of \$25,000 to pay for the professional services related to the planning, engineering, legal, and other professional services for the review of the development; and

WHEREAS, the City Council finds that the passage of this Resolution is in the best interest of the citizens of New Fairview.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY NEW FAIRVIEW:

- 1. That, all matters stated in the recitals herein above are found to be true and correct and are incorporated herein by reference as if copied in their entirety.
- 2. That the agreement with Beaten Path Development, LLC, is approved and authorizes the City Administrator to sign the agreement provided that Beaten Path Development, LLC, delivers \$25,000 to the City as a deposit against the professional service fees.

- 3. That, if any portion of this resolution shall, for any reason, be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions hereof and the Council hereby determined that it would have adopted this Resolution without the invalid provision.
- 4. That this Resolution shall become effective from and after its date of passage.

PRESENTED AND PASSED on this 1st day of November, at a meeting of the New Fairview City Council.

APPROVED:

ATTESTED:

Nolan Schoonmaker Mayor Brooke Boller Interim Deputy City Secretary

<u>Settlers Glen Development Standards – New Fairview, TX</u>

The Settlers Glen development has options for developing as a rural subdivision with limited city services or a more conventional suburban development with city services. The City of Fairview was originally called "Illinois Settlement" for settlers from communities in Illinois. All subdivision streets will be named for Illinois cities. Settlers Glen will take advantage of open spaces adjacent to existing gas wells for providing a minimum of 24 acres in community landscaped open spaces with connecting trails.

The 157 acre property will be annexed into the community of New Fairview. A permanent Homeowner's Association shall be established and the HOA management company will contract for the maintenance of entryway features and common areas.





Development Standards

The Stagecoach Crossing development shall adhere to the below listed conditions for Single Family Residential detached housing units.

STANDARD	One Family District
Minimum Lot Area	21,780 square feet
Minimum Dwelling unit size	2,000 square feet
Minimum Lot Width	90 feet
Minimum front yard	30 feet
Minimum side yard	10 feet
Minimum rear yard	20 feet
Height	35 feet
Parking requirements	2 off street parking
Streets	Concrete streets with bar ditches, no curb and gutter
Sidewalks	No sidewalks
Sanitary Sewer	Private Onsite System

Settlers Glen concept plan



Settlers Glen development standards:

1. All entryway features and common open space areas shall be owned and maintained by the home owner's association. The HOA shall be supported by mandatory fees charged to each homeowner, prorata, based on the projected maintenance and management costs. After initial installation and maintenance provided by the developer, such maintenance responsibilities shall be turned over to the homeowners, who shall be permanently responsible to maintain said common features and areas, using a professional management company.

2. Development entry signs shall be installed at major entrances.

3. No gardening or dumping grass or debris is allowed in the open space areas adjacent to private lots.

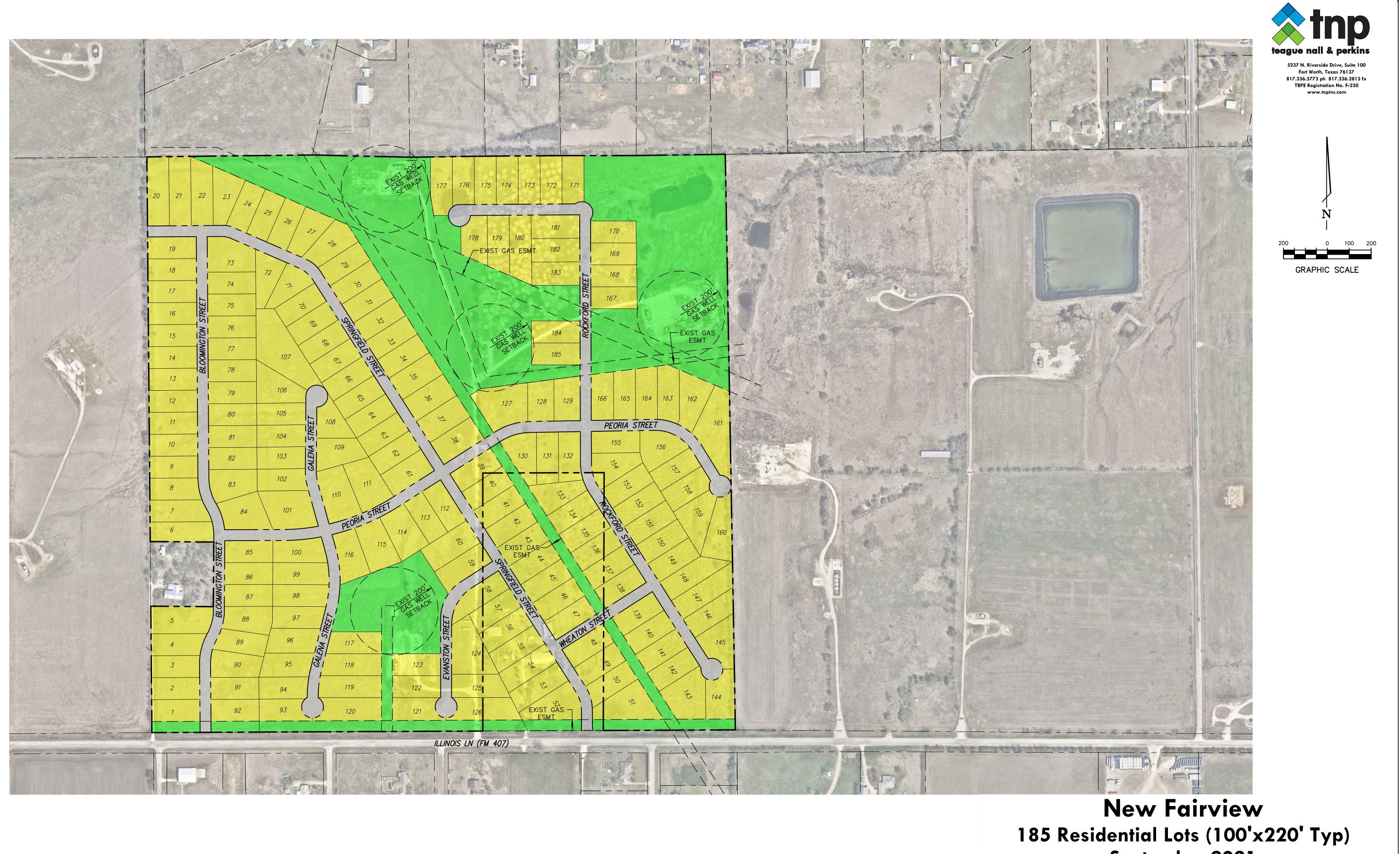
4. All private lots are required to have a minimum of 2 - 3'' caliper front yard trees and 1ornamental tree which may be located anywhere on the lot.

	APPROVED TREE LIST
FRONT YARD TREES	ORNAMENTAL TREE LIST
(2) 3" caliper required in front yard	(1) ornamental tree allowed in front or back yards
Allee Lacebark Elm	Chinese Pistache
Bald Cypress	Shoal Creek Vitax
Caddo Maple	Wax Myrtle
Chinkapin Oak	Desert Willow
Cedar Elm	Possumhaw Holly
Southern Live Oak	Little Gem Magnolia
Shumard Red Oak	Oklahoma Redbud

5. Settlers Glen will include a minimum of 24 acres of landscaped open spaces with connecting trails.

Building design standards. Building design and appearance shall comply with the standards described below.

- 6. The exterior wall materials shall consist of the following masonry materials.
- a. Each building façade (excluding doors and windows) shall be finished in one or more of the following materials:
 - 1 Masonry (brick, stone; man-made stone) Masonry materials shall be installed in a craftsman like manner that are a minimum of one inch thick and imbedded in a cementitious reinforced substrate.
 - 2 Stucco and Cementitious siding in a smooth paintable finish and of traditional dimensions.
 - 3 Decorative accents made of wood, fiberglass, metal, ceramic-faced block or reinforced Exterior Insulating Finish System (EFIS) may not exceed 20% of the front façade, excluding windows and doors.
- 7. Each Residence must have a minimum for two-car garage accessed by the driveway. All garage doors must be decorative Raised Panel or Carriage Style, Aluminum construction.
- Roofs shall have a minimum primary roof pitch of 6:12. Porch roofs and shed roofs shall have a minimum 3:12 pitch. Roof materials shall be constructed of at least 30-year shingles. Three-tab shingles are prohibited.
- 9. Each building shall include at least three of the following architectural elements, to be determined in the discretion of Owner or Builder.
 - a. At least two distinct masonry materials. (stone, brick, painted brick, stucco and cementitious siding)
 - b. Divided light or border light windows on street facing elevations, including front elevations and side elevations on corner lots.
 - c. Enhanced brick details, such as herringbone, rowlocks, and comparable details
 - d. Metal seam roof accents.
 - e. Cedar shutter accents.
 - f. Stone accents.
 - g. Decorative coach lighting.
 - h. Front Porches.
 - i. Cedar Columns.
 - j. Dormers.
 - k. Balconies.
 - I. 8' entry doors.



September 2021



Agenda Item:

Resolution

(Action Item)

Agenda Description:

Discuss, consider, and act on a resolution of the City of New Fairview, Texas, City Council, approving a Specific Use Permit (SUP) authorizing the placement of a single manufactured housing unit to be placed on a one acre tract in the Benjamin Ford Survey, Abstract No. 317, Wise County, Texas and being a part of the 35.5 acres as described in the deed to Tony M. Dickey and Wife, Dorris E. Dickey as recorded in Volume 686, Page 874, Real Records, Wise County, Texas.

Background Information:

The Dickey family placed a manufactured home on their 35.5 acre property prior to understanding the zoning requirements. They have been working with staff to prepare the application and supporting documents for consideration by the Commission and City Council.



This requires notification of any property owner within 200 feet of the proposed location, which includes the applicant and can be seen in the image above. The conditions of this permit include the following:

- Allows for the placement of one manufactured home that will house family members of the property owners.
- The tract of land may not be subdivided while the manufactured home is located on the tract.
- The applicant will install evergreen vegetive screening with seventy-five percent (75%) opacity at maturity in five (5) years screening the manufactured home from all public streets and neighboring residential properties.

Financial Information:

N/A

City Contact and Recommendation:

Ben Nibarger, City Administrator Approve the SUP

Attachments:

Resolution Dickey Property Survey



City of New Fairview, Texas Resolution No. _____

A RESOLUTION OF THE CITY OF NEW FAIRVIEW, TX AUTHORIZING STAFF TO ISSUE A SPECIFIC USE PERMIT ALLOWING THE PLACEMENT OF A SINGLE MANUFACTURED HOUSING UNIT ON THE 35.5 ACRE AS DESCRIBED IN THE DEED TO TONY M. DICKEY AND WIFE, DORRIS E. DICKEY, AS RECORDED IN VOLUME 686, PAGE 874, REAL RECORDS, WISE COUNTY, TEXAS; PROVIDED THEY COMPLY WITH THE REQUIREMENTS OF THIS RESOLUTION.

WHEREAS, the City of Fairview is an incorporated city in the State of Texas; and

WHEREAS, the City of New Fairview is a General Law city as classified by the Texas Municipal Code; and

WHEREAS, a long-term resident in New Fairview desires to place a manufactured home on their 35.5 acre property; and

WHEREAS, the resident agrees that the manufactured home is for the use of their family; and

WHEREAS, the resident agrees that the 35.5 acre property shall not be subdivided while the manufactured home is located thereon; and

WHEREAS, the resident agrees to install evergreen vegetive screening with seventy-five percent (75%) opacity at maturity in five (5) years, that provides screening of the manufactured home from all public streets and neighboring residential properties.; and

WHEREAS, the City of New Fairview wishes to make reasonable accommodations to the residents of New Fairview; and

WHEREAS, the City Council finds that the passage of this Resolution is in the best interest of the citizens of New Fairview.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY NEW FAIRVIEW:

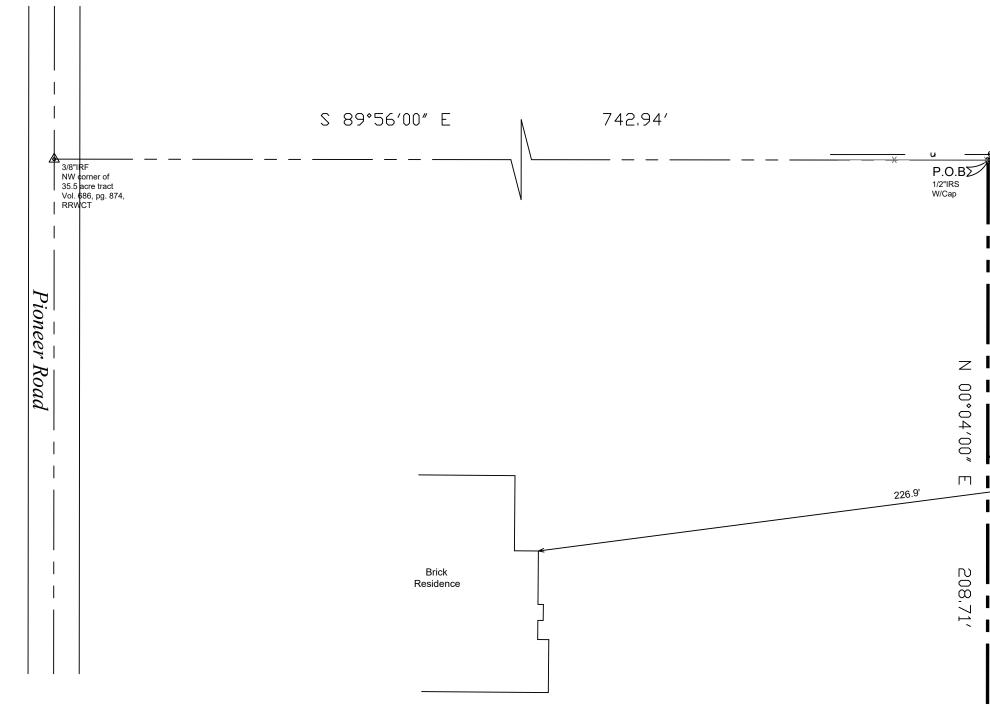
- 1. That, all matters stated in the recitals herein above are found to be true and correct and are incorporated herein by reference as if copied in their entirety.
- 2. That the City Council of New Fairview approves this resolution and directs staff to issue the Specific Use Permit, allowing the installation of a single manufactured housing unit on the said property, provided they meet all required outlined in this resolution.
- 3. That, if any portion of this resolution shall, for any reason, be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions hereof and the Council hereby determined that it would have adopted this Resolution without the invalid provision.
- 4. That this Resolution shall become effective from and after its date of passage.

PRESENTED AND PASSED on this 1st day of November, at a meeting of the New Fairview City Council.

APPROVED:

ATTESTED:

Nolan Schoonmaker Mayor Brooke Boller Interim Deputy City Secretary



PROPERTY DESCRIPTION

BEING a 1.00 acre tract in the Benjamin Ford Survey, Abstract No. 317, Wise County, Texas and being a part of the 35.5 acres as described in deed to Tony M. Dickey and wife, Dorris E. Dickey as recorded in Volume 686, Page 874, Real Records, Wise County, Texas;

BEGINNING at a capped 1/2 inch iron rod set in the north line of said 35.5 acre tract and in the westerly south line of a tract of land as conveyed to Frank Snyder Family Trust in Volume 1098, Page 894, Official Public Records, Wise County, Texas and being South 89°56'00" East 742.94 feet from a 3/8 inch iron rod found at the northwest corner of said 35.5 acre tract; THENCE South 89°56'00" East, with said line, a distance of 208.71 feet to a capped 1/2 inch iron

rod set for corner; THENCE South 00°04'00" West, leaving said line, a distance of 208.71 feet to a capped 1/2 inch

iron rod set for corner; THENCE North 89°56'00" West a distance of 208.71 feet to a capped 1/2 inch iron rod set for corner;

THENCE North 00°04'00" East a distance of 208.71 feet to the POINT OF BEGINNING and containing 1.00 acres of land, more or less.

Notes: The easements recorded in Vol. 190, Pg. 268, DRWCT; Vol. 561, Pg. 39, RRWCT are blanket easements and/or grants ingress & egress rights and may affect this tract. The bearings are based on the north line of the 35.5 acre tract as described in Vol. 686, Pg. 874, RRWCT being South 89 deg. 56 min. 00 sec. East and is shown as reference bearing hereon.

Frank Snyder Family Trust Vol. 1098, Pg. 894, OPRWCT S 89°56′00″ E 168,79′ S 89°56′00″ E 208.71′ (reference bearing) 4" steel fence post found 1/2"IRS W/Cap 30.3' Ιz 00°04′00″ 84.5′ 30.3' Proposed Septic Area 208,71′ 1.00 Acre Tract BENJAMIN FORD SURVEY W/Cap A - 317 1/2"IRS W/Cap N 89°56′00″ W 208.71′ Remainder Dickey Vol. 686, Pg. 874, RRWCT SURVEY SHOWING A 1.00 ACRE TRACT IN THE **BENJAMIN FORD SURVEY** ABSTRACT NO. 317 WISE COUNTY, TEXAS I, the undersigned, hereby certify that the survey map hereon, and the accompanying description, depicts and describes the result of a careful and accurate survey, made on the ground, and to the best of my knowledge and belief, is a true and correct depiction and description of the property surveyed, and that there are no apparent encroachments or protrusions across boundary lines, shortages in area of boundary, except as shown hereon. The only easements the undersigned has knowledge, are those as shown, however this property is subject to any and all easements, reservations, and restrictions that may be of record, Any reference to the 100 year floodplain or flood hazardzone, is an 5141 Ν estimate based on the data stated hereon, and should not be interpreted as a study or determination of the flooding propensities of the property. Note: This survey was performed in connection with the transaction described in: Survey performed for Tony Dickey without the benefit of a title commitment. Arrow-Surveying Troy Allen Roop -0-0 FIRM REGISTRATION NO. 10010800 Registered Professional P.O. Box 902, Decatur, Texas 76234 Land Surveyor No. 5141 Ph. (940) 626-8034 e-mail: arrowsurvey@aol.com • Iron Rod Set -x-x- Wood or Wire Fence \circ GM Gas Meter Date: 9-27-21 Scale: 1" = 30' O Iron Rod Found -u - u Overhead Utilities Δ EM Electric Meter \underline{A} Control Monument \underline{A} Air Conditioner $\not{}$ PP Power Pole Drawn by: TR Job No. 2108001-HDH All iron rods are 1/2" rebar unless otherwise noted.