



**MINUTES
CITY COUNCIL MEETING
November 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 15th DAY OF NOVEMBER 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

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 7:00 pm; Roll Call with the above-mentioned names present.)**
2. Discussion of all items on the agenda.
3. Executive Session: **(Council did not go into Executive Session during the Work Session.)**
 - A. 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.
 - B. Section 551.074 - Personnel Matters; (a) This chapter does not require a governmental body to conduct an open meeting: (1) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or (2) to hear a complaint or charge against an officer or employee; (b) Subsection (a) does not apply if the officer or employee who is the subject of the deliberation or hearing requests a public hearing: City Administrator
 - C. 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) potential litigation related to the removal of Monica Rodriguez and legal issues related thereto.
4. Work Session discussion items:
 - A. Presentation and discussion with the auditor and staff regarding the final report of the deep dive audit. **(Auditor presented the final report to the Council; the auditor did not find any significant issues during the review of all the City’s financial transactions; the auditor stated that the City of New Fairview is of his top clients related to record keeping and transparency as well as his top client related to utilization of technology.)**
 - B. 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. **(Item was tabled.)**
 - C. Discuss with staff the current code enforcement ordinances, policies and procedures, and review a Request for Proposals (RFP) for Abatement Services,

that the City will be publishing. **(Council said to notify the offenders about the animals.)**

5. Adjournment (7:45 PM)

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

6. Call to Order and roll call. (Regular Session called to order by Mayor Nolan Schoonmaker at 7:51 pm; Roll Call with the above-mentioned names present.

7. 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.

G. 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 Royston - don't spend over the budget; can't afford tax increase next year.

Steven King - long agenda, why so long; worksession on 2nd item with action items; why change the numbers; review East Wise Fire Rescue contract; research and delay spending; he will be calm and help bridge the difference of opinions as a Council member; he will bring respect from the community.

Marrisa Randolph - ask questions, be respectful, you hold public office and should be good stewards; be mindful of tone and content; social media promoting false narratives has inflamed the situation; please be good neighbors first and foremost.

Chris Thacker - finances, audio visual equipment, executive search for City Secretary are very expensive; we have limited budget resources.

Joe Max Wilson - property taxes passed on 10/2019; book keeping is very simple; Council knew with new money there was a need for new software; Alan Guard purchased new software; CPA helped transition data to new software;

Quicken will not do IRS paperwork.

H. EXECUTIVE SESSION: (Adjourned to session at 8:13 pm)

- A. 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. **(Item tabled until next meeting; asked Councilwoman Julie Burger and Councilman Steve Misner for written public apology for actions and behavior.)**
 - B. Section 551.074 - Personnel Matters; (a) This chapter does not require a governmental body to conduct an open meeting: (1) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or (2) to hear a complaint or charge against an officer or employee; (b) Subsection (a) does not apply if the officer or employee who is the subject of the deliberation or hearing requests a public hearing: City Administrator **(No action taken.)**
 - C. 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) potential litigation related to the removal of Monica Rodriguez and legal issues related thereto. **(No action taken.)**
- I. **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, amending the FY 2021-2022 budget to improve the audio and visual equipment for virtual meetings in the Council Chambers with a not to exceed cost of \$45,000.

Motion:

Second:

Voted in Favor:

Voted in Opposition:

Abstained:

Result: **Item was tabled; asked for quotes on the materials.**

- B. 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.

Motion:

Second:

Voted in Favor:

Voted in Opposition:

Abstained:

Result: **Item was tabled.**

- C. Discuss, consider, and act on a resolution of the City of New Fairview, Texas, authorizing the City Administrator to sign an Agreement with Strategic Government Resources (SGR) to conduct an executive search for a City Secretary and provide interim City Secretary services.

Motion:

Second:

Voted in Favor:

Voted in Opposition:

Abstained:

Result: **No action taken. Directed staff to post to free websites and seek candidates; agreed to spend no more than \$2,000 on the advertising for the position.**

- D. Discuss, consider, and act on a resolution approving the results and canvass the votes for the November 2, 2021 Election.

Motion: Councilman Scott Johnson
Second: Councilman Steve Misner
Voted in Favor: All in favor
Voted in Opposition: None
Abstained: None
Result: Resolution was approved.

- E. Discuss, consider, and act on the executive session items.

Motion:
Second:
Voted in Favor:
Voted in Opposition:
Abstained:
Result: No action taken.

- F. 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.

Motion:
Second:
Voted in Favor:
Voted in Opposition:
Abstained:
Result: Directed staff to bring back in the next meeting.

- G. 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.

Motion:

Second:

Voted in Favor:

Voted in Opposition:

Abstained:

Result: **Directed staff to bring back in the next meeting.**

- H. Discuss, consider, and act to appoint a New Fairview resident for the Place 4 vacancy on the New Fairview City Council.

Motion: **Councilman Steve Misner**

Second: **Councilwoman Julie Burger**

Voted in Favor: **All in favor**

Voted in Opposition: **None**

Abstained: **None**

Result: **Steven King was appointed to fill the vacant Place 4 Council Seat.**

- I. Discuss, consider, and act to remove Don Duval and Alisa Scheps from the Planning and Zoning Commission and appoint qualified residents to serve as an alternate or Commissioner on the New Fairview Planning and Zoning Commission.

Motion:

Second:

Voted in Favor:

Voted in Opposition:

Abstained:

Result: **Item was tabled.**

10. ADJOURN:

Motion: **Mayor Pro Tem John Taylor**

Second: **Councilman Steve Misner**

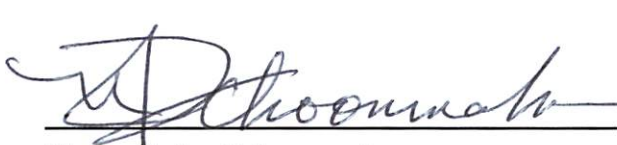
Voted in Favor: **All in favor**

Voted in Opposition: **None**

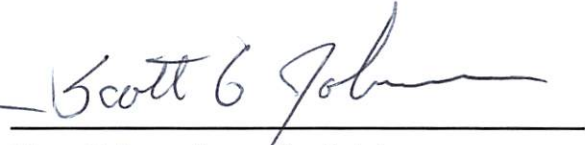
Abstained: **None**

Result: **Meeting adjourned at 1:01 am.**

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




Mayor Nolan Schoonmaker



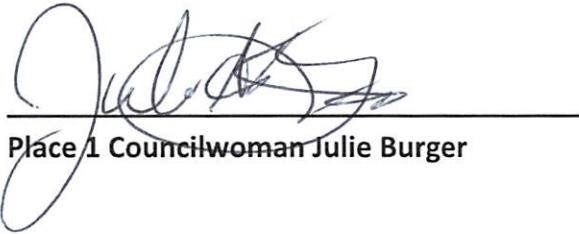
Place 2 Councilman Scott Johnson



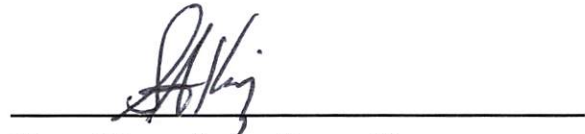
Mayor Pro Tem John Taylor



Place 3 Councilman Steve Misner



Place 1 Councilwoman Julie Burger



Place 4 Councilman Steven King

ATTEST:



Brooke Boller,
Interim Deputy City Secretary