



**CITY COUNCIL**  
**February 7, 2022**

**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. Staff presentation on the City's finances.
  - B. Staff presentation on infrastructure and streets.
  - C. Staff presentation on new home construction.
  - D. Staff presentation on code enforcement activities.
  - E. Staff presentation on the City Secretary recruitment.
  - F. Staff presentation regarding a common area and drainage easement maintenance agreement with Falcon Ridge.
  - G. Staff presentation and discussion regarding the commercial safety inspection program.
4. Adjournment.

**REGULAR SESSION: 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. **NEW BUSINESS:** All matters listed as New Business will be discussed and considered separately.
  - A. Discuss, consider, and act on an ordinance of the City Council of the City of New Fairview, Texas, amending the City's fee schedule.
  - B. Discuss, consider, and act on a resolution of the City Council of the City of New Fairview, Texas, authorizing the City Administrator to negotiate and execute an agreement with the Falcon Ridge developer and HOA to provide maintenance of the common areas and drainage easements.
  - C. Discuss, consider, and act to remove members of the Planning and Zoning Commission and appoint qualified residents to serve as an alternate or Commissioner on the New Fairview Planning and Zoning Commission.
9. **EXECUTIVE SESSION:** The Council may take action on any of the items listed in the Executive Session. The Commission will conduct a closed session pursuant to Texas Government Code, annotated, Chapter 551, Subchapter D for the following:
  - A. Section 551.087 - Deliberation Regarding Economic Development Negotiations with Constellation Lake.
  - B. Section 551.074 - Personnel Matters Deliberate the appointment and employment of a new City Attorney.
  - C. Section 551.074 - Personnel Matters Deliberate the dismissal of the City Administrator.
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 4th day of February, 2022 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](mailto:citysecretary@newfairview.org) for further information.



**City Council Agenda  
February 7, 2022**

**Agenda Item:**

**(Work Session Item)**

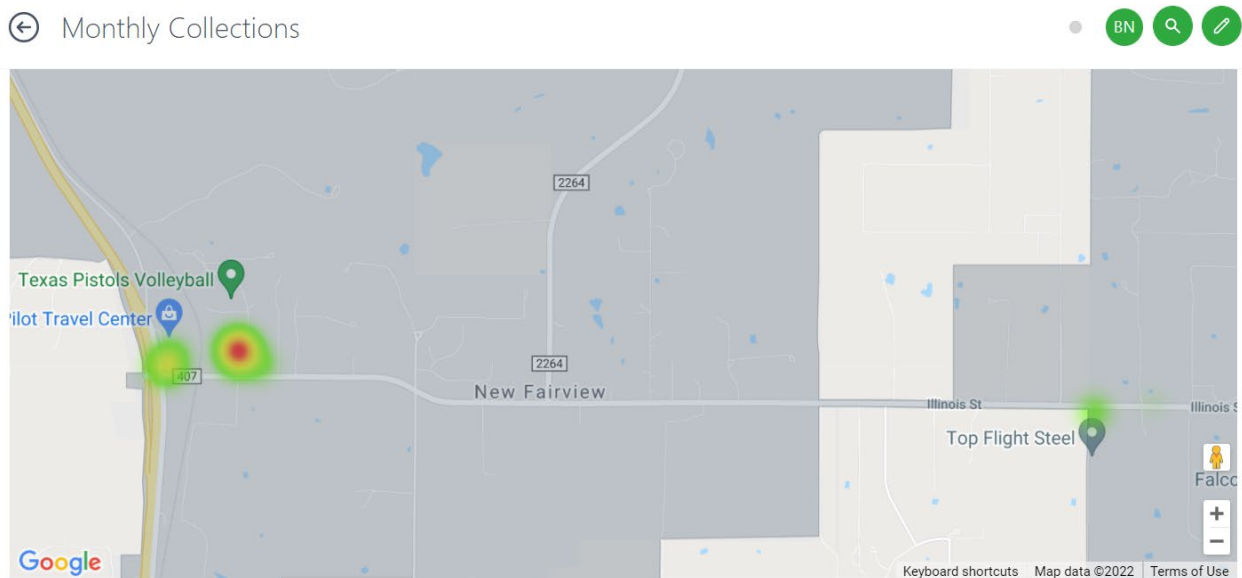
**Agenda Description:**

Staff presentation on the City's finances.

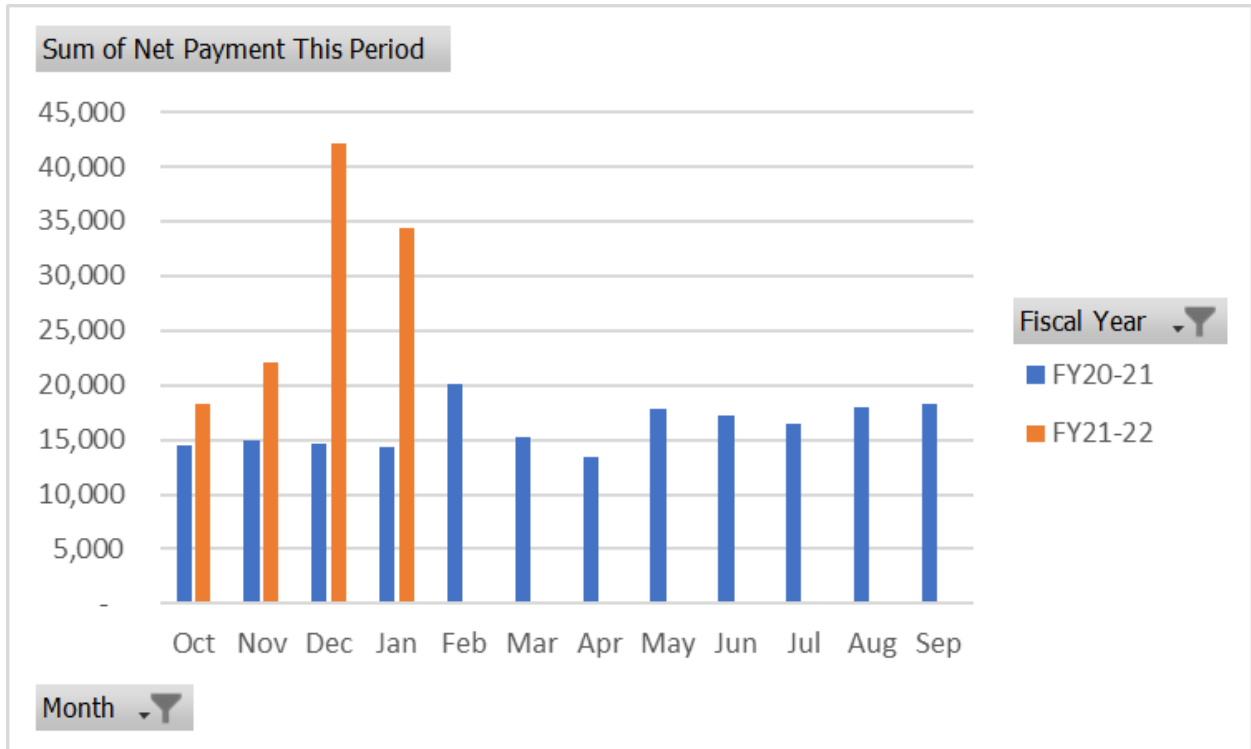
**Background Information:**

There has been discussion amongst the Council that the decision to enter into an economic development agreement with the concrete batch plant was not to the benefit of the City. While the timeline estimated by the developer has been delayed, due to infrastructure components necessary for the completion of their site, they have recently started to impact the City's sales tax collections, beginning in September 2021.

Staff is still discussing the validity of the economic development agreement following the rule changes with the comptroller's office regarding Point of Sale versus Point of Delivery sales tax collection. The heat map below shows the area of greatest intensity of sales tax generation.



The chart below compares the sales tax collection for the fiscal years 20-21 and 21-22. As can be seen, fiscal year 21-22 has seen a dramatic increase over the last three months of sales tax collections.



**Financial Information:**

N/A

**City Contact and Recommendation:**

Ben Nibarger, City Administrator

**Attachments:**

None



**City Council Agenda  
February 7, 2022**

**Agenda Item:**

**(Work Session Item)**

**Agenda Description:**

Staff presentation on infrastructure and streets.

**Background Information:**

Don Strange, our Infrastructure Inspector, will be presenting an update and overview on the status of on-going projects in New Fairview. Ryley Paroulek, our City Engineer, will be presenting an update on the streets improvement project. The City Administrator will be presenting an overview of the financial picture surrounding these projects.

**Financial Information:**

N/A

**City Contact and Recommendation:**

Ben Nibarger, City Administrator

**Attachments:**



**City Council Agenda  
February 7, 2022**

**Agenda Item:**

**(Work Session Item)**

**Agenda Description:**

Staff presentation on new home construction.

**Background Information:**

Jim Estep, our Building Official, will be discussing new home construction with the Council. The City Administrator will provide an update on the financial outlook regarding the new home construction.

**Financial Information:**

N/A

**City Contact and Recommendation:**

Ben Nibarger, City Administrator

**Attachments:**



**City Council Agenda  
February 7, 2022**

**Agenda Item:**

**(Work Session Item)**

**Agenda Description:**

Staff presentation on Code Enforcement activities.

**Background Information:**

Council members King and Burger requested that this item be placed on the agenda. Josh Barnwell, our Streets, Facilities, and Maintenance Supervisor, will be presenting an update to the Council.

**Financial Information:**

N/A

**City Contact and Recommendation:**

Josh Barnwell, Streets, Facilities, and Maintenance Supervisor

**Attachments:**





**City Council Agenda  
February 7, 2022**

**Agenda Item:**

**(Work Session Item)**

**Agenda Description:**

Staff presentation on the City Secretary recruitment.

**Background Information:**

The City Council approved the position profile on December 6, 2021 and the position was posted to the TML and TMCA websites the same week. The final date for acceptance of applications was February 4, 2022.

The City has received eight applications for the open City Secretary position which closed on February 4, 2022. The City Administrator will present a matrix of the candidates experience, education, and pay requirements to the Council. Applicant questionnaires and social media research will be completed by February 14, 2022 and semi-finalists selected by February 28, 2022.

**Financial Information:**

N/A

**City Contact and Recommendation:**

Ben Nibarger, City Administrator

**Attachments:**



**City Council Agenda  
February 7, 2022**

**Agenda Item:**

**(Work Session Item)**

**Agenda Description:**

Staff presentation regarding a common area and drainage easement maintenance agreement with Falcon Ridge.

**Background Information:**

The City Administrator has been working with the developer and the HOA to return the drainage easements to the grade approved in the construction plans. The HOA has agreed to take on the responsibility of maintenance and has struggled to obtain reasonable quotes for the maintenance, requiring a substantial increase in the HOA dues.

Staff presented the possibility of the City maintaining these common areas and the drainage easements for a fee which would allow for a potential partnership that provides a combined funding scenario that will allow for a full-time maintenance helper to work with our existing staff.

The deal points are as follows:

- The Falcon Ridge HOA will contract with the City to maintain the drainage easements and common areas.
- During peak growing season, the City will mow and edge twice monthly all common areas as outlined on the HOA maintenance map; in non-peak growing season, the City will mow and edge as needed.
- The City will either install or cause flowers and foliage to be installed at the entry area twice annually and bill the HOA for cost, not to exceed \$2,500 per event; the City will weed and maintain these beds throughout the year; if the area requires additional maintenance not due to negligence (unseasonal heat, etc.) , the HOA and the City will determine the optimal solution but the HOA will be responsible for the cost.
- The City will repair or have repairs made to all HOA irrigation assets and bill the HOA for the cost of the repair.

- Upon receipt of an invoice, the HOA will pay four lump sums of \$12,000 in January, April, June, and September of each year.
- If the HOA has issues that arise during the service, they will notify the City and allow two-weeks to make remedy.
- If the HOA wishes to cancel the agreement, then the City requires 90 days' notice and the HOA will be responsible for the payments until the end of the 90 days; further the HOA will provide the City with an executed agreement with a third-party for the maintenance of the common areas and drainage easements in Falcon Ridge.

**Financial Information:**

Increase revenue and expenditures by \$48,000 annually.

**City Contact and Recommendation:**

Ben Nibarger, City Administrator

**Attachments:**



**City Council Agenda  
February 7, 2022**

**Agenda Item:**

**(Work Session Item)**

**Agenda Description:**

Staff presentation and discussion regarding the commercial safety inspection program.

**Background Information:**

The City Council asked that staff bring the item back in the next meeting for discussion and action.

**Financial Information:**

\$400,000 to \$800,000 in annual revenue and expenditures.

**City Contact and Recommendation:**

Ben Nibarger, City Administrator

**Attachments:**



**City Council Agenda  
February 7, 2022**

**Agenda Item:**

**Ordinance**

**(Action Item)**

**Agenda Description:**

Discuss, consider, and act on an ordinance of the City Council of the City of New Fairview, Texas, amending the City's fee schedule.

**Background Information:**

The Council has been discussing this item over the last 12 months and has been presented materials by staff and outside expert consultants.

**Financial Information:**

\$400,000 to \$800,000 in revenues and expenditures

**City Contact and Recommendation:**

Ben Nibarger, City Administrator

**Attachments:**

Ordinance



**City of New Fairview, Texas  
Ordinance No. \_\_\_\_\_**

**AN ORDINANCE ADOPTING AND AMENDING THE REVISED FEE SCHEDULE TO INCLUDE COMMERCIAL SAFETY INSPECTION FEES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of New Fairview, Texas, is a Type A general law municipality located in Wise and Denton Counties, created in accordance with Chapter 6 of the Local Government Code, and operating pursuant to the enabling legislation of the State of Texas; and

**WHEREAS**, the City Council has adopted an ordinance that provides for safety inspections of commercial operations; and

**WHEREAS**, the City Council has discussed this with experts in the field and identified a solution that provides for the necessary personnel, equipment, and materials to successfully implement the safety inspection program; and

**WHEREAS**, the City Council finds that the passage of this Ordinance is in the best interest of the citizens of New Fairview; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW FAIRVIEW, TEXAS:**

**SECTION 1.**

That, all matters stated in the Recitals hereinabove are found to be true and correct and are incorporated herein by reference as if copied in their entirety.

**SECTION 2.**

That the City Council hereby adopts the amended fee schedule as shown within Exhibit "A."

**SECTION 3.**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 4.**

This Ordinance shall be in full force and effect after its passage and publication.

PRESENTED AND PASSED on this **7<sup>th</sup> day of February**, at a meeting of the New Fairview City Council.

APPROVED:

ATTESTED:

\_\_\_\_\_  
Nolan Schoonmaker  
Mayor

\_\_\_\_\_  
Brooke Boller  
Interim Deputy City Secretary

**EXHIBIT A**

**COMMERCIAL SAFETY INSPECTIONS**

Hydrocarbon well inspections

\$2,000 per well

Manufacturing and Retail locations

\$100 per occupied location





- The City will repair or have repairs made to all HOA irrigation assets and bill the HOA for the cost of the repair.
- Upon receipt of an invoice, the HOA will pay four lump sums of \$12,000 in January, April, June, and September of each year.
- If the HOA has issues that arise during the service, they will notify the City and allow two-weeks to make remedy.
- If the HOA wishes to cancel the agreement, then the City requires 90 days' notice and the HOA will be responsible for the payments until the end of the 90 days; further the HOA will provide the City with an executed agreement with a third-party for the maintenance of the common areas and drainage easements in Falcon Ridge.

**Financial Information:**

Increase revenue and expenditures by \$48,000 annually.

**City Contact and Recommendation:**

Ben Nibarger, City Administrator

**Attachments:**



**City of New Fairview, Texas**  
**Resolution No. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW FAIRVIEW, TX, AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND ENTER INTO AN AGREEMENT TO PROVIDE MAINTENANCE SERVICES FOR THE COMMON AREAS AND DRAINAGE EASEMENTS IN THE FALCON RIDGE SUBDIVISION.**

**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, the developer and HOA of Falcon Ridge agree that it is in the best interest to keep the common areas and drainage easements well maintained; and

**WHEREAS,** the City of New Fairview finds the partnership with the developer and HOA will provide for a mutually beneficial arrangement to improve the maintenance of the subdivision as well as the City at large; 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 authorizes the City Administrator to negotiate and enter into an agreement with the developer and HOA as outlined in Exhibit A.

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 **7<sup>th</sup> day of February**, at a meeting of the New Fairview City Council.

APPROVED:

ATTESTED:

\_\_\_\_\_  
Nolan Schoonmaker  
Mayor

\_\_\_\_\_  
Brooke Boller  
Interim Deputy City Secretary

## EXHIBIT A

The Falcon Ridge HOA will contract with the City to maintain the drainage easements and common areas which includes the following:

- During peak growing season, the City will mow and edge twice monthly all common areas as outlined on the HOA maintenance map; in non-peak growing season, the City will mow and edge as needed.
- The City will either install or cause flowers and foliage to be installed at the entry area twice annually and bill the HOA for cost, not to exceed \$2,500 per event; the City will weed and maintain these beds throughout the year; if the area requires additional maintenance not due to negligence (unseasonal heat,etc.) , the HOA and the City will determine the optimal solution but the HOA will be responsible for the cost.
- The City will repair or have repairs made to all HOA irrigation assets and bill the HOA for the cost of the repair.
- Upon receipt of an invoice, the HOA will pay four lump sums of \$12,000 in January, April, June, and September of each year.
- If the HOA has issues that arise during the service, they will notify the City and allow two-weeks to make remedy.
- If the HOA wishes to cancel the agreement, then the City requires 90 days' notice and the HOA will be responsible for the payments until the end of the 90 days; further the HOA will provide the City with an executed agreement with a third-party for the maintenance of the common areas and drainage easements in Falcon Ridge.



**City Council Agenda  
February 7, 2022**

**Agenda Item:** **Resolution** **(Action Item)**

**Agenda Description:**

Discuss, consider, and act on a resolution of the City Council of the City of New Fairview, Texas, to remove members of the Planning and Zoning Commission and appoint qualified residents to serve as a Commissioner or an alternate on the New Fairview Planning and Zoning Commission.

**Background Information:**

The City Council established the Planning and Zoning Commission by ordinance 2004-01-096. In 2019, the City Council repealed this ordinance and all other ordinances amending said ordinance due to the inability to adequately maintain volunteers on both the City Council and the Planning and Zoning Commission.

Several members of the Planning and Zoning Commission have been unable to meet the attendance requirements and need to be removed, including:

1. Don Duval
2. Alisa Scheps
3. Arne Wissmann

**Financial Information:**

N/A

**City Contact and Recommendation:**

Ben Nibarger, City Administrator

**Attachments:**

Resolution



**City of New Fairview, Texas**  
**Resolution No. \_\_\_\_\_**

**A RESOLUTION OF THE CITY OF NEW FAIRVIEW, TX REMOVING COMMISSIONERS FROM THE PLANNING AND ZONING COMMISSION.**

**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 desires to appoint qualified residents to act as planning and zoning commissioners; and

**WHEREAS,** the following individuals completed an application to serve as a planning and zoning commissioner but have resigned or been unable to meet the attendance requirements; and

**WHEREAS,** the City Council has reviewed the applications and finds this action to be in the best interest of the City.

**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 does hereby remove the following from the Planning and Zoning Commission:
  - a. Don Duval
  - b. Alisa Scheps
  - c. Arne Wissmann

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 **7<sup>th</sup> day of February**, at a meeting of the New Fairview City Council.

APPROVED:

ATTESTED:

\_\_\_\_\_  
Nolan Schoonmaker  
Mayor

\_\_\_\_\_  
Brooke Boller  
Interim Deputy City Secretary