

**MINUTES
CITY COUNCIL
August 24, 2020
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 24th DAY OF AUGUST 2020 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 GOVERNMENTAL CODE, WITH THE FOLLOWING MEMBERS PRESENT:

**CITY COUNCIL
Mayor Joe Max Wilson
Mayor Pro Tem Scott Johnson
Councilman Rick White
Councilman Charlie Stumm
Councilwoman Rebecca McPherson**

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

**ITEM NUMBER 1. CALL MEETING TO ORDER:
Mayor Wilson called the meeting to order at 7:01 P.M.**

**ITEM NUMBER 2. ROLL CALL:
Roll call with the above-mentioned names present**

ITEM NUMBER 3. PLEDGE TO FLAGS

A. United States of America

B. Texas Flag

**Honor the Texas Flag, I pledge allegiance to thee,
Texas, one state under God, one and indivisible**

ITEM NUMBER 4. EXECUTIVE SESSION

A. Personnel Matters

Pursuant to Sec. 551.074, deliberation regarding the appointment, employment, evaluation reassignment, duties, discipline or dismissal of a public officer or employee.

B. Advice from Attorney: Pursuant to Sec. 551.071 of the Texas Government code, the Board of Aldermen reserves the right to convene in Executive Session(s), from time to time as deemed necessary during this meeting for any posted agenda item. to receive advice from its attorney as permitted by law. In addition, the Board may convene in executive session to receive advice from its attorney regarding the following:

**Mayor Wilson motioned to go into session at 7:03 P.M.
Session closed and back at 7:30 P.M.**

ITEM NUMBER 5. CONSENT AGENDA:

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.

ITEM NUMBER 6. 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.

Steve Misner-representing himself in regard to zoning

ITEM NUMBER 7. NEW BUSINESS:

A. Discuss, consider and act to take possible action approving a Resolution to enter into an agreement with the P3Works, LLC and authorize the Mayor to sign the agreement

City Administrator Ben Nibarger told the council that the PID covers all the cost. There is no financial impact on the city. Reimbursements will be negotiated to cover all costs. The city selected P3Works LLC, to act as their consultant for the Constellation Lake project in March 2020. This agreement contracts with P3works LLC, to act as the PID administrator and outlines the fees, payments and operations of the PID administration for Constellation Lakes. **Mayor Pro Tem Johnson made a motion to approve Resolution approving the agreement with P3Works, LLC. Motion seconded by Councilwoman McPherson. Motion passed unanimously.**

City of New Fairview Texas
Resolution No. 2020-26-116

A RESOLUTION OF THE CITY OF NEW FAIRVIEW, TX APPROVING THE AGREEMENT WITH P3WORKS, LLC

B. Discuss, consider and act to take possible action approving a Resolution to enter into an agreement with Denton County for collection and assessment of the Constellation Lake development and authorize the Mayor to sign the agreement.

These agreements have been reviewed by the City Attorney and have been found to track the ad valorem tax collection interlocal agreements almost identically but for the language referencing Chapter 372

which deals with assessments, not ad valorem taxes. This will authorize the PID to collect tax for the assessments from Denton County. City Attorney has reviewed it. **Councilman White made a motion to approve a resolution approving the agreement with Denton County. Councilman Stumm seconded the motion. Motion passed unanimously.**

**City of New Fairview Texas
Resolution No. 2020-25-115**

A RESOLUTION OF THE CITY OF NEW FAIRVIEW, TX APPROVING THE AGREEMENT WITH DENTON COUNTY.

C. Discuss, consider and act to take possible action approving a Resolution authorizing the staff to change the bank account classification to improve services and reduce fees.

The staff has been working with First State Bank to set up ACH payroll and obtain some interest earnings on the account balance. First State Bank suggested that the city convert from a business account to a commercial account. This account would reduce city fees and improve the earnings on the account. The signers for this account will be City Administrator Ben Nibarger, City Secretary Monica Rodriguez, Mayor Joe Max Wilson and Mayor Pro Tem Scott Johnson.

Councilman Stumm made a motion to approve Resolution to approve staff to change the city's bank account at First State Bank. Motion seconded by Councilman White. Motion passed unanimously.

D. Discuss and provide direction to the staff regarding implementation of impact fees for new developments in New Fairview.

City Administrator Ben Nibarger is bringing it up now because he also has people to come in and do a presentation. This is not built into the budget this year, but he wanted to bring up now because this is important for us now to keep our minds on this and potentially come back this year and depending how things plan out and go down the road a creating it. This basically allows us to make sure that developments pay their fair share. We will have to do an impact study. They can be fairly expensive but you will end up with a proportionality plan which says tells them this is what your development looks like and what the impact is going to be on roads, park, storm water whatever it is that the city is providing. This is something that we can come back with a fee. Any thoughts and recommendations are welcomed. This will be a good thing for the citizen to have in place. When a developer comes in and they want is going to Mayor Johnson said that he does not was something Councilman Johnson said that we should already have one put in place. More to come on this issue in the following meetings. City Admin will do a workshop with more information on the impact fee. Based on the proposals received from the RP the city might have to meet sooner.

E. Discuss and provide direction to the staff regarding the fiscal year 2020-2021 annual budget

City Administrator Ben Nibarger went over budget. Building permits are a great revenue. We received 90 permits He said the city is a very good position. City Admin and Monica discussed revenues and budget. There will be another meeting in September to adopt a tax rate and then on September 28 for the public hearing. Mayor Pro Tem Johnson said that if the city did not a have city tax then we could not regulate the way the citizens want. Pulling money from the citizens is only to do what they want. Mayor Pro Tem Johnson said that for 5 years we did not have money and we did what we could with what we had. Council all agreed with Mayor Wilson that the council #1 priority was to fix the roads. City Admin

continued with the presentation. Denton county is still getting their property tax paperwork together at .36 Cents per \$100. It went down to .32 cents in order to generate the same amount of money that we generated last year. The council sets the tax rate. City Admin based the new budget at .30 cents. The new revenue would be based on .30 cents per \$100 to the citizens of New Fairview. This will be its going to generate about \$25,000 to \$30,000 less revenue. Building permits will be generating most of the revenue this year. So far this year we have about 160 % of the budget. Ben talked with all the developers. City Admin said he talked payroll benefits will increase. The amount spent on consultant fees have decreased because he will be doing the majority of the work himself. He is reducing some of the contract labor expenditures. Monte Shaw called for the city rates, but he said that we are going to take care of it in house. City Admin Ben Nibarger just wanted to go over the budget with council. Councilman Johnson said that we had to have tax money in order for the city to do what the citizens wanted. City Admin is going to put \$180,000 for the reconstruction of roads in Chisolm Hills and we will be transferring \$150,000 into a capital improvement fund and that will be our debt service to pay for the road reconstruction. Next year he wants the council to take some training. So, we will be spending more money on training. He has been talking to some other people to get some grant applications for parks and other. City Admin will come back with more detail items later.

F. Discuss and provide direction to the staff regarding current projects.

We contracted with Franklin Code to put all ordinances online and it will be a big asset to the citizens and developers. The audit started this week and Monica is gathering all the documents collected and putting things together. It will take about 2 weeks. Once we get that completed and approved, we can start talking to a financial advisor and get the money to get our roads fixed. Scott with CSR set up the software and Kim worked with us to help with Monica with the transitions. Mayor Wilson said that Kim came in to make sure everything was good, and it was said that Monica did a great job all these years on the bookkeeping. He met with Don Dykstrum about the water. They will partner with the city if we decide to have our own CNN.

G. Discuss and provide direction to the staff regarding the City's Financial Advisor.

City Administrator Ben Nibarger said he would like to review Hilltop Securities. They will take over as the financial advisor. City Administrator has done some research on this. There fees are high. I would like to contact other financial advisors and come to council. The contract is a simple contract with 30day cancelation notice. When the city put up that PID which is with Constellation Lakes. Councilman McPherson said that she wants to know that the city is not paying more than we have too.

H. Discuss, consider and act on approving Interlocal Agreement for Animal Control Services 2020-2021

Councilwoman McPherson made a motion to approve the Interlocal Agreement for Animal Control Services 2020-2021. Motion seconded by Councilman Stumm. Motion passed unanimously.

ITEM NUMBER 8. ADJOURN:

Mayor Wilson adjourned the meeting at 10:00P.M

APPROVED:

Mayor Joe Max Wilson

Scott Johnson

Mayor Pro Tem Scott Johnson

Rick White

Councilman Rick White

Charlie Stumm

Councilman Charlie Stumm

Rebecca McPherson

Councilwomen Rebecca McPherson

ATTEST:

Monica Rodriguez

Monica Rodriguez, City Secretary