



**City of New Fairview
City Council
Special Called Meeting
999 Illinois Lane
Monday, April 1, 2024, at 7:00 pm**

**CITY COUNCIL
Mayor John Taylor
Mayor Pro Tem Steven King
Place 1 Councilman Harvey Lynn Burger
Place 2 Councilman Peter Kozlowski
Place 3 Councilwoman Sarah Adams
Place 5 Councilman Richard Greene**

**City Staff
John Cabrales Jr, City Administrator
Brooke Boller, City Secretary
Roberta (Robin) Cross, City Attorney – Virtual**

WORK SESSION

- 1. Call to Order and Determination of Quorum (Work Session called to order by Mayor John Taylor at 8:24 pm; Roll Call with the above-mentioned names.)**
2. Receive a report and hold a discussion regarding revisions to the Personnel Policy and Procedure Manual.
The council heard from City Administrator John Cabrales and City Attorney Robin Cross regarding changes to the Personnel Policy and Procedures. The consensus of the council advised staff to move forward with the changes to sections 4,5,6,10,13,14,15,16,21,22,25,26 & 27.
3. Adjournment
**Motion: Councilman Richard Greene
Second: Councilwoman Sarah Adams
Vote: All in Favor
Result: Council work session was adjourned at 10:55pm.**

REGULAR SESSION

- 1. Call to Order and Determination of Quorum (Regular Session called to order by Mayor John Taylor at 7:26 pm; Roll Call with the above-mentioned names.)**
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. Announcements & Special Recognitions: The agenda shall provide a time when proclamations, recognitions, general reports, and updates may be presented by the City Council.
4. City Administrator's Report: The City Administrator's Report may provide information on status of current city projects and other projects affecting the City, meetings and actions of the city's boards and commissions, upcoming local community events, including but not limited to departmental operations and capital improvement project status. No action will be taken with respect to this report.
5. Public Comment: 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 with the opportunity to speak, there is a three-minute limit 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.
6. Consent Agenda: All matters as Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. An item can be removed from the consent agenda by the City Administrator, Mayor, or any member of the City Council and will be considered after approval of the consent agenda.
 - A. Approve the City Council Meeting minutes for March 18, 2024.
Motion: Councilman Richard Greene
Second: Mayor Pro Tem Steven King
Vote: All in Favor
Result: Council approved the City Council Meeting minutes for March 18, 2024.
 - B. Approve the September 2023 Financial Report.
Motion: Councilwoman Sarah Adams
Second: Councilman Richard Greene
Vote: All in Favor
Result: Council approved the September 2023 Financial Report.
7. New Business: All matters listed in New Business will be discussed and considered separately.
 - A. Receive, consider, and act on the approval of a final plat for Lots 260A and 260B, Hills of Oliver Creek Phase Two, 2.0 acres in M.E.O & P.R.R. Co. Survey, Abstract No. 633 generally located in the 200 block of Private Road No. 4440.
Motion: Councilwoman Sarah Adams
Second: Councilman Richard Greene
Vote: All in Favor
Result: Council approved with conditions, of the request to final plat Lots 260A and 260B, Hills of Oliver Creek Phase Two, 2.0 acres in M.E.O & P.R.R. Co. Survey, Abstract No. 633 generally located in the 200 block of Private Road 4440.
 - B. Consider adoption of an ordinance approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the company's 2024 Rate Review Mechanism filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the attached settlement tariffs to be just and reasonable and in the public interest; approving an attachment establishing a benchmark for pensions and retiree medical benefits; requiring the company to reimburse ACSC's reasonable ratemaking expenses;

determining that this ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and requiring delivery of this ordinance to the company and the ACSC's legal counsel.

Motion: Councilman Peter Kozlowski

Second: Councilman Richard Greene

Vote: All in Favor

Result: Council approved an ordinance of the City of New Fairview, Texas approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the Company's 2023 rate review mechanism filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the attached settlement tariffs to be just and reasonable and in the public interest; approving an attachment establishing a benchmark for pensions and retiree medical benefits; requiring the Company to reimburse ACSC's reasonable ratemaking expenses; determining that this ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and requiring delivery of this ordinance to the Company and the ACSC's legal counsel.

- C. Receive, consider, and act on a Resolution for the First Amended and Restated Pre-Development and Professional Services Agreement with Bloomfield Homes, L.P. and Royal Crest Properties, LLC for the sharing of costs related to engineering services for an alignment study for a connection point with the City of Justin and providing a water model for sizing of infrastructure for this connection.

Motion: Councilman Richard Greene

Second: Councilman Peter Kozlowski

Vote: All in Favor

Result: Council approved a Resolution for the First Amended and Restated Pre-Development and Professional Services Agreement with Bloomfield Homes, L.P. and Royal Crest Properties, LLC for the sharing of costs related to engineering services for an alignment study for a connection point with the City of Justin and providing a water model for sizing of infrastructure for this connection.

- D. Receive, consider, and act on a Resolution for the First Amended and Restated Pre-Development and Professional Services Agreement with Rockhill Capital & Investments, LLC for the sharing of costs related to engineering services for an alignment study for a connection point with the City of Justin and providing a water model for sizing of infrastructure for this connection.

Motion: Councilman Peter Kozlowski

Second: Councilwoman Sarah Adams

Vote: All in Favor

Result: Council approved a Resolution for the First Amended and Restated Pre-Development and Professional Services Agreement with Rockhill Capital & Investments, LLC for the sharing of costs related to engineering services for an alignment study for a connection point with the City of Justin and providing a water model for sizing of infrastructure for this connection.

- E. Receive, consider, and act on a Resolution awarding the roadway reconstruction project for Sky Way and Skyview Court, to Peachtree Construction, LTD for a total of \$48,713.50, and pursuant to Tex. Loc. Gov't. Code §271.060(d) and authorize the City Administrator a not-to-exceed project contingency of \$5,286.50, for a budget total of \$54,000.

Motion: Councilman Richard Greene

Second: Councilman Peter Kozlowski

Vote: For- Councilman Harvey Burger, Councilman Peter Kozlowski, Mayor Pro Tem Steven King, Councilman Richard Greene

Against- Councilwoman Sarah Adams

Result: Council approved a Resolution awarding the roadway reconstruction project for Sky Way and Skyview Court, to Peachtree Construction, LTD for a total of \$48,713.50, and pursuant to Tex. Loc. Gov't Code §271.060(d) and authorize the City Administrator a contingency of \$5,286.50, for a not-to-exceed project budget total of \$54,000.

8. Executive Session: Recess to Executive Session to discuss matters relating to real property pursuant to §551.072, Texas Government Code; deliberation of economic development negotiations pursuant to §551.087, Texas Government Code; discuss personnel matters pursuant to §551.074, Texas Government Code; discuss IT network or critical infrastructure security pursuant to §551.089, Texas Government Code; and to consult with the City Attorney pursuant to §551.071, Texas Government Code. The Council may go into closed session at any time when permitted by Chapter 551, Texas Government Code or Chapter 418, Texas Tax Code. Before going into closed session, a quorum of the Council must be present, the meeting must be convened as an open meeting pursuant to proper notice, the presiding officer must announce that a closed session will be held and must identify the sections of Chapter 551 or 418, Texas Government Code authorizing the closed session.
 1. § 551.071(2): Consultation with the City Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act regarding:
 1. Employment Agreement for John Cabrales, Jr. - **Tabled**
 2. Possible property acquisition that is east of South County Line, West of FM 407 and North of Dove Hollow Lane. - **Tabled**
 2. §551.074: (a) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee:
 1. Employment Agreement for John Cabrales, Jr. - **Tabled**
 3. Section 551.072: to deliberate the purchase, exchange, lease, or value of real property.
 1. Possible property acquisition that is east of South County Line, West of FM 407 and North of Dove Hollow Lane. - **Tabled**
9. Return to Open Session: Discuss and take appropriate action, if any, resulting from the discussions conducted in Executive Session.
10. Mayor & Council Member Announcements: The City Council may hear or make reports of community interest provided no action is taken or discussed. Community interest items may include information regarding upcoming schedules of events, honorary recognitions, and announcements involving imminent public health and safety threats to the city. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting.
11. Adjournment

Motion: Councilman Richard Greene
Second: Councilwoman Sarah Admas
Vote: All in Favor
Result: Council Regular Session adjourned at 8:17pm.

MINUTES APPROVED ON THIS, THE 15TH DAY OF APRIL 2024



John Taylor, Mayor



Brooke Boller, City Secretary

