



**City of New Fairview
City Council
Special Called Meeting
999 Illinois Lane
Tuesday, July 30, 2024, at 6:00 pm**

REGULAR SESSION

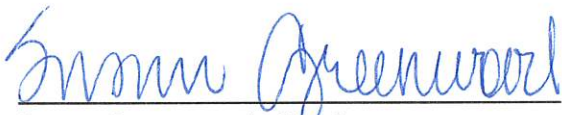
1. **Call to Order and Determination of Quorum**
2. **Pledge to the Flags.**
 - A. **United States of America**
 - B. **Texas Flag Honor the Texas Flag, I pledge allegiance to thee, Texas, one state under God, one and indivisible.**
3. **Announcements & Special Recognitions:** The agenda shall provide 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.
7. **New Business:** All matters listed in New Business will be discussed and considered separately.
 - A. **Receive, consider, and act on a Resolution 202407-04-130 authorizing the City Administrator to apply for, and accept if awarded, a Texas Parks and Wildlife Department (TPWD) grant application in the amount of \$150,000, with a \$150,000 matching contribution from the City of New Fairview in cash, force account labor or approved in-kind match.**
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 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.

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

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 on its website, said notice being posted this 26th day of July, 2024 at 5:00 PM at least 72 hours proceeding the meeting time.



Susan Greenwood, City Secretary

SEAL:



This facility is wheelchair accessible; parking spaces are available. Requests for accommodation or interpretive services must be made 48 hours prior to this meeting. Please contact the 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: 7A

CITY COUNCIL AGENDA MEMO

Prepared By: John Cabrales Jr, City Administrator

July 30, 2024

Texas Parks and Wildlife Department Grant Application

DESCRIPTION:

Receive, consider, and act on a Resolution 202407-04-130 authorizing the City Administrator to apply for, and accept if awarded, a Texas Parks and Wildlife Department (TPWD) grant application in the amount of \$150,000, with a required \$150,000 matching contribution from the City of New Fairview in cash, force account labor and/or approved in-kind services.

BACKGROUND INFORMATION:

The City of New Fairview has approximately eight acres of land that was dedicated to the City in October 2013. The land is located on Stewart Street in the Chisholm Hills subdivision. In 2020, staff reached out to Kyle Stephens, an engineer who specializes in preparing grant applications for the Texas Parks & Wildlife Department, to explore possibilities for the installation of park amenities and potential funding sources. Kyle recommended the City participate in the Local Park Grant Program, which provides a state funded grant of up to \$150,000 with a match of an equal amount.

The City previously was awarded the Texas Parks & Wildlife Department Local Park Grant of \$150,000 with a local match of \$150,000 for a total project cost of \$300,000. Staff reached out to local developers to ask for support on this project and one developer has agreed to pay for the cost of the Pavilion Area.

On July 18, 2022, The City Council awarded a contract for \$358,356 to Heartland Park & Recreation, LLC for the construction of the park.

On February 6, 2023, the City Council created the first ever Parks and Recreation Board. The Council thought that now that the City will have a park there should be an advisory body created to assist staff and the City Council in rule making, planning, and seeking funding for parks and recreation programs and facilities. This Board also serves as the Keep New Fairview Beautiful Committee.

On October 14, 2023, the City held the Ribbon Cutting for the city park and included the annual "Trunk or Treat" event. We had a bounce house, snow cone truck, two face painters, a balloon caricature, and

games for the event. There were also several public safety organizations present including: New Fairview Fire Rescue, Wise County EMS, Boyd PD, Wise County SO, Justin FD and Air Evac Lifeteam 68.

BKV Barnett LLC has a gas well located at the city park. On December 5, 2023, the City received a Plug and Abandon Notification for this gas well. In January 2024 the gas well was plugged per TCEQ requirements, and BKV disassembled and removed the surface structures associated with the gas well site. In April 2024, BKV sent a Surface Use Agreement dedicating the perimeter fence to the City and asking us not to build any structure within fifty feet of the plugged well head in case they need to get back in there to fix the plug sometime in the future. They also agreed to abandon their use of the access road in the park. The Surface Use Agreement was recorded with Wise County, so the City has access back for the use of the surface where the gas well operation was located. Staff will be removing the barb wire perimeter fence soon and will include this area in discussions with the Parks Board as we continue to work through the Parks and Open Space Master Plan process.

The Parks and Recreation Board tasked city staff to create a Citizen Survey instrument to seek input from citizens to determine the community's current and future needs for improving our parks, trails, and open spaces, and to provide for adequate areas and facilities to meet both the short- and long-term needs of the community. The input received from this will be used in the creation of a Parks, Recreation, and Open Space Master Plan. Once adopted, the Plan will serve as a guide for city staff, the Parks and Recreation Board, and the City Council in their efforts to enhance the community.

From February 2 to March 29, 2024, the Park Survey was placed on the city website and was pushed out on the City's Facebook page. The Survey consisted of twelve (12) questions, of which some include photos of the park feature or amenity to help the survey taker understand what was being asked. The City received 91 surveys that resulted in the following information.

1. 43% of respondents go to the park monthly or weekly
2. More than 50% of the respondents were "Satisfied" or "Very Satisfied" with the quality of the playground, walking trail, pavilion, cleanliness and maintenance of the park.
3. Over 75% of respondents would like to see a soccer field or a disc golf course built on the remaining acreage of the park.
4. 55.3% would like to see a basketball, tennis, or pickleball court built, and 44.7% would like a multipurpose court built on the remaining acreage of the park.
5. 64.8% would like a rack wall climber.
6. 55.1% would like a zipline and 53.9% would like a surface spinner.
7. 58.6% would like musical features
8. The majority of respondents want outdoor workout equipment along the trail.
9. 60.9% of respondents stated they felt safe when visiting the park.

The Parks Board used information from the Park Survey to determine priorities for the Texas Parks and Wildlife grant application.

Staff recommend approval of the Resolution.

FINANCIAL CONSIDERATION:

This is a matching grant so the City will need to provide \$150,000 in cash, force amount labor or approved in-kind match, if the TPWD grant is awarded.

RECOMMENDED MOTIONS:

I move to **Approve/Deny** a Resolution authorizing the City Administrator to apply for, and accept if awarded, a Texas Parks and Wildlife Department (TPWD) grant application in the amount of \$150,000 with a required \$150,000 match from the City in the form of cash, force account labor (City staff time/resources or approved in-kind services).

ATTACHMENT(S):

1. Resolution 202407-04-130



**RESOLUTION
202407-04-130**

RESOLUTION OF THE CITY OF NEW FAIRVIEW, TEXAS AUTHORIZING THE CITY ADMINISTRATOR, OR DESIGNEE, TO BE RESPONSIBLE FOR, ACTING FOR, AND BEHALF OF THE APPLICATION IN DEALING WITH THE TEXAS PARKS AND WILDLIFE DEPARTMENT, FOR THE PURPOSE OF PARTICIPATING IN THE LOCAL PARK GRANT PROGRAM, CERTIFYING THAT THE APPLICANT IS ELIGIBLE TO RECEIVE PROGRAM ASSISTANCE; CERTIFYING THAT THE APPLICANT'S MATCHING SHARE IN CASH, FORCE ACCOUNT LABOR AND IN-KIND SERVICES, IS READILY AVAILABLE; AND DEDICATING THE PROPOSED SITE AS A PERMANENT PUBLIC PARK FOR RECREATIONAL USES; AND ESTABLISHING AN EFFECTIVE DATE..

WHEREAS, the City of New Fairview is a Type A General Law incorporated city, located in Wise and Denton Counties, Texas, created in accordance with Chapter 6 of the Texas Local Government Act; and

WHEREAS, from February 2 to March 29, 2024, the New Fairview Parks and Recreation Board conducted a Park Survey in an effort to determine the community's desire for additional improvements to the city park, and received 91 responses; and

WHEREAS, Parks and Recreation Board used the results of the survey to prioritize projects and obtained quotes and other information to recommend to the New Fairview City Council to have the City apply for a Texas Parks and Wildlife Department (TPWD) Local Park Grant; and

WHEREAS, in 2021, the City was awarded a TPWD Local Park Grant of \$150,000, with a local match of \$150,000, and used the grant for the construction of the city's first park, which opened on October 14, 2023; and

WHEREAS, the City is fully eligible to receive assistance under the TPWD Local Park Grant Program, and the City Council desires to apply for a TPWD Local Park Grant; and

WHEREAS, the City Council understands this is a matching grant and that the City's matching share of \$150,000 in cash, force account labor or approved in-kind match is readily available, if the TPWD grant is awarded.

NOW, THEREFORE, BE IT RESOLVED:

Section 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.

Section 2. That the City Council authorizes the City Administrator, or Designee, to apply for, accept if awarded, and manage a TPWD Local Park Grant in the amount of \$150,000 and is officially designated as the city's representative for this grant.

Section 3. That the City Council is aware that this is a matching grant and that the City's matching share of \$150,000 in cash, force account labor or approved in-kind match is readily available, if the TPWD grant is awarded.

Section 4. That grant is for the New Fairview Park, located at 150 Stewart Street, in New Fairview, Texas that consists of approximately eight (8) acres of dedicated parkland for public park and recreation purposes in perpetuity.

Section 5. 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 City Council hereby determined that it would have adopted this Resolution without the invalid provision.

Section 6. That this Resolution shall become effective from and after its date of passage.

PRESENTED AND PASSED on the 30th day of July 2024, at a Special Called Meeting of the New Fairview City Council.

APPROVED:

ATTESTED:

John Taylor, Mayor

Susan Greenwood, City Secretary



Local Park Grant Program Applicant's Certification & Program Assurances

As the duly authorized representative of the sponsor designated in the Resolution Section 3, ***I certify that the Applicant:***

1. Has complied with all pertinent local and state laws, and Local Parks Grants Program requirements regarding public hearings, including floodplain development, if appropriate.
2. Has the required proportionate share of funds available and sufficient for the project as required by Section 13.309 of the Parks and Wildlife Code.
3. Will maintain and operate areas acquired or developed with program assistance at sponsor expense as required by Section 13.309 of the Parks & Wildlife Code.
4. Will permanently dedicate for public park and recreation use all project area(s) which receive program assistance, as required by Chapter 640.1.2 of the *Local Park Grant Program Manual*.
5. Has the legal authority to apply for program assistance and the institutional, managerial and financial capability to ensure proper planning, management and completion of the project described in this application.
6. Will give the State of Texas, hereafter referred to as "State," through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
7. Will not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the Texas Parks & Wildlife Department, and will record any federal interest in the title of real property in accordance with U. S. Department of Interior directives.
8. Will dedicate and permanently maintain any property designated as a natural area, wetland, or open space to meet program guidelines.
9. Will comply with all provisions of the "Summary of Guidelines for Administration of Local Park Grant Acquisition & Development Projects."
10. Will comply with the requirements of the Department with regard to the drafting, review and approval of construction plans and specifications.
11. Will obtain all required state and/or federal permits related to project development.
12. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the completed work conforms to the approved plans and specifications.
13. Will furnish quarterly progress reports and such other information as may be required by the Department.
14. Will initiate and complete the work within the applicable time frame after receipt of approval from the Department.
15. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest or personal gain.

Applicant's Certification & Program Assurances - Continued

16. Will comply with all State and Federal statutes relating to non-discrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1686) which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794) which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107) which prohibits discrimination on the basis of age; (e) any other non-discrimination provisions in the specific statute(s) under which application for program assistance is being made, and (f) the requirements of any other non-discrimination statute(s) which may apply to the application.
17. Will comply with the flood insurance purchase requirements of Section 4012(a) of the Flood Disaster Protection Act of 1973 which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance in an amount at least equal to its development or project cost.
18. Will comply with environmental standards which may be prescribed to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplain in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
19. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
20. Will assist the Department in assuring compliance with the Texas Antiquities Code.
21. Will cause to be performed the required financial and compliance audits in accordance with the state or federal Single Audit requirements.
22. Will comply with all applicable requirements of all other State and Federal laws, regulations and policies governing this program.

New Fairview/Chisolm Park

Sponsor/ Project Name

Signature of Official Authorized in Resolution

John Cabrales, City Administrator

Print Name and Title of Official

July 18, 2024

Date