



**City of New Fairview
City Council
Regular Meeting
999 Illinois Lane
Monday, October 3, 2022, at 7:00 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. **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 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.
4. **Presentations:** This is an opportunity for proclamations, recognitions, general reports, and updates to the City Council.
 - A. **Teacher Appreciation Proclamation**
5. **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 September 6, 12, and 19 2022.**
6. **New Business:** All matters listed in New Business will be discussed and considered separately.
 - A. **Consider approval of a preliminary plat for Setters Glen, 157.222 acres in the Smith County School Land Survey Abstract No. 744 generally located in the 1400 Block of Illinois Street (FM 407), north of the highway.**

- B. Receive, consider, and act on a Resolution regarding a finance agreement with Government Capital Corporation for the purpose of procuring a vehicle, hotbox trailer, super shot trailer, and related equipment.
 - C. Receive, consider, and act on an Ordinance adopting a revised Master Schedule of Fees for the City of New Fairview.
 - D. Receive, consider, and act on a Resolution repealing Resolution 2019-R002-088 and amending Resolution 2020-17-107, regarding rules for meetings of the City Council.
 - E. Receive, consider, and act on a noise exception for the Truck or Treat event on Sunday, October 30, to be held at the New Fairview Municipal Complex
7. **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 for any matter on the agenda 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.
8. **Return to Open Session:** Discuss and take appropriate action, if any, resulting from the discussions conducted in Executive Session.

9. **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 30th day of September, 2022 at 5:00 PM at least 72 hours proceeding the meeting time.


Brooke Boller, 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 City Secretary at City Hall 817-638-5366 or fax 817-638-5369 or by email at citysecretary@newfairview.org for further information.



**City of New Fairview
City Council Minutes
Tuesday, September 6, 2022**

THE CITY COUNCIL CONVENED INTO A CITY COUNCIL MEETING THE SAME BEING OPEN TO THE PUBLIC, THE 6TH DAY OF SEPTEMBER 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 John Taylor

Mayor Pro Tem Steven King

Place 1 Councilwoman Harvey Lynn Burger

Place 2 Councilman John Fissette

Place 3 Councilman Walter Clements

Place 5 Councilman Jimmy Royston

City Staff

John Cabrales Jr, City Administrator

Brooke Boller, City Secretary

Robert (Robin) Cross, City Attorney (Virtual)

REGULAR SESSION

- 1. Call to Order and Determination of Quorum (Regular Session called to order by Mayor John Taylor at 7:00 pm; Roll Call with the above-mentioned names.)**
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 - A. United States of America**
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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 August 1, 15, and 29, 2022.

B. Approval of the August 2022 Financial Report

Motion: Councilman Walter Clements

Second: Councilman John Fissette

Vote: All in Favor

Result: All items listed for consent passed.

5. New Business: All matters listed in New Business will be discussed and considered separately.

A. Conduct a Public Hearing on the proposed Tax Rate for the 2022 Tax Year, FY 2022-2023.

Opened: 7:15pm Closed: 7:19pm

B. Conduct a Public Hearing to consider the proposed budget for the fiscal year beginning on October 1, 2022 and ending on September 30, 2023.

Opened: 7:37pm Closed: 7:41pm

C. Discuss, consider, and act on a Resolution approving a fire protection agreement with East Wise Fire Rescue.

Motion: Councilman John Fissette

Second: Mayor Pro Tem Steven King

Vote: All in Favor

Result: Resolution approving a fire protection agreement with East Wise Fire Rescue was approved.

D. Discuss, consider, and act on a Joint Ordinance and Boundary Agreement with the City of Fort Worth to adjust the Extraterritorial Jurisdiction between the Cities of New Fairview and Fort Worth in Denton County.

Motion: Councilman John Fissette

Second: Mayor Pro Tem Steven King

Vote: All in Favor

Result: A Joint Ordinance and Boundary Agreement with the City of Fort Worth to adjust the Extraterritorial Jurisdiction between the Cities of New Fairview and Fort Worth in Denton County was approved.

E. Discuss, consider, and act on a Resolution of the City of New Fairview, Texas, awarding the Drainage Improvement project for Wilson Court and Creasser Lane to JR West Texas Construction for a total of \$426,991.50, and establish a not-to-exceed project contingency of \$50,000.

Motion: Councilman Walter Clements

Second: Mayor Pro Tem Steven King

Vote: All in Favor

Result: A Resolution of the City of New Fairview, Texas, awarding the Drainage Improvement project for Wilson Court and Creasser Lane to JR West Texas Construction for a total of \$426,991.50, and establish a not-to-exceed project contingency of \$50,000 was approved.

- F. Receive, consider, and act on a Resolution prohibiting the carrying of firearms within any meeting that is subject to the Open Meetings Act.

Motion: Councilman Jimmy Royston

Second: Councilman Harvey Burger

Vote: All in Favor

Result: A Resolution prohibiting the carrying of firearms within any meeting that is subject to the Open Meetings Act was approved.

6. **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 for any matter on the agenda 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.

7. **Return to Open Session:** Discuss and take appropriate action, if any, resulting from the discussions conducted in Executive Session.

8. Adjournment

Motion: Councilman John Fissette

Second: Councilman Walter Clements

Vote: All in Favor

Result: Meeting was adjourned at 8:47 pm.

MINUTES APPROVED ON THIS, THE 3RD DAY OF OCTOBER 2022:

John Taylor, Mayor

Brooke Boller, City Secretary



**City of New Fairview
City Council
Special Meeting Council Meeting
Monday, September 12, 2022**

THE CITY COUNCIL CONVENED INTO A CITY COUNCIL MEETING THE SAME BEING OPEN TO THE PUBLIC, THE 12TH DAY OF SEPTEMBER 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 John Taylor
Mayor Pro Tem Steven King
Place 1 Councilwoman Harvey Lynn Burger
Place 2 Councilman John Fissette
Place 3 Councilman Walter Clements
Place 5 Councilman Jimmy Royston**

City Staff

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

REGULAR SESSION

- 1. Call to Order and Determination of Quorum (Regular Session called to order by Mayor John Taylor at 7:00 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.**
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4. **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. Approval of the August 2022 Financial Report

Motion: Councilman Walter Clements

Second: Councilman Jimmy Royston

Vote: All in Favor

Result: August 2022 Financial Report was approved.

5. **New Business:** All matters listed in New Business will be discussed and considered separately.

A. Discuss, consider, and act on an Ordinance approving and adopting the budget for the Fiscal Year beginning October 1, 2022, and ending September 30, 2023.

Motion: Councilman Walter Clements

Second: Councilman John Fissette

Vote: For: Mayor Pro Tem Steven King, Councilman John Fissette, Councilman Walter Clements

Against: Councilman Harvey Lynn Burger, Councilman Jimmy Royston

Result: An ordinance approving and adopting the budget for the Fiscal Year beginning October 1, 2022, and ending September 30, 2023 was approved.

B. Discuss, consider, and act on a Resolution levying the Ad Valorem Taxes for the 2022 Tax Year at a Rate of \$0.261384 per \$100 Assessed Valuation on all Taxable Property within the City's Corporate Limits as of January 1, 2022.

Motion: Councilman John Fissette

Second: Mayor Pro Tem Steven King

Vote: For: Mayor Pro Tem Steven King, Councilman John Fissette, Councilman Walter Clements

Against: Councilman Harvey Lynn Burger, Councilman Jimmy Royston

Result: A Resolution levying the Ad Valorem Taxes for the 2022 Tax Year at a Rate of \$0.261384 per \$100 Assessed Valuation on all Taxable Property within the City's Corporate Limits as of January 1, 2022 was approved.

C. Discuss, consider, and act on a Resolution Ratifying the Property Tax Increase Reflected in the Fiscal Year 2022-2023 Budget.

Motion: Councilman John Fissette

Second: Councilman Walter Clements

Vote: For: Mayor Pro Tem Steven King, Councilman John Fissette, Councilman Walter Clements

Against: Councilman Harvey Lynn Burger, Councilman Jimmy Royston

Result: A Resolution Ratifying the Property Tax Increase Reflected in the Fiscal Year 2022-2023 Budget was passed.

6. **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 for any matter on the agenda 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.

7. **Return to Open Session:** Discuss and take appropriate action, if any, resulting from the discussions conducted in Executive Session.

8. Adjournment
Motion: Councilman John Fissette
Second: Councilman Jimmy Royston
Vote: All in Favor
Result: Meeting was adjourned at 7:21pm

MINUTES APPROVED ON THIS, THE 3RD DAY OF OCTOBER 2022:

John Taylor, Mayor

Brooke Boller, City Secretary



**City of New Fairview
City Council Minutes
Monday, September 19, 2022, at 7:00 pm**

THE CITY COUNCIL CONVENED INTO A CITY COUNCIL MEETING THE SAME BEING OPEN TO THE PUBLIC, THE 19TH DAY OF SEPTEMBER 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 John Taylor

Mayor Pro Tem Steven King

Place 1 Councilwoman Harvey Lynn Burger

Place 2 Councilman John Fissette

Place 3 Councilman Walter Clements

Place 5 Councilman Jimmy Royston

City Staff

John Cabrales Jr, City Administrator

Brooke Boller, City Secretary

Robert (Robin) Cross, City Attorney (Virtual)

REGULAR SESSION

- 1. Call to Order and Determination of Quorum (Regular Session called to order by Mayor John Taylor at 7:04 pm; Roll Call with the above-mentioned names.)**

- 1. 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.**

- 2. 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 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.

3. **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.
4. **New Business:** All matters listed in New Business will be discussed and considered separately.
- A. Discuss, consider, and act on a Resolution approving a fire protection and emergency medical services agreement with Justin Community Volunteer Fire Department.
Motion: Councilman Jimmy Royston
Second: Councilman Walter Clements
Vote: All in Favor
Results: A Resolution approving a fire protection and emergency medical services agreement with Justin Community Volunteer Fire Department was approved.
- B. Discuss, consider, and act on approving a contract with MFD Business Solutions for printer, fax, copier, and scanning rental and services for the City of New Fairview.
Motion: Councilman John Fissette
Amendment: Mayor Pro Tem Steven King
Second: Councilman Harvey Lynn Burger
Vote: All in Favor
Results: A contract with MFD Business Solutions for printer, fax, copier, and scanning rental and services for the City of New Fairview was approved.
- C. Discuss, consider, and act on an Ordinance (#202209-04-247) repealing Ordinances No. 202108-01-229 and 2020-19-214, and approving a Resolution adopting an Investment Policy for funds for the Fiscal Year 2022/2022.
Motion: Mayor Pro Tem Steven King
Second: Councilman John Fissette
Vote: All in Favor
Results: An Ordinance (#202209-04-247) repealing Ordinances No. 202108-01-229 and 2020-19-214 was approved.
- Motion: Mayor Pro Tem Steven King**
Second: Councilman Jimmy Royston
Vote: All in Favor
Results: A Resolution adopting an Investment Policy for funds for the Fiscal Year 2022/2022 was approved.
5. **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 for any matter on the agenda 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.

6. **Return to Open Session:** Discuss and take appropriate action, if any, resulting from the discussions conducted in Executive Session.

7. Adjournment

Motion: Councilman Jimmy Royston

Second: Councilman John Fissette

Vote: All in Favor

Results: Meeting was adjourned at 8:04pm.

MINUTES APPROVED ON THIS, THE 3RD DAY OF OCTOBER 2022:

John Taylor, Mayor

Brooke Boller, City Secretary



**City Council
AGENDA MEMO**

Prepared By: John Cabrales Jr, City Administrator

October 3, 2022

Preliminary Plat for Settlers Glen

DESCRIPTION:

Consider approval of a preliminary plat for Settlers Glen, 157.222 acres in the Smith County School Land Survey Abstract No. 744 generally located in the 1400 Block of Illinois Street (FM 407), north of the highway.

BACKGROUND INFORMATION:

Beaten Path Development, LLC is asking consideration of a preliminary plat in accordance with land annexed and zoned in the City of New Fairview in January 2022. The property incorporates two tracts which will be developed as 171 single family residential lots and 9 open space lots. The lot configurations generally conform to the concept plans submitted with the zoning of the property. The minimum lot sizes are half an acre, but the majority of the lots are greater than that in size. The open space lots included in the plat accommodate existing gas well pad sites open spaces around the lots and a Runway Protection Zone (RPZ) for the Fairview Airport. The RPZ is a trapezoidal area at ground level extending from the end of the runway and centered on the extended centerline of the runway. Its purpose is to provide as safe, clear space for aircraft takeoffs and approaches.

The preliminary plat conforms to the standards of the zoning and subdivision regulations of the City of New Fairview.

Staff recommends approval of the Preliminary Plat. The Planning and Zoning Commission met on September 26, 2022 and voted (X-X) to recommend approval of the preliminary plat.

FINANCIAL CONSIDERATION:

None

RECOMMENDED MOTIONS FOR CITY COUNCIL:

I move to **Approve/Deny/Approve with Conditions**, of the request of the Preliminary Plat of 157.222 acres in the Smith County School Land Survey Abstract No. 744 generally located in the 1400 Block of Illinois Street (FM 407), north of the highway.

ATTACHMENT(S):

1. Settlers Glen Preliminary Plat



LOT SIZE AVERAGES (Residential Lots Only)

AVERAGE LOT SIZE (SQ. FT.)	24,536 SF
SMALLEST LOT (LOT 20, BLK 7)	21,780 SF
LARGEST LOT (LOT 2, BLK 1)	94,213 SF

POPULATION DENSITIES

PROJECT AREA	157.222 Acres
LOTS PER ACRE (171 LOTS/157.222 Ac.)	1.09 LOTS/ACRE
POPULATION YIELD	171 LOTS x 3.00 PEOPLE/LOT = 513 PEOPLE

R.O.W. DEDICATION

RESIDENTIAL R.O.W.	15.49 Ac.
THOROUGHFARE R.O.W.	3.08 Ac.
TOTAL R.O.W.	18.57 Ac.
RATIO TO TOTAL PROJECT AREA (157.22 Ac.)	11.81%

LOT COUNTS

RESIDENTIAL LOTS	171 LOTS
OPEN SPACE LOTS	9 LOTS
TOTAL LOTS	180 LOTS

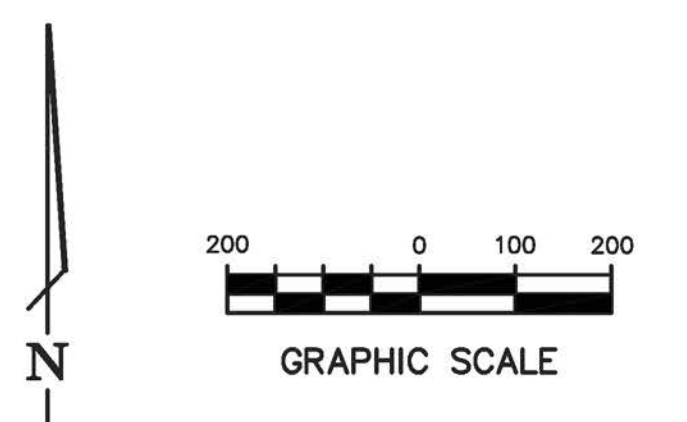
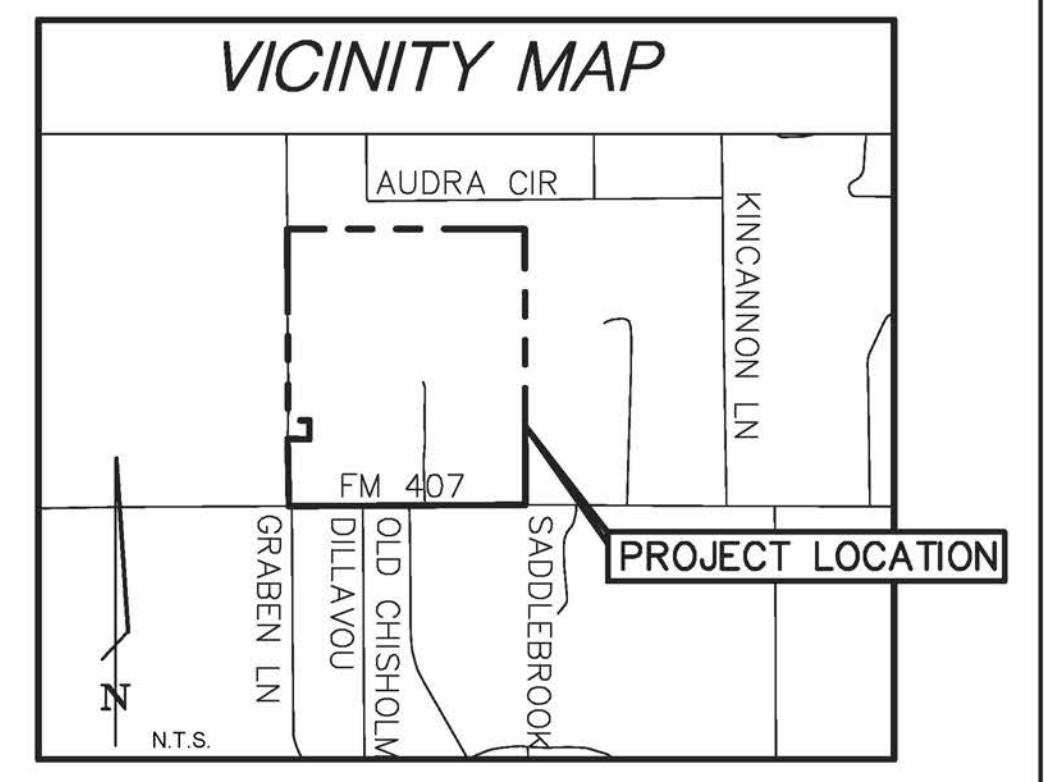
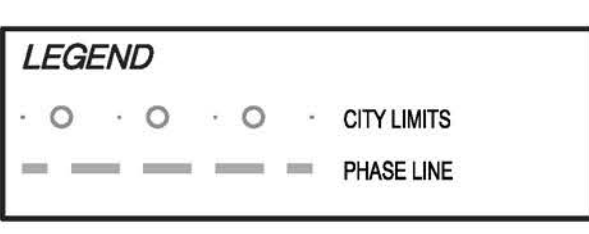
- NOTES**
1. THE ENTIRE DEVELOPMENT WILL BE LOCATED WITHIN NEW FAIRVIEW CITY LIMITS.
 2. ENTIRE DEVELOPMENT WILL BE LOCATED IN WISE COUNTY.
 3. WATER IS PROVIDED BY AQUA TEXAS.
 4. SANITARY SEWER IS PROVIDED BY ONSITE SEWER SYSTEMS.
 5. FRONT BUILDING SETBACKS ARE 30' UNLESS OTHERWISE NOTED.
 6. PROPOSED STREET R.O.W.'S ARE 50' UNLESS OTHERWISE NOTED.
 7. MINIMUM 5' DRAINAGE EASEMENTS ON BOTH SIDES OF THE STREET R.O.W.'S UNLESS OTHERWISE NOTED.

PRIVATE OPEN SPACE LOTS

LOT	BLOCK	AREA (Ac.)	NOTE
1x	1	5.91	HOA LOT - OPEN SPACE
3x	1	0.25	HOA LOT - OPEN SPACE & UTILITY EASEMENT
1x	3	0.09	HOA LOT - OPEN SPACE & UTILITY EASEMENT
10x	4	1.24	HOA LOT - OPEN SPACE
5x	5	0.80	HOA LOT - OPEN SPACE
2x	6	13.46	HOA LOT - OPEN SPACE & UTILITY EASEMENT
18x	6	14.12	HOA LOT - OPEN SPACE
1x	7	0.74	HOA LOT - OPEN SPACE & UTILITY EASEMENT
12x	8	5.72	HOA LOT - OPEN SPACE

LAND USE SUMMARY TABLE

LAND USE	AREA (Ac.)	AREA (LF)
SINGLE FAMILY RESIDENTIAL	171 LOTS	96.32 Ac.
PRIVATE OPEN SPACE	9	42.33 Ac.
STREET R.O.W.		
THOROUGHFARE	2,861 LF	3.08 Ac.
COLLECTOR	0 LF	0 Ac.
RESIDENTIAL	13,273 LF	15.49 Ac.



LIST OF BLOCK LENGTHS

BLOCK	STREET	FROM	TO	LENGTH (FT)
Block 2	Bloomington Court	Aurora Street	Springfield Street	1,170
Block 2	Springfield Street	Bloomington Court	Peoria Drive	1,625
Block 2	Aurora Street	Bloomington Court	N Galena Court	519
Block 2	Peoria Drive	N Galena Court	Springfield Street	577
Block 2	N Galena Court	Peoria Drive	End	625
Block 3	Aurora Street	N Galena Court	End	773
Block 3	Bloomington Court	Start	Aurora Street	277
Block 3	S Galena Street	FM 407	Aurora Street	1,053
Block 4	Peoria Drive	Springfield Street	S Rockford Court	711
Block 4	Springfield Street	Peoria Drive	Wheaton Street	970
Block 4	Wheaton Street	Springfield Street	S Rockford Court	540
Block 4	S Rockford Court	Peoria Drive	Wheaton Street	827
Block 5	Springfield Street	Start	Wheaton Street	355
Block 5	Wheaton Street	Springfield Street	S Rockford Court	540
Block 5	S Rockford Court	Peoria Court	End	1,290
Block 5	Peoria Court	S Rockford Court	End	740
Block 5	N Rockford Court	Peoria Court	End	232
Block 6	Peoria Drive	N Rockford Court	End	415
Block 6	N Rockford Court	Peoria Court	End	1,565
Block 7	Aurora Street	Start	Bloomington Court	256
Block 7	Bloomington Court	Aurora Street	End	1,280
Block 7	Springfield Street	Bloomington Court	Peoria Drive	1,625
Block 7	Peoria Drive	Springfield Street	End	845
Block 8	S Galena Street	FM 407	Peoria Drive	874
Block 8	Evanston Court	Springfield Street	FM 407	840
Block 8	Springfield Street	Peoria Drive	Evanston Court	492
Block 8	Peoria Drive	S Galena Street	Springfield Street	577
Block 9	Springfield Street	Evanston Court	FM 407	843
Block 9	Evanston Court	FM 407	Springfield Street	838

APPROVAL OF PRELIMINARY PLAT

PLANNING & ZONING COMMISSION CHAIRMAN _____ DATE _____

ATTEST: _____

CITY ADMINISTRATOR, CITY OF NEW FAIRVIEW _____ DATE _____

A PRELIMINARY PLAT FOR
SETTLERS GLEN
 A TRACT OF LAND OF 157.222 ACRES SITUATED IN
 SMITH COUNTY SCHOOL LAND SURVEY, ABSTRACT
 NO. 744, WISE COUNTY, TEXAS

NEW FAIRVIEW, TEXAS
 September 19, 2022

OWNER AUSTIN FRISCO - SETTLERS GLEN LLC. 1441 ILLINOIS ST RHOME, TX, 76078	DEVELOPER BEATEN PATH DEVELOPMENT 700 W. HARWOOD RD. HURST, TEXAS 76054	ENGINEER/SURVEYOR TEAGUE NALL AND PERKINS, INC. 5237 N. RIVERSIDE DR., SUITE 100 FORT WORTH, TEXAS 76137 (817) 336-5773 CONTACT: GUNNER CHI, P.E.
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OWNER'S CERTIFICATE AND DEDICATION
STATE OF TEXAS, COUNTY OF WISE

WHEREAS I (we), _____, am (are) the sole owner (all of the owners) of a tract of land situated in the _____ Survey, County of _____ (Wise or Denton), according to the deed recorded as Document _____ and more particularly described as follows: (insert legal description) Now therefore know all men by these presents: That (Owner's Name) _____ through the undersigned authority, does hereby adopt this plat designating the herein above described property as (Subdivision Name) _____ an addition to the City of New Fairview, Texas, and does hereby dedicate to the public use forever the streets and alleys shown hereon; and does hereby dedicate the easements shown on the plat for mutual use and accommodation of all public utilities desiring to use, or using same, said dedications being free and clear of all liens and encumbrances, except as shown herein, (Owner's Name) _____, does hereby bind (himself/herself/itself), (his/hers/its) successors and assigns to forever warrant and defend all and singular the above described streets, alleys, easements and rights unto the public against every person whomsoever lawfully claiming or to claim the same or any part thereof. No permanent buildings or structures shall be constructed over any existing or platted easement of any type. Any fencing, trees, shrubs or other improvements may only be placed in or over any existing or platted easement of any type with the authorization of the City of New Fairview or easement holder(s). The City of New Fairview at the owner's expense, and any easement holder, shall have the right to move and keep removed all or part of any fence, tree, shrub, or other improvements or growths which in any way endangers or interferes with the construction, maintenance, or efficiency of its respective systems on any of the easements shown on the plat; and The City of New Fairview and any easement holder shall have the right at all times to ingress and egress upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining, and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.

WITNESSED MY HAND THIS _____ DAY OF _____, 20____

Signature of Owner Position in Corporation (if Applicable)

Name of Corporation if Applicable Lien Holder (if Applicable)

(If there is no lien holder, add the following statement:)

To the best of my knowledge there are no liens against this property.

Signature of Owner

BEFORE ME, the undersigned authority, on this day personally appeared _____ known to me to be the person whose name is subscribed to the above and foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration expressed and in the capacity therein stated.
GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the _____ day of _____, 20____

Notary Public, in and for the State of Texas

My commission expires _____

Printed name: _____

PERPETUAL MAINTENANCE AGREEMENT
THE STATE OF TEXAS §
COUNTY OF WISE §

KNOW ALL MEN BY THESE PRESENTS: The following reservations, restrictions, and covenants are imposed on _____ (subdivision name) as it abuts, is adjacent to, or is included within the floodplain easements, drainage easements or emergency access easements shown on the plat filed herewith:

1. No commercial building, outbuilding, fence, or other structure shall be erected on said easement except for small ornamental walls, patios, and other landscaping, provided however, these items allowed shall not interfere in any way with the free flow of water in said channel or narrow the existing channel of the stream or interfere with free access by way of the easement for maintenance purposes without written consent of the City Administrator or their designee.

2.The HOA shall be responsible for the maintenance of his portion of said easement in order to preserve its beauty and to prevent any obstruction, flooding, or erosion. Such maintenance shall include but shall not be limited to the following:

- a. Mowing grass and preventing the growth of weeds.
- b. Preventing the growth of trees or permitting other obstructions to the easement which would obstruct free access for maintenance purposes.
- c. Preventing erosion by corrective construction if necessary.
- d. Preventing the accumulation of trash and debris in the easement.

3. In addition to other rights of enforcement contained in these restrictions or available by statutes, ordinance, or common law, the Dedicator, his successors and assigns, and all parties claiming title to _____ (subdivision name) by, through or under them, shall be taken to hold, agree, and covenant with the Dedicator and their successors and assigns, and with each of them to conform to and observe all restrictions and covenants as to the use and maintenance of said easement and Dedicator or HOA or any of the above shall have the right to sue for and obtain an injunction, prohibitive or mandatory, to prevent the breach of or to enforce the observance of the restrictions and covenants above set forth, in addition to the ordinary legal action for damages, and failure of the Dedicator or the owners of an other lot or lots shown to abut said easement to enforce any other restrictions or covenants herein set forth at the time of violation shall in no event be deemed to be a waiver of the right to do so at any time thereafter.

4. In addition to the rights of enforcement given to Dedicator and other Lot owners as set forth in Paragraph 3 above, it specifically provided that the City of New Fairview may, at its option, bring any action and obtain any remedy to enforce or prevent the breach of said restrictions.

5. It is specifically provided that the Dedicator, his successors and assigns, HOA and the City of New Fairview as provided above, shall have the right to recover their attorney's fees, court costs, and expenses incurred in any suit to enforce or prevent the breach of any covenant or restriction applicable to said easement.

6. In addition to the remedies above provided, the City of New Fairview may, at its option, thirty days after written notices to a lot owner, enter the easement and perform the necessary maintenance repair and charge the lot owner or owners the pro-rata cost thereof. Said charges shall be a lien on the abutting lot or lots inferior only to prior recorded liens on said lot or lots.

TO HAVE AND TO HOLD the above-described Perpetual Maintenance Agreement in and to said premises with the right of ingress and egress thereto, together with all and singular the usual rights thereto in any wise belonging, unto the said City of New Fairview, Texas, and its successors and assigns forever, and I do hereby bind myself, my heirs, executors and administrators to warrant and forever defend, all and singular, the said premises unto the said City of New Fairview, Texas, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

IN WITNESS WHEREOF, this instrument is executed this day of _____, 20____

Signature of Owner

THE STATE OF TEXAS
COUNTY OF _____ (Wise or Denton)

This instrument was acknowledged before me by the said _____ on this _____ day of _____, 20____

Notary Public, in and for the State of Texas

My commission expires _____

Printed name: _____

WILFRED BECK PROPERTY

BEING A 6,196,179 square feet or 142.245 acres of land located in the Smith County School Land Survey, Abstract Number 744, Wise County, Texas and being all of called 142.51 acre tract of land described by deed to Wilfred C. Beck and Wife, Mary Jo Beck as recorded in Instrument Number 201324377 of the Official Public Records of Wise County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2 inch rod with cap stamped "CASTLEROCK" found lying in the near center of the remains of an old road bed for the southwest corner of Lot 12R, Block 3, Highland Meadows, an addition to Wise County, Texas as recorded in Cabinet E, Slide 132 of the Plat Records of Wise County, Texas, also for the occupied northeast corner of a tract of land described by deed to Joe Thurmond Family Properties, L.L.C. as recorded in Volume 1385, Page 534 of the Deed Records of Wise County, Texas and the northwest corner of said Beck tract, and the northwest corner of a Boundary Line Agreement as recorded in Instrument Number 201707642 of the Official Public Records of Wise County, Texas, from which a 1/2 inch iron rod with cap stamped "R.P.L.S. 5281" found bears South 02 degrees 51 minutes 10 seconds West, a distance of 9.59 feet and a 1/2 inch iron rod with illegible cap bears North 05 degrees 11 minutes 22 seconds West, a distance of 6.22 feet;

THENCE North 89 degrees 28 minutes 07 seconds East, (Deed North 89 degrees 28 minutes 54 seconds East) along the north line of said Beck tract and the south line of said Lot 12R, Block 3 partway, a distance of 2622.72 feet (Deed 2636.40 feet) to a Fence Corner Post found for the northeast corner of said Beck tract, from which a 1/2 inch iron rod with yellow cap found bears North 00 degree 35 minutes 34 seconds East, a distance of 5.90 feet ;

THENCE South 01 degrees 04 minutes 22 seconds East, (Deed South 01 degrees 03 minutes 54 seconds East) along the east line of said Beck tract and generally along a barbed wire fence line, a distance of 2631.12 feet (Deed 2630.94 feet) to a 5/8 inch iron rod with cap stamped "TNP" set for the southeast corner of same, also lying on the north line of F.M. Highway No. 407, a variable width right-of-way;

THENCE South 89 degrees 53 minutes 00 seconds West, (Deed South 89 degrees 54 minutes 00 seconds West) along the south line of said Beck tract and the north line of F.M. Highway No. 407, a distance of 597.05 feet to a 5/8 inch iron rod with cap stamped "TNP" set for the southeast corner of a called 15.00 acre tract described by deed to Pete Kozlowski and wife, Jennifer Kozlowski recorded in Instrument Number 201320732 of the Official Public Records of Wise County, Texas;

THENCE North 00 degrees 24 minutes 07 seconds West, (Deed North 00 degrees 28 minutes 13 seconds West) leaving the north line of said F.M. Highway No. 407, along the east line of said 15.00 acre tract, a distance of 1177.44 feet (Deed 1175.79 feet) to a 1/2 inch iron rod found for the northeast corner of same;

THENCE South 89 degrees 27 minutes 38 seconds West, (Deed South 89 degrees 28 minutes 54 seconds West) along the north line of said 15.00 acre tract, a distance of 553.39 feet (Deed 551.85') to a 1/2 inch iron rod with cap stamped "ESLG" found for the northwest corner of same in a north south barbed wire fence;

THENCE South 00 degrees 21 minutes 48 seconds East, (Deed South 00 degrees 22 minutes 19 seconds East) along the west line of said 15.00 acre tract and generally along a barbed wire fence line, a distance of 1175.64 feet (Deed 1175.45') to a 1/2 inch iron rod with yellow cap found for the southwest corner of same, also lying on the north line of the aforementioned F.M. Highway No. 407, and on the south line of the aforementioned Beck tract;

THENCE South 89 degrees 36 minutes 46 seconds West, (Deed South 89 degrees 45 minutes 30 seconds West) along the north line of said F.M. Highway No. 407 and the south line of said Beck tract, a distance of 1509.95 feet (Deed 1503.30 feet) to a 5/8 inch iron rod with cap stamped "TNP" set west side of a gravel drive in the projected center of aforementioned old road bed for the southwest corner of said Beck tract and the southeast corner of the aforementioned Joe Thurmond Family Properties tract;

THENCE North 00 degrees 14 minutes 04 seconds West, (Deed North 00 degrees 40 minutes 47 seconds West) along the east line of said Joe Thurmond Family Properties tract and the west line of said Beck tract, generally along said gravel drive same being the projected center of said old road bed, a distance of 580.06 feet (Deed 576.89 feet) to a 5/8 inch iron rod with cap stamped "TNP" set for the southwest corner of a called 2.0 acre tract of lad described by deed to Gary Davis as recorded in Volume 357, Page 384 of the Deed Records of Wise County, Texas;

THENCE North 89 degrees 30 minutes 19 seconds East, (Deed North 89 degrees 25 minutes 22 seconds East) along the south line of said 2.0 acre tract along a barbed wire fence line, a distance of 297.06 feet (Deed 295.220 feet) to a Fence Corner Post found for the southeast corner of same;

THENCE North 00 degrees 35 minutes 50 seconds West, (Deed North 00 degrees 40 minutes 47 seconds West) along the east line of said 2.0 acre tract along a barbed wire fence line, a distance of 294.23 feet to a Fence Corner Post found for the northeast corner of same;

THENCE South 89 degrees 30 minutes 19 seconds West, (Deed South 89 degrees 16 minutes 18 seconds West) along the north line of said 2.0 acre tract along a barbed wire fence line, a distance 295.20 feet to a 5/8 inch iron rod with cap stamped "TNP" set for the northwest corner of same, also lying in the near center of said old road bed, also lying on the west line of said Beck tract and the east line of said Joe Thurmond Family Properties tract;

THENCE North 00 degrees 14 minutes 04 seconds West, (Deed North 00 degrees 40 minutes 47 seconds West) along the east line of said Joe Thurmond Family Properties tract and the west line of said Beck and along the near center of said old road bed, a distance of 1746.90 feet (Deed 1748.71 feet) to the POINT-OF-BEGINNING and containing 6,196,179 square feet or 142.245 acres of land.

KOZLOWSKI PROPERTY

BEING 652,402 square feet or 14.977 acres of land located in the Smith County School Land Survey, Abstract Number 744, Wise County, Texas and being all of called 15.00 acre tract of land described by deed to Pete Kozlowski and wife, Jennifer Kozlowski recorded in Instrument Number 201320732 of the Official Public Records of Wise County, Texas and being more particularly described as follows:

BEGINNING at a 5/8 inch iron rod with cap stamped "TNP" set on the north line of F.M. Highway No. 407, a variable width right-of-way for the southeast corner of said 15.00 acre tract, same being a southerly corner of a called 142.51 acre tract of land described by deed to Wilfred C. Beck and Wife, Mary Jo Beck as recorded in Instrument Number 201324377 of the Official Public Records of Wise County, Texas;

THENCE along the north line of said F.M. Highway No. 407, same being the south line of said 15.00 acre tract the following courses and distances;

South 89 degrees 53 minutes 00 seconds West, (Deed North 89 degrees 47 minutes 00 seconds West), a distance of 121.12 feet (Deed 153.56 feet) to a Concrete Highway Monument found for corner;

South 00 degrees 03 minutes 55 seconds East, a distance of 10.00 feet to a 5/8 inch iron rod with cap stamped "TNP" set for corner;

South 89 degrees 29 minutes 37 seconds West, a distance of 33.13 feet to a 5/8 inch iron rod with cap stamped "TNP" set for corner;

South 89 degrees 27 minutes 07 seconds West, a distance of 61.30 feet to a 1/2 inch iron rod with cap stamped "ESLLG" found for corner;

North 01 degrees 18 minutes 30 seconds West, a distance of 10.00 feet to a 1/2 inch iron rod with cap stamped "ESLLG" found for corner;

South 89 degrees 36 minutes 46 seconds West, (Deed North 89 degrees 47 minutes 00 seconds West) a distance of 338.42 feet (Deed 338.71 feet) to a 1/2 inch iron rod with yellow cap found for the southwest corner of said 15.00 acre tract, same being a southerly corner of said 142.51 acre tract;

THENCE departing the north line of said .M. Highway No. 407, same being the south line of said 15.00 acre tract and along the common line of said 15.00 acre tract and said 142.51 acre tract the following courses and distances;

North 00 degrees 21 minutes 48 seconds West, (Deed North 00 degrees 12 minutes 43 seconds East) a distance of 1175.64 feet (Deed 1176.45 feet) to a 5/8 inch iron rod with cap stamped "ESLLG" found for the northwest corner of said 15.00 acre tract;

North 89 degrees 27 minutes 38 seconds East, (Deed 89 degrees 49 minutes 13 seconds East) a distance of 553.39 feet (Deed 553.57 feet) to a 1/2 inch iron rod found for the northeast corner of said 15.00 acre tract;

South 00 degrees 24 minutes 07 seconds East, (Deed 00 degrees 10 minutes 47 seconds West) a distance of 1177.44 feet (Deed 1187.16 feet) to the POINT OF BEGINNING containing 652,402 square feet, or 14.977 acres of land.

A PRELIMINARY PLAT FOR
SETTLERS GLEN
A TRACT OF LAND OF 157.222 ACRES SITUATED IN
SMITH COUNTY SCHOOL LAND SURVEY, ABSTRACT
NO. 744, WISE COUNTY, TEXAS

NEW FAIRVIEW, TEXAS

September 19, 2022

OWNER AUSTIN FRISCO – SETTLERS GLEN LLC. 1441 ILLINOIS ST RHOME, TX, 76078	DEVELOPER BEATEN PATH DEVELOPMENT 700 W. HARWOOD RD. HURST, TEXAS 76054	ENGINEER/SURVEYOR TEAGUE NALL AND PERKINS, INC. 5237 N. RIVERSIDE DR, SUITE 100 FORT WORTH, TEXAS 76137 (817) 336-5773 CONTACT: GUNNER CHI, P.E.
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SHEET NO. 2 OF 2
CASE NO: 22-02-PP



AGENDA ITEM: 6B

CITY COUNCIL AGENDA MEMO

Prepared By: John Cabrales Jr, City Administrator

October 3, 2022

Loan Agreement with Government Capital

DESCRIPTION:

Receive, consider, and act on a Resolution regarding a loan agreement with Government Capital Corporation for the purpose of procuring a vehicle, hotbox trailer, super shot trailer, and related equipment.

BACKGROUND INFORMATION:

The Fiscal Year 2022-23 Budget contains the purchase of a truck, hotbox trailer, super shot trailer, and related equipment for the Public Works Department. This equipment will allow the public works crew to do more street maintenance projects and work more efficiently. The Budget calls for taking out a loan and purchasing this equipment during FY 2022-23, and begin making the principal and interest payments in FY 2023-24.

Staff recommends entering into a financing agreement with Government Capital Corporation for the purpose of procuring this equipment. Government Capital Corporation is a leading public finance firm providing professional financial services to all local governmental entities. Since its founding in 1992, the company has successfully completed thousands of municipal financings exceeding \$5 billion in Texas and across the country.

Staff recommends approval of the Resolution.

FINANCIAL CONSIDERATION:

The terms of the finance agreement are as follows:

EQUIPMENT COST:	\$ 154,000
TERM:	5 Annual Payments
INTEREST RATE:	4.45% Fixed
PAYMENTS AMOUNTS:	\$ 35,218.64
PAYMENTS BEGINNING:	October 2023, annually thereafter

RECOMMENDED MOTIONS:

I move to **Approve/Deny** a Resolution regarding a loan agreement with Government Capital Corporation for the purpose of procuring a vehicle, hotbox trailer, super shot trailer, and related equipment.

ATTACHMENT(S):

1. Government Capital Proposal
2. Resolution 202210-02-101



GOVERNMENT CAPITAL
CORPORATION

September 28, 2022

Mr. John Cabrales Jr.
New Fairview City Hall
(817) 638-5366

Dear Mr. Cabrales,

Thank you for the opportunity to present the proposed financing for the City of New Fairview. I am submitting for your review the following proposed structure:

ISSUER: City of New Fairview, Texas

FINANCING STRUCTURE: Public Property Finance Contract issued under Local Government Code Section 271.005

EQUIPMENT COST: \$ 65,000- Public Works Truck
\$ 47,115- Super Shot
\$ 41,890- Hotbox & Trailer
\$ 154,000- Total

TERM: **5 Annual Payments**

INTEREST RATE: 4.45% ***Fixed***

PAYMENTS AMOUNTS: \$ 35,218.64

PAYMENTS BEGINNING: October 31, 2023, and annually thereafter

The above payment amount includes all applicable fees, including a \$500 Documentation and Processing Fee. The above proposal is subject to audit analysis and assumes bank qualification and mutually acceptable documentation. The terms outlined herein are subject to change, and rates are valid for fourteen (14) days from the date of this proposal. If funding does not occur within this period, rates will be indexed to markets.

Our finance programs are flexible, and as always, my job is to make sure you have the best possible experience every time you interact with our brand. We're always open to feedback on how to make your experience better. If you have any questions regarding other payment terms, frequencies, or conditions, please do not hesitate to call.

Blessings,



Drew Whittington
Client Services
Main: 817-421-5400

The transaction described herein is an arm's length, commercial transaction between you and Government Capital Corporation ("GCC"), in which GCC: (i) is acting solely for its own financial and other interests that may differ from yours; (ii) is not acting as your municipal advisor or financial advisor, and has no fiduciary duty to you with respect to this transaction; and (iii) is not recommending that you take an action with respect to this transaction.



**CITY OF NEW FAIRVIEW, TEXAS
RESOLUTION 202210-02-101**

A RESOLUTION OF THE CITY OF NEW FAIRVIEW, TEXAS, REGARDING A LOAN AGREEMENT FOR THE PURPOSE OF PROCURING VEHICLE, HOTBOX TRAILER, SUPER SHOT TRAILER, AND RELATED EQUIPMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of New Fairview desires to enter into a certain Loan Agreement by and between Government Capital Corporation and the City of New Fairview, for the purpose of financing Vehicle, Hotbox, Super Shot, and related equipment. The City of New Fairview desires to designate this Agreement as a "qualified tax-exempt obligation" of the City of New Fairview for the purposes of Section 265 (b) (3) of the Internal Revenue Code of 1986, as amended. The City of New Fairview desires to designate the City Administrator or designee, as an authorized signer of the Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NEW FAIRVIEW, TEXAS, THAT:

SECTION 1. That the City of New Fairview enters into a Loan Agreement with Government Capital Corporation for the purpose of procuring a Vehicle, Hotbox, Super Shot, and related equipment.

SECTION 2. That the Financing Agreement, by and between the City of New Fairview and Government Capital Corporation, is designated by the City of New Fairview as a "qualified tax-exempt obligation" for the purposes of Section 265 (b) (3) of the Internal Revenue Code of 1986, as amended.

SECTION 3: That the City of New Fairview designates the City Administrator or designee, as an authorized signer of the Loan Agreement, by and between the City of New Fairview and Government Capital Corporation.

SECTION 4: That should the need arise, if applicable, the City will use loan proceeds for reimbursement of expenditures related to the Property, within the meaning of Treasury Regulation § 1.150-2, as promulgated under the Internal Revenue Code of 1986, as amended.

SECTION 5: This Resolution shall take effect immediately upon its passage, as provided by law.

This Resolution has been PASSED upon Motion made by Council Member _____, seconded by Council Member _____ by a vote of _____ to _____ and is effective this _____, 2022.

JOHN TAYLOR, Mayor

ATTEST:

BROOKE BOLLER, City Secretary



CITY COUNCIL AGENDA MEMO

Prepared By: John Cabrales Jr, City Administrator

October 3, 2022

Revised Master Fee Schedule

DESCRIPTION:

Receive, consider, and act on an Ordinance adopting a revised Master Schedule of Fees for the City of New Fairview.

BACKGROUND INFORMATION:

According to the City Code of Ordinances, Chapter 9 "PLANNING AND DEVELOPMENT," Article 5 "Administration," Section 38 "FEE SCHEDULE," states:

§ 38. Fee Schedule. The City Council shall establish a schedule of fees, charges and expenses and a collection procedure for the administration, review, and processing of applications regarding the issuance of building permits, certificates of occupancy, zoning change requests, plats, zoning board of adjustment appeals and other matters pertaining to this ordinance. The schedule of fees shall be posted in the office of the zoning administrative official, and may be altered or amended only by action of the City Council. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal. (Ordinance 2010-01-149 adopted 1/19/10)

The Master Fee Schedule was established by ordinance 1999-015-0042, and amended by ordinances 2000-02-0062, 2000-10-0070 and 2005-07-107. In November 2019, the City Council had a discussion regarding changes to the calculation of building permit fees due to the passage of HB 852 becoming law on May 21, 2019, and which prohibited municipalities from using valuation as a basis for determining permitting fees. However, an Ordinance was not passed to codify the City's change of moving the building permit fee calculations from valuation to per square footage.

As part of the annual budget process, the Master Fee Schedule should be reviewed by City Council and any recommended changes should be discussed and updated as needed. The changes to the master fee schedule should be based on an analysis of current charges as

compared to cost recovery goals and/or comparison to surrounding entities. In addition, fees should be reviewed to make sure they are still applicable and remove fees no longer needed and add any new fees.

Staff has completed a review of the current fees and recommends amending the Administrative Services Fees, Building & Permitting Fees, Fire Prevention Fees, Health & Sanitary Inspection Fees, and addition of the Special Event Fees as listed in Exhibit “A”.

Staff recommends approval of the Ordinance.

FINANCIAL CONSIDERATION:

The fee amounts collected will be placed into the City’s General Fund and will be used to cover the costs of review, preparation and/or inspection for the various services provided.

RECOMMENDED MOTIONS:

I move to **Approve/Deny** an Ordinance adopting a revised Master Schedule of Fees for the City of New Fairview.

ATTACHMENT(S):

1. Ordinance 202210-01-100 with Exhibit “A”
2. Ordinance 1999-015-0042
3. Ordinance 2000-02-0062
4. Ordinance 2000-10-0070
5. Ordinance 2005-07-107

ORDINANCE NO. 202210-01-100

AN ORDINANCE OF THE CITY OF NEW FAIRVIEW, TEXAS AMENDING THE MASTER FEE SCHEDULE ESTABLISHED BY ORDINANCE 1999-015-0042, AND FEE SCHEDULES ESTABLISHED BY ORDINANCES 2000-02-0062, 2000-10-0070, AND 2005-07-107 AS AMENDED AND AS IMPLEMENTED AFTER NOVEMBER 4, 2019, BY ADOPTING AND AMENDING THE ADMINISTRATIVE SERVICES FEES, BUILDING & PERMITTING FEES, FIRE PREVENTION FEES, HEALTH & SANITARY FEES, AND ADDITION OF THE SPECIAL EVENT FEES; PROVIDING A CUMULATIVE REPEALING CLAUSE; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Of New Fairview, Texas is a Type A General Law City; and

WHEREAS, the City has heretofore adopted a Master Fee Schedule for City services and permit applications; and

WHEREAS, the City had previously reviewed its previously adopted fees in the Fee Schedule and the associated costs to the City for providing those services, had determined that there was a need for amendments to the Fee Schedule to remove all consideration related to the value of the residential dwelling and the cost of construction or improving the residential dwelling in various fees already adopted, in accordance with Texas Local Government Code Section 214.907 and had effected such amendments AFTER November 4, 2019; and

WHEREAS, the City desires to ratify those amendments, by formally amending the Master Fee Schedule to amend the Administrative Services Fees, Building & Permitting Fees, Fire Prevention Fees, Health & Sanitary Inspection Fees, and addition of the Special Event Fees; and

WHEREAS, the City Council finds the amendments to the Fee Schedule proposed herein below in Exhibit "A" are reasonable and commensurate with the services provided, are not excessive, and should be adopted to further the public health, safety, and welfare.

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

SECTION 1

That the Master Fee Schedule established pursuant to Ordinance 1999-015-0042, and Fee Schedules established by Ordinances 2000-02-0062, 2000-10-0070, and 2005-07-107, as amended and implemented after November 4, 2019, is hereby amended by amending the Administrative Services Fees, Building & Permitting Fees, Fire Prevention Fees, Health & Sanitary Inspection Fees, and addition of the Special Event Fees. The new fees are set forth in the attached and incorporated Exhibit "A", hereto.

SECTION 2.

The City Secretary is hereby directed to revise the Master Fee Schedule in accordance with the above-referenced revisions and as provided in Exhibit "A", a copy of which is attached to this Ordinance and incorporated for all purposes. A revised Master Fee Schedule shall be kept on file with the office of the City Secretary.

SECTION 3.

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of New Fairview, Texas, as amended, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 4.

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 5. EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage and it is so ordained.

PASSED AND APPROVED by the City Council of the City of New Fairview, Texas on this the _____ day of _____ 2022.

John Taylor, Mayor

ATTEST:

Brooke Boller, City Secretary

EXHIBIT A
Mater Fee Schedule

1999-015-0042

ORDINANCE NUMBER ~~1999-015-0042~~

AN ORDINANCE ESTABLISHING A FEE SCHEDULE FOR THE CITY OF FAIRVIEW, PROVIDING FOR: ADMINISTRATIVE FEES; BUSINESS RELATED FEES; PLANNING AND ZONING FEES RELATED TO DEVELOPMENT AND SUBDIVISION, INCLUDING PLATTING; ALL TYPES OF BUILDING PERMITS; INFRASTRUCTURE FEES; REFUNDING OF FEES; THE APPLICATION OF THE ORDINANCE; PROCEDURES TO AMEND THE ORDINANCE; REPEALING CONFLICTING ORDINANCES; SEVERABILITY CLAUSE; SAVINGS CLAUSE; ENGROSSMENT AND ENROLLMENT CLAUSE; PUBLICATION CLAUSE AND AN EFFECTIVE DATE.

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

ARTICLE I

SECTION I. ADMINISTRATIVE, USER OR REGULATORY FEES:

The City Secretary shall collect the following fees for the issuance of permits and licenses related to City regulatory activities as authorized by State Law at the time a request for service, goods or an application for a permit is submitted.

A. Services

- | | | |
|----|---|---------------------|
| 1. | Public Fax | |
| | To Send | \$3.00 per page |
| | To Receive | \$3.00 per page |
| 2. | Non-Sufficient Funds Check | \$25.00 |
| 3. | Shipping and Handling Mail Request | \$1.50 |
| 4. | Copies | |
| | First Page | \$1.00 |
| | After 1st page | \$0.15 cents a page |
| | Personnel charge for copies not readily available | \$18.75 per hour |

B. Reference Material

- | | | |
|----|--------------------------|---------|
| 1. | City Maps | |
| | a. Small Directional Map | \$1.00 |
| | b. Large Base Map | \$50.00 |

C. Building Permit Fees

New Construction and/or Structural Changes - Remodeling

TOTAL EVALUATION	FEES
\$0.00 to \$2500.00	No fee or permit required
\$2,501.00 to \$100,000.00	1% of total evaluation
\$100,001.00 to \$200,000.00	\$1,000.00 for the first \$100,000.00, plus 0.5% of any additional evaluation thereof, to and including \$200,000.00
\$200,001.00 and up	\$1,500.00 for the first \$200,000.00, plus 0.25% of any additional evaluation thereof

SECTION II. PLANNING AND ZONING FEES RELATED TO DEVELOPMENT AND SUBDIVISION, INCLUDING PLATTING:

1999-015-0042

A.	SPECIFIC USE PERMIT	\$400.00
B.	ZONING CHANGE AND REVIEW FEE:	
1.	Zoning Change	\$400.00
C.	SUBDIVISION PLATTING FEE	
1.	Preliminary Plat	\$100.00 plus direct expenses of professional consultants for review of application and submitted material.
1-A.	Resubmitted Preliminary Plat Materials/Data	\$50.00 plus direct expenses of professional consultants for review of submitted material.
2.	Final Plat (with roads) 10 lots or less	\$100.00 plus direct expense of professional consultants for review of application and submitted material. \$10.00 per lot in excess of 10 lots
2-A.	Resubmitted Final Plat Material/Data	\$50.00 plus direct expenses of professional consultants for review of submitted material.
3.	Final Plat (with no-roads)	\$50.00 plus direct expense of professional consultants for review of application and submitted material
3-A.	Resubmitted Final Plat (with no-roads) Materials/Data	\$50.00 plus direct expense of professional consultants for review of submitted material.
4.	Plat Revision	\$50.00 plus direct expense of professional consultants for review of application and submitted material
5.	Plat Revision Notices (Per notice fee)	\$20.00
6.	Infrastructure	Subdivision - engineering, plan review, inspection 1% of total construction cost

ARTICLE II

SECTION I. REFUNDING OF FEES

The City Secretary may refund moneys collected as fees, set by this Ordinance, if the application is withdrawn and no expenses have been incurred by the City on the applicant's behalf. Written request is required within ten (10) days by the applicant for the City Secretary to refund any inadvertent overcharges.

SECTION II. APPLICATION OF ORDINANCE

35

The provision of this ordinance shall apply to all fees established herein and shall be leveled by the City of Fairview, Texas, immediately upon the effective date of this Ordinance. Separately adopted ordinances also address applicable fees for other permit requirements within the City of Fairview. This ordinance should not be construed to be all inclusive of required permits or fees within the City of Fairview.

SECTION III. AMENDMENT OF FEE ORDINANCE

The individual fees are subject to changes to reflect the City's actual costs and as such, the fees herein may be changed by the City Council at a Public Meeting through a simple majority vote at any regular or scheduled meeting.

SECTION IV. REPEAL OF CONFLICTING ORDINANCE

All previously adopted Ordinances or resolutions or parts of Ordinances or resolutions of the City of Fairview, Texas, pertaining to City Fees which are not consistent with or in conflict with the provisions of this Ordinance are hereby repealed.

SECTION V. SEVERABILITY

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, sentences, paragraphs, and sections of this Ordinance, since shall be declared unconstitutional by the valid judgement 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 VI. SAVINGS CLAUSE

All rights and remedies of the City of Fairview are expressly saved as to any and all violations of the provisions of any other ordinance affecting Fee Schedules for the City.

SECTION VII. ENGROSSMENT AND ENROLLMENT

The City Secretary of the City of Fairview is hereby directed to engross and enroll this Ordinance by copying the caption, publication clause and effective date clause in the minutes of the City Council and by filing the Ordinance in the Ordinance records of the City.

SECTION VIII. PUBLICATION CLAUSE

The City Secretary of the City of Fairview is hereby directed to publish in the official newspaper of the City of Fairview, the caption and effective date clause of this ordinance for two day.

SECTION IX. EFFECTIVE DATE

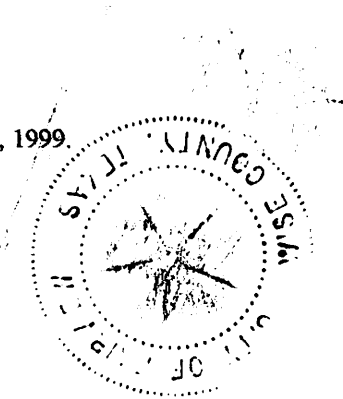
This Ordinance shall be in full force and effect from and after its passage and publication.

AND IT IS SO ORDAINED.

PASSED AND APPROVED BY A VOTE OF 5 TO 0 ON THIS THE 2ND DAY OF JUNE, 1999.

APPROVED:





2000-02-0062

ORDINANCE 2000-02-0062
EXCAVATION AND CONSTRUCTION

AN ORDINANCE OF THE CITY COUCNIL OF THE CITY OF NEW FAIRVIEW, TEXAS, ADOPTING PROCEDURES FOR CONSTRUCTION AND EXCAVATION WITHIN THE CORPORATE CITY LIMITS; ESTABLISHING A FEE SCHEDULE; SETTING TIME LIMITS; PROVIDING FOR THE REFUNDING OF FEES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION; AND PROVIDING AND EFFECTIVE DATE.

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

SECTION I

Excavation, preparation of soils for the purpose of construction and/or drilling and/or retention, or padsites within the corporate city limits of the City of New Fairview shall require a permit from the City Secretary's Office of the City of New Fairview.

SECTION II

- A. Construction of any type not included in the issuance of other ordinance permits as part of that permitted use. Such as:
 - Gravel and/or hard surface roads
 - Retainer Walls
 - Drainage Ditches
 - Well Sites
 - Water Towers
 - Tank Battery Sites
 - Transformer Sites
 - Generation Sites
 - Etceteras
- B. Topsoil shall be replaced after completion.
- C. Silt barriers shall be used when necessary.
- D. No tree larger than 10 diameter may be removed without City Council's approval.

SECTION III

Application to the City of New Fairview:

- A. Shall show exact location of proposed work on any and all properties in scale and show north arrow.
- B. Shall show all roads adjacent and on properties on which work will be done.
- C. Shall show all utility and pipelines and easements currently on properties on which work will be done.
- D. Roads must meet criteria of City of New Fairview ordinances.

SECTION IV
SCHEDULE OF FEES

Permit fee shall be computed on gross value of project:

- A. 1% (one percent of \$1 to \$100,000
- B. ½% (one half of one percent) for additional \$100,001 to \$200,000
- C. ¼% (one fourth of one percent) for additional \$200,001 and up

SECTION V
PENALTY

Fine for failure to comply:

- A. \$200 for violation of ordinance
- B. Up to \$50 per day after third day of violation until compliance

**SECTION VI
TIME LIMITS**

Construction must begin within six months of permit date. Failure to do so will result in a review of the application by the City Council of the City of New Fairview and be subject to new permit fees and/or compliance with any new ordinances. The project must be completed within 90 (ninety) days. A continuance can be granted by the City Council, and may include new permit fees and/or compliance with any new ordinance.

**SECTION VII
REFUNDING OF FEES**

The City Secretary may refund monies collected as fees, set by this Ordinance, if the application is withdrawn and the City on the applicant's behalf has incurred no expenses. Written request is required within 10 (ten) days by the applicant for the City Secretary to refund any fees and/or any inadvertent overcharges.

**SECTION VIII
SEVERABILITY**

It is hereby declared to be the intention of the City Council that if any of the sections, paragraphs, sentences, clauses and phrases of this Ordinance shall be declared unconstitutional or otherwise illegal by the valid judgment of decree of any court of competent jurisdiction, such event 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 the Ordinance of any such unconstitutional or illegal phrase, clause, sentence, paragraph or section.

**SECTION IX
SAVINGS CLAUSE**

All rights and remedies of the City of New Fairview are expressly saved as to any and all violations of the provisions of any other Ordinance affecting excavation and construction of the City, which have secured at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

**SECTION X
ENGROSSMENT AND ENROLLMENT**

The City Secretary of the City of New Fairview is hereby directed to engross and enroll this Ordinance by copying the exact Caption, publication Clause and Effective Date clause in the minutes of the City Council of the City of New Fairview and by filing this Ordinance in the Ordinance records of the City.

**SECTION IX
PUBLICATION CLAUSE**

The City Secretary of the City of New Fairview is hereby directed to publish in the Official Newspaper of the City of New Fairview, the Caption, and Effective Date clause of this Ordinance for two (2) days as required by Section 52.011 of the Texas Local Government Code.

**SECTION X
EFFECTIVE DATE**

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

2000-02-0062

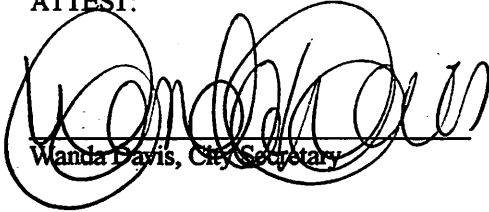
AND IT SO ORDAINED

PASSED AND APPROVED by a vote of 4 to 0, this the 24th day of January 2000.

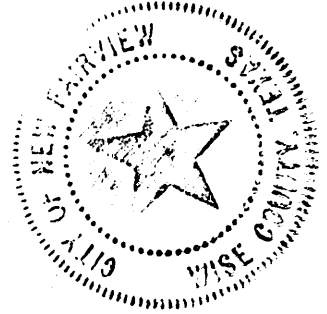


John Christian, Mayor

ATTEST:



Wanda Davis, City Secretary



Filed for Record in:
Wise County
Honorable Sherry Parker
County Clerk
On: Mar 01, 2002 at 04:50P

As a
Official Records

Document Number: 304726

Amount 15.00

Receipt Number - 83219

By
Eve Lopez, Deputy

ANY PROVISION HEREIN WHICH RESTRICTS THE
SALE, RENTAL, OR USE OF THE DESCRIBED
REAL PROPERTY BECAUSE OF COLOR OR RACE IS
INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.

STATE OF TEXAS COUNTY OF WISE

I hereby certify that this instrument was
filed on the date and time stamped hereon by me
and was duly recorded in the volume and page
of the named records of: Wise County
as stamped hereon by me.

Mar 01, 2002

By, Eve Lopez Deputy
Honorable Sherry Parker, County Clerk
Wise County

CITY OF NEW FAIRVIEW
ORDINANCE NO. ~~2000-10-0070~~

2000-10-0070

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW FAIRVIEW, TEXAS, AMENDING THE FEE SCHEDULE TO INCLUDE FEES FOR ZONING CHANGES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1

Amend Ordinance Number 1999-015-042 by changing the following section to read:

Section II B. 1. Zoning Change \$150.00 for clerical plus all necessary fees at current postage rate at time of the change, advertisement rates, the expense of changing the city zoning maps to reflect the change, and any miscellaneous charges incurred

SECTION 2: SEVERABILITY CLAUSE

That if any section, subsection, paragraph, sentence, clause, phrase, or word in this ordinance, or application thereof to any person or circumstances is held invalid by any court of competent jurisdiction, such holding shall not affect the validity of remaining portions of this Ordinance, and the City Council of the City of New Fairview, Texas, hereby declares it would have enacted such remaining portions despite any such invalidity.

SECTION 3: SAVINGS CLAUSE

All right and remedies of the City of New Fairview, Texas, are expressly saved as to any and all violations of the provisions of any other Ordinance affecting On-Site Sewage Facilities, which have secured at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 4: ENGROSSMENT AND ENROLLMENT

The City Secretary of the City of New Fairview, Texas, is hereby directed to gross and enroll this Ordinance by copying the exact caption, and effective date clause in the minutes of the City Council of the City of New Fairview and by filing this Ordinance in the Ordinance records of the City.

SECTION 5: PUBLICATION CLAUSE

The City Secretary of the City of New Fairview is hereby directed to publish in the Official newspaper of the City of New Fairview the caption, publication clause, and effective date clause of this Ordinance for two (2) days as required by Section 52.001 of the Texas Local Government Code.

SECTION 6: EFFECTIVE DATE

This Ordinance shall become effective and be in full force and effect from and after the date and passage and publication as required by law.

PASSED AND APPROVED this the 10th day of July 2000.

20

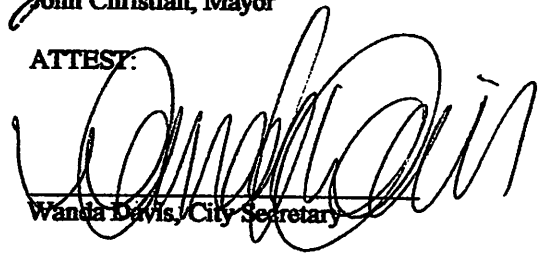
Doc 304731 Bk OR Vol 1139 Pg 854
~~1996-01-0005-99-006~~
2000-10-0070

City of New Fairview,



John Christian, Mayor

ATTEST:



Wanda Davis, City Secretary



ORDINANCE # 2005-07-107

AN ORDINANCE AMMENDING ORDINANCE # 1996-01-0005-99-002
SUBDIVISION RULES AND REGULATIONS SECTION 2.02 FEE SCHEDULE.

WHEREAS, the City of New Fairview is establishing a new fee schedule.

NOW THEREFORE:

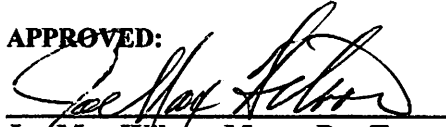
BE IT ORDAINED BY THE CITY OF NEW FAIRVIEW, TEXAS, WISE COUNTY

SECTION 2.02 FEE SCHEDULES REVISED

- 1. Preliminary Plat (Non-residential) \$700.00 plus \$50.00per acre
- 2. Preliminary Plat (Residential) \$700.00 plus \$20.00 per lot for the first 10 lots and \$7.00 per each additional lot plus \$25.00 per acre areas not platted into lots
- 3. Resubmitted Preliminary Plat Materials/Data \$50.00
- 4. Final Plat/ Non Residential \$400.00 plus \$50.00 per acre
- 5. Final Plat/ Residential \$400.00 plus \$10.00 per lot for the first 10 lots and \$7.00 per each additional lot plus \$20.00 per acre for acres not platted into lots
- 6. Resubmitted Final Plat Materials/Data \$50.00
- 7. Plat Revision \$300.00 plus direct expense of professional consultation for review of application and submitted materials.
- 8. Plat Revision Notices (per notice fee) \$20.00
- 9. Replat \$100.00 plus \$2.00 per lot
- 10. Plat abandonment \$200.00
- 11. Concept plans \$100.00

DULY PASSED AND APPROVED by the City Council of New Fairview, Texas, on this 6th day of October 2005.

APPROVED:



Joe Max Wilson, Mayor Pro Tem




James Gray, Councilman



Louis Moran, Councilman



Luis Trevino Jr., Councilman

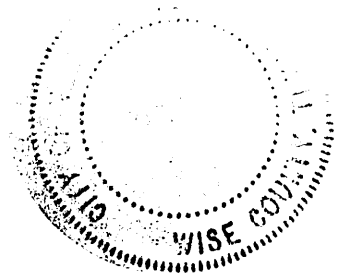


Patricia Millar, Councilwoman

ATTEST:



Monica Rodriguez, City Secretary



CITY OF NEW FAIRVIEW

RESOLUTION NO. 2019-R002-088

**A RESOLUTION OF THE CITY OF NEW FAIRVIEW, TEXAS ESTABLISHING
RULES FOR MEETINGS OF THE CITY COUNCIL AND PROVIDING
AN EFFECTIVE DATE.**

WHEREAS, the City of New Fairview, Texas ("City"), is a Type-B general law municipality located in Wise and Denton Counties, created in accordance with Chapter 7 of the Local Government Code, and operating pursuant to the enabling legislation of the State of Texas:
and

WHEREAS, the City Council desires to establish the following rules for meetings of the City Council and finds that these rules are in the best interest and will serve the general welfare of the City.

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

SECTION 1.

There shall be one (1) regularly scheduled meeting of the City Council during each calendar month, with such meeting occurring on the first Monday of the month. In the event that no items have been requested for the agenda for the regular meeting or the Mayor determines that there is no other need for a regular meeting, such meeting may be canceled by notice posted in accordance with the Open Meetings Act.

SECTION 2.

The City Council shall hold as many additional special meetings during the month as may be necessary for the transaction of the business of the City and its citizens.


SECTION 3.

This Resolution shall become effective from and after its passage.

PASSED AND APPROVED ON THIS THE 15 DAY OF July, 2019.

Joe Max Wilson, Mayor

ATTEST:



Monica Rodriguez, City Secretary



CITY COUNCIL AGENDA MEMO

Prepared By: John Cabrales Jr, City Administrator

October 3, 2022

Establishing Rules for City Council Meetings

DESCRIPTION:

Receive, consider, and act on a Resolution repealing Resolution 2019-R002-088 and amending Resolution 2020-17-107, regarding rules for meetings of the City Council.

BACKGROUND INFORMATION:

The Texas Local Government Code Title 2 "ORGANIZATION OF MUNICIPAL GOVERNMENT", Subtitle B "MUNICIPAL FORM OF GOVERNMENT", Chapter 22 "ALDERMANIC FORM OF GOVERNMENT IN TYPE A GENERAL-LAW MUNICIPALITY", Subchapter A "GENERAL PROVISIONS", Section 22.038 "MEETINGS", grant the governing body of a municipality the authority to set the meeting time and place by resolution.

Sec. 22.038. MEETINGS. (a) The governing body of the municipality shall meet at the time and place determined by a resolution adopted by the governing body.

(b) The mayor may call a special meeting on the mayor's own motion and shall call a special meeting on the application of three aldermen. Each member of the governing body, the secretary, and the municipal attorney must be notified of the special meeting. The notice may be given personally or left at the person's usual place of residence.

(c) The governing body shall determine the rules of its proceedings and may compel the attendance of absent members and punish them for disorderly conduct.

(d) An alderman shall be fined \$3 for each meeting that the alderman fails to attend unless the absence is caused by the alderman's illness or the illness of a family member.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Amended by:
Acts 2013, 83rd Leg., R.S., Ch. 947 (H.B. 1734), Sec. 1, eff. June 14, 2013.

On July 15, 2019, the City Council passed Resolution 2019-R002-088 setting one (1) regularly scheduled meeting of the City Council during each calendar month, with such meeting occurring on the first Monday of the month. On June 1, 2020, the City Council passed Resolution 2020-17-107 adopting the "Procedures and Decorum Policy" further stating that regular City Council meetings are held on the first Monday of each month.

Section 22.039 addresses the number of council members that must be present at a meeting to establish a quorum. A majority is needed for a regular meeting, in our case that means three (3) council members, and two-thirds are needed for special called meetings, in our case four (4) council members.

Sec. 22.039. QUORUM. A majority of the number of aldermen established by Section 22.031 for the municipality constitutes a quorum. However, at a called meeting or at a meeting to consider the imposition of taxes, two-thirds of the number of aldermen established by that section constitutes a quorum unless provided otherwise.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Because of the activity and growth that the city of New Fairview is experiencing, staff anticipates that two council meetings each month will be needed for the foreseeable future. That being the case, staff recommends establishing two regular scheduled meetings during each calendar month. This will allow the council to establish a quorum with a majority of the members present at the meetings.

Staff recommends approval of the resolution.

FINANCIAL CONSIDERATION:

None

RECOMMENDED MOTIONS:

I move to **Approve/Deny** a Resolution repealing Resolution 2019-R002-088 and amending Resolution 2020-17-107, regarding rules for meetings of the City Council.

ATTACHMENT(S):

1. Resolution 2019-R002-088
2. Resolution 2020-17-107

3. Resolution 202210-01-100



**City of New Fairview, Texas
Resolution No. 2020-17-107**

**A RESOLUTION OF THE CITY OF NEW FAIRVIEW, TX ADOPTING CITY A
COUNCIL PROCEDURES AND DECORUM POLICY.**

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

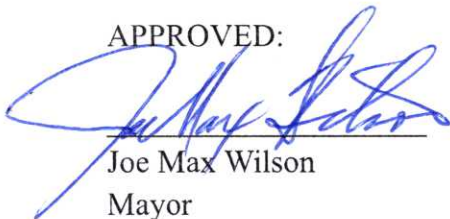
WHEREAS, the City desires to conduct the business of its citizens in an orderly, professional
and transparent manner; and

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

1. The City Council of New Fairview has reviewed the Policy and determines them to be acceptable; and
2. That this Resolution shall cause the Council Procedure and Decorum Policy to take effect immediately upon its approval.

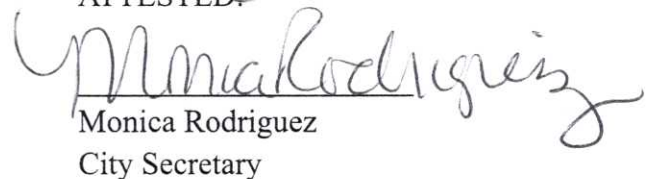
PRESENTED AND PASSED on this **1st day of June**, at a meeting of the New Fairview City
Council.

APPROVED:



Joe Max Wilson
Mayor

ATTESTED:



Monica Rodriguez
City Secretary



City Council Procedures and Decorum Policy

Sec. 1-100. – Authority.

Pursuant to the provisions of the Ordinances of the City of New Fairview, Texas, the City Council shall enact rules of procedure for all meetings of the City Council of the City of New Fairview, Texas, which shall be in effect upon their adoption by the City Council and until such times as they are amended or new rules adopted. **These rules of procedures shall serve as general guidelines for Council conduct and meeting protocols.**

Sec. 1-110. – City Council Agenda.

- (a) The City Administrator is responsible for creating and processing the agenda and agenda materials for City Council meetings. The City Administrator will submit agenda materials as appropriate for review by the City Attorney. The City Secretary is responsible for preparing and posting the agenda and assembling and distributing the agenda packets.
- (b) The Mayor or two Council Members may direct the City Administrator in writing to place an item on an agenda for a regular City Council meeting, special meeting, or work session for discussion only. Items must be submitted to the City Administrator no later than noon on the Monday preceding the week of the City Council meeting.
- (c) The City Council, during any scheduled regular or special meeting or work session, may direct the City Administrator to place an item on a future agenda.
- (d) Any two Council Members may request an item to be placed on the agenda for discussion. Should extraordinary staff time be required to address a requested agenda item, the City Administrator will place the item on a future Council agenda for direction and discussion prior to investing the extraordinary amount of staff time and communicate this decision to those requesting the item.
- (e) Agenda items placed on the agenda by the Mayor or members of the City Council previously considered and whereby action was taken by the City Council may not be placed on a

future agenda for reconsideration within six months of such action unless either: (1) directed by a majority of the City Council to the City Administrator during any scheduled regular or special meeting or work session; or (2) directed by the Mayor and one Council Member in writing to the City Administrator. In all cases, at least one member of the City Council who is requesting that the item be renewed on an agenda shall have been on the prevailing side of the previous vote on the item.

Sec. 1-120. – Types of Meetings.

(a) *Regular Meetings:* The City of New Fairview regular City Council meetings are held on the first Monday of each month, at such time as may be set by the City Council, unless the meeting is rescheduled or cancelled. All regular meetings of the City Council will be held in New Fairview Town Hall at 999 Illinois Lane, New Fairview, Texas or at such other location as the City Council may, by motion, resolution or ordinance, designate.

(b) *Work Session Meetings:* A work session is a meeting to discuss or explore matters of interest to the City, review and discuss agenda items, meet with City boards, commissions or committee members, City Staff or officers of civic organizations, governing bodies or individuals specifically invited to the session by the Mayor, City Administrator or the Council. These meetings are informational and no formal action shall be taken unless the posted agenda indicates otherwise. The Mayor may allow any citizen to participate in the discussion at a work session, but only as recognized by the Mayor. The Mayor may end citizen participation in a work session in order to allow the City Council to proceed with discussion.

If necessary, a work session will normally be scheduled before a regular meeting of the City Council and will be known as the "Pre-Council meeting."

(c) *Special Meetings:* Special meetings may be called by the Mayor, the City Administrator, or by any two (2) members of the City Council. The call for a special meeting shall be filed with the City Secretary in written form, and the City Secretary shall cause the posting of notice of the meeting as governed by applicable law. The Mayor, City Administrator, or two Council Members may designate a location for the special meeting other than Town Hall as long as the location is open to the public and in compliance with applicable law.

(d) *Emergency Meeting:* In case of emergency or urgent public necessity, as defined by State law and confirmed by the City Attorney when practical, which shall be expressed in the notice of the meeting, an emergency meeting may be called by the Mayor, City Administrator or his/her designee, or two members of the City Council, and it shall be sufficient if the notice is posted at least two hours before the meeting is convened.

(e) *Closed Meeting:* The City Council may meet in a closed meeting but only under conditions allowed by applicable law. Details discussed in closed meetings shall be considered confidential and shall not be discussed or disclosed outside the meeting.

(f) *Recessed Meetings.* Any meeting of the City Council may be recessed to a later time provided that no recess shall be for a period longer than twenty-four hours from the time the meeting is recessed.

Sec. 1-130. – Quorum.

A quorum at a regular meeting of the City Council will be established by the presence of three members of Council. A quorum at a special or emergency meeting of the City Council will be established by the presence of four members of the Council. The Mayor shall not count as a Council Member for the establishment of a quorum.

Sec. 1-140. – Order of Business.

The Regular City Council meeting will be generally conducted in the following order, unless otherwise specified. If the Mayor or any member of Council wishes to change the order of business, a proper motion must be made followed by a second, and then passed by the affirmative vote of a majority of the Council Members present and voting. An executive session may be held at any time during a meeting pursuant to applicable State law.

(a) *Executive Session:*

- (1) Conduct Executive Session – Items to be discussed in closed meeting under conditions allowed by applicable law. The City Council may not take final action during Executive Session. It is understood and agreed that information discussed in Executive Session is considered confidential and should remain so until the Council takes action in public on the matter. Any final action resulting from an Executive Session discussion must be taken during the open public session.

(b) *Work Session Agenda (if necessary):*

- (1) Discussion of consent items – Council review and discussion of items that are by nature routine and typically require little or no Council deliberation.
- (2) Questions regarding regular agenda items – Council review and discussion of regular agenda items. Council may ask questions of Staff, receive a brief presentation, and request additional information prior to consideration during the regular meeting.
- (3) Written or verbal presentations or discussions – Council updates and discussions regarding items, some of which may not be included as part of the regular meeting agenda.
- (4) Executive Session (if needed) - Items to be discussed in closed meeting under conditions allowed by applicable law. The City Council may not take final action during executive session. It is understood and agreed that information discussed in Executive Session is considered confidential and should remain so. Any final

action resulting from an Executive Session discussion must be taken during the open public session.

- (5) Adjourn

(c) *Regular Meeting Agenda:*

- (1) Call to Order – Chair officially calls the meeting to order.
- (2) Pledge of Allegiance – Each agenda of a regularly scheduled City Council meeting shall provide an item for the recital of the “Pledge of Allegiance” to both the United States flag and the Texas flag.
- (3) Presentations – The agenda shall provide a time when proclamations, recognitions, general reports, and updates may be presented to the City Council.
- (4) Public with Business – The time for the public to address the City Council on any subject. However, the City Council cannot discuss items presented under Public with Business nor take any action thereon other than consideration of the placement of said item on a future agenda as a discussion item or refer the item to Staff for research and possible future action, unless the item presented is an item on the posted agenda for the meeting. Each speaker will be allowed three (3) minutes to speak. Speakers are not permitted to yield their time to others but are encouraged to inform City Council if they are speaking on behalf of a larger group.
- (5) Consent agenda - Shall contain routine, non-controversial items that require City Council action but need little or no Council deliberation. 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.
- (6) Old Business – Business items pending from previous City Council meetings. Members of the public may speak on any item under Old Business. They will be allowed three (3) minutes.
- (7) New Business – New or amended ordinances, resolutions, or policies that the Mayor, City Council Members or City Staff wish to have the City Council consider. Members of the public may speak on any item under New Business. They will be allowed three (3) minutes.
- (8) Discussion Items – Items to be presented or discussed with City Council in order to garner direction from City Council. No action shall be taken on discussion items. Members of the public may speak on any Discussion item. They will be allowed three (3) minutes.
- (9) Executive Session (if needed) – Items to be discussed in closed meeting under conditions allowed by applicable law. The City Council may not take final action during executive session. It is understood and agreed that information discussed in Executive Session is considered confidential and should remain so. Any final

action resulting from an Executive Session discussion must be taken during the open public session.

(10) Adjourn

Sec. 1-150. – General Procedures.

(a) *General Procedure:* General rules of parliamentary procedure as defined herein, consistent with state law and any applicable City ordinance, statute or other legal requirement, shall govern the proceedings of the City Council. To the extent not inconsistent with these rules, the City Council shall use Robert's Rules of Order as a general guideline for additional rules of parliamentary procedure without being a procedural requirement. Notwithstanding the above, failure to abide by, or adhere to, these rules shall not nullify or negate any action by the City Council. These rules of parliamentary procedure are intended solely as a guideline.

(b) *Chair of Meeting:* The Mayor shall preside over all meetings of the City Council as the Chair and enforce these rules and procedures during a meeting. In the absence of the Mayor, the Pro Tempore shall assume the Chair responsibility at the meeting. In the absence of the Pro Tempore, the Council will choose a Chair for the meeting.

(c) *Authority of the Chair:* The Chair person shall make decisions on questions of procedure subject to review respectively by the Council as a whole.

(d) *Council Deliberations:* The Chair has the responsibility to control the discussion and the order of speakers. Council Members will generally be called upon in the order of the request to speak. Generally, a Council Member may not be recognized to speak subsequently until each Council Member has had an opportunity to obtain the floor. A Council Member holding the floor may address a question to another Council Member and that Council Member may, should they so choose, respond to the question while the floor is still held by the Council Member asking the question.

(e) *Limits to Deliberations:* After an agenda item is announced by the Chair, the City Council may discuss the item without the need for a motion on the item. Council Members will limit their comments to the subject matter or motion currently being considered.

(f) *Repetitious Comments Prohibited:* A speaker or Council Member shall not present the same or substantially the same items or arguments to the City Council repeatedly or be repetitious in presenting oral comments. A speaker or Council Member shall not present an argument on a matter previously considered by the City Council at the same session.

(g) *Obtaining the Floor:* Any member of the Council wishing to speak shall first obtain the floor by making a request for the floor to the Chair. The Chair shall recognize any Council Member who seeks the floor when appropriately entitled to do so.

(h) *Motions:* Motions may be made by any member of the Council including the Chair. Any member of the City Council may second a motion.

(i) *Procedures for Motions:* The following is the general procedure for making motions:

- (1) The item is presented by Staff or others followed by questions and discussion by Council Members.
- (2) A Council Member who wishes to make a motion shall first obtain the floor.
- (3) A Council Member who wishes to second a motion shall do so through a request to the Chair.
- (4) Before a motion can be discussed, it shall be seconded.
- (5) Once the motion has been properly made and seconded, the Chair shall open the matter for further discussion offering the first opportunity to the moving party and, thereafter, to any Council Member properly recognized by the Chair.

(j) *Amendments to Motions:* When a motion is on the floor and an amendment is offered, the amendment shall be acted upon prior to acting on the main motion. No motion of a subject other than the agenda item under consideration shall be admitted as an amendment. A motion to amend an amendment shall be in order, but one to amend an amendment to an amendment shall not be in order. Action shall be taken on the amended amendment prior to any other action to further amend the original motion.

(k) *Continuance of Discussion or Hearings:* Any item being discussed or any public hearing at a City Council meeting may, by order, notice, or motion, be continued or tabled to any subsequent meeting.

(l) *Voting:* All Council Members must vote either “yea” in the affirmative or “nay” in the negative. A present member who does not vote will be officially recorded as a “nay” or negative vote. When a Council Member recuses oneself, that Council Member is not counted as present for quorum purposes and is not deemed to be “voting” for purposes of determining whether there has been a “majority vote of those voting and present”.

(m) *Public Hearings:* The following is the general procedure for conducting public hearings:

- (1) Staff presents report.
- (2) City Council Members may ask Staff questions.
- (3) The applicant then has the opportunity to present comments, testimony, and/or oral arguments.
- (4) City Council Members may ask questions of the applicant.

- (5) The Chair opens the public hearing.
 - (6) Upon opening the public hearing, and before any motion is adopted related to the merits of the issue to be heard, the Chair shall inquire if there is anyone present who desires to speak on the matter which is to be heard or to present evidence regarding the matter.
 - (7) Members of the public are provided with the opportunity for comments and testimony in accordance with Section 1-160 (d) of the City Council Procedures and Decorum Policy.
 - (8) A vote by City Council to close the public hearing upon a motion and second.
 - (9) The applicant may be given the opportunity to respond to questions from the City Council and for closing comment or rebuttal.
 - (10) The City Council deliberates on the issue.
 - (11) If the City Council raises new issues through deliberation and a majority of the City Council seeks additional public testimony, additional public comment and testimony is permitted in accordance with Section 1-160 (d) of the City Council Procedures and Decorum Policy.
 - (12) The City Council deliberates and takes action as needed.
 - (13) The Chair announces the final decision of the City Council as applicable.
- (n) *Call for Recess:* The Chair may call for a recess of up to fifteen (15) minutes at regular intervals at appropriate points in the meeting agenda, or if requested by any two (2) Council Members.

Sec. 1-160. – Decorum.

- (a) General: During Council meetings, Council Members shall preserve order and decorum, shall not interrupt or delay proceedings, and shall obey the rules of the Council. Council Members shall demonstrate respect and courtesy to one another, to City Staff and to members of the public appearing before the Council. Council Members shall seek to phrase and communicate all writings, publications and speeches in a professional and constructive manner.

Council Members may express differing ideas. Equitable representation helps promote unity of purpose by allowing the public to be informed of each Member's position during his/her term of office and not only during an election campaign.

Members of the Council will not condone any unethical or illegal activity from any Council Member or members of the Staff. All members of the Council agree to uphold the intent of this policy and to govern their actions accordingly.

(b) *Mayoral Responsibilities:*

- (1) The Mayor shall serve as the Chair of all meetings. The Mayor Pro Tempore shall preside in the absence of the Mayor.
- (2) The Mayor shall have a voice in all matters before the Council.
- (3) The Chair is responsible for preserving order and decorum and shall keep the meetings orderly by recognizing each Member for discussion, limiting speaking items, encouraging debate among Members, and keeping discussion limited to the agenda item being considered.
- (4) The Mayor is the official spokesperson for the Council on all matters unless absent, at which time the Mayor Pro Tempore or appropriate designee will assume the role. The views presented by the Mayor, or the Mayor Pro Tempore in his/her absence, should provide equitable representation of all Council Members.
- (5) The Chair will encourage all Council Members to participate in Council discussion and give each Member an opportunity to speak before any Member can speak again on the same subject.
- (6) The Mayor is responsible for ensuring that an orientation of all Council Members is conducted following an election. The orientation shall include Council procedures, staff and media relations, current agenda items, municipal leadership training programs, and legal issues governing the behavior of elected officials, etc.

(c) *Council Responsibilities*

- (1) Each Council Member is responsible for being prepared to discuss the agenda.
- (2) Each Council Member is required to attend a Council Member Orientation and is encouraged to attend at least one Texas Municipal League-sponsored conference each year in order to stay informed on issues facing municipalities.
- (3) It is the responsibility of Council Members to be informed about action taken by the Council in their absence. In the case of an absence from a work session, the Council Member is responsible for obtaining this information from the City Administrator prior to the Council meeting during which said item is to be voted upon.
- (4) When addressing an agenda item, the Council Member shall first be recognized by the Chair, confine comments to the question under debate, avoid reference to personalities, and refrain from impugning the integrity or motives of any other Council Member or Staff Member during debate or vote.
- (5) Any Council Member may appeal a ruling by the Chair to the Council as a whole. If the appeal is seconded, the person making the appeal may make a brief statement and the Chair may respond. An appeal may generally be debated by the Members, but each Member may speak only once. The affirmative vote of a majority of the Council Members present and voting shall be necessary to approve the motion.

- (6) Any Council Member may ask the Chair to enforce the policy established by the Council. Should the Chair fail to do so, a majority vote of the Council Members present shall require the Chair to enforce the policy.
- (7) When a Council Member is appointed to serve as a liaison to a board, committee or commission, the Council Member is responsible for keeping all Council Members informed of significant activities of that board, committee or commission. The appointed Council Member should report the actions of the board, committee or commission during a work session of the City Council.
- (8) While a member of the Council is speaking, other members shall not hold private discourse or in any manner interrupt the speaker. In all discussions, disrespectful language and behavior shall be avoided.
- (9) **Every member of the Council who shall be present at a meeting, when a vote is called for by the Chair shall vote thereon, unless they have recused themselves due to a conflict of interest.**

(a) If a Council member has a substantial interest in a business entity or in real property, the official shall file, before a vote or decision on any matter involving the business entity or the real property, an affidavit stating the nature and extent of the interest and shall abstain from further participation in the matter if:

(1) in the case of a substantial interest in a business entity the action on the matter will have a special economic effect on the business entity that is distinguishable from the effect on the public; or

(2) in the case of a substantial interest in real property, it is reasonably foreseeable that an action on the matter will have a special economic effect on the value of the property, distinguishable from its effect on the public.

(b) The affidavit must be filed with the City Secretary.

(c) If a Council member is required to file and does file an affidavit under Subsection (a), the official is not required to abstain from further participation in the matter requiring the affidavit if a majority of the members of the governmental entity of which the official is a member is composed of persons who are likewise required to file and who do file affidavits of similar interests on the same official action.

- (10) A Council Member may not represent any third party before any City board or commission.
- (11) All personal communication devices should be placed in a silent mode during any City Council meetings. Personal communication devices shall not be used for communicating City related business during any City Council meetings.
- (d) *Citizens' participation:* The following rules shall be in force for persons in attendance at all meetings of Council:
- (1) Persons wishing to address the Council during Public with Business or on a particular agenda item shall complete a Public Comment Form and present said form to the City Secretary up to the close of the comment period during which they choose to speak. Speakers shall approach the lectern and give his/her name and address before speaking. Speakers shall address the Mayor and Council with civility that is conducive to appropriate public discussion. All public comments should be addressed to the City Council rather than to individual members. Each speaker will be allowed three (3) minutes to speak. Speakers are not permitted to yield their time to others but are encouraged to inform City Council if they are speaking on behalf of a larger group. No person shall be allowed to address the Council more than once per agenda item unless called upon by a City Council Member to do so.

City Council Members cannot discuss items presented under Public with Business nor take any action thereon other than consideration of the placement of said item on a future agenda as a discussion item or refer the item to City Staff for research and possible future action, unless the item presented is an item on the posted agenda for the meeting.
 - (2) Persons may not engage in discussions with the Council during Council deliberations unless specifically asked a question by a Council Member. Persons who have been asked a question by a Council Member must be recognized by the Chair before being allowed to speak. The Chair may end any question and answer session between Council Members and a member of the public in order to facilitate the order of business.
 - (3) Persons may present printed material to be included in the Council agenda packets one week prior to a meeting. Persons may present printed material to the City Secretary to distribute to the Council during a meeting.
 - (4) Persons may present electronic media during their comments provided that all materials are submitted to the City by 4:00 P.M. the day of the meeting. Files should be emailed to citysecretary@NewFairview.org. Materials submitted after 4:00 p.m. will be forwarded to City Council following staff review but will not be

available to present during the meeting. Any digital presentation material will be included in an individual's 3-minute time limit.

- (5) Persons attending Council meetings shall remain seated or may stand in the back and come and go so long as it does not disrupt the meeting. Persons in attendance shall not carry signs, placards or other items which could block the view of those behind them or be disruptive to the proceedings. No person attending any Council meeting shall delay the proceedings or refuse to obey the orders of the presiding officer.
- (6) Disturbances, transgressions of the rules or disorderly conduct in the Council chamber may cause the transgressor to be removed from the meeting. The Chair of the meeting, shall exercise control over persons who disrupt the meeting in the following ascending order of action:
 - a. Call the person to order, advising that person of the infraction.
 - b. Advise the person that the infraction must cease immediately or the person will be ordered to leave the meeting.
 - c. Order the person to leave the meeting. If the offending person is a member of Council, the Chair shall call for a vote on the expulsion of that member from the meeting, and such vote requires a majority for adoption.
A police officer may remove an individual or individuals for disrupting a meeting as authorized by Texas Penal Code Section 42.05.
- (7) Persons are encouraged to attend Council meetings. However, the number admitted shall be limited to the fire safety capacity of the Council chamber as determined by the fire chief or designee. If the capacity is surpassed the Council may adjourn the meeting and move its proceedings to a location that will accommodate a larger number of participants.

Sec. 1-170 - Staff Relations

- (a) In order to ensure proper presentation of agenda items by Staff, questions arising from Council Members after receiving their information packet should be, whenever possible, presented to the City Administrator for Staff consideration prior to the Council meeting. This allows Staff the time to address Council Member's concern and provide all Council Members with additional information.
- (b) The City Administrator shall designate the appropriate Staff Member to address each agenda item and shall see that each presentation is prepared and presented in order to inform and educate the Council on the issues that require Council action. The presentation

should be professional, timely and allow for discussion of options for resolving the issue. As a summary, the Staff Member making the presentation shall make it clear if no Council action is required or present the Staff recommendation as a part of the presentation, and/or present the specific options for Council consideration.

- (c) The City Administrator is directly responsible for providing information to all the Council concerning any inquiries by a specific Council Member that is significant in nature and would be beneficial to all Council Members. If the City Administrator or the Staff's time is being dominated or misdirected by a Council Member, it is the City Administrator's responsibility to inform the Mayor.
- (d) The City Administrator will exhibit the highest professional and ethical behavior. The City Administrator is responsible for the professional and ethical behavior and discipline of his/her Staff. The City Administrator is also responsible for ensuring that the Staff receives the training and information necessary to address the issues facing municipal government.
- (e) Any conflicts arising between the City Staff and the Council will be addressed by the Mayor and the City Administrator.
- (f) All Staff Members shall show one another, each Council Member, and the public, respect and courtesy at all times. They are also responsible for making objective, professional presentations to ensure public confidence in the process.
- (g) The City Administrator, after an election, will make sure that the Staff has prepared information needed for the orientation of new Council Members, and inform Council of any available Texas Municipal League conferences and seminars. The City Administrator will also be responsible for meeting personally with new Members and informing them about City facilities, policies and procedures.

Sec 1-180. – Council and Media Relations

Since the democratic form of government is only successful when the citizens are kept informed and educated about the issues facing their municipality, it is imperative the media play an important role in the governmental process. It is through an informed public that progress is ensured and good government remains sensitive to its constituents. These guidelines are designed to help ensure fair relationships with all media reporters. The Council and the City Administrator recognize that the media provides an important link between the Council and the public. It is desired to establish a professional working relationship to help maintain a well informed and educated citizenry.

- (a) During the conduct of official business, the news media shall occupy places designated for them or the general public.

- (b) All reporters will have access to an agenda and will be furnished support materials needed for clarification if requested.
- (c) In order to preserve the decorum and professionalism of Council meetings, the media are requested to refrain from conversing privately with other people in the audience and to conduct any interview with the public outside the meeting room while the Council is in session.
- (d) Since each government body conducts business differently, it is requested that all reporters new to Council meetings meet with the City Administrator or the designated media relations representative prior to covering their first meeting to be informed of the policies and procedures to help foster a professional working relationship between the media reporter and the City.
- (e) On administrative matters, the City Administrator is the spokesperson, unless he/she has appointed a media relations person to present Staff information on the agenda.
- (f) The Mayor, or his/her designee, is the primary spokesperson for the City on matters regarding policy decisions or any Council information pertaining to issues on the agenda. In order to ensure fair treatment of an issue, any clarifications requested by the media on the issue should be addressed after the meeting. When opposing positions have been debated, regardless of the outcome, the public is better informed when all sides have adequate coverage by the media. This lets the public know that the item was seriously debated and options discussed before a vote was taken, and helps build confidence in the democratic process. In respect to each Council Member and the citizens of the City, the views presented by each Council Member should provide equitable representation of all Members. Even though Council Members may express differing ideas, equitable representation helps promote unity of purpose by allowing the public to be informed of each Member's position during his/her term of office and not only during an election campaign.

Sec. 1-190. – Statements by public officials regarding litigation.

When the City of New Fairview is involved in litigation or a legal dispute, Council Members shall refrain from commenting on settlements, appeals or other issues related to the subject until the matter is resolved. The Mayor, City Administrator or City Attorney shall be authorized to provide any public responses or comments, as needed on matters involving litigation.

Sec 1-200. - Non-Exclusive Rules

The rules set forth are not exclusive and do not limit the inherent power and general legal authority of the City Council, or of its presiding officer, to govern the conduct of the City Council meetings as may be considered appropriate from time to time, or in particular circumstances, for purposes of orderly and effective conduct of the affairs of the City.

Sec 1-210. – Disbursement of Council Requested Information

As a general courtesy and to maintain equality in the disbursement of information, documentation or data requested by a Council Member from Staff shall be provided to all members of Council.

Sec. 1-220 – Policy Enforcement

If a Member(s) of the City Council believes this policy has been violated, the topic shall be placed on a meeting agenda following proper procedure (by City Administrator, Mayor, or two members of the City Council).

A determination of violation shall be stated by majority vote of those present during the deliberation.

If it is a Member of the Council who is determined to be in violation of this policy, a standard letter of violation signed by the Mayor (or Mayor Pro Tempore, if the letter is going to the Mayor) shall be issued to the person. A copy of the letter shall become a part of the Council Member's official file with the City.



**CITY OF NEW FAIRVIEW, TEXAS
RESOLUTION 202210-01-100**

A RESOLUTION OF THE CITY OF NEW FAIRVIEW, TEXAS, REPEALING RESOLUTION 2019-R002-088 AND AMENDING RESOLUTION 2020-17-107, RULES FOR MEETINGS OF THE CITY COUNCIL; 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 the provisions of Chapter 6 of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City Council adopted a resolution establishing the times for City Council regular meetings on July 15, 2019 by Resolution 2019-R002-088; and

WHEREAS, the City Council adopted the “Procedures and Decorum Policy” on June 1, 2020 by Resolution 2020-17-107; and

WHEREAS, the City Council finds it appropriate to now repeal Resolution 2019-R002-088 and amend Resolution 2020-17-107, by changing the previously adopted times for City Council meetings, from one regular to two regular meetings monthly.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NEW FAIRVIEW, TEXAS, THAT:

SECTION 1. That the City Council hereby repeals Resolution 2019-R002-088 in its entirety and amends Resolution 2020-17-107, the “Procedures and Decorum Policy”, so that there shall be two (2) regularly scheduled meetings of the City Council during each calendar month, with such meetings occurring on the first and third Monday of the month, except for City observed holidays, in which case, the meeting will be held the following day at the same time.

SECTION 2. The City Council shall hold as many additional special meetings during the month as may be necessary for the transaction of the business of the City and its citizens.

SECTION 3: This Resolution shall take effect immediately upon its passage, as provided by law.

PRESENTED AND PASSED on this 3rd day of October 2022, at a regular meeting of the New Fairview City Council.

JOHN TAYLOR, Mayor

ATTEST:

BROOKE BOLLER, City Secretary



CITY COUNCIL AGENDA MEMO

Prepared By: John Cabrales Jr, City Administrator

October 3, 2022

Noise Exception

DESCRIPTION:

Receive, consider, and act on a noise exception for the Truck or Treat event on Sunday, October 30, to be held at the New Fairview Municipal Complex.

BACKGROUND INFORMATION:

Chapter 8 “Offenses and Additional Provisions” of the City’s Code of Ordinances contains Article 8.03 Noise. Section 8.03.001 (c)(2) specifically addresses the prohibition of the operation of a loudspeaker, amplifier or musical instrument at any time on Sunday. However, the City Council can make an exception to this noise prohibition when the public interest will be served.

8.03.003 Prohibited noise.

(a) It shall be unlawful for any person to make or cause any unreasonably loud, disturbing, unnecessary noise which causes or may cause material distress, discomfort or injury to persons of ordinary sensibilities in the immediate vicinity thereof.

(b) It shall be unlawful for any person to make or cause any noise of such character, intensity and continued duration as to substantially interfere with the comfortable enjoyment of private homes by persons of ordinary sensibilities.

(c) The following acts, among others, are declared to be noise nuisances in violation of this code, but such enumeration shall not be deemed to be exclusive:

(1) The playing of any phonograph, television, radio or any musical instrument in such manner or with such volume, particularly between the hours of 10:00 p.m. and 7:00 a.m., as to annoy or disturb the quiet, comfort or repose of persons of ordinary sensibilities in any dwelling, hotel or other type of residence;

(2) The use of any stationary loudspeaker, amplifier or musical instrument in such manner or with such volume as to annoy or disturb persons of ordinary sensibilities in the immediate vicinity thereof, particularly between the hours of 10:00 p.m. and 7:00 a.m., or the operation of such loudspeaker, amplifier or musical instrument at any time on Sunday; provided, however, that the city council may make exceptions upon application when the public interest will be served thereby;

(3) The blowing of any steam whistle attached to any stationary boiler or the blowing of any other loud or far-reaching steam whistle within the city limits, except to give notice of the time to begin or stop work or as a warning of danger;

(4) The erection, excavation, demolition, alteration, or repair work on any building at any time other than between the hours of 6:00 a.m. and 8:30 p.m. Monday through Friday from June 1 to September 30; between 7:00 a.m. and 8:30 p.m. Monday through Friday from October 1 to May 31; between 8:00 a.m. and 8:30 p.m. on Saturday; and between 1:00 p.m. and 8:30 p.m. on Sunday; provided, however, that the city council may issue special permits for such work at other hours in case of urgent necessity and in the interest of public safety and convenience;

(5) The creation of any loud and excessive noise in connection with the loading or unloading of any vehicle or the opening or destruction of bales, boxes, crates or containers;

(6) The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by the creation of noises to any performance, show, theater, motion picture house, sale of merchandise or display which causes crowds of people to block or congregate upon the sidewalks or streets near or adjacent thereto.

(Ordinance 1998-05-0014, sec. 4-1, adopted 3/9/98)

In the continued effort to have special events for the residents, the City of New Fairview and the East Wise Fire Rescue are co-hosting a "Truck or Treat" event at the Municipal Complex, 999 Illinois Lane, on Sunday, October 3, 2022, from 5 – 8 pm. There will be several fire departments from surrounding communities and some local businesses present handing out candy to kids. Various activities are scheduled including bounce houses, games, and free food, and citizens from surrounding communities have been invited. The event will have amplified music and therefore an exception from the Noise Ordinance is requested.

Staff recommends approval of the exception.

FINANCIAL CONSIDERATION:

None.

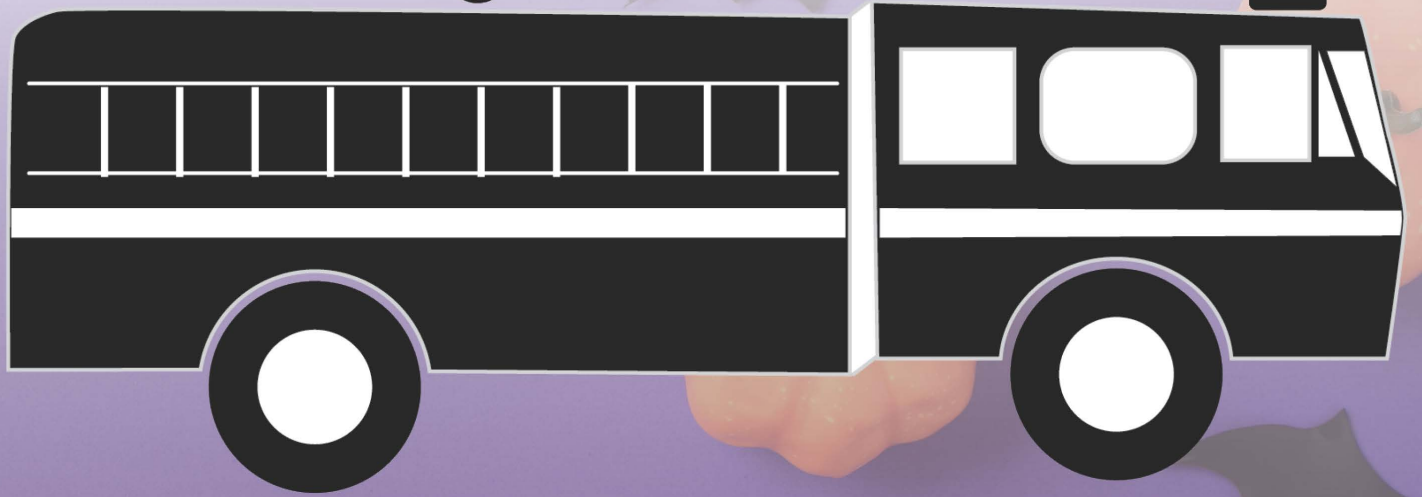
RECOMMENDED MOTIONS:

I move to **Approve/Deny** a noise exception for the Truck or Treat event on Sunday, October 30, to be held at the New Fairview Municipal Complex.

ATTACHMENT(S):

1. Truck or Treat Event Flyer

Truck or Treat



Don't Miss the Fun!
Truck or Treat 2022

Sunday, October 30th | 5 PM - 8 PM

Hosted By:
City of New Fairview and
East Wise Fire Rescue

New Fairview City Hall
999 Illinois,
Rhome, TX 76078

For Volunteer and Sponsorship Opportunities,
Please Email events@newfairview.org