



**City of New Fairview
City Council Minutes
Monday, October 3, 2022**

THE CITY COUNCIL CONVENED INTO A CITY COUNCIL MEETING THE SAME BEING OPEN TO THE PUBLIC, THE 3RD DAY OF OCTOBER 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

Patty Atkins, 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.
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.

Brittney McClellan: Addressed Council with questions regarding the annexation of Chisholm Hills Subdivision into the City. She wanted to know when this had happened and she submitted a disannex petition to the Council.

Julie Burger: Spoke about the disannex petition as well stating that citizens do not receive services, they want to remain in the country. She stated there is no give or take with the city and developers and that the Council is selling the city. She believes that what the Council has done is very unfortunate.

Tom Deal: Stated he supports the Disannex Petition from what he has seen he believes that the City just takes and citizens do not get anything back in return.

James Pless: States that he is not getting any services in the Chisholm Hills Subdivision and that he wants to be in the country.

4. Presentations: This is an opportunity for proclamations, recognitions, general reports, and updates to the City Council.

A. Teacher Appreciation Proclamation

Staff from Northwest ISD were presented with the 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.

Council was informed of corrections made to the minutes and that they would be updated prior to the signing and posting of them.

Motion: Mayor Pro Tem Steven King

Second: Councilman Walter Clements

Vote: All in Favor

Result: City Council Meeting minutes for September 6, 12, and 19 2022 were approved

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.

Motion: Councilman Walter Clements

Second: Mayor Pro Tem Steven King

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

Against: Councilman Harvey Lynn Burger & Councilman Jimmy Royston

Result: 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 was approved.

- 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.

Motion: Councilman Walter Clements

Second: Mayor Pro Tem Steven King

Vote: All in Favor

Result: Resolution regarding a finance agreement with Government Capital Corporation for the purpose of procuring a vehicle, hotbox trailer, super shot trailer, and related equipment was approved.

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

Motion: Councilman Walter Clements

Second: Mayor Pro Tem Steven King

Vote: All in Favors

Result: Ordinance adopting a revised Master Schedule of Fees for the City of New Fairview was approved.

- 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.

Motion: Councilman John Fisette

Second: Councilman Walter Clements

Vote: All in Favor

Result: Resolution repealing Resolution 2019-R002-088 and amending Resolution 2020-17-107, regarding rules for meetings of the City Council was approved.

- 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

Motion: Councilman John Fisette

Second: Councilman Walter Clements

Vote: All min Favor

Result: A noise exception for the Truck or Treat event on Sunday, October 30, to be held at the New Fairview Municipal Complex was approved.

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.

Council broke for executive session to get legal advice on new business item 6A

Left: 7:28 pm

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

Returned: 7:45 pm

9. **Adjournment**

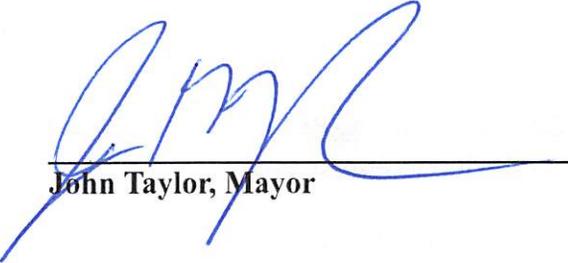
Motion: Councilman Walter Clements

Second: Councilman John Fisette

Vote: All in Favor

Result: Meeting was adjourned at 8:52 pm.

MINUTES APPROVED ON THIS, THE 17TH DAY OF OCTOBER 2022:



John Taylor, Mayor



Brooke Boller, City Secretary