



**City of New Fairview  
City Council  
Regular Meeting  
999 Illinois Lane  
Monday, December 5, 2022, at 7:00 pm**

**WORK SESSION**

1. Call to Order and Determination of Quorum
2. Receive a report and hold a discussion regarding law enforcement services, challenges, and opportunities in the city.
3. Adjournment

**REGULAR SESSION**

1. Call to Order and Determination of Quorum
2. Pledge to the Flags.
  - A. United States of America
  - B. Texas Flag Honor the Texas Flag, I pledge allegiance to thee, Texas, one state under God, one and indivisible.
3. **Announcements & Special Recognitions:** The agenda shall provide a time when proclamations, recognitions, general reports, and updates may be presented by the City Council.
4. **City Administrator's Report:** The City Administrator's Report may provide information on status of current city projects and other projects affecting the City, meetings and actions of the city's boards and commissions, upcoming local community events, including but not limited to departmental operations and capital improvement project status. No action will be taken with respect to this report.
5. **Public Comment:** The City Council invites persons with comments or observations related to city issues, projects, or policies to briefly address the City Council. Anyone wishing to speak should sign-in with the City Secretary before the beginning of the City Council Meeting. In order to expedite the flow of business and to provide all citizens 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.
6. **Consent Agenda:** All matters as Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. An item can be removed from the consent agenda by the City Administrator, Mayor, or any member of the City Council and will be considered after approval of the consent agenda.

- A. Approve the City Council Meeting minutes for November 21, 2022.**
- 7. New Business:** All matters listed in New Business will be discussed and considered separately.
- A. Receive, consider, and act on filling the vacancy for City Council Place Two (2).**
  - B. Receive, consider, and act on a Resolution authorizing the submission of a 2023-2024 Texas Community Development Block Grant (TxCDBG) application to the Texas Department of Agriculture, and authorize the city administrator to negotiate a contract with GrantWorks to act as the City's grant administrator for this grant.**
  - C. Receive, consider, and act on a Resolution for the canceling of the December 19, 2022, Regular Meeting.**
  - D. Receive, consider, and act on the 2023 City Council Meeting Calendar.**
  - E. Receive, consider, and act on a Resolution declaring certain City surplus property and authorizing the City Administrator to sell, donate, and/or dispose of it in accordance with this Resolution and state law.**
- 8. Executive Session:** Recess to Executive Session to discuss matters relating to real property pursuant to §551.072, Texas Government Code; deliberation of economic development negotiations pursuant to §551.087, Texas Government Code; discuss personnel matters pursuant to §551.074, Texas Government Code; discuss IT network or critical infrastructure security pursuant to §551.089, Texas Government Code; and to consult with the City Attorney pursuant to §551.071, Texas Government Code. The Council may go into closed session at any time when permitted by Chapter 551, Texas Government Code or Chapter 418, Texas Tax Code. Before going into closed session, a quorum of the Council must be present, the meeting must be convened as an open meeting pursuant to proper notice, the presiding officer must announce that a closed session will be held and must identify the sections of Chapter 551 or 418, Texas Government Code authorizing the closed session.
- 9. Return to Open Session:** Discuss and take appropriate action, if any, resulting from the discussions conducted in Executive Session.
- 10. Mayor & Council Member Announcements:** The City Council may hear or make reports of community interest provided no action is taken or discussed. Community interest items may include information regarding upcoming schedules of events, honorary recognitions, and announcements involving imminent public health and safety threats to the city. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting

## **11. Adjournment**

I, the undersigned authority, do hereby certify the above notice of the meeting of the City Council of New Fairview, is a true and correct copy of the said notice that I posted on the official posting place at New Fairview City Hall, FM 407, New Fairview, Texas, a place of convenience and readily accessible to the general public at all times, and on its website, said notice being posted this 2<sup>nd</sup> day of December, 2022 at 5:00 PM at least 72 hours preceding the meeting time.

*Brooke Boller*

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](mailto:citysecretary@newfairview.org) for further information.



## CITY COUNCIL AGENDA MEMO

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Prepared By: John Cabrales Jr, City Administrator

December 5, 2022

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### Law Enforcement Services

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#### **DESCRIPTION:**

Receive a report and hold a discussion regarding law enforcement services, challenges, and opportunities in the city.

#### **BACKGROUND INFORMATION:**

Currently, the City contracts with three Wise County Sheriff Office (WCSO) deputies, under the Resident Deputy Program. Each deputy is contracted to work no more than twenty (20) hours per week, but their work hours vary based on their availability. The deputies work for the City during times they are not scheduled to work for the Sheriff Department. Unfortunately, this leaves gaps of law enforcement coverage for the city.

There have been some complaints from residents lately regarding noise ordinance violations, with parties in residential areas. Unfortunately, if this type of violation is taking place and there is not a resident deputy working, the WCSO will still respond to any complaints called into the public safety answering point (PSAP), however WCSO deputies cannot enforce city ordinances. Staff is working with Sgt. Scheps with WCSO, and one of our resident deputies, on coming up with a solution on being able to use the WCSO incident report on any noise violation as the “complaint” for the filing of a citation after the fact.

There is also the option of contracting with another municipality, through an Interlocal Agreement (ILA), for law enforcement services from their police department. This is a common model used by smaller cities next to larger cities that have the resources and capacity to provide this type of service. Locally, the City of Aurora is in the process of trying to contract with the City of Rhome for law enforcement services. There are pros and cons when entering into these types of ILA’s, but the cost for this type of service will be more than what is currently being budgeted for law enforcement services under the resident deputy program.

This item was requested by City Council.

**FINANCIAL CONSIDERATION:**

In the Fiscal Year 2022-23 Public Safety Budget, \$44,000 has been approved for paying for the contract law enforcement services.

**RECOMMENDED MOTIONS:**

None, discussion only.

**ATTACHMENT(S):**

None



**City of New Fairview  
City Council  
Regular Meeting Minutes  
999 Illinois Lane  
November 21, 2022, at 7:00 pm**

**THE CITY COUNCIL CONVENED INTO A CITY COUNCIL MEETING THE SAME BEING OPEN TO THE PUBLIC, THE 21ST DAY OF NOVEMBER 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 Richard Greene**

**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 7:06pm; 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.

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 October 2022 Financial Report.
- B. Approve the City Council Meeting minutes for November 7, 2022.

**Motion: Councilman Walter Clements**

**Second: Councilman John Fissette**

**Vote: All in Favor**

**Result: Council approved the October 2022 Financial Report and the City Council Meeting minutes from November 7, 2022.**

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

- A. Receive, consider, and act upon the resignation of office by a Council Member.

**Motion: Councilman John Fissette**

**Second: Councilman Walter Clements**

**Vote: All in Favor**

**Result: Council accepted the resignation of Council Member Jimmy Royston.**

- B. Receive, consider, and act on filling the vacancy for City Council Place Five (5).

**Motion: Mayor Pro Tem Steven King**

**Second: Councilman John Fissette**

**Vote: All in Favor**

**Result: Council appointed Richard Greene to the vacant seat of City Council Member Place 5.**

- C. Receive, consider and act on a Resolution canvassing and declaring the results of the Special Election held on November 8, 2022, for the purpose of determining if the City of New Fairview, Texas municipal boundaries should be decreased by the disannexation of Falcon Ridge Estates from the City.

**Motion: Councilman Richard Greene**

**Second: Mayor Pro Tem Steven King**

**Vote: For – Councilman Harvey Lynn Burger, Mayor Pro Tem Steven King, Councilman Richard Greene**

**Against – Councilman John Fissette, Councilman Walter Clements**

**Result: Council Approved a Resolution canvassing and declaring the results of the Special Election held on November 8, 2022, for the purpose of determining if the City of New Fairview, Texas municipal boundaries should be decreased by the disannexation of Falcon Ridge Estates from the City.**

- D. Proclamation for outgoing Council members.

**Result: Mayor John Taylor read proclamations to Councilman John Fissette & Councilman Jimmy Royston.**

- E. Receive, consider, and act on a Resolution amending Resolution 2020-17-107 and the City Council Procedures and Decorum Policy.

**Motion: Councilman Walter Clements**

**Second: Mayor Pro Tem Steven King**

**Vote: All in Favor**

**Result: Council approved a Resolution amending Resolution 2020-17-107 and the City Council Procedures and Decorum Policy.**

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 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 at 7:29 pm to discuss item 5B.**

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

**Council returned from executive session at 7:40 pm.**

8. Adjournment

**Motion: Councilman Richard Greene**

**Second: Councilman Walter Clements**

**Vote: All in Favor**

**Result: City Council Meeting was adjourned at 8:06 pm.**

**MINUTES APPROVED ON THIS, THE 5TH DAY OF DECEMBER 2022:**

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**John Taylor, Mayor**

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**Brooke Boller, City Secretary**





## CITY COUNCIL AGENDA MEMO

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Prepared By: John Cabrales Jr, City Administrator

December 5, 2022

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### Appointment of City Council Place 2

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#### **DESCRIPTION:**

Receive, consider, and act on filling the vacancy for City Council Place 2.

#### **BACKGROUND INFORMATION:**

On November 21, 2022, the New Fairview City Council canvassed the results of the November 8 Special Election determining that a majority of the votes cast were “For” decreasing the City’s municipal boundaries by the disannexation of Falcon Ridge Estates from the City. Place Two Council Member John Fissette, lives in this subdivision and as a result had to give up his council seat.

Consistent with the Texas Local Government Code, rather than incur the expense of ordering a special election to fill the vacancy, Mayor Taylor instructed staff to collect applications from residents interested in being considered for appointment to this vacant council position, for the Council’s consideration at this meeting. The appointment will be to fill the remainder of the term, until the next general municipal election in May 2023.

The City received applications from the following residents, and the City Secretary has confirmed that they are residents of the city:

1. Sarah Adams
2. Peter Kozlowski

#### **FINANCIAL CONSIDERATION:**

None

#### **RECOMMENDED MOTIONS:**

I move to **appoint** \_\_\_\_\_ to the vacant City Council Place 2 position.

**ATTACHMENT(S):**

1. Applications



## CITY COUNCIL AGENDA MEMO

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Prepared By: John Cabrales Jr, City Administrator

December 5, 2022

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### 2023-24 Texas CDBG Grant Administrator

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#### **DESCRIPTION:**

Receive, consider, and act on a Resolution authorizing the submission of a 2023-2024 Texas Community Development Block Grant (TxCDBG) application to the Texas Department of Agriculture, and authorize the city administrator to negotiate a contract with GrantWorks to act as the City's grant administrator for this grant.

#### **BACKGROUND INFORMATION:**

Staff is interested to know if the City Council would like to consider applying for the next round of Texas Community Development Block Grant (TxCDBG) funding from the Texas Department of Agriculture (TDA) for road projects in Chisholm Hills. This round of grant funding is for up to \$500,000 and requires a local match from the City of \$10,000 up to \$25,000.

If you recall, in 2021 the City was awarded a TxCDBG grant (CDV21-0100) in the amount of \$350,000 for the reconstruction of Wilson Ct. and Creasser Lane. The City Council has contracted with JR West Texas Construction to do the drainage work for this project for a total of \$426,991.50. The City is waiting on final approval from TDA so that the drainage work can proceed.

In preparation for another TxCDBG application, staff developed and sent a TxCDBG Phase Two Solicitation for Administrative Services Request for Project-Specific Proposal (Form A506) to four Pre-Qualified Administrators on the Texas Department of Agriculture (TDA) Approved Vendor List. We received two responses and a review team made up of the Mayor, Mayor Pro Tem, City Administrator, and City Operations Administrator was established to review the submissions. Based on the following evaluation criteria: Experience (30 points), Prior Work Performance (30 points), Capacity to Perform (20 points), and Proposed Cost (20 points), the review team recommends the City Council approve GrantWorks for the City's TxCDBG grant administrator on this application.

If the City moves forward with the TxCDBG application, staff will work with residents in Chisholm Hills subdivision to complete a community survey that will be used to identify areas that meet the Low Income/Low -Middle Income (LI/LMI) levels for application of the TxCDBG.

Staff recommends approval of the resolution.

**FINANCIAL CONSIDERATION:**

In their proposal, GrantWorks is willing to negotiate the Cost and Scope of Services before final selection, as TDA allows. Their proposed fee is \$34,400 or 11% of the total grant award, whichever is lower. This is for Administrative Services and is only payable in the event of a 2023-2024 Texas Community Development Block Grant award to the City.

**RECOMMENDED MOTIONS:**

I move to **Approve/Deny** a Resolution authorizing the submission of a 2023-2024 Texas Community Development Block Grant (TxCDBG) application to the Texas Department of Agriculture, and authorize the city administrator to negotiate a contract with GrantWorks to act as the City's grant administrator for this grant.

**ATTACHMENT(S):**

1. Resolution 202212-03-107

**CITY OF NEW FAIRVIEW, TEXAS  
RESOLUTION NO. 202212-03-107**

**A RESOLUTION OF THE CITY OF NEW FAIRVIEW, TEXAS, AUTHORIZING THE SUBMISSION OF A 2023-2024 TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT (TxCDBG) APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE, AND AUTHORIZE THE CITY ADMINISTRATOR TO NEGOTIATE A CONTRACT WITH GRANTWORKS TO ACT AS THE GRANT ADMINISTRATOR FOR THIS GRANT; 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 desires to participate in the 2023-2024 Texas Department of Agriculture, Community Development Block Grant Program (TxCDBG); and

**WHEREAS**, the City put out a TxCDBG Administrative Services Request for Project-Specific Proposal to several Pre-Qualified Administrators on the Texas Department of Agriculture Approved Vendor List; and

**WHEREAS**, the City received two submissions and the Review Team found that the submission from GrantWorks scored highest on the evaluation criteria and best meets the needs of the City.

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

**SECTION 1.** That, all matters stated in the recitals herein above are found to be true and correct and are incorporated herein by reference as if copied in their entirety.

**SECTION 2.** That the City Council does hereby authorize the submission of an application for the 2023-2024 Texas Department of Agriculture, Community Development Block Grant Program.

**SECTION 3.** That the City Council does hereby authorize the city administrator to negotiate a contract with GrantWorks to act as the City's Grant Administrator for the 2023-2024 Texas Department of Agriculture, Community Development Block Grant Program.

**SECTION 4.** That, if any portion of this resolution shall, for any reason, be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions hereof and the Council hereby determined that it would have adopted this Resolution without the invalid provision.

**SECTION 5.** This Resolution shall be effective immediately upon approval.

**PASSED AND APPROVED** this the 5<sup>th</sup> day of December 2022.

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**John Taylor, Mayor**

**ATTEST:**

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**Brooke Boller, City Secretary**



**CITY COUNCIL  
AGENDA MEMO**

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Prepared By: John Cabrales Jr., City Administrator

December 5, 2022

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**Canceling City Council Meeting**

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**DESCRIPTION:**

Receive, consider, and act on a Resolution for the canceling the December 19, 2022, Regular Meeting.

**BACKGROUND INFORMATION:**

As provided by the City's recent amendments to its Procedures and Decorum Policy, the City of New Fairview regular City Council meetings are held on the first and third Mondays of each month, at such times as may be set by the City Council, unless the meeting is rescheduled or canceled. 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 locations as the City Council may, by motion, resolution or ordinance, designate.

The City Council desires to cancel the City Council meeting of Monday, December 19 at 7:00 p.m., in observance of the Christmas Holiday. The City Council finds that it would be in the public interest to cancel the meeting to allow council members and staff the ability to spend time with family and friends during the holidays.

**FINANCIAL CONSIDERATION:**

None

**RECOMMENDED MOTION:**

I move to **Approve/Deny** a Resolution canceling the December 19, 2022, Regular Meeting.

**ATTACHMENT(S):**

1. Resolution 202212-02-106

**RESOLUTION NO. 202212-02-106**

**A RESOLUTION OF THE CITY OF NEW FAIRVIEW, TEXAS, CANCELING THE CITY COUNCIL MEETING OF MONDAY, DECEMBER 19, 2022; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of New Fairview, Texas (“City Council”) is regularly scheduled to meet on the first and third Mondays of each month at 7:00 p.m.; and

**WHEREAS**, the City Council finds that it would be in the public interest to cancel the December 19, 2022, Regular City Council meeting to allow council members and staff the ability to spend time with family and friends during the holidays.

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

**SECTION 1.** That the December 19, 2022, Regular City Council meeting at 7:00 p.m., is hereby canceled.

**SECTION 2.** This resolution shall take effect from and after its final date of passage.

The above and foregoing Resolution was passed and approved at a Regular Meeting of the City Council of the City of New Fairview, Texas, on this the 5<sup>th</sup> day of December 2022.

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JOHN TAYLOR, MAYOR

ATTEST:

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Brooke Boller, City Secretary





## CITY COUNCIL AGENDA MEMO

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Prepared By: Brooke Boller, City Secretary

December 5, 2022

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### City Council 2023 Meeting Calendar

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#### **DESCRIPTION:**

Receive, consider, and act on the 2023 City Council Meeting Calendar.

#### **BACKGROUND INFORMATION:**

The Council meets on the first and third Monday of each month, except for City observed holidays, in which case, the meeting will be held the following day at the same time (Resolution 202210-01-100). Attached is the 2023 City Council Meeting Calendar recommended by staff. Please note that the meetings for January 2, and September 4, have been moved to Tuesday because the scheduled Monday meetings fall on a City observed holiday.

#### **FINANCIAL CONSIDERATION:**

None

#### **RECOMMENDED MOTIONS:**

I move to **Approve/Deny** the 2023 City Council Meeting Calendar as presented by the City Secretary.

#### **ATTACHMENT(S):**

1. Calendar

# City Council 2023 Meeting Calendar

## January 2023

2<sup>nd</sup>: Closed for New Years Day (Move to Tuesday the 3<sup>rd</sup>)

16<sup>th</sup>: Open – Martin Luther King Jr Day

## February 2023

6<sup>th</sup>:

20<sup>th</sup>: Open – President’s Day

## March 2023

6<sup>th</sup>:

20<sup>th</sup>: Spring Break (NISD)

## April 2023

3<sup>rd</sup>:

17<sup>th</sup>:

## May 2023

1<sup>st</sup>:

15<sup>th</sup>: Monday after Mother’s Day

## June 2023

5<sup>th</sup>:

19<sup>th</sup>: Open - Juneteenth and Monday after Father’s Day

## July 2023

3<sup>rd</sup>: Open – Day before Independence Day

17<sup>th</sup>:

## August 2023

7<sup>th</sup>:

21<sup>st</sup>:

## September 2023

4<sup>th</sup>: Closed for Labor Day (Move to Tuesday the 5<sup>th</sup>)

18<sup>th</sup>:

## October 2023

2<sup>nd</sup>:

16<sup>th</sup>:

## November 2023

6<sup>th</sup>:

20<sup>th</sup>: Week of Thanksgiving

## December 2023

4<sup>th</sup>:

18<sup>th</sup>:



**CITY COUNCIL  
AGENDA MEMO**

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Prepared By: John Cabrales Jr, City Administrator

December 5, 2022

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**Disposal of Surplus Property**

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**DESCRIPTION:**

Receive, consider, and act on a Resolution declaring certain City surplus property and authorizing the City Administrator to sell, donate, and/or dispose of it in accordance with this Resolution and state law.

**BACKGROUND INFORMATION:**

The City of New Fairview needs to dispose of both accumulated salvage as well as surplus personal property owned by the City. As defined by state law, “salvage” property is that which has no further feasible use, is obsolete or unusable. Surplus property, on the other hand, is that which is in excess of required inventory or has exceeded its useful life cycle but has some value, that is, it may still be used for its intended purpose. The salvage property includes technology, furniture, and miscellaneous acquired items. The surplus property includes damaged wooden cabinetry and some office chairs. See attached 2022 Asset Disposal List.

For general law cities, the fundamental authority for the disposition of personal property is found in Chapter 51 of the Local Government Code. Under Sec. 51.015, a Type A city may “lease, grant, or convey” property and may “manage and control the property belonging to the municipality.”

Sec. 51.015. AUTHORITY TO HOLD, PURCHASE, LEASE, OR CONVEY PROPERTY.

(a) To carry out a municipal purpose, the municipality may take, hold, purchase, lease, grant, or convey property located in or outside the municipality.

(b) The governing body of the municipality may manage and control the property belonging to the municipality.

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

Surplus property may be disposed of by means of sale at auction, or disposal by other means. However, to dispose of personal property—regardless of whether the property is sold, leased, or disposed by other means cities must always consider the constitutionality of the transaction.

Of particular relevance are those provisions of the Texas Constitution, TEX. CONST. arts. III, § 52(a), which prohibit a city to from granting public monies or anything of value in aid of, or to any individual, association or corporation”), XI, § 3 (prohibiting a city from making any appropriation or donation to a private corporation or association). A transaction to dispose of surplus personal property does not violate these provisions of the constitution if: (1) it has as its predominant purpose the accomplishment of a public purpose of the city (as opposed to a private purpose); (2) the city places sufficient controls on the transaction to ensure that the public purpose is carried out; and (3) the city receives a return benefit. See Tex. Attorney Gen. Op. Nos. GA-0583 (2007) (lease of a county-owned generator to a radio station), GA-0085 (2003) (sale of county-owned dirt to a private party), GA-0084 (2003) (city’s conveyance of personal property and equipment to a volunteer firefighter-EMS association). There is no statute that generally requires that a city hold an auction or advertise and receive bids to sell its surplus personal property. See TEX. LOC. GOV’T CODE § 252.022(a)(12)(C) (providing that personal property sold by a city is exempt from Local Government Code Chapter 252).

In this case, the surplus items are being removed from City premises at no cost to the city, thereby avoiding the cost of a governmental auction or sale, including staff time. The salvage property, in turn, is being taken by staff for salvage value.

Staff recommends approval of the resolution.

**FINANCIAL CONSIDERATION:**

There is no cost to the City associated with the asset disposal.

**RECOMMENDED MOTIONS:**

I move to **Approve/Deny** a resolution declaring certain City property as surplus and/or salvage and authorizing the City Administrator to sell, donate, and/or dispose of it in accordance with this Resolution and state law.

**ATTACHMENT(S):**

1. Resolution 202212-01-105
2. Exhibit A – 2022 Asset Disposal List



**CITY OF NEW FAIRVIEW, TEXAS  
RESOLUTION NO. 202212-01-105**

**A RESOLUTION OF THE CITY OF NEW FAIRVIEW, TEXAS, DECLARING CERTAIN CITY PROPERTY SURPLUS AND/OR SALVAGE, AUTHORIZING THE CITY ADMINISTRATOR TO SELL, CONVEY, AND/OR DISPOSE OF IT IN ACCORDANCE WITH THIS RESOLUTION AND STATE LAW; 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 recognizes that in the normal course of providing municipal services, the various departments will exhaust the useful life of its capital equipment, and other personal property that does not meet the capital equipment threshold, to the point where it is no longer cost effective to maintain and operate; and

**WHEREAS**, Chapter 51 of the Texas Local Government Code gives the City the fundamental authority for the disposition of personal property belonging to the City; and

**WHEREAS**, the City has determined the personal property described in Exhibit A, attached hereto and incorporated herein by reference, is not currently needed by the City, that the City no longer has any foreseeable need or use for such property, and that said property should be declared surplus and/or salvage and respectively sold or conveyed or disposed of, in accordance with state law.

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

**SECTION 1.** The City Council declares the property identified in Exhibit A, hereto, surplus and/or salvage, and authorizes the City Administrator or his designee to sell, convey and/or dispose of the property according to state law.

**SECTION 2.** This Resolution shall be effective immediately upon approval.

**PASSED AND APPROVED** this the 5<sup>th</sup> day of December 2022.

\_\_\_\_\_  
**John Taylor, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Brooke Boller, City Secretary**

**Exhibit A**

**2022 INVENTORY DISPOSAL LIST**

**ADMINISTRATION**

<b>Item</b>	<b>Serial #/Service tag</b>	<b>Condition</b>	<b>Disposal Method</b>
5- Blue Office Chairs		Surplus; useful life not expired	Valor Ranch Non-profit will remove at no cost to City
Savin Scanner/Printer 3406 WD	10477	Broken/Not Working	Dispose
Amano PIX- 55 Time Recorder	382800091	Broken/Not Working	Dispose
Three person faux leather sofa		Surplus; useful life not expired	East Wise Fire Rescue will remove from premises

**PUBLIC WORKS**

<b>Item</b>	<b>Serial #/Service tag</b>	<b>Condition</b>	<b>Disposal Method</b>
Gailon Roll-O-Static 4-6 Ton	379170-R2	Broken/Not Working	Salvage for scrap
Wood Kitchen Cabinets		Damaged/Water Damage	East Wise Fire Rescue will remove from premises
Kitchen Countertops		Damaged; no value	Dispose
2- HDN Lateral Filing Cabinets		Salvage only	Salvage for scrap
2- HDN Legal Filing Cabinets		Salvage only	Salvage for scrap
1- HDN Regular Filing Cabinet		Salvage only	Salvage for scrap