



**City of New Fairview  
City Council  
Regular Meeting  
999 Illinois Lane  
Tuesday, January 3, 2023, at 7:00 pm**

**THE CITY COUNCIL CONVENED INTO A CITY COUNCIL MEETING THE SAME BEING OPEN TO THE PUBLIC, THE 3RD DAY OF JANUARY 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 Councilman Harvey Lynn Burger  
Place 2 Councilman Peter Kozlowski  
Place 3 Councilman Walter Clements  
Place 5 Councilman Richard Greene**

**City Staff  
John Cabrales Jr, City Administrator  
Susan Greenwood, Assistant City Secretary/Court Administrator  
Roberta (Robin) Cross, City Attorney (Virtual)**

**WORK SESSION**

- 1. Call to Order and Determination of Quorum (Work Session called to order by Mayor John Taylor at 9:46 pm; Roll Call with the above-mentioned names)**
- 2. Receive a report and hold a discussion regarding the City's Procurement Policy.  
John Cabrales Jr. gave the Council various copies of other cities Procurement Policies as examples to review to get the Council's direction on the existing Procurement Policy.**
- 3. Adjournment  
Motion: Councilman Richard Greene  
Second: Councilman Walter Clements  
Vote: All in Favor  
Results: Work Session was adjourned at 9:53 pm.**

## 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. **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 December 5, 2022  
**Motion: Councilman Richard Greene**  
**Second: Councilman Walter Clements**  
**Vote: All in Favor**  
**Results: The City Council Meeting Minutes from December 5, 2022, were approved with the following changes: Change Councilwoman Harvey Lynn Burger to Councilman Harvey Lynn Burger and also change Robert (Robin) Cross, City Attorney (Virtual) to Roberta (Robin) Cross, City Attorney (Virtual)**
7. **New Business:** All matters listed in New Business will be discussed and considered separately.
  - A. Hold a public hearing and consider an Ordinance repealing certain sections of Chapter 4 Building Regulations; Chapter 5 Business Regulations; Chapter 9A Subdivision Regulations; Chapter 9B Zoning Regulations of the Code of Ordinances of the City of New Fairview, Texas and adopting a new Section 28 of Chapter 9B, "Zoning Ordinance".  
**Public hearing opened at 7:38 pm. The City Planner, Stephen Cook gave a presentation on the fence ordinance based off of the Planning and Zoning voting unanimously on December 12,**

**2022, to recommend approval of the ordinance with a few revisions which was incorporated into the ordinance. The Public Hearing closed at 8:55 pm.**

**Motion: Councilman Richard Greene**

**Second: Councilman Peter Kozlowski**

**Vote For: Councilman Richard Greene, Councilman Peter Kozlowski, Councilman Walter Clements, and Mayor Pro Tem Steven King**

**Vote Against: Councilman Harvey Lynn Burger**

**Result: A zoning ordinance repealing certain sections of Chapter 4 Building Regulations; Chapter 5 Business Regulations; Chapter 9A Subdivision Regulations; Chapter 9B Zoning Regulations of the Code of Ordinances of the City of New Fairview, Texas and adopting a new Section 28 of Chapter 9B, "Zoning Ordinance", was approved with changes to Section 28.4 adding the word "Privacy" to the description of the wood fences, cross fencing, and ag fences Section 28.2 adding a permit fee waiver may be applied for the installation of fences, and Section 29.12 adding Knox Locks shall be made available for emergency access to all fenced drilling and production sites.**

- B. Receive, consider, and act on a request to include the territorial limits and extraterritorial jurisdiction of the city in Denton County within the proposed Denton County Emergency Service District No. 2.

**Motion: Councilman Steven King**

**Second: Councilman Walter Clements**

**Vote: All in Favor**

**Result: The City Council denied the request to include the territorial limits and extraterritorial jurisdiction of the City of New Fairview in Denton County within the proposed Denton County Emergency Service District No. 2.**

- C. Receive, consider, and act on appointing members to the Planning and Zoning Commission.

**Motion: Councilman Richard Greene**

**Second: Councilman Peter Kozlowski**

**Vote: All in Favor**

**Result: The City Council approved the appointment of Sarah Adams to the Planning and Zoning Commission, Place 4.**

- D. Receive, consider, and act on a Resolution designating the Wise County Messenger as the Official Newspaper for Year 2023.

**Motion: Councilman Richard Greene**

**Second: Councilman Steven King**

**Vote: All in Favor**

**Result: The City Council approved a Resolution designating the *Wise County Messenger* as the Official Newspaper for Year 2023.**

- E. Discuss, consider, and act on a Resolution calling a general/special election for the office of Mayor and City Members Place 2 and Place 4 to be held May 6, 2023, as well as a special election for an unexpired term for City Council Member Place 5 and 3 to be held May 6, 2023; authorizing execution of a joint election agreement with the Wise County Elections Administration and Denton County Administration to conduct the election; and provide procedures to conduct the election as well as resolving other matters incident and related thereto.

**Motion: Councilman Walter Clements**

**Second: Councilman Steven King**

**Vote: All in Favor**

**Result: The City Council approved a Resolution calling a general/special election for the office of Mayor and City Members Place 2 and Place 4 to be held May 6, 2023, as well as a special election for an unexpired term for City Council Member Place 5 and 3 to be held May 6, 2023; authorizing execution of a joint election agreement with the Wise County Elections Administration and Denton County Administration to conduct the election; and provide procedures to conduct the election as well as resolving other matters incident and related thereto.**

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.
  - A. § 551.071(1): Consultation with the City Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act regarding: Employment Agreement for John Cabrales, Jr.
  - B. §551.074: (a) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: Employment Agreement for John Cabrales, Jr.


**Council left for executive session at 9:07 pm.**
9. **Return to Open Session:** Discuss and take appropriate action, if any, resulting from the discussions conducted in Executive Session.

**Council returned to Open Session at 9:40pm.**
10. **Mayor & Council Member Announcements:** The City Council may hear or make reports of community interest provided no action is taken or discussed. Community interest items may include information regarding upcoming schedules of events, honorary recognitions, and announcements involving imminent public health and safety threats to the city. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting
11. **Adjournment**

**Motion: Councilman Steven King**  
**Second: Councilman Walter Clements**  
**Vote: All in Favor**  
**Result: Meeting was adjourned at 9:45pm**

MINUTES APPROVED ON THIS, THE 16<sup>TH</sup> DAY OF JANUARY 2023:



  
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**John Taylor, Mayor**

  
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**Susan Greenwood, Assistant City Secretary**