



**City of New Fairview
City Council
Special Called Meeting Minutes
999 Illinois Lane
Monday, January 15, 2024, at 7:00 pm**

**CITY COUNCIL
Mayor John Taylor
Mayor Pro Tem Steven King
Place 1 Councilman Harvey Lynn Burger
Place 2 Councilman Peter Kozlowski
Place 5 Councilman Richard Greene**

**City Staff
John Cabrales Jr, City Administrator
Brooke Boller, City Secretary
Jerry Drake, City Attorney – Virtual**

**Absent
Place 3 Councilwoman Sarah Adams**

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.**)
 - 1.
2. Pledge to the Flags.
 - A. United States of America
 - B. Texas Flag Honor the Texas Flag, I pledge allegiance to thee, Texas, one state under God, one and indivisible.
3. Announcements & Special Recognitions: The agenda shall provide a time when proclamations, recognitions, general reports, and updates may be presented by the City Council.
4. City Administrator's Report: The City Administrator's Report may provide information on status of current city projects and other projects affecting the City, meetings and actions of the city's boards and commissions, upcoming local community events, including but not limited to departmental operations and capital improvement project status. No action will be taken with respect to this report.
5. Public Comment: The City Council invites persons with comments or observations related to city issues, projects, or policies to briefly address the City Council. Anyone wishing to speak should sign in with the City Secretary before the beginning of the City Council Meeting. In order to expedite the flow of business and to provide all citizens with the opportunity to speak, there is a three-minute limit on any

person addressing the City Council. State law prohibits the City Council from discussing or taking action on any item not listed on the posted agenda.

6. Consent Agenda: All matters as Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. An item can be removed from the consent agenda by the City Administrator, Mayor, or any member of the City Council and will be considered after approval of the consent agenda.
 - A. Approve the City Council Meeting minutes for Jan. 8, 2024.
 - B. Approve the September 2023 Financial Reports. – **Removed by John Cabrales Jr.**
Motion: Councilman Harvey Lynn Burger
Second: Councilman Peter Kozlowski
Vote: All in Favor
Result: Council approved the City Council Meeting minutes for January 8, 2024.
7. New Business: All matters listed in New Business will be discussed and considered separately.
 - A. Receive, consider, and act on an Ordinance granting a franchise agreement with Atmos Energy Corporation.
Motion: Councilman Peter Kozlowski
Second: Mayor Pro Tem Steven King
Vote: All in Favor
Result: Council approved an ordinance granting a franchise agreement with Atmos Energy Corporation.
 - B. Receive, consider, and act on a Resolution approving the First Amendment to the Schaumburg & Polk, Inc Professional Services Agreement to complete and submit an application for a Certificate of Convenience and Necessity for water and wastewater services.
Motion: Councilman Richard Greene
Second: Councilman Peter Kozlowski
Vote: All in Favor
Result: Council approved a Resolution approving the First Amendment to the Schaumburg & Polk, Inc Professional Services Agreement to complete and submit an application for a Certificate of Convenience and Necessity for water and wastewater services.
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.
Council left for closed session at 7:37pm

- A. § 551.071(2): 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:
1. City Secretary
 2. Possible property acquisition that is east of South County Line, West of FM 407 and North of Dove Hollow Lane
- Tabled**
- B. §551.074: (a) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: City Secretary.
- C. Section 551.072: to deliberate the purchase, exchange, lease, or value of real property.
1. Possible property acquisition that is east of South County Line, West of FM 407 and North of Dove Hollow Lane.
- Tabled**

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 9:43pm; no action was taken on item B. Council requested to table the item until the employee handbook is updated and approved.

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 Richard Greene


Second: Councilman Peter Kozlowski

Vote: All in Favor

Result: Regular session was adjourned at 9:46pm.



MINUTES APPROVED ON THIS, THE 5TH DAY OF FEBRUARY 2024



John Taylor, Mayor



Brooke Boller, City Secretary