



**City of New Fairview
City Council
Regular Called Meeting
999 Illinois Lane
Monday, March 4, 2024, at 7:00 pm**

WORK SESSION

1. Call to Order and Determination of Quorum
2. Receive a report and hold a discussion regarding drafting a Naming Policy for City buildings, facilities, land, or any portion thereof.
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 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 February 19, 2024.

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

A. Receive, consider, and act on a Resolution authorizing continued participation with the Atmos Cities Steering Committee; and authorizing the payment of the current and future annual assessments to the Atmos Cities Steering Committee to fund regulatory and activities related to Atmos Corporation.

B. Receive, consider, and act on an Ordinance declaring the unopposed candidates for the three (3) City Council Members as elected, and providing that the May 4, 2024 Regular Municipal General Election shall not be held.

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(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. Employment Agreement for John Cabrales, Jr.**
- 2. Possible property acquisition that is east of South County Line, West of FM 407 and North of Dove Hollow Lane.**

B. §551.074: (a) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee:

- 1. Employment Agreement for John Cabrales, Jr.**

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.**

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 1st day of March, 2024 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 accommodation 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 COUNCIL AGENDA MEMO

Prepared By: John Cabrales Jr, City Administrator

March 4, 2024

City Naming Policy

DESCRIPTION:

Receive a report and hold a discussion regarding drafting a Naming Policy for City buildings, facilities, land, or any portion thereof.

BACKGROUND INFORMATION:

It is beneficial for a city to have guidelines for the naming of municipal parks, buildings, other facilities, structures, landmarks, and streets. Names should be familiar to the majority of citizens, easy to recall, unique and lasting. The City has been contacted by a local business owner who is interested in naming the new city park. Staff would like to have a discussion with the City Council to determine if there is interest in adopting a Naming Policy for City buildings, facilities, land, or any portion thereof.

There are several factors that need to be considered including:

1. Purpose and/or Objectives for the Policy
2. Definitions
3. Criteria for naming of an Individual
 - a. Living vs deceased
 - b. Resident or business owner or historic figure
 - c. Heroic act
 - d. Include or exclude current elected or appointed officials?
4. Criteria for naming of a foundation or organization
5. Monetary vs Non-monetary and amount or value
6. Renaming if needed
7. Procedures (application, letter of request, resume or organization info, review committee, etc)

FINANCIAL CONSIDERATION:

The financial impact to the City should be minimal. Any plaque, marker, sign, or memorial costs should be paid by the applicant. Depending on the monetary vs non-monetary amount or value set in the policy, this could be used for the benefit of public facilities and services.

RECOMMENDED MOTIONS:

None, discussion only.

ATTACHMENT(S):

1. Westlake Naming Policy
2. Highland Village Naming Policy
3. Denton Naming Policy

TOWN OF WESTLAKE

RESOLUTION NO. 21-05

A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF WESTLAKE, TEXAS, AMENDING RESOLUTION 09-02 WHICH ESTABLISHED A NAMING POLICY FOR TOWN OWNED FACILITIES AND PARKS, TO PROVIDE GUIDELINES AND STANDARDS FOR THE SUBMISSION OF INDIVIDUALS OR ENTITIES FOR NAMING OPPORTUNITIES.

WHEREAS, the Town of Westlake realizes the increase in Westlake's residential community and there is a need to provide a framework for Town and Academy through private donations, gifts and other private funding sources; and

WHEREAS, to ensure that recognition is afforded to those who have made extraordinary commitments, donations, and achievements on behalf of the Town and/or Academy; and

WHEREAS, the need arose to provide a uniform policy for submitting naming requests to the Town Council for consideration; and

WHEREAS, staff have developed a facility naming policy, attached as Exhibit "A" and Naming Requests Standards Guide, attached as Exhibit "B", establishing the guidelines for name submission; and

WHEREAS, the Town Council finds that the passage of this Resolution is in the best interest of the people of Westlake.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WESTLAKE, TEXAS:

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

SECTION 2: That the Town Council of the Town of Westlake hereby approves the Policy for the Naming of Town Owned Facilities and Parks (Exhibit "A") and Naming Requests Standards Guide, attached as (Exhibit "B").

SECTION 3: 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 determines that it would have adopted this Resolution without the invalid provision.

SECTION 4: That this resolution shall become effective from and after its date of passage.

PASSED AND APPROVED ON THIS 1st DAY OF MARCH 2021.

ATTEST:

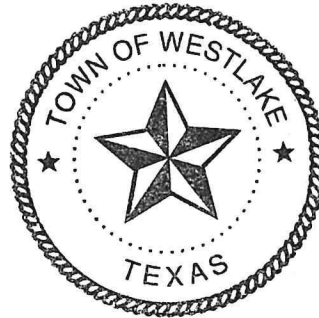
Laura Wheat
Laura Wheat, Mayor

Todd Wood
Todd Wood, Town Secretary

Amanda DeGan
Amanda DeGan, Town Manager

APPROVED AS TO FORM:

L. Stanton Lowry For
L. Stanton Lowry, Town Attorney





Facility Naming Policy

1. Purpose

The purpose of the **Facility Naming Policy** is to establish proper procedures to recognize the dedication, accomplishment or generosity of individuals and entities whose support is a valuable and integral component of the mission of the Town of Westlake and, by extension, Westlake Academy and the Westlake Academy Foundation. Naming opportunities include Town owned buildings or other facilities including parks, recreational areas and sports fields and hike and bike trails hereinafter referred to as "facilities". In addition, other naming opportunities that may be considered are benches, plantings, steppingstones, pavers or other items not described above, all of which will be submitted to the Council for review and approval.

2. Objectives

- A. Encourage broad community support, enhancement and involvement in the Town, Academy and Foundation through private donations, gifts and other private funding sources and to ensure that recognition is afforded to those who have made extraordinary commitments, or achievements on behalf of the Town and/or Academy and Foundation
- B. Provide a uniform policy and procedure for submitting naming requests to the Town Council for consideration and approval.

3. Criteria

The Town Council may authorize the naming or renaming of the facilities under the following criteria:

Monetary-Related Naming

Occurs when a donor makes a significant monetary donation to the Town and requests a facility or program to be named for a person or entity.

A person or entity submitted for consideration shall:

- A. Make a significant land and/or monetary donation to the Town, of a minimum amount of \$1,000,000 or more, toward the acquisition and/or development of a building, facility, or endowment, or;
- B. Provide a minimum of a five-year pre-approved gift amount which will cover the cost to administer the program and/or maintain the facility. Naming rights will extend only for the time period the gift covers.



Real Property

Occurs when a donor makes a gift of property to the Town, Westlake Academy or Foundation and requests the property be named for one or more persons. Real property given to the Town, Westlake Academy or Foundation may be named in consideration of the gift of the donor’s interest of the property.

Gift Related Naming (non-Monetary)

Occurs when a person or entity donates an item of value to be used in or on a Town owned facility and requests the item to be recognized as being donated in the name of a person or entity.

- A. Any items considered for naming rights must have a value of at least \$5,000.00
- B. Donated, named items must fit within the Standards of the Town and Westlake Academy and the placement of any item must be approved by the Director of Facilities and Public Works. (Current *Naming Requests Standards Guide* available in the Director of Facilities and Public Work Office.)
- C. Applicants must follow the procedures for submitting a request described in the *Procedures* section below.
- D. Donation plaque or signage must be approved by the Director of Facilities and Public Works and all cost for installation and upkeep for the life of the donated item are the responsibility of the donor and must be agreed upon prior to approval.

Honorific Naming

As a matter of general practice, honorific namings are exceptional in nature and will be considered to recognize the dedication or meritorious contribution of a person or entity who has been instrumental in supporting the mission of the Town, Academy, Foundation or other Westlake owned property. These applications will be considered under the following guidelines:

- A. A person may be living or deceased and will have demonstrated a consistent or significant contribution to the citizens of the Town and/or to the students of Westlake Academy, or the person should be known for some other significant accomplishment
- B. A local historical figure or leader, place, event or other instance of historical or cultural significance
- C. Names of any elected or appointed official currently serving in that capacity or any individual currently employed by the Town will not be considered.



6. Procedures

An application for any naming request should be submitted to the Director of Facilities & Public Works for review by the Town Manager and authorization by the Town Council.

The application must contain:

- A. A single recommendation or name for consideration
- B. resume of the nominee or entity
- C. A summation of the contributions or impact of the individual or entity on the mission of the Town or Westlake Academy
- D. Identification of the facility or item for naming consideration (i.e. park space, classroom, laboratory, etc.)
- E. Name and contact information of the person or group making the request.

Upon receipt of an application, a review committee comprised of the Town Manager and the appropriate department heads associated with the facility or park specified in the naming application will review the request and formulate a staff recommendation and present to the Council for approval or rejection of the naming request. The presentation to Council will include the following:

- A. Current name of the facility (if applicable)
- B. Status or availability of the facility requested in the naming opportunity
- C. Fit with the Westlake Naming Requests Standards of the Town and Academy
- D. Estimate of the budgetary impact of signage or necessary plaque to commemorate the naming, stationary, legal fees, public notices or other costs and changes associated with the request.

7. General Guidelines

- A. **Duration of a Naming** – any monetary, gift and/or honorary naming may serve for the useful life of the facility, area or item unless otherwise agreed to in the donation agreement. If the asset is later modified or replaced, the Town reserves the right to rename it or offer an alternative honorific naming as close to the spirit as possible of the original naming.
- B. **Funds** – The designation of a naming shall not be publicly announced until 100% of any gift, donation, or a payment schedule related to the naming, has been received and approved by the Town Council.
- C. **Components of the facilities** – or area of use may have a different name from the larger facility, park, recreation area, hike and bike trail or municipal asset.



8. Restrictions

- A. No buildings or other assets may be named for a current member of the board, a current employee of the Town or of Westlake Academy
- B. Names related to race, religion, creed, national origin, sex, color, political affiliation or other similar categories should be avoided
- C. Names that would result in the overt commercialization of Town Facilities will not be considered.

10. Exceptions

- A. In the event a gift-related naming request stipulates a condition which the Town is unable to maintain or fund, or finds inconsistent with the mission of the Town, the Council retains the ability to decline the gift.
- B. Names may be removed from consideration or from the facility if the individual is convicted of a felony or any crime involving moral turpitude, is convicted of a lesser included offense pursuant to a plea when the originally charged offense is a felony or if the individual accepts deferred adjudication for a felony or any crime involving moral turpitude.

11. Dates Approved or Amended

Adopted: 01/12/2009
Amended: 02/08/2021
Amended: 03/1/2021



Westlake Naming Requests Standards Guide

The *Westlake Naming Requests Standards Guide* has been established to ensure the continued distinctive design of the Town of Westlake and all property and assets owned by the Town.

Although the Standards Guide is dynamic in nature and will evolve over time to reflect current design and building preferences, conditions and upgrades, these standards will continue to reflect the exceptional standards of the Town of Westlake.

Standard I – Outdoor Furniture: Any furniture placed in or on Town owned property such as the Westlake Academy campus, the Cemetery, trails, and parks, must be made of high-grade metal or stone materials.

Benches: With the current campus design, the number of benches allowed on the Westlake Academy campus is limited to thirty-eight. Location and placement of benches along the trail system must be pre-approved by the Town Manager, or designee. All benches must be black in color, six feet in length and powder coated. Benches in the Cemetery and Fire Station must follow the Standards specifically outlined below for those properties.

Picnic Tables: Picnic tables on the Westlake Academy campus will be limited to 20 and must have a metal frame, and planks must be made of wood or recycled material.

Memorial Pavers: Memorial Pavers must match the current style and color of the existing pavers on campus and will only be placed in the butterfly garden area. Paver design must be pre-approved by the Town Manager, or designee, before the paver is ordered.

Standard II – Plaques: Plaques must be made of high-grade metal or stone materials that are appropriate for the conditions of the area in which they will be placed. UV protection will be required for all plaques being placed in outside locations. All wording on plaques must be pre-approved by the Town Manager, or designee.

Standard III – Trees and Plantings: Trees and plantings must be indigenous to the Texas landscape and be able to thrive in the North Texas climate and must be placed in an irrigated area. A list of acceptable tree species can be found in the Town Code of Ordinances in Section 98-48, Appendix D. The Town’s approved plant list, which includes, but is not limited to, Red Oaks, Live Oaks, Red Buds and others, must be approved by the Town Manager, or designee.

Standard IV – Building Names: When naming a building for a person or entity, the style and design of the building will determine the design of the plaque, lettering and placement of the name. Requests may be submitted; however, the final decision will be made by a committee comprised of the Town Council, Town Manager, Director of Facilities and Public Works, and architect or other design professionals and engineers.



Standard V – Cemetery: Benches, trees and plantings and all other items to be placed in the Westlake I.O.O.F. Cemetery must follow the standards outlined in the Rules and Regulations for the Cemetery.

Standard VI – Westlake Fire Station No. 1: The Westlake Fire Station and campus will be reserved as memorial space for honoring First Responders only.

Exceptions: Town management reserves the right to make minor modifications to the approved *Westlake Naming Requests Standards Guide* administratively, provided the changes do not entail a significant change to the original Standards.

Presented: 02/08/2020

Adopted: 3/1/2021

CITY OF HIGHLAND VILLAGE, TEXAS

RESOLUTION NO. 2016-2639

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS ADOPTING GUIDELINES AND PROCEDURES RELATING TO THE NAMING AND RENAMING OF CITY FACILITIES, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Ordinance No. 01-857, later codified as Section 14.04.003 of the Code of Ordinances, was enacted to establish a policy and procedure for the naming of City parks and other parks and recreation facilities and improvements; and

WHEREAS, the City has recently received various requests to name City-owned facilities which are not parks or parks and recreation facilities; and

WHEREAS, the City Council of the City of Highland Village finds it to be in the public interest to establish a guidelines and procedures for the naming and renaming of city streets and all City-owned or leased facilities;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, THAT:

SECTION 1. The following shall constitute guidelines for the naming of municipal parks, buildings, and other facilities, significant structures or landmarks, and streets ("City Facilities"):

- A. Names of City Facilities should be familiar to the majority of citizens, easy to recall, unique and lasting.
- B. In order of importance, City Facilities should be named as follows:
 1. By referring to outstanding and/or dominant physical characteristics of the property or structure constituting the City Facility such as:
 - a. Naturally occurring features, such as forested areas, streams, rivers, lakes and creeks;
 - b. Man-made features such as subdivisions, streets, office/industrial or commercial complexes in or adjacent to which the City Facility is located;
 - c. Landmark significance, such as an identifiable man-made or naturally occurring monument; and/or
 - d. Historical significance, such as the names of early residents or citizens and/or a significant event;
 2. In honor of a person who provided extraordinary service to the community, state, or country or died in the line of duty while serving the City, the State of Texas, or the United States of America while performing a heroic act subject

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to the following:

- a. The person's name is not eligible for consideration until one (1) year after the person's death;
 - b. The person must not have been convicted of a felony or a misdemeanor involving a crime of moral turpitude;
 - c. The person must have been a resident of the City for ten (10) years or more unless the person was a first responder employed by the City who died in the line of duty;
 - d. The recommendation of the person is accompanied by a biographical sketch and other information which can be used to corroborate the occurrence of the acts for which the person is being honored;
 - e. The recommendation is accompanied by a letter of support from a spouse or other close family member (e.g., parent, child, sibling, etc.) for the proposed honor if required by the City Council; and
 - f. If the person served in one of the branches of the United States Armed Forces and was discharged from that service, the person must have received an Honorable Discharge.
3. In honor of a person or family, living or deceased, who was significant in making, arranging for, or facilitating the acquisition, development and/or construction of the City Facility; and/or
 4. In a manner descriptive of the nature of the activities or events likely to occur at the City Facility or the function served by the City Facility.
- C. City parks shall be named in their entirety; provided, however, a City Facility located within a City park which is clearly identifiable (e.g. a playing field, pavilion, concession stand, trail segment, etc.) may bear a different name than the park within which it is located. Trail segments which are named shall, to the extent possible, begin and end at identifiable geographic landmarks or features such as intersections with streets or other roadways.
 - D. Compliance with the provisions of any deed, grant agreement, or gift agreement approved by the City Council which include requirements for naming of a City Facility or street shall take precedence over these guidelines including any restrictions relating to the future renaming of such City Facility or street.
 - E. A City Facility or street named for a person or business entity should not be changed unless it is found the character or reputation of the person or business entity is, or was, such that the continued use of the name for a City Facility would not reflect positively on the City. Likewise, consideration for the renaming of a City Facility should be considered if the character of the person or entity for which the City Facility is named changes such that continued presence of the name in association with the City and the City Facility will reflect negatively on the City.

- F. Street names shall not duplicate or cause confusion with names of existing streets within the City or, in the case of streets and highways which run continuously from the City into adjacent cities or unincorporated areas of Denton County, such that there may be a tendency to negatively impact or delay responses from law enforcement, fire, or emergency medical services personnel. Similarly, street names which have different spellings but similar pronunciation should be avoided.
- G. The renaming of a street must include the entire length of the street unless the street is adjacent to a significant landmark, commercial business, or other City Facility such that the segment of the street is to be renamed in order to associate that street with such adjacency.
- H. The naming of a City Facility in honor of a living person should be exercised in a manner to ensure that the person is of such a character that the name shall still hold honor upon the person's death.
- I. The costs related to renaming a City Facility, especially the renaming of a street and the impact such renaming will have on residents and businesses affected by such remaining, shall be taken into consideration in any recommendation to the City Council. The City Council may require as a condition for approval of the renaming of a street or City Facility that the applicant provide the funding to pay for some or all of the cost associated with such renaming.

SECTION 2. The following procedures shall be followed with respect to the naming or renaming of City Facilities.

- A. Initially, an application must be submitted to the Office of the City Secretary, completed in its entirety, accompanied by a petition containing no fewer than twenty-five (25) residents of the City in support of the naming proposal; provided, however, a request for the renaming of a street must be accompanied by a petition containing the signatures of 100% of the owners of the property adjacent to the street to be renamed and whose property addresses would be affected by the name change. The person submitting the application must be a resident of the City who owns the property in which the person resides.
- B. Once the application is determined to be complete, the City Secretary shall refer the application to the appropriate department director for the purpose of administering the application through the process set forth in this policy until a final decision is made on the application by the City Council, which shall be as follows:
 - 1. Parks, recreational facilities, pavilions, playing fields, trail segments, and other City Facilities under the management of the Parks and Recreation Department shall be referred to the Director of Parks and Recreation;
 - 2. Streets and buildings under the management of the Public Works Department shall be referred to the Director of Public Works; and
 - 3. All other naming/renaming applications shall be referred to the City Manager.

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- C. With respect to new City Facilities or City Facilities which have not previously been named but which the City Council or Committee desires to solicit suggested names or receive public input on submitted names, the City Secretary shall, upon direction of the City Council or Committee, as the case may be, provide a public notice for the solicitation of names, which notice shall contain:
1. A statement explaining the process for naming the City Facility;
 2. A description of the City Facility, or part thereof, being named and its general location;
 3. A list of any names which have been submitted prior to publication of the notice, if applicable;
 4. The date, time, and place of the meeting when consideration of the suggested names will occur;
 5. A statement that the meeting shall be open to the public and shall provide time for public comments; and
 6. Information directing that any written response in favor of or against a submitted name may be sent to the department director or city manager to whom the naming request application was referred at a corresponding mailing address up until and including the scheduled Committee hearing date.

If the naming of more than one (1) City Facility or any part thereof is to be considered at the same Committee meeting, the notice published by the City Secretary may include all City Facilities where naming is being considered. The department director responsible for handling the application process for the renaming as cited in Paragraph B, above, shall be responsible for preparation and ensuring the publication of such notice.

- D. Regardless of whether the City Facility is being named for the first time or being renamed, a review committee shall be formed for the purpose of reviewing names, including names submitted by the public for consideration, and making a recommendation to the City Council ("the Committee"). The Parks and Recreation Advisory Board shall serve as the Committee for purposes of recommending names for the City's parks, recreational facilities, and trails. A committee of two residents of the City and two Councilmembers appointed by the City Council and three City employees appointed by the City Manager, shall serve as the Committee for purposes of naming City Facilities not under the administrative management of the Parks and Recreation Department.
- E. The Committee, supported by the department director to whom the application is referred, shall be responsible for research, study and recommendation of a proposed name to the City Council. Rationale for the recommended name shall be given in writing and accompany the recommendation. The Committee shall prepare a report regarding the Committee's findings relating to the naming/renaming request and make a recommendation to the City Council on

whether to approve or deny the request. Such report shall include any public and private costs associated with affecting the naming/renaming of the City Facility and identify the source of funding which may be used to pay such costs.

- F. The recommended name, along with the accompanying report from the Committee, will be forwarded to the City Council for its consideration on whether to approve or deny the request.

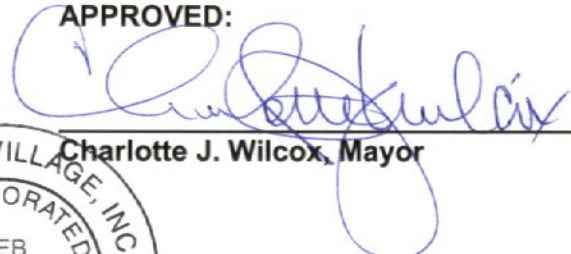
SECTION 3. This resolution shall not apply to the initial naming or renaming of public or private streets dedicated as part of the approval of a plat or replat of land pursuant to the City's Subdivision Ordinance, as amended.

SECTION 4. Nothing in this resolution shall be construed as limiting the City Council in the exercise of its legislative authority to name and rename City Facilities in a manner without complying with the process established by this resolution under such circumstances as may be determined by the City Council, it being the intent of the City Council in the passage of this resolution to primarily establish a procedure wherein City residents may petition the City Council to name and rename City Facilities.

SECTION 5. This resolution shall be effective upon the effective date of the ordinance repealing Section 14.03.003 of the Code of Ordinances.

PASSED AND APPROVED this the 24th day of May, 2016.

APPROVED:



Charlotte J. Wilcox, Mayor

ATTEST:



Angela Miller, City Secretary



APPROVED AS TO FORM AND LEGALITY:



Kevin B. Laughlin, City Attorney

(kbl: 5/24/16:76979)

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RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF DENTON AMENDING THE NAMING POLICY GUIDELINES FOR CITY BUILDINGS, FACILITIES, LAND, OR ANY PORTION THEREOF TO INCLUDE PROVISIONS FOR TEMPORARY NAMES; PROVIDING A REPEALER; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Denton desires to amend the policy guidelines for naming City buildings, facilities, land, or any portion thereof by adding provisions for temporary names; and

WHEREAS, the City Council deems it in the public interest to adopt the revised policy; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY RESOLVES:

SECTION 1. The revised *City of Denton Naming Policy Guidelines for City Buildings, Facilities, Land or any Portion Thereof*, which is attached hereto and made a part hereof for all purposes, is hereby approved and adopted.

SECTION 2. All policies inconsistent herewith are hereby repealed, including without limitation, Resolution R2019-2456.

SECTION 3. This resolution shall become effective immediately upon its passage and approval.

The motion to approve this resolution was made by _____ and seconded by _____, the resolution was passed and approved by the following vote [__ - __]:

	Aye	Nay	Abstain	Absent
Chris Watts, Mayor:	_____	_____	_____	_____
Gerard Hudspeth, District 1:	_____	_____	_____	_____
Keely G. Briggs, District 2:	_____	_____	_____	_____
Jesse Davis, District 3:	_____	_____	_____	_____
John Ryan, District 4:	_____	_____	_____	_____
Deb Armintor, At Large Place 5:	_____	_____	_____	_____
Paul Meltzer, At Large Place 6:	_____	_____	_____	_____

PASSED AND APPROVED this the _____ day of _____, 2020.

CHRIS WATTS, MAYOR

ATTEST:
ROSA RIOS, CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:
AARON LEAL, CITY ATTORNEY

BY:  _____

**CITY OF DENTON NAMING POLICY GUIDELINES
FOR CITY BUILDINGS, FACILITIES, LAND, OR ANY PORTION THEREOF**

I. GENERAL

- A. These policy guidelines are intended to address naming opportunities when a citizen, group, or organization submits a nomination to name a City building, facility, land, or any portion thereof. The City Council may initiate the naming of any building, facility, land, or any portion thereof at its discretion and may apply the following guidelines in City Council initiated naming. The City Council may choose to waive any part of these guidelines by three-fourth's vote of the entire City Council. Any amendments to this policy require only a simple Council majority vote. These policy guidelines do not address the naming of streets, fire stations, or police stations, or naming based on advertising.
- B. Naming, whether after an individual, foundation, or organization will be on a case-by-case basis and assessed for potential conflict of interest and alignment with the City's mission and values.

II. DEFINITIONS

City Buildings. City owned buildings which are open to the public and used to conduct City business. Buildings may include, but are not limited to, City Halls, civic/community centers, conference/convention centers, public libraries, and public utility buildings/structures.

City Facilities. City owned structures, amenities, or features, which are open to the public and used for City business, or public attractions of any kind, including, but not limited to, athletic fields, bridges, fountains, gymnasiums, library collections and/or department's interior and exterior spaces, meeting rooms, picnic shelters, playground equipment, recreation facilities, swimming pools, tennis courts, and basketball courts.

City Land. Real estate owned and/or managed by the City, including but not limited to park property and other open space areas.

Commemorative Name. A name given to recognize an individual, organization, or foundation who has made a significant contribution on a local, state, national or world level.

Temporary Name. A non-permanent name given by City staff to identify a City building, facility, land, or any portion thereof for a limited time pending a naming request.

III. COMMEMORATIVE NAMING AFTER AN INDIVIDUAL

A. Criteria for Commemorative Naming After an Individual

It is intended that all the criteria in this section be satisfied when considering the naming of a City facility, building, land, or any portion thereof after an individual.

1. The individual must have been a resident of the City of Denton; and
2. The individual must be of good moral character and must not have been convicted of any felonies, or crimes of moral turpitude; and
3. The individual should have made exceptional contributions on a local, state, national, or world level and the individual's achievements should represent a lasting legacy to the mission of the City building, facility, land, or any portion thereof.

B. Naming After an Individual Who Performed Outstanding or Heroic Service

Buildings, facilities, land, or any portion thereof may also be named in memory of individuals who died in the line of duty serving the City of Denton, the State of Texas, or the United States of America; or died performing a heroic act, such as saving the life of another person; or a deceased individual who has made a significant and lasting contribution to humanitarian causes on a world or national level. In these instances as appropriate, the City may elect to obtain or attempt to make contact for approval from living family members of the individual recommended for having a City building, facility, land, or any portion thereof named in their honor.

C. Renaming After an Individual

In order to honor the decisions of previous City Councils and descendants of individuals after whom a City building, facility, land, or any portion thereof is named, renaming shall typically not occur. However, if it is determined that circumstances have changed such that the criteria set forth in section I.B and III is no longer met, the City Council may elect to remove the name from the City building, facility, land, or any portion thereof.

IV. COMMEMORATIVE NAMING AFTER A FOUNDATION OR ORGANIZATION

A. Criteria for Commemorative Naming After a Foundation or Organization

1. If consideration is given to naming a City building, facility, land, or any portion thereof after a foundation or organization, the foundation or organization considered should have made exceptional local, state, national, or world contributions; and their achievements should represent a lasting legacy to the mission of the City building, facility, land, or any portion thereof.

2. In selected instances, a City building, facility, land, or any portion thereof may be named after a foundation or organization that makes a unique and extraordinary contribution to the development and/or usage of the City building, facility, land, or any portion thereof being named. The merits and value of each such naming shall be evaluated on a case-by-case basis.

B. Renaming After a Foundation or Organization

In order to honor the decisions of previous City Councils and foundations or organizations after which a City building, facility, land, or any portion thereof are named, renaming shall typically not occur. However, if it is determined that circumstances have changed such that the criteria set forth in section I.B and IV is no longer met the City Council may elect to remove the name from the City building, facility, land, or any portion thereof.

V. PLAQUES, MARKERS, AND MEMORIALS

A. Plaques, markers, and memorials that are requested to be located on a City building, facility, land, or any portion thereof must be reviewed and approved by the City Manager or his/her designee, as to design and maintenance requirements.

B. Total costs for purchasing plaques, markers, and memorials involved in the naming of a new City building, facility, land, or any portion thereof, as well as up to five (5) years of maintenance costs, shall be paid by the nominating individual or organization, unless City Council waives such funding. This provision has no application in those instances where the costs of plaques, markers, or memorials are included in the design and construction costs of a project.

VI. TEMPORARY NAME PROCEDURES

- A. A temporary name will be designated by the City staff for identification during acquisition and/or development of the City building, facility, land or any portion thereof.
- B. The following criteria and factors shall be used in determining the appropriateness of the temporary name:
 - 1. Geographic location such as street name, frontage road, major intersection, or subdivision.
 - 2. Each temporary name will end with an identifier such as property or building.
For example: *Main Street Property*
- C. Because temporary designations tend to be retained, the naming process for a City building, facility, land or any portion thereof should be carried out as quickly as possible after its acquisition or development. Citizens, groups, or organizations are encouraged to submit nominations for naming a City building, facility, land, or any portion thereof once the temporary name has been identified.

VII. PROCEDURES FOR NAMING CITY BUILDINGS, FACILITIES, LAND, OR ANY PORTION THEREOF

- A. Groups or individuals may submit nominations for naming a City building, facility, land, or any portion thereof by submitting a nomination to the City Manager on the City of Denton Naming Application.
- B. The City Manager, upon the receipt of the City of Denton Name Application, shall refer such naming request to the City Council.
- C. The City Council may appoint a seven-member ad hoc Naming Committee to review the naming request submitted by a citizen or organization. Such committee shall be nominated by individual City Council members. In the event of a City Council initiated naming, the Council may, if it desires, appoint an ad hoc committee as outlined herein to investigate and recommend one or more names for Council consideration.
- D. At least two members of the ad hoc Naming Committee shall be selected from any impacted advisory or governing board as determined by City Council.
- E. The name or names submitted will be considered by the members of the ad hoc Naming Committee. The committee shall be guided by the provisions of this policy and shall provide a recommendation to the City Council for consideration.
- F. The final decision for naming a City building, facility, land, or any portion thereof shall rest with the City Council.



**City of New Fairview
City Council
Regular Meeting
999 Illinois Lane
Monday, February 19, 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 3 Councilwoman Sarah Adams
Place 5 Councilman Richard Greene**

**City Staff
John Cabrales Jr, City Administrator
Susan Greenwood, Assistant City Secretary
Roberta (Robin) Cross, City Attorney – Virtual
Stephen Cook, City Planner
Ryley Paroulek, City Engineer**

WORK 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. Receive a report and hold a discussion regarding the proposed terms for the Amendment to the Fairview Meadows Development Agreement for Fairview Meadows North.
The council received a presentation from Lackland Holdings.
2. Receive a report and hold a discussion regarding an update from New Fairview Fire Rescue on equipment, vehicles, and operational changes.
The council received a presentation from Fire Chief Arne Wisseman.
3. Adjournment
**Motion: Councilwoman Sarah Adams
Second: Councilman Peter Kozlowski
Vote: All in Favor
Result: Work Session was adjourned at 8:32 pm.**

REGULAR SESSION

1. Call to Order and Determination of Quorum (**Session called to order by Mayor John Taylor at 8:37 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.
--City Administrator John Cabrales Jr discussed the upcoming Easter event coming on March 23, 2024, and encourages council to share and participate in the Park Survey.
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 February 5, 2024.
Motion: Councilman Steven King
Second: Councilman Harvey Lynn Burger
Vote: All in Favor
Result: Council approved the City Council Meeting minutes for February 5, 2024.
7. **New Business:** All matters listed in New Business will be discussed and considered separately.
 - A. Receive, consider, and act on an Ordinance approving the rezoning for 1.966 acres, Lot 1, Alpha Business Park located at 116 Graham Road, to change from Planned Development district based on "C" Commercial zoning to Planned Development district based on "C" Commercial zoning to allow Aircraft Parts Manufacturing and Assembly.
Opened the Public Hearing at 8:45 pm and Closed the Public Hearing at 9:01 pm.
Motion: Councilman Steven King
Second: Councilwoman Sarah Adams
Vote: All in Favor
Result: Council approved an Ordinance approving the rezoning for 1.966 acres, Lot 1, Alpha Business Park located at 116 Graham Road, to change from Planned Development district based on "C" Commercial zoning to Planned Development district based on "C" Commercial zoning to allow Aircraft Parts Manufacturing and Assembly.

- B. Receive, consider, and act on a Resolution awarding the roadway reconstruction project for Lange Way, Hilltop Trail, Aydelotte Court, Chisholm Hills Drive and Chisholm Hills Court, to Black Jack Energy Services, LLC for a total of \$1,458,942.55, and establish a not-to-exceed project contingency of \$1,600,00.00.

Motion: Councilman Richard Greene

Second: Councilwoman Sarah Adams

Vote: All in Favor

Result: Council approved a Resolution awarding the roadway reconstruction project for Lange Way, Hilltop Trail, Aydelotte Court, Chisholm Hills Drive and Chisholm Hills Court, to Black Jack Energy Services, LLC for a total of \$1,458,942.55, and establish a not-to-exceed project contingency of \$1,600,00.00.

- C. Receive, consider, and act on a Resolution amending the Professional Services Agreement with Westwood Professional Services Inc., for engineering services as the City's contract engineer.

Motion: Councilman Richard Greene

Second: Councilman Steven King

Vote: All in Favor

Result: Council approved a Resolution amending the Professional Services Agreement with Westwood Professional Services Inc., for engineering services as the City's contract engineer.

- D. Receive, consider, and act on a Resolution approving a Professional Services Agreement with Westwood Professional Services Inc., for concept landscape design, and completion and submission of application for the 2025 TXDOT Green Ribbon Grant Program.

Motion: Councilman Richard Greene

Second: Councilwoman Sarah Adams

Vote: All in Favor

Result: Council approved a Resolution approving a Professional Services Agreement with Westwood Professional Services Inc., for concept landscape design, and completion and submission of application for the 2025 TXDOT Green Ribbon Grant Program.

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(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. Possible property acquisition that is east of South County Line, West of FM 407 and North of Dove Hollow Lane --- **Tabled**
- B. 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.

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.

Mayor John Taylor shared details on the ribbon cutting at the new Truck Company located in New Fairview off of FM 407.

11. Adjournment

Motion: Councilman Peter Kozlowski

Second: Councilman Steven King

Vote: All in Favor

Result: Council adjourned regular session at 9:37 pm.

MINUTES APPROVED ON THIS, THE 4TH DAY OF MARCH 2024

John Taylor, Mayor

Susan Greenwood, Assistant City Secretary



AGENDA ITEM: 7A

**CITY COUNCIL
AGENDA MEMO**

Prepared By: John Cabrales Jr, City Administrator

March 4, 2024

Atmos Cities Steering Committee Participation

DESCRIPTION:

Receive, consider, and act on a Resolution authorizing continued participation with the Atmos Cities Steering Committee; and authorizing the payment of the current and future annual assessments to the Atmos Cities Steering Committee to fund regulatory and activities related to Atmos Corporation.

BACKGROUND INFORMATION:

Most municipalities have retained their original jurisdiction over gas utility rates and services within municipal limits. The City of New Fairview has retained its jurisdiction over gas utility rates Chapter 12, Utilities, Article 01 General Provisions, Section 12.01.003.

As of July 2023, the Atmos Cities Steering Committee (“ACSC”) is composed of 185 municipalities in the service area of Atmos Energy Corporation, Mid-Tex Division that have retained their original jurisdiction. ACSC is the largest coalition of cities served by Atmos Mid-Tex, which represent more than 60 percent of the total load served by Atmos-Mid Tex. Atmos is a monopoly provider of natural gas. Because Atmos has no competitors, participation in the rate regulation process is the only way that cities can ensure that natural gas rates are fair. Working as a coalition to review the rates charged by Atmos allows cities to accomplish more collectively than each city could do acting alone. ACSC member cities have more than 100 years experience in regulating natural gas rates in Texas.

ACSC protects the authority of municipalities over the monopoly natural gas provider and defends the interests of residential and small commercial customers within the cities. Although many of the activities undertaken by ACSC are connected to rate cases (and therefore expenses are reimbursed by the utility), ACSC also undertakes additional activities on behalf of municipalities for which it needs funding support from its members.

ACSC is actively involved in rate cases, appeals, rulemakings, and legislative efforts impacting the rates charged by Atmos within the City. These activities will continue throughout the calendar year. It is possible that additional efforts will be necessary on new issues that arise during the year, and it is important that ACSC be able to fund its participation on behalf of its member cities. A per capita

assessment has historically been used and is a fair method for the members to bear the burdens associated with the benefits received from that membership.

On July 18, 2022, the City Council approved an Ordinance granting a franchise agreement with Atmos Energy Corporation. However, Atmos did not sign the Ordinance so the City is still in discussions to negotiate a franchise agreement and will bring that for Council consideration soon. Once the franchise agreement is approved, Atmos will be requesting approval of their rates so that they can begin to charge customers in the city. Participating in ACSC will ensure that our residents are paying the lowest rates in the Mid-Tex Division.

On May 1, 2023, the City joined the Atmos Cities Steering Committee to protect the interests of the City of New Fairview and protect the interests of the customers of Atmos Energy Corporation, Mid-Tex Division residing and conducting business within the city limits. The Council authorized the payment of the 2023 assessment to the ACSC in the amount of five cents (\$0.05) per capita. Staff is requesting authorization to pay the 2024 ACSC annual assessment, and to pay future annual assessments so that this item will not have to come before council each year.

Staff recommend approval of the Resolution.

FINANCIAL CONSIDERATION:

ACSC assesses five cents (\$0.05) per capita annually to member cities for participation in the steering committee. For 2024, the City's annual assessment is \$63.50.

RECOMMENDED MOTIONS:

I move to **Approve/Deny** a Resolution authorizing continued participation with the Atmos Cities Steering Committee; and authorizing the payment of the current and future annual assessments to the Atmos Cities Steering Committee to fund regulatory and activities related to Atmos Corporation.

ATTACHMENT(S):

1. 2024 ACSC Invoice
2. ACSC Member List
3. ACSC 2023 Year In Review
4. Resolution 202403-01-117

City of Arlington, c/o Atmos Cities Steering Committee
 Attn: Brandi Stigler
 101 S. Mesquite St., Ste 300
 MS #63-0300
 Arlington, TX 76010

Invoice

Date	Invoice #
2/7/2024	24-112

Bill To
City of New Fairview

Item	Population	Per Capita	Amount
2024 Membership Assessment	1,270	0.05	63.50
Please make check payable to: Atmos Cities Steering Committee and mail to Atmos Cities Steering Committee, Attn: Brandi Stigler, Arlington City Attorney's Office, 101 S. Mesquite St., Ste 300, MS #63-0300, Arlington, Texas 76010			Total \$63.50

ACSC Master List of Members (185 Total)

- | | | |
|----------------------------|-----------------------|---------------------------|
| 1. Abilene | 52. Denton | 103. Killeen |
| 2. Addison | 53. DeSoto | 104. Krum |
| 3. Albany | 54. Draper | 105. Lake Dallas |
| 4. Allen | 55. Duncanville | 106. Lakeside |
| 5. Alvarado | 56. Early | 107. Lake Worth |
| 6. Angus | 57. Eastland | 108. Lancaster |
| 7. Anna | 58. Edgecliff Village | 109. Lavon |
| 8. Archer City | 59. Emory | 110. Lewisville |
| 9. Argyle | 60. Ennis | 111. Little Elm |
| 10. Arlington | 61. Euless | 112. Little River |
| 11. Aubrey | 62. Everman | Academy |
| 12. Azle | 63. Fairview | 113. Lorena |
| 13. Bedford | 64. Farmers Branch | 114. Madisonville |
| 14. Bellmead | 65. Farmersville | 115. Malakoff |
| 15. Belton | 66. Fate | 116. Mansfield |
| 16. Benbrook | 67. Flower Mound | 117. McKinney |
| 17. Beverly Hills | 68. Forest Hill | 118. Melissa |
| 18. Blossom | 69. Forney | 119. Mesquite |
| 19. Blue Ridge | 70. Fort Worth | 120. Midlothian |
| 20. Bowie | 71. Frisco | 121. Murphy |
| 21. Boyd | 72. Frost | 122. Newark |
| 22. Bridgeport | 73. Gainesville | 123. New Fairview |
| 23. Brownwood | 74. Garland | 124. Nocona |
| 24. Bryan | 75. Garrett | 125. North Richland Hills |
| 25. Buffalo | 76. Georgetown | 126. Northlake |
| 26. Burkburnett | 77. Glenn Heights | 127. Oak Leaf |
| 27. Burleson | 78. Grand Prairie | 128. Ovilla |
| 28. Caddo Mills | 79. Grapevine | 129. Palestine |
| 29. Canton | 80. Groesbeck | 130. Pantego |
| 30. Carrollton | 81. Gunter | 131. Paris |
| 31. Cedar Hill | 82. Haltom City | 132. Parker |
| 32. Celeste | 83. Harker Heights | 133. Pecan Hill |
| 33. Celina | 84. Haskell | 134. Petrolia |
| 34. Centerville | 85. Haslet | 135. Plano |
| 35. Cisco | 86. Hewitt | 136. Ponder |
| 36. Clarksville | 87. Highland Park | 137. Pottsboro |
| 37. Cleburne | 88. Highland Village | 138. Prosper |
| 38. Clyde | 89. Honey Grove | 139. Quitman |
| 39. College Station | 90. Hurst | 140. Red Oak |
| 40. Colleyville | 91. Hutchison | 141. Reno (Parker County) |
| 41. Colorado City | 92. Hutto | 142. Rhome |
| 42. Comanche | 93. Iowa Park | 143. Richardson |
| 43. Commerce | 94. Irving | 144. Richland |
| 44. Coolidge | 95. Justin | 145. Richland Hills |
| 45. Coppell | 96. Kaufman | 146. River Oaks |
| 46. Corinth | 97. Keene | 147. Roanoke |
| 47. Crandall | 98. Keller | 148. Robinson |
| 48. Cross Roads | 99. Kemp | 149. Rockwall |
| 49. Crowley | 100. Kennedale | 150. Roscoe |
| 50. Dalworthington Gardens | 101. Kerens | 151. Rowlett |
| 51. Denison | 102. Kerrville | 152. Royce City |

ACSC Master List of Members (185 Total)

153. Sachse
154. Saginaw
155. Sansom Park
156. Seagoville
157. Seymour
158. Sherman
159. Snyder
160. Southlake
161. Springtown
162. Stamford
163. Stephenville
164. Sulphur Springs
165. Sweetwater
166. Temple
167. Terrell
168. The Colony
169. Trophy Club
170. Tyler
171. University Park
172. Venus
173. Vernon
174. Waco
175. Watauga
176. Waxahachie
177. Westlake
178. Westover Hills
179. Westworth Village
180. Whitesboro
181. White Settlement
182. Wichita Falls
183. Wilmer
184. Woodway
185. Wylie

2023 ACSC Newsletter



2023 YEAR IN REVIEW ISSUE

This past year was a busy one for ACSC. This annual review highlights the significant events of 2023 that impacted ACSC and what's on the horizon next year.

Atmos 2023 Rate Case Round-Up

Atmos Pipeline-Texas will increase the amount it collects on its system for transporting gas by \$12 million annually — or by 1.66 percent — under a settlement agreement approved in December 2023 by state regulators.

This change to the company's "transportation revenue requirement" will affect home rates, albeit indirectly. The company's previous transportation revenue requirement was \$723 million annually. Under the settlement, it now goes to \$735 million. However, even with the increase, the company has accepted \$105 million less under the settlement than the \$839,982,742 it initially sought.

Various intervenors, including the Atmos Cities Steering Committee and other city representatives, reached a unanimous settlement with Atmos in the case during October 2023. The Railroad Commission approved the settlement on December 13 without discussion.

Background of the Case

- On May 19, 2023, Atmos Pipeline-Texas, a Division of Atmos Energy Corporation, filed paperwork at the Railroad Commission to change its rates. ACSC intervened in the rate case, engaged consultants, conducted discovery, and identified aspects of the Atmos request that it found unreasonable.
- The company's overall revenue requirement (which includes extraneous pass-through costs to third parties) will be \$841,924,105 under the settlement, which is \$109 less than the \$951.1 million the company originally sought.
- The adopted changes will result in a capacity charge of \$18.80038 per million British thermal units of MDQ (where MDQ is defined as the maximum daily quantity of gas over the pipeline system). This represents a \$.30614 increase over the current capacity charge of \$18.49424 — or an increase of 1.66 percent.
- The new capacity charge under the approved settlement agreement remains less than the \$21.25 initially requested by APT.
- The company will operate under an approved cost of equity of 11.45 percent under the approved settlement — as opposed to the company's initial request of 13.5 percent.
- This is the company's first full rate case since 2016. More information can be found on the Railroad Commission website, under Case No. 00013758.

OTHER 2023 RATE MATTERS

- On February 24, 2023, Atmos Energy filed for a GRIP rate adjustment for customers within the unincorporated areas of its Mid-Tex Division. Under the adjustment, the monthly customer charge would increase from \$34.29 per month to \$38.38 per month — an increase of \$5.09. More information can be found on the Railroad Commission website, at Case No. 00012759.
- On February 24, 2023, Atmos Energy filed for a GRIP adjustment for customers within the unincorporated areas of its West Texas Division. Under the adjustment, the customer charge would increase from \$27.99 per month to \$31.49 per month — an increase of \$3.50. More information can be found on the Railroad Commission website, at Case No. 00012760.
- On March 31, 2023 Atmos Energy filed for a rate increase for its Mid-Tex service areas under an interim ratemaking process known as the Rate Review Mechanism. In its filing, the company requested a rate increase of \$165.9 million on a system-wide basis. This was reduced to \$156.1 million due to limitations in the RRM tariff. After ACSC consultants prepared a report detailing various adjustments, the company agreed to settle the case for \$142 million. This amounts to a \$23.9 million reduction from the company’s initial request. It includes payment of an additional \$19.5 million for the securitization regulatory assert expenses related to Winter Storm Uri. For residential customers, the agreement will result in a 70-cent increase in the customer charge, from \$21.55 per month to \$22.25. The settlement was approved by all parties in September, and the rates went into effect in October.
- On March 31, 2023, Atmos Energy filed for a rate increase for its West Texas service areas under the Rate Review Mechanism process. In its filing, the company requested a \$12.1 million increase for WTX Cities. This was reduced to \$11.4 million due to limitations in the RRM tariff. After ACSC consultants prepared a report detailing various adjustments, the company agreed to settle the case for \$8.4 million. This amounts to a reduction of \$3.7 million to the company’s initial request. It includes \$2.7 million for the securitization regulatory assert expenses related to Winter Storm Uri. Under the settlement, the customer charge will increase by .70 cents per month from \$18.27 to \$18.97. The settlement was approved by all parties in September, and the rates went into effect in October.

About GRIP and RRM Like the separate Gas Reliability Infrastructure process, the RRM process allows for annual rate increases to reflect capital investments by the utility over the preceding 12 months. Various cities and city coalitions have objected to GRIP as piecemeal ratemaking because GRIP does not allow for an evaluation of rising revenues or declining expenses that may offset the need for rate increases. Additionally, under the GRIP process, cities cannot challenge any portion of the rate filing as unreasonable.

For those reasons the Atmos Cities Steering Committee negotiated the Rate Review Mechanism with Atmos as a substitute for GRIP. The RRM has no existence in statute, but rather exists only pursuant to city ordinances. Environs (areas outside municipal limits) are subject to GRIP, and some non-ACSC member cities have chosen to remain under GRIP.

Atmos Customers Face 16 Years of Winter Storm Charges

Texas gas utility customers can expect to pay at least \$4 more each month for the next 16 years because of a few days of high-cost gas, according to bond financing information released in 2023.

The natural gas was consumed during Winter Storm Uri in 2021 and reached prices as high as \$100 per million British thermal units — or more than 33 times higher than average. Utility customers needed the gas to heat their homes during the crisis and rather than engaging in their

customary practice of charging customers promptly for it, utilities instead deferred the costs for later recovery through a bond-financing arrangement.

In 2021 adopted House Bill 1520 that authorized the bond financing arrangement, which is known as securitization. In October 2023, the Texas Railroad Commission issued a press release providing more details of the resulting charges. According to the agency, securitization charges of \$1.10 per thousand cubic feet (mcf) for

residential customers began going onto bills of nine participating utilities.

The billing charges may be adjusted periodically as financial conditions warrant. For a typical residential utility consuming using 3.9 mcf of gas each month, the “Customer Rate Relief Charge” will add \$4.29 to bills.

Participating Utilities

Under the bond financing arrangement, Atmos Energy has securitized approximately \$2 billion in fuel costs, CenterPoint approximately \$1.1 billion and Texas Gas Service about \$197.3 million. Other utilities to receive recovery through securitized debt include Corix Utilities (Texas) Inc.; EPCOR Gas Texas Inc.; Rockin’ M Gas; SiEnergy, LP; Summit Utilities Arkansas; Texas Gas Service Company, a Division of ONE Gas, Inc. (excluding the West Texas Service Area); and Universal Natural Gas, LLC.

Under a settlement with Atmos Cities Steering Committee and others, Atmos agreed to reduce its recovery by more than \$9 million. Similarly, CenterPoint agreed to reduce its recovery by \$39.7 million under a settlement with a separate city group.

By law, gas distribution utilities such as Atmos, CenterPoint and TGS cannot profit from the sale of the gas commodity, but instead pass those costs directly to end users without markups. However, some gas suppliers made massive profits from the price surge, according to reports.

More information about the Texas Natural Gas Securitization Finance Corporation at their website, can be found [here](#). The Texas Railroad Commission also has released information about the gas charges, that can be found [here](#).

Railroad Commission Penalizes Atmos for Service Quality

On February 7, 2023, the Texas Railroad Commission closed its investigation into Atmos Energy service disruptions during a cold weather event that occurred in late December of 2022.

In its investigation, the agency’s Oversight and Safety Division (“OCD”) determined that the gas utility’s extensive, localized service interruptions from December 22 through December 26 constituted violations of the Railroad Commission’s Quality of Service rules. Atmos’ cold weather contingency planning fell short, and the utility lacked sufficient staffing at its call centers to adequately respond to customer concerns, according to OCD.

The Railroad Commission referred the alleged rule violations to the Enforcement Section of its Office of General Counsel, according to filings at the agency.

The Texas Railroad Commission began examining Atmos after more than 2,300 customers lost service or had their service curtailed during the winter storm late last year. Both Gov. Greg Abbott and local city officials complained about what they described as the company’s lack of planning before the event and called for the inquiry.

In a January 13 filing with the agency, Atmos Energy said the service interruptions were not due to an inability to obtain natural gas supplies — as occurred during Winter Storm Uri in 2021 — but “primarily due to instances of capacity constraints where demand exceeded our contingency plans in localized areas.” The company highlighted its emergency planning efforts, but noted that “going forward, we recognize the need to have even more robust contingency planning and to enhance our redundant capabilities.”

More about the Railroad Commission inquiry can be found on the agency’s website, under Case No. 00012215.

ACSC Welcomes New Member

In 2023, the Atmos Cities Steering Committee welcomed New Fairview, a city of 14,000 residents in Wise County, as its newest member. Located along US 81/SH 287 and FM 407 in the DFW Metroplex, the city is nearly 16 square miles in size — which makes it the largest in Wise County by land area. New Fairview joined ACSC in May, 2023.

Growing from a settlement called Illinois Community, the city was called Fairview until 1999, when it changed its name to distinguish it from several other “Fairviews” in Texas. To maintain a quieter, more rural atmosphere, residential lots are legally limited to a minimum size of 1 acre. Welcome New Fairview!

Atmos Billing Errors

Some Atmos customers received unwelcomed surprises in their natural gas bills during the summer of 2023 — unexpected past due amounts.

The charges, however, were in error. Atmos, in comments to its local NBC affiliate, acknowledged that it delivered erroneous bills in July to some of its customers, and that in some cases the mistakes were substantial. For instance, one Atmos customer reported to the media that he received a bill incorrectly showing a \$2,000 past-due amount, when he owed only \$45.

Atmos said that fewer than 3 percent of its outgoing bills were in error. However — given that Atmos serves more than 2 million customers statewide — that means that tens of thousands of people may have been affected.

Atmos says that after becoming aware of the errors it began notifying customers via email, when possible. The company also told the NBC affiliate in Dallas that corrected bills are being sent out, and that customers will not be charged late fees because of the errors.

88th Texas Legislature Recap: Gas Legislation

Approximately 300 bills relating to electric and gas utilities, their customers and energy markets were filed during the 88th Texas Legislature, which adjourned *sine die* on May 29, 2023. However, most bills pertained to electric issues — as opposed to gas issues — and only about 40 of them overall made it to the finish line. An even fewer number of gas-related bills won passage.

Below is a final status summary of several bills of significance relating to gas utility issues.

- **PASSED: HB 2263**, by Rep. Drew Darby, relating to the authority of a natural gas local distribution company to offer energy conservation programs,” adds a new subsection to the Gas Utility Regulatory Act that would allow retail gas distribution systems to create energy conservation programs while also creating rules for rate recovery outside a typical ratemaking proceeding. The legislation passed out of both chambers and was sent to the governor on May 30. Sen. Bryan Hughes authored the Senate companion, **SB 1050**.
- **FAILED: House Bill 2128**, by Rep. Ernest Bailes, is intended to limit price gouging on natural gas sales during declared disasters. This is another bill that arose from legislative concerns over high natural gas prices charged by suppliers during Winter Storm Uri. The House Business and Industry Committee conducted a hearing on HB 2128 on April 17, but the legislation proceeded no further.
- **FAILED: House Bill 2262**, by Rep. Drew Darby, “relating to gas utility alternative gas expenses and infrastructure investments,” would have allowed gas utilities to include “alternative gas” in their portfolios and recover the costs of purchasing it. HB 2262 also provides for a presumption that alternative gas costs included in rates are prudent, reasonable, and necessary. The bill defines “alternative gas” as fuel with a lower carbon content than natural gas. HB 2262 made it through most of the legislative process before dying in the Senate. The Senate companion, SB



1049 by Sen. Bryan Hughes, never received a hearing.

- **FAILED: SB 1701 and HB 4788**, by Sen. Nathan Johnson and Rep. Rafael Anchia respectively, would have mandated changing the agency name of the Railroad Commission of Texas. Neither bill received any traction during the 88th Texas Legislature.
- **FAILED: SB 1291, Sen. King**, “relating to the reimbursement of a municipality’s expenses in a ratemaking proceeding for electric or gas utilities.” This legislation would have restricted

city participation in electric and gas utility rate-making by restricting municipal reimbursement in such matters. It was referred to the Senate Business and Commerce committee in early March but proceeded no further.

- **FAILED: SB 1501 and HB 4099**, by Sen. Joan Huffman and Rep. Greg Bonnen respectively, would have allocated tax dollars to pay off securitization borrowing costs assessed by gas utilities to pay for fuel charges from Winter Storm Uri. A similar provision in a supplemental budget bill, **Senate Bill 30**, also failed to win approval.

Railroad Commission Agency Recap 2023

Texas Railroad Commission Considers Rules Pertaining to Energy Conservation Programs

On September 19, 2023, staff at the Texas Railroad Commission proposed new rules to implement House Bill 2263, legislation from the 2021 session pertaining to the creation of energy conservation programs by gas utilities.

The rules, if given final approval, would modify 16 Texas Administrative Code §7.480, relating to Energy Conservation Programs. **The Atmos Cities Steering Committee is participating in this rulemaking matter.**

The proposed changes include the following:

- A proposed new subsection (a) that states the Railroad Commission has exclusive original jurisdiction over energy conservation programs implemented by gas distribution utilities, and that political subdivisions shall not limit, restrict, or otherwise prevent an eligible customer from participating in such programs based on the type or source of energy delivered through it.
- A proposed new subsection (c) that lists the general requirements for a gas utility to recover the costs it incurs for the implementation of an Energy Conservation Program. A gas distribution utility must apply for each service area in which it seeks to implement an Energy Conservation Program to recover those costs.
- A proposed subsection (d)(1) that lists the items to be included in initial applications and a proposed subsection (d)(2) that lists the items to be included in subsequent applications, and that details timing requirements for subsequent applications.
- A proposed new subsection (f) that describes what the Energy Conservation Program portfolio must accomplish, including that it be designed to overcome barriers to the adoption of energy-efficient equipment, technologies, and processes, and to change customer behavior as necessary. The portfolio may also include measures such as direct financial incentives, technical assistance, discounts or rebates, and weatherization for low-income customers.
- A proposed new subsection (j) requires gas utilities to file an annual Energy Conservation Program report each year such a portfolio is implemented. The report shall be filed no later than 45 days following the end of the utility’s program year.

The Commission accepted comments on the rulemaking through late October and is expected to issue final approval in February or March 2024.

The status of Commission rulemakings in progress is available at www.rrc.texas.gov/general-counsel/rules/proposed-rules.

Railroad Commission Sets Emergency Disconnection Fines

On November 15, 2023, the Texas Railroad Commission adopted new rules pertaining to improper gas utility service disconnections during extreme weather emergencies.

The new rules, which correspond to provisions of Senate Bill 3 adopted in 2021 after Winter Storm Uri, include a classification system for fines that can be assessed for improper disconnections, as well as new prohibitions against demanding full payment of utility bills during weather emergencies.

The rules modify 16 Texas Administrative Code §7.460. Among the highlights:

- The new rules contemplate four categories of disconnection violations — Class A, Class B, Class C and Class D — with fines ranging from \$3,000

to more than \$5,000 per violation.

- Under the new classification matrix for fines, a utility that improperly disconnects a customer for 24 hours or more during a weather emergency and with temperatures lower than 10 degrees would be subject to a Class B violation fine of \$5,000. If the same company had a history of repeated violations, then it would become a Class A violation of more than \$5,000.
- Under the new rules, any demand by a utility for full payment of a bill during a weather emergency could increase the severity of fines. Any good faith effort to remedy a violation could decrease the severity of fines.

The new rules can be found online, [here](#).

Railroad Commission Conducts more than 7000 Weatherization Inspections

In November 2023, the Texas Railroad Commission reported that it conducted more than 7,200 weatherization inspections of critical natural gas infrastructure during the winter and summer seasons.

It also reported that the inspection process began again on December 1, 2024 when operators faced a deadline to submit attestations summarizing what weatherization methods they utilized at their facilities. The agency says that RRC inspections by its Infrastructure Division will begin again right after that deadline.

“The RRC has been in contact with operators as we get ready for the next winter inspection season,” the agency reported in November. Agency officials said it had conducted two webinars in November to walk operators through reporting requirements and the inspection process.

As per Senate Bill 3, adopted in 2021, the Railroad Commission implemented weatherization and critical designation rules that includes an inspection process of critical facilities.

2024 ACSC Meetings

March 5
June 6 - Virtual
September 12
December 12 - Virtual

2024 Officers

Chair—Jennifer Richie (Waco)
Vice Chair—Meg Jakubik (Bedford)
Secretary—Lupe Orozco (Keller)
Treasurer—David Johnson (Arlington)

For more questions or concerns regarding any ACSC matter or communication, please contact the following representative, who will be happy to provide assistance:



Thomas L. Brocato
(512) 322-5857
tbrocato@lglawfirm.com

Jamie Mauldin
(512) 322-5890
jmauldin@lglawfirm.com

**CITY OF NEW FAIRVIEW, TEXAS
RESOLUTION 202403-01-117**

A RESOLUTION AMENDING RESOLUTION NO. 202305-02-129, AUTHORIZING CONTINUED PARTICIPATION WITH THE ATMOS CITIES STEERING COMMITTEE; AND AUTHORIZING THE PAYMENT OF THE CURRENT AND FUTURE ANNUAL ASSESSMENTS TO THE ATMOS CITIES STEERING COMMITTEE TO FUND REGULATORY AND RELATED ACTIVITIES RELATED TO ATMOS ENERGY CORPORATION.

WHEREAS, the City of New Fairview is a regulatory authority under the Gas Utility Regulatory Act (GURA) and has exclusive original jurisdiction over the rates and services of Atmos Energy Corporation, Mid-Tex Division (Atmos) within the municipal boundaries of the City, and

WHEREAS, the Atmos Cities Steering Committee (ACSC) has historically intervened in Atmos rate proceedings and gas utility related rulemakings to protect the interests of municipalities and gas customers residing within municipal boundaries, and

WHEREAS, ACSC is participating in Railroad Commission dockets and projects, as well as court proceedings and legislative activities, affecting gas utility rates, and

WHEREAS, the City's ability to gain more competitive and lower rates and better protect its interests on behalf of the City's residents would be enhanced by joining the ACSC, which provides strength in numbers, as well as subject matter expertise; and

WHEREAS, ACSC must assess its members a nominal cost for such membership in its participation in these activities affecting the provision of gas utility service and the rates to be charged for the same; and

WHEREAS, on May 1, 2023, by Resolution, the City joined the Atmos Cities Steering Committee to protect the interests of the City of New Fairview and protect the interests of the customers of Atmos Energy Corporation, Mid-Tex Division residing and conducting business within the city limits. However, the Resolution limited payment of the annual five cents (\$0.05) per capita to the instant fiscal year, rather than on a recurring basis.

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

Section 1: The Recitals set forth above are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Section 2: The City Administrator is authorized to pay the 2024 ACSC assessment in the amount of five cents (\$0.05) per capita.

Section 3: The City Administrator is further authorized to pay, from then-current funds, recurring annual ACSC assessments required to remain an ACSC member.

Section 4: A copy of this Resolution and approved assessment fee payable to "Atmos Cities Steering Committee" shall be sent to:

Brandi Stigler
Atmos Cities Steering Committee
c/o Arlington City Attorney's Office, Mail Stop 63-0300
101 S. Mesquite St., Suite 300
Arlington, Texas 76010

Section 5: This Resolution is effective upon its passage, as provided by law.

PRESENTED AND PASSED on this 4th day of March 2024, at a regular meeting of the New Fairview City Council.

JOHN TAYLOR, Mayor

ATTEST:

BROOKE BOLLER, City Secretary



CITY COUNCIL AGENDA MEMO

Prepared By: Brooke Boller, City Secretary

March 4, 2024

Canceling the General Election

DESCRIPTION:

Receive, consider, and act on an Ordinance declaring the unopposed candidates for the three (3) City Council Member places as elected, and providing that the May 4, 2024 Regular Municipal General Election shall not be held.

BACKGROUND INFORMATION:

On February 5, 2024, the City Council adopted a Resolution calling for a general election for the office of City Council Members Place 1, Place 3, and Place 5 to be held May 4, 2024. Below are the names of the residents that applied for each of the open City Council places at the close of the filing period on February 16, 2024. There were no write-in candidates for any of these at the close of the filing period on February 20, 2024.

- Council Member Place 1 – Harvey Lynn Burger
- Council Member Place 3 – Sarah Adams
- Council Member Place 5 – Alisa Scheps

Subchapter C, Chapter 2, of the Texas Election Code, authorizes the City Council to cancel a General Election and to subsequently declare the incumbent candidates elected to office as of the date/time of the election of May 4, 2024, after the polls are closed and the votes are canvassed.

Staff recommend the adoption of the Ordinance.

FINANCIAL CONSIDERATION:

City staff estimate a savings cost for not having to hold the election to be approximately \$1,700 - \$2,500.

RECOMMENDED MOTIONS:

I move to **Approve/Deny** an Ordinance declaring the unopposed candidates for the three (3) City Council Member places as elected, and providing that the May 4, 2024 Regular Municipal General Election shall not be held.

ATTACHMENT(S):

1. Ordinance 202402-03-107

**CITY OF NEW FAIRVIEW
ORDINANCE 202402-03-107**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW FAIRVIEW, TEXAS, DECLARING UNOPPOSED CANDIDATES FOR THE MAY 4, 2024, GENERAL ELECTION TO BE ELECTED TO OFFICE; CANCELING THE GENERAL ELECTION, PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of New Fairview is a Type A, General Law city pursuant to Chapter 6 of the Local Government Code; and

WHEREAS, on February 5, 2024, the City Council of the City of New Fairview, Texas, , ordered a regular municipal election; and

WHEREAS, pursuant to Sections 143.007(c) and 146.054(b) of the Texas Election Code, the filing deadline for placement on the ballot and for declaration of write-in candidacy have passed; and

WHEREAS, the City Secretary has certified in writing that each candidate on the ballot is unopposed for election to office; and

WHEREAS, no proposition is to appear on the ballot in the general election; and

WHEREAS, in these circumstances Subchapter C of Chapter 2 of the Election Code authorizes a governing body to declare each unopposed candidate elected to office and to cancel the general election

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

SECTION 1. That the following candidates, who are unopposed in the May 4, 2024 General Election are hereby declared elected to office, and shall be issued a certificate of election, following the time the election would have been canvassed:

Harvey Lynn Burger	City Council, Place 1
Sarah Adams	City Council, Place 3
Alisa Scheps	City Council, Place 5

SECTION 2. The May 4, 2024, General Election is canceled, and the City Secretary is directed to cause a copy of this ordinance to be posted on Election Day at each polling place that would have been used in the election.

SECTION 3. Severability. It is declared to be the intent of the City Council that the phrases, clauses, sentences, paragraphs, and section of this ordinance, are severable, and if any phrases, clause, sentence, paragraph, or section of this ordinance is declared invalid by the judgment or decree of a court of competent jurisdiction, the invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance since the City Council would have enacted them without the valid portion.

SECTION 4. Effective Date. This ordinance shall take effect upon its final passage, and it is so ordained.

PASSED AND APPROVED THIS THE 4th DAY OF MARCH 2024

APPROVED:

Mayor, John Taylor

City Secretary, Brooke Boller