

CITY OF FAIRFIELD  
CITY COUNCIL MEETING  
THURSDAY, MARCH 21, 2019@ 6:00PM

THE CITY COUNCIL OF THE CITY OF FAIRFIELD, TEXAS WILL CONVENE INTO A SPECIAL CALLED MEETING AT 6:00 PM ON THURSDAY, MARCH 21, 2019, IN THE CITY OF FAIRFIELD COUNCIL CHAMBERS, 222 SOUTH MOUNT, FAIRFIELD, TEXAS IN COMPLIANCE WITH THE TEXAS OPEN MEETINGS ACT, CHAPTER 551 TEXAS GOVERNMENT CODE AS FOLLOWS:

*NOTICE: AT ANY TIME DURING THE CITY COUNCIL MEETING, THE CITY COUNCIL MAY ADJOURN INTO EXECUTIVE SESSION FOR ANY REASON LISTED ON THIS AGENDA PURSUANT TO ANY APPLICABLE SECTION OF THE TEXAS GOVERNMENT CODE, CONSULTATION WITH ATTORNEY- SECTION 551.071, REAL PROPERTY DELIBERATION- SECTION 551.072, DELIBERATION ON GIFTS - SECTION 551.073, PERSONNEL MATTERS - SECTION 551.074, DISCUSSION OF SECURITY MEASURES - SECTION 551.076 AND ECONOMIC DEVELOPMENT- SECTION 551.087.*

1. CALL TO ORDER; ROLL CALL; PRAYER AND PLEDGE
2. VISITORS AND CITIZENS FORUM: AT THIS TIME, ANY PERSON WITH BUSINESS BEFORE THE COUNCIL NOT SCHEDULED ON THE AGENDA MAY SPEAK TO THE COUNCIL. NO FORMAL ACTION CAN BE TAKEN ON THESE ITEMS AT THIS TIME.

**Business:**

1. **Discussion and Consideration of Certain Prior Council Actions.** The following matters are presented for discussion and possible action to be ratified, modified, or voided. These matters are presented because the City of Teague has asserted in *City of Teague v. City of Fairfield*, Cause No. CV18334 that the City of Fairfield has violated Texas Open Meeting Act with respect to the prior Council actions listed below. The City of Fairfield disputes that any violations of the Texas Open Meetings Act have occurred. Nevertheless, in the interest of assuring full transparency and compliance with the Texas Open Meetings Act, the following matters are presented for the Council to decide whether to ratify, modify, or void such matters (or whether no action should be taken). **PUBLIC COMMENT IS WELCOME ON EACH ITEM FROM PERSONS THAT SIGN UP TO SPEAK PRIOR TO THE MEETING:**

- a. Approve proceeding with Project Water #3 and give the Mayor the authority to proceed with all necessary documents and filings to conclude and close the transaction as considered at the April 12, 2016 Council Meeting.

**Background:** On April 12, 2016 David Stewart made a motion to proceed with Project Water #3 and give the Mayor the authority to proceed with all necessary documents and filings to conclude and close the transaction. Seconded by Randy Johnson; approved 4-0.

**Staff Recommendation:** Re-approve and Ratify the approval to proceed with Project Water #3 and give the Mayor the authority to proceed with all necessary documents and filings to conclude and close the transaction as considered at the April 12, 2016 Council Meeting.

- b. Approve raising Fairfield's TMRS deposit rate to 7% pending all necessary paperwork as considered at the June 14, 2016 Council Meeting.

**Background:** On June 14, 2016 Randy Johnson made a motion to raise the TMRS deposit rate to 7% pending all necessary paperwork. David Steward seconded. All voted for.

**Staff Recommendation:** Re-approve and Ratifyraising Fairfield's TMRS deposit rate to 7% pending all necessary paperwork as considered at the June 14, 2016 Council Meeting.

- c. Approve Fairfield Industrial Development Corporation expansion plans as considered at the September 27, 2016 Council Meeting.

**Background:** On September 27, 2016 Joe Lee Kirgan made a motion to approve Fairfield Industrial Development Corporation expansion plans. Randy Johnson seconded. All voted for.

**Staff Recommendation:** Re-approve and Ratify the approval of Fairfield Industrial Development Corporation expansion plansas considered at the September 27, 2016 Council Meeting.

- d. Approve variance of property line on Hughes property and approve building permit for said property as considered at the March 14, 2017 Council Meeting.

**Background:** On March 14, 2017, Randy Johnson made the motion for variance of property line on Hughes property. Joe Lee Kirgan seconded. David Steward and Landis Bayless voted for. Kenny Hughes abstained. Joe Lee Kirgan made the motion to approve building permit for said property. Randy Johnsonseconded. David Steward and Landis Bayless voted for. Kenny Hughes abstained.

**Staff Recommendation:** Re-approve and Ratify variance of property line on Hughes property and approve building permit for said property as considered at the March 14, 2017 Council Meeting. (Kenneth Hughes should abstain).

- e. Void approval of moving \$250,000.00 from TDCJ fund to the General Fund as considered at the September 12, 2017 Council Meeting.

**Background:** On September 12, 2017 Joe Lee Kirgan made the motion to move \$250,000.00 from TDCJ fund to the General Fund. Landis Bayless seconded. Kenny Hughes, Landis Bayless and Joe Lee Kirgan voted for. Keith Daniels and Randy Johnson voted against. At the September 11, 2018 City Council Meeting, Frank Steele, from Anderson, Marx & Bohl, P.C. made a presentation to the City Council and explained that the action to move the \$250,000 from the TDCJ Fund to the General Fund was never completed.

**Staff Recommendation:** Void the approval to move \$250,000.00 from the TDCJ fund to the General Fund as considered at the September 12, 2017 Council Meeting.

- f. Approve action regarding a long term contract with the Freestone County Fair Association as considered at the May 1, 2018 and May 8, 2018 Council Meetings.

**Background:** On May 1, 2018 Joe Lee Kirgan made a motion to allow the Mayor Roy W. Hill and City Attorney Linda Sjogren to put together a long term contract with the Freestone County Fair Association. Landis Bayless seconded. All voted for. On May 8, 2018 this contract was properly posted as item 6 on the City Council Agenda. On May 8, 2018, Randy Johnson made the motion to approve a long term agreement between the City of Fairfield and Freestone County Fair Association. Landis Bayless seconded. Kenny Hughes, Landis Bayless, Randy Johnson and Joe Lee Kirgan voted for. Keith Daniels was absent.

**Staff Recommendation:** Re-approve and Ratify the action directing the Mayor and City Attorney to put together a long term contract with the Freestone County Fair Association as discussed at the May 1, 2018 meeting and re-approve and ratify a long term contract with the Freestone County Fair Association as considered at the May 8, 2018 City Council Meeting.

- g. Approve issuance of a letter of intent for the purchase of property from Navarro College as considered at the August 14, 2018 Council Meeting.

**Background:** On August 14, 2018 Keith Daniels made the motion to allow Jana Taylor to issue letter of intent to Navarro College. Landis Bayless seconded. All voted for.

**Staff Recommendation:** Re-approve and Ratify the approval of the issuance of a letter of intent to Navarro College as considered at the August 14, 2018 Council Meeting.

- h. Approve moving forward with purchase of Navarro College Campus as considered at the November 9, 2018 Council Meeting.

**Background:** On November 9, 2018 Randy Johnson made the motion to moving forward with purchase of Navarro College Campus. Keith Daniels seconded. All voted for. This purchase has not yet been consummated.

**Staff Recommendation:** Re-approve and Ratify the approval to move forward with purchase of Navarro College Campus.

- i. Approve acceptance of quote from Wright Climate Heating and Air for the purchase of an AC/Heating Unit for the Fairfield Boy Scout hut located at the Moody Reunion Fairgrounds as considered at the November 13, 2018 Council Meeting.

**Background:** On November 13, 2018 Landis Bayless made the motion to accept quote from Wright Climate Heating and Air. Randy Johnson seconded. All voted for. After approval, Wright Climate Heating and Air refused payment.

**Staff Recommendation:** Void the approval to accept quote from Wright Climate Heating and Air.

- j. Approve repairs to Fire Department ladder truck to Siddons-Martin with budget amendment in the amount of \$24,521.83 as considered at the November 13, 2018 Council Meeting.

**Background:** James Tyus made the motion to approve repairs to Fire Department ladder truck to Siddons-Martin with budget amendment in the amount of \$24,521.83. Landis Bayless seconded. All voted for.

**Staff Recommendation:** Re-approve and Ratify the approval of repairs to Fire Department ladder truck to Siddons-Martin with budget amendment in the amount of \$24,521.83.

- k. Approve acceptance of retirement letter from Chief Kenny Bulger effective November 30, 2018 as considered at the November 13, 2018 Council Meeting.

**Background:** Keith Daniels made the motion to accept retirement letter from Chief Kenny Bulger effective November 30, 2018. Landis Bayless seconded. All voted for.

**Staff Recommendation:** Re-approve and Ratify the approval of acceptance of retirement letter from Chief Kenny Bulger effective November 30, 2018. Staff

notes, however, that the Fairfield personnel manual does not require Council acceptance of resignation letters.

1. Approve acceptance of thirty (30) day termination of contract letter dated November 5, 2018 from Jana Taylor, Interim City Administrator as considered at the November 13, 2018 Council Meeting.

**Background:** Landis Bayless made the motion to accept thirty (30) day termination of contract letter dated November 5, 2018. Keith Daniels seconded. Jason Bosley, Keith Daniels, Landis Bayless and Randy Johnson voted for. James Tyus voted against.

**Staff Recommendation:** Re-approve and Ratify the approval to accept thirty (30) day termination of contract letter dated November 5, 2018 from Jana Taylor, former Interim City Administrator.

- m. Approve recommendation of the City Judge for Donna Bulger to go to Forty (40) hour work week as considered at the November 13, 2018 Council Meeting.

**Background:** Landis Bayless made the motion approving the recommendation of the City Judge for Donna Bulger to go to Forty (40) hour work week. Jason Bosley seconded. All voted for.

**Staff Recommendation:** Re-approve and Ratify the approval of the recommendation of the City Judge for Donna Bulger to go to Forty (40) hour work week.

2. **Discussion and consideration of** approving an Escrow Agreement, to be entered into by and between the City of Fairfield, Texas and The Bank of New York Mellon Trust Company, National Association, as escrow agent pursuant to Chapter 1207, Texas Government Code to authorizes the City of Fairfield to deposit available funds for defeased bonds for the discharge and final payment of the defeased bonds.

**Background:** This Escrow Agreement will allow for the full and final payment of bonds related to the TDCJ facilities.

3. **Discussion and consideration of** revisions to the City of Fairfield 2018-2019 budget that were proposed by the City of Teague at the Joint Council Meeting held on October 18, 2018 for the TDCJ Account.

**Background:** On October 18, 2018 a Joint City Council meeting was held with the City of Teague. At that October 18, 2018 Joint City Council meeting, the City of Teague proposed changes to the City of Fairfield's 2018-2019 Budget for operation of the TDCJ Facilities. Section 3.05 of the Interlocal Definitive Agreement with the City of Teague provides that the "Final approval of budgeted expenditures will be by the City Council of the City of Fairfield."

I CERTIFY THAT THE ABOVE NOTICE OF MEETING WAS POSTED MARCH 18, 2019 @ 4:30 P.M. ON THE BULLETIN BOARD IN THE MUNICIPAL BUILDING, 222 SOUTH MOUNT STREET, FAIRFIELD TEXAS, AND WILL REMAIN POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING SCHEDULED TIME OF THE MEETING. I FURTHER CERTIFY THAT THE FOLLOWING NEWS MEDIA AND WEBSITE HOSTING WAS PROPERLY NOTIFIED OF THIS MEETING AS STATED ABOVE: FAIRFIELD RECORDER AND FREESTONE COUNTY TIMES, FAIRFIELD, TX.

  
Misty Richardson, City Secretary

THIS FACILITY IS WHEELCHAIR ACCESSIBLE AND ACCESSIBLE PARKING SPACES ARE AVAILABLE. REQUESTS FOR ACCOMMODATIONS SHOULD BE MADE FORTY-EIGHT (48) HOURS PRIOR TO THIS MEETING. PLEASE CONTACT THE CITY SECRETARY OFFICE AT (903) 389-2633 FOR FURTHER INFORMATION