

**CITY OF FAIRFIELD
CITY COUNCIL MEETING
FEBRUARY 28, 2023**

THE CITY COUNCIL OF THE CITY OF FAIRFIELD, TEXAS WILL CONVENE INTO A **SPECIAL CALLED MEETING AT 5:30PM ON TUESDAY, FEBRUARY 28, 2023** AT THE **GREENBARN CIVIC CENTER**. PURSUANT TO SECTION 551.127 OF THE TEXAS GOVERNMENT CODE, AND IN CONJUNCTION WITH THE GUIDANCE AND PROVISIONS PROVIDED BY THE GOVERNOR OF TEXAS IN THE DECLARATION OF DISASTER ENACTED MARCH 13, 2020, MEMBERS OF THE CITY COUNCIL MAY BE PARTICIPATING REMOTELY IN COMPLIANCE WITH THE TEXAS OPEN MEETINGS ACT, AS TEMPORARILY MODIFIED BY THE GOVERNOR, AND COUNCIL RULES OF PROCEDURE.

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 551.0 71, REAL PROPERTY DELIBERATION - SECTION 551 .0 72, DELIBERATION ON GIFTS - SECTION 551 .073, PERSONNEL MATTERS- SECTION 551 .074, DISCUSSION OF SECURITY MEASURES- SECTION 551.076 AND ECONOMIC DEVELOPMENT - SECTION 551.087.

H.B.NO.2840-Section 551.001(3)(b) and (c). A governmental body shall allow each member of the public who desires to address the body regarding an item on the agenda for an open meeting of the body to address the body regarding the item at the meeting before or during the body's consideration of the item. A governmental body may adopt reasonable rules regarding the public's right to address the body under this section, including rules that limit the total amount of time that a member of the public may address the body on a given item.

1. CALL TO ORDER; PRAYER AND PLEDGE
2. VISITORS AND CITIZENS FORUM: AT THIS TIME, ANY PERSON WITH 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.
3. DISCUSSION AND POSSIBLE ACTION TO APPROVE ORDINANCE 02-28-23 CANCELLING ELECTION. AN ORDINANCE OF THE CITY OF FAIRFIELD, TEXAS CANCELLING THE MAY 6, 2023 GENERAL ELECTION; DECLARING THE ELECTION OF UNOPPOSED CANDIDATES; DIRECTING THE CITY SECRETARY TO POST THE ORDER ON ELECTION DAY; INCLUDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

4. DISCUSSION AND POSSIBLE ACTION ON AGREEMENT FOR DESIGN AND CONSTRUCTION OF IMPROVEMENTS FOR CITY HALL RENOVATION WITH JERRY DON MCLEOD D/B/A MCLEOD CONSTRUCTION.
5. DISCUSSION AND POSSIBLE ACTION ON A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAIRFIELD, TEXAS AUTHORIZING THE SALE OF REAL PROPERTY TO WILLIAM DUSTIN DODGE FOR THE SUM OF \$7,755.00; ADOPTING FINDINGS OF FACT, VOIDING RESOLUTION NO. 02-14-2023; PROVIDING FOR SEVERABILITY; INCLUDING A SAVINGS CLAUSE; DETERMINING A PUBLIC MEETING; AND ESTABLISHING AN EFFECTIVE DATE.
6. EXECUTIVE SESSION :
SECTION 551.074 - PERSONEL - DELIBERATION THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE OR DISMISSAL OF PUBLIC OFFICER OR EMPLOYEE:
1. NATE SMITH
7. RECONVENE INTO REGULAR SESSION AND CONSIDER ACTION, IF ANY, ON ITEM(S) DISCUSSED IN EXECUTIVE SESSION.
8. ADJOURN

I CERTIFY THAT THE ABOVE NOTICE OF MEETING WAS POSTED BY FRIDAY, FEBRUARY 24 AT 5:00 P.M. ON THE BULLETIN BOARD AT CITY HALL, 425 WEST COMMERCE 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'S OFFICE AT (903)389-2633 FOR FURTHER INFORMATION

CITY OF FAIRFIELD

ORDINANCE NO. 02-28-23 CANCELLING ELECTION

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAIRFIELD, TEXAS CANCELLING THE MAY 6, 2023 GENERAL ELECTION; DECLARING THE ELECTION OF UNOPPOSED CANDIDATES; DIRECTING THE CITY SECRETARY TO POST THE ORDER ON ELECTION DAY; INCLUDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, on February 22, 2023, after the close of the filing period for any candidates for the May 6, 2023 election, the City Secretary certified that all positions on the proposed ballot were unopposed; and

WHEREAS, pursuant to Section 2.053(a) of the Texas Election Code, upon receipt of this certification, the City Council is required to cancel the election; and

WHEREAS, all constitutional and statutory prerequisites for the approval of this ordinance have been met, including but not limited to the Open Meetings Act.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAIRFIELD, TEXAS, THAT:

SECTION 1. All matters stated hereinabove are found to be true and correct and are incorporated herein by reference as if copied in their entirety.

SECTION 2. The City Council of the City of Fairfield hereby cancels the election scheduled to be held on May 6, 2023, in accordance with Section 2.053(a) of the Texas Election Code.

SECTION 3. The following candidates have been certified as unopposed and are hereby elected: Councilman Place III - Bobby Nichols, Councilman Place IV – Roger Keeton, and Councilman Place V – Angela Oglesbee. Such Councilmen shall begin serving their term of office upon expiration of the terms of office held by the current Office Holders, in May 2023.

SECTION 4. The City Secretary is directed to post a copy of the Order of Cancellation attached as Exhibit "A" at each designated polling location on May 6, 2023.

SECTION 5. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 6. This Ordinance shall be effective immediately upon adoption.

ORDAINED this 28th day of February, 2023 by a vote of _____ Ayes _____ Nays.

THE CITY OF FAIRFIELD, TEXAS

Kenneth Hughes, Mayor

Attest:

Misty Richardson, TRMC
City Secretary

EXHIBIT A

ORDER OF CANCELLATION

The City Council of the City of Fairfield hereby cancels the election scheduled to be held on May 6, 2023, in accordance with Section 2.053(a) of the Texas Election Code.

The following candidates have been certified as unopposed and are hereby elected:

Councilman Place III - Bobby Nichols
Councilman Place IV – Roger Keeton
Councilman Place V – Angela Oglesbee

El Ayuntamiento de la Ciudad de Fairfield por la presente cancela la elección que, de lo contrario, se hubiera celebrado el sexton de Mayo, 2023, de conformidad, con la Sección 2.053(a) del Código de Elecciones de Texas.

Los siguientes candidatos han sido certificados como candidatos únicos y por la presente quedan elegidos como se haya indicado a continuación:

*El Concejal Lugar III - Bobby Nichols
El Concejal Lugar IV – Roger Keeten
El Concejal Lugar V – Angela Oglesbee*

A copy of this Order will be posted on Election Day at each polling place that would have been used in the election.

El Día de las Elecciones se exhibirá una copia de esta orden en todas las mesas electorales que se hubieran utilizado en la elección.

Date of Adoption: February 28, 2023

THE CITY OF FAIRFIELD, TEXAS

Kenneth Hughes, Mayor

Attest:

Misty Richardson, TRMC
City Secretary

(City Seal)

CITY OF FAIRFIELD

RESOLUTION NO. 02-28-23 PARCEL 3658

AUTHORIZING SALE OF REAL PROPERTY

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAIRFIELD, TEXAS AUTHORIZING THE SALE OF REAL PROPERTY TO WILLIAM DUSTIN DODGE FOR THE SUM OF \$7,755; ADOPTING FINDINGS OF FACT; VOIDING RESOLUTION NO. 02-14-2023; PROVIDING FOR SEVERABILITY; INCLUDING A SAVINGS CLAUSE; DETERMINING A PUBLIC MEETING; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Fairfield, Texas (the “City”), is a Type A General-Law Municipality, acting under its authority pursuant to state law and the City’s Code of Ordinances; and

WHEREAS, pursuant to Chapter 51, Texas Local Government Code, the City may adopt an ordinance, act, law, or regulation, not inconsistent with state law, that is necessary for the government, interest, welfare, or good order of the City; and

WHEREAS, the City has the authority under Chapter 51, Texas Local Government Code, to take, hold, purchase, lease, grant, or convey property to carry out a municipal purpose, to manage and control the property belonging to the City, and to contract with other persons; and

WHEREAS, pursuant to Section 253.008, Texas Local Government Code, the City may sell real property owned by the City by public auction or by sealed bid under Section 272.001, Texas Local Government Code; and

WHEREAS, the City acquired and holds title to the property known as Parcel 3658, described more fully in Attachment “A”, attached hereto and incorporated herein for all purposes (the “Property”); and

WHEREAS, the City Council determined that it is desirable and in the best interest of the City to sell its interests in the Property and, pursuant to Section 272.001, Texas Local Government Code, the City issued a notice that the City was accepting sealed bids for the purchase of the Property in accordance with certain terms and provisions outlined in the Notice of Sealed Bid for Sale of Real Property issued by the City on September 15, 2022; and

WHEREAS, the City Council has reviewed the bids received and has determined that it is desirable and in the best interest of the City to void Resolution No. 02-14-2023 due to failure of the high bidder to honor their bid and close on the sale, and to award the bid to the second highest bidder, William Dustin Dodge, in accordance with the terms outlined in the Notice of

Sealed Bid for Sale of Real Property; and

WHEREAS, the City Council desires to authorize and direct the Mayor to sell the Property to William Dustin Dodge for the amount of \$7,755, and to execute, for and on behalf of the City and in its name, any and all documents required in connection with the sale of the Property and the closing of the transaction.

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

SECTION 1. The foregoing recitals are incorporated into this Resolution by reference as findings of fact as if expressly set forth herein.

SECTION 2. The City Council hereby voids Resolution No. 02-14-2023 due to the failure of the bidder to honor its bid and close on the sale.

SECTION 3. The City Council hereby authorizes and directs the Mayor to sell the Property more fully described in Attachment “A”, which is attached hereto and incorporated herein for all purposes, to William Dustin Dodge for the amount of \$7,755.

SECTION 3. The Mayor is hereby authorized, directed and empowered to execute, for and on behalf of the City and in its name, any and all documents required in connection with the sale of the Property and the closing of the transaction through Freestone County Title Company.

SECTION 4. The Mayor is hereby authorized to do and perform any and all such acts, including execution of any and all documents and certificates, as the Mayor deems necessary or advisable, to carry out the purposes and intent of this Resolution.

SECTION 5. All resolutions and ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters regulated, herein.

SECTION 6. In the event that any of these clauses, sentences, paragraphs, sections or parts of this Resolution be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Resolution.

SECTION 7. It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code Chapter 551.

SECTION 8. This Resolution shall be in full force and effect from and after its passage, and it is hereby so resolved.

PASSED by a majority vote of all members of the City Council of the City of Fairfield, Texas

on the 28th day of February, 2023.

THE CITY OF FAIRFIELD, TEXAS

Kenneth Hughes, Mayor

Misty Richardson, TRMC
City Secretary

ATTACHMENT A
PROPERTY

Tract 1, Parcel 3658, Address TBD

Legal Description - All that certain 0.76 acre tract of land, more or less, situated in the R. Gainor League, A-12, Freestone County, Texas and being the same land described in Deed dated February 9, 1994 from John E. Finch, Sherry Lynn Finch, LaWanda Finch Cox, and Wayne Cox in Volume 724, Page 252, Deed Records of Freestone County, Texas.

Aerial Photo:

