

# **AGENDA**

## **REGULAR CITY COUNCIL MEETING**

**DECEMBER 5, 2022  
6:00 P.M.**

**FATE CITY HALL  
1900 CD BOREN PARKWAY**

**NOTICE IS HEREBY GIVEN THAT THE CITY COUNCIL OF THE CITY OF FATE WILL HOLD A REGULAR CITY COUNCIL MEETING AT 6:00 P.M. ON MONDAY, DECEMBER 5, 2022 AT FATE CITY HALL, 1900 CD BOREN PARKWAY, FATE, TEXAS, FOR THE FOLLOWING PURPOSES:**

### **NOTICE OF ATTENDANCE**

**NOTICE** is hereby given that the Comprehensive Plan Advisory Committee (CPAC) may be in attendance at the City Council Meeting December 5, 2022 being held at the Fate City Hall, 1900 CD Boren Parkway, Fate, Texas.

#### **1. CALL TO ORDER AND CONFIRM A QUORUM**

#### **2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE AMERICAN AND TEXAS FLAGS**

#### **3. PRESENTATIONS**

- A. Presentation Of The America Planning Association - Texas Chapter: 2022 Planning Excellence Community Of The Year Award
- B. Presentation Of Fate Department Of Public Safety Employee Service Awards:
  - o Officer Of The Year
  - o Firefighter Of The Year
  - o Josh McCord (5 Years)
  - o Victor Aragon (10 Years)
  - o Chief Lyle Lombard (30 Years In Law Enforcement)

#### **C. Fate Comprehensive Plan Implementation Progress Presentation**

#### **4. PUBLIC COMMENT**

This Is An Opportunity For The Public To Address The Council On Any Matter,

Except Public Hearings That Are Included On The Agenda. Comments Related To Public Hearings Will Be Heard When The Specific Hearing Begins. Public Comments Are Limited To Three (3) Minutes Per Speaker, Unless Otherwise Required By Law. To Address The Governing Body, Each Speaker Must Complete A Public Comment Form And Present The Completed Form To The City Secretary Prior To The Start Of The Meeting. Each Speaker Shall Approach The Podium And State His/Her Name And Address Before Speaking. Speakers Shall Address The Governing Body With Civility That Is Conducive To Appropriate Public Discussion. Speakers Can Address Only The Governing Body And Not Individual City Officials Or Employees. The Public Cannot Speak From The Gallery But Only From The Podium. Per The Texas Open Meetings Act, The Governing Body Is Not Permitted To Take Action On Or Discuss Any Item Not Listed On The Agenda. The Council May: (1) Make A Statement Of Fact Regarding The Item; (2) Make A Recitation Of Existing Policy Regarding The Item; Or (3) Propose The Item Be Placed On A Future Agenda.

## **5. CONSENT AGENDA**

*All Items Under Consent Agenda Are Considered To Be Routine By The City Council And Will Be Enacted By One Motion. There Will Not Be Separate Discussion Of These Items. If Discussion Is Desired, That Item Will Be Removed From The Consent Agenda And Will Be Considered Separately.*

- A. Consider Approval Of Minutes Of The Council Meeting Held November 21, 2022.

[Documents:](#)

[2022.11.21.pdf](#)

- B. (This Is An Ordinance Providing That Only The Ambulance Service Provider Contracted With The Emergency Services Corporation Of Rockwall County ("ESC") For Emergency Ambulance Services Can Provide Non-Emergency Ambulance Services In The City Of Fate)  
Consider Approval Of Ordinance No. O-2022-046- Amending The Code Of Ordinances Of The City Of Fate, Chapter 12 – Emergency Services, By Adding Article V, "Ambulance Service," Providing For The Regulation Of Emergency And Non-Emergency Ambulance Services In The City Of Fate, Texas.

[Documents:](#)

[ordinance amending ambulance services with staff report.pdf](#)

- C. (This Is An Approval Of Offsite Public Drainage And Utility Easements For Edgewater Phase 2)

1. Consider Approval Of Resolution No. R-2022-084- Accepting The Dedication Of A Public Drainage Easement From Fate 163 Land LP, On Property Located In The JB Merchant Survey, Abstract No.159, City Of Fate, Rockwall County, Texas.
2. Consider Approval Of Resolution No. R-2022-085- Accepting The Dedication Of A Public Utility Easement From Fate 163 Land LP, On Property Located In The JB Merchant Survey, Abstract No.159, And The J Thompson Survey, Abstract No. 210, City Of Fate, Rockwall County, Texas.

[Documents:](#)

[edgewater phase 2 drainage and utility easements\\_staff summary\\_20221205.pdf](#)

- D. (This Is An Ordinance To Abandon A Portion Of A Public Sanitary Sewer Easement In Edgewater Phase 2) Consider Approval Of Ordinance No. O-2022-047-Approving The Abandonment Of An Approximately 1.688 Acre Sanitary Sewer Easement Associated With The Edgewater Phase 2 Development.

[Documents:](#)

[edgewater phase 2 ss easement abandonment - staff summary\\_20221205.pdf](#)

- E. (This Is An Approval Of An Offsite Street Easement For Woodcreek 6L) Consider Approval Of Resolution No. R-2022-086-Accepting The Dedication From Woodcreek Fate Homeowners Association, Inc. Of A Public Street Easement On Property Located In The Joseph Parker Survey, Abstract No.178 City Of Fate, Rockwall County, Texas.

[Documents:](#)

[woodcreek 6l row easement\\_staff summary\\_20221205.pdf](#)

- F. Consider Approval Of Resolution No. R-2022-087-Accepting A Petition For Annexation From Maria Enriquez, And Setting A Date, Time, And Place For A Public Hearing On The Proposed Annexation Of An Approximate 11.4808 Acres Of Undeveloped Land, Being Lot 8 Of Windy Hill Estates, Located At 2126 Blackland Road, And Approving A Written Service Agreement Pursuant To Section 43.0672 Of The Texas Local Government Code.

[Documents:](#)

[resolution on annexation petition 11.4808 acres blackland road with staff report.pdf](#)

- G. (This Is An Ordinance Amending The Attendance Policy And Procedures For The Parks And Recreation Advisory Board) Consider Approval Of Ordinance No. O-2022-048-Amending The Code Of Ordinances Of The City Of Fate, Chapter 22 – Parks And Recreation, By Amending Section 22-22, “Removal From Office,” Amending The Attendance Policy And Procedures For The Parks And Recreation Advisory Board.

[Documents:](#)

[ordinance - attendance policy for parks and recreation board with staff report.pdf](#)

## **6. ACTION ITEMS**

- A. (This Is An Application For Approval Of A Zoning Change Request For A Formerly Annexed Property To Allow For Dividing The Property Into Two Separate Lots Per City Standards) Discuss, Consider, And Take Any Necessary Action Regarding Approval Of A Zoning Request To Change The Zoning Of A Property From Agriculture (A) To Residential Estate (RE). The Total Area Of The Proposed Zoning Change Is Approximately 3.344 Acres. The Legal Description Of Parcel 10898 Is A0083 J FARMER,

TRACT 2-05, MH SERIAL # AH01963308, TITLE # 01058270, LABEL # PFS0368021, ACRES 3.344. Case # ZR-22-009.

1. Staff Summary
2. Applicant Presentation
3. Public Hearing
4. Discuss, Consider, And Take Any Necessary Action Regarding Ordinance No. O-2022-049- Amending The Comprehensive Zoning Ordinance And Changing The Zoning Classification From Agriculture (A) To Residential Estate (RE) On Approximately 3.344 Acres Of Land Identified As Rockwall CAD Property ID 10898, City Of Fate, Rockwall County, Texas; Amending The Official Zoning Map; Providing A Penalty Up To \$2,000 Per Day; Providing For Savings, Severability, And An Effective Date.

Documents:

[zr-22-009\\_vargas addition - staff summary\\_20221205.pdf](#)

- B. Discuss, Consider, And Take Any Necessary Action Regarding Resolution No. R-2022-088-Approving An Agreement Between The City Of Fate And YMCA Of Metropolitan Dallas For Youth Sports Programming Services.

Documents:

[staff summary 2022 ymca sports programming agreement.pdf](#)

- C. Discuss, Consider, And Take Any Necessary Action Regarding The Rockwall County Outer Loop Highway Project Within The City Of Fate.

Documents:

[staff summary rockwall county outer loop 2022.pdf](#)

- D. Discuss, Consider, And Take Any Necessary Action Regarding City Council Meeting Schedule For Calendar Year 2023.

Documents:

[2023 council meeting schedule.pdf](#)

## **7. MAYOR, COUNCIL, AND CITY MANAGER REPORTS**

Regarding Items Of Community Interest – Pursuant To Texas Government Code Section 551.0415 The Mayor, Council And City Manager May Report On The Following Items: (1) Expression Of Thanks, Congratulations Or Condolences; (2) Information About Holiday Schedules; (3) Recognition Of Individuals; (4) Reminders About Upcoming City Council Events; (5) Information About Community Events; (6) Announcements Involving Imminent Threat To Public Health And Safety.

### **A. Mayor's Report**

### **B. Council Reports**

C. City Manager's Report

**8. EXECUTIVE SESSION: IN ACCORDANCE WITH TEXAS GOVERNMENT CODE, SECTION 551.001, ET SEQ., THE CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION (CLOSED MEETING) TO DISCUSS THE FOLLOWING:**

- A. In Accordance With Texas Government Code, Section 551.087, To Discuss Or Deliberate Regarding Commercial Or Financial Information That The City Has Received From A Business Prospect That The City Seeks To Have Locate, Stay, Or Expand In Or Near The Territory Of The City Of Fate And With Which The City Is Conducting Economic Development Negotiations; And To Deliberate The Offer Of A Financial Or Other Incentive To The Business Prospect:
  - 1. Extension To The Chapter 380 Economic Development Incentive And Performance Agreement With Freit, LLC, For Property Located At 301 E. Fate Main Place, Rockwall CAD Property ID 10558.
- B. In Accordance With Texas Government Code, Section 551.072, To Deliberate The Purchase, Exchange, Lease, Or Value Of Real Property:
  - 1. Right-Of-Way Acquisition For Road Bond Projects North And South Of I30
- C. In Accordance With Texas Government Code, Section 551.071, Consultation With 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:
  - 1. To Receive Legal Advice Regarding The Compromise Settlement Agreement With Glen C. Eskew, Jr. For The Property Located At 120 Prince Road
  - 2. To Receive Legal Advice Regarding An Interim Use Agreement For Rockwall CAD Property ID 16475

**9. RECONVENE INTO REGULAR SESSION: IN ACCORDANCE WITH TEXAS GOVERNMENT CODE, CHAPTER 551, THE CITY COUNCIL WILL RECONVENE INTO REGULAR SESSION TO CONSIDER ACTION, IF ANY, ON MATTERS DISCUSSED IN EXECUTIVE SESSION**

**10. ADJOURNMENT**

In addition to any executive session already listed above, the City Council of the City of Fate reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code for the following purposes:

§551.071 Consultations with Attorney

§551.072 Deliberations regarding Real Property

§551.074 Personnel Matters

§551.076 Deliberations regarding Security Devices

§551.087 Deliberations regarding Economic Development Negotiations

This building is wheelchair accessible. Any request for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (972) 771-4601 Ext. 103 for further information.

I certify that the above **NOTICE OF MEETING** was filed and posted on the Bulletin Board at City Hall, 1900 CD Boren Parkway, City of Fate, Texas on the 1st day of December 2022, at 3:00 P.M. and remained so posted until removed as indicated below, pursuant to the Texas Open Meetings Act. This notice was likewise posted on the city website at [www.fatetx.gov](http://www.fatetx.gov).

Victoria Raduechel, TRMC, City Secretary

Removed from the Bulletin Board at City Hall on the \_\_\_\_ day of \_\_\_\_\_, 2022, by  
\_\_\_\_\_.