

# **AGENDA**

## **SPECIAL CITY COUNCIL MEETING**

**JANUARY 3, 2023  
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 SPECIAL CITY COUNCIL MEETING AT 6:00 P.M. ON TUESDAY, JANUARY 3, 2023 AT FATE CITY HALL, 1900 CD BOREN PARKWAY, FATE, TEXAS, FOR THE FOLLOWING PURPOSES:**

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

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

**3. PRESENTATIONS**

- A. Proclamation Recognizing David Sweet For His Service As Rockwall County Judge
- B. Proclamation Recognizing Janet Nichol For Her Service As Rockwall County Commissioner
- C. Veterans Outpost 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 December 5, 2022.

[Documents:](#)

[2022.12.5.pdf](#)

- B. Consider Approval Of Financial Report For November 2022.

[Documents:](#)

[financial\\_report\\_month\\_ending\\_113022.pdf](#)

- C. (This Is An Application For Approval Of A Preliminary Plat For A Proposed New And Used Car Sales And Service Center) Consider Approval Of Resolution No. R-2023-001- Conditionally Approving A Preliminary Plat For Rockwall County Volkswagen On 5.32 Acres Of Land Located On The On The North Side Of I-30, Rockwall Cad Property Id 29047, City Of Fate, Rockwall County, Texas; And Providing An Effective Date. Case #PP-22-006.

[Documents:](#)

[plat for volkswagen - case pp-22-006.pdf](#)

- D. Consider Approval Of Resolution No. R-2023-002 - Accepting A Street Easement And Drainage Easements From Fate I-30 Commercial, Lp On Property Located In The Sb Crabtree Survey, Abstract No. 58, City Of Fate, Rockwall County, Texas.

[Documents:](#)

[5d - greenbriar rd. extension easement.pdf](#)

- E. Consider Approval Of Resolution No. R-2023-003- Approving Change Order Number Two (2), I-30 Frontage Right Turn Lane, In The Amount Of \$365,992.93, And Change Order Number Three (3), Select Backfill Material To Required Grades, In The Amount Of \$66,635.90, With A'lure General Contractors To The Woodcreek Boulevard Extension And The Memorial Parkway Striping Project.

[Documents:](#)

[woodcreek.pdf](#)

- F. Consider Approval Of Resolution No. R-2023-004-Accepting A Petition For Annexation From Nancy McDonald, And Setting A Date, Time, And Place For A Public Hearing On The Proposed Annexation Of An Approximate 6.21 Acres Of Undeveloped Land, Being RCAD ID 11744, Generally Located North Of Prince Lane, West Of Highway 66 And South Of FM 552 In The J McKinney Survey, Abstract 151, Tract 3-05, Rockwall

County, Texas, And Approving A Written Service Agreement Pursuant To Section 43.0672 Of The Texas Local Government Code.

[Documents:](#)

[resolution on annexation petition 6.21 acres prince lane with staff summary.pdf](#)

## 6. ACTION ITEMS

- A. Conduct A Public Hearing On The Proposed Annexation Of Approximately 11.4808 Acres Of Undeveloped Land, Being Lot 8 Of Windy Hill Estates, Located At 2126 Blackland Road, Owned By Maria Enriquez, And Discuss, Consider, And Take Any Necessary Action Regarding Ordinance No. O-2023-001- Approving The Annexation.

[Documents:](#)

[public hearing and ordinance on annexation 11.4808 acres blackland road with staff summary.pdf](#)

- B. (This Is An Application For A Special Use Permit To Allow For An “Auto-Related Parts And Accessory Sales” Use In A Highway Mixed Use-Zoned Property) Discuss, Consider, And Take Any Necessary Action Regarding Approval Of A Special Use Permit (SUP) For An Auto Parts Store To Be Located In A Highway Mixed Use (RMU-C) Zoning District. The Applicant, Vaquero Williamsburg Pkwy Partners, LP, Is Proposing An Auto Parts Store On Approximately 0.8454 Acres Of A 7.675-Acre Tract Of Land. The Reasoning For The Request Is Due To Auto Parts Sales Being Classified As An “Auto-Related Parts And Accessory Sales” Use And Therefore Requires A SUP To Be Located In The RMU-C Zoning District.

The 0.8454-Acre Portion Of The 7.675-Acre Tract The SUP Applies To Is Generally Located On The Northwest Corner Of Greenbriar Rd And FM551.  
Case # SUP-22-005.

1. Staff Summary
2. Applicant Presentation
3. Public Hearing
4. Discuss, Consider, And Take Any Necessary Action Regarding **Ordinance No. O-2023-002**- Approving A Special Use Permit To Allow For An “Auto-Related Parts And Accessory Sales” Use In A Highway Mixed Use-Zoned Property

[Documents:](#)

[6b - sup-22-005.pdf](#)

- C. (This Is A Request For Consideration Of Updates To The Fate Unified Development Ordinance Intended To Implement The Adopted Forward Fate Comprehensive Plan) Discuss, Consider, And Take Any Necessary Action Regarding Approval Of Updates To The Fate Unified Development Ordinance, Articles 1-6, 8, 9, 11, And 12, That Have Been Prepared By

The City Of Fate With The Assistance Of A Consulting Team, In Order To Implement The Goals And Strategies Found In The Forward Fate Comprehensive Plan, Which Was Adopted By The Fate City Council In October 2021.

1. Staff Summary
2. Public Hearing
3. Discuss, Consider, And Take Any Necessary Action Regarding **Ordinance No. O-2023-003**- Approving Updates To The Fate Unified Development Ordinance.

[Documents:](#)

[6c - udo update.pdf](#)

- D. Discuss, Consider, And Take Any Necessary Action Regarding The Community Center Reservation And Use Policy And Discussion Regarding Leadership Rockwall Community Center Renovation Project.

[Documents:](#)

[community center.pdf](#)

- E. Discuss, Consider, And Take Any Necessary Action Concerning A Single-Family Permit Revenue Replacement Plan.

[Documents:](#)

[sf family permit replacement plan staff sum.pdf](#)

- F. (This Is A Discussion Regarding The City's Current Fee Structure As It Pertains To Homeowners And Small Businesses) Discuss The City's Current Fee Structure, Including Miscellaneous Permit Fees And Impact Fees, With A Special Focus On The Impact To Fate's Homeowners And Small Businesses.

[Documents:](#)

[staff report council fees discussion.pdf](#)

- G. Discuss, Consider, And Take Any Necessary Action Regarding Ordinance No. O-2023-004- Establishing Permit And Maintenance Regulations For Donation Boxes Placed On Private Property And Other Matters Related Thereto.

[Documents:](#)

[ordinance amending code of ordinances re donation boxes with staff report.pdf](#)

- H. Discuss, Consider, And Take Any Necessary Action Regarding A Request For An Exemption From The Regulations Of Article III, Chapter 18 Of The City Of Fate Code Of Ordinances Related To The Residency Limitations For Sex Offenders In The City Of Fate, Texas.

[Documents:](#)

## **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. Rockwall CAD Property ID's 16404, 16405, 16406, 16407, 16408, 16409, 16410, 16411, 16412
- B. 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 Drainage Issues

## **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 29th day of December, 2022, at 4:40 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 \_\_\_\_\_, 2023, by  
\_\_\_\_\_.