

AGENDA

REGULAR CITY COUNCIL MEETING

**MAY 15, 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 REGULAR CITY COUNCIL MEETING AT 6:00 P.M. ON MONDAY, MAY 15, 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. MAY 6, 2023 ELECTION RELATED ITEMS

- A. Discuss, Consider, And Take Any Necessary Action Regarding Resolution No. R-2023-029- Canvassing The Returns Of The General Election Held On May 6, 2023 For The Purpose Of Electing Two (2) Council Members, (Places 2 And 3), To The Fate City Council To Hold Office For A Period Of Three Years; Declaring Results Of Said Election; And Providing An Effective Date.

[Documents:](#)

[staff summary - may 6, 2023 election.pdf](#)

- B. Administer The Statement Of Elected Officials And Official Oaths Of Office To The Candidates Declared Elected -Council Member Place 2 Mark Harper, Council Member Place 3 Scott Kelley.

4. PRESENTATIONS

- A. John Brandt Day Proclamation

[Documents:](#)

[john brandt proclamation.pdf](#)

- B. Leadership Rockwall Class Of 2023 Day Proclamation

[Documents:](#)

C. Royse City ISD Class Of 2023 Senior Day Proclamation

[Documents:](#)

[rcisd class of 2023 senior day.pdf](#)

D. Rockwall ISD Class Of 2023 Senior Day Proclamation

[Documents:](#)

[risd class of 2023 senior day.pdf](#)

E. Building Safety Month Proclamation

[Documents:](#)

[building safety month - 2023.pdf](#)

5. 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.

6. 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 Financial Report For April 2023.

[Documents:](#)

[financial_report_month_ending_043023.pdf](#)

B. (This Is Item Is To Consider Approval Of A Public Sanitary Sewer Easement Associated With The Greenbriar West And Prose Fate Phase 2 Projects) Consider Approval Of Resolution No. R-2023-030- Accepting A Sanitary Sewer Easement From Fate I-30 Commercial, LP On Property Located In The Samuel Crabtree Survey, Abstract No. 58, City Of Fate, Rockwall County, Texas.

[Documents:](#)

- C. Consider Approval Of Resolution No. R-2023-031- Approving SCADA System - Phase 1 Upgrade With RLC Controls, Inc., In The Amount Of \$125,244.85.

[Documents:](#)

[staff summary - scada upgrades.pdf](#)

- D. Consider Approval Of Resolution No. R-2023-032- Authorizing And Approving Membership In The Cities Served By Si-Energy For The Purpose Of Protecting The Interest Of The City And Its Citizens With Respect To Si-Energy Matters; Suspending The Effective Date Of The Statement Of Intent To Increase Rates; Permitting The City Time To Study The Request; Finding Rate Case Expenses To Be Reimbursed; Hiring Legal And Consulting Services; And Requiring Notice To Si-Energy.

[Documents:](#)

[sienergy stay rate increase may 2023.pdf](#)

7. ACTION ITEMS/PUBLIC HEARING

- A. Discuss, Consider, And Take Any Necessary Action Regarding Resolution No. R-2023-033- Electing A Mayor Pro Tem For The City Of Fate For A Period Of One (1) Year.

[Documents:](#)

[staff summary - resolution electing mayor pro tem serve till may 2024.pdf](#)

- B. Discuss, Consider, And Take Any Necessary Action Regarding Resolution No. R-2023-034- Electing A Deputy Mayor Pro Tem For The City Of Fate For A Period Of One (1) Year.

[Documents:](#)

[staff summary - resolution electing deputy mayor pro tem term expiring may 2024.pdf](#)

- C. (This Is An Application For Approval Of A Zoning Change Request From Agriculture To Neighborhood Commercial) Discuss, Consider, And Take Any Necessary Action Regarding Approval Of A Zoning Request From Agriculture (A) To Neighborhood Commercial (NC) For 4.071 Acres Of A Larger 24.5-Acre Parcel Of Land. The Zoning Change Request Has Been Brought Forward By Fate I30 Commercial, LP. This Is A Straight Zoning Request And Therefore Will Be Subject To The Development Standards Outlined In The Fate Unified Development Ordinance, Code Of Ordinances, And Design Criteria And Construction Standards. This Reason For The Zoning Request Is Only To Prepare The Land For Commercial Development As No Users Or Timeline Have Been Identified At This Time. Case # ZR-23-001.

1. Staff Summary
2. Applicant Presentation
3. Public Hearing

3. Public Hearing
4. Discuss, Consider, And Take Any Necessary Action Regarding **Ordinance No. O-2023-016**- Amending The Comprehensive Zoning Ordinance And Changing The Zoning Classification From Agriculture (A) To Neighborhood Commercial (NC) On Approximately 4.071 Acres Of A Larger 24.5-Acre Parcel Land Identified As Rockwall CAD Property ID 12849, 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-23-001_se corner of memorial and greenbriar - staff summary_20230515.pdf](#)

- D. (This Is An Application For A Site Plan For A 4,400-Sf Bank With Drive Thru) Discuss, Consider, And Take Any Necessary Action Regarding Approval Of A Site Plan For A 4,400-Sf Bank With A Drive Thru. The Project Area Is Comprised Of Approximately 1.728 Acres, Part Of A Larger 8.13-Acre Tract. The Subject Property Is Part Of The Woodcreek Planned Development And Was Assigned A "Commercial District" Land Use. The Project Is Located On Parcel 11756, On The Northwest Corner Of The Intersection Of SH 66 And CD Boren Parkway. Case # SP-23-006.

1. Staff Summary
2. Applicant Presentation
3. Discuss, Consider, And Take Any Necessary Action Regarding **Resolution No. R-2023-035**- Approving A Site Plan For A 4,400-Square Foot Bank With Drive Thru On Approximately 1.728 Acres Within A Larger 8.13-Acre Tract Of Land Identified As Rockwall CAD Property ID 11756, City Of Fate, Rockwall County, Texas.

Documents:

[sp-23-006_first guaranty bank staff summary_20230515.pdf](#)

- E. Discuss, Consider, And Take Any Necessary Action Regarding Resolution No. R-2023-036- Amending The Community Center Reservation And Use Policy To Allow Rockwall County Residents To Rent And Reserve The Community Center.

Documents:

[staff summary - amending community center use policy.pdf](#)

- F. (This Proposed Ordinance Establishes Minimum Standards For The Installation Of Irrigation Systems) Discuss, Consider, And Take Any Necessary Action Regarding Ordinance No. O-2023-017- Amending Chapter 6 Of The Fate Code Of Ordinances To Add A New Article VI Irrigation Systems And Establishing The Minimum Standards For Installation Of Irrigation Systems Within The Corporate City Limits Of The

City And The Extra Territorial Jurisdiction; Providing For A Penalty Of Fine Not To Exceed Two Thousand Dollars (\$2000.00), Providing For Savings, Severability Clause; Providing For A Repealing Clause; And Providing For An Effective Date.

[Documents:](#)

[staff report irrigation ordinance ii 5 15.pdf](#)

8. 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

9. 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 551.071, 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 About Pending Or Contemplated Litigation Regarding CirclesX Recovery L.L.C. V. BP Energy Company, Et Al.
 - 2. To Receive Legal Advice About Pending Or Contemplated Litigation Regarding Michael Arney, Et. Al. V. LJA Engineering, Et. Al.
- B. In Accordance With Texas Government Code, Section 551.072, To Deliberate The Purchase, Exchange, Lease, Or Value Of Real Property:
 - 1. Real Property In The City's Downtown Core.

10. 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

11. 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 11th day of May, 2023, at 5:10 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.

Victoria Raduechel, TRMC, City Secretary

Removed from the Bulletin Board at City Hall on the ____ day of _____, 2023, by

_____.