

**MINUTES OF THE REGULAR  
CITY COUNCIL MEETING  
MARCH 2, 2020**

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

Mayor Burger called the meeting of the Fate City Council to order at 6:02 p.m. on the 2<sup>nd</sup> day of March, 2020, in the Fate City Hall 1900 CD Boren Parkway, Fate, Texas.

City Secretary Victoria Raduechel confirmed the presence of a quorum.

**Council Members Present:**

Joe Burger, Mayor  
Tamara Fisher  
Lance Megyesi  
Ian Fields  
Allen Robbins, Deputy Mayor Pro Tem  
David Billings, Mayor Pro Tem  
John Hamilton

**Council Members Absent:**

None

**City Staff Present:**

Michael Kovacs, City Manager  
Justin Weiss, Assistant City Manager  
Victoria Raduechel, City Secretary  
Lyle Lombard, Director of Public Safety  
Scott Monaghan, Director of Public Works  
Raju Anthony, Director of Finance  
Steve Gilbert, Director of Community Services and Building Safety  
Will Rugeley, Director of Planning and Development Services  
Michael Wright, IT Manager  
Brenda McDonald, City Attorney

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

Michael Wright, IT Manager, gave the invocation, after which the Council led the Pledge of Allegiance to the American and Texas Flags.

### **3. 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.

Ryan Joyce, 1189 Waters Edge, spoke in opposition to the Montarra settlement agreement and zoning change.

Herman Edward Wheeler Jr., 1030 N. Ben Payne Road, spoke regarding annexation benefits. spoke on annexation benefits.

Jackie Kindred, 1234 N. Ben Payne Road, spoke on Ben Payne Road safety.

### **4. CONSENT AGENDA**

A. Acceptance Of The Fate Department Of Public Safety 2019 Racial Profiling Report.

B. Approval Of Resolution No. R-2020-009- Authorizing The City Manager To Execute An Election Services Contract And Joint Election Agreement With The Rockwall County Elections Administrator, Royse City Independent School District, And Rockwall Independent School District For Services Related To The May 2, 2020 General And Special Elections; And Providing An Effective Date.

Council Member Fields made a motion to approve the consent agenda, with a correction to the staff summary regarding item 4B to clarify the election date of May 2, 2020.

Council Member Hamilton seconded the motion.

There was no discussion and the vote on the motion was as follows:

Ayes: Mayor Burger and Council Members Fisher, Megyesi, Fields, Robbins, Billings, and Hamilton.

Nays: None

Mayor Burger declared the motion carried unanimously.

## 5. ACTION ITEMS

A. Discuss, Consider, And Take Any Necessary Action Regarding Resolution No. R-2020-010- Accepting A Petition For And Calling A Public Hearing On The Advisability Of The Improvements And Creation Of Montarra Public Improvement District Within The City Of Fate Pursuant To Chapter 372, Texas Local Government Code And Authorizing The Mailing And Publication Of Notice Of The Public Hearing.

City Manager Michael Kovacs and City Attorney Brenda McDonald provided a brief overview of the agenda item and answered questions from the Council.

Herman Edward Wheeler Jr, 1030 N. Ben Payne Road, spoke in opposition to the Montarra PID/Development.

Juan Rosado, 1172 North Ben Payne Road, spoke in opposition to the Montarra Development and expressed concern for the condition of North Ben Payne Road.

Mayor Burger made a motion to approve Resolution No. R-2020-010 – accepting a petition for and calling a public hearing on the advisability of the improvement and creation of Montarra Public Improvement District within the City of Fate pursuant to Chapter 372, Texas Local Government Code and authorizing the mailing and publication of notice of public hearing.

Council Member Billings seconded the motion.

There was no discussion and the vote on the motion was as follows:

Ayes: Mayor Burger and Council Members Fisher, Megyesi, Fields, Robbins, and Hamilton.

Nays: Council Member Billings

Mayor Burger declared the motion carried.

B. Take Action To Table An Application Submitted By The Fate 231 Investment Land, LLC To Amend The Future Land Use Plan Designation Of Certain Areas Proposed By The Applicant For A Planned Development Zoning District FROM Rural Density (5+ Acres) TO Low Density (15k Sqft-1acre) To Authorize Single-Family Residential Uses With A Minimum Lot Area Of A Half (1/2) Acre, Certain Group Living And Parks And Recreation Facilities Uses, Bed And Breakfast Uses, And Elementary And Middle Schools Uses. The General Location Of This Application Is Between Ben Payne Road And FM 3549, South Of N. Country Lane And North Of Woodcreek Phase 8B, Rockwall CAD Property IDs 10490, 10491, 10492, And 12106. FLUP-19-002. ***This Item, Including Presentation And Public Hearing, Will Be Tabled To The April 6, 2020 City Council Meeting.***

City Attorney Brenda McDonald reported the remaining agenda items (5B through 5I) related to Montarra can be tabled in one motion.

Herman Edward Wheeler, Jr., 1030 N. Ben Payne Road, spoke in opposition to the Montarra Development.

Council Member Hamilton made a motion to table agenda items 5B, 5C, 5D, 5E, 5F, 5G, 5H and 5I to the April 6, 2020 City Council Meeting.

Council Member Billings seconded the motion.

There was no discussion and the vote on the motion was as follows:

Ayes: Mayor Burger and Council Members Fisher, Megyesi, Fields, Robbins, Billings, and Hamilton.

Nays: None

Mayor Burger declared the motion carried unanimously.

C. Take Action To Table A Zoning Application Submitted By The Fate 231 Investment Land, LLC To Establish A Planned Development Zoning District On Approximately 231-Acres Of Land For Single-Family Residential Uses With A Minimum Lot Area Of A Half (1/2) Acre, Certain Group Living And Parks And Recreation Facilities Uses, Bed And Breakfast Uses, And Elementary And Middle Schools Uses, And To Amend The Development Standards Of The City Of Fate Unified Development Ordinance And Design Criteria And Construction Standards. The General Location Of This Application Is Between Ben Payne Road And FM 3549, South Of N. Country Lane And North Of Woodcreek Phase 8B, Rockwall CAD Property IDs 10490, 10491, 10492, And 12106. ZR-19-010. ***This Item, Including Presentation And Public Hearing, Will Be Tabled To The April 6, 2020 City Council Meeting.***

See agenda item 5B. for action taken on this item.

D. Take Action To Table A 231-Acre Concept Plan Application Submitted By The Fate 231 Investment Land, LLC For Single-Family Residential Uses With A Minimum Lot Area Of A Half (1/2) Acre, Certain Group Living And Parks And Recreation Facilities Uses, Bed And Breakfast Uses, And Elementary And Middle Schools Uses. The General Location Of This Application Is Between Ben Payne Road And FM 3549, South Of N. Country Lane And North Of Woodcreek Phase 8B, Rockwall CAD Property IDs 10490, 10491, 10492, And 12106. CP-19-006. ***This Item, Including Presentation And Public Hearing, Will Be Tabled To The April 6, 2020 City Council Meeting.***

See agenda item 5B. for action taken on this item.

E. Take Action To Table A Preliminary Plat Application For 235 Residential Lots In The Development Named Montarra Residential, Containing 231.24 Acres Generally Located Between Ben Payne Road And FM 3549, South Of N. Country Lane And North Of Woodcreek Phase 8B, Rockwall CAD Property IDs 10490,

10491, 10492, And 12106 And Found Within The William A. Coose Survey, Abstract No. 55 And The William L. Norwall Survey, Abstract No. 170, City Of Fate, Rockwall County, Texas. Applicant: The Fate 231 Investment Land, LLC. Case #PP-19-002. ***This Item, Including Presentation And Public Hearing, Will Be Tabled To The April 6, 2020 City Council Meeting.***

See agenda item 5B. for action taken on this item.

F. Take Action To Table An Application Submitted By The Fate 54 Investment Land, LLC To Amend The Future Land Use Plan Designation Of Certain Areas Proposed By The Applicant For A Planned Development Zoning District FROM Rural Density (5+ Acres) TO Regional Retail/Office/Commercial To Authorize Manufacturing, Warehouse And Storage, Light Industrial Condominiums, Construction-Related Businesses, Utility And Utility Services, Commercial And Industrial Machinery Leasing And Rental, Community Garden, Public Park Or Playground, Nature Preserve, And Transportation-Related Uses. The General Location Of This Application Is On The East Side FM 3549 Approximately 1,200 Feet North Of Cornelius Rd. And Just South Of Clem Rd., Rockwall CAD Property IDs 10493 And 10496. FLUP-19-003. ***This Item, Including Presentation And Public Hearing, Will Be Tabled To The April 6, 2020 City Council Meeting.***

See agenda item 5B. for action taken on this item.

G. Take Action To Table A Zoning Application Submitted By The Fate 54 Investment Land, LLC To Establish A Planned Development Zoning District On Approximately 54-Acres Of Land For Manufacturing, Warehouse And Storage, Light Industrial Condominiums, Construction-Related Businesses, Utility And Utility Services, Commercial And Industrial Machinery Leasing And Rental, Community Garden, Public Park Or Playground, Nature Preserve, And Transportation-Related Uses And To Amend The Development Standards Of The City Of Fate Unified Development Ordinance And Design Criteria And Construction Standards. The General Location Of This Application Is On The East Side FM 3549 Approximately 1,200 Feet North Of Cornelius Rd. And Just South Of Clem Rd., Rockwall CAD Property IDs 10493 And 10496. ZR-19-011. ***This Item, Including Presentation And Public Hearing, Will Be Tabled To The April 6, 2020 City Council Meeting.***

See agenda item 5B. for action taken on this item.

H. Take Action To Table A 54-Acre Concept Plan Application Submitted By The Fate 54 Investment Land, LLC For Manufacturing, Warehouse And Storage, Light Industrial Condominiums, Construction-Related Businesses, Utility And Utility Services, Commercial And Industrial Machinery Leasing And Rental, Community Garden, Public Park Or Playground, Nature Preserve, And Transportation-Related

Uses. The General Location Of This Application Is On The East Side FM 3549 Approximately 1,200 Feet North Of Cornelius Rd. And Just South Of Clem Rd., Rockwall CAD Property IDs 10493 And 10496. CP-19-007. ***This Item, Including Presentation And Public Hearing, Will Be Tabled To The April 6, 2020 City Council Meeting.***

See agenda item 5B. for action taken on this item.

I. Take Action To Table A Preliminary Plat Application For 12 Industrial Lots In The Development Named Montarra Industrial, Containing 54.040 Acres Generally Located On The East Side Of FM 3549 Approximately 1,200 Feet North Of Cornelius Rd. And Just South Of Clem Rd., Rockwall CAD Property IDs 10493 And 10496 And Found Within The William A. Coose Survey, Abstract No. 55, City Of Fate, Rockwall County, Texas. Applicant: The Fate 54 Investment Land, LLC. Case #PP-19-003. ***This Item, Including Presentation And Public Hearing, Will Be Tabled To The April 6, 2020 City Council Meeting.***

See agenda item 5B. for action taken on this item.

## **6. 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**

There was no Mayor's report given.

### **B. Council Reports**

Council Member Hamilton reported an election is coming up urged citizens to vote.

Council member Billings urged citizens to vote in the election tomorrow.

Council Member Robbins urged citizens to vote in the election tomorrow and urged citizens to read Rockwall County's statement on Coronavirus.

Council Member Fields echoed fellow Council Members sentiment regarding the election and coronavirus and urged citizens to wash their hands.

Council Member Megyesi has nothing to report.

Council Member Fisher urged citizens to vote in the election and urged citizens to watch for kids during spring break.

### C. City Manager's Report

City Manager Michael Kovacs reported the following upcoming meetings/events:

- Special City Council, FDC, MDD Joint Meeting – March 4, 2020 at 6 p.m.

### **7. 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 Regarding Pending Litigation City Of Fate V. Glen C. Eskew, Jr.; Cause No. 1-18-1598, Rockwall County 439th Judicial District Court

B. 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. Project QSM-28
2. Downtown Central Business Area

The item was read and Mayor Burger recessed the meeting at 6:46 p.m. and convened Executive Session at 6:55 p.m.

### **8. 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**

The Executive Session was adjourned at 7:41 p.m. and Mayor Burger reconvened the meeting of the City Council at 7:45 p.m.

Action taken on items discussed in Executive Session was as follows:

7A. 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 Pending Litigation City Of Fate V. Glen C. Eskew, Jr.; Cause No. 1-18-1598, Rockwall County 439th Judicial District Court

**No action was taken on this item.**

7B. 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. Project QSM-28

**No action was taken on this item.**

2. Downtown Central Business Area

**No action was taken on this item.**

## 9. ADJOURNMENT

There was no further business before the Council and Council Member Hamilton moved to adjourn.

Council Member Robbins seconded the motion.

There was no discussion and the vote on the motion was as follows:

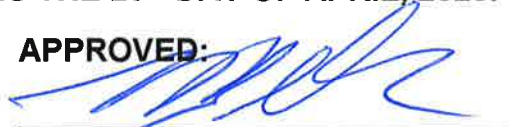
Ayes: Mayor Burger and Council Members Fisher, Megyesi, Fields, Robbins, Billings, and Hamilton.

Nays: None

Mayor Burger declared the motion carried unanimously and the meeting adjourned at 7:45 p.m.

**APPROVED BY THE CITY COUNCIL ON THIS THE 20<sup>th</sup> DAY OF APRIL, 2020.**

**APPROVED:**



David Billings, Mayor Pro Tem

**ATTEST:**



Victoria Raduechel, TRMC  
City Secretary

