

**MINUTES OF THE REGULAR
CITY COUNCIL MEETING
MAY 1, 2017**

1. CALL TO ORDER AND CONFIRM A QUORUM

Mayor Megyesi called the meeting of the Fate City Council to order at 6:01 p.m. on the 1st day of May, 2017, in the Fate City Hall 1900 CD Boren Parkway, Fate, Texas.

City Secretary Victoria Raduechel confirmed the presence of a quorum.

Council Members Present:

Lorne Megyesi, Mayor
Nikki Robinson
Lance Megyesi
Jon Thatcher, Mayor Pro Tem
Joe Burger, Deputy Mayor Pro Tem
David Billings
Steve Herrmann

Council Members Absent:

None

City Staff Present:

Michael Kovacs, City Manager
Justin Weiss, Assistant City Manager
Victoria Raduechel, City Secretary
Brian Griffeth, Director of Public Safety
Steve Gilbert, Building Official
Will Rugeley, Director of Planning and Development Services
Li Jen Lee, Finance Director
Brenda McDonald, City Attorney
Michael Wright, IT Manager

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

Brian Griffeth, DPS Director gave the invocation, after which the Council led the Pledge of Allegiance to the American and Texas Flags.

3. PRESENTATION

A. Presentation Of Proclamation To Jon Thatcher

Mayor Megyesi presented Jon Thatcher with a proclamation in honor of his service on the Planning and Zoning Commission, Fate Municipal Development District, and the City Council. Mayor Megyesi expressed appreciation to Mr. Thatcher for being a leader to the Community and wished him the best in his future endeavors.

Council Member Thatcher expressed his gratitude to the Mayor, Council, City Staff, and Citizens of Fate and explained the decision not to continue serving on the Council came with a heavy heart and he feels blessed to have served the City and its residents.

4. CITIZEN COMMENTS

This Item Provides The Opportunity For Citizens To Address The City Council On Any Matter Whether Or Not It's Posted On The Agenda. However, In Accordance With The Texas Open Meetings Act, Section 551.041, The Council Cannot Discuss, Deliberate, Or Take Action On Matters Not Listed On The Agenda. At This Time The Council Will Receive Citizen Comments, And If Necessary, May Refer The Matter To City Staff For Research, Resolution Or Referral To Council On A Future Agenda. As Described In The City's Public Meeting Procedures, Comments Will Be Limited To Three (3) Minutes And The City Secretary Is Directed To Use A Timer For Such Purposes.

There were no citizens present wishing to speak.

5. CONSENT AGENDA

A. Approval Of Minutes Of The Council Meetings Held April 17, 2017, April 18, 2017, And April 20, 2017

B. Approval Of Resolution No. R-1437 - Approving A Final Plat For 87 Residential Lots In The Woodcreek Subdivision, Phase 6K, Containing 16.587 Acres Situated In The S.B. Crabtree Survey, Abstract No. 57 And The Joseph Parker Survey, Abstract No. 178, City Of Fate, Rockwall County, Texas.

C. Approval Of Resolution No. R-1438 - Accepting The Dedication From Southstar Woodcreek Developer, LLC, Of A 0.009 Acre Drainage And Utility Easement On Property Situated In The S.B. Crabtree Survey, Abstract No. 57, Described As Being A Part Of Tract 1 – Parcel, Recorded As Instrument No. 20130000497468, In The Deed Records Of Rockwall County, Texas And Providing An Effective Date

D. Approval Of Resolution No. R-1439 - Adopting The City Of Fate, Texas Cash Handling Policies And Procedures, Repealing Resolution No. R-713, Repealing Conflicting Policies And Providing An Effective Date.

E. Approval Of Resolution No. R-1440 - Approving The Rockwall County Hazard Mitigation Plan; And Providing An Effective Date

F. Approval Of Ordinance No. O-1623 - Repealing Chapter 6 “Building And Building Regulations,” Article 1 “In General,” Section 6-1 “Limitations On Hours Of Construction,” In Its Entirety; And Amending Chapter 14 “Environment,” Article V “Noise And Sound Level Regulations,” Of The Code Of Ordinances Of The City Of Fate, Texas, As Amended; Providing For A Penalty Of A Fine Not To Exceed Five Hundred (\$500.00); Providing For A Savings, Severability, And Repealer Clause; Providing For Publication; And Providing An Effective Date

Director of Finance Li Jen Lee and City Manager Michael Kovacs answered questions from the Council regarding agenda item 5D.

City Manager Michael Kovacs and Director of Planning and Development Services Will Rugeley answered questions from the Council regarding agenda item 5B.

Melanie Jensen, Rockwall County Emergency Management Specialist, provided a brief overview of the Hazard Mitigation Plan and answered questions from the Council regarding said plan. City Manager Michael Kovacs and Director of Public Safety Brian Griffeth assisted Ms. Jensen with answering questions from the Council. Mayor Megyesi and Council Member Robinson expressed concern that the plan lists items as “mitigation action items” when they are really recommendations or suggestions. Mayor Megyesi further expressed concern for the short amount of time the Council had to review and adopt the plan. City Manager Michael Kovacs explained he served on the planning team along with Chief Griffeth and Assistant Chief Simmons providing input on the plan.

Mayor Megyesi requested agenda item 5E be pulled from the consent agenda and considered separately.

Council Member Thatcher moved to approve the consent agenda excluding item 5E.

Council Member Billings seconded the motion.

Brief discussion was held regarding agenda item 5F.

The vote on the motion was as follows:

Ayes: Mayor Megyesi and Council Members Robinson, Megyesi, Thatcher, Burger, Billings and Herrmann.

Nays: None

Mayor Megyesi declared the motion carried unanimously.

E. Approval Of Resolution No. R-1440 - Approving The Rockwall County Hazard Mitigation Plan; And Providing An Effective Date

Mayor Megyesi made a motion to place agenda item 5E. on hold until the next City Council Meeting, allowing the Council time to read the document and come back with more questions.

Council Member Billings seconded the motion.

A vote was taken at which time there was a problem with the voting system. City Attorney Brenda McDonald advised because it appears to be a clear dysfunction of the voting system and not the Council, a revote is in order and there is not a motion required to revote.

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

Ayes: Mayor Megyesi and Council Member Billings.

Nays: Council Members Robinson, Megyesi, Thatcher, Burger, and Herrmann.

Mayor Megyesi declared the motion failed.

Council Member Herrmann made a motion to approve agenda item 5E.

Council Member Thatcher seconded the motion.

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

Ayes: Council Members Robinson, Megyesi, Thatcher, Burger, and Herrmann.

Nays: Mayor Megyesi and Council Member Billings.

Mayor Megyesi declared the motion carried.

Mayor Megyesi encouraged the Council to read the Hazard Mitigation Plan and submit any questions related to the plan.

6. PUBLIC HEARINGS/ACTION ITEMS

A. Discuss, Consider, And Take Any Necessary Action Regarding A Zoning Request Submitted By Ryan Huddin And Rex Walker To Zone 1.50 Acres From Highway Commercial District To Planned Development District For Highway Commercial Uses And Adding Church And Daycare Uses On Property Commonly Known As Element Mechanical, 6621 E. I-30, Rockwall CAD Property ID 73545. Case ZR-17-002.

1. Staff Report And Presentation

Director of Planning and Development Services Will Rugeley provided an overview of the zoning request explaining the application seeks to establish PD zoning so that the existing facility can be converted to a house of worship/church for the immediate future with a long-range plan of transitioning to a child care facility.

Mr. Rugeley reported notification was published and property owners were notified in accordance with Texas LGC Chapter 211. Within the 200' notification area there are four properties however six notices were sent, one to the current owner and one to the applicant. Other than the applicant and current owner, one notice recipient responded in support of the application. No correspondence was received in opposition of the application.

Mr. Rugeley reported the Planning and Zoning Commission struggled with the potential conflict of descriptions for two land use designations promulgated by the CP15 Future Land Use Plan (FLUP). This property is designated by the FLUP as "Regional Retail/Office/Commercial" which is intended for uses other than those requested. However, the "Public/Semi-Public" designation states uses that are religious in nature are permissible and are generally permitted within any are of the City. The Planning and Zoning Commission also struggled with forever vesting the permissibility of a church use in this prime location since the applicant intends to relocate to a new, permanent facility in Rockwall within 5-10 years. The Planning and Zoning Commission recommended conditional approval subject to the property complying with the parking and landscaping requirements of the Highway Commercial and I30 Overlay Districts. Mr. Rugeley and Building Official Steve Gilbert answered questions from the Council regarding the application.

2. Applicant Presentation

Life Spring Church Pastor Rex Walker expressed appreciation to the Council for allowing him the opportunity to make a presentation. Mr. Walker clarified the Church is not asking for a day care or child care facility but rather a Mom's Day Out Ministry and explained the difference. Mr. Walker provided the Council with a handout listing the reasons why having Life Springs Church in Fate is great for the City of Fate as well as the church. Mr. Walker answered questions from the Council. Discussion ensued among the Council, City Staff and Mr. Walker regarding the substantial upgrades required for the building, and if it is realistic for the Church to complete the plan submittal process and all required building upgrades by June 5, 2017.

3. Public Hearing

Mayor Megyesi opened the public hearing at 7:22 p.m.

David Hill, former Mayor of the City of Fate, explained he is a member of Life Spring Church. Mr. Hill explained the I30 Overlay District was put in place while he was Mayor of the City of Fate and explained the purpose for the district. Mr. Hill explained there was never any discussion on the previous Council to eliminate the use of church and further explained they did not intend to restrict the placement of a church on any area in the City. Mr. Hill thanked the City Council for their time.

Oscar Fuentes, a current resident of Royse City, spoke in favor of the zoning request and reported he is moving to Fate soon. Mr. Fuentes explained the Church has financing and a budget for fire sprinklers and other improvements to the building.

Sean Carnes, who resides in Woodcreek, spoke in favor of the zoning request explaining the Church would provide a great service to men and women of the city. Mr. Carnes explained it would be a disadvantage to the community to not have Spring Life Church located in Fate.

Brenda Chambers, who resides in Chamberlain Crossing, spoke in favor of the zoning request explaining she attends the Life Spring Church and thinks the Church will be a good addition to the City of Fate. Ms. Chambers further explained having a Mother's Day Out Program will be a great benefit for families in the community.

Mayor Megyesi closed the public hearing at 7:28 p.m.

4. Discuss, Consider, And Take Any Necessary Action Regarding Ordinance No. O-1624

A lengthy discussion ensued among the Council, City Attorney, and City Staff regarding the zoning application. City Attorney Brenda McDonald advised the Council that the day care uses could be removed from the proposed ordinance and the Church would still be allowed to have a Mom's Day Out Program.

Council Member Herrmann made a motion to approve Ordinance No. O-1624, with the Planning and Zoning Commission requirements and removing the daycare portion of zoning.

Council Member Thatcher seconded the motion.

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

Ayes: Mayor Megyesi and Council Members Robinson, Megyesi, Thatcher, Burger, Billings and Herrmann.

Nays: None

Mayor Megyesi declared the motion carried unanimously.

7. ACTION ITEMS

A. Discuss, Consider, And Take Any Necessary Action Regarding An Exception To The Williamsburg Zoning Ordinance Authorizing Monument Signage In Certain Locations Not Otherwise Permitted. Applicant: DR Horton Homes – Texas LTD

Director of Planning and Development Services Will Rugeley provided a brief overview of the request reporting the request is to install 7'4" monument columns containing the

Williamsburg logo within the medians of both Pleasant Hill Ln. and Colony Way in Williamsburg Phase 2C. Mr. Rugeley further explained Staff recommendation is conditional approval subject to (1) applicant entering into a license agreement requiring that the applicant purchase and maintain liability insurance. Director of Public Safety Chief Griffeth agreed with the Staff recommendation. Council Member Billings expressed the need for the proposed signs to be consistent with the existing signs in Williamsburg and asked if that is the case. City Manager Michael Kovacs forwarded a picture of the existing signage to the Mayor and Council via email and Mayor Megyesi asked that the picture be entered into the records. City Attorney Brenda McDonald advised the Mayor that she is not sure that the picture is exactly the same dimensions but in terms of being representative it can be included in the record.

City Attorney Brenda McDonald advised the Council that in April the Council approved Ordinance No. O-1622 that essentially said the City will not grant a benefit (permit, application, or license) to anyone who owes money to the City until payment or payment arrangements have been made for the outstanding obligation. Ms. McDonald further explained DR Horton was notified that based on an impact fee audit there are outstanding impact fees to be paid to the City. Ms. McDonald encouraged the Council, should they decide to grant the license, to make it subject to the provision of Ordinance No. O-1622 and direct that no sign permit be issued until the obligation is satisfied. Mr. Rugeley and Ms. McDonald answered questions from the Council related to the sign request.

Council Member Billings made a motion to grant a license in the Williamsburg Subdivision to DR Horton subject to Ordinance No. O-1622 and requiring the signs be similar to existing signs within the Williamsburg Subdivision.

Council Member Burger seconded the motion.

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

Ayes: Mayor Megyesi and Council Members Robinson, Megyesi, Thatcher, Burger, Billings and Herrmann.

Nays: None

Mayor Megyesi declared the motion carried unanimously.

B. Presentation And Discussion Regarding A Unified Development Ordinance Regulating The Subdivision Of Property, Uses, Structures, And Signage And Providing For Development Standards Of The Same

Director of Planning and Development Services Will Rugeley explained the agenda item is provided to introduce the Council to the draft Unified Development Ordinance and allow them time to review the document and provide feedback and/or recommendations.

Kevin Shepherd, Project Director of Verdunity, Inc., explained the new Unified Development Ordinance (UDO) will replace current ordinances related to zoning, Platting, and (subdivision) development. This UDO is effectively a completely new ordinance that incorporates best practices and progressive approaches to managing development that will move Fate toward being a more financially sustainable and resilient community long-term. Mr. Shepherd provided a brief overview of the UDO and encouraged the Council to review the document and provide feedback to the City Manager. Mr. Shepherd answered questions from the Council regarding the draft UDO and discussion ensued among the Council, City Attorney, City Staff, and Mr. Shepherd.

C. Discussion Regarding Park Dedication Fees

City Manager Michael Kovacs reported the City is going through the process of implementing Park Dedication Fees. The Parks Board will meet tomorrow night to discuss the projects list. The projects list combined with the acreage costs will determine the ultimate fee per residential dwelling unit. This is a new exaction on new development, something many Texas cities have. Still, the City will ideally provide the “other half” of the revenues to complete the entire project list. The project list will be included with the ordinance for passage at an upcoming meeting in the near future. The City reached out to the building community in the fall to let them know we would be working on the ordinance and the new fees this year. Mr. Kovacs answered questions from the Council related to Park Dedication Fees.

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

Mayor Megyesi expressed thanks to Council Member Jon Thatcher for his years of service and explained the City will miss you. Mayor Megyesi encouraged people to vote and reported May 6, 2017 is Election Day and polls will be open from 7:00 a.m. to 7:00 p.m. at Fate City Hall.

B. Council Reports

Council Member Robinson thanked Council Member Jon Thatcher for his service to the City of Fate and said he will be missed.

Council Member Megyesi expressed thanks to Council Member Jon Thatcher for his time on the City Council and said he always looked forward to Mr. Thatcher's opinion on items.

Council Member Joe Burger expressed appreciation to City Staff for their hard work associated with the Fate Cleanup. Mr. Burger expressed appreciation to Council Member Jon Thatcher and expressed it has been a pleasure serving on the Council together.

Council Member Billings expressed thanks to Council Member Jon Thatcher for his help, service, and sense of humor.

Council Member Herrmann expressed thanks to City Staff for making the Fate Cleanup go smoothly. Mr. Herrmann expressed appreciation to Council Member Jon Thatcher for his time serving on the Planning and Zoning Commission and City Council.

Council Member Thatcher explained it has been a pleasure serving the City of Fate. Mr. Thatcher recognized his daughter who was inducted into the National Junior Honor Society.

C. City Manager's Report

City Manager Michael Kovacs expressed thanks to Council Member Jon Thatcher for his service on the City Council and expressed appreciation for his courage and contribution to the City of Fate. Mr. Kovacs reported the following upcoming meetings:

- Parks Board meeting – May 2, 2017 at 6:00 p.m.
- TxDOT Public Meeting on I-30 Improvements Project – May 4, 2017 at 5:30 p.m. at the Rockwall County District Courthouse.

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 Regarding Alamo Fireworks, Inc. Long-Term Agreement And Building Improvements
2. To Receive Legal Advice Regarding Annexations

3. To Receive Legal Advice Regarding Montarra Development

4. To Receive Legal Advice Regarding Impact Fee Audit And Collections

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. Mixed Use Development Project Located At The Northwest Corner Of FM 551 And Interstate 30

2. Brookshire's

3. Mixed Use Development Project Located At The Northeast, Southeast, And Southwest Corners Of FM 551 And Interstate 30

4. Project DT/PW

The items were read and Mayor Megyesi recessed the meeting at 8:31 p.m. and convened Executive Session at 8:36 p.m.

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

The Executive Session was adjourned at 9:43 p.m. and Mayor Megyesi reconvened the meeting of the City Council at 9:46 p.m.

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

9A. 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 Alamo Fireworks, Inc. Long-Term Agreement And Building Improvements

No action was taken on this item.

2. To Receive Legal Advice Regarding Annexations

No action was taken on this item.

3. To Receive Legal Advice Regarding Montarra Development

No action was taken on this item.

4. To Receive Legal Advice Regarding Impact Fee Audit And Collections

No action was taken on this item.

9B. 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. Mixed Use Development Project Located At The Northwest Corner Of FM 551 And Interstate 30

No action was taken on this item.

2. Brookshire's

No action was taken on this item.

3. Mixed Use Development Project Located At The Northeast, Southeast, And Southwest Corners Of FM 551 And Interstate 30

No action was taken on this item.

4. Project DT/PW

No action was taken on this item.

11. ADJOURNMENT

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

Council Member Thatcher seconded the motion.

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

Ayes: Mayor Megyesi and Council Members Robinson, Megyesi, Thatcher, Billings and Herrmann.

Nays: Council Member Burger

Mayor Megyesi declared the motion carried and the meeting adjourned at 9:48 p.m.

APPROVED BY THE CITY COUNCIL ON THIS THE 15th DAY OF MAY, 2017.

APPROVED:

ATTEST:

Lorne Megyesi, Mayor

Victoria Raduechel, City Secretary