

**MINUTES OF THE REGULAR
CITY COUNCIL MEETING
MAY 6, 2019**

1. CALL TO ORDER AND CONFIRM A QUORUM

Mayor Megyesi called the meeting of the Fate City Council to order at 5:31 p.m. on the 6th day of May, 2019, 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
Tamara Fisher (arrived at 5:33 p.m.)
Lance Megyesi
Allen Robbins
David Billings, Mayor Pro Tem
Steve Herrmann, Deputy Mayor Pro Tem

Council Members Absent:

Blake Buchanan

City Staff Present:

Michael Kovacs, City Manager
Justin Weiss, Assistant City Manager
Victoria Raduechel, City Secretary
Lyle Lombard, Director of Public Safety
John Taylor, Department of Public Safety Captain
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. 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 Director Of Human Resources

B. In Accordance With Texas Government Code, Section 551.074: To Deliberate The Appointment, Employment, Evaluation, Reassignment, Duties, Discipline, Or Dismissal Of A Public Officer Or Employee:

1. Director Of Human Resources

The item was read and Mayor Megyesi recessed the meeting at 5:32 p.m. and convened Executive Session at 5:35 p.m.

City Secretary's Note: Council Member Fisher arrived at 5:33 p.m.

3. 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 6:36 p.m. and Mayor Megyesi reconvened the meeting of the City Council at 6:42 p.m.

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

2A. 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 Director Of Human Resources

Council Member Herrmann made a motion to authorize the City Attorney to negotiate a separation agreement with the City's Director of Human Resources in an amount as discussed in Executive Session and authorize the City Manager to sign any necessary documents.

Council Member Megyesi seconded the motion.

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

Ayes: Mayor Megyesi and Council Members Fisher, Megyesi, Robbins, Billings, and Herrmann.

Nays: None

Mayor Megyesi declared the motion carried unanimously.

2B. In Accordance With Texas Government Code, Section 551.074: To Deliberate The Appointment, Employment, Evaluation, Reassignment, Duties, Discipline, Or Dismissal Of A Public Officer Or Employee:

1. Director Of Human Resources

There was no action taken on this item.

4. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE AMERICAN AND TEXAS FLAGS

Mayor Megyesi gave the invocation, after which the Council led the Pledge of Allegiance to the American and Texas Flags.

5. 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.

6. CONSENT AGENDA

A. Approval Of Minutes Of The Council Meetings Held March 25, 2019, March 28, 2019 And April 15, 2019.

B. Approval Of Resolution No. R-2019-019- Establishing A Recognition Policy Providing Consistent Procedures To Recognize Individuals For Their Service On The City Council And/Or A City Board Or Commission; And Providing An Effective Date.

C. Approval Of Resolution No. R-2019-020- Establishing An Appointment Policy Providing Consistent Procedures For The Appointment Of Individuals To City Boards And Commissions And For The Appointment Of Vacancies In The City Council For Unexpired Terms Having Twelve (12) Months Or Less Remaining; And Providing An Effective Date.

Council Member Billings made a motion to approve the consent agenda, as presented.

Council Member Megyesi seconded the motion.

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

Ayes: Mayor Megyesi and Council Members Fisher, Megyesi, Robbins, Billings, and Herrmann.

Nays: None

Mayor Megyesi declared the motion carried unanimously.

7. PUBLIC HEARINGS/ACTION ITEMS

A. Discuss, Consider, And Take Any Necessary Action Regarding An Application Made By The City Of Fate To Zone Approximately 1.37 Acres From Agricultural District To Old Town Core District. The Location Of This Zoning Application Is Described As 201 Greenhill Ln., Rockwall CAD Property ID 16510. Case ZR-19-001.

(1) Staff Report And Presentation;

Director of Planning and Development Services Will Rugeley made a presentation providing a brief overview of agenda item 7A and 7B. The presentation provided a location reference, reviewed the subject properties related to the future land use plan and special focus area plan.

Mr. Rugeley reported for agenda item 7A – there are 15 properties within the 200' notification area. Four of those properties are City-owned. Consequently, 11 notices were sent via postage mail. No correspondence was received either in support of or in opposition to the application. The zoning request was also published on March 22, 2019. Mr. Rugeley reported the Planning and Zoning recommendation of approval.

For agenda item 7B - There are 17 properties within the 200' notification area. Four of those properties are City-owned. Consequently, 13 notices were sent via postage mail. No correspondence was received either in support of or in opposition to the application. The zoning request was also published on March 22, 2019. Mr. Rugeley reported the Planning and Zoning recommendation of approval.

(2) Public Hearing;

Mayor Megyesi opened the public hearing at 6:54p.m.

There was no one present wishing to speak.

Mayor Megyesi closed the public hearing at 6:54 p.m.

(3) Discuss, Consider, And Take Any Necessary Action Regarding Ordinance No. O-2019-013- Amending The Comprehensive Zoning Ordinance And Changing The Zoning Classification From Agricultural District (A) To Old Town Core District (OTC) On Approximately 1.37 Acres Of Land Located At 201 Greenhill Ln., Rockwall CAD Property ID 16510; Amending The Official Zoning Map; Providing A Penalty Up To \$2,000 Per Day; Providing For Savings, Severability, And Declaring An Effective Date.

Council Member Billings made a motion to approve Ordinance No. O-2019-013- Amending The Comprehensive Zoning Ordinance And Changing The Zoning Classification From Agricultural District (A) To Old Town Core District (OTC) On Approximately 1.37 Acres Of Land Located At 201 Greenhill Ln., Rockwall CAD Property

ID 16510; Amending The Official Zoning Map; Providing A Penalty Up To \$2,000 Per Day; Providing For Savings, Severability, And Declaring An Effective Date.

Council Member Megyesi seconded the motion.

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

Ayes: Mayor Megyesi and Council Members Fisher, Megyesi, Robbins, Billings, and Herrmann.

Nays: None

Mayor Megyesi declared the motion carried unanimously.

B. Discuss, Consider, And Take Any Necessary Action Regarding An Application Made By The City Of Fate To Zone Approximately 1.40 Acres From Agricultural District To Old Town Transition District. The Area That Is The Subject Of This Zoning Application Is Described As The Lot Directly North Of 201 Greenhill Ln., Rockwall CAD Property ID 27043. Case ZR-19-002.

(1) Staff Report And Presentation;

The presentation for this agenda item was given with agenda item 7A.

(2) Public Hearing;

Mayor Megyesi opened the public hearing at 6:57 p.m.

There was no one present wishing to speak.

Mayor Megyesi closed the public hearing at 6:57 p.m.

(3) Discuss, Consider, And Take Any Necessary Action Regarding Ordinance No. O-2019-014- Amending The Comprehensive Zoning Ordinance And Changing The Zoning Classification From Agricultural District (A) To Old Town Transition District (OTT) On Approximately 1.40 Acres Of Land Located Directly North Of 201 Greenhill Ln., Rockwall CAD Property ID 27043; Amending The Official Zoning Map; Providing A Penalty Up To \$2,000 Per Day; Providing For Savings, Severability, And Declaring An Effective Date.

Council Member Billings made a motion to approve Ordinance No. O-2019-014- Amending The Comprehensive Zoning Ordinance And Changing The Zoning Classification From Agricultural District (A) To Old Town Transition District (OTT) On Approximately 1.40 Acres Of Land Located Directly North Of 201 Greenhill Ln., Rockwall CAD Property ID 27043; Amending The Official Zoning Map; Providing A Penalty Up To \$2,000 Per Day; Providing For Savings, Severability, And Declaring An Effective Date.

Council Member Megyesi seconded the motion.

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

Ayes: Mayor Megyesi and Council Members Fisher, Megyesi, Robbins, Billings, and Herrmann.

Nays: None

Mayor Megyesi declared the motion carried unanimously.

C. Discuss, Consider, And Take Any Necessary Action Regarding An Application Submitted By Gary Edge And Crafton Communications To Obtain A Special Use Permit For A Telecommunications Tower. The Area That Is The Subject Of This SUP Application Is Described As A 2-Acre Portion Of 5126 FM 548, Rockwall CAD Property ID 12859. Case SUP-19-001.

Council Member Billings recused himself due to job requirements and left the dais.

(1) Staff Report And Presentation;

Director of Planning and Development Services Will Rugeley made a brief presentation on the SUP application providing a location reference and reporting AT&T proposes to construct a 140' monopole telecommunication tower inside a fenced and secured 50'x50' area on a recently annexed and platted lot. The lot itself totals 2-acres and is therefore a conforming Agricultural lot. The telecommunication tower will be situated approximately 1,100-feet away from FM548; as such, the lot is considered (and literally shaped like) a flag lot. Per the Unified Development Ordinance, flag lots are prohibited unless an exemption is granted by the Administrator. Considering the lot's purpose in conjunction with focusing efforts on mitigating the telecommunication tower visual impacts, granting such an exemption was reasonable and in the City's best interest as the telecommunication tower will have a substantial setback. Mr. Rugeley explained, the lot's rural location and our future land use plan for the area make its siting ideal, especially when recognizing we all use and want/need exceptional cell coverage. Mr. Rugeley reported five properties are within the notification area. Staff received one response in support of the application. The SUP application was published March 27, 2019.

Mr. Rugeley reported the Planning and Zoning recommendation of Conditional Approval, subject to: (1) security fencing shall contain no barbwire and its height may be 6' or 8'. If the required landscape hedge screening (as promulgated by UDO 4.2.3(25)(d)) is unattainable, a solid masonry screen wall may be used.

(2) Applicant Presentation;

Doug Henderson, prime contractor to AT&T, 1870 Crown Drive Dallas, Texas, reported the applicant is in support of the proposed ordinance as presented by City Staff and offered to answer questions from the Council related to the application.

(3) Public Hearing;

Mayor Megyesi opened the public hearing at 7:08 p.m.

There was no one present wishing to speak.

Mayor Megyesi closed the public hearing at 7:09 p.m.

(4) Discuss, Consider, And Take Any Necessary Action Regarding Ordinance No. O-2019-015- Amending The Comprehensive Zoning Ordinance By Approving A Special Use Permit For A Telecommunications Tower On A 2-Acre Portion Of The Property Located At 5126 FM 548, Rockwall CAD Property ID 12859; Amending The Official Zoning Map; Providing A Penalty Up To \$2,000 Per Day; Providing For Savings, Severability, And Declaring An Effective Date.

Council Member Megyesi made a motion to approve Ordinance No. O-2019-015- Amending The Comprehensive Zoning Ordinance By Approving A Special Use Permit For A Telecommunications Tower On A 2-Acre Portion Of The Property Located At 5126 FM 548, Rockwall CAD Property ID 12859; Amending The Official Zoning Map; Providing A Penalty Up To \$2,000 Per Day; Providing For Savings, Severability, And Declaring An Effective Date.

Council Member Robbins seconded the motion.

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

Ayes: Mayor Megyesi and Council Members Fisher, Megyesi, Robbins, and Herrmann.

Nays: None

Abstained: Billings

Mayor Megyesi declared the motion carried.

8. ACTION ITEMS

A. Discuss, Consider, And Take Any Necessary Action Regarding Resolution No. R-2019-021- Designating A Primary Bank Depository And Authorizing The City Manager To Sign And Execute A Bank Depository Services Contract And Associated Bank Services Agreements As Necessary To Implement Said Contract Pursuant To The Request For Application Dated February 15, 2019 For Primary Bank Depository Services; And Providing An Effective Date.

Council Member Billings returned to the dais.

Director of Finance provided a brief overview of the agenda item. Bill Koch with Valley View Consulting, LLC provided a brief overview of the request for application for primary bank depository services solicitation process and recommended Independent Bank be selected as the primary bank depository for the City of Fate.

Council Member Megyesi made a motion to approve Resolution No. R-2019-021- Designating Independent Bank as the Primary Bank Depository And Authorizing The City Manager To Sign And Execute A Bank Depository Services Contract And Associated

Bank Services Agreements As Necessary To Implement Said Contract Pursuant To The Request For Application Dated February 15, 2019 For Primary Bank Depository Services; And Providing An Effective Date.

Council Member Robbins seconded the motion.

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

Ayes: Mayor Megyesi and Council Members Fisher, Megyesi, Robbins, Billings, and Herrmann.

Nays: None

Mayor Megyesi declared the motion carried unanimously.

B. Discuss, Consider, And Take Any Necessary Action Regarding Ordinance No. O-2019-016 - Authorizing Certain Budget Amendments Pertaining To The Fiscal Year 2018-2019 Budget Utility Fund, Water And Sewer Operations Department; And Providing An Effective Date.

Director of Finance Raju Anthony provided a brief overview of the proposed budget amendment.

Council Member Megyesi made a motion to approve Ordinance No. O-2019-016 - Authorizing Certain Budget Amendments Pertaining To The Fiscal Year 2018-2019 Budget Utility Fund, Water And Sewer Operations Department; And Providing An Effective Date.

Council Member Billings seconded the motion.

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

Ayes: Mayor Megyesi and Council Members Fisher, Megyesi, Robbins, Billings, and Herrmann.

Nays: None

Mayor Megyesi declared the motion carried unanimously.

9. 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 gave a farewell address expressing appreciation to Council Members, City Staff, and his family for the past five years of service.

B. Council Reports

Council Member Herrmann gave a farewell address expressing appreciation to City Staff for the past five years of service.

Council Member Billings expressed appreciation to Mayor Megyesi and Council Member Herrmann for their leadership and service on the City Council.

Council Member Robbins expressed appreciation to Mayor Megyesi and Council Member Herrmann for their service to the City.

Council Member Megyesi expressed congratulations to the newly elected City officials and expressed appreciation to Council Member Herrmann for his service and wished him luck with his future endeavors.

Council Member Fisher expressed appreciation to Mayor Megyesi and Council Member Herrmann for their service on the City Council. Ms. Fisher also reported Mother's Day is coming up and explained she lost her Mom two years ago. Ms. Fisher urged everyone to hug their Mom because you never know how long you Mom will be here.

C. City Manager's Report

City Manager Michael Kovacs expressed appreciation to Mayor Megyesi and Council Member Herrmann for their service to the City. Mr. Kovacs reported the following upcoming meetings/events:

- Parks Board Meeting – May 7, 2019 at 6:00 p.m.
- Small business workshop May 8, 2019 at City Hall from 11:00 a.m. to noon.
- City Clean-Up Saturday, May 11, 2019 – 9:00 a.m. to 2:00 p.m.
- City Council Special Meeting – May 13, 2019 at 6:00 p.m. to canvass votes and swear in new officials.

10. 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. Downtown Central Business Area

B. In Accordance With Texas Government Code, Section 551.074: To Deliberate The Appointment, Employment, Evaluation, Reassignment, Duties, Discipline, Or Dismissal Of A Public Officer Or Employee:

1. City Manager

The item was read and Mayor Megyesi recessed the meeting at 7:35 p.m. and convened Executive Session at 7:44 p.m.

11. 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 8:15 p.m. and Mayor Megyesi reconvened the meeting of the City Council at 8:18 p.m.

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

10A. 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. Downtown Central Business Area

Council Member Billings made a motion to direct the City Manager to negotiate an exclusivity agreement with potential developers for properties located at 201 N. Greenhill and 105 WE Crawford.

Mayor Megyesi seconded the motion.

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

Ayes: Mayor Megyesi and Council Members Fisher, Megyesi, Robbins, Billings, and Herrmann.

Nays: None

Mayor Megyesi declared the motion carried unanimously.

10B. In Accordance With Texas Government Code, Section 551.074: To Deliberate The Appointment, Employment, Evaluation, Reassignment, Duties, Discipline, Or Dismissal Of A Public Officer Or Employee:

1. City Manager

There was no action taken on this item.

12. ADJOURNMENT

There was no further business before the Council and Mayor Megyesi moved to adjourn.

Council Member Herrmann seconded the motion.

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

Ayes: Mayor Megyesi and Council Members Fisher, Megyesi, Robbins, Billings, and Herrmann.

Nays: None

Mayor Megyesi declared the motion carried unanimously and the meeting adjourned at 8:20 p.m.

APPROVED BY THE CITY COUNCIL ON THIS THE 20th DAY OF MAY, 2019.

APPROVED:

ATTEST:

Joe Burger, Mayor

Victoria Raduechel, TRMC
City Secretary