

**MINUTES OF THE REGULAR  
CITY COUNCIL MEETING  
JUNE 3, 2019  
6:00 P.M.**

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**NOTICE OF ATTENDANCE**

**NOTICE is hereby given that the Parks and Recreation Advisory Board may be in attendance at the City Council Meeting JUNE 3, 2019 being held at the Fate City Hall, 1900 CD Boren Parkway, Fate, Texas.**

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**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 3<sup>rd</sup> day of June, 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:**

Joe Burger, Mayor  
Tamara Fisher  
Allen Robbins  
David Billings, Mayor Pro Tem  
John Hamilton

**Council Members Absent:**

Lance Megyesi  
Blake Buchanan, Deputy Mayor Pro Tem

**City Staff Present:**

Michael Kovacs, City Manager  
Justin Weiss, Assistant City Manager  
Victoria Raduechel, City Secretary  
Lyle Lombard, Director of Public Safety  
John Taylor, DPS 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. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE AMERICAN AND TEXAS FLAGS

Lyle Lombard, Director of Public Safety gave the invocation, after which the Council led the Pledge of Allegiance to the American and Texas Flags.

## 3. PRESENTATIONS

### A. Rebecca Miller Proclamation

Mayor Burger reported at the last Council meeting Lorne Megyesi requested a proclamation in support of Diffuse Intrinsic Pontine Glioma (DIPG). Lorne became aware of DIPG when Rebecca Miller was diagnosed with the terminal disease about a year ago. This young lady and her family very much struck Lorne's heart and he is a passionate supporter of finding a cure for the disease and supporting the Miller family. Mayor Burger further explained based on Lorne's request and because we are touched by the emotional outpouring of our community for Rebecca and her family, we are issuing a proclamation today. Mayor Burger reported City Hall will be highlighted with pink lights tonight and tomorrow night in honor of Rebecca and DIPG awareness. In addition, at a future meeting in August the City will recognize the month of September as Childhood Cancer Awareness month and highlight City Hall with gold lights for the month. Mayor Burger read aloud the Proclamation recognizing June 4, 2019 as Rebecca Miller day in the City of Fate and supporting the designation of DIPG awareness day to raise awareness for this childhood cancer. The Mayor and City Council presented the Proclamation to Rebecca Millers family.

### B. Parks And Recreation Board Quarterly Report

Kimber Patterson, Chairman of Parks and Recreation Advisory Board, made a presentation providing the Parks and Recreation Advisory Board Quarterly Report. Ms. Patterson along with Assistant to City Manager/Deputy City Secretary Jessica Larson, and Director of Community Services and Building Safety Steve Gilbert answered questions from the Council during the presentation. Topics discussed during the presentation include the following:

#### Great American Cleanup

Held Saturday, May 11, 2019. It is the nation's largest community improvement program put on by Keep America Beautiful. 34 volunteers participated resulting in the collection of 300 cubic yards of bulk items.

#### Quarterly Health Events with Community Health Partners Texas Health Presbyterian Hospital Rockwall:

- Love Your Heart Luncheon – February 6, 2019
- SunSmart – May 4, 2019
- Family and Friends CPR – June 8, 2019

#### Fate Christmas Tree Lighting – December 6, 2019

- Sponsors - \$3,000 raised

- Five signing groups have already confirmed
- In-N-Out is donating 1600 meals

#### Celebrate Fate – September 21, 2019

- Sponsors - \$9,500 raised
- In-N-Out is donating 1600 meals
- Planning is in full motion

#### Robert Smith Family Park

- Splash Pad - Colors have been selected; Grading/Soil Injection
- Basketball Light - Adding lights; Resurface
- Baseball Diamond - New Backstop; Grading of the field; Amenities
- Park benches - Four new benches are being added; Rockwall Open Space Alliance is sponsoring a bench
- Bike Racks

#### Park Adjacent to Harry Herndon Intermediate School

- Schrickel Rollins PSC Park Planning Firm
- March 5, 2019 – Community input meeting at Harry Herndon Intermediate School
- April 2, 2019 – Reviewed Community Survey – 560 citizens responded; reviewed and gave feedback on the presented park – aligned with community concerns
- May 7, 2019 – phased park into five sections – aligned with survey results
- June 3, 2019 – presenting park at City Council Meeting – next agenda item with the board recommendation for approval

#### Park Fee

- Discussed at the May 7, 2019 Parks and Recreation Advisory Board meeting. As the community grows, the desire for additional amenities, parks, and events also grows. In the budget planning for next year, the Parks and Recreation Advisory Board recommends a five (5) dollar fee to support parks.

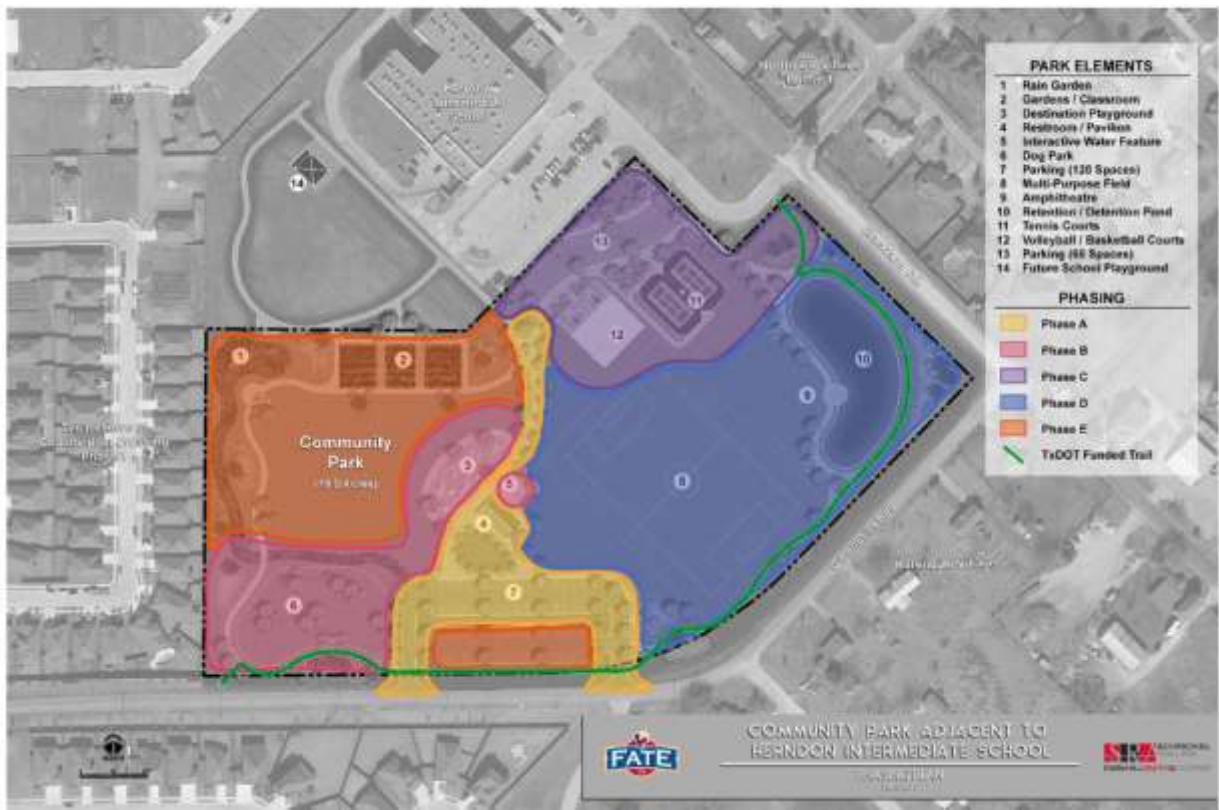
### C. Park Adjacent To Harry Herndon Intermediate School Concept And Design

Director of Community Services and Building Safety Steve Gilbert provided a brief overview of the background of the Park adjacent to Harry Herndon Intermediate School and introduced the following representatives from Schrickel Rollins PSC Park Planning Firm:

- Xie Tracz
- Spencer Freeman

Spencer Freeman of Schrickel Rollins PSC made a presentation reporting the firm met with city staff, and received public input both at a meeting and through a community

survey to get feedback in order to design the park. Mr. Freeman displayed the following Master Plan Concept and Phasing Plan.



Mr. Freeman answered questions from the Council related to the Park Concept and discussion ensued among the Council, City Staff, and Mr. Freeman.

#### **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.

Paige Megyesi, 111 Mustang Drive, spoke to the Council requesting tornado sirens to be budgeted into new park developments and included in planning to put in tornado sirens and signs about safe spots.

Maria Dellaplain, 753 Bosley Drive, spoke to the Council about the following:

- Requesting tornado sirens
- Requesting the Council to keep in mind, when negotiating a new trash contract, that the free recycling containers are small and often times swept away by rain water yet some citizens think \$1 per month is too expensive for the large recycle cart.
- Offered her knowledge regarding parks and programs

#### **5. CONSENT AGENDA**

A. Approval Of Minutes Of The Council Meeting Held May 20, 2019.

B. Approval Of Resolution No. R-2019-031- Amending The City's Appointment Policy Providing For Applicant Interviews And Appointments, For Non-Mid-Term Appointments, To Take Place On Or Before The First City Council Meeting In July; And Providing An Effective Date.

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

Council Member Fisher seconded the motion.

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

Ayes: Mayor Burger and Council Member Fisher, Robbins, Billings, and Hamilton.

Nays: None

Mayor Burger declared the motion carried unanimously.

## 6. ACTION ITEMS

A. Discuss, Consider, And Take Any Necessary Action Regarding Changing The Code Of Ethics To Code Of Conduct And Include A Provision On Attendance, As Recommended By The 2018 Charter Commission.

City Secretary Vickey Raduechel provided a brief overview of the agenda item reporting the during the charter review process in 2018 the Charter Commission recommended to change the Code of Ethics to Code of Conduct and include a provision on attendance, via ordinance rather than a charter amendment. Ms. Raduechel explained this agenda item allows for City Council discussion on the Charter Commission's recommendation and staff seeks direction on whether an attendance provision is desired and if so, staff seeks additional input regarding other provisions, if any, to be included in a draft Code of Conduct. City Attorney Brenda McDonald answered questions from the Council related to the agenda item. It was the consensus of the Council for the City Attorney and City Secretary to collaborate and bring back examples for Council consideration at a later date.

B. Discuss, Consider, And Take Any Necessary Action Regarding Resolution No. R-2019-032- Approving An Agreement With Tristem, Ltd. For An Audit Of Utility Franchise Fee Payments And Payment Of A 35% Fee For Reimbursements Received From Utility Providers; Authorizing The City Manager To Execute The Agreement; And Providing An Effective Date.

Director of Finance Raju Anthony provided a brief overview of the agenda item and City Manager Michael Kovacs and Mr. Anthony answered questions from the Council related to the same.

Council Member Hamilton made a motion to approve Resolution No. R-2019-032- Approving An Agreement With Tristem, Ltd. For An Audit Of Utility Franchise Fee Payments And Payment Of A 35% Fee For Reimbursements Received From Utility Providers; Authorizing The City Manager To Execute The Agreement; 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 Burger and Council Member Fisher, Robbins, and Hamilton.

Nays: Council Member Billings

Mayor Burger declared the motion carried.

C. Discuss, Consider, And Take Any Necessary Action Regarding Ordinance No. O-2019-018- Amending Appendix A, Fee Schedule, Article II, Section 2.3 –

Building Permit Fees Of The Code OF Ordinances Of The City To Remove Consideration Of Value Of Residential Dwelling And To Remove Consideration Of Cost Of Construction Or Improving Of Residential Dwelling Related To Building Permit And Inspection Fees; Adopting Building Permit Fees Based On The Square Footage Of The Structure; Providing For A Savings/Repealing Clause; Providing A Severability Clause; Providing For Publication And Providing An Effective Date.

City Manager Michael Kovacs reported HB 852 by Holland regulating the way building permit fees are charged for by cities in Texas became law immediately upon its passage and signature by the Governor nearly two weeks ago. The proposed ordinance has a budget-neutral rate of \$0.88 per square foot as a new permitting fee and is presented for consideration in an effort to reach rapid compliance. Mr. Kovacs answered questions from the Council related to the proposed ordinance.

Council Member Hamilton made a motion to approve O-2019-018- Amending Appendix A, Fee Schedule, Article II, Section 2.3 – Building Permit Fees Of The Code OF Ordinances Of The City To Remove Consideration Of Value Of Residential Dwelling And To Remove Consideration Of Cost Of Construction Or Improving Of Residential Dwelling Related To Building Permit And Inspection Fees; Adopting Building Permit Fees Based On The Square Footage Of The Structure; Providing For A Savings/Repealing Clause; Providing A Severability Clause; Providing For Publication And Providing An Effective Date.

Council Member Fisher seconded the motion.

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

Ayes: Mayor Burger and Council Member Fisher, Robbins, and Hamilton.

Nays: Council Member Billings

Mayor Burger declared the motion carried.

D. Discuss, Consider, And Take Any Necessary Action Regarding Ordinance No. O-2019-019- Amending Chapter 2 “Administration,” Article I “In General,” Section 2-2 “City Seal” Of The Code Of Ordinances Of The City Of Fate, Texas To Adopt A New Official Seal Of The City.

City Secretary Vickey Raduechel provided a brief overview of the agenda item reporting the official City Seal in use today was adopted by ordinance on July 9, 1986, and is antiquated. The proposed new City Seal provides a clean crisp image of the flying “F” from the City logo and the city’s incorporation date of 1900 has been added for historical value.

Council Member Billings asked City Attorney Brenda McDonald about registering both the City Seal and the City Logo so that both are trademarked in order to prevent unauthorized

use. Ms. McDonald said both could be registered and it was the consensus of the Council that Ms. McDonald move forward with the process.

Council Member Billings made a motion to approve Ordinance No. O-2019-019-Amending Chapter 2 "Administration," Article I "In General," Section 2-2 "City Seal" Of The Code Of Ordinances Of The City Of Fate, Texas To Adopt A New Official Seal Of The City.

Council Member Robbins seconded the motion.

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

Ayes: Mayor Burger and Council Member Fisher, Robbins, Billings, and Hamilton.

Nays: None

Mayor Burger declared the motion carried unanimously.

E. Discuss, Consider, And Take Any Necessary Action Regarding Cancelling One Of The Regular City Council Meetings Scheduled For July 2019.

Council Member Hamilton made a motion to cancel the July 1, 2019 Regular City Council Meeting.

Council Member Fisher seconded the motion.

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

Ayes: Mayor Burger and Council Member Fisher, Robbins, Billings, and Hamilton.

Nays: None

Mayor Burger declared the motion carried unanimously.

## **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**

Mayor Burger expressed appreciation to those in attendance at the meeting. Mayor Burger wished everyone a safe and wonderful summer and reminded citizens to sign up for vacation house watch on the Fate DPS webpage.

### **B. Council Reports**



Council Member Billings expressed appreciation to City Staff and explained in light of the recent shooting in Virginia Beach, Council Member Billings wanted to thank City Staff for the fantastic job they do for the City. Council Member Billings urged participation in emergency management training/CERT class. Council Member Billings recognized CERT week and expressed appreciation for the great service they provide.

Council Member Robbins announced his son will graduate from Rockwall High School on Wednesday evening.

Council Member Fisher expressed appreciation to City Staff for being the heart of the City and thanked employees for attending the employee luncheon held earlier that day. Council Member Fisher reported her son was married over the Memorial Day weekend and expressed joy for the newly married couple.

### C. City Manager's Report

City Manager Michael Kovacs expressed thanks to the Mayor and Council Members that attended the employee luncheon earlier in the day, where the Mayor and Council Members served the City Staff. Mr. Kovacs reported it was a good morale booster for employees. Mr. Kovacs reported the following upcoming meetings/events:

- Budget Workshop – June 10, 2019 at 6:00 p.m.
- East Texas CERT training - June 15, 2019 and June 22, 2019 from 8:30 a.m. to 4:30 p.m. at Cash Fire Department.

## **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 551.071, 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 Montarra Litigation

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 Attorney

The item was read and Mayor Burger recessed the meeting at 7:52 p.m. and convened Executive Session at 7:57 p.m.

## **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**

The Executive Session was adjourned at 9:13 p.m. and Mayor Burger reconvened the meeting of the City Council at 9:18 p.m.

There was no action taken on items discussed in Executive Session.

**10. ADJOURNMENT**

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

Council Member Fisher seconded the motion.

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

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

Nays: None

Mayor Burger declared the motion carried unanimously and the meeting adjourned at 9:19 p.m.

**APPROVED BY THE CITY COUNCIL ON THIS THE 15<sup>th</sup> DAY OF JULY, 2019.**

**APPROVED:**

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Joe Burger, Mayor

**ATTEST:**

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Victoria Raduechel, TRMC  
City Secretary