

AGENDA

REGULAR CITY COUNCIL MEETING

**FEBRUARY 1, 2021
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, FEBRUARY 1, 2021 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. PRESENTATIONS

- A. Introduction Of Rockwall County Health Authority Dr. Dirk Perritt.
- B. Proclamation Recognizing Police Canine Czar For His Dedication And Service To The Citizens Of Fate As A Member Of The Fate Department Of Public Safety (DPS) .

[Documents:](#)

[proclamation - czar retirement.pdf](#)

- C. Royse City Chamber Of Commerce First Responders Recognition.
- D. Presentation Of Employee Service Awards
- E. Presentation Of Proclamation To Joe Burger In Honor Of His Dedicated Service To The City Of Fate.

[Documents:](#)

[proclamation joe burger.pdf](#)

4. 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.

5. CONSENT AGENDA

- A. Approval Of Resolution No. R-2021-013 - Accepting The Resignation Of Mayor Joe Burger.

[Documents:](#)

[staff summary -resolution accepting resignation- mayor joe burger.pdf](#)

- B. Approval Of Resolution No. R-2021-014- Ordering The General And Special Elections To Be Held On Saturday, May 1, 2021, For The Purpose Of Electing Two (2) Council Members, (Places 1 And 5), To The Fate City Council To Hold Office For A Period Of Three Years; And For The Purpose Of Electing A Mayor To Fill An Unexpired Term, To Hold Office For A Period Of One Year; Designating The Polling Place; Designating Filing Deadlines; Providing For A Runoff Election; Providing For Notice Of Election; And Providing An Effective Date.

[Documents:](#)

[staff summary - ordering general and special elections may 1 2021.pdf](#)

- C. Approval Of Ordinance No. O-2021-002 - Establishing A General Obligation Bonds, Series 2021 Park Fund, And Providing An Effective Date.

[Documents:](#)

[general obligation series 2021 parks bond fund.pdf](#)

- D. Approval Of Resolution No. R-2021-015 - Approving An Impact Fee Agreement For Edgewater.

[Documents:](#)

[staff summary edgewater impact fee credit agreement feb 2021.pdf](#)

6. ACTION ITEMS

- A. Discuss, Consider, And Take Any Necessary Action Regarding Resolution No. R-2021-016 - Requesting The Texas Senate And Texas House Of Representatives To Consider Approving A Designation Of SH 66 As The David Magness Highway Throughout The Limits Of The Corridor Extending From The Dallas/Rockwall County Line To The Rockwall/Hunt County Line During The 87th Legislative Session.

[Documents:](#)

B. Discuss, Consider, And Take Any Necessary Action Regarding Montarra Related Items:

1. FLUP AMENDMENT: (This Application Is For The Western Portion Of The Montarra Development Future Land Use Plan Amendment) Discuss, Consider, And Take Any Necessary Action Regarding 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 Project Address Is 2221 N. FM3549 Stodghill Rd. The General Location Of The Project Is Said To Be The East Side Of Stodghill Rd Approximately 4,000 Ft North Of SH66. The Rockwall CAD Property IDs Are 10493 And 10496. FLUP-20-003.

A) Applicant Presentation;

B) Staff Report And Presentation;

C) Public Hearing;

D) Discuss, Consider, And Take Any Necessary Action Regarding

Ordinance No. O-2021-003 - Amending The City Of Fate Comprehensive Plan To Amend The Future Land Use Plan Designation Of A Certain Area 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 On 54-Acres Generally Located On The East Side FM 3549 Approximately 1,200 Feet North Of Cornelius Rd. And Just South Of Clem Rd., Rockwall CAD Property ID's 10493 And 10496; Amending The Official Future Land Use Plan Map; Providing A Penalty Up To \$2,000 Per Day; Providing For Savings, Severability, And Declaring An Effective Date.

Documents:

1-4 - montarra industrial - staff summary after pz (003).pdf

2. ZONING REQUEST: (This Application Is For The Western Portion Of The Montarra Development Zoning Request) Discuss, Consider, And Take Any Necessary Action Regarding 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 Project Address Is 2221 N. FM3549 Stodghill Rd. The General Location Of The Project Is Said To Be The East Side Of Stodghill Rd Approximately 4,000 Ft North Of SH66. The Rockwall CAD Property IDs Are 10493 And 10496. ZR-20-008.

A) Applicant Presentation;

B) Public Hearing;

C) Discuss, Consider, And Take Any Necessary Action Regarding **Ordinance No. O-2021-004** - Amending The Comprehensive Zoning Ordinance And Changing The Zoning Classification From Agricultural ("Ag") To Planned Development Zoning District ("Pd") On 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 Certain Development Standards Of The 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 ID's 10493 And 10496; 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:](#)

[1-4 - montarra industrial - staff summary after pz \(003\).pdf](#)

3. **CONCEPT PLAN:** (This Application Is For The Western Portion Of The Montarra Development Concept Plan) Discuss, Consider, And Take Any Necessary Action Regarding 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 Project Address Is 2221 N. FM3549 Stodghill Rd. The General Location Of The Project Is Said To Be The East Side Of Stodghill Rd Approximately 4,000 Ft North Of SH66. The Rockwall CAD Property IDs Are 10493 And 10496. CP-20-004.

A) Applicant Presentation;

B) Public Hearing;

C) Discuss, Consider, And Take Any Necessary Action Regarding **Resolution No. R-2021-017**- Approving A Concept Plan 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 On 54-Acres Of Land Generally Located On The East Side FM 3549 Approximately 1,200 Feet North Of Cornelius Rd. And Just South Of Clem Rd., Rockwall Cad Property ID's 10493 And 10496; City Of Fate, Rockwall County, Texas.

[Documents:](#)

[1-4 - montarra industrial - staff summary after pz \(003\).pdf](#)

4. PRELIMINARY PLAT: (This Application Is For The Western Portion Of The Montarra Development Preliminary Plat) Discuss, Consider, And Take Any Necessary Action Regarding Resolution No. R-2021-018 - Approving A Preliminary Plat Application For 12 Industrial Lots In The Development Named Montarra Tech Park, 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-20-007.

[Documents:](#)

[1-4 - montarra industrial - staff summary after pz \(003\).pdf](#)

5. Discuss, Consider, And Take Any Necessary Action Regarding Resolution No. R-2021-019 - Approving A Development Agreement For The Montarra 54 Acre Light Industrial Property In Conformance With The Approved Settlement Agreement Between The City And The Developer.

[Documents:](#)

[staff summary montarra 54 acres dev agree feb 2021.pdf](#)

6. Discuss, Consider, And Take Any Necessary Action Regarding Holding Public Hearing On The Creation Of The Montarra Public Improvement District No. 2 And Approval Of Resolution No. R-2021-020- Creating The Montarra Public Improvement District No. 2. The Proposed Montarra Public Improvement District No. 2 Is Approximately 54 Acres, All Of Which Is Located In The Fate City Limits North And West Of The Intersection Of Ben Payne And Robert Road.

- (A) Staff Report And Presentation;
- (B) Public Hearing;
- (C) Discuss, Consider, And Take Any Necessary Action Regarding **Resolution No. R-2021-020** - Approving The Creation Of The Montarra Public Improvement District No. 2 And Other Matters Related Thereto.

[Documents:](#)

[staff summary montarra 54 acres pid 2 feb 2021.pdf](#)

- C. Discuss, Consider, And Take Any Necessary Action Regarding Ordinance No. O-2021-05 – Calling A Bond Election For New Roadway Projects In The City On May 1, 2021.

[Documents:](#)

- D. Discuss, Consider, And Take Any Necessary Action Regarding Resolution No. R-2021-021 - Ordering A Special Election To Consider Dissolving The Type B Economic Development Corporation And Adopting A One And One-Half Percent (1.5) Sales Tax To Be Deposited In The General Fund At The Next Uniform Municipal Election Date On The 1st Day Of May 2021 Resulting In No Net Change In The Total Sales Tax Rate; Designating The Place At Which Said Election Is To Be Held, Making Provisions For The Conduct Of The Election And Other Provisions Incident And Relating To The Purpose Of This Resolution; Providing A Severability Clause; And Providing An Effective Date.

[Documents:](#)

[staff summary - fdc sales tax mfm 1-27-21.pdf](#)

- E. Discuss, Consider, And Take Any Necessary Action Regarding Any Desired Nominations By The City Of Fate For The Rockwall Central Appraisal District Board Of Directors.

[Documents:](#)

[staff summary rcad nomination.pdf](#)

- F. City Council Training Presented By City Attorney Brenda McDonald.

[Documents:](#)

[staff summary city attorney ethics social media feb 2021.pdf](#)

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
- B. Council Reports
- C. City Manager's Report

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 A Development Agreement With Avondale To Cost Share Woodcreek Blvd. From State Highway 66 To Interstate 30

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 Ab74

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

10. 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

Pursuant to Section 551.127, Texas Government Code, one or more Council Members or employees may attend this meeting remotely using videoconferencing technology. The video and audio feed of the videoconferencing equipment can be viewed and heard by the public at the address posted above as the location of the meeting.

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 29th day of January, 2021, at 12:25 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.cityoffate.com.

Victoria Raduechel, TRMC, City Secretary

Removed from the Bulletin Board at City Hall on the ____ day of _____, 2021, by

_____.