

# **AGENDA**

## **CITY COUNCIL AND FATE PUBLIC FACILITY CORPORATION JOINT MEETING**

**SEPTEMBER 8, 2020  
6:00 P.M.**

**FATE CITY HALL  
1900 CD BOREN PARKWAY**

**NOTICE IS HEREBY GIVEN THAT THE CITY COUNCIL AND THE FATE PUBLIC FACILITY CORPORATION WILL HOLD A JOINT MEETING AT 6:00 P.M. ON TUESDAY, SEPTEMBER 8, 2020 AT FATE CITY HALL, 1900 CD BOREN PARKWAY, FATE, TEXAS, FOR THE FOLLOWING PURPOSES:**

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

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

**3. FATE PUBLIC FACILITY CORPORATION ACTION ITEMS**

A. Fate Public Facility Corporation Call To Order And Confirm A Quorum

B. Discuss, Consider, And Take Any Necessary Action Regarding PFC Resolution No. R-2020-002 - Designating The Manager Of Gala At Fate SLP LLC As An Authorized Representative Of The General Partner Of Gala At Fate GP LLC; And Providing For An Effective Date.

[Documents:](#)

[pfc staff summary - designating authorized representatives.pdf](#)

C. Discuss, Consider, And Take Any Necessary Action Regarding Approval Of Minutes Of The Fate Public Facility Corporation Meetings Held June 15, 2020 And July 20, 2020.

[Documents:](#)

[2020.6.15.pdf](#)

[2020.7.20.pdf](#)

D. Fate Public Facility Corporation Adjournment

**4. PRESENTATIONS**

A. Proclamation - Dr. Gary A. Bonacquisti

[Documents:](#)

[proclamation - dr. gary a. bonacquisti .pdf](#)

## B. Proclamation - Constitution Week

[Documents:](#)

[proclamation - constitution week - 2020.pdf](#)

## C. Proclamation - Santos Gallegos

[Documents:](#)

[santos gallegos proclamation.pdf](#)

## D. Water, Wastewater, And Roadway Impact Fees Update Presented By Kimley-Horn

[Documents:](#)

[fate roadway impact fee study 08-2020.pdf](#)

[fate water and wastewater impact fee final report 08-2020.pdf](#)

## E. Water And Wastewater Rate Study Update Presented By NewGen Strategies And Solutions

[Documents:](#)

[utility\\_rate\\_study\\_presentation\\_fy\\_2021.pdf](#)

## 5. 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.

## 6. CITY COUNCIL CONSENT AGENDA

### A. Approval Of Minutes Of The Council Meetings Held June 1, 2020; June 8, 2020; June 15, 2020; July 6, 2020; July 9, 2020; July 20, 2020; August 3, 2020; August 10, 2020; And August 17, 2020.

[Documents:](#)

[2020.6.1.pdf](#)

[2020.6.8 budget workshop.pdf](#)

[2020.6.15.pdf](#)

[2020.7.6.pdf](#)

2020.7.9 - joint rcisd.pdf  
2020.7.20.pdf  
2020.8.3.pdf  
2020.8.10.pdf  
2020.8.17.pdf

- B. Approval Of Resolution No. R-2020-067 - Calling A Public Hearing On Amending Land Use Assumptions And A Capital Improvements Plan Relating To Possible Amendments Of Impact Fees And Authorizing And Directing The City Secretary To Publish Notice Of Such Public Hearing.

Documents:

[staff summary call ph impact fees 2020.pdf](#)

- C. (This Item Is Associated With A Private Day School Site Located South Of Interstate 30 On Fm 551) Approval Of Resolution No. R-2020-068 - Approving A Preliminary Plat Application For 2 Commercial Lots In The Development Known As Children's Lighthouse – Fate, Containing 3.511 Acres Located At 1774 S. FM 551 Within The J.B. Merchant Survey, Abstract No. 159, City Of Fate, Rockwall County, Texas. Rockwall CAD Property ID 11901. Case #PP-20-002. Applicant: Emily And Amal Fernando.

Documents:

[childrens lighthouse pp - staff summary.pdf](#)

- D. Approval Of Ordinance No. O-2020-023 - Establishing A Fate Public Facility Corporation Fund, And Providing An Effective Date.

Documents:

[fate\\_public\\_facility\\_corporation\\_fund.pdf](#)

- E. Approval Of Resolution No. R-2020-069 - Approving A Negotiated Settlement Between The Atmos Cities Steering Committee And Atmos Energy Corp., Mid-Tex Division Regarding The Company's 2020 Rate Review Mechanism Filing; Declaring Existing Rates To Be Unreasonable; Adopting Tariffs That Reflect Rate Adjustments Consistent With The Negotiated Settlement; And Other Matters Related Thereto.

Documents:

[staff summary atmos new rates dec 2020.pdf](#)

## 7. CITY COUNCIL ACTION ITEMS/PUBLIC HEARINGS

- A. Items Associated With A New Concept For The Avondale Subdivision
1. FLUP AMENDMENT: Discuss, Consider, And Take Any Necessary Action Regarding An Application Submitted By D-F Fund 18, Ltd, JBI Partners, And Fred Phillips To Amend The Future Land Use Plan Designation Of Approximately 43% Of The 111-Acre Area Proposed By The Applicant For Single-Family Residential Uses FROM Suburban Density (5k-15k Sq. Ft. Residential Lots) And Neighborhood Retail/Office/Commercial TO Urban Density (< 5k Sf Lots) And The Approximate 4-Acre Area Proposed By The Applicant For Commercial Uses FROM Urban Density TO Neighborhood

Retail/Office/Commercial. The Location Of This Application Is Described Generally As Being Bound By Hwy 66 On Its North, Ben Payne Rd On Its West, The MK&T Railroad On Its South, And The Business Named Trak-Time On Its East, Commonly Known As Rockwall CAD Property ID 11680. Case #FLUP-20-001.

- A. Applicant Presentation
- B. Staff Report And Presentation
- C. Public Hearing;
- D. Discuss Consider And Take Any Necessary Action Regarding Ordinance No. O-2020-024 - Amending The Future Land Use Plan Designation Of The Above Reference Property.

2. ZONING REQUEST: Discuss, Consider, And Take Any Necessary Action Regarding An Application Submitted By D-F Fund 18, Ltd, JBI Partners, And Fred Phillips To Establish A Planned Development Zoning District On Approximately 111-Acres For Single-Family Residential Suburban Uses With A Minimum Lot Size Of 5,000 Square Feet, Single-Family Residential Urban Uses With A Minimum Lot Size Of 4,000 Square Feet, And Neighborhood Commercial Uses On Approximately 4-Acres. The Location Of This Application Is Described Generally As Being Bound By Hwy 66 On Its North, Ben Payne Rd On Its West, The MK&T Railroad On Its South, And The Business Named Trak-Time On Its East, Commonly Known As Rockwall CAD Property ID 11680. Case #ZR-20-002.

- A. Applicant Presentation
- B. Staff Report And Presentation
- C. Public Hearing;
- D. Discuss Consider And Take Any Necessary Action Regarding Ordinance No. O-2020-025 - Changing The Zoning Classification From Agricultural District To Planned Development District On The Above Reference Property.

3. CONCEPT PLAN: Discuss, Consider, And Take Any Necessary Action Regarding A Concept Plan Application Submitted By D-F Fund 18, Ltd, JBI Partners, And Fred Phillips For A 111-Acre Concept Plan For Single-Family Residential Suburban Uses, Single-Family Residential Urban Uses, And Neighborhood Commercial Uses. The Location Of This Application Is Described Generally As Being Bound By Hwy 66 On Its North, Ben Payne Rd On Its West, The MK&T Railroad On Its South, And The Business Named Trak-Time On Its East, Commonly Known As Rockwall CAD Property ID 11680. Case #CP-20-001.

- A. Applicant Presentation
- B. Staff Report And Presentation
- C. Public Hearing;
- D. Discuss Consider And Take Any Necessary Action Regarding Resolution No. R-2020-070 - Conditionally Approving A Concept Plan For Single-Family Housing Called Avondale.

[Documents:](#)

[avondale pd, cp, and flup - staff summary.pdf](#)

- B. (This Item Is Associated With The Existing Sale Of Gasoline And Adding Off Premise Consumption Alcohol Sales At Homeboys Exxon) Discuss, Consider, And Take Any Necessary Action Regarding An Application Submitted By Hossain Makvandi And Bruce French To Obtain A Special Use Permit For Gasoline Sales Pumps And Alcoholic Beverage Sales. The Area That Is The Subject Of This Special Use Permit Application Is

Commonly Known As Homeboys Exxon And Is Described As 2975 SH 66, Rockwall CAD Property ID 50543. Case SUP-20-001.

- (1) Applicant Presentation
- (2) Staff Presentation
- (3) Public Hearing
- (4) Discuss, Consider, And Take Any Necessary Action Regarding Regarding Ordinance No. O-2020-026 - Amending The Comprehensive Zoning Ordinance By Approving A Special Use Permit For "Gasoline Sales Pumps" And "Alcoholic Beverage Sales (As Primary Use, Includes Beer And Wine Sales As Accessory Use)" To Authorize Gas Sales And A Liquor Store On Property Located At 2975 Hwy 66, Cad Property Id 50543; Amending The Official Zoning Map; Providing A Penalty Up To \$2,000 Per Day; Providing For Savings, Severability, And Declaring An Effective Date.

[Documents:](#)

[2975 hwy 66 sup - staff summary.pdf](#)

- C. (This Item Is Associated With The Expansion Of A Water Storage Tank Off Ben Payne Road) Discuss, Consider, And Take Any Necessary Action Regarding A Zoning Application Submitted By Cash Special Utility District To Zone 1.08 Acres From Agricultural District To Industrial District To Authorize The Installation Of A Water Storage Tank. The Area That Is The Subject Of This Zoning Application Is Located At The Southeast Corner Of The Intersection Of Ben Payne Rd And The Railroad Track, Rockwall CAD Property ID 12220. Case ZR-20-004.

- (1) Applicant Presentation
- (2) Staff Presentation
- (3) Public Hearing
- (4) Discuss, Consider, And Take Any Necessary Action Regarding Ordinance No. O-2020-027 - Amending The Comprehensive Zoning Ordinance And Changing The Zoning Classification From Agricultural District To Planned Development District For Institutional Zoning District Uses And Development Standards On 1.08 Acres Of Land Located At The Southeast Corner Of The Intersection Of Ben Payne Rd And The Railroad Track, Rockwall CAD Property ID 12220; Amending The Official Zoning Map; Providing A Penalty Up To \$2,000 Per Day; Providing For Savings, Severability And An Effective Date.

[Documents:](#)

[cash sud, ag to pd - staff summary.pdf](#)

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

**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 Pending Or Contemplated Litigation Or Settlement Offer, Regarding: Makeliah Poullard V. Gateway Buick GMC, LLC, Heritage Buick GMC Truck, Inc., Eric Brown, City Of Fate, Texas, Mayor Lorne Megyesi, Lieutenant Randy Jones And John Does 1-3.

**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**

**11. 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

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 3rd day of September, 2020, at 4:20 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](http://www.cityoffate.com).

Victoria Raduechel, TRMC, City Secretary

Removed from the Bulletin Board at City Hall on the \_\_\_\_ day of \_\_\_\_\_, 2020, by \_\_\_\_\_.