

**MINUTES OF THE REGULAR
CITY COUNCIL MEETING
MAY 17, 2021**

1. CALL TO ORDER AND CONFIRM A QUORUM

Mayor Billings called the meeting of the Fate City Council to order at 6:00 p.m. on the 17th day of May 2021, in the Fate City Hall 1900 CD Boren Parkway, Fate, Texas.

City Secretary Victoria Raduechel confirmed the presence of a quorum.

Council Members Present:

David Billings, Mayor
Heather Buegeler
John Brandt
Christopher Ash
Allen Robbins, Mayor Pro Tem
Jim DeLand
John Hamilton, Deputy Mayor Pro Tem

Council Members Absent:

None

City Staff Present:

Michael Kovacs, City Manager
Justin Weiss, Assistant City Manager
Victoria Raduechel, City Secretary
Jessica Larson, Deputy City Secretary/Assistant to the City Manager
Lyle Lombard, Director of Public Safety
John Taylor,
Scott Monaghan, Director of Public Works
Raju Anthony, Director of Finance
Ryan Wells, Director of Planning and Development Services
Steve Gilbert, Director of Community Services and Building Safety
Leigh Corson, Director of Human Resources
Michael Wright, IT Manager
Brenda McDonald, City Attorney

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

Shannon Collins, Pastor of Redeemer Church gave the invocation, after which the Council led the Pledge of Allegiance to the American and Texas Flags.

3. PRESENTATIONS

A. Older Americans Month Proclamation

Council Member Ash read aloud a proclamation declaring the month of May as Older Americans Month in the City of Fate and presented the proclamation to Margie VerHagen, Executive Director of Meals on Wheels Senior Services of Rockwall County.

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.

There was no one present wishing to speak.

5. CONSENT AGENDA

All Items Under Consent Agenda Are Considered To Be Routine By The City Council And Will Be Enacted By One Motion. There Will Not Be Separate Discussion Of These Items. If Discussion Is Desired, That Item Will Be Removed From The Consent Agenda And Will Be Considered Separately.

A. Approval Of Minutes Of The Council Meetings Held May 3, 2021 And May 10, 2021.

B. Approval Of Financial Report For April 2021.

C. Approval Of Resolution No. R-2021-068 - Approving A Interlocal Cooperation Agreement Between The City Of Fate, Texas, And The Rockwall Independent School District For Governmental Services Related To A School Resource Officer Program.

City Manager Michael Kovacs answered questions from the Council regarding consent agenda item 5b.

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

Council Member Brandt seconded the motion.

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

Ayes: Mayor Billings and Council Members Buegeler, Brandt, Ash, Robbins, DeLand, and Hamilton.

Nays: None

Mayor Billings declared the motion carried unanimously.

6. ACTION ITEMS

A. Discuss, Consider, And Take Any Necessary Action Regarding Appointing A Representative To The Rockwall County Consortiums To Include The Road Consortium And The Emergency Services Corporation.

1. Discuss, Consider, And Take Any Necessary Action Regarding Resolution No. R-2021-069 - Appointing A Member To The Rockwall County Wide Planning Consortium (Road Consortium).

City Manager Michael Kovacs provided a brief overview of the agenda item reporting Allen Robbins currently serves on the Road Consortium as the City's sole appointee. The County requests Mayors hold the seat for their respective cities. Mr. Kovacs further explained action is requested to transfer this responsibility from Mayor Pro Tem Allen Robbins to Mayor David Billings by approving a resolution appointing Mayor Billings to the Road Consortium.

Council Member Brandt made a motion to approve Resolution No. R-2021-069 - Appointing Mayor David Billings to the Rockwall County Wide Planning Consortium (Road Consortium).

Council Member Ash seconded the motion.

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

Ayes: Mayor Billings and Council Members Buegeler, Brandt, Ash, Robbins, DeLand, and Hamilton.

Nays: None

Mayor Billings declared the motion carried unanimously.

2. Discuss, Consider, And Take Any Necessary Action Regarding Resolution No. R-2021-070 - Appointing Member(S) To The County Of Rockwall Emergency Service Corporation (ESC).

City Manager Michael Kovacs provided a brief overview of the agenda item reporting Allen Robbins and Christopher Ash currently serve on the Rockwall County Emergency Service Corporation as the City's two appointees. The Mayor typically serves as the primary representative along with one added Council representative in the case of the

cities of Fate and Rockwall, due to our higher populations and seats apportioned to larger cities in the bylaws of the corporation. Mr. Kovacs further explained action is requested to transfer this responsibility from Mayor Pro Tem Allen Robbins to Mayor David Billings. Christopher Ash is the second Fate representative on this board. The Council may keep Mr. Ash on as the second member, ask Mayor Pro Tem Robbins to be on, or select another Council Member to serve.

Mayor Billings called for nominations for appointment to the Emergency Service Corporation for the seat previously held by Allen Robbins. The nominations were as follows:

Council Member Robbins nominated Mayor Billings.

There were no other nominations.

Mayor Billings called for nominations for appointment to the Emergency Service Corporation for the seat previously held by Christopher Ash. The nominations were as follows:

Council Member Robbins nominated Christopher Ash.

There were no other nominations.

Council Member Robbins made a motion to approve Resolution No. R-2021-070 - Appointing David Billings and Christopher Ash to the County of Rockwall Emergency Service Corporation (ESC).

Council Member Brandt seconded the motion.

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

Ayes: Mayor Billings and Council Members Buegeler, Brandt, Ash, Robbins, DeLand, and Hamilton.

Nays: None

Mayor Billings declared the motion carried unanimously.

B. Discuss, Consider, And Take Any Necessary Action Regarding An Emergency Medical Services (EMS) Exclusivity Ordinance For Ambulance Transports.

City Manager Michael Kovacs provided a brief overview of the agenda item reporting

Mitch Ownby, Emergency Medical Services Chief for Rockwall County EMS, spoke to the Council reporting Rockwall County EMS has provided primary 911 response as well as non-emergency ambulance transport to Rockwall County since 1996. Mr. Ownby provided a brief overview of the current contract between the Rockwall County EMS and the County of Rockwall Emergency Service Corporation, at which time he answered questions from the Council regarding the same.

City Manager Michael Kovacs reported prior to and during the contract request-for-proposals stage of the 911 ambulance service procurement, the City of Rockwall dropped their EMS exclusivity ordinance, opening the ambulance private transport business to the market. This was supposed to boost competition and service levels at the hospitals and nursing homes for the availability of EMS transports for non-emergency patients, which it really did not. The hospital in Rockwall began to mostly use their favored contractor and prices have risen and not fallen. This change also had a huge impact on the ESC's ambulance contractor's revenues, which resulted in a reduction of ambulances available to plug holes in the 911 EMS system, as Rockwall County EMS transport ambulances, not in transporting service all the time, would have been available for 911 dispatching to emergency calls. In an effort to improve 911 EMS services and shore up the financial strength of Rockwall County EMS, the ESC discussed several ideas that would include an increase to 911 ambulance transport allowable total billing, per the contract, and other ideas like the potential return of the EMS exclusivity option. Mr. Kovacs explained City Attorney Brenda McDonald researched an Abilene exclusivity ordinance that has had a lot of success with contracted service. Mr. Kovacs further explained an exclusivity agreement can be done for ambulance transports and is done routinely in much of Texas. An RFP process may be required, but it would be preferable, if allowed, to enter into exclusive talks with our 911 ambulance provider and for that company to be allowed to conduct all transport business. Currently, Fate has no major medical facilities, but will have senior living apartments coming online soon. Discussion ensued among the Council, City Attorney, City Staff and Mr. Ownby regarding an exclusivity ordinance. It was the consensus of the Council that City Staff return at a future meeting with a briefing and discuss 911 and transports in more depth and City Attorney Brenda McDonald provide options for an exclusivity agreement ordinance.

C. Discuss, Consider, And Take Any Necessary Action Regarding City Of Fate Employee Compensation Philosophy.

Director of Human Resources Leigh Corson reported the purpose of the agenda item is to get policy direction from the Council regarding the types of pay plans to be used for City employees and determine if mid-market remains the City's desired market position. Ms. Corson made a brief presentation on the City of Fate Compensation System which included the following topics:

- Policy questions
 - Pay Plan Structure: Step Plan, Open Range Plan, or Hybrid -Open Range Plan for general employees/Step Plan for DPS employees
 - Market position: Is mid-market still our desired position
- Why does it matter
 - Internal equity
 - External equity
 - Individual equity

- Types of Pay Plans
 - Step Plan: The pay range for each pay grade is divided into incremental steps of a set percentage increase. The employee progresses through the range through step increases
 - Open Range Plan: The minimum, mid-point and maximum of each pay grade is defined. The employee can be paid anywhere within that range and progresses based on the merit range allocated in the budget for that year.
 - Hybrid Plan: Organizations may use different plan types for different categories of employees (i.e. Public Safety Personnel vs. Civilian Personnel)
- History of current compensation plan: In June 2018, the City contracted with Ray and Associates to perform a full compensation and classification study. The study compared Fate to 12 similar municipalities (size, proximity, growth rate) in the DFW area with the Council's policy objective of maintaining a mid-market position within this group. The study recommended Step Pay Plans for both General and DPS employees. The steps are in 3% increments and there are 12 steps for each job grade. City Council adopted the recommended plans in September 2018 for implementation in the FY 2018-19 budget.
- Plan Maintenance: Best practice to consistently apply an across-the-board COLA (market adjustment) to the pay plan to maintain market position and keep starting pay competitive. Since adoption, the pay plans have been adjusted as follows:
 - FY 2019-20 – 2% COLA
 - FY 2020-21 – 1% COLA
 Merit Increases:
 - FY 2019-20 – 1 Step Increase (3%). Step increases were awarded based on performance.
 - FY 2020-21 – up to 2% Merit Increase
 During the budget workshops for the FY 2020-21 budget, the City Council expressed a desire to explore a range plan for non-public safety employees
- Benchmark Survey – April 2021
 - In April 2021, SGR conducted a benchmark survey of the original comparable cities used in the 2018 study. The survey benchmarked 20 positions.
 - Comparison focused on entry level and may not reflect an employee's actual salary
 - 12 position at mid-market
 - 1 position above mid-market
 - 7 positions below mid-market (6 are probably within 1 pay grade of being mid-market)
- Type of Pay Plan comparison
- Considerations for Market Position
 - Workloads, Staffing Levels (External Equity)
 - Fate Current Staffing Level – 3.47/1,000; Comparison cities provided by Don Paschal range from 5.25-7.88/1,000

- Fiscal Sustainability
- Recruitment – Experience Level

Director of Human Resources Leigh Corson answered questions from the Council related to the City's Compensation System and discussion ensued among the Council and City Staff regarding the three pay plan options presented by Ms. Corson as well as the City's desired market position.

It was the consensus of the Council that mid-market remains the City's desired market position.

It was the consensus of the Council that the pay plan structure for City employees be a Hybrid Plan - Open Range Pay Plan for general employees/ Step Pay Plan for DPS employees.

Ms. Corson reported a series of employee meetings will be held to educate employees on the pay plan changes.

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 Billings expressed thanks to Rockwall County Judge David Sweet for attending the meeting. Mayor Billings also expressed appreciation to Meals on Wheels and Rockwall County EMS for their service to the community.

B. Council Reports

Council Member Buegeler had nothing to report.

Council Member Brandt had nothing to report.

Council Member Ash expressed thanks to City and DPS Staff for their service to the City.

Council Member Robbins has nothing to repost.

Council Member DeLand expressed thanks to the city and City Council members for welcoming him to the Council.

Council Member Hamilton had nothing to report.

C. City Manager's Report

City Manager Michael Kovacs reported the following upcoming meetings/events:

- Planning and Zoning Commission meeting – May 20, 2021 at 6:00 p.m.
- Rockwall Chamber of Commerce Par-Tee Event – May 20, 2021 at 6:30 p.m.

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 An Impact And Park Development Fee Credit Agreement With Fate I-30 Commercial, LP.

B. In Accordance With Texas Government Code, Section 551.072, To Deliberate The Purchase, Exchange, Lease, Or Value Of Real Property:

1. Fate Department Of Public Safety Station 2
2. Right-Of-Way Acquisition For Road Bond Projects South Of I30
3. Downtown Central Business Area

The items were read and Mayor Billings recessed the meeting at 7:35 p.m. and convened Executive Session at 7:41 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 9:10 p.m. and Mayor Billings reconvened the meeting of the City Council at 9:14 p.m.

The following action was taken on items discussed in Executive Session:

8A. 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 An Impact And Park Development Fee Credit Agreement With Fate I-30 Commercial, LP.

Council Member Ash made a motion to approve an Impact and Park Development Fee Credit Agreement with Fate I-30 Commercial, L.P., as discussed in Executive Session and as approved by the City Attorney.

Mayor Billings seconded the motion.

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

Ayes: Mayor Billings and Council Members Buegeler, Ash, Robbins, DeLand, and Hamilton.

Nays: Council Member Brandt.

Mayor Billings declared the motion carried.

8B. In Accordance With Texas Government Code, Section 551.072, To Deliberate The Purchase, Exchange, Lease, Or Value Of Real Property:

1. Fate Department Of Public Safety Station 2

No action was taken on this item.

2. Right-Of-Way Acquisition For Road Bond Projects South Of I30

No action was taken on this item.

3. Downtown Central Business Area

No action was taken on this item.

10. ADJOURNMENT

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

Council Member DeLand seconded the motion.

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

Ayes: Mayor Billings and Council Members Buegeler, Brandt, Ash, Robbins, DeLand, and Hamilton.

Nays: None

Mayor Billings declared the motion carried unanimously and the meeting adjourned at 9:16 p.m.

APPROVED BY THE CITY COUNCIL ON THIS THE 21st DAY OF JUNE, 2021.

APPROVED:

David Billings, Mayor

ATTEST:

Victoria Raduechel, TRMC
City Secretary