

**MINUTES OF THE REGULAR
CITY COUNCIL MEETING
NOVEMBER 21, 2022**

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 21st day of November 2022, 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, Deputy Mayor Pro Tem
Scott Kelley
Allen Robbins, Mayor Pro Tem
Jim DeLand
Lance Megyesi

Council Members Absent:

None

City Staff Present:

Michael Kovacs, City Manager
Justin Weiss, Assistant City Manager
Jon Thatcher, City Attorney
Victoria Raduechel, City Secretary
Spencer Foster, Assistant to the City Manager
Lyle Lombard, Director of Public Safety
Ryan Wells, Director of Planning and Development Services
Steve Gilbert, Director of Community Services and Building Safety
Raju Anthony, Director of Finance
Teresa Stevens, Accounting Manager
Suzy Lawrence, Community and Economic Development Manager
Michael Wright, IT Manager

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

Daniel Ledford with Calvary Baptist Church gave the invocation, after which the Council led the Pledge of Allegiance to the American and Texas Flags.

3. PRESENTATIONS

A. Proclamation To Recognize Ewan Flisowski For Achieving Eagle Scout Ranking.

Council Member Robbins read aloud and presented a proclamation to Ewan Flisowski in recognition of achieving Eagle Scout ranking.

B. Presentation Of Employee Spotlight Award To Teresa Stevens.

Raju Anthony, Director of Finance, presented Accounting Manager Teresa Stevens with the Employee Spotlight Award.

C. Safe City Recognition And Appreciation To Fate Department Of Public Safety.

Mayor Billings reported the City of Fate was ranked the 8th Safest City in Texas for 2022 and presented a certificate to Chief Lombard, Director of Public Safety in recognition of the honor and expressed appreciation to the Fate Department of Public Safety for their dedication in community safety and crime prevention.

D. Presentation Of Texas Downtown Association Awards – President’s Awards – Resiliency Award, Under 50,000 Pop. Bracket, Fate – Local Business Action Team, +People’s Choice Award, Best Economic Game Changer Award – Food Haul, +People’s Choice Award.

Mayor Billings reported the City of Fate received four awards from the Texas Downtown Association and presented the awards to Justin Weiss, Assistant City Manager and Suzy Lawrence, Community and Economic Development Manager and Fate businesses.

E. Presentation Of Texas Economic Development Council Merit Award.

Mayor Billings presented the Texas Economic Development Council Merit Award to Justin Weiss, Assistant City Manager and Suzy Lawrence, Community and Economic Development Manager.

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.

Kerry Wiemokly, 392 Phillips Ct., spoke about agenda item 6B regarding donation box regulations. Mr. Wiemokly explained during the holidays he collects food, blankets, and coats at his home to donate to those in need. Mr. Wiemokly explained he fully supports the idea of the ordinance but asked the Council to consider adding a temporary residential permit with a nominal fee to the proposed ordinance for situations such as his.

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 October 3, 2022, October 11, 2022, October 17, 2022 And November 10, 2022.
- B. Approval Of Financial Report For September 2022.
- C. Approval Of Financial Report For October 2022.
- D. Approval Of Investment Report For The Quarter Ending September 30, 2022.
- E. Approval Of Mayor Travel Expenses Associated With Attending The Texas Downtown Association President's Awards Gala And Attending The North Texas To Washington D.C. Fall Advocacy Fly-In.

Michael Kovacs, City Manager and Raju Anthony, Director of Finance answered questions from Council related to the September 2022 and the October 2022 financial reports.

Council Member DeLand 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 Billings and Council Members Buegeler, Brandt, Kelley, Robbins, DeLand, and Megyesi.

Nays: None

Mayor Billings declared the motion carried unanimously.

6. ACTION ITEMS

A. (This Proposed Ordinance Is A Restatement And Memorialization Of Current School Zone Speed Limits For All Public Schools In The City Limits As Well As The Pioneer Technology & Arts Academy) Discuss, Consider, And Take Any Necessary Action Regarding Ordinance No. O-2022-044- Modifying Speed Limits For Vehicles Traveling On Certain Roads Within The City Limits Of The City Of Fate Related To School Zones, Authorizing City Staff Erect Appropriate Signs Identifying Such Speed Limits In Accordance With Section 28.42 Of The Fate Code Of Ordinances, As Amended.

Jon Thatcher, City Attorney, reported the City of Fate recently adopted an ordinance establishing a reduced speed limit on part of the north service road of I-30 to enable TxDOT to install proper signage for school zone speed limits on the state roadway. City staff has been reviewing the existing school zones throughout the City including the existing signage to determine whether any additional signage or modification is necessitated or would be beneficial to the safety and wellbeing of the citizens of Fate. Mr. Thatcher explained the proposed ordinance is a restatement and memorialization of current school zone speed limits for all public schools in the city limits as well as the Pioneer Technology Arts and Academy (PTAA). This will allow staff the ability to address the signage for each of the school zone areas on city streets. Mr. Thatcher answered questions from the Council regarding the proposed ordinance.

Council Member Robbins made a motion to approve Ordinance No. O-2022-044- Modifying Speed Limits For Vehicles Traveling On Certain Roads Within The City Limits Of The City Of Fate Related To School Zones, Authorizing City Staff Erect Appropriate Signs Identifying Such Speed Limits In Accordance With Section 28.42 Of The Fate Code Of Ordinances, As Amended.

Council Member Megyesi seconded the motion.

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

Ayes: Mayor Billings and Council Members Buegeler, Brandt, Kelley, Robbins, DeLand, and Megyesi.

Nays: None

Mayor Billings declared the motion carried unanimously.

B. Discuss, Consider, And Take Any Necessary Action Regarding Ordinance No. O-2022-045- Establishing Permit And Maintenance Regulations For Donation Boxes Placed On Private Property And Other Matters Related Thereto.

Steve Gilbert, Director of Community Services and Building Safety reported donation boxes for used clothing, shoes and discarded household items are being dropped off outside commercial properties throughout the City blocking fire lanes, rights of way, and required parking spaces, often being targets of graffiti, litter, and illegal dumping creating blight and nuisance, most times placed without the consent of the property owner. Mr.

Gilbert explained the proposed ordinance will require permitting (\$100.00 annual permit fee per donation box to be collected), accurate contact information, maintenance requirements, and will ensure the donations are collected by a qualified non-profit organization.

Discussion ensued among the Council, City Attorney, and City Staff regarding the proposed ordinance, at which time the following topics were discussed:

- Temporary donation boxes such as the one described by Mr. Wiemokly and possible ways to create an exception so that this type of donation box is not applicable to the ordinance
- Possible time frame for a temporary permit – 21 days and under
- \$100.00 annual permit fee and if the fee should be reduced
- Whether the ordinance should differentiate between residential and commercial
- Possibility of exempting Rockwall County Non-Profit Organizations and Churches from paying the annual permit fee

Jon Thatcher, City Attorney, advised the Council that based on discussion held that he recommends Staff work on the ordinance and bring back for Council consideration at a future meeting. The Council agreed with Mr. Thatcher's recommendation and no action was taken on the proposed ordinance.

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 congratulations to the Fate business community and expressed appreciation for the great partnership between the City and the business community. Mayor Billings expressed appreciation to DPS and City staff for their dedication to the city. Mayor Billings expressed thanks to first responders, veterans, and active military for their sacrifices and those of their families too. Mayor Billings expressed appreciation to City staff for their hard work in making the Joe Burger Park ribbon cutting a great event. Mayor Billings wished everyone a Happy Thanksgiving.

B. Council Reports

Council Member Buegeler reported the holidays are upon us and urged everyone to please have grace with fellow drivers. Council Member Buegeler expressed thanks to DPS for their dedication and sacrifice they make to keep our community safe and expressed congratulations to them for Fate being ranked the 8th safest city in Texas.

Council Member Megyesi expressed appreciation to City staff for their hard work and dedication to the city. Council Member Megyesi also expressed thanks to DPS for their time and sacrifice they make to keep our community safe. Council Member Megyesi wished everyone a safe and Happy Thanksgiving.

Council Member Brandt expressed congratulations to everyone that received an award at the meeting. Council Member Brandt wished everyone a Happy Thanksgiving. Council Member Brandt reported there was a good turnout for the Joe Burger Park ribbon cutting and said it was a great event. Council Member Brandt expressed appreciation to DPS for Fate being ranked the 8th safest city in Texas.

Council Member DeLand expressed congratulations to Ewan Flisowski for earning his Eagle Scout ranking. Council Member DeLand expressed appreciation to DPS for Fate being ranked the 8th safest city in Texas and thanked DPS for their service to the community. Council Member DeLand reported the Christmas Tree Lighting Ceremony is December 2nd and said he looks forward to seeing everyone at the event.

Council Member Robbins expressed appreciation to Justin Weiss and Suzy Lawrence for their hard work that resulted in several economic development awards Fate recently received. Council Member Robbins expressed thanks to Ryan Wells for his hard work that resulted in an award. Council Member Robbins thanked Steve Gilbert for his hard work on the Joe Burger Park and said the park is incredible. Council Member Robbins urged everyone to travel safe this week for the Thanksgiving holiday and wished everyone a Happy Thanksgiving.

Council Member Kelley expressed appreciation for the many awards the City recently received and said the awards are a testament to the hard work of City staff. Council Member Kelley expressed thanks to DPS for their time and sacrifice they make to keep our community safe. Council Member Kelley said the Joe Burger Park ribbon cutting was an awesome event and expressed appreciation to City staff for their hard work on the event. Council Member Kelley wished everyone a Happy Thanksgiving.

C. City Manager's Report

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

- City Offices closed November 24th and 25th for Thanksgiving
- Christmas Tree Lighting Ceremony December 2nd at 6:00 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 551.072, To Deliberate The Purchase, Exchange, Lease, Or Value Of Real Property:

1. Rockwall County Appraisal District Property ID 59874

B. 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 Amendment To Interim Use Agreement With Alamo Fireworks, Inc.
2. To Receive Legal Advice Regarding Gala At Fate And Black Oak Road
3. To Receive Legal Advice Regarding The Compromise Settlement Agreement With Glen C. Eskew, Jr. For The Property Located At 120 Prince Road

The items were read and Mayor Billings recessed the Council meeting at 7:04 p.m. and convened Executive Session at 7:07 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 8:09 p.m. and Mayor Billings reconvened the meeting of the City Council at 8:11 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 Robbins moved to adjourn.

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, Kelley, Robbins, DeLand, and Megyesi.

Nays: None

Mayor Billings declared the motion carried unanimously and the meeting adjourned at 8:11 p.m.

APPROVED BY THE CITY COUNCIL ON THIS THE 5th DAY OF DECEMBER 2022.

APPROVED:

David Billings, Mayor

ATTEST:

Victoria Raduechel, TRMC
City Secretary