

AGENDA

SPECIAL CITY COUNCIL MEETING

**NOVEMBER 13, 2023
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 SPECIAL CITY COUNCIL MEETING AT 6:00 P.M. ON MONDAY, NOVEMBER 13, 2023 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. Municipal Court Certificate Of Appreciation For Improvements In Traffic Safety

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

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. Discuss, Consider, And Take Any Necessary Action Regarding Resolution No. R-2023-082 - Approval To Grant A Private Water And Sanitary Sewer Easement To Be Granted To Infinity Marine Services, LLC/Michael McCrady, And The Acceptance Of A Public Drainage Easement To Be Granted To The City Of Fate, To Support The Construction And Utility Service For The Infinity Marine Project, Located On Brown Industrial Park Lots 5 And 6.

[Documents:](#)

[infinity marine easements.pdf](#)

- B. (This Is An Application For A Zoning Change Request From Agriculture To A Planned Development For A Horizontal Mixed-Use Development) Discuss, Consider, And Take Any Necessary Action Regarding A Zoning Request From Agriculture (A) To A Planned Development (PD) For Approximately 28.455 Acres Comprising Portions Of Two Separate Tracts Of Land. The Zoning Change Request Has Been Brought Forward By Fate I30 Commercial, LP. This Reason For The Zoning Request Is To Entitle The Land To Support A Horizontal Mixed-Use Development Which Will Include Commercial, Live/Work Units, Townhomes, And Multifamily. The Project Site Is Generally Located On The Northeast Corner Of The Intersection Of Memorial Parkway And Greenbriar Road.

The legal description of Parcel ID 329992 is A0208 D THEDFORD, LOT 3, 13.0440 ACRES, (NORTH PART OF LOT 3). The legal description of parcel ID 12848 is A0208 D THEDFORD, LOT 2, 42.6780 ACRES. Case # ZR-23-004. **This Item, Including Presentation And Public Hearing, Is Postponed To The December 4, 2023 City Council Meeting.**

6. ACTION ITEMS/PUBLIC HEARINGS

- A. Discuss, Consider, And Take Any Necessary Action Regarding Ordinance No. O-2023-049 - Approval Of A Zoning Request From Agriculture (A) To General Commercial (GC) For A 13.798-Acre Lot Of Land. The Zoning Change Request Has Been Brought Forward By Martin Dewitt Morrow. This Is A Straight Zoning Request And Therefore Will Be Subject To The Development Standards Outlined In The Fate Unified Development Ordinance, Code Of Ordinances, And Design Criteria & Construction Standards. The Applicant States The Reason For The Request Is To Allow The Business, American Bobtail, To Increase Their Space To Better Service Customers By Constructing Two Additional Buildings. The Legal Description Of Parcel 31001 Is BROWN INDUSTRIAL PARK, BLOCK A, LOT 10, ACRES 13.7980. Case # ZR-23-006.

1. Staff Summary

2. Applicant Presentation

3. Public Hearing

4. Discuss, Consider, And Take Any Necessary Action Regarding **Ordinance No. O-2023-049** - Amending The Comprehensive Zoning Ordinance And Changing The Zoning Classification From Agriculture (A) To General Commercial (Gc) On Approximately 13.798 Acres Comprising A Single Parcel Of Land Identified As Rockwall Cad Property Id 31001, 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:](#)

[case zr-23-006.pdf](#)

- B. Discuss, Consider, And Take Any Necessary Action Regarding Ordinance No. O-2023-050 - Approval Of A Zoning Request From Agriculture (A) To General Commercial (GC) For A Project Area Totaling 6.01 Acres. The Project Contains A Portion Of Two Individual Tracts: Parcel IDs 10520 And 61630. These Tracts Are 5.268 Acres And 8.077 Acres, Respectively. The General Location To Undergo Rezoning Runs Between The Future Greenbriar Rd Western Extension To Fate Village Dr Along The I30 Frontage, With A Depth Along That Stretch Of Approximately 250 Feet. The Applicant, Fate I30 Commercial, LP, Is Proposing The Zoning Change To Prepare The Site For Future Commercial Development. The Legal Description For Parcel 10520 Is A0208, D THEDFORD, TRACT 1-5, 5. ACRES, (PT OF 147.319 AC TR).

The Legal Description For Parcel 61630 Is ABS A0208, D THEDFORD, TRACT 4-1, 12.702 ACRES. Case # ZR-23-005.

1. Staff Summary

2. Applicant Presentation

3. Public Hearing

4. Discuss, Consider, And Take Any Necessary Action Regarding **Ordinance No. O-2023-050** - Amending The Comprehensive Zoning Ordinance And Changing The Zoning Classification From Agriculture (A) To General Commercial (Gc) On Approximately 6.01 Acres Comprising A Portion Of Two Parcels Of Land Identified As Rockwall Cad Property Id 10520 & 61630, 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:](#)

[case zr-23-005.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 Consolidation With Mobile City
 - 2. To Receive Legal Advice Regarding Extraterritorial Jurisdiction De-Annexation Litigation (City Of Grand Prairie V. State Of Texas, Cause No. D-1-GN-23-07785, 261st District Court, Travis County, Texas)
 - 3. To Receive Legal Advice Regarding Potential Contract For Outside Legal Services With Attorney Jon Thatcher

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

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 9th day of November, 2023, at 3:40 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.fatetx.gov.

Victoria Raduechel, TRMC, City Secretary

Removed from the Bulletin Board at City Hall on the ____ day of _____, 2023, by

_____.