

CITY OF FAIR OAKS RANCH
CITY COUNCIL REGULAR MEETING
Thursday, May 06, 2021 at 6:30 PM
Via Zoom Videoconference

MINUTES

OPEN MEETING

Council Present: Mayor Manitzas and Mayor Pro Tem Elizondo

Council Members: Havard, Hartpence, Koerner, Patel, and Maxton

With a quorum present, the meeting was called to order at 6:30 PM.

CITIZENS and GUEST FORUM

1. Citizens to be Heard.

The City Secretary read letters from the following six citizens into the record:

Wes Pieper requested clarification for statements at the beginning of the financial statement regarding a hiring freeze and a 1.3-million-dollar 2019-20 surplus. Mr. Pieper wanted clarification on the actions referred to in the agenda packet. Mayor asked the Finance Dept. to contact Mr. Pieper regarding his questions.

Stacy Gilfillan requested that the Council accept the resignation of Council Member Hartpence at this meeting to trigger an election and allow the residents to select the Council Member.

Camille Yanowski urged Council to accept the Council resignation and allow residents to select their new Council Member through a special election.

Christopher J. Gilfillan encouraged the acceptance of the resignation of Council Member Hartpence and believes it's the right thing to do regardless of the expense.

Debra Doyle asked Council to immediately accept the resignation of Council Member Hartpence so a special election can be held as soon as practicable. (The City Secretary during the reading of this letter said vote instead of voice) "Failure to do silences the ~~vote~~ voice of Fair Oaks Ranch citizens".

Sandy and Jay Terry wrote in hopes that the council decides to accept the resignation of Council Member Hartpence effective immediately and wants all citizens to have a voice by vote to whom they would like to be represented by.

Citizens that spoke on record:

Sharon Brimhall spoke at the meeting in agreement with other messages received by the City Secretary urging the acceptance of Council Member Hartpence's resignation so that there will be a special election.

Gary and Christine Graham – Mr. Graham commended Ms. Patel for her service to the community and said that she'd be missed on Council. He also spoke on the recent election and the campaigns ran on a political ticket rather than on the issues facing the citizens.

Chesley Muenchow thanked members of council who have served on Council in the previous years and thanked voters for getting out to vote in this last election. Ms. Muenchow wants the city to hold an election for the seat to be vacated by Council Member Hartpence to further confidence in city officials and honor the home rule charter.

Arnaldo Medina thanked Mr. Hartpence for his service to the community and is looking forward to voting in the resulting special election to replace his vacant seat. Mr. Medina conveyed that he believes the charter states that an election is required based on the situation.

Council Member Patel expressed appreciation to the citizens of Fair Oaks Ranch for participating in the council process. She stated that it has been an honor and privilege to serve on Council for nearly five years. Ms. Patel congratulated the Mayor-Elect, Greg Maxton, and other incoming Council Members. Ms. Patel also spoke about the partisan politics in the recent election and a Republican rally held before Election Day. She believes partisan politics do not belong in city politics but if they are desired it should be reflected in the charter.

Council Member Hartpence voiced that a special election should be held to replace him based on the close election results. Mr. Hartpence attempted to express an opinion about Council Member Koerner whereupon he was muted.

PRESENTATIONS

2. Mayor Manitzas read a Proclamation declaring the week of May 9, 2021 as Police Week and May 15, 2021 as Peace Officers Memorial Day.
3. Mayor Manitzas read a Proclamation declaring the week of May 16, 2021 as National Public Works Week.

Council Member Hartpence was removed from the meeting at 6:59 PM

Council Member Hartpence rejoined the meeting at 7:01 PM

CONSENT AGENDA

4. **Approval of the March 29, 2021 Special City Council meeting minutes.**
5. **Approval of the April 15, 2021 Regular City Council meeting minutes.**
6. **Approval of the second reading of an Ordinance amending the City's Code of Ordinances, Chapter 13, Article 13.06 Water Conservation Plan.**

MOTION: Made by Mayor Pro Tem Elizondo, seconded by Council Member Laura Koerner, to approve the Consent Agenda.

VOTE: 6-1; Motion Passed. Council Member Hartpence voted nay.

CONSIDERATION/DISCUSSION ITEMS**7. Consideration and possible action accepting Council Member Hartpence's resignation from the City of Fair Oaks Ranch City Council.**

MOTION: Made by Council Member Patel, seconded by Council Member Koerner, to accept Council Member Hartpence's resignation from Council.

VOTE: 7-0; Motion Passed

8. Consideration and possible action approving a Resolution supporting the Camp Bullis Sentinal Landscape designation.

MOTION: Made by Mayor Pro Tem Elizondo, seconded by Council Member Maxton, to approve a Resolution supporting the Camp Bullis Sentinel Landscape designation.

VOTE: 7-0; Motion Passed

9. Consideration and possible action authorizing the City Manager to sign a Construction Agreement with Intermountain Slurry Seal for the city's Annual Street Maintenance and Repair Program.

MOTION: Made by Mayor Pro Tem Elizondo, seconded by Council Member Maxton, to accept the Intermountain Slurry Seal bid in the amount of \$461,736.25 with a 5% contingency in the amount of \$23,080.81 for a value not to exceed \$484,817.06 and authorize the City Manager to sign the construction agreement.

VOTE: 5-2; Motion Passed. Council Members Hartpence and Patel voted nay.

REPORTS FROM STAFF/COMMITTEES/COUNCIL**10. Comprehensive Internal Controls Framework Implementation Project Update.**

Jenny Che, RSM Consultant, provided an update on the Comprehensive Internal Controls Framework Implementation.

11. Monthly Finance Update.

Sarah Buckelew, CPA, Finance Director, provided to council the Monthly Finance Update.

CONVENE INTO EXECUTIVE SESSION

City Council did not convene into Executive Session regarding:

Sec. 551.071 (Consultation with Attorney) the City Council will meet in private consultation with legal counsel to seek the advice of its attorneys about pending or contemplated litigation, a settlement offer, and/or 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 conflicts with Chapter 551 of the Government Code; to wit:

12. To receive legal advice and to receive and deliberate an offer of settlement for claims made on behalf of a real property owner against the City's operation of well K-2.

13. Cause No. 2018-CI-00202; the City of Fair Oaks Ranch, Texas vs. Edward I. Hill, Robert E. Heckendorn, Craig M. Luitjen, Roger Fuentes, Wesley A. Pieper, Esther W. Hicks, William A. McDowell, Yolanda D. Ayala, PG Pfeiffer Ranches LLC, Maureen Pfeiffer Stevenson Family Trust.
14. To receive legal advice from Special Counsel and the City Attorney regarding the City's ground water rights.


RECONVENE INTO OPEN SESSION

N/A


ADJOURNMENT

Mayor Manitzas adjourned the meeting at 8:29 PM.

ATTEST:



Christina Picioccio, City Secretary



Gregory C. Maxton, Mayor