

CITY OF FAIR OAKS RANCH
CITY COUNCIL REGULAR MEETING

Thursday, September 16, 2021 at 6:30 PM
City Hall Council Chambers, 7286 Dietz Elkhorn, Fair Oaks Ranch

MINUTES

OPEN MEETING

1. Roll Call - Declaration of a Quorum

Council Present: Mayor Maxton and Council Members: Stroup, Elizondo, Koerner, Parker, and Muenchow

Council Absent: Council Member Bliss

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

2. Pledge of Allegiance – The Pledge of Allegiance was led by former Mayor Garry Manitzas.

CITIZENS and GUEST FORUM

3. Citizens to be heard – Nolan Keene spoke in favor of a multipurpose paved trail between Fair Oaks Ranch and Boerne.
4. Police Chief, Tim Moring presented a Life Saving Award to Officers Alexander Willis & Eric De La Rosa.
5. Tobin E. Maples, City Manager, announced that Finance Director, Sarah Buckelew, has accepted a new position with another organization.

PUBLIC HEARING

6. Conduct a Public Hearing on the Fiscal Year 2021-2022 Proposed Budget.
 - a. Opening comments from the Mayor – The Mayor commended the Finance Director and her department for their work on the budget.
 - b. Comments from the City Manager – The City Manager did not make comments.
 - d. Open the Public Hearing and receive citizen testimony at **6:46 PM** - No citizens spoke.
 - c. Presentation of the Proposed Budget by Finance Director, Sarah Buckelew.
 - e. Close the Public Hearing at **6:55 PM**.
 - f. Receive comments from the Mayor and City Council – Council Member Elizondo commended staff on the progress made on the process of preparing the budget and thanked the Finance Department for all their efforts.

CONVENE INTO EXECUTIVE SESSION

Pursuant to Section 551.101 of the Open Meetings Act, Texas Gov't Code, a quorum of the governing body hereby convenes into closed session:

City Council convened into Executive Session at 6:58 PM 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:

33. 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.

City Council did not convene into Executive Session regarding:

31. 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.
32. To receive legal advice from Special Counsel and the City Attorney regarding the City's ground water rights.

RECONVENE INTO OPEN SESSION

Mayor Maxton reconvened into Open Session at 7:17 PM. No action was taken.

CONSENT AGENDA

7. **Approval of the August 25, 2021 Special City Council meeting minutes.**
8. **Approval of the August 26, 2021 Special City Council meeting minutes.**
9. **Approval of the August 30, 2021 Special City Council meeting minutes.**
10. **Approval of the August 31, 2021 Special City Council meeting minutes.**
11. **Approval of the September 2, 2021 Regular City Council meeting minutes.**
12. **Approval of a Resolution repealing Resolution 2015-18 and subsequent Resolutions; adopting the City's Financial Management Policy; reaffirming the City's Investment Policy; and providing for an effective date.**
13. **Approval of a resolution to implement the requirements of HB 2073 and Chapter 180 of the Local Government Code establishing a Paid Quarantine Leave policy for the City of Fair Oaks Ranch Fire Fighters, Peace Officers, and Emergency Medical Technicians.**
14. **Approval of a resolution to amend Section 8.0 – Leave Time of the City's personnel policy in order to implement the requirements of SB 1359 and amendments section 614.015 of the Local Government Code establishing a Mental Health Leave policy for the City of Fair Oaks Ranch Police Officers.**
15. **Approval of Council Member Parker's absence from the September 2, 2021 City Council meeting.**
16. **Approval of the Elkhorn Ridge Unit 7 Tree Plan.**
17. **Approval of a Preliminary Plat request from Elkhorn Ridge SA, LLC for Elkhorn Ridge Unit 7 proposing 18 single-family residential lots, generally located north of the intersection of Dietz Elkhorn Road and Elkhorn Ridge, City of Fair Oaks Ranch, Texas.**

18. **Approval of a Final Plat request from SA Front Gate, LLC for Front Gate Unit 7 proposing 20 single-family residential lots, generally located south of Dietz Elkhorn Road and north of Fair Oaks Parkway, City of Fair Oaks Ranch, Texas.**

MOTION: Made by Council Member Koerner, seconded by Council Member Muenchow, to approve the Consent Agenda.

VOTE: 6-0; Motion Passed.

CONSIDERATION/DISCUSSION ITEMS

19. **Consideration and possible action to accept the DRAFT Code of Conduct from the Citizen's Code of Conduct Advisory Committee.**

Chairperson duMenil provided to Council a presentation regarding the scope of their duties and the draft code of conduct prepared by the CCCAC based on their Charter. No action taken.

20. **Consideration and possible action approving the first reading of an Ordinance adopting the City Budget for fiscal year beginning October 1, 2021 and Ending September 30, 2022.**

MOTION: Made by Council Member Elizondo, seconded by Council Member Stroup, to approve the 2021/22 Fiscal Year Budget Ordinance.

VOTE: 6-0; Motion Passed as recorded:

Mayor Maxton – For; Council Member Stroup – For; Council Member Elizondo – For; Council Member Koerner – For; Council Member Parker – For; Council Member Muenchow – For.

21. **Consideration and possible action approving the First Reading of an Ordinance levying a property tax rate of 35.18 CENTS per \$100 taxable valuation on property in the City of Fair Oaks Ranch for the tax year 2021; and determining due and delinquent dates.**

MOTION: Made by Council Member Koerner, seconded by Council Member Parker, to approve that the property tax rate be decreased by the adoption of a tax rate 35.18 cents per \$100 taxable valuation, which is effectively a 1.76% decrease in the tax rate.

VOTE: 6-0; Motion Passed as recorded:

Mayor Maxton – For; Council Member Stroup – For; Council Member Elizondo – For; Council Member Koerner – For; Council Member Parker – For; Council Member Muenchow – For.

22. **Consideration and possible action approving a Resolution to appoint members to fill places on the City of Fair Oaks Ranch Planning & Zoning Commission.**

MOTION: Made by Council Member Elizondo, seconded by Council Member Muenchow, to approve a Resolution to appoint members to fill places on the City of Fair Oaks Ranch Planning & Zoning Commission. (Place 1 – Linda Tom, Term: 10/1/2021 – 9/30/2024; Place 2 – Bobbe Barnes, Term: 10/1/2021 – 9/30/2024; Place 3 – Martin E. Bryant, Term: 10/1/2021 – 9/30/2024; and Place 4 – David Horwath, Term: 10/1/2021 – 9/30/2024)

VOTE: 6-0; Motion Passed.

23. Consideration and possible action approving a Resolution to appoint members to fill places on the City of Fair Oaks Ranch Capital Improvements Advisory Committee.

MOTION: Made by Council Member Muenchow, seconded by Council Member Parker, to approve a Resolution appointing members to fill places 1, 2, and 3 on the City of Fair Oaks Ranch Capital Improvements Advisory Committee. (Place 1 – Joe DeCola, Term: 10/1/2021 – 9/30/2024; Place 2 – John Guidry, Term: 10/1/2021 – 9/30/2024; and Place 3 – Seth Mitchell, Term: 10/1/2021 – 9/30/2024)

VOTE: 6-0; Motion Passed.

24. Consideration and possible action approving a Resolution to appoint members to fill places on the City of Fair Oaks Ranch Municipal Development District Board of Directors.

MOTION: Made by Council Member Stroup, seconded by Council Member Koerner, to approve a Resolution appointing members to fill places 3, 6 and 7 on the City of Fair Oaks Ranch Municipal Development District Board of Directors. (Place 3 – Rene Gallegos (FORHA), Term: 10/1/2021 – 9/30/2023; Place 6 – Rachele Garcia, Term: 10/1/2021 – 9/30/2023; and Place 7 – Stephen Robertson, Term: 10/1/2021 – 9/30/2023)

VOTE: 5-1; Motion Passed. Council Member Muenchow voted Nay.

25. Consideration and possible action approving a Resolution to appoint members to fill places on the City of Fair Oaks Ranch Zoning Board of Adjustments.

MOTION: Made by Council Member Elizondo, seconded by Council Member Muenchow, to approve a Resolution appointing members to fill places 2, 3, 4, and 5 on the City of Fair Oaks Ranch Zoning Board of Adjustment. (Place 2 – Dean Gaubatz, Term: 10/1/2021 – 9/30/2023; Place 3 – Laurence Nichols, Term: 10/1/2021 – 9/30/2023; Place 4 – Shane Stolarczyk, Term: 10/1/2021 – 9/30/2023; and Place 5 – J.C. Taylor, Term: 10/1/2021 – 9/30/2023)

VOTE: 5-0; Motion Passed. (Council Member Elizondo was not present during the vote)

26. Consideration and possible action approving a Resolution to appoint members to fill places on the City of Fair Oaks Ranch Board of Appeals.

MOTION: Made by Council Member Elizondo, seconded by Council Member Koerner, to approve a Resolution appointing the alternate member to a regular position on the City of Fair Oaks Ranch Board of Appeals. (Place 1 – Earl Hamilton, Term: 10/1/2021 – 9/30/2023)

VOTE: 6-0; Motion Passed.

27. Discussion on the historical perspective on city dispatch and emergency operation system.

Police Chief, Tim Moring, and City of Boerne Communications Manager, Nathan Taylor provided a brief history of the dispatch and emergency operation system.

REQUESTS AND ANNOUNCEMENTS

28. Announcements and reports by Mayor and Council Members.

Council Member Koerner congratulated the Police Department on a successful Back the Badge 5K Run and for beating Boerne for the first time. She also commended Council Member Elizondo for his involvement in organizing the event.

29. Announcements by the City Manager.

City Manager, Tobin Maples, announced that the Household Hazardous Waste Event at Cibolo Creek Church from 8AM – 11AM on Saturday, September 26, 2021. Mr. Maples also thanked Council for their help in shaping the budget for FY 21/22.

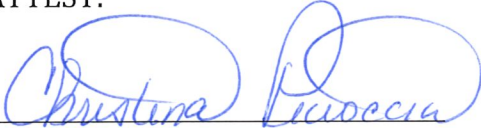
30. Requests by Mayor and Council Members that items be placed on a future City Council agenda.


No requests made by Council.

ADJOURNMENT

Mayor Maxton adjourned the meeting at 8:48 PM.

ATTEST:


Christina Picioccio, City Secretary


Gregory C. Maxton, Mayor