

**CITY OF FAIR OAKS RANCH
CITY COUNCIL REGULAR MEETING MINUTES
September 17, 2020
7286 Dietz Elkhorn
Fair Oaks Ranch, TX 78015**

I. 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.

II. CITIZENS and GUEST FORUM/PRESENTATIONS

- A. Wes Pieper – Mr. Pieper asked whether there was a surplus in the budget. If there was a surplus Mr. Pieper would like to know the amount and where those funds would be placed.
- B. Trisha Altimore-Ms. Altimore spoke in favor of the Dietz/Elkhorn Corridor study and noted that large trucks damaging the pavement and causing a safety issue to pedestrians and bikers in the area.
- C. Frank Trapasso -Mr. Trapasso commented on the proposed water tower. He asked that priority be given to the Northern part of the City that cannot hook up to city water before the tower. He asked Council to restart the process and reevaluate the need for it.
- D. Pamela Poulk-Ms. Poulk spoke in favor of the Dietz/Elkhorn Corridor study. As a resident over the past five and a half years she has noticed trucks ignoring the 30-mph speed limit by continuously placing pedestrians in danger and causing damage to the streets.

III. PUBLIC HEARING

- A. **The City Council conducted a public hearing to receive public testimony regarding the Fiscal Year 2020-2021 Proposed Budget and 2020-2021 Tax Rate.**
 - 1. Mayor Manitzas opened the public hearing at 6:44 PM.
 - 2. Sarah Buckelew, CPA, Finance Director, provided a presentation on the proposed budget and tax rate.
 - 3. There was no public testimony.
 - 4. The Mayor closed the public hearing at 7:00 PM.
 - 5. City Council discussed the Proposed Budget and Tax Rate.

IV. CONSENT AGENDA

- A. **Approval of the September 3, 2020 Regular City Council meeting minutes.**
- B. **Approval of the September 9, 2020 Special City Council meeting minutes.**
- C. **Approval of the September 10, 2020 Special City Council meeting minutes.**
- D. **Approval of the Second Reading of an Ordinance amending the Code of Ordinances, Chapter 1, Article 1.07, Division 2 Oak Wilt Control.**
- E. **Approval of a Resolution approving a Joint Election Agreement with Comal County Elections relating to the November 3, 2020 election and authorizing the City Manager to execute all documents in connection therewith.**

- F. Approval of a Resolution approving a Joint Election Agreement with Kendall County Elections relating to the November 3, 2020 election and authorizing the City Manager to execute all documents in connection therewith.**
- G. Approval of a Resolution adopting the Comal and Kendall County Election Voting System and Software for Election Day voting and provisional ballots in all future elections and the approval of the City Manager's execution of any documents necessary to use the designated voting system.**

MOTION: Made by Council Member Havard, seconded by Council Member Maxton to approve the consent agenda.

VOTE: 7-0; Motion passed.

V. CONSIDERATION/DISCUSSION ITEMS

- A. Consideration and possible action approving the first reading of an Ordinance adopting the City budget for fiscal year beginning October 1, 2020 and ending September 30, 2021.**

MOTION: Made by Mayor Pro Tem Elizondo, seconded by Council Member Patel to approve the 2020/21 Fiscal Year Budget Ordinance.

VOTE: 7-0; Motion passed as recorded:

Mayor Manitzas – For; Mayor Pro Tem Elizondo – For; Council Member Hartpence – For; Council Member Havard – For; Council Member Koerner – For; Council Member Patel – For; Council Member Maxton – For.

- B. Consideration and possible action approving the first reading of an Ordinance levying a property tax rate of \$.3735 per \$100 taxable valuation on property in the City of Fair Oaks Ranch for tax year 2020; and determining due and delinquent dates.**

MOTION: Made by Council Member Maxton, seconded by Council Member Patel that the property tax rate be increased by the adoption of a tax rate .3735, which is effectively a 1.14% increase in the tax rate.

VOTE: 7-0; Motion passed as recorded:

Mayor Manitzas – For; Mayor Pro Tem Elizondo – For; Council Member Hartpence – For; Council Member Havard – For; Council Member Koerner – For; Council Member Patel – For; Council Member Maxton – For.

- C. Consideration and possible action approving the first reading of an Ordinance amending Ordinance 35.9 establishing an all way stop signs at the intersection of Dietz Elkhorn road and Elkhorn Ridge/Square Gate in Fair Oaks Ranch, Bexar County, Texas.**

MOTION: Made by Council Member Patel, seconded by Council Member Koerner to approve an Ordinance amending Ordinance 35.9 to include an all way stop at the intersection of Dietz Elkhorn Rd. and Elkhorn Ridge/Square Gate.

VOTE: 7-0; Motion passed.

D. Consideration and possible action authorizing the City Manager to issue a work authorization for a Dietz Elkhorn Road Corridor Study.

MOTION: Made by Council Member Patel, seconded by Mayor Pro Tem Elizondo to authorize the City Manager to issue a work authorization for a Dietz Elkhorn Road Corridor Study with Legacy Engineering Group.

VOTE: 7-0; Motion passed.

E. Consideration and possible action approving the first reading of an Ordinance amending the Fair Oaks Ranch Code of Ordinances Chapter 3 Article 3.16.04 Membership of Board.

MOTION: Made by Mayor Pro Tem Elizondo, seconded by Council Member Koerner to approve the first reading of an Ordinance amending the Fair Oaks Ranch Code of Ordinances Chapter 3 Article 3.16.04 Membership of Board.

VOTE: 7-0; Motion passed.

F. Consideration and possible action approving the first reading of an Ordinance amending the City's Code of Ordinances, Chapter 13, "Utilities", Article 13.08 Water and Wastewater Impact Fees, Division 1, Section 13.08.004 "Definitions" and Section 13.08.018 "Functions of Advisory Committee" - "Exemption from Ordinance".

MOTION: Made by Mayor Pro Tem Elizondo, seconded by Council Member Hartpence to approve the first reading of an Ordinance amending the City's Code Of Ordinances, Chapter 13, 'Utilities', Article 13.08 Water and Wastewater Impact Fees, Division 1, Section 13.08.004 "Definitions" and Section 13.08.018 "Functions of Advisory Committee" - 120 "Exemption from Ordinance".

VOTE: 7-0; Motion passed.

G. 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 Koerner, seconded by Council Member Maxton to approve a Resolution appointing members to fill places on the City of Fair Oaks Ranch Board of Appeals. (Place 1, Darrell White, Term: 10/1/2020 - 9/30/2021; Place 2, Jenks Boston, Term: 10/1/2020-9/30/22; Place 3, Walter Wong, Term:10/1/2020-9/30/2023; Alternate, Earl Hamilton, Term: 10/1/2020-9/30/2023)

VOTE: 7-0; Motion passed.

H. 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 Mayor Pro Tem Elizondo, seconded by Council Member Koerner to approve a Resolution appointing members to fill places on the City of Fair Oaks Ranch Capital Improvements Advisory Committee. (Place 1, John Merritt (Building), Term: 10/1/2020 - 9/30/2021; Place 2, Fran Driskell (Real Estate), Term: 10/1/2020 - 9/30/2021; Place 3, Harold Manning (Development), Term: 10/1/2020 - 9/30/2021; Place 4, Dana Green (Development), Term: 10/1/2020 - 9/30/2022; Place 5, Paul Mebane, Term: 10/1/2020 - 9/30/2022; Place 6, Marcus Garcia, Term: 10/1/2020 - 9/30/2022; Place 7, Ben Koerner, Term: 10/1/2020 - 9/30/2023; Place 8, Arthur Waterman, Term: 10/1/2020 - 9/30/2023; Place 9, Chris Weigand, Term: 10/1/2020 - 9/30/2023)

VOTE: 7-0; Motion passed.

I. 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 Mayor Pro Tem Elizondo, seconded by Council Member Koerner to approve a Resolution appointing directors to fill Places 1, 2, 4, 5, 6, and 7 on the City of Fair Oaks Ranch Municipal Development District Board of Directors. (Place 1 (Council), Roy Elizondo, Term: 10/1/2020 - 9/30/2022; (Place 2 (Council), Laura Koerner, Term: 10/1/2020 - 9/30/2022; Place 4, Nicholas DiCianni, Term: 10/1/2020 - 9/30/2022, Place 5, Mike Lovelace, Term: 10/1/2020 - 9/30/2022; Place 6, Brad Dutton, Term: 10/1/2020 - 9/30/2022; Place 7, Al McDavid, Term: 10/1/2020 - 9/30/2022)

VOTE: 7-0; Motion passed.

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

MOTION: Made by Council Member Maxton, seconded by Council Member Koerner to approve a Resolution appointing members to fill Places 5, 6, and 7 on the Fair Oaks Ranch Planning & Zoning Commission. (Place 5, Douglas Leonard, Term: 10/1/2020-9/30/2023; Place 6, Dale Pearson, Term: 10/1/2020-9/30/2023; Place 7, Lamberto Balli, Term: 10/1/2020-9/30/2023)

VOTE: 7-0; Motion passed.

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

MOTION: Made by Council Member Koerner, seconded by Council Member Havard to approve a Resolution appointing a member to fill a vacancy on the Fair Oaks Ranch Zoning Board of Adjustment. (Regular Member, Craig Matson, Term: 10/1/2020-9/30/2021)

VOTE: 7-0; Motion passed.

L. Consideration and possible action approving a Memorandum of Understanding (MOU) with the Fair Oaks Ranch Homeowners Association (FORHA) regarding law enforcement services on FORHA property.

MOTION: Made by Mayor Pro Tem Elizondo, seconded by Council Member Havard to approve a Memorandum of Understanding (MOU) with the Fair Oaks Ranch Homeowners Association (FORHA) regarding law enforcement services on FORHA property.

VOTE: 7-0; Motion passed.

M. Consideration and possible action to authorize the City Manager to sign a Grant Award Agreement between the Fair Oaks Ranch Municipal Development District (MDD) and the City of Fair Oaks Ranch for development of a civic center for an amount not to exceed \$600,000 as described in the terms and conditions of the Grant Award Agreement.

MOTION: Made by Council Member Havard, seconded by Council Member Maxton to authorize the City Manager to sign a Grant Award Agreement between the Fair Oaks Ranch MDD and the City of Fair Oaks Ranch for development of a civic center for an amount not to exceed \$600,000 as described in the terms and conditions of the Grant Award Agreement.

VOTE: 7-0; Motion passed.

N. Consideration and possible action approving a Resolution authorizing the use of CARES Act Funding through the Coronavirus Relief Fund for Supplemental Pay for eligible employees.

MOTION: Made by Mayor Pro Tem Elizondo, seconded by Council Member Havard to approve a Resolution authorizing the use of CARES Act Funding through the Coronavirus Relief Fund for Supplemental Pay.

VOTE: 7-0; Motion passed.

O. Discussion regarding whether or not Council would like to be assigned as Trustees of an Employee Benefits Trust Professional Services Agreement on a Benefit Trust.

City Council discussed the Employee Benefits Trust and the consensus was that Council Members were in agreement with being assigned as Trustees. An action item will be placed on a future agenda.

VI. REPORTS FROM STAFF/COMMITTEES/COUNCIL

A. None.

VII. CONVENE INTO EXECUTIVE SESSION

City Council convened into Executive Session at 9:43 PM regarding:

A. 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:

5. Cause No. 2020CI15746; Boerne Ranch Estates, LLC vs. the City of Fair Oaks Ranch, Texas.

City Council did not convene into Executive Session regarding:

A. 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:

1. Claims made on behalf of a real property owner against the City's operation of the K-3 Trinity Glen Rose Water Well.
2. To receive legal advice from Special Counsel and the City Attorney regarding the City's ground water rights.
3. 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.
4. Cause No. 2018-CI-00202; the City of Fair Oaks Ranch, Texas vs. Edward I. Hill, Robert E. Heckendorn, Craig M. Kuitjen, Roger Fuentes, Wesley A. Pieper, Esther W. Hicks, William A. McDowell, Yolanda D. Ayala, PG Pfeiffer Ranches LLC, Maureen Pfeiffer Stevenson Family Trust.

B. 551.074 (Personnel Matters)

1. The City Council will meet in private to discuss the applicants for board vacancies on the Fair Oaks Ranch Municipal Development District.

VIII. RECONVENE INTO OPEN SESSION

The Mayor reconvened into open session at 10:07 PM.

A roll call reestablishing a quorum was taken:

Present: Mayor Manitzas and Mayor Pro Tem Elizondo

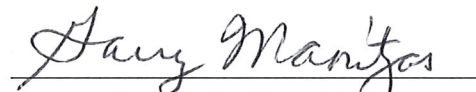
Council Members: Havard, Hartpence, Koerner, Patel and Maxton.

MOTION: Made by Council Member Hartpence, seconded by Mayor Pro Tem Elizondo to engage Denton, Navarro, Rocha, Bernal & Zech, P.C. to represent the City of Fair Oaks Ranch in Cause No. 2020CI15746; Boerne Ranch Estates, LLC vs. the City of Fair Oaks Ranch, Texas.


VOTE: 7-0; Motion passed.

IX. ADJOURNMENT

Mayor Manitzas adjourned the meeting at 10:10 PM.


Garry Manitzas, Mayor

ATTEST:


Christina Picioccio, City Secretary