

CITY OF FAIR OAKS RANCH
CITY COUNCIL REGULAR MEETING

Thursday, October 07, 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, Bliss, Koerner, Parker, and Muenchow

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

2. Pledge of Allegiance – The Pledge of Allegiance was recited in unison.

CITIZENS and GUEST FORUM

3. Citizens to be heard.

Sara Kleeman, a local Girl Scout spoke on her troop's "Take Action" project. She identified a problem in her community and came to speak about speeding issues she's witnessed in Fair Oaks Ranch and recommended solutions.

Christine Graham, of Setterfeld Estates, thanks the PD and Mayor for the successful National Night Out event, reminded everyone to vote in November, and spoke about the agenda items for public safety concerns and UTV's and asked for the creation of a committee to create clear and concise rules for both golf carts and UTV's.

Colby Sample, spoke in favor of and urged council to approve the use of UTV's and ROV's on city streets and spoke to their safety.

PRESENTATIONS

6. Recent CIAC Chair, John Merritt, provided to Council a semiannual report of the Capital Improvements Advisory Committee.
4. Chief Tim Moring thanked various members of the Kendall County Citizens Law Enforcement Academy Alumni Association for their donation of funds that allowed five female officers from Fair Oaks Ranch PD to attend the women of law enforcement training in Fort Worth.
5. Joanna Merrill, IPMA-SCP, Director of Human Resources & Communications recognized Employee of the Quarter, William D. Poole, Water/Wastewater Operator II for stepping up to help during a transition period.

CONSENT AGENDA

7. **Approval of the September 16, 2021 Regular City Council meeting minutes.**
8. **Approval of the September 27, 2021 Special City Council meeting minutes.**
9. **Approval of a Resolution appointing the CIAC Chair and Vice Chair and reaffirming the appointment of Council Member Stroup as the Council Liaison.**
10. **Approval of an Interlocal Agreement for Animal Control Services and to authorize the City Manager to execute the agreement.**

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

VOTE: 7-0; Motion Passed.

CONSIDERATION/DISCUSSION ITEMS

11. **Consideration and possible action regarding the Utility Rate Study, to include financial plan findings, pricing objectives, and rate design considerations.**

Angie Flores and Matt Witten of Raftelis, provided to Council a presentation regarding the Utility Rate Study, to include financial plan findings, pricing objectives, and rate design considerations.

12. **Consideration and possible action approving the second reading of an Ordinance amending the Code of Ordinances, Chapter 1, General Provisions, Article 1.05 Records Management.**

MOTION #1: Made by Council Member Koerner, seconded by Council Member Elizondo, to amend an Ordinance amending the City's Code of Ordinances Chapter 1, General Provisions, Article 1.05 Records Management to reflect the Council's preferred retention periods for Agendas, Minutes (Agenda Packets), and Minutes (Recordings).

VOTE: 7-0; Motion Passed.

MOTION #2: Made by Council Member Muenchow, seconded by Council Member Stroup, to approve the amended Ordinance amending the City's Code of Ordinances Chapter 1, General Provisions, Article 1.05 Records Management.

VOTE: 7-0; Motion Passed.

13. **Consideration and possible action authorizing the City Manager to execute a contract with Audio Visual Aids to purchase equipment for live streaming public meetings.**

MOTION: Made by Council Member Elizondo, seconded by Council Member Stroup, to authorize the city manager to purchase audio and video equipment as discussed, inclusive of the microphones, Crestron, and the supportive equipment necessary, not to exceed the City Managers spending authority of \$30,000.

VOTE: 7-0; Motion Passed.

14. Discussion regarding potential amendments to the City Council Rules of Procedure.

Council elected to schedule a Special Workshop Meeting to discuss the Rules of Procedure on Monday, October 25, 2021 at 6:00 PM.

15. Discussion and possible action to create a committee to develop a definition and set of performance standards for transparency.

Motion: Made by Council Member Elizondo, Seconded by Mayor Maxton, to establish a work team to develop a definition and set of performance standards for transparency. The team would consist of one Council Member, to be selected by the Mayor, and one City Staff Member, to be selected by the City Manager. Other resources such as subject matter experts, may be brought in as the needs arise. The specific deliverables and timeline for this project will be developed by the team and communicated to Council after the project is initiated. The team will be disbanded when a draft guideline is accepted by the Council.

After a thorough discussion, Council Member Elizondo withdrew his motion.

16. Discussion and possible action regarding roadway and public safety concerns.

Chief Moring provided a presentation regarding frequent speeding complaints and statistics gathered from the PD's radar trailer and displayed maps with GPS locations of where officers are making contact demonstrating where incidents are concentrated.

17. Consideration and possible action to create a committee to determine if Utility Vehicles (UTV's) should be authorized on certain roadways within the City and to appoint individuals to serve on said committee.

MOTION: Made by Council Member Parker, seconded by Council Member Muenchow, to create a committee to review the Golf Cart Ordinance and to determine if Utility Vehicles (UTV's) should be authorized on certain roadways within the City.

AMENDED MOTION: Made by Council Member Stroup, seconded by Council Member Koerner, to create a committee to review the Golf Cart Ordinance and to make a recommendation to Council if Off Highway Vehicles should be authorized on certain roadways within the City.

VOTE TO AMEND THE MOTION: 7-0; Motion Passed.

VOTE ON AMENDED MOTION: 7-0; Motion Passed.

A charter will be presented at a future agenda for Council consideration before members are appointed.

REQUESTS AND ANNOUNCEMENTS

18. **Announcements and reports by Mayor and Council Members.** – None.

19. **Announcements by the City Manager.** – City Manager, Tobin E. Maples, thanked Council Member Parker for his help with police department interviews and briefed the Council on open positions.

20. **Requests by Mayor and Council Members that items be placed on a future City Council agenda.** – None.

24. **Consider a Resolution supporting the adoption of the Texas term sheet approving the allocation of any and all opioid settlement funds.**

MOTION: Made by Council Member Muenchow, seconded by Council Member Elizondo, to approve a Resolution supporting the adoption of the Texas term sheet approving the allocation of any and all opioid settlement funds.

VOTE: 7-0; Motion Passed.

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 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:


21. To receive legal advice from Special Counsel and the City Attorney regarding the City's ground water rights.
22. 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.
23. Consultation with City's attorney regarding pending or contemplated litigation or a settlement offer related to opioid litigation by the State of Texas on behalf of the City of Fair Oaks Ranch and other entities against opioid manufacturer Johnson & Johnson and certain distributors of opioid drugs.

RECONVENE INTO OPEN SESSION

ADJOURNMENT

Mayor Maxton adjourned the meeting at 11:51 PM

ATTEST:


Christina Picioccio, City Secretary


Gregory C. Maxton, Mayor