



**CITY OF FAIR OAKS RANCH
HOME RULE CHARTER COMMISSION MEETING**

November 07, 2016; 2:00 p.m.
Police Station – Training Room
7286 Dietz Elkhorn, Fair Oaks Ranch, TX 78015

I. ROLL CALL

II. CITIZENS and GUEST FORUM / PRESENTATIONS

To address the Home Rule Charter Commission, please sign the Attendance Roster located in the meeting room. In accordance with the Open Meetings Act, Council may not discuss or take action on any item which has not been posted on the agenda.

A. Citizens to be Heard

III. CONSENT AGENDA

All of the following items are considered to be routine, there will be no separate discussion on these items and will be enacted with one motion. Items may be removed by any Home Rule Committee Member by making such request prior to a motion and vote.

A. Approval of October 24, 2016 Home Rule Charter Commission Meeting Minutes.

B. Approval of October 31, 2016 Home Rule Charter Commission Meeting Minutes.

IV. CONSIDERATION/DISCUSSION ITEMS

A. Consideration and possible action on initiative, referendum and recall; general provisions; planning and zoning; transitional elections.

V. ADJOURNMENT

I, Christina Picioccio, certify this Meeting Notice was posted on the outside bulletin board at the Fair Oaks Ranch City Hall, 7286 Dietz Elkhorn, Fair Oaks Ranch, Texas, and on the city's website www.fairoaksranchtx.org, both places being convenient and readily accessible to the general public at all times. Said Notice was posted by 2:00 p.m., November 4, 2016 and remained so posted continuously for at least 72 hours before said meeting was convened.

MINUTES, OCTOBER 24, 2016; 2:00 P.M.
CITY OF FAIR OAKS RANCH HOME RULE CHARTER COMMISSION
7286 Dietz Elkhorn
Fair Oaks Ranch, Texas

I. ROLL CALL

Attendees: T. Jaster, B. Sparks, C. Fothergill, D. Deleranko, F. Trapasso, B. Regan, R. Nichols, and J. McConnell, G. Maxton, and D. Pearson

Absent: J. Merritt

With a quorum present, President Nichols opened the meeting at 2:00 p.m. and noted that he had received requests for an evening meeting. After reviewing dates, the Commission agreed to change the start time to 7 p.m. on November 14.

II. CITIZENS/GUEST FORUM PRESENTATIONS

M. Havard , citizen, spoke on her perspective on having a Council-Manager form of government and asked the Commission to continue pondering this option as 1)the current mayor-council form of government provides that the Mayor is the budget officer, the Mayor controls meeting agendas, there's limited staff input, and limited Council roles; 2) since 2015, the Council has been moving forward believing the most likely form of government the Commission would propose would be council-manager; and 3) a council-manager form of government inherently means a selection of a professional City Manager, prohibiting Council interference with the City Manager's appointments of staff and day to day operations, and charging the City Manager with the annual budget preparation.

VI. CONSENT AGENDA

A. MOTION: Bill Sparks moved to amend the October 17, 2016 Home Rule Charter Commission Meeting minutes Section IV. A to reflect a *Vote of 5-3; Motion Failed due to lack of affirmative vote* (Nayes: Jaster, Regan, Sparks).

VOTE: 9-0

B. MOTION: By consensus, the Commission approved the City Manager's Selection Criteria as revised by adding the words "*fit for the community*".

VII. CONSIDERATON/DISCUSSION ITEMS

A. Review of previously approved sections with direction to City Attorney

After a review of Section 5.04 (City Secretary) and 5.05 (Other Departments, Offices and Agencies), the Commission agreed with the sections, as written.

B. Consideration and possible action on initiative, referendum and recall; eminent domain; general provisions

Commission Secretary Vanzant, when asked by F. Trapasso, noted the City, according to the County voter registrars, has approximately 6100 active voters, as of today. City Attorney Zech reviewed the procedures of initiative, referendum and recall.

MOTION: Made by B. Regan, seconded by J. McConnell to set initiative, referendum, and recall petition filing by number of signatures based on the number of registered voters.

VOTE: 9-0; Motion Passed

MOTION: Made by J. McConnell, seconded by D. Deleranko that 20% of the registered voters as of the last election be required for initiative and referendum petition filings.

VOTE: 9-0; Motion Passed

MOTION: Made by B. Regan, seconded by B. Sparks that 30% of the registered voters as of the last election be required for recall petition filings.

VOTE: 9-0; Motion Passed

MOTION: Made by B. Regan, seconded by F. Trapasso to use the Boerne Charter wording for the remaining requirements re: initiative, referendum, and recall process/procedure.

DISCUSSION: B. Sparks noted he prefers Mont Belvieu's Charter for this subject

VOTE: 8-1; Motion Passed (Nay: Sparks)

B. Sparks stated, in reviewing Texas Law, in his opinion, there's no real penalty in abuse of the eminent domain power. He feels there should be a balance between the needs of the public and the property owner. City Attorney provided a review of the eminent domain statute. B. Sparks recommended using the Boerne Charter, Section 1.05 but to add "*The specific use of the condemned property will be stated by the City. If the condemned property is not used for the stated purpose within two (2) years, the ownership of the property will revert to its previous owner*". City Attorney Zech suggested a definition be provided for "not used". A discussion was held on the pros/cons of the two-year time line. At the conclusion, the Commission decided not to further address eminent domain in the draft Charter as Section 1.02 – Powers under the Chapter Form of Government and Powers already provides for it.

D. Deleranko stated, in his opinion, wording needs to be in the Charter that mandates the City pay for appropriate insurance to protect Council members and Staff. City Attorney Zech provided statute regarding immunity which covers acts of public officials in the capacity as a public official.

MOTION: Made by D. Deleranko, seconded by C. Fothergill that City Council shall acquire an appropriate amount of insurance to insure its' employees and officials from claims as a result of claims taken in their official capacity.

VOTE: 9-0; Motion Passed.

The Commission began a review of Section 7.02; General Prohibitions in the Mont Belvieu Charter and decided to further discuss at the next meeting.

VIII. **ADJOURNMENT**

President Nichols adjourned the meeting at 3:54 p.m.

Rich Nichols, Commission President

ATTEST:

Christina Picioccio, City Secretary

MINUTES, OCTOBER 31, 2016; 2:00 P.M.
CITY OF FAIR OAKS RANCH HOME RULE CHARTER COMMISSION
7286 Dietz Elkhorn
Fair Oaks Ranch, TX 78015

I. ROLL CALL

Attendees: T. Jaster, B. Sparks, D. Pearson, C. Fothergill, D. Deleranko, F. Trapasso, J. McConnell,
B. Regan, J. Merritt, and R. Nichols.
Absent: G. Maxton

With a quorum present, President Nichols called the meeting to order at 2:00 PM.

II. CITIZENS/GUEST FORUM PRESENTATIONS

R. Elizondo, citizen, voiced support for defining an empowered city manager role in the Commission's draft home rule charter as internal controls (i.e. Ordinances and Policy manual) have been implemented to safeguard against abuses within the system. M. Havard, citizen, stated the importance of making sure the City Manager has the authority to carry out the responsibilities of the position. Discussion ensued and the decision was made to continue with current tract and take these comments under advisement during the Charter review process.

IX. CONSENT AGENDA

September 26, 2016 minutes were approved, as amended, by Commission consensus.

X. CONSIDERATION/DISCUSSION ITEMS

A. Consideration and possible action on initiative, referendum and recall; general provisions; planning and zoning; presentation by City Staff regarding land use approval processes.

City Administrator T. Maples provided an example overview of a Community Development Process that included details on comprehensive planning, planning and/or zoning, and subdivision regulations. A question and answer period ensued with T. Maples and the City Attorney.

B. Regan suggested the Commission read page 12 Section 7.03 titled "City Comprehensive Year Plan" of the City of Mont Belvieu Charter and page 11 Section 7.01 titled "Planning and Zoning Commission" of the Boerne Charter before next meeting for further discussion. When asked by J. McConnell, City Attorney Zech agreed to combine the two Sections into one document and to include a process regarding proposed Development Agreements.

Under the city's draft Charter, under General Provisions, a review of Bond Requirements and Disaster Clause was held and by consensus it was agreed no changes were needed.

To be prepared to further discuss recall, referendum and initiative at the next meeting, B. Regan recommended the Commission read the Mont Belvieu Charter.

City Attorney Zech reviewed several scenarios on transitioning to six Council members by using staggered terms or a 4/3 City Council Place election.

ADJOURNMENT

Rich Nichols, Commission President

ATTEST:

Christina Picioccio, City Secretary

Section 7.___ - City Comprehensive Year Plan.

- A. It is the purpose and intent of this section that the city council establish comprehensive planning as a continuous and ongoing government function in order to promote and strengthen the existing role, processes and powers of the City to prepare, adopt and implement a City Comprehensive Plan to guide, regulate, and manage the future development within the corporate limits and the extraterritorial jurisdiction of the city to assure the most appropriate and beneficial use of land, water, and other natural resources, consistent with the public interest.
- B. The City Council shall adopt a Comprehensive Plan which shall be reviewed and adopted no less than every two years.

Section 7.___ - Planning and Zoning Commission.

Consistent with all applicable Federal and State laws with respect to land use, development and environmental protection, the City Council shall:

- 1. Establish a Planning and Zoning Commission to carry out planning functions and such planning responsibilities as may be specified in this Charter and by ordinance;
- 2. The Planning and Zoning Commission shall have the following planning responsibilities:
 - a. Make recommendations to Council on the adoption of the City's comprehensive; and
 - b. Make recommendations to City Council on the adoption of subdivision and other land use and development regulations;
 - c. Hold a minimum of two public hearings on any proposed Development Agreement entered into with a property owner pursuant to the authority granted to municipalities pursuant to the Texas Local Government Code Chapter 212.172, as amended.

Staggered Terms starting 2018

	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026
Mayor		3			3			3		
Place 1		3			3			3		
Place 2		2		3			3			3
Place 3	2		3			3			3	
Place 4	2		3			3			3	
Place 5	2		3			3			3	
Place 6		2		3			3			3

Mayor	May 2018
Place 1	May 2018
Place 2	May 2018
Place 3	May 2017
Place 4	May 2017
Place 5	May 2017
Place 6	