

MINUTES, NOVEMBER 7, 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: B. Sparks, C. Fothergill, D. Deleranko, F. Trapasso, B. Regan, R. Nichols, J. Merritt, G. Maxton, and D. Pearson

Absent: T. Jaster, J. McConnell

With a quorum present, President Nichols opened the meeting at 1:57 PM.

A discussion was held regarding holding Town Hall Meeting(s). City Attorney Zech stated that once the Commission votes on the Charter, it will be presented to the Council. It is the City Council's responsibility to hold the Town Hall Meeting(s) to present its contents to the citizens. City Attorney Zech offered to do a presentation on what is in the charter and members of the Commission plan to be present at Town Hall Meeting(s) to answer questions. The next Home Rule meeting will be held November 14, 2016 in the City Council at 6:00 PM.

II. CITIZENS/GUEST FORUM PRESENTATIONS

No citizens/guest requested to be heard

III. CONSENT AGENDA

A. October 25, 2016 Home Rule Charter Commission Meeting Minutes.

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

Both meeting minutes were approved by Commission Consensus.

IV. CONSIDERATION/DISCUSSION ITEMS

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

Motion: Made by B. Regan, seconded by J. Merritt to use Mont Belvieu as a framework for language regarding initiative, referendum and recall.

Vote: 9-0: Motion Passed

Section 6.01 – General Authority.

Motion: Made by B. Sparks, seconded by D. Deleranko to accept Mont Belvieu's Section 6.01 – General Authority language as written.

Vote: Passed by Consensus

**Section 6.02 – Commencement of Initiative, Referendum and Recall Petitions;
Petitioners' Committee; Affidavit.**

“Petitions shall be returned to the Office of the City Secretary for filing within sixty (60) days after filing of the affidavit of petitioners committee and no signature on said petition shall have been affixed prior to the filing of the affidavit of petitioners committee.”

Discussion ensued as to the feasibility of achieving the needed 1,200 signatures in 60 days.

Motion: Made by B. Regan, seconded by D. Pearson to change the number of days from 60 to 75.

Discussion of whether a committee would have enough time to form and mobilize and whether there were any negative ramifications of extending to 90 days.

Amended Motion: Made by D. Deleranko, seconded by G. Maxton to increase the number of days to 90.

Vote: 7-2; Motion Failed (B. Regan and B. Sparks dissenting).

Main Motion

Vote: 5-4; Motion Failed (D. Deleranko, C. Fothergill, G. Maxton and F. Trapasso dissenting).

Motion: Made by Bill Regan, seconded by D. Deleranko to increase number of days to 90.

Vote: 8-1; Motion Passed (B. Sparks dissenting).

Remaining language in Section 6.02 passes by consensus vote.

Section 6.03 – Initiative, Referendum and Recall Petitions; Certificate of City Secretary; Supplementation; Presentation to Council; Council Review.

Vote: Passed by Consensus as amended changing 60 days to 90 days

Section 6.04 – Requirements specific to Petitions for Recall.

Vote: Passed by Consensus

Section 6.05 – Public Hearing to be Held on Recall Petition.

Vote: Passed by Consensus

Section 6.06 – Calling of Recall Election.

Vote: Passed by Consensus

Section 6.07 – Ballots in Recall Election.

Vote: Passed by Consensus

Section 6.08 – Result of Recall Election.

Vote: Passed by Consensus

Section 6.09 – Recall Restrictions.

“No petition shall be filed for the recall of an individual within 365 days of the date of the individual’s election to City Council or within 180 days before the end of the individual’s term on City Council.”

Motion: Made by B. Regan, seconded by J. Merritt to change the language to read: 'No petition shall be filed for the recall of an individual within ~~365~~ **270** days of the date of the individual's election to City Council or within 180 days before the end of the individual's term on City Council.'

Vote: 9-0, Motion Passed

Section 6.10 – Initiative; Requirements specific to Petitions for Initiative; Procedure.

Vote: Passed by Consensus

Section 6.11 – Referendum; Requirements specific to Petition for Referendum Procedure; Effect Prior to Election

"A petition for referendum on the same subject matter may only be submitted once every three (3) years."

Motion: Made by B. Sparks, seconded D. Deleranko to change the language to read "A petition for referendum on the same subject matter may only be submitted ~~once every three (3)~~ once a year."

Amended Motion: J. Merritt motioned, seconded by B. Regan to amend original motion to "A petition for referendum on the same subject matter may only be submitted once every ~~three (3)~~ two (2) years."

Vote: 8-1, Motion Passed as amended, (D. Deleranko dissenting)

Section 6.12 – Initiative and Referendum; Form of Ballots.

Vote: Passed by Consensus

Section 6.13 – Ordinances Passed by Popular Vote, Repeal or Amendment.

Vote: Passed by Consensus

Final Vote on Initiative, Referendum and Recall as amended - 6.01 – 6.13

Roll Call Vote: 9-0, Vote Passed

General Provisions

"In case of disaster when a legal quorum of the City Council cannot otherwise be assembled due to multiple deaths or injuries, the surviving persons of the City Council, or highest surviving City official, if no elected official remains, shall, within 24 hours of such disaster, request the highest surviving officers of the Bexar County Commissioners Court to appoint a number of residents of Fair oaks Ranch equal to the number necessary to make a quorum to act during the emergency as the City council. The newly appointed City Council shall call a City election within 15 days of their appointment, or as provided in the Texas Election Code, for election of the vacant offices, if for good reasons it is known a quorum of the present City Council will never again meet. If it is determined that a quorum of the present City Council will meet again, the appointed Council Members shall serve in their position until such time as the present Council Members may begin serving."

Motion: Made by D. Deleranko, seconded by B. Sparks to change the County which will appoint an emergency City Council in face of a Disaster, from Bexar County Commissions Court to Kendall County Commissioner's Court.
Vote: 8-1 Motion Passed, (D. Pearson dissenting)

Vote on General Provisions as amended

Roll Call Vote: 9-0, Vote Passed

City Comprehensive Plan

Motion: Made to accept as written by D. Deleranko, seconded by J. Merritt.
Vote: 9-0, Motion Passed

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 plan;
 - 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."

Clarification provided by City Attorney Zech: Planning and Zoning Commission serves in an advisory capacity, appointed by City Council.

Motion: Made by B. Sparks, seconded by F. Trapasso to accept as amended to include adding the following wording at the end of item 2-C, "and make recommendations to City Council on its approval."
Vote: 9-0, Motion Passed

Transitional Elections

Commission discussed various scenarios for staggered terms.

Motion: To accept staggered terms starting in 2018 was made by F. Trapasso, seconded by D. Deleranko.
Vote: 9-0, Motion Passed

V. **ADJOURNMENT**

President Nichols adjourned the meeting at 4:15 PM.

Rich Nichols

Rich Nichols, Commission President

ATTEST:

Christina Picioccio

Christina Picioccio, City Secretary