

CITY OF FAIR OAKS RANCH
CITY COUNCIL REGULAR MEETING

Thursday, January 20, 2022 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 6:31 PM.

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

CITIZENS and GUEST FORUM

3. Citizens to be heard – No citizens signed up to be heard.

PRESENTATIONS

4. **City Manager, Tobin Maples and Mayor Maxton recognized City Secretary, Christina Picioccio, for her achievement of Texas Municipal Clerks Certification.**
5. **John Schuggs, representative from Matrix Consulting Group, presented to Council the Police Utilization Study.**
6. **Julio Colunga, Assistant Director of Public Works, and Mike Garza, P.E., PTOE, RSP1, General Engineering Consultant, Legacy Engineering Group, presented to Council the Annual Street Maintenance Plan Update.**

CONSENT AGENDA

7. **Approval of the January 6, 2022 Regular City Council meeting minutes.**
8. **Approval of the second reading of an Ordinance amending the City of Fair Oaks Ranch Code of Ordinances Chapter 1 "General Provisions" by adding a new article entitled "Stormwater Pollution Prevention".**
9. **Approval of the second reading of an Ordinance amending the City of Fair Oaks Ranch Code of Ordinances Chapter 12 "Traffic & Vehicles" Article 12.04 "Operation of Golf Carts on Public Streets" by establishing regulations for the operation of recreational off-road vehicles and utility vehicles on city-owned streets and providing additional clarification regarding child safety restraints as defined by the Texas Transportation Code.**
10. **Approval of the second reading of an Ordinance amending the City Council Rules of Procedure.**

11. **Approval of a Preliminary Plat request from Elkhorn Ridge SA, LLC for Elkhorn Ridge Unit 4 proposing 26 single-family residential lots, generally located north of the intersection of Dietz Elkhorn Road and Elkhorn Ridge, City of Fair Oaks Ranch, Texas**
12. **Approval of a request for an extension of time for consideration and possible action regarding the approval of a Preliminary Plat request from Green Land Ventures Ltd., for Stone Creek Ranch Unit 2C proposing 35 single-family residential lots, generally located north-west of the intersection of Rolling Acres Trail and Ammann Road, City of Fair Oaks Ranch, Texas**

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

VOTE: 7-0; Motion Passed.

CONSIDERATION/DISCUSSION ITEMS

13. **Consideration and possible action approving a Preliminary Plat request from Green Land Ventures Ltd., for Stone Creek Ranch Unit 2C proposing 35 single-family residential lots, generally located north-west of the intersection of Rolling Acres Trail and Ammann Road, City of Fair Oaks Ranch, Texas.**

This agenda item was not considered as the request for an extension was approved in the Consent Agenda.

16. **Consideration and possible action to approve the City's proposed 5-year Drainage Capital Improvement Plan.**

This item was considered out of order at the request of Mayor Maxton.

MOTION: Made by Council Member Elizondo, seconded by Council Member Parker, to approve the proposed FY2022-27 Drainage Capital Improvement Plan.

AMENDED MOTION: Made by Council Member Koerner, seconded by Council Member Muenchow, to amend the proposed FY2022-27 Drainage Capital Improvement Plan with the movement of project #23 to the "Nice to Do" list.

VOTE TO AMEND: 7-0; Motion Passed.

VOTE ON AMENDED

MOTION: 7-0; Motion Passed.

14. **Consideration and possible action approving a Resolution adopting an amendment to the City's Flexible Benefit Plan Section 6.2(c) definition of "medical expenses" and authorizing the City Manager to sign applicable documents.**

MOTION: Made by Council Member Bliss, seconded by Council Member Stroup, to approve a Resolution adopting the provisions of the Internal Revenue Service Announcement 2021-7 and to authorize the City Manager to take all actions as deemed necessary to effectuate this Resolution.

VOTE: 6-0; Motion Passed. (Council Member Muenchow was not present during the vote)

15. **Consideration and possible action approving a Resolution approving a Resolution to formalize the Application of Benefit Plan Surplus Funds.**

MOTION: Made by Council Member Elizondo, seconded by Council Member Koerner, to approve a resolution formalizing the allocation of surplus or "forfeited" funds under Article VI Section 7.2 of the Benefit Plan "Application of Benefit Plan Surplus" to revert back to the City in accordance with Benefit Plan and IRS guidelines and to authorize the City Manager to execute applicable documents.

VOTE: 7-0; Motion Passed.

17. **Consideration and possible action authorizing the City Manager to execute a contract with Trox to purchase equipment for live streaming public meetings.**

MOTION: Made by Council Member Elizondo, seconded by Council Member Muenchow, to authorize the City Manager to execute a contract with Troxell Communications plus any additional requirements needed to support stand up and operation of the system at an amount not to exceed \$35,000.

VOTE: 7-0; Motion Passed.

18. **Consideration and possible action on filling the Planning & Zoning Commission's Place 5 unexpired term.**

MOTION: Made by Council Member Koerner, seconded by Council Member Muenchow, to leave Place 5 P&Z Commissioner's unexpired term unfilled until October 1, 2022.

After Council discussion the consensus was to defer the item until the Mayor could reach out to the Planning & Zoning Commission Chairperson to get feedback on the need to fill the position.

Council Member Koerner withdrew her motion.

REPORTS FROM STAFF AND COMMITTEES

19. **Update on May 2022 Elections.**

City Secretary, Christina Picioccio, provided an update on new information regarding the upcoming May 7, 2022 General Election and the effects of a special Constitutional Amendment election happening at the same time. A presentation was made to Council showing various options. Council provided direction to staff to pursue a contract with Kendall County. All residents eligible to vote in the City election will cast their ballots at Kendall County Polling Sites inclusive of Van Raub Elementary (within the city limits).

REQUESTS AND ANNOUNCEMENTS

20. **Announcements and reports by Mayor and Council Members.**

Council Member Stroup informed everyone that the FORHA Adopt a Highway event has been rescheduled to January 29, 2022.

Council Member Elizondo informed all present that the Kendall County Law Enforcement Alumni Association is hosting two free events. An Active Shooter Preparedness Training at 10:00 AM on Saturday, January 29, 2022 at Apache Rifleworks and a Refuse to be a Victim Seminar at 9:00 AM in the Bevy Hotel, February 5, 2022.

21. Announcements by the City Manager.

City Manager, Tobin Maples, reminded everyone that bulk pickup is ongoing and currently on schedule. Mr. Maples also thanked all staff for their hard work in preparing for the predicted storm weather event.

22. Requests by Mayor and Council Members that items be placed on a future City Council agenda. N/A**CONVENE INTO EXECUTIVE SESSION**

City Council convened into Executive Session at 10:13 PM regarding:

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:

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:

25. Development issues related to the development agreement for Boerne Ranch Estates/The Reserve.

Sec. 551.072 (Deliberation regarding real property)

26. The City Council will meet in closed session to deliberate the purchase, exchange, lease, or value of real property that may be considered for future location of water and wastewater system improvements.

City Council did not convene into Executive Session regarding:

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

24. 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.

RECONVENE INTO OPEN SESSION


City Council reconvened into Open Session at 10:38 PM. No action was taken.

ADJOURNMENT

Mayor Maxton adjourned the meeting at 10:38 PM.

ATTEST:


Christina Picioccio, TRMC, City Secretary


Gregory C. Maxton, Mayor