

CITY OF FAIR OAKS RANCH
CITY COUNCIL REGULAR MEETING

Thursday, March 18, 2021 at 6:30 PM
Via Zoom Videoconference

MINUTES

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.

CITIZENS and GUEST FORUM

1. Citizens to be heard.

The City Secretary read a letter from Homer Hall asking Council to correct the traffic patterns for the new Van Raub school on Dietz Elkhorn. The use of buses and large trucks on Noble Lark Drive makes it difficult for residents to exit their driveways.

Stacey Gilfillan – Ms. Gilfillan, resident, voiced her concern that gated communities will be double-taxed on the impervious model for the stormwater utility. She commented about the proposed water tower and asked for more information on how the water tower would benefit residents in Front Gate, Elkhorn Ridge and The Woods.

Marcus Garcia – Mr. Garcia, resident, is a Licensed Civil Engineer and commented that he agrees with the overall approach of the stormwater utility fee as a good tool to fund projects and a good option for the city. He voiced his support of the utility fee considering the amount of money spent on the project thus far.

Peter Lee – Mr. Leek, resident, is the Raintree Woods HOA representative and voiced his concern at the inequitable financial burden to residents in gated communities regarding the potential stormwater utility and stated that Raintree Woods residents are willing to take action against the city if the utility moves forward.

Christine Graham – Ms. Graham, resident, had concerns about potential double-billing with the proposed stormwater utility for HOA's and the Mayor's assurance that this would not happen. She doesn't feel like enough people have been involved with the stormwater utility and is of the opinion that there has been a lack of transparency.

Joe duMenil – Mr. duMenil, resident, explained his extensive knowledge on stormwater utilities and stated that the proposed rate is one of the highest in the state of Texas and doesn't believe it equitable for HOA's and urged Council to please explore other funding options.

Pamela Fran – Ms. Fran, resident, spoke on the corridor study and the high volume of citizen complaints referenced in the introduction. She witnesses the traffic daily and sees how busy and dangerous it is for residents.

Kristen Benavides – Ms. Benavides is a Raintree Woods resident. She is concerned about the stormwater utility fee and wants to know what she's getting for the fee as a resident in a gated community as she already pays for maintenance.

Arnoldo Medina – Mr. Medina is a Raintree Woods resident and objects to the stormwater utility approach. He does not believe it to be suited for our community as a whole due to double billing and asks that considerations be vetted due to conflicts of interest in regards to council members whom do not live in gated communities making decisions for them. He suggested that conflict of interest forms be filed or Council potentially recusing from decision making.

Amanda Meegan – Ms. Meegan, resident, spoke regarding the Dietz Elkhorn corridor study as she has witnessed issues with speeding vehicles near her home. Ms. Meegan believes it is unsafe for pedestrians.

Cheryl Landman-Manzo – Mrs. Landman-Manzo, resident, noted that the stormwater utility concept is not new to the city and it currently seems to have more cons than pro's. She doesn't believe it to be the best option for the city as a whole and wants citizens to vote on the issue. She also spoke about the police department and the unflattering information in the papers concern her.

Peter Marks – Mr. Marks has been a resident since 1988 in Raintree Woods and is concerned about the stormwater utility. He does not believe it is equitable for his charges to be doubled because he is in a gated community as he already pays to maintain his streets even when the damage is caused by projects outside of their community.

Arnoldo Medina – Mr. Medina, resident, asked if Council ever experienced a situation where a fee is assessed and then rescinded? He is also concerned that the fees would set up residents to be unable to sell their properties.

PRESENTATIONS

2. Melissa Castro, Environmental Compliance Manager, introduced Col. Larry Dotson, of AACOG. Col. Dotson then provided to Council a presentation regarding the Camp Bullis Sentinel Landscape Initiative and asked the City for its support by adopting a Resolution for the Sentinel Landscape.
3. Melissa Castro, Environmental Compliance Manager, introduced Richard King, JBSA Community Initiatives Project Manager. Mr. King provided to Council a presentation regarding Joint Base San Antonio Compatible Land Use Planning the Readiness and Environmental Protection Integration. Mr. King asked the City to adopt the dark sky initiative and encouraged an MOU for reviewing development applications.
4. Council Member Hartpence voiced that he wanted a staff report on the north side water tower and asked to bring this back at a future meeting.

CONSENT AGENDA

5. **Approval of the March 4, 2021 Regular City Council meeting minutes.**
6. **Approval of the Tree Preservation Plan for Elkhorn Ridge Unit 6B.**

7. **Approval of the final plat request that establishes Elkhorn Ridge Unit 6B proposing 22 single-family residential lots, generally located on Dietz Elkhorn Road between Enchanted Glen and Stevenson Gate, City of Fair Oaks Ranch, Texas.**

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

VOTE: 7-0; Motion Passed.

CONSIDERATION/DISCUSSION ITEMS

8. **Consideration and possible action on continuing with the current path of funding the stormwater utility or consideration of other funding options.**

MOTION: Made by Council Member Patel, seconded by Council Member Koerner for council to redirect staff and consultants to shift away from considering stormwater utility as a potential revenue stream and instead at a future date, bring back to the Council for consideration and approval other potential funding alternatives for the CIP priority 1 drainage projects.

VOTE: 7-0; Motion Passed

9. **Discussion regarding potential amendments to the Drought Contingency Ordinance.**

Melissa Castro, Environmental Compliance Manager, provided to Council a presentation regarding potential amendments to the Drought Contingency Ordinance and answered questions by Council.

REPORTS FROM STAFF/COMMITTEES/COUNCIL

10. **Dietz Elkhorn Corridor Study.**

Motion: Made by Council Member Patel, seconded by Council Member Hartpence to table the Dietz Elkhorn Corridor Study and the Pavement Conditions Analysis report by the General Engineering Consultant.

Amended Motion:

Made by Council Member Patel, seconded by Council Member Hartpence to table the Pavement Conditions Analysis report by the General Engineering Consultant until next council meeting.

VOTE: 7-0; Motion Passed

Oscar Michael "Mike" Garza, P.E., PTOE, RSP1, General Engineering Consultant, provided to Council a presentation regarding the Dietz Elkhorn Corridor Study.

11. **City Pavement Conditions Analysis Report – Tabled as noted above.**

CONVENE INTO EXECUTIVE SESSION

City Council convened into Executive Session at 10:05 PM 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:

15. Update on the pending police Administrative Hearing for a Report of Separation regarding former officer Richard Davila, and other matters in connection therewith.

City Council did not convene into Executive Session regarding:

12. 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.
13. 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.
14. To receive legal advice from Special Counsel and the City Attorney regarding the City's ground water rights.

RECONVENE INTO OPEN SESSION

The Mayor reconvened into Open Session at 10:52 PM.

A roll call reestablishing a quorum was taken:

Council Present: Mayor Manitzas and Mayor Pro Tem Elizondo

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

MOTION: Made by Mayor Pro Tem Elizondo, seconded by Council Member Havard to authorize the City Attorney to execute a joint defense agreement on behalf of the City.

VOTE: 5-2; Motion Passed. Council Members Hartpence and Patel voted nay.

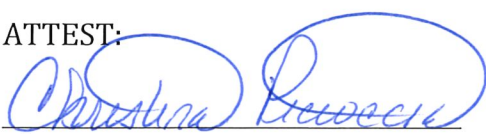
ADJOURNMENT

Council Member Koerner asked for a future agenda item regarding a Resolution in support of the Sentinel Landscape program.

Mayor Manitzas asked for an agenda item regarding items introduced during the Joint Base San Antonio Compatible Land Use Planning presentation.

Mayor Manitzas adjourned the meeting at 10:56 PM.

ATTEST:



Christina Picioccio, City Secretary


Garry Manitzas, Mayor