

CITY OF FAIR OAKS RANCH
CITY COUNCIL REGULAR MEETING

Thursday, October 21, 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 led by Mayor Maxton.

CITIZENS and GUEST FORUM

3. Citizens to be heard:

Teal Harris, FORHA Board Member and Liaison for the Communications Committee, encouraged Council to approve the Memorandum of Understanding with the Fair Oaks Ranch Homeowners Association (FORHA) for an Annual Peace Tree Lighting and Veterans Day Event.

Sharon Brimhall provided history of the event being addressed in the proposed MOU and thanked the City for honoring its veterans.

PRESENTATIONS

4. Boerne, Fair Oaks Ranch, Kendall County Transportation Planning Committee Co-Chairs, Don Durden and Bob Manning, provided to Council an update from the Committee and solicited feedback from Council regarding the City's priorities.

CONSENT AGENDA

5. **Approval of the October 7, 2021 Regular City Council meeting minutes.**
6. **Approval of Council Member Elizondo's absence from the November 4, 2021 Regular City Council Meeting.**
7. **Approval to ratify the Planning and Zoning Commission's rescheduling of the November 11, 2021 regularly scheduled meeting to November 10, 2021.**
8. **Approval of a second reading of an Ordinance amending the Code of Ordinances, Chapter 1, General Provisions, Article 1.05 Records Management.**
9. **Approval of an Interlocal Agreement between the Fair Oaks Ranch Municipal Development District and the City of Fair Oaks Ranch and to authorize the City Manager to execute the agreement.**

Council Member Koerner asked to remove both items 8 and 9 for discussion.

MOTION: Made by Council Member Muenchow, seconded by Council Member Bliss, to approve the Consent Agenda (Items 5, 6, & 7).

VOTE: 7-0; Motion Passed.

CONSIDERATION/DISCUSSION ITEMS

8. Approval of a second reading of an Ordinance amending the Code of Ordinances, Chapter 1, General Provisions, Article 1.05 Records Management.

Council Member Koerner clarified a correction on the Ordinance.

MOTION: Made by Council Member Koerner, seconded by Council Member Stroup, to approve the second reading of an Ordinance amending the City's Code of Ordinances Chapter 1, General Provisions, Article 1.05 Records Management.

VOTE: 7-0; Motion Passed.

9. Approval of an Interlocal Agreement between the Fair Oaks Ranch Municipal Development District and the City of Fair Oaks Ranch and to authorize the City Manager to execute the agreement.

MOTION: Made by Council Member Elizondo, seconded by Council Member Parker, to approve an Interlocal Agreement between the Fair Oaks Ranch MDD and City of Fair Oaks Ranch and to authorize the City Manager to execute the agreement.

VOTE: 7-0; Motion Passed.

10. Consideration and possible action to approve the City's proposed 5-year Water, Wastewater, and Reuse Capital Improvement Plan.

MOTION: Made by Council Member Muenchow, seconded by Council Member Koerner, to approve the proposed FY2022-27 Water, Wastewater and Reuse Capital Improvement Plan.

VOTE: 7-0; Motion Passed.

11. Consideration and possible action approving a Memorandum of Understanding (MOU) with the Fair Oaks Ranch Homeowners Association (FORHA) for an Annual Peace Tree Lighting and Veterans Day Event and to authorize the City Manager to execute the agreement.

MOTION #1: Made by Council Member Koerner, Seconded by Council Member Stroup to approve a Memorandum of Understanding (MOU) with the Fair Oaks Ranch Homeowners Association (FORHA) for an Annual Peace Tree Lighting and Veterans Day event and to authorize the City Manager to execute the agreement.

MOTION #2 : Made by Council Member Koerner, Seconded by Council Member Stroup to amend the MOU by changing the title from "Veterans Day" to "Veteran's Day" in the title, remove the words "to" and "a" after the word "subsequent" and before the word "request" in the first paragraph of the section "Recitals", replacing the clause "to protect the interest of it's employees" with the word "the" in the following paragraph titled

“FORHA shall be responsible for:”, remove the bullet “providing FORHA volunteers quarterly to check on the landscaping needs of the Peace Tree area-e.g., pick-up leaves, trim the bushes, weed the area, and possibly add mulch if needed” of the section “Rules & Responsibilities”, remove the bullets “Maintenance and annual preparation of the City owned property utilized for the event. The intent being the City will provide the labor and material to power wash curbs, benches, rocks, sidewalks, and driveways, etc., trim trees, grass, shrubbery, replace mulch and/or add rock landscaping to the mulch areas, replace dead plants, etc.” and “Hire an arborist to evaluate and implement an action plan to stabilize the Peace Tree if the tree becomes distressed at anytime” from the section titled “CITY shall be responsible for:”

VOTE ON MOTION 2: 7-0; Motion Passed.

VOTE ON MOTION 1: 7-0; Motion Passed.

REPORTS FROM STAFF AND COUNCIL

12. Joanna Merrill, IPMA-SCP, Director of Human Resources and Communications, provided to Council an update from the Branding Committee.
13. Joanna Merrill, IPMA-SCP, Director of Human Resources & Communications, provided to Council an update on livestreaming of public meetings.

REQUESTS AND ANNOUNCEMENTS

14. Announcements and reports by Mayor and Council Members
 - Council Member Koerner wished everyone a Happy Halloween.
15. Announcements by the City Manager
 - City Manager, Tobin Maples, reminded all present that there is a Special Council Meeting scheduled on Monday, October 25, 2021, to discuss updates to the City Council Meeting Rules of Procedures.
16. Requests by Mayor and Council Members that items be placed on a future City Council agenda
 - Council Member Elizondo asked to discuss the Code of Conduct that was submitted to Council from the Citizen’s Code of Conduct Advisory Committee.

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:

- 17. To receive legal advice from Special Counsel and the City Attorney regarding the City's ground water rights.
- 18. 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

N/A

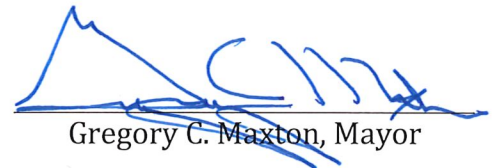
ADJOURNMENT

Mayor Maxton adjourned the meeting at 9:16 PM

ATTEST:



Christina Picioccio, City Secretary



Gregory C. Maxton, Mayor