



**CITY OF FAIR OAKS RANCH**  
**CITY COUNCIL REGULAR MEETING**

Thursday, November 18, 2021 at 6:30 PM  
City Hall Council Chambers, 7286 Dietz Elkhorn, Fair Oaks Ranch

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**MINUTES**

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**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 recited in unison.

**CITIZENS and GUEST FORUM**

3. There were no citizens to be heard.

**CONSENT AGENDA**

4. **Approval of the November 4, 2021 Regular City Council meeting minutes.**
5. **Approval of a Final Plat request from Elkhorn Ridge SA, LLC for Elkhorn Ridge Unit 8 proposing 27 single-family residential lots, generally located north of the intersection of Dietz Elkhorn Road and Elkhorn Ridge, City of Fair Oaks Ranch, Texas.**
6. **Approval of the second reading of an Ordinance amending the City's Code of Ordinances, Chapter 3, Article 3.01, Sec. 3.01.004 establishing construction hours of operation for new construction, additions, and alterations within the City of Fair Oaks Ranch.**

Mayor Maxton asked to remove item 6 for discussion.

MOTION: Made by Council Member Elizondo, seconded by Council Member Koerner, to approve the Consent Agenda (Items 4 & 5).

VOTE: 7-0; Motion Passed.

**CONSIDERATION/DISCUSSION ITEMS**

6. **Approval of the second reading of an Ordinance amending the City's Code of Ordinances, Chapter 3, Article 3.01, Sec. 3.01.004 establishing construction hours of operation for new construction, additions, and alterations within the City of Fair Oaks Ranch.**

City Manager, Tobin Maples, clarified that the City will enforce the ordinance immediately after proper notice is placed in the newspaper. Builders will be notified accordingly.

MOTION: Made by Council Member Muenchow, seconded by Council Member Bliss, to approve the Second Reading of an Ordinance amending the Code of Ordinances, Chapter 3, Article 3.01, Sec. 3.01.004 establishing construction hours of operation for new construction, additions, and alterations.

VOTE: 7-0; Motion Passed.

**7. Consideration and possible action approving a Resolution casting votes for candidates for the Board of Directors for Bexar and Comal Appraisal Districts for tax years 2022 and 2023.**

MOTION: Made by Mayor Maxton, seconded by Council Member Koerner, to approve a resolution casting the City of Fair Oaks Ranch votes for the Bexar and Comal Appraisal District Board of Directors as follows:

Bexar Appraisal District: Trish DeBerry (6 votes)

Comal Appraisal District: Brad Howell (2 votes), John Kuntz (2 votes), Douglas Miller Jr. (2 votes), Nancy Pappas (2 votes), John Tyler (3 votes)

VOTE: 7-0; Motion Passed.

**8. Consideration and possible action authorizing the City Manager to sign a Professional Service Agreement for engineering services with K Friese & Associates, Inc. for engineering services for the Old Fredericksburg Road Water Line Relocation Project (CIP# 21W).**

MOTION: Made by Council Member Bliss, seconded by Council Member Elizondo, to authorize the City Manager to sign a Professional Services Agreement for the Old Fredericksburg Road Water Line Relocation Project with K Friese & Associates, Inc. at a not to exceed cost of \$63,950.00.

VOTE: 7-0; Motion Passed.

**9. Consideration and possible action authorizing the City Manager to sign a Construction Agreement with MGB Construction, Inc. for the Water Plant 2 Upgrades Project (CIP# 1W).**

MOTION: Made by Council Member Elizondo, seconded by Council Member Muenchow, to award the bid for the Water Plant 2 Upgrades Project and 10% contingency, totaling \$545,331.60, and authorize the City Manager to sign the agreement with MGB Construction, Inc.

VOTE: 7-0; Motion Passed.

**10. Consideration and possible action approving recommendations to present to the Boerne, Fair Oaks Ranch, and Kendall County Transportation Committee.**

Council asked to table this item and come back at a future meeting. The City Secretary will schedule a special meeting for this discussion.

**REPORTS FROM STAFF AND COMMITTEES**

11. **Summer Fleming, Interim Finance Director, provided to Council a Quarterly Investment Report.**
12. **Joanna Merrill, Director of Human Resources and Communications and Police Chief Tim Moring presented a video produced by staff regarding a golf cart public safety education initiative.**

**REQUESTS AND ANNOUNCEMENTS**

13. **Announcements and reports by Mayor and Council Members:**

Council Member Elizondo asked for dates to schedule special meetings to discuss recommendations to the Boerne, Fair Oaks Ranch, and Kendall County Transportation Committee and continue the discussion on the Council Meeting Rules of Procedure. City Secretary, Christina Picioccio, will email Council for availability.

14. **Announcements by the City Manager:**

Tobin Maples reminded everyone that City offices will be closed November 25<sup>th</sup> and 26<sup>th</sup> of 2021 in observance of the Thanksgiving holiday. The Toy Collection Drive initiative has begun and boxes are located at the PD and in City Hall to accept donations.

15. **Requests by Mayor and Council Members that items be placed on a future City Council agenda:**

N/A

**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 convened into Executive Session at 8:05 PM regarding:

**Sec. 551.074 (Personnel Matters)**

18. **To discuss the hiring of an Assistant City Manager.**

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:

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

Mayor Maxton reconvened into Open Session at 8:49 PM. No action was taken.

**ADJOURNMENT**

Mayor Maxton adjourned the meeting at 8:49 PM.

ATTEST:

  
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Christina Picioccio, City Secretary

  
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Gregory C. Maxton, Mayor