

CITY OF FAIR OAKS RANCH

CITY COUNCIL REGULAR MEETING

Thursday, December 02, 2021 at 6:30 PM

City Hall Council Chambers, 7286 Dietz Elkhorn, Fair Oaks Ranch

AGENDA

OPEN MEETING

1. Roll Call - Declaration of a Quorum
2. Pledge of Allegiance

CITIZENS and GUEST FORUM

To address the Council, please sign the Attendance Roster located on the table at the entrance of the Council Chambers. In accordance with the Open Meetings Act, Council may not discuss or take action on any item which has not been posted on the agenda. Speakers shall limit their comments to five (5) minutes each.

3. Citizens to be heard.

PRESENTATIONS

4. Presentation of a 5-Year Service Award to Jay Shaw, Lead Maintenance Technician.

Joanna Merrill, IPMA-SCP, Director of Human Resources and Communications

CONSENT AGENDA

All of the following items are considered to be routine by the City Council, there will be no separate discussion on these items and will be enacted with one motion. Items may be removed by any Council Member by making such request prior to a motion and vote.

5. Approval of the November 16, 2021 Special City Council meeting minutes.

Christina Picioccio, City Secretary

6. Approval of the November 18, 2021 Regular City Council meeting minutes.

Christina Picioccio, City Secretary

CONSIDERATION/DISCUSSION ITEMS

7. Consideration and possible action approving a private donation to the City of Fair Oaks Ranch Police Department.

Tim Moring, Police Chief

8. Consideration and possible action to authorize the City Manager to advance efforts to draft proposed amendments to the golf cart ordinance allowing for the use of Utility Vehicles (UTV's) on certain roadways within the City.

Chesley Muenchow, Council Member, Place 6
Scott Parker, Council Member, Place 5
Tobin E. Maples, AICP, City Manager

REPORTS FROM STAFF AND COMMITTEES

9. Update on the Household Hazardous Event.

Carole Vanzant, Assistant City Manager

10. Review of the City's master thoroughfare plan.

Tobin E. Maples, AICP, City Manager

11. Future City Council Retreat.

Tobin E. Maples, AICP, City Manager

REQUESTS AND ANNOUNCEMENTS

12. Announcements and reports by Mayor and Council Members.
13. Announcements by the City Manager.
14. Requests by Mayor and Council Members that items be placed on a future City Council agenda.

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:

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

Discussion and possible action on items discussed in Executive Session.

ADJOURNMENT

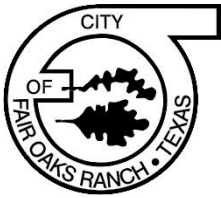
Signature of Agenda Approval: s/Tobin E. Maples

Tobin E. Maples, City Manager

I, Amanda Valdez, TRMC, Deputy City Secretary, certify that the above Notice of Meeting was posted on the outside bulletin board at the Fair Oaks Ranch City Hall, 7286 Dietz Elkhorn, Fair Oaks Ranch, Texas, and on the City's website www.fairoaksranchtx.org, both places being convenient and readily accessible to the general public at all times.

As per Texas Government Code 551.045, said Notice was posted by 6:30 PM, November 29, 2021 and remained so posted continuously for at least 72 hours before said meeting was convened.

The Fair Oaks Ranch City Hall is wheelchair accessible at the side entrance of the building from the parking lot. Requests for special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary's office at (210) 698-0900. Braille is not available. The City Council reserves the right to convene into Executive Session at any time regarding an issue on the agenda for which it is legally permissible; pursuant to Texas Government Code Chapter 551. Section 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.087 (Economic Development).



CITY OF FAIR OAKS RANCH
CITY COUNCIL SPECIAL MEETING

Tuesday, November 16, 2021 at 6:00 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 6:00 PM.

2. Pledge of Allegiance – The Pledge of Allegiance was led by Mayor Gregory Maxton.

CITIZENS and GUEST FORUM

3. Citizens to be heard – There were no citizens to be heard.

PURPOSE OF SPECIAL CALLED MEETING

4. **Conduct a workshop of a proposed Ordinance amending the City Council Meeting Rules of Procedure.**

Mayor Maxton and City Secretary, Christina Picioccio, led a discussion with City Council regarding their meeting Rules of Procedure.

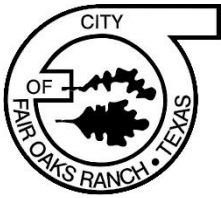
ADJOURNMENT

Mayor Maxton adjourned the meeting at 8:04 PM.

ATTEST:

 Gregory C. Maxton, Mayor

 Christina Picioccio, City Secretary



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

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 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 25th and 26th 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:

Gregory C. Maxton, Mayor

Christina Picioccio, City Secretary



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
December 2, 2021

AGENDA TOPIC: Consideration and possible action accepting a private donation to the City of Fair Oaks Ranch Police Department.

START/END DATE: December 2, 2021

DEPARTMENT: Police Department

PRESENTED BY: Tim Moring, Police Chief

INTRODUCTION/BACKGROUND:

On, August 18, 2021, Officers with the Fair Oaks Ranch Police Department responded to a 9-1-1 call at 3:00am, regarding a possible burglary in progress. Officers arrived and cleared the residence including the attic where a light was found on that the caller had turned off. The homeowner was thankful that the Officers arrived quickly and were able to determine everything was safe and no intruder was in the residence.

Mr. John Lolatte contacted the Police Dept. in November to express his thanks and his wish to donate to the Police Department in honor of the Officers that responded that night. Mr. Lolatte expressed his desire to make this donation for any equipment the officers may need in the amount of \$1,000 per officer that responded, totaling \$3,000.

If accepted by City Council, Mr. and Mrs. Lolatte's donation will be utilized to purchase replacement body-armor, personal protective equipment, and safety equipment.

The Police Department would like to thank Mr. & Mrs. Lolatte for their donation and continued support.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

- City staff is prohibited from accepting donations.
- This donation supplements the departments current budget by allowing the purchase of needed equipment earlier than anticipated.

LONGTERM FINANCIAL & BUDGETARY IMPACT:

N/A

LEGAL ANALYSIS:

N/A

RECOMMENDATION/PROPOSED MOTION:

I move to approve the City's acceptance of a private monetary donation to purchase equipment for the Police Department in the amount of \$3,000.00.



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
December 2, 2021

AGENDA TOPIC: Consideration and possible action to authorize the City Manager to advance efforts to draft proposed amendments to the golf cart ordinance allowing for the use of Utility Vehicles (UTV's) on certain roadways within the City.

DATE: December 2, 2021

DEPARTMENT: City Council/Administration

PRESENTED BY: Chesley Muenchow, Council Member, Place 6
 Scott Parker, Council Member, Place 5
 Tobin E. Maples, AICP, City Manager

INTRODUCTION/BACKGROUND:

At the October 7, 2021, regular business meeting, Council discussed the possibility of allowing the use of UTV's on certain roadways within the City. Ultimately, Council decided to move forward with establishing a chartered committee to determine if UTV's should be added to the existing golf cart ordinance. Council Members Muenchow and Parker volunteered to assist with drafting the committee charter for Council consideration.

The purpose of this agenda item is to revisit the October 7th Council discussion, inclusive of the need to establish another chartered committee prior to drafting potential amendments to the golf cart ordinance. Specifically, a significant amount of time and effort will be required to vet a new committee charter, interview applicants, make appointments, and conduct committee meetings. From a programming perspective (level of effort), the City Manager is concerned that ongoing city initiatives may experience unnecessary delays if efforts to establish a new committee need to advance.

Accordingly, this agenda item was initiated by the City Manager. If Council agrees, the City Manager and Chief of Police will work directly with Council Members Muenchow and Parker to frame proposed amendment to the golf cart ordinance. If any, proposed amendments will be scheduled for Council consideration as soon as possible.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

- Improved efficiency relative to the complexity of the initiative.
- Provides additional time to present findings/recommendations to the community (reallocation of time/level of effort).
- Preservation of quality-of-life characteristics.

LONG-TERM FINANCIAL & BUDGETARY IMPACT:

TBD - No long-term financial impact is anticipated.

LEGAL ANALYSIS:

TBD

RECOMMENDATION/PROPOSED MOTION:

I move to authorize the City Manager to advance efforts to draft potential amendments to the golf cart ordinance allowing for the use of Utility Vehicles (UTV's) on certain roadways within the City.