



CITY OF FAIR OAKS RANCH
CITY COUNCIL REGULAR MEETING

Thursday, October 07, 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. Recognition of Employee of the Quarter to William D. Poole, Water/Wastewater Operator II.

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

5. Capital Improvements Advisory Committee Semi-Annual Report.

John Merritt, Recent CIAC Chair

6. Presentation by Kendall County Citizens Law Enforcement Academy Alumni Association to Fair Oak Ranch Police Department for women of law enforcement training funds.

Kendall County Citizens Law Enforcement Academy Alumni Association Representatives

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.

7. Approval of the September 16, 2021 Regular City Council meeting minutes.

Christina Picioccio, City Secretary

8. Approval of the September 27, 2021 Special City Council meeting minutes.

Christina Picioccio, City Secretary

- [9.](#) Approval of a Resolution appointing the CIAC Chair and Vice Chair and reaffirming the appointment of Council Member Stroup as the Council Liaison.

John Merritt, Recent CIAC Chair

- [10.](#) Approval of an Interlocal Agreement for Animal Control Services and to authorize the City Manager to execute the agreement.

Tim Moring, Police Chief

CONSIDERATION/DISCUSSION ITEMS

- [11.](#) Consideration and possible action regarding the Utility Rate Study, to include financial plan findings, pricing objectives, and rate design considerations.

Grant Watanabe, P.E., Public Works Director
Angie Flores, Senior Manager, Raftelis

- [12.](#) Consideration and possible action approving the second reading of an Ordinance amending the Code of Ordinances, Chapter 1, General Provisions, Article 1.05 Records Management.

Christina Picioccio, City Secretary

- [13.](#) Consideration and possible action authorizing the City Manager to execute a contract with Audio Visual Aids to purchase equipment for live streaming public meetings.

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

- [14.](#) Discussion regarding potential amendments to the City Council Rules of Procedure.

Christina Picioccio, City Secretary

- [15.](#) Discussion and possible action to create a committee to develop a definition and set of performance standards for transparency.

Roy Elizondo, Council Member Place 2

- [16.](#) Discussion and possible action regarding roadway and public safety concerns.

Michelle Bliss, Council Member, Place3
Tim Moring, Chief of Police

- [17.](#) Consideration and possible action to create a committee to determine if Utility Vehicles (UTV's) should be authorized on certain roadways within the City and to appoint individuals to serve on said committee.

Chesley Muenchow, Council Member, Place 6
Scott Parker, Council Member, Place 5

REQUESTS AND ANNOUNCEMENTS

18. Announcements and reports by Mayor and Council Members.
19. Announcements by the City Manager.
20. 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:

21. To receive legal advice from Special Counsel and the City Attorney regarding the City's ground water rights.
22. 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.
23. Consultation with City's attorney regarding pending or contemplated litigation or a settlement offer related to opioid litigation by the State of Texas on behalf of the City of Fair Oaks Ranch and other entities against opioid manufacturer Johnson & Johnson and certain distributors of opioid drugs.

RECONVENE INTO OPEN SESSION

Discussion and possible action on items discussed in Executive Session.

24. Consider a Resolution supporting the adoption of the Texas term sheet approving the allocation of any and all opioid settlement funds.

ADJOURNMENT

Signature of Agenda Approval: s/Tobin E. Maples

Tobin E. Maples, City Manager

I, Christina Picioccio, 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, October 4, 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).

To: Honorable Mayor Gregory C. Maxton and City Council Members
City of Fair Oaks Ranch

**Capital Improvements Advisory Committee Semiannual Progress Report
September 22, 2021 Meeting**

Overview:

A Capital Improvements Plan is required by LGC § 395, Financing Capital Improvements Required by New Development in Municipalities, Counties and Certain other Local Governments; to identify capital improvements or facility expansions required by new service units projected; and to include a description of the service area and projection of changes in land uses, densities, intensities, and populations in the service area over a 10-year period. Since the City imposes an impact fee, a periodic review shall be performed at least every five years to determine the need of updating the plans and/or impact fees.

To partially pay for the extension of its Water and Waste Water systems attributable to new development, the City of Fair Oaks Ranch has opted to charge impact fees as allowed under Texas Local Government Code Title 12. Subtitle C. Chapter 395 (Code).

The Code requires the governing body (City) to appoint a Capital Improvements Advisory Committee (CIAC). The CIAC serves in an advisory capacity and is established to:

1. advise and assist the City in adopting land use assumptions;
2. review the capital improvements plan and file written comments;
3. monitor and evaluate implementation of the capital improvements plan;
4. file semiannual reports with respect to the progress of the capital improvements plan and report to the City any perceived inequities in implementing the plan or imposing the impact fee; and
5. advise the City of the need to update or revise the land use assumptions, capital improvements plan, and impact fee.

Progress Report:

Chairperson Merritt called the semi-annual CIAC meeting to order at 9:05 AM, Wednesday, September 22, 2021. Below are the members present at roll call along with their designation and term expiration:

John Merritt, Chair (Building) 9/30/21
Paul Mebane (At Large) 9/30/22
Marcus Garcia (Development) 9/30/22
Arthur Waterman (Building) 9/30/23
Chris Weigand (Real Estate) 9.30/23

Chairperson Merritt declared a quorum present.

Absent were:

Harold Manning (Development) 9/30/21
Dana Green (Development) 9/30/22
Ben Koerner (At Large) 9/30/23

Council and Staff Present:

Emily Stroup – Council Representative
 Grant Watanabe – Director of Public Works
 Katherine Schweitzer – Manager of Engineering Services
 Sandra Gorski – Public Works Administrative Assistant
 Amanda Valdez – Deputy City Secretary

Also present were newly appointed members for terms to expire 9/30/24:

Joe DeCola
 John Guidry
 Seth Mitchell

Mr. DeCola meets the requirements for being a representative of the Real Estate industry.

Following introductions, staff provided updates on Capital Improvement Projects - the elevated storage tank, a wastewater treatment plant study, wastewater treatment plant solids handling improvements and a water system hydropneumatics tank. Staff offered to provide to the CIAC a tour of city water and waste water facilities. Staff also provided an update on Land Use Assumptions and answered questions of the members. The status of collections from each impact fee area was reviewed.

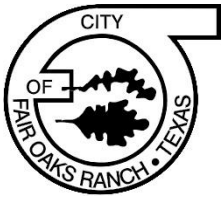
COMMITTEE RECOMMENDATIONS:

1. There has been no significant change in the Capital Improvement Plan or the Land Use Plan and therefore there is no need for any change in the current Impact Fee.
2. The Committee recommends that Council appoint Mr. Paul Mebane to succeed Mr. Merritt as CIAC Chair and Mr. Chris Weigand to succeed Mr. Harold Manning as Vice Chair.
3. The CIAC members and incoming members expressed an interest in expanding their responsibilities to include other utilities such as roadway impact fees.

The next Semi Annual CIAC meeting will be scheduled at a later time in March of 2022.

Signed: _____
 John Merritt, CIAC Chairperson

Date: _____



CITY OF FAIR OAKS RANCH
CITY COUNCIL REGULAR MEETING

Thursday, September 16, 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, Koerner, Parker, and Muenchow

Council Absent: Council Member Bliss

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 former Mayor Garry Manitzas.

CITIZENS and GUEST FORUM

3. Citizens to be heard – Nolan Keene spoke in favor of a multipurpose paved trail between Fair Oaks Ranch and Boerne.
4. Police Chief, Tim Moring presented a Life Saving Award to Officers Alexander Willis & Eric De La Rosa.
5. Tobin E. Maples, City Manager, announced that Finance Director, Sarah Buckelew, has accepted a new position with another organization.

PUBLIC HEARING

6. Conduct a Public Hearing on the Fiscal Year 2021-2022 Proposed Budget.
 - a. Opening comments from the Mayor – The Mayor commended the Finance Director and her department for their work on the budget.
 - b. Comments from the City Manager – The City Manager did not make comments.
 - d. Open the Public Hearing and receive citizen testimony at **6:46 PM** - No citizens spoke.
 - c. Presentation of the Proposed Budget by Finance Director, Sarah Buckelew.
 - e. Close the Public Hearing at **6:55 PM**.
 - f. Receive comments from the Mayor and City Council – Council Member Elizondo commended staff on the progress made on the process of preparing the budget and thanked the Finance Department for all their efforts.

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 6:58 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:

33. 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.

City Council did not convene into Executive Session regarding:

31. 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.

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

RECONVENE INTO OPEN SESSION

Mayor Maxton reconvened into Open Session at 7:17 PM. No action was taken.

CONSENT AGENDA

7. **Approval of the August 25, 2021 Special City Council meeting minutes.**
8. **Approval of the August 26, 2021 Special City Council meeting minutes.**
9. **Approval of the August 30, 2021 Special City Council meeting minutes.**
10. **Approval of the August 31, 2021 Special City Council meeting minutes.**
11. **Approval of the September 2, 2021 Regular City Council meeting minutes.**
12. **Approval of a Resolution repealing Resolution 2015-18 and subsequent Resolutions; adopting the City's Financial Management Policy; reaffirming the City's Investment Policy; and providing for an effective date.**
13. **Approval of a resolution to implement the requirements of HB 2073 and Chapter 180 of the Local Government Code establishing a Paid Quarantine Leave policy for the City of Fair Oaks Ranch Fire Fighters, Peace Officers, and Emergency Medical Technicians.**
14. **Approval of a resolution to amend Section 8.0 - Leave Time of the City's personnel policy in order to implement the requirements of SB 1359 and amendments section 614.015 of the Local Government Code establishing a Mental Health Leave policy for the City of Fair Oaks Ranch Police Officers.**
15. **Approval of Council Member Parker's absence from the September 2, 2021 City Council meeting.**
16. **Approval of the Elkhorn Ridge Unit 7 Tree Plan.**
17. **Approval of a Preliminary Plat request from Elkhorn Ridge SA, LLC for Elkhorn Ridge Unit 7 proposing 18 single-family residential lots, generally located north of the intersection of Dietz Elkhorn Road and Elkhorn Ridge, City of Fair Oaks Ranch, Texas.**

- 18. Approval of a Final Plat request from SA Front Gate, LLC for Front Gate Unit 7 proposing 20 single-family residential lots, generally located south of Dietz Elkhorn Road and north of Fair Oaks Parkway, City of Fair Oaks Ranch, Texas.**

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

VOTE: 6-0; Motion Passed.

CONSIDERATION/DISCUSSION ITEMS

- 19. Consideration and possible action to accept the DRAFT Code of Conduct from the Citizen's Code of Conduct Advisory Committee.**

Chairperson duMenil provided to Council a presentation regarding the scope of their duties and the draft code of conduct prepared by the CCCAC based on their Charter. No action taken.

- 20. Consideration and possible action approving the first reading of an Ordinance adopting the City Budget for fiscal year beginning October 1, 2021 and Ending September 30, 2022.**

MOTION: Made by Council Member Elizondo, seconded by Council Member Stroup, to approve the 2021/22 Fiscal Year Budget Ordinance.

VOTE: 6-0; Motion Passed as recorded:

Mayor Maxton – For; Council Member Stroup – For; Council Member Elizondo – For; Council Member Koerner – For; Council Member Parker – For; Council Member Muenchow – For.

- 21. Consideration and possible action approving the First Reading of an Ordinance levying a property tax rate of 35.18 CENTS per \$100 taxable valuation on property in the City of Fair Oaks Ranch for the tax year 2021; and determining due and delinquent dates.**

MOTION: Made by Council Member Koerner, seconded by Council Member Parker, to approve that the property tax rate be decreased by the adoption of a tax rate 35.18 cents per \$100 taxable valuation, which is effectively a 1.76% decrease in the tax rate.

VOTE: 6-0; Motion Passed as recorded:

Mayor Maxton – For; Council Member Stroup – For; Council Member Elizondo – For; Council Member Koerner – For; Council Member Parker – For; Council Member Muenchow – For.

- 22. Consideration and possible action approving a Resolution to appoint members to fill places on the City of Fair Oaks Ranch Planning & Zoning Commission.**

MOTION: Made by Council Member Elizondo, seconded by Council Member Muenchow, to approve a Resolution to appoint members to fill places on the City of Fair Oaks Ranch Planning & Zoning Commission. (Place 1 – Linda Tom, Term: 10/1/2021 – 9/30/2024; Place 2 – Bobbe Barnes, Term: 10/1/2021 – 9/30/2024; Place 3 – Martin E. Bryant, Term: 10/1/2021 – 9/30/2024; and Place 4 – David Horwath, Term: 10/1/2021 – 9/30/2024)

VOTE: 6-0; Motion Passed.

23. Consideration and possible action approving a Resolution to appoint members to fill places on the City of Fair Oaks Ranch Capital Improvements Advisory Committee.

MOTION: Made by Council Member Muenchow, seconded by Council Member Parker, to approve a Resolution appointing members to fill places 1, 2, and 3 on the City of Fair Oaks Ranch Capital Improvements Advisory Committee. (Place 1 – Joe DeCola, Term: 10/1/2021 – 9/30/2024; Place 2 – John Guidry, Term: 10/1/2021 – 9/30/2024; and Place 3 – Seth Mitchell, Term: 10/1/2021 – 9/30/2024)

VOTE: 6-0; Motion Passed.

24. Consideration and possible action approving a Resolution to appoint members to fill places on the City of Fair Oaks Ranch Municipal Development District Board of Directors.

MOTION: Made by Council Member Stroup, seconded by Council Member Koerner, to approve a Resolution appointing members to fill places 3, 6 and 7 on the City of Fair Oaks Ranch Municipal Development District Board of Directors. (Place 3 – Rene Gallegos (FORHA), Term: 10/1/2021 – 9/30/2023; Place 6 – Rachelle Garcia, Term: 10/1/2021 – 9/30/2023; and Place 7 – Stephen Robertson, Term: 10/1/2021 – 9/30/2023)

VOTE: 5-1; Motion Passed. Council Member Muenchow voted Nay.

25. Consideration and possible action approving a Resolution to appoint members to fill places on the City of Fair Oaks Ranch Zoning Board of Adjustments.

MOTION: Made by Council Member Elizondo, seconded by Council Member Muenchow, to approve a Resolution appointing members to fill places 2, 3, 4, and 5 on the City of Fair Oaks Ranch Zoning Board of Adjustment. (Place 2 – Dean Gaubatz, Term: 10/1/2021 – 9/30/2023; Place 3 – Laurence Nichols, Term: 10/1/2021 – 9/30/2023; Place 4 – Shane Stolarczyk, Term: 10/1/2021 – 9/30/2023; and Place 5 – J.C. Taylor, Term: 10/1/2021 – 9/30/2023)

VOTE: 5-0; Motion Passed. (Council Member Elizondo was not present during the vote)

26. Consideration and possible action approving a Resolution to appoint members to fill places on the City of Fair Oaks Ranch Board of Appeals.

MOTION: Made by Council Member Elizondo, seconded by Council Member Koerner, to approve a Resolution appointing the alternate member to a regular position on the City of Fair Oaks Ranch Board of Appeals. (Place 1 – Earl Hamilton, Term: 10/1/2021 – 9/30/2023)

VOTE: 6-0; Motion Passed.

27. Discussion on the historical perspective on city dispatch and emergency operation system.

Police Chief, Tim Moring, and City of Boerne Communications Manager, Nathan Taylor provided a brief history of the dispatch and emergency operation system.

REQUESTS AND ANNOUNCEMENTS**28. Announcements and reports by Mayor and Council Members.**

Council Member Koerner congratulated the Police Department on a successful Back the Badge 5K Run and for beating Boerne for the first time. She also commended Council Member Elizondo for his involvement in organizing the event.

29. Announcements by the City Manager.

City Manager, Tobin Maples, announced that the Household Hazardous Waste Event at Cibolo Creek Church from 8AM – 11AM on Saturday, September 26, 2021. Mr. Maples also thanked Council for their help in shaping the budget for FY 21/22.

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

No requests made by Council.

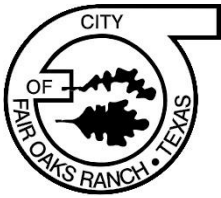
ADJOURNMENT

Mayor Maxton adjourned the meeting at 8:48 PM.

ATTEST:

Gregory C. Maxton, Mayor

Christina Picioccio, City Secretary



CITY OF FAIR OAKS RANCH
CITY COUNCIL SPECIAL MEETING

Monday, September 27, 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. There were no Citizens to be heard.

CONSIDERATION / DISCUSSION ITEMS

4. **Consideration and possible action approving the second reading of an Ordinance adopting the City Budget for fiscal year beginning October 1, 2021 and Ending September 30, 2022.**

MOTION: Made by Council Member Koerner, seconded by Council Member Muenchow, to approve the 2021/22 Fiscal Year Budget Ordinance.

VOTE: 7-0; Motion Passed as recorded:

Mayor Maxton – For; Council Member Stroup – For; Council Member Elizondo – For; Council Member Bliss – For; Council Member Koerner – For; Council Member Parker – For; Council Member Muenchow – For.

5. **Consideration and possible action approving the second reading of an Ordinance levying a property tax rate of 35.18 CENTS per \$100 taxable valuation on property in the City of Fair Oaks Ranch for the tax year 2021; and determining due and delinquent dates.**

MOTION: Made by Council Member Elizondo, seconded by Council Member Bliss, that the property tax rate be decreased by the adoption of a tax rate 35.18 cents per \$100 taxable valuation, which is effectively a 1.76% decrease in the tax rate.

VOTE: 7-0; Motion Passed as recorded:

Mayor Maxton – For; Council Member Stroup – For; Council Member Elizondo – For; Council Member Bliss – For; Council Member Koerner – For; Council Member Parker – For; Council Member Muenchow – For.

6. Consideration and possible action approving a Resolution ratifying the property tax rate reflected in the FY 2021-22 general fund and debt service fund budgets.

MOTION: Made by Council Member Stroup, seconded by Council Member Parker, to ratify the property tax rate reflected in the fiscal year 2021/22 budget.

VOTE: 7-0; Motion Passed.

CONSENT AGENDA

Item number 14., **Approval of an Interlocal Agreement for Animal Control Services and to authorize the City Manager to execute the agreement**, was removed pending completion of the contract. This agenda item will be placed on a future agenda.

- 7. Approval of a Resolution amending Resolution 30.1 designating the program coordinator for the ICMA Retirement Corporation Deferred Compensation Plan.**
- 8. Approval of a Resolution amending the authorized representatives to TexPool, the City's investment pool.**
- 9. Approval of a Resolution reappointing the City of Fair Oaks Ranch Municipal Court Judge and Alternate Judge for a two-year term.**
- 10. Approval of a Professional Services Agreement for Auditing Services with ABIP, P.C. and to authorize the City Manager to execute the agreement.**
- 11. Approval of a Professional Services Agreement with Patti Engineering for Supervisory Control and Data Acquisition (SCADA) Contracted Services and to authorize the City Manager to execute the agreement.**
- 12. Approval of a Sanitarian Services Agreement for sanitarian services and to authorize the City Manager to execute the agreement.**
- 13. Approval of the Fire Inspector Services Renewal Agreement for fire inspection services and to authorize the City Manager to execute the agreement.**
- 15. Approval of an Interlocal Agreement for Public Safety and Utilities Communication Services and to authorize the City Manager to execute the agreement.**

MOTION: Made by Council Member Muenchow, seconded by Council Member Koerner, to approve the Consent Agenda, excluding item #14.

VOTE: 7-0; Motion Passed.

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 6:41 PM regarding:

Sec. 551.074 (Personnel Matters)

- 16. To perform annual evaluation of the City Manager and City Secretary.**

RECONVENE INTO OPEN SESSION

Mayor Maxton reconvened into Open Session at 9:47 PM.

MOTION: Made by Council Member Bliss, seconded by Council Member Elizondo, to approve an increase in the City Secretary’s salary to \$81,440, which is a 13.2% increase.

VOTE: 7-0; Motion Passed.

ADJOURNMENT

Mayor Maxton adjourned the meeting at 9:55 PM.

ATTEST:

Gregory C. Maxton, Mayor

Christina Picioccio, City Secretary



CITY COUNCIL CONSENT AGENDA ITEM
CITY OF FAIR OAKS RANCH, TEXAS
October 7, 2021

AGENDA TOPIC: Approval of a Resolution appointing the CIAC Chair and Vice Chair and reaffirming the appointment of Council Member Stroup as the Council Liaison

DATE: October 7, 2021

DEPARTMENT: Public Works

PRESENTED BY: (Consent Agenda) John Merritt, Outgoing Chairperson, CIAC
 Grant Watanabe, P.E., Public Works Director

INTRODUCTION/BACKGROUND:

The Capital Improvements Advisory Committee (CIAC) serves in an advisory capacity and is established to follow the duties and functions set forth in Local Government Code § 395.058 and of the City of Fair Oaks Ranch Capital Improvements Advisory Committee Rules and Procedures.

The CIAC Rules and Procedures provides for the appointment of a city council member liaison and a Committee Chairman and Committee Vice Chairman:

1. *The Chairman of the CIAC shall be appointed, by Resolution, by a majority vote of the City Council and shall serve until the appointment is rescinded or member resigns.*
2. *The Vice Chairman of the CIAC shall be appointed, by Resolution, by a majority vote of the City Council and shall serve until the appointment is rescinded or member resigns.*
3. *By Resolution, an appointed City Alderman (Council Member) and the Public Works Director will attend the meetings and present reports/data on behalf of the City.*

The following recent City Council and Committee activities relative to the CIAC membership have taken place:

- August 19, 2021 – City Council, by unanimous vote appointed Council member Emily Stroup to serve on the Committee as the council member liaison.
- September 16, 2021 – City Council approved a Resolution appointing new Committee members, effective October 1, 2021.
- September 22, 2021 – the standing CIAC moved and approved recommending to City Council the appointment of Paul Mebane as the Committee Chair and Chris Weigand as the Committee Vice Chair
- October 7, 2021 – Outgoing CIAC Chairman Merritt presented to the City Council the Committee's Chairman and Vice Chairman recommendation for consideration and approval.

Tonight's agenda item is to reaffirm the City Council Liaison appointment, and to appoint the CIAC Chairman and Vice Chairman by city council resolution.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

1. Complies with the CIAC rules of procedure relative to appointing a City Council member Liaison and the Committee Chairman and Vice Chairman.
2. Offered the CIAC an opportunity for their input on Committee Chair appointments.

LONG-TERM FINANCIAL & BUDGETARY IMPACT:

N/A

LEGAL ANALYSIS:

N/A

RECOMMENDATION/PROPOSED MOTION:

(Consent Agenda) I move to approve a Resolution appointing to the Fair Oaks Ranch Capital Improvements Advisory Committee Paul Mebane as the Chairman and Chris Weigand as the Vice Chairman and to reaffirm the appointment of Emily Stroup as the City Council Liaison of the Committee.

A RESOLUTION

A RESOLUTION OF THE CITY OF FAIR OAKS RANCH REAFFIRMING THE APPOINTMENT OF A CITY COUNCIL MEMBER LIAISON TO THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE AND APPOINTING A CHAIRMAN AND A VICE CHAIRMAN TO THE COMMITTEE

WHEREAS, the Capital Improvements Advisory Committee (CIAC) serves in an advisory capacity and is established to follow the duties and functions set forth in Local Government Code §395.058 and of the City of Fair Oaks Ranch Capital Improvements Advisory Committee Rules and Procedures; and,

WHEREAS, members have been asked to join the CIAC to serve at the pleasure of the City Council to assist in their function in performing duties under Chapter 395 of the Local Government Code and the Committee Rules and Procedures; and,

WHEREAS, the Committee's Rules and Procedures states a City Council Liaison, a Committee Chairman, and a Committee Vice Chairman shall be appointed by City Council by Resolution; and,

WHEREAS, the City Council of the City of Fair Oaks Ranch endorses and supports the necessity for one full-day court session per calendar month; and,

WHEREAS, on August 19, 2021, City Council by a unanimous vote appointed a council member liaison to the CIAC; and,

WHEREAS, on September 16, 2021, City Council appointed new CIAC committee members, effective October 1, 2021; and,

WHEREAS, on October 7, 2021, the CIAC submitted to the City Council their recommendation of appointing Paul Mebane as Committee Chairman and Chris Weigand as Committee Vice Chairman; and,

WHEREAS, the City Council of the City of Fair Oaks Ranch deems it necessary to reaffirm the appointment of the city council liaison and to appoint a Chairman and Vice Chairman to the Capital Improvements Advisory Committee by Resolution.

NOW THEREFORE, be it resolved by the City Council of Fair Oaks Ranch that:

1. The City Council hereby reaffirms Emily Stroup to serve on the Capital Improvements Advisory Committee as the City Council Liaison.
2. The City Council hereby appoints Paul Mebane to serve on the Capital Improvements Advisory Committee as the Committee's Chairman.
3. The City Council hereby appoints Chris Weigand to serve on the Capital Improvements Advisory Committee as the Committee's Vice Chairman.

PASSED, APPROVED and ADOPTED this 7th day of October, 2021.

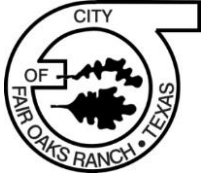
ATTEST:

Gregory C. Maxton, Mayor

APPROVED AS TO FORM:

Christina Picioccio, City Secretary

Denton Navarro Rocha Bernal & Zech, P.C.,
City Attorney



CITY COUNCIL CONSENT AGENDA ITEM
CITY OF FAIR OAKS RANCH, TEXAS
October 7, 2021

AGENDA TOPIC: Approval of an Interlocal Agreement for Animal Control Services and to authorize the City Manager to execute the agreement.

DATE: October 7, 2021

DEPARTMENT: Police Department/Animal Control

PRESENTED BY: (Consent Agenda) Tim Moring, Chief of Police

INTRODUCTION/BACKGROUND:

In lieu of funding a full-service Animal Control facility, the City contracts with the City of Boerne for Animal Control Facility services. Facility use is limited to the boarding, releasing, and adoption services for all domestic animals (dog and cats) that are found within the jurisdiction of the City. Specifically, FOR does not operate a kennel facility that is capable of housing domestic animals overnight. If FOR cannot locate the owner by the end of the day, animals are housed accordingly at the City of Boerne Animal Services Facility. The Boerne facility is a State approved and the animals are kenneled until the owner is located or released for adoption.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

- Public Health Safety and Welfare Strategic Plan Initiative 4.4, Enhance and Maintain Public Safety and Community Outreach.
- Operational Excellence Strategic Plan Initiative 5.3, Evaluate and Update Service Delivery Expectations and Best Practices
- Delivery of high-quality animal control services to our residents at a reduced cost through well-established intergovernmental relationships.

LONG-TERM FINANCIAL & BUDGETARY IMPACT:

Contract costs vary and is determined each year from May 1st to April 30th on the number of animals brought into Boerne Animal facility by Fair Oaks Ranch employees. The percentage calculated by City of Boerne Animal Services staff is 10% of total budgetary costs which equals \$14,313.02 for FY 2021-2022.

LEGAL ANALYSIS:

Approved as to Form

RECOMMENDATION/PROPOSED MOTION:

(Consent Agenda) I move to approve the Interlocal Agreement for Animal Control Services and authorize the City Manager to execute the agreement.

LETTER OF AGREEMENT

This Interlocal Agreement ("the Agreement") is entered into by the City of Boerne, Texas and Fair Oaks Ranch, Texas for the use of the City of Boerne Animal Control Facility.

I. RECITALS

WHEREAS, CHAPTER 791 of the TEXAS GOVERNMENT CODE, also known as the INTERLOCAL COOPERATION ACT, authorizes all local governments to contract with each other to provide a governmental function or service that each party to the contract is authorized to perform individually and in which the contracting parties are mutually interested, such as police protection and public health and welfare; and

WHEREAS, the City of Boerne ("BOERNE") is a Home-Rule Municipal Corporation organized under the laws of Texas and is authorized to enter into this Agreement; and

WHEREAS, the City of Fair Oaks Ranch ("FOR") is a Home-Rule Municipal Corporation organized under the laws of the State of Texas and is authorized to enter into this Agreement; and

WHEREAS, BOERNE and FOR represent that each is independently authorized to perform the functions contemplated by this Agreement; and

WHEREAS, BOERNE operates an Animal Control Facility located at 330 South Esser Road, Boerne, Texas 78006 (the "FACILITY") for the purpose of providing a safe humane shelter for unwanted, stray, abused, and impounded animals in accordance with state and city regulations in a cost-efficient and effective manner and, thereby, protecting its citizens from the dangers and problems associated with free roaming animals; and

WHEREAS, FOR currently has a need for a FACILITY and is not equipped to render such shelter services; and

WHEREAS, each party has sufficient funds available from current revenues to perform the functions contemplated by this Agreement; and

WHEREAS, both BOERNE and FOR find it mutually desirable to enter into this Agreement.

NOW, THEREFORE in consideration of the mutual benefits and promises each to the other made herein, the parties named above do hereby agree as follows:

II. BOERNE OBLIGATIONS

The services to be provided by BOERNE to FOR are as follows:

1. Maintain, repair, control, regulate, administer and operate the FACILITY as a complete animal shelter for the use and benefit of the Parties to this Agreement.
2. Retain in custody, on a temporary basis, animals taken into possession by the Parties to this Agreement. As used herein, the term “animals” shall mean dogs and cats. Should FOR need to impound an animal other than a dog or cat, FOR will contact BOERNE to see if the FACILITY is able to house the type of animal being brought in and verify that the FACILITY has the type of food needed for the animal. If BOERNE does not have food, or housing, for the animal, FOR will be responsible for either bringing the correct food and/or housing, or will be invoiced by BOERNE for the purchase of specialized food and/or housing. An invoice will be provided with the Monthly Report.
3. Contract for and purchase all reasonably necessary supplies, equipment, materials and services deemed reasonably necessary to operate the Facility.
4. Emergency animal pickup by Boerne Animal Control personnel, when all authorized FOR Animal Control and Law Enforcement personnel is unavailable, must be authorized by the City Manager, or his designee. FOR agrees to pay the fees for this service as outlined in Section IV.2 The FACILITY is not required to accept impoundment of any animal from a FOR resident.
5. On the first day of each month, the Boerne Animal Control Department will compile a report of all FOR animals impounded at the FACILITY during the preceding month, and shall provide the report to FOR no later than the 10th day of each month.

III. FOR Obligations

1. FOR agrees and understands that the only person(s) authorized to bring an animal impounded from FOR to the FACILITY shall be a FOR Law Enforcement Officer or a FOR Animal Control Officer. In no event will the FACILITY accept any animal for impoundment from a FOR resident.
2. FOR agrees and understands that no animal impounded from FOR shall be released from the FACILITY to the owner of the animal without direction from FOR. The owner must present to an employee of the FACILITY a signed FOR Return To Owner Form, a photo ID, and a printed receipt showing payment of fees to FOR in order to pick up their animal.

3. If a FOR animal is in need of reasonable medical attention, FOR agrees and understands that such FOR animal must be taken to a veterinary hospital by a FOR agent prior to bringing the FOR animal to the FACILITY. BOERNE is under no obligation to impound an animal that it deems in need of medical attention, such determination is in the sole discretion of the Boerne Animal Control Officer[s].
4. Should any FOR animal need medical attention while impounded at the FACILITY, such cost for veterinary treatment shall be borne solely by FOR. BOERNE will attempt to notify FOR to obtain authorization prior to taking the animal to the vet, however, if an agent of FOR can not be reached, the FACILITY Supervisor will have the final say.
5. If a FOR animal is declared a ward of the Court due to abuse or neglect, the FOR animal must first be taken to a veterinary hospital for a complete medical examination prior to impoundment at the FACILITY. Written instruction from the vet on how to care for the animal, along with all necessary supplies and medication, shall be hand delivered to the FACILITY personnel at the time the animal is brought to the FACILITY.
6. FOR will create standards for the procedures desired to be implemented by BOERNE concerning the length of time any FOR animal is impounded at the FACILITY. In the event FOR does not provide standards to BOERNE, BOERNE may utilize its local procedures. Such FOR created standards will include the length of time the FOR animal will be impounded before being available for adoption or humanely euthanized. After the holding period prescribed by the FOR standards, FOR shall surrender the animal to BOERNE for a surrender fee of \$15.00. FOR is responsible to forward an Animal Surrender Notice to BOERNE at the end of the prescribed holding period. If FOR has not furnished BOERNE an Animal Surrender Notice by Noon on the day following the end of the prescribed holding period, BOERNE will assess a boarding fee of \$10.00 for each day FOR is delinquent in forwarding the Animal Surrender Notice to BOERNE. Should the end of the holding period fall on a Saturday or Sunday, the Animal Surrender Notice will be due by Noon on the following Monday.
7. **Stray/Running at Large Animals.** Stray animals, or animals found running at large, which are impounded by FOR shall first be scanned for a microchip by a FOR Law Enforcement Officer or FOR Animal Control Officer and every attempt made to locate the owner prior to bringing the animal to the FACILITY. Notes regarding actions taken to locate the owner shall be left at the FACILITY with the animal. Failure to attempt to locate an owner prior to bringing the animal to the FACILITY will result in an additional fee of \$10.00 per animal. If BOERNE has to scan and attempt to locate an owner, the fee will be \$35.00 per animal.

8. **Owner-Surrendered Animals.** Should FOR accept an Owner-Surrendered Animal for re-adoption, FOR will pay \$15.00 to BOERNE per animal surrendered. BOERNE reserves the right to reject any Owner-Surrendered Animal that displays aggression or is sick, injured, or elderly to the point that adoption is not an option. BOERNE will not accept any Owner-Surrendered Animal for euthanasia. Owner-Surrendered Animals should be taken by the owner to their veterinarian for euthanasia purposes. Should FOR choose to accept an Owner-Surrendered Animal for euthanasia purposes, FOR should contract with a veterinarian to perform this service.
9. **Animals Impounded by Arrest.** Should an animal be taken to the FACILITY because a FOR Law Enforcement Officer arrested a subject who had their animal with them at the time of the arrest, a "Domestic Animal Intake Information For Arrested Subjects" form should be completed and the original left on the corkboard in the cat room. (See Attachment)
10. **Quarantine.** In the event that any FOR animal impounded at the FACILITY is involved in a biting or scratching incident requiring the quarantine of the FOR animal, the FOR animal must be removed from the FACILITY by FOR within twenty-four hours from the expiration of the quarantine period.
11. **Rabies Testing.** Should FOR require BOERNE to prepare a specimen for submission to the Rabies Lab, a fee of \$50.00 will be charged for the procedure. Should FOR request BOERNE to deliver the specimen to the Rabies Lab, an additional fee of \$110.00 will be charged. (This fee includes the \$40.00 testing fee charged by SA Metro Health and the travel time to and from the lab, which averages 2 hours). Fees will be included on the monthly invoice.

IV. CONSIDERATION

1. The operational costs of the Boerne Facility shall be shared by BOERNE and FOR on a percentage basis, with FOR minimum percentage at 10%. This actual percentage shall be determined at the end of April each year, based on the number of animals impounded at the FACILITY from each Party during the previous twelve (12) month period. The operational costs are the total of 1.5 Boerne Facility employees' salary and benefits for the next fiscal year plus utilities, pet food, cleaning supplies, and building maintenance. Pursuant to this calculation, the amount due from FOR to BOERNE is 10% of the operational costs of \$143,130.20 equaling \$14,313.02, or a monthly sum of \$1,192.75 over the period of this Agreement. Payment of FOR's proportionate share is due on the 15th day of each month if FOR elects to pay monthly. Should FOR elect to make one payment, such payment is due on the 15th day of the month following execution of this Agreement.

2. In the event that an emergency animal pickup is made between 8:00 AM and 5:00 PM Monday – Friday by BOERNE personnel for a FOR animal per Section II.4. above, FOR shall pay a fee to BOERNE of \$40.00 per hour, or any portion thereof. For emergency animal pickup after 5:00 PM Monday - Friday, on BOERNE holidays, or on weekends, FOR shall pay \$60.00 per hour or any portion thereof. BOERNE will provide FOR with an invoice listing all animals picked-up by BOERNE personnel and impounded pursuant to this Section plus any associated fees therewith (including, but not limited to, any necessary medical treatment prior to and during impoundment per Section III.3). Payment of this additional invoice is due on or before the 15th day of the month following receipt of the invoice.
3. BOERNE will provide FOR with an invoice listing all animals in need of medical attention while impounded at the FACILITY per Section III.4. Such invoice will list the necessary treatment received and the fees associated therewith. Payment of this additional invoice is due on or before the 15th day of the month following receipt of the invoice.
4. BOERNE will provide FOR with an invoice listing all animals exceeding their length of time at the FACILITY per FOR established standards per Section III.6. Upon receipt of such invoice, FOR will immediately forward an Animal Surrender Notice to BOERNE via facsimile or electronic mail. The original Animal Surrender Notice will be provided to BOERNE with the accompanying fee on or before the 15th day of the month following receipt of the invoice.

V. TERM AND TERMINATION

1. This Agreement shall be effective as of October 1, 2021, and shall continue in force and effect for a period of twelve months, and shall terminate September 30, 2022. The Agreement shall be reviewed by the Boerne City Council prior to each fiscal year.
2. Any party may terminate the Agreement by giving written notice; said termination to take effect within ninety (90) days after the notice is given.

Vi. GENERAL PROVISIONS

1. **Subject to the limitations as to liability and damages in the Texas Tort Claims Act and without waiving its governmental immunity, each Party agrees to hold harmless each other, its governing board, officers, agents and employees for any liability, loss, damages, claims or causes of action caused or asserted to have been caused directly or indirectly by any other Party to this Agreement, or any of its officers, agents or employees, or as the result of its performance, or any of its officers, agents or employees, under this Agreement.**

2. Independent Contractor. BOERNE shall be solely responsible for the FACILITY. BOERNE shall supply all materials, equipment, tools, transportation, and labor required for or reasonably incidental to the maintenance and care of the FACILITY. The City shall have the sole obligation to employ, direct, control, supervise, manage, discharge and compensate all of the Boerne Animal Control Service employees.
3. Severability Clause. The Parties intend for the various provisions of this Agreement to be severable so that the invalidity, if any, of any one section (or more) shall not affect the validity of the remaining provisions or sections.
4. Public Information Act. Each Party agrees that it is a governmental body for purposes of the Public Information Act codified as Chapter 552 of the Texas Government Code and as such is required to release information in accordance with the Public Information Act.
5. This document may be executed in any number of original signature counterparts, each of which shall for all purposes be deemed an original, and all such counterparts shall constitute one and the same document. It is understood and agreed that this Agreement may be executed in a number of identical counterparts, each of which shall be deemed an original for all purposes.
6. Each Party has the full power and authority to enter into and perform this Agreement, and the person signing this Agreement on behalf of each party has been properly authorized and empowered to enter into this Agreement. The persons executing this Agreement hereby represent that they have authorization to sign on behalf of their respective entity.
7. This Agreement shall be interpreted in accordance with the laws of the State of Texas and in Kendall County, Texas.
8. This Agreement represents the entire agreement of the Parties and supersedes any verbal or written representations of, to or by the parties to each other.
9. Headings. The headings at the beginning of the various provisions of this Agreement have been included only in order to make it easier to locate the subject covered by each provision and are not to be used in construing this Agreement.

10. Notices to either Party shall be sufficient if sent in writing, postage pre-paid, registered or certified mail to the following:

BOERNE

Ben Thatcher
City Manager
P.O. Box 1677
Boerne, TX 78006-1677
bthatcher@boerne-tx.gov
Fax: 830-249-9264

FOR

Tobin E. Maples, AICP
City Manager
7286 Dietz Elkhorn
Fair Oaks Ranch, TX 78015
tmaples@fairoaksranchtx.org
Fax: 210-698-3565

Agreed to this the ____ day of _____, 2021.

Approved:
City of Boerne, Texas

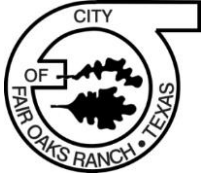
Attest: _____

City Secretary

Approved:
City of Fair Oaks Ranch, Texas

Attest: _____

City Secretary



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
October 7, 2021

AGENDA TOPIC: Consideration and possible action regarding the Utility Rate Study, to include financial plan findings, pricing objectives, and rate design considerations

DATE: October 7, 2021

DEPARTMENT: Fair Oaks Ranch Utilities

PRESENTED BY: Grant Watanabe, Public Works Director
 Angie Flores, Senior Manager, Raftelis

INTRODUCTION/BACKGROUND:

The purpose of this agenda item is to provide an update on Utility Rate Study progress, financial plan and cost of service findings, pricing objective survey results, and to present high-level rate design considerations. A strategic communications plan is also being developed to keep customers informed about this effort.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

This process provides a foundation upon which a Utility rate structure is designed in order to promote the values and priorities that align with community values.

LONG-TERM FINANCIAL & BUDGETARY IMPACT:

There is no financial impact for this agenda item. The output will be utilized in potential utility rate structure designs which will be presented to the Utility Rate Advisory Panel and City Council at a later date.

LEGAL ANALYSIS:

No Legal analysis was required for this agenda item.

RECOMMENDATION/PROPOSED MOTION:

I move to establish the following pricing objectives as a foundation for the Utility Rate design process: *(Insert Pricing Objectives Here)* and approve further development of Utility Rate structure design based on today's presentation.

City of Fair Oaks Ranch, TX

Item #11.



Council Update

Water/Wastewater/Reuse
Rate Study Update
October 7, 2021

Agenda

Meeting Objectives

Review the Process

What We've Learned

Our Last Meeting

Conclusions and Recommendations

Communications Plan

Questions for Council



Meeting Objectives



Meeting Objectives

- Present information learned to date
- Obtain direction from Council on four items which will help us develop the Rate Design
- Share communication plan elements

For Council to Consider

- 1 Adjust wastewater rates to recover costs?**
Increase wastewater rates so that wastewater recovers its costs
- 2 Change the rate structure?**
Consider Rate Design Changes
- 3 Understand future rate implications**
Current CIP is an estimate only; in order to understand future rate implications, future CIP needs to be addressed
- 4 Review Basic Elements of Communication Plan**
Keeping residents informed, timeline, and implementation

Review the Process

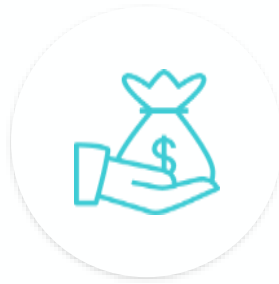


Why are we here?



Rate Study

A formal rate study for the Utility has never formally been performed.



Enterprise Fund

Unlike the general fund that is supported through property taxes, the utility is supported by water and sewer service fees.



Financial Plan

Infrastructure needs require the development of a forecast that considers future revenue requirements of the system.



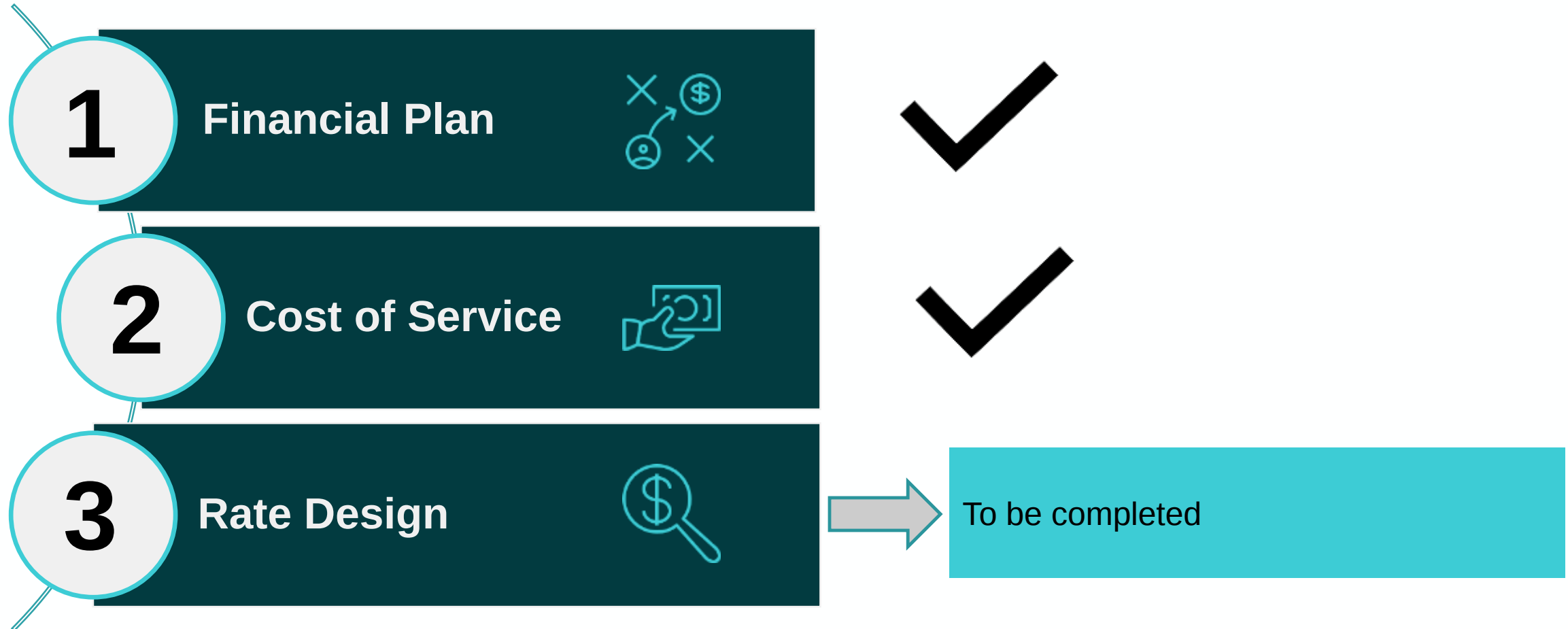
Paying Fair Share

This study will help determine how much each customer type should pay.

Project Timeline



Rate study process



What We've Learned



Financial Plan Findings Based on Existing Rates



1

Combined Utility

FY 2022 and current forecast revenue is sufficient to cover costs

2

Water Utility

Water revenue is sufficient to cover current costs

3

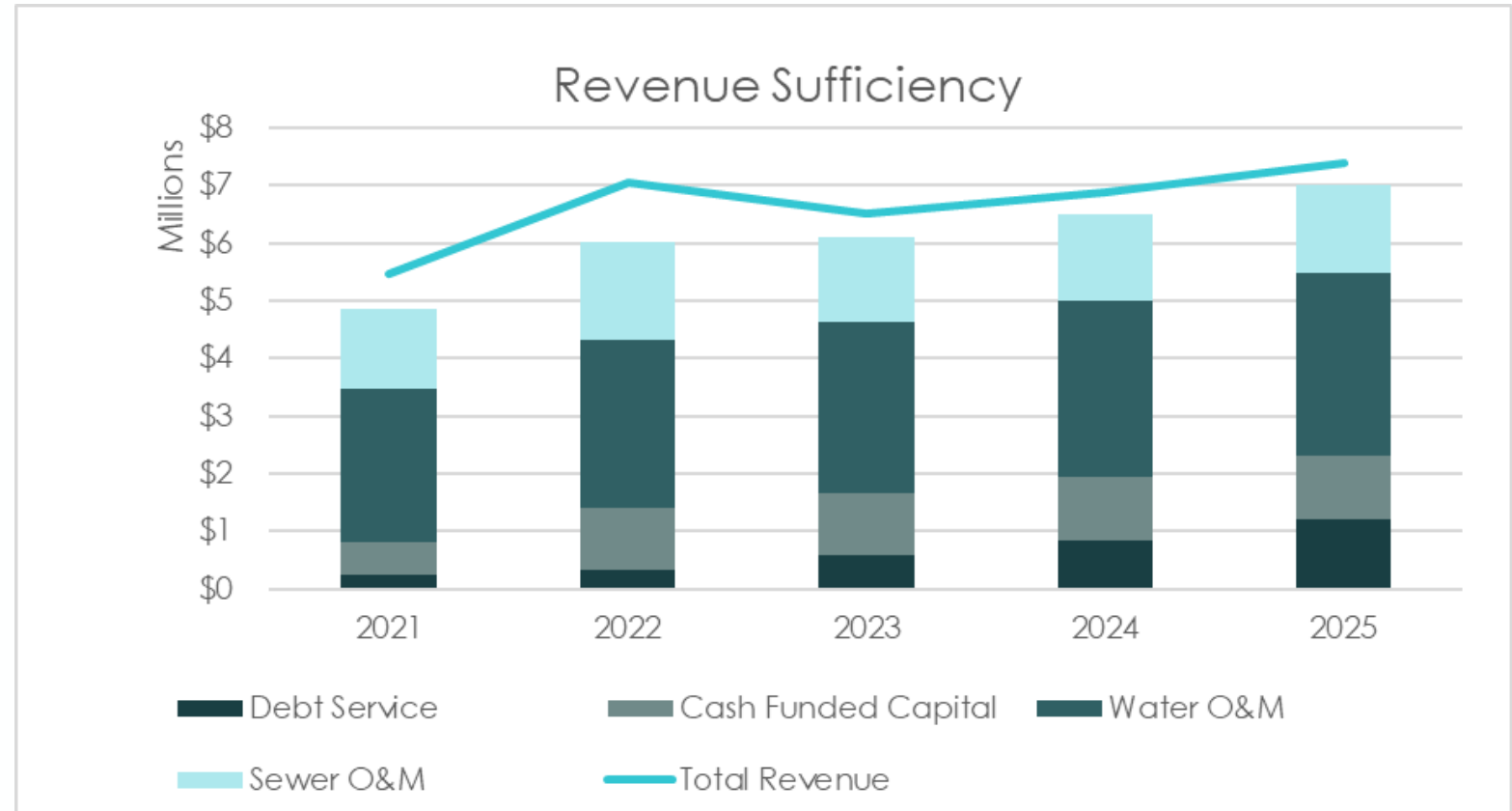
Wastewater Utility

FY 2022 revenues sufficient to cover costs; forecast is insufficient

Combined Revenue Sufficiency

When you look at both water and wastewater together, existing rates are sufficient to recover costs.

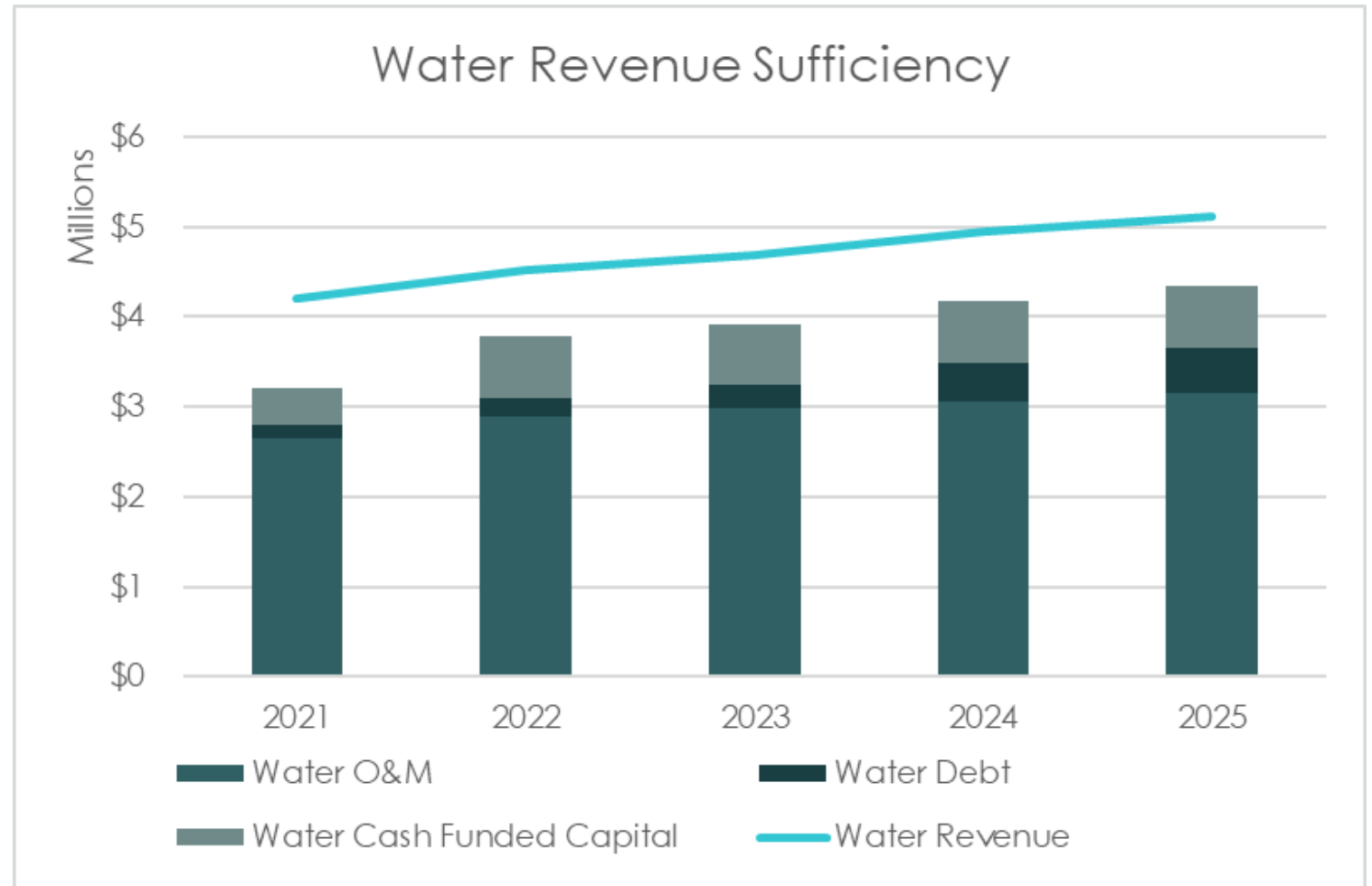
- Increasing operations costs
- Capital needs based on estimated CIP (does not include additional R&R projects)



Water Revenue Sufficiency

For water, based on existing rates, revenue exceeds costs.

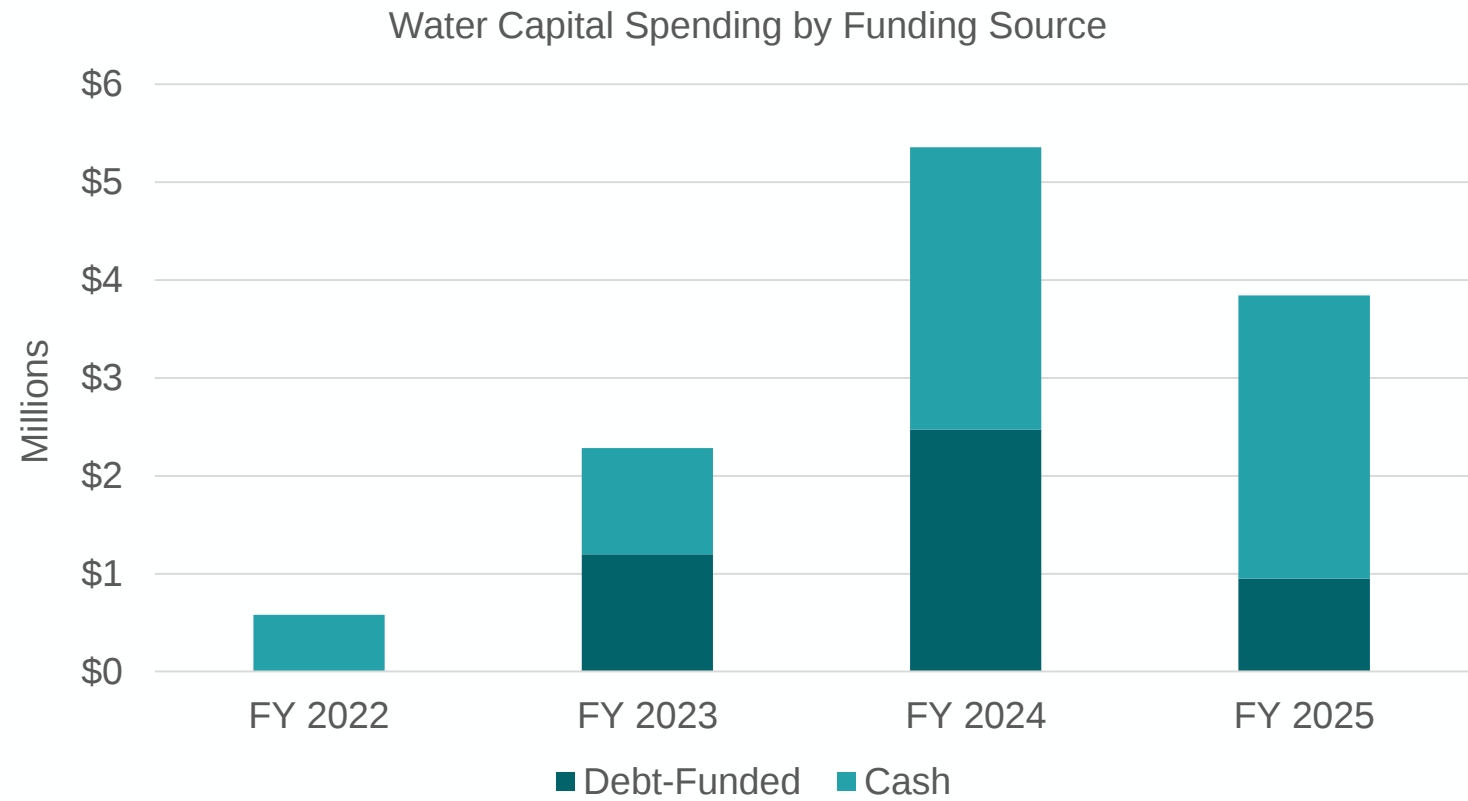
- Reflects increase in Debt Service Fee, based on increasing debt service in estimated CIP
- Cash-Funding of Capital comes from Annual Revenue



Estimated Water Capital

Funding sources include:

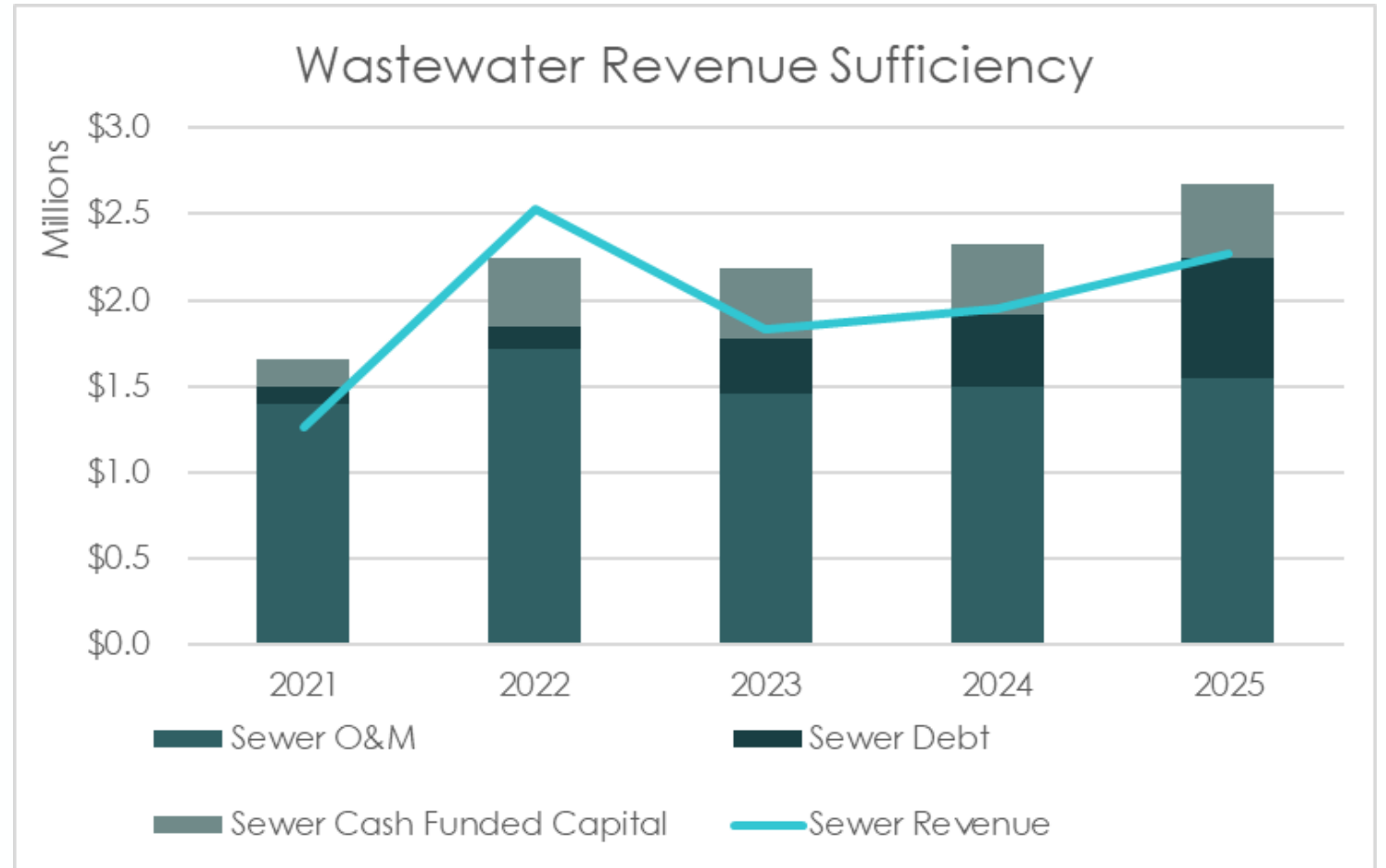
- Debt-Funding
- Impact Fees
- Contributions in Aid of Construction
- Capital Reserves



Cash-Funding includes Impact Fees used to cash-fund capital

Wastewater Revenue Sufficiency

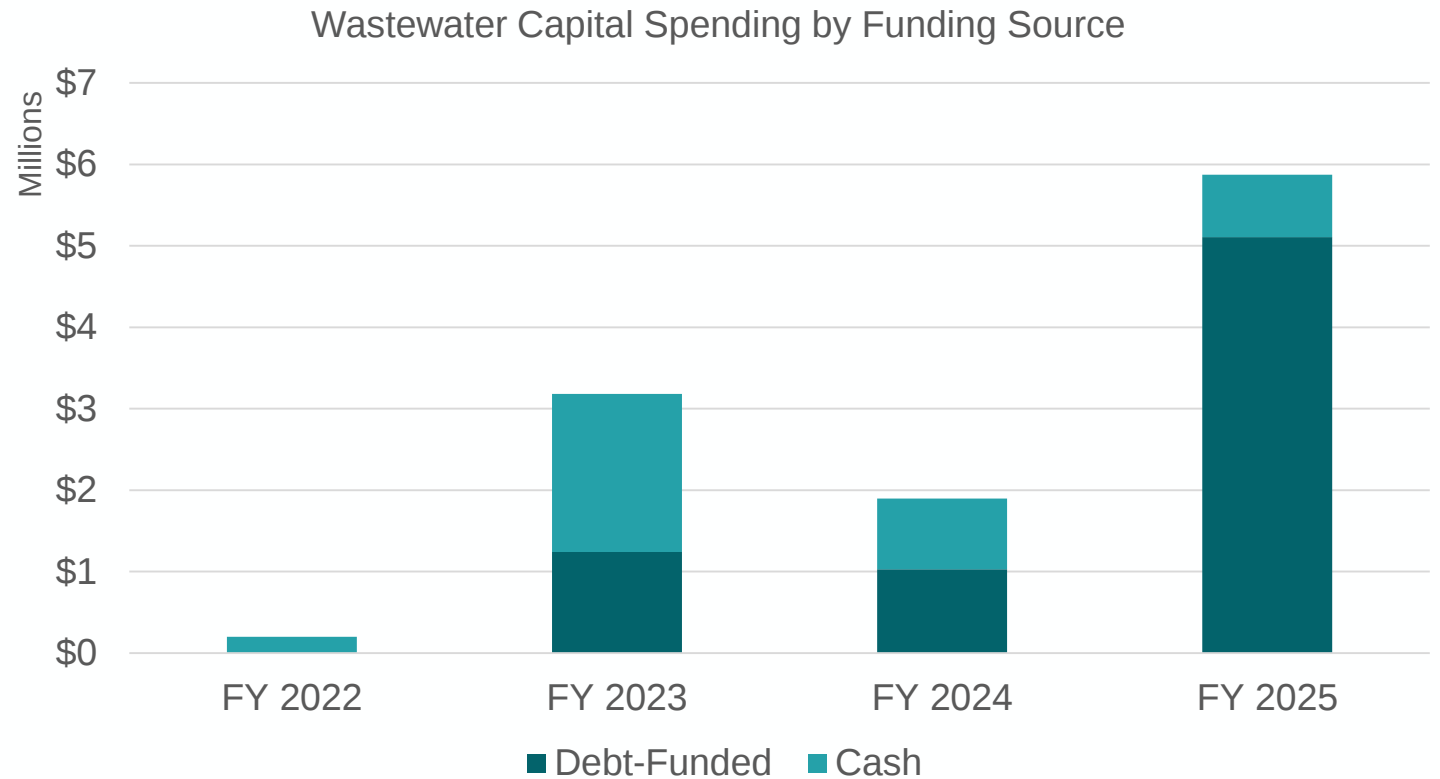
For wastewater, based on existing rates, revenue is insufficient to cover costs. In FY 2022, the revenue exceeds costs due to ARA grant.



Estimated Wastewater Capital

Funding sources include:

- Debt-Funding
- Impact Fees
- Contributions in Aid of Construction
- Capital Reserves



Cash-Funding includes Impact Fees used to cash-fund capital



Cost of Service Findings

1

Combined Utility

Water is over-recovering its costs and Wastewater is under-recovering

2

Water Utility

Residential and Commercial Customers are covering their cost of service

3

Wastewater Utility

Residential class revenue is insufficient to cover its cost of service; commercial class is over-recovering its cost of service

Water Cost of Service

Customer classes are covering their cost of service

Class	Current Revenue	Cost of Service	Variance
Residential	\$3,801,978	\$3,770,367	(\$31,610)
Commercial	71,074	93,114	22,041
Institutional	8,846	18,415	9,570
Bulk Water	<u>21,198</u>	<u>21,198</u>	0
Total	\$3,903,095	\$3,903,095	

Wastewater Cost of Service

In total, existing rates are insufficient to cover costs therefore revenue from each class is insufficient to cover costs with the residential class having the greatest shortfall

Class	Current Revenue	Cost of Service	Variance
Residential	\$1,228,873	\$1,881,341	652,468
Commercial	4,805	9,752	4,947
Institutional	<u>1,802</u>	<u>9,246</u>	<u>7,445</u>
Total	\$1,235,480	\$1,900,340	664,860

Our Last Meeting



Pricing Objectives

Both the Council and the Advisory Panel ranked Pricing Objectives

- Helps identify the priority goals of the Council and Community
- Provides a roadmap for considering rate design options



Council Ranking of Pricing Objectives

Classification	Rank	Objective	Score
Essential	1	Revenue Stability	24
	2	Customer impact	18
Very Important	3	Equity between classes	15
	3	Conservation pricing signal	15
Important	5	Essential use affordability	14
	5	Demand management	14
	7	Equity within a class	13
Least Important	8	Customer Understanding	11
	9	Ease of adminstration/implementation	10
	10	Equity between existing and new customers	9

Panel Ranking of Pricing Objectives

Classification	Rank	Objective	Score
Essential	1	Equity between classes	24
	2	Customer impact	18
Very Important	3	Revenue Stability	15
	3	Conservation pricing signal	15
Important	5	Equity within a class	5
	6	Essential use affordability	4
	7	Demand management	3
Least Important	7	Customer Understanding	3
	7	Ease of adminstration/implementation	3
	10	Equity between existing and new customers	0

Top Pricing Objectives and Observations



Revenue Stability

Current Rates
achieve this objective



Equity Between Classes

Wastewater shortfall
results in inequity



Customer Impact

Rate changes to
wastewater should
consider impact to
customer; current rate
structure results in a
higher effective rate to
lower water users



Conservation

Inclining block rates
should be evaluated

Effective Cost of Water

Rate Structure	Revenue Stability						
	Blk 1	Blk 2	Blk 3	Blk 4	Blk 5	Blk 6	Blk 7
Status Quo	35.22%	19.69%	27.84%	9.60%	1.42%	0.25%	0.16%
	Effective Rate per 1,000 gallons						
	1 kgal	6 kgal	12 kgal	25 kgal	50 kgal	75 kgal	100 kgal
	\$ 52.92	\$ 8.82	\$ 6.32	\$ 5.49	\$ 6.31	\$ 10.16	\$ 16.10

Residential Pricing Signal – Tier Ratios

Tiers (Kgal)	Current Ratio
0 - 6,000	-
6,001 - 12,500	1.00
12,501 - 25,000	1.25
25,001 - 50,000	1.87
50,001 - 75,000	2.81
75,001 - 100,000	4.22
100,001 - +	6.33

Conclusions & Recommendations



Conclusions and Recommendations

Based on findings from financial plan and cost of service and input from Advisory Panel

Wastewater

Since wastewater is under-recovering, adjust rates to reflect cost of service

Water

Slightly over-recovering but rates should not be decreased

Rate Design

Low water users are paying a higher effective rate than higher users; commercial water customers are mostly HOAs whose usage mirrors residential irrigation usage

Capital Improvements

Capital Improvement Plan should be finalized so future impact to rates can be considered

Reasons for Increasing Wastewater Rates

Equity

Ensure Equity between Water and Wastewater Customers

Self-Sufficiency

Ensure Wastewater Utility is self-sufficient

Cost-of-Service

Reflect Cost-of-Service

Reasons to Adjust the Wastewater Rate Structure

Rate Design that promotes fairness and equity

Currently, all customers pay the same flat fee; may want to consider winter average to reflect customer usage

Rate Design that considers industry best practices

Residential rates are typically based on winter average; commercial wastewater rates include a uniform volume rate

Minimize impact to customers

Making a rate design change will impact customers differently if not entirely based on a fixed fee

Reasons for Not Decreasing Water Rates

Revenue Stability

Ensure that revenue stays stable while considering rate design changes, wastewater rate changes and considering future capital improvements

Financial Sustainability

Ensure that revenue is sufficient from year-to-year until capital plan is finalized

Customer Impact/Conservation

Consider rate design changes that will provide for equity within each class

Reasons to Adjust the Water Rate Structure

Rate Design that promotes fairness and equity

With a large percentage of revenue from fixed fees, low users pay a higher effective rate than some high water users

Rate Design that encourages conservation

Evaluate current inclining block structure to ensure that it is promoting efficient use

Minimize impact to customers

Making a rate design change will impact customers differently if not entirely based on a fixed fee

Communications Plan



Phased Approach to Messaging

October

- We're completing a Rate Study
- Why/how

November - December

- Results of study
- Impacts to bills
- Timing

January – March

- Changes to bills
- Why

Beyond March

- What your water/wastewater bill pays for

Strategies and Tactics for Communicating

Website

- FAQs
- Video
- Bill calculator
- Infographic

HOA Newsletters

- Article
- Infographic

Presentations to HOAs

- PowerPoint
- Handout

Social Media

- Infographics
- Video
- FAQs

Questions for Council



Questions For Council to Consider

1

Do you agree we should adjust wastewater rates to recover costs?

An increase to wastewater rates is needed. Water rates should remain the same.

2

Do you agree we should adjust the rate structure?

Rate design changes to ensure equity, minimize bill impacts, and send a conservation price signal

3

Do you agree with setting rates for 2022 only?

Future rate implications unknown until CIP approved

4

Review basic elements of Communication Plan – Do you concur? Other suggestions? Any concerns?

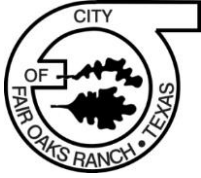
Phased approach to messaging over next three months

Q&A



Thank you!

Contact: Angie Flores
512 790 2108 / aflores@raftelis.com



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
October 7, 2021

AGENDA TOPIC: Consideration and possible action approving the second reading of an Ordinance amending the Code of Ordinances, Chapter 1, General Provisions, Article 1.05 Records Management

DATE: October 7, 2021

DEPARTMENT: City Secretary

PRESENTED BY: Christina Picioccio, City Secretary

INTRODUCTION/BACKGROUND:

Pursuant to City Ordinance 28.1 approved in 1990, the City Secretary serves as the Records Management Officer for the City. As such she shall develop and maintain a records management plan designed to reduce the costs and improve the efficiency of recordkeeping to adequately protect the essential records of the city and to properly preserve those records of the City Council that are of historical value.

The Texas State Library and Archives Commission (TSLAC) has developed their retention schedules to protect the municipal's public records and to contribute to more efficient government operations. The list of state schedules pertinent to a local government is listed below:

- Schedule EL (Records of Elections)
- Schedule GR (Records Common to All Governments)
- Schedule HR (Records of Public Health Agencies)
- Schedule LC (Records of Municipal Courts)
- Schedule PS (Records of Public Safety Agencies)
- Schedule PW (Records of Public Works and Services)
- Schedule TX (Records of Property Taxation)
- Schedule UT (Records of Utility Services)

The City adopted its first records management plan and Ordinance in 1990 and at that time created custom records schedules. New custom schedules were added regularly until 2010 when the Council approved the state schedules. Despite this, the City was still responsible to follow the custom schedules in addition to the state schedules. HB 1962 approved during the 86th Legislative Session in 2019 changed this process. TSLAC is no longer required to monitor and manage each city's records according to their filings, instead the records control schedules and amendments have been officially replaced by the written declaration of compliance – Form SLR 508 (Attached).

The purpose of this agenda item is for the City to declare the State Record Schedules identified above and to memorialize this by submitting a new Form SLR 508 to be on record at TSLAC. It is also the intent to update the Records Management Ordinance. As mentioned previously, our current Ordinance was approved in 1990, when the city was a Type A General Law City with a City Council form of government. As we are now a Home Rule Council-Manager form of government,

with defined policy and operational roles and responsibilities, we recommend that city council adopt this new policy proposal that designates staff as the responsible party for day-to-day operations in accordance with Council approved state retentions.

As Records Management Officer I have modernized the Records Management Plan to include management of electronic records, identification and preservation of vital records, and the incorporation a Disaster Prevention and Recovery Plan. Regarding electronic records, staff is currently exploring a software for digital document management inclusive of identifying records that have met their retention schedule.

Developing a Records Management Plan was incorporated into the FY 2019/2020 Strategic Action Plan (02-506-106). The city contracted with Records Consultants Inc. (RCI) to perform an annual audit of its paper records. Some of those records have met their schedule deadlines and are pending disposition. It is the intent of staff to contract with RCI to audit this year's records and provide disposition for all records that have met their scheduled destruction deadlines.

The first reading of this Ordinance was presented and approved by council at the September 2, 2021 council meeting. During the discussion period council directed staff to provide additional language within the Ordinance to formalize retaining certain records under council purview for a longer time period. This language has been added to Section 8 (4) of Exhibit for that purpose. It is staff's intent that council deliberate and provide direction.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

Benefits of an efficient records management program includes improved productivity, reduced costs, timely response to information requests, records protection, and authority to purge records as authorized by city council and state law.

LONG-TERM FINANCIAL & BUDGETARY IMPACT:

\$7,850 is budgeted to this endeavor to contract with Records Consultants Inc. (RCI) to perform an audit of its paper records and provide disposition for all records that have met their scheduled destruction deadlines consistent with Strategic Action Plan 02-506-106.

Additionally, funds will be utilized to purchase supplies for records storage and disaster preparation.

LEGAL ANALYSIS:

Approved as to form.

RECOMMENDATION/PROPOSED MOTION:

I move to approve the second reading of an Ordinance amending the City's Code of Ordinances Chapter 1, General Provisions, Article 1.05 Records Management.



Part 1: Contact Information

Name of Local Government: City of Fair Oaks Ranch

Mailing Address: 7286 Dietz Elkhorn

City: Fair Oaks Ranch

ZIP code: 78015

Part 2: Local Government Certification

As records management officer for the local government named, I hereby declare records control schedules have been prepared for all records as required by Local Gov. Code §203.041(a) for use in our records management program. I certify that the schedules:

- Comply with the minimum requirements established on records retention schedules issued by the Texas State Library and Archives Commission (as checked below), including retention periods; and
- No retention period on the records control schedules is less than a retention period prescribed by a state or federal law, regulation, or rule of court.

As records management officer, I understand that I shall:

- Assist in establishing and developing policies and procedures for the records management program for the local government;
- Ensure compliance with other duties of records management officer pursuant to Local Gov. Code, §203.023;
- Ensure compliance with Electronic Standards and Procedures, 13 TAC 7, pursuant to Local Gov. Code, §205.002; and
- Ensure compliance with Microfilming Standards and Procedures, 13 TAC 7, pursuant to Local Gov. Code, §204.002.

I declare that this local government will comply with the retention schedule:

☒ Schedule GR (Records Common to All Governments)

I declare compliance with the following additional retention schedules issued by the commission:

(check all that apply):

- | | |
|---|--|
| ☐ Schedule CC (Records of County Clerks) | ☒ Schedule PS (Records of Public Safety Agencies) |
| ☐ Schedule DC (Records of District Clerks) | ☒ Schedule PW (Records of Public Works and Services) |
| ☒ Schedule EL (Records of Elections and Voter Registration) | ☐ Schedule SD (Records of Public School Districts) |
| ☒ Schedule HR (Records of Public Health Agencies) | ☒ Schedule TX (Records of Property Taxation) |
| ☐ Schedule JC (Records of Public Junior Colleges) | ☒ Schedule UT (Records of Utility Services) |
| ☒ Schedule LC (Records of Justice and Municipal Courts) | |

RMO Name and Title: Christina Picioccio, City Secretary

RMO Signature: _____ Date: _____

Part 3: Acceptance by Texas State Library and Archives Commission (*internal use only*)

This Declaration of Compliance has:

- ☐ been accepted for filing pursuant to Local Gov. Code §203.041(a)(2). A record appearing on a valid records control schedule may be disposed of at the expiration of its retention period without additional notice to the director and librarian as described in §202.001(a)(1), subject to the provisions of §203.041(d).
- ☐ been accepted for filing subject to the conditions stated in the accompanying letter.

Name and Title: Megan Carey, RMA Manager

Signature: _____ Date: _____

AN ORDINANCE**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH AMENDING THE CITY'S CODE OF ORDINANCES CHAPTER 1, GENERAL PROVISIONS, ARTICLE 1.05 RECORDS MANAGEMENT; PROVIDING FOR SEVERABILITY AND REPEAL CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, Title 6, Subtitle C, Local Government Code (Local Government Records Act) provides that a municipality must establish by ordinance an active and continuing records management program to be administered by a Records Management Officer; and

WHEREAS, the City of Fair Oaks Ranch recognizes that review and amendment of current practices is warranted; and

WHEREAS, the City of Fair Oaks Ranch desires to amend its ordinance for that purpose and to prescribe policies consistent with the Local Government Records Act and in the interests of cost-effective and efficient recordkeeping.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS:

- PART 1. Chapter 1 "General Provisions" Article 1.05 "Records Management" is hereby amended as set forth in the attached **Exhibit "A"**.
- PART 2. That the recitals contained in the preamble hereto are hereby found to be true and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.
- PART 3. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance be severable, and, if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared invalid by judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance and the remainder of this Ordinance shall be enforced as written.
- PART 4. That it is officially found, determined and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.
- PART 5. This Ordinance shall take effect on September 16, 2021, after its second reading and after passage.
- PART 6. The repeal or amendment of any ordinance or part of ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue or as affecting any rights of the City of Fair Oaks Ranch under any section or provisions of any ordinances in effect at the time of passage of this Ordinance.

PART 7. The provisions of this Ordinance shall be cumulative of all ordinances not repealed by this Ordinance and ordinances governing or regulating the same subject matter as that covered herein.

PASSED and APPROVED on first reading this the 2nd day of September, 2021.

PASSED, APPROVED and ADOPTED on second reading this the 7th day of October, 2021.

Gregory C. Maxton, Mayor

ATTEST:

APPROVED AS TO FORM:

Christina Picioccio, City Secretary

Denton Navarro Rocha Bernal & Zech, P.C.,
City Attorney

Exhibit A

Chapter 1 “General Provisions” Article 1.05 “Records Management” is hereby amended as follows:

(Deletions shown as strikethrough and additions shown as underscore)

SECTION 1. DEFINITION OF ~~CITY~~ MUNICIPAL RECORDS.

All documents, papers, letters, books, maps, photographs, sound or video recordings, ~~microfilm, magnetic tape~~ electronic media, or other information recording media, regardless of physical form or characteristic and regardless of whether public access to ~~it~~ them is open or restricted under the laws of the state, created or received by the City of Fair Oaks Ranch or any of its officers or employees pursuant to law or in the transaction of public business are hereby declared to be the records of the City of Fair Oaks Ranch and shall be created, maintained, and disposed of in accordance with the provisions of this ordinance or procedures authorized by it and in no other manner.

SECTION 2. ADDITIONAL DEFINITIONS.

- (1) “Department Head” means the officer who by ordinance or administrative policy is in charge of an office of the City of Fair Oaks Ranch that creates or receives records.
- (2) “Essential Record” means any record of the City of Fair Oaks Ranch necessary to the resumption or continuation of its operations in an emergency or disaster, to the re-creation of the legal and financial status of the City of Fair Oaks Ranch, or to the protection and fulfillment of obligations to the people of the state.
- (3) “Permanent Record” means any record of the City of Fair Oaks Ranch for which the retention period on a records control schedule is given as permanent.
- (4) “Records Control Schedule” means a document prepared by or under the authority of the Records Management Officer listing the records maintained by the City of Fair Oaks Ranch, their retention periods, and other records disposition information that the records management program may require.
- (5) “Records Management” means the application of management techniques to the creation, use, maintenance, retention, preservation, and disposal of records for the purposes of reducing the costs and improving the efficiency of recordkeeping. The term includes the development of records control schedules, the management of filing and information retrieval systems, the protection of essential and permanent records, the economical and space-effective storage of inactive records, control over the creation and distribution of forms, reports, and correspondence, and the management of micrographics and electronic and other records storage systems.
- ~~(6) “Records Liaison Officer” means the person designated in Section 10 of this ordinance.~~
- ~~(7) “Records Management Committee” means the committee established in Section 6 of this ordinance.~~

- (6) "Records Management Officer" means the person designated in Section 5 of this Ordinance.
- (7) "Records Management Plan" means the plan developed under Section ~~7~~ 6 of this ordinance.
- (8) "Retention Period" means the minimum time that must pass after the creation, recording, or receipt of a record, or the fulfillment of certain actions associated with a record, before it is eligible for destruction.

SECTION 3. ~~CITY RECORDS~~ MUNICIPAL RECORDS DECLARED PUBLIC PROPERTY.

All ~~City of Fair Oaks Ranch~~ municipal records as defined in Section 1 of this ordinance are hereby declared to be the property of the City of Fair Oaks Ranch. No ~~City~~ municipal official or employee has, by virtue of his or her position, any personal or property right to such records even though he or she may have developed or compiled them. The unauthorized destruction, removal from files, or use of such records is prohibited.

SECTION 4. POLICY.

It is hereby declared to be the policy of the City of Fair Oaks Ranch to provide for efficient, economical, and effective controls over the creation, distribution, organization, maintenance, use, and disposition of all ~~City~~ municipal records through a comprehensive system of integrated procedures for the management of records from their creation to ultimate disposition, consistent with the requirements of the Texas Local Government Records Act and accepted records management practice.

SECTION 5. DESIGNATION OF RECORDS MANAGEMENT OFFICER.

The City Secretary, and the successive holders of said office, shall serve as Records Management Officer for the City of Fair Oaks Ranch. As provided by state law, each successive holder of the office shall file his or her name with the director and librarian of the Texas State Library within thirty days of the initial designation or of taking up the office, as applicable.

~~SECTION 6. ESTABLISHMENT OF RECORDS MANAGEMENT COMMITTEE; DUTIES.~~

~~A Records Management Committee consisting of the City Council is hereby established. The committee shall;~~

- ~~(a) assist the Records Management Officer in the development of policies and procedures governing the records management program;~~
- ~~(b) review the performance of the program on a regular basis and propose changes and improvements if needed;~~
- ~~(c) review and approve records control schedules submitted by the Records Management Officer.~~
- ~~(d) give final approval to the destruction of records in accordance with approved records control schedules and~~
- ~~(e) actively support and promote the records management program of the City of Fair Oaks Ranch~~

**SECTION 7.6. RECORDS MANAGEMENT PLAN TO BE DEVELOPED; ~~APPROVAL OF PLAN;~~
AUTHORITY OF PLAN.**

- (1) The Records Management Officer shall develop a records management plan for the City of Fair Oaks Ranch ~~for submission to the City Council of Fair Oaks Ranch~~ . The plan must contain policies and procedures designed to reduce the costs and improve the efficiency of record keeping, to adequately protect the essential records of the ~~City~~ municipality, and to properly preserve those records of the ~~City Council~~ municipality that are of historical value. The plan must be designed to enable the Records Management Officer to carry out his or her duties prescribed by state law and this ordinance effectively.
- (2) The records management plan shall be binding on all offices, departments, divisions, programs, commissions, bureaus, boards, committees, or similar entities of the City of Fair Oaks Ranch and records shall be created, maintained, stored, or disposed of in accordance with the plan.
- (3) ~~Once approved by the City Council~~ The Records Management Officer shall develop plans that encompass the duties and responsibilities of department heads and delegated employees to work in conjunction with the Records Management Officer in the performance of records control.
- (4) State law relating to the duties, other responsibilities, or record keeping requirements of a department head do not exempt the department head or the records in the department head's care from the application of this ordinance and the records management plan adopted under it and may not be used by the department head as a basis for refusal to participate in the records management program of the City of Fair Oaks Ranch.

~~SECTION 8. DUTIES OF RECORDS MANAGEMENT OFFICER.~~

~~In addition to other duties assigned in this ordinance, the Records Management Officer shall:~~

- ~~(1) administer the records management program and provide assistance to departments in its implementation;~~
- ~~(2) plan, formulate, and prescribe records disposition policies, systems, standards, and procedures;~~
- ~~(3) in cooperation with department heads identify essential records and establish a disaster plan for each City office and department to ensure maximum availability of the records in order to re-establish operation quickly and with minimum disruption and expense;~~
- ~~(4) develop procedures to ensure the permanent preservation of the historically valuable records of the City Council.~~
- ~~(5) establish standards for filing and storage equipment and for record keeping supplies;~~
- ~~(6) study the feasibility of and, if appropriate, establish a uniform filing system and a forms design and control system for the City Council.~~

- ~~(7) provide records management advice and assistance to all departments by preparation of a manual or manuals of procedure and policy and by on-site consultation;~~
- ~~(8) monitor records retention schedules and administrative rules issued by the Texas State Library and Archives Commission to determine if the records management program and the City Council's records control schedules are in compliance with state regulations;~~
- ~~(9) disseminate to the City Council and department heads information concerning state laws and administrative rules relating to local government records;~~
- ~~(10) instruct Records Liaison Officers and other personnel in policies and procedures of the records management plan and their duties in the records management program;~~
- ~~(11) direct Records Liaison Offices or other personnel in the conduct of records inventories in preparation for the development of records control schedules as required by state law and this ordinance.~~
- ~~(12) ensure that the maintenance, preservation, microfilming, destruction or other disposition of the City Council is carried out in accordance with the policies and procedures of the records management program and requirements of state law;~~
- ~~(13) maintain records on the volume of records destroyed under approved records control schedules, the volume of records microfilmed or stored electronically, and the estimated cost and space savings as the result of such disposal or disposition;~~
- ~~(14) report annually to the City Council on the implementation of the records management plan in each department of the City of Fair Oaks Ranch including summaries of the statistical and fiscal data compiled under Subsection (13); and~~
- ~~(15) bring to the attention of the City Council noncompliance by department heads or other City Council personnel with the policies and procedures of the records management program or the Local Government Records Act.~~

Section 9. DUTIES AND RESPONSIBILITIES OF DEPARTMENT HEADS.

~~In addition to other duties assigned in this ordinance, department heads shall:~~

- ~~(1) cooperate with the Records Management Officer in carrying out the policies and procedures established in the City of Fair Oaks Ranch for the efficient and economical management of records and in carrying out the requirements of this ordinance.~~
- ~~(2) adequately document the transaction of government business and the services, programs, and duties for which the department head and his or her staff are responsible; and~~
- ~~(3) maintain the records in his or her care and carry out their preservation, microfilming, destruction, or other disposition only in accordance with the policies and procedures of the records management program of the City of Fair Oaks Ranch and the requirements of this ordinance.~~

SECTION 7. RECORDS CONTROL SCHEDULES TO BE DEVELOPED; ADOPTION OF STATE RECORDS CONTROL SCHEDULES; APPROVAL; FILING WITH STATE.

- (1) ~~(a) The Records Management Officer, in cooperation with department heads, shall prepare records control schedules on a department by department basis listing all records created or received by the department and the retention period for each record. Records control schedules shall also contain such other information regarding the disposition of the City records as the records management plan may require.~~
- (2) ~~(b) Each records control schedule shall be monitored and amended as needed by the records Management Officer on a regular basis to ensure that it is in compliance with records retention schedules issued by the state and this it continues to reflect the record keeping procedures and needs of the department and the records management program of the City of Fair Oaks Ranch.~~
- (3) ~~(c) Before its adoption a records control schedule or amended schedule for a department must be approved by the department head, the City Attorney and the Mayor.~~
- (4) ~~(d) Before its adoption a records control schedule must be submitted to and accepted for filing by the director and librarian as provided by state law. If a schedule is not accepted for filing, the schedule shall be amended to make it acceptable for filing. The Records Management Officer shall submit the records control schedules to the director and librarian.~~
- (1) In lieu of filing records control schedules, the City of Fair Oaks Ranch has adopted record control schedules issued by the Texas State Library and Archives Commission. A declaration of compliance with the records scheduling requirement of the Local Government Records Act shall be filed with the Texas State Library and Archives Commission by the records management officer (Form SLR 508).

SECTION 8. IMPLEMENTATION OF RECORDS CONTROL SCHEDULES; DESTRUCTION OF RECORDS UNDER SCHEDULE.

- (1) A records control schedule for a department that has been approved and adopted under Section 7 shall be implemented by department heads according to the policies and procedures of the records management plan.
- (2) A record whose retention period has expired on a records control schedule shall be destroyed unless an open records request is pending on the record, the subject matter of the record is pertinent to a pending lawsuit, or the department head requests in writing to the Records Management ~~Committee~~ Officer that the record be retained for an additional period.
- (3) ~~(c) Prior to the destruction of a record under an approved records control schedule, authorization for the destruction must be obtained by the Records Management Officer from the City Council.~~

(4) The City Council identifies that the following records be kept beyond the state retention period:

Record Number	Record Title	Record Description	New Retention Period
GR 1000-01a	Agendas	Open Meetings 1. If the minutes describe each matter considered by the governing body and reference to an agenda is not required.	
GR 1000-03g	Minutes (Agenda Packets)	2. Supporting documentation – One copy of each document of any type submitted to a meeting of a governing body for consideration, approval, or other action; if such action is reflected in the minutes of the meeting.	
GR 1000-03e	Minutes (Recordings)	Audiovisual recordings of open meetings for which written minutes are prepared.	

SECTION 9. DESTRUCTION OF UNSCHEDULED RECORDS.

~~A record that has not yet been listed on an approved records control schedule may be destroyed if its destruction has been approved in the same manner as a record destroyed under an approved schedule and the Records Management Officer has submitted to and received back from the director and librarian an approved destruction authorization request.~~

In order to destroy records that do not appear on schedules issued by the Texas State Library and Archives Commission and that have not been added by a filed supplemental records control schedule, a request for authorization to destroy unscheduled records (SLR 501) must be filed with the Texas State Library and Archives Commission.

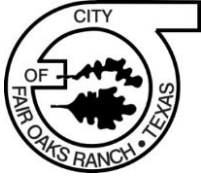
SECTION ~~13~~ 10. RECORDS CENTER.

A records center, developed pursuant to the plan required by Section 7, shall be under the direct control and supervision of the Records Management Officer. Policies and procedures regulating the operation and use of the records center shall be contained in the records management plan developed under Section ~~7-6~~.

SECTION 14. MICROGRAPHIC.

~~Unless a micrographic program in a department is specifically exempted by order of the City Council, all microfilming of records will be centralized and under the direct supervision of the Records Management~~

~~Officer. The records management plan will establish policies and procedures for the microfilming of the City's records, including policies to ensure that all the microfilming is done in accordance with standards and procedures for the microfilming of local government records established in rules of the Texas State Library and Archives Commission. The plan will also establish criteria for determining the eligibility of records for microfilming, and the protocols for ensuring that microfilming program that is exempted from the centralized operations is nevertheless, subject to periodic review by the records management officer as to cost effectiveness, administrative efficiency, and compliance with commission rules.~~



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
October 7, 2021

AGENDA TOPIC: Consideration and possible action authorizing the City Manager to execute a contract with Audio Visual Aids to purchase equipment for live streaming public meetings

DATE: October 7, 2021

DEPARTMENT: Human Resources & Communications

PRESENTED BY: Joanna Merrill, IPMA-SCP

INTRODUCTION/BACKGROUND:

Recently, staff was given a directive to provide council with information regarding an option to live stream public meetings as an initiative to provide transparency and accessibility to our community.

As a result, council approved for staff to move forward with researching a non-interactive livestreaming method that would be directed and managed by staff. With this guidance along with a recommendation from Council Member Muenchow and Council Member Parker to reach out to the City of Fredericksburg to discuss their process, staff was able to provide Council with an update at the previous council meeting to discuss their findings.

During the August 5th council meeting staff was able to present information regarding recommendations from other cities on how to best accomplish a project of this nature in a smooth and efficient manner to avoid some of the bumps in the road they experienced during their own implementation. One of those recommendations was for staff to enlist the services of a professional audio-visual consultant to assess our current needs and location challenges in order to provide the best mobile options for our circumstances.

At the September 2nd council meeting staff presented a quote to council for discussion containing equipment costs for a fully mobile platform. Staff was not able to obtain a quote from the vendor in time for the council to review the costs for a minimalistic approach. As of today, we have obtained a revised quote containing only the minimal equipment we would need to live stream a council meeting in our current location.

The fully mobile quote had come in at just over \$43,000 and the adjusted quote is now \$10,140.00.

The timeline for completion and implementation may vary based on availability of equipment due to backlogged items as a result of COVID-19 demands, and we will not be able to provide an installation timeline until the orders are placed for each piece of equipment.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

- Will address opportunities to create an easily accessible and transparent option for citizens to participate in local government public meetings
- Will provide an opportunity to display professionalism and technological advancement in meeting service expectations

LONG-TERM FINANCIAL & BUDGETARY IMPACT:

During a recent budget workshop council approved for \$50,000 to be added to the budget for this project.

Based on the current quote of \$10,140.00, the city will save approximately \$39,860.00

LEGAL ANALYSIS:

No legal analysis needed at this time.

RECOMMENDATION/PROPOSED MOTION:

I move to authorize the City Manager to execute a contract not to exceed \$10,180.00 with Audio Visual Aids to purchase equipment for a Multiplatform Communications option for live streaming public meetings.



AUDIO VISUAL AIDS

WE SOLVE MULTIMEDIA MATTERS.

2903 North Flores St. San Antonio, TX 78212
Office 210.732.1234 Toll Free 800.422.1282

QUOTE

Quote Number	Date
AVAQ20175	09-13-2021

Page 1 of 2

Sold To

City of Fair Oaks Ranch
Brian LeJeune

7286 Dietz Elkhorn
Fair Oaks Ranch, Texas 78015

Phone 210-698-0900
Fax

Ship To

Phone
Fax

Sales Type	Quoted By:	Sales Rep
	DIANE	Gilbert

Qty	Item Number	Description	Unit Price	Ext. Price
		VIDEO HARDWARE:		
2	MAR-CV630-IPW	UHD30 IP PTZ 30X OPTICAL ZOOM 8.5 MP CAMERA WHITE	\$2,233.00	\$4,466.00
1	MAR-VS-PTC-200	MARSHALL COMPACT PTZ CAMERA JOYSTICK CONTROLLER	\$507.00	\$507.00
2	IKA-GA230-PTZ	IKAN ALUMINUM TRIPOD FOR PTZ CAMERA, ADJUSTABLE TO 92"	\$464.00	\$928.00
1	TAS-VSR-264	TASCAM STAND ALONE FULL HD ENCODER/DECODER FOR STREAMING	\$1,420.00	\$1,420.00
1	TAS-PS-P1220E	TASCAM AC POWER SUPPLY FOR HD ENCODER	\$47.00	\$47.00
1	HDMI-HDMI-15	COMPREHENSIVE HDMI CABLE 15 FT.	\$13.00	\$13.00
1	HDMI-18G-MFPG-35B LKA	MICROFLEX ACTIVE PRO AV/IT 18G EXTENDED LENGTH HDMI CABLES WITH PROGRIP, CL3, JET BLACK 35FT	\$93.00	\$93.00
2	HDMI-18G-MFPG-25B LKA	MICROFLEX ACTIVE PRO AV/IT 18G EXTENDED LENGTH HDMI CABLES WITH PROGRIP, CL3, JET BLACK 25FT	\$78.00	\$156.00
1	NETGS108PP-100NAS	NETGEAR 8-PORT GIGABIT ETHERNET POE+ UNMANAGED SWITCH WITH 123W POE BUDGET	\$160.00	\$160.00
1	MISC H	MISC HARDWARE AND CABLE	\$100.00	\$100.00
1	AVA-PROG	PROGRAMMING OF SYSTEM	\$750.00	\$750.00
1	LABOR	EQUIPMENT INSTALLATION	\$1,500.00	\$1,500.00
		SCOPE OF WORK: AUDIO VISUAL AIDS WILL ADD TWO PTZ CAMERAS AND A STREAMING DEVICE TO THE EXISTING COUNCIL CHAMBERS AV SYSTEM.		

Continued on next page

Credit card payments are accepted on a case by case basis and are subject to a 3.5% transaction fee

Approved Vendor



Contract # 579-19



1 of 2



AUDIO VISUAL AIDS

WE SOLVE MULTIMEDIA MATTERS.

2903 North Flores St. San Antonio, TX 78212
Office 210.732.1234 Toll Free 800.422.1282

QUOTE

Quote Number	Date
AVAQ20175	09-13-2021

Page 2 of 2

Sold To

City of Fair Oaks Ranch
Brian LeJeune

7286 Dietz Elkhorn
Fair Oaks Ranch, Texas 78015

Phone 210-698-0900
Fax

Ship To

Phone
Fax

Sales Type	Quoted By:	Sales Rep
	DIANE	Gilbert

Qty	Item Number	Description	Unit Price	Ext. Price
The price, specifications and conditions set forth hererinabove are satisfactory and hereby accepted. You are authorized to do the work as specified. 50% of the total is due at the start of the project (upon credit approval by AVA) with the remaining balance due upon completion. Past due accounts are subject to a finance charge of 1.5% per month. Any modifications or changes to the scope set forth must be in writing and signed by all parties. By acceptance of this proposal you acknowledge that this is a binding and enforceable contract between parties hereto. I further acknowledge that there are no warranties of fitness, either expressed or implied, for a particular purpose. Payments made pursuant to the terms of this contract should be sent to 2903 N. Flores St., San Antonio, TX 78212. All information contained within this quote is valid for the next 60 days. ACCEPTANCE OF PROPOSAL			SubTotal	\$10,140.00
			Shipping	\$0.00
			Tax	\$0.00
			Total	\$10,140.00

Authorized Representaive of Company

Thank you for the opportunity to provide this quote for your organization.

Credit card payments are accepted on a case by case basis and are subject to a 3.5% transaction fee

Approved Vendor



2 of 2



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
October 7, 2021

AGENDA TOPIC: Discussion regarding potential amendments to the City Council Meeting Rules of Procedure

DATE: October 7, 2021

DEPARTMENT: City Secretary

PRESENTED BY: Christina Picioccio, City Secretary

INTRODUCTION/BACKGROUND

By way of background, in 2013, by Resolution, City Council adopted Rules of Procedures for all city council meetings. Subsequent amending Resolutions were adopted in 2015, 2017 and 2021.

In May 2017, voters approved, by election, to adopt the City's Home Rule Charter. Section 3.06.E. of the Charter states, "*City Council shall, except as otherwise provided for in this Charter, create Rules of Procedure for all City Council workshops, regular and special meetings and public hearings by ordinance*".

In September 2018, prior to completing the conversion process from a resolution to an ordinance, a request was made of staff and city council members to review the procedures current at that time and provide the Assistant City Manager with any recommendations. The Assistant City Manager incorporated all council comments and presented for council discussion at the August 15, 2019 council meeting. Council discussed the proposed Rules of Procedures and requested that this topic be brought back as a workshop item at a future meeting.

On February 4, 2021 council voted to amend Part II Rule 4 changing the meeting time of the regular city council meeting held on the first Thursday of each month from 6:30 AM to 6:30 PM. No other changes were made at that time. At the August 5, 2021 city council meeting Council Member Elizondo requested that the City Council Rules and Procedures be brought for council to review and update.

The City Secretary's Office provided council the most recent ordinance passed in February 2021 as well as the proposed "marked-up" 2019 version to receive council recommendations.

Attached is a proposed ordinance that incorporates all the recommendations received from city council and staff from 2019 and present. Crossed-out items indicate removal of language while underlined items indicate additions. It is the intent of this agenda item to elicit council discussion and direction for changes. Staff will apply said changes and place the proposed Ordinance on a future council agenda for consideration and action.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS

1. Complies with the requirement of the City Charter, Section 3.06.E in creating a Rules of Procedure for all City Council workshops, regular and special meetings and public hearings by Ordinance.

2. Provides City Council and staff the opportunity to review and recommend enhancements to the current City Council Meeting Rules of Procedures.
3. Provides transparency.

LONGTERM FINANCIAL & BUDGETARY IMPACT

N/A

LEGAL ANALYSIS

Legal to be provided final product for review and approval.

RECOMMENDATION/PROPOSED MOTION

Provide staff with amended language for the City Council Rules of Procedure and to give direction for placing the proposed Ordinance on a future city council meeting agenda for consideration and action.

CITY COUNCIL MEETING RULES OF PROCEDURE

Resolution 2013-17 (Nov 2013)
Amended Resolution 2015-05
Amended Resolution 2015-11
Amended Resolution 2017-01
Amended Resolution 2021-06 (Feb 4, 2021)

Part I- General Provisions

Rule 1. Scope of Rules. These rules shall govern the conduct of the Council and shall be interpreted to ensure fair and open deliberations and decision making.

Rule 2. Rulings; Matters Not Covered. The presiding officer shall rule, initially, on all questions of procedure. Robert's Rules of Order, 10th Edition shall be referred to for any matter or order or procedure not covered by these rules. Newly Revised shall, to the extent feasible, govern the proceedings of meetings. The City Secretary shall act as Parliamentarian for Council Meetings.

Rule 3. Interpretation. These rules are intended to supplement and shall be interpreted to conform with the statutes of the State of Texas and the ordinances of the City of Fair Oaks Ranch. In general, these rules shall be interpreted to allow the majority to prevail but preserve the right of the minority to be heard.

Part II- Time and Place of Meetings

Rule 4. Regular Meetings.

The City Council shall meet in regular session on each first Thursday and third Thursday in each calendar month beginning at 6:30 PM unless postponed or cancelled for valid reason(s), in the Fair Oaks Ranch Council Chambers or other appropriately posted location. The regular meetings may be available via live streaming and such method will be posted with the regular meeting notice for the public. The City Council, by a majority vote, may reschedule or cancel any regular meeting with (proper and timely) (or reasonable) and- in accordance with City Charter and state law.-

Comment: "Or Reasonable" is a recommended substitute for "proper and timely" notice

(Resolution 2021-06, adopted 2/4/2021)

(Resolution 2015-05, sec. 1, adopted 06/2015; Resolution 2017-01, sec.1, adopted 07/2017)

Rule 5. Special Meetings. A special meeting is any meeting, other than a regular meeting, where a quorum of council members are present to deliberate public business that the City Council has supervision or control over the topic being deliberated.

A. ~~A.~~—Special meetings may be called at the request of the Mayor or City Administrator ~~Manager~~ and shall be called on the written application of three ~~alderman~~ council members

Comment: Is this still the practice we want to follow? "On the written application" does this need to be clarified? Does it matter what format that comes in? Is e-mail okay?

B. ~~7~~ Said meetings will be held at the time and place as posted on the meeting agenda. The special meetings may be available via live streaming and such method will be posted with the special meeting notice for the public.

~~B. The city issued application, including supporting documentation of the item(s) to be considered, shall be submitted to the Mayor~~

The city issued application, including supporting documentation of the item(s) to be considered, shall be submitted to the City Secretary or City Manager.

~~C. Each member of the council, the city secretary, and the city attorney shall be notified of the special meeting, personally (phone, e-mail or in person). There will be no delivery of packets. If a council member wants a packet, packets will be printed and available for pick up, or left at the person's usual place of residence, by the Maintenance or Police Department.~~

Rule 6. Executive Sessions. The City Council may meet in executive session in compliance with the Texas Open Meetings Act. A vote, if needed, on a matter ~~deliberated~~ discussed in an executive session will be made in an open meeting for which proper notice is provided. The Council has discretion to include city officers and employees who are necessary to the matter under consideration but may not admit a person whose presence is contrary to the city's interest protected by the provision authorizing the session.

Rule 7. Quorum; Majority Vote. A majority of Council shall constitute a quorum at all meetings, unless provided differently by state law or City Charter, for the transaction of business, ~~and no~~ No action of the City Council except as specifically provided in the City Charter, shall be valid or binding unless adopted by the affirmative vote of a majority of the City Council. shall be of any effect unless it is adopted by the favorable vote of a majority of Council present.

Part III. Regular City Council Agenda Packet or City Council Agenda

Rule 8. Agenda Packet. The City Manager shall supervise the preparation of agenda packets for all meetings of the City Council. The packets shall be prepared in accordance with these Rules and Procedures as provided for in the City Charter. The Agenda-agenda Packet-packet includes the meeting notice ("agenda") and any supporting documentation for agenda items.

~~The City Manager's office is responsible for assembling and reviewing for accuracy the proposed agenda packet for each meeting. If requested by the Mayor or by a Council Member, the City Manager shall place the requested subject on the agenda. The Mayor shall approve the final agenda packet prior to posting. Agenda packets shall be delivered to Council Members by the Maintenance or Police Department.~~

~~The City AdministratorSecretary's's office is responsible for assembling and the City Administration's office for reviewing for accuracy the proposed agenda packet for each meeting. If requested by the Mayor or by an alderman council member, the City Administrator Manager shall place the requested subject on the agenda. The Mayor City Manager shall will approve the final agenda packet prior to posting and the packets will be available for council pick up when requested. Meeting packets shall be delivered by the Maintenance or Police Department.~~

Upon completion, agenda packets will be sent electronically, by the City Secretary's Office, to Council Members and the City Attorney and, can be picked up at City Hall during normal business hours.

A. A member of City Council may place an item on an agenda. The City Council member desiring to place an item on an agenda shall submit, in writing, the request along with the appropriate supporting documentation of the agenda item, to the City Secretary. The item shall be placed on the next City Council meeting agenda occurring on or after the 5th calendar day after receiving the request.

B. At a meeting of City Council, a member of City Council may place an item on an agenda by making a

Exhibit A

request to place the item on a future agenda. No discussion shall occur at the meeting regarding the placement of the item on a future agenda.

C. The City Manager may place any item on any City Council agenda.

D. When possible, City Council agenda item requests will be processed in accordance with the annual schedule on file in the City Secretary's office.

E. Items previously considered and acted upon on an agenda or placed on the agenda by a Council member for discussion purposes may not be placed on any future agenda for a period of 240 days, unless the item is submitted by motion by a Council member during the "City Council member request for future agenda items" and the placement of the item on the agenda is supported by an affirmative vote of at least four council members.

E. Items previously considered and acted upon or placed on an agenda by a Council member for discussion purposes only, may not be placed on any future agenda for a period of 180 days from the date of consideration or discussion. Except:

a. Within 180 days, a request for re-consideration or further discussion may be placed on a City Council agenda for Council's consideration and possible action of the request:

1. If the request is supported by an affirmative vote of at least four council members, the consideration or discussion item will be placed on a future agenda upon receipt of appropriate supporting documentation (See A above).

2. If the request does not receive the required support, the request cannot be raised again for another 180 days.

Comment: One council member would like to omit the entire section E – believes it is too restrictive and works against continued discussion on issues that are important. It certainly hampers the consensus building and discussion amongst city leaders. It also limits our ability to do our basic job by putting up roadblocks.

(Comment: It looks like we added an entire section in the PDF limiting council members from adding a discussion to the agenda, if it has been previously addressed, for 6 months. I personally feel 6 months is a long time and we should consider a shorter time frame or strike this. Following the new rule, we would not have been able to discuss broadcasting a second time if we had this rule.

Rule 9. Consent Agenda. The City Administrator Manager may separately designate items as consent items which shall be placed under Consent Agenda on the agenda and be acted upon by the Council under Rule 27. The Consent Agenda shall consist of routine items, which in the City Administrator Manager's determination can be appropriately considered as a group (without separate discussion) at the Council meeting.

The City Manager may designate items as routine items, including second readings of Ordinances, which shall be placed under Consent Agenda on the agenda and acted upon, by the City Council, as a group without separate discussion. At the City Council meeting, an item may be pulled from the Consent Agenda and placed in the appropriate location of agenda at the request of any member of the city council.

Rule 10. Meeting Notice Deadline. All requests to place a subject on the agenda must be in writing with supporting documentation provided to the City Administrator Manager by 5:00 PM on Tuesday of the week preceding the regular Council meeting.

Comment: When is the established time to get something on the agenda & when is the supporting documentation due to the CS?

Exhibit A

Comment: (This whole section above not on the 2019 Rules of Procedure) – The version that went to council in 2019 did not have this section.

Rule 11. Meeting Notice; Posting. The City Secretary's office is responsible for posting the agenda for each meeting and, ~~may assist the City Administrator's office in assembling the agenda packet.~~ The city's official posting location for the agenda is the bulletin board located at the front of City Hall and on the city's official website.

Rule 12. Withdrawal of Items. The City Administrator Manager and/or Mayor may withdraw an item on the meeting notice prior to the Council meeting, but in withdrawing an item that has been posted, shall state the reason therefor which reason shall be posted and transmitted to the Council. An item on the meeting notice proposed by an ~~Alderman~~ council member may not be withdrawn without the ~~Alderman~~ council member's consent.

(Resolution 2015-11, sec. 1, adopted 08/20/2015)

Part IV- Conduct of Meetings

Rule 13. Roll Call. Before proceeding with the business of the Council, the City Secretary determines the presence of a quorum as required by law and these rules by calling the roll of Members present, and entering those named in the minutes.

Rule 14. Call to Order. The presiding officer shall call the meeting to order.

Rule 15. Presiding Officer. The Mayor, or in the Mayor's absence or inability to perform, the Mayor Pro Tem, shall be the presiding officer at all Council meetings. The Mayor Pro Tem shall be a Council Member elected by the City Council at the first regular City Council meeting following each regular City election. If both the Mayor and Mayor Pro Tem are absent or unable to perform, the most senior Council member present shall preside. In the event two or more Members equally possess the greatest seniority, then the eldest person among them shall preside. For this purpose, seniority is measured by current, continuous service on the City Council.

At each new city council's first meeting or as soon as practicable, the City Council shall appoint one ~~alderman~~ council member to serve as Mayor Pro Tem for a term of one year.

~~At each new city council's first meeting or as soon as practicable, the City Council shall appoint one council member to serve as Mayor Pro Tem for a term of one year.~~

Rule 16. Control of Discussion. The presiding officer shall moderate discussion of the Council on each agenda item to assure full participation in accordance with these rules. The presiding officer will preserve order and decorum, preventing the impugning of any member's motives or other personal comment not relevant to the orderly conduct of business. The presiding officer shall request all speakers to keep comments brief and relevant to the question before the Council. All persons present in the meeting room should refrain from abusive, rude or inappropriate conduct. ~~See Chapter 38 of the Texas Penal Code regarding the "hindering" of official proceedings.~~

Rule 17. ~~Consideration of Agenda Items~~ Order of Consideration of Agenda. (Comment: 2015 Language - Title changed – to Consideration of Agenda Items - No explanation given.) Except as otherwise provided in these rules, each agenda item shall (2019 version changes shall to should – Council Member prefers shall or

Exhibit A

will instead of should) be considered in the numerical order as listed on the meeting notice. ~~Each agenda item shall be introduced by the presiding officer. After an item is introduced, the standard procedure is as follows for consideration of agenda items:~~

1. Reading of the item by the presiding officer. A majority of the Council may require reading ordinances or resolutions by caption.
2. ~~The Mayor, City Administrator~~ Manager or his/her designee or appropriate agenda item owner ~~other person~~ may present a statement or presentation on the item.
2. Alternate writing: The Mayor, City Manager or the appropriate agenda item owner may present a statement on the item.
3. ~~Discussion with the presenter. An Alderman council member may request and receive information, explanations or the opinions of the presenter or City Administrator Manager or city employee present. It is preferred that all questions of the presenter are conducted prior to any motions, if possible.~~
4. Ask for citizen comments and/or questions. Comments shall be no more than five minutes and may be terminated at the discretion of the presiding officer. Citizens may ask questions of the Mayor or any council member. Any member of the council may also ask questions of the citizen.
- 4.5. The presiding officer shall ask for a motion; if made, ask if there is a second. If seconded, proceed to the next step Rule 17.5. If there is no motion or second is made, item dies due to lack of motion.
- 5.6. Discussion held amongst Council members on item motion. The presiding officer will offer the opportunity for each council member to speak once on a motion before allowing a council member to speak a second time. The council member who made the motion will be afforded the opportunity to speak first in favor of their motion.
- 6.7. ~~Ask for citizen comments and/or questions. Comments shall be no more than five minutes and may be terminated at the discretion of the Presiding Officer. Citizens may ask questions of the Mayor or any Alderman council member. Any member of the Council may also ask questions of the citizen.~~
- 7.8. Unless required by law or a Council member requests a roll call vote, informal voting (Rule # 24) shall be used.

(Resolution 2015-11, sec. 1, adopted 08/20/2015)

Rule 18. ~~Presiding Officer's Right to Enter into Discussion.~~ ~~The presiding officer as a member of the Council may enter into any discussion.~~

Rule 19. Limit on Remarks. Each Council member shall limit their relevant remarks to a reasonable length.

Time limits for council member comments may be set for specific agenda items, or any single meeting, by a majority vote of the council members present. If limits will be set for a specific agenda item, it must be voted on prior to the agenda item motion.

(Comment: Council members are expected to prepare their commentary in advance to the extent reasonably possible. Comments should be developed to accomplish their advocacy in a clear and concise manner, with the expectation that their total speaking time would be limited to a total of 10 minutes per question. Time not used may be reserved for follow-up on each question).

Exhibit A

Rule 20. Presiding Officer's Right to Speak Last. The presiding officer has the right to speak last on any item.

Rule 21. Closing Motion Discussion. Discussion shall be closed on any item by the presiding officer with the concurrence of a majority of the Council present, or by an approved motion by a council member.

(Comment: How will this concurrence be expressed? Does the procedure allow for any member to call the question?)

Rule 22. Council Member Closing Announcements.

Standard language of the agendas calls for the following "REQUESTS AND ANNOUNCEMENTS".:

"Announcements and reports by Mayor and Council Members",

"Announcements by the City Manager", and

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

Rule 23. Comments Out of Order. Council members will refrain from making comments during Citizen's to be Heard and unless recognized by the presiding officer during an agenda item. The presiding officer may consider any comments made by council members during Citizen's to be Heard and/or made without being recognized to be out of order.

Part V. Council Action

Rule 22. Motion Required. All actions requiring a vote shall be moved by an ~~alderman~~ council member. An ~~alderman~~ council member may make a motion to amend a motion. The amendment must receive a second before it may be discussed and must be voted on prior to voting on the main motion. A motion may be withdrawn or modified by its mover without asking permission. It is considered a motion, if a council member formally states, "I move to" or "I so move". Any other comments made by a council member regarding a potential motion or consideration of an amendment will not be considered a motion until formally stated.

Rule 23. Recording Names of Moving Members. The City Secretary shall record the name of the ~~alderman~~ council member making each motion and seconding each motion.

Rule 24. Call for Vote. At the conclusion of the discussion or when a Council member calls the question and is seconded, the presiding officer shall call for a vote by voice, show of hands or roll call. The presiding officer shall announce the results of the vote.

~~Roll call votes are called in alphabetical order with each Member responding in the affirmative or negative (aye, yes, nay or no in order of council places.). If a Membermember does not wish to vote, they answer present or abstain. In case of a tie, the presiding officer votes. If the presiding officer cannot vote, the motion fails.~~ (Comment: Explain the scenario(s), i.e., if the presiding officer has recused themselves)

~~Roll call votes are called in alphabetical order with~~ are made by each Member responding in the affirmative or negative (aye, yes, nay or no). If a member does not wish to vote, they answer abstain. In case of a tie, the presiding officer votes. If the presiding officer cannot vote, the motion fails.

Exhibit A

Rule 25. Voting Required. Each ~~alderman~~ council member including the Mayor, ~~present~~ shall vote, unless abstaining, on every action taken by Council. When abstaining, the member shall state they are abstaining and, if they choose, provide reason as to the abstention. If a member has substantial interest in a business entity or in real property, the official shall file, with the City Secretary, before a vote or decision on any matter involving the business entity or the real property, an affidavit **(See Appendix A)** stating the nature and extent of the interest if:

1. In the case of substantial interest in a business entity the action on the matter will have a special economic effect on the business entity that is distinguishable from the effect on the public; or,
2. In the case of substantial interest in real property, it is reasonably foreseeable that an action on the matter will have a special economic effect on the value of the property, distinguishable from its effect on the public.

(Comment CA: Why not simply reference that they shall file when required to do so by state conflict of interest laws?)

Version provided to council in August 2019 did not have the above writing.

Any ~~Alderman~~ council member prohibited from voting by personal interest shall announce at the commencement of consideration of the matter and shall not enter into discussion on any such matter. Any ~~Alderman~~ council member refusing to vote—~~and~~ and not excused from voting—~~shall~~ be recorded in the minutes as voting in the affirmative. (Comment CA: Is this per Robert's? I would think a pass or abstention would be recorded as a "no".

Comment: Current practice is to count as "abstain".

Version provided to council in August 2019 said:

Any council member prohibited from voting by personal interest shall announce at the commencement of consideration of the matter and shall not enter into discussion on any such matter. Any council member refusing to vote shall be recorded in the minutes as voting in the negative.

Rule 26. Separate Consideration. Except as otherwise required by these rules, each agenda item shall be voted upon separately with the vote recorded by the City Secretary. Motions and votes within an agenda item may be split, as desired by City Council. City Council, by approval of a motion, reserves the right to group agenda items for consideration.

Rule 27. Action on Consent Agenda. Except as herein provided, the "'Consent Agenda'" shall be considered as a group (without separate discussion on each item). When the Consent Agenda is introduced each Member of Council has the right to remove any item, in which case the item is handled under Rule ~~17~~17. After items are removed, the presiding officer shall ask for a motion on the remaining Consent Agenda items.

Rule 28. Consideration Out of Order. At the request of an ~~alderman~~ council member and with the consent of the Council any agenda item may be considered out of order.

Rule 29. Council Action to Withdraw or Defer. An ~~alderman~~ council member wishing to withdraw or defer an item may make a motion to that effect.

Exhibit APart VI. Citizen Participation

Rule 30. Public Participation during Citizens to be Heard. Comments and suggestions by the public are highly valued and encouraged during those parts of a meeting designated for public participation. The "Texas Open Meetings Act" requires the City to post a notice, in advance, listing every topic or subject to be considered by the Council. This law may (Comment: May or does?) prevent the Council from responding to and/or considering a subject raised by a member of the public during Citizens to be Heard or otherwise.

Speakers shall register in advance and limit their comments to five minutes each. Total time for citizen comment is limited to 60 minutes unless a majority vote of the Council extends the allotted time. ~~Comments shall be limited to topics not on the meeting agenda and will be governed by Rule 34.~~ Speakers should direct all remarks and questions to the Council. The presiding officer may refer a matter for investigation, response, or other action.

Speakers shall sign in prior to the commencement of the meeting and limit their comments to five minutes each. Total time for Citizens to be Heard is limited to 60 minutes unless a majority vote of the Council extends the allotted time.

When called forth, the speaker wishing to comment shall step to the lectern, state their name, and address for the record, and then address the council.

Comment: In lieu of appearing in person citizens may be heard by submitting an e-mail to the city secretary 24 hours in advance of a posted council meeting stating a position or item for discussion by council. The e-mail should be short, to the point, and limited in scope on the subject matter.

Alternate:

When called forth, the speaking wishing to comment shall step to the lectern, state their name, city of residence, or county of residence if they do not reside in a city, and then address the council.

Citizens may submit comments in writing via e-mail to the City Secretary. The e-mail must include the individual's name and address and a request to read the e-mail during Citizen's to be Heard. E-mails must be limited to 750 words.

Comments should refrain from including abusive, rude or inappropriate language. Citizens failing to abide by this rule may be removed from the meeting.

Open meetings act prevents the removal of citizens due to rude, abusive or inappropriate language. According to The Open Meetings Act § 551.007. Public Testimony (e) A governmental body may not prohibit public criticism of the governmental body, including criticism of any act, omission, policy, procedure, program, or service. This subsection does not apply to public criticism that is otherwise prohibited by law.

(Comment: On the PDF we have "When called forth, the speaker wishing to comment shall step to the lectern, state their name and address for the record, and then address the Council." I would like to leave off the address requirement. I would also like to add the option for e-mails to be read keeping to the 5 min. rule.)

(Resolution 2015-11, sec. 1, adopted 08/20/2015)

Exhibit A

Rule 31. Public Participation during an Agenda Item. Speakers may register in advance but are not required to do so. ~~Speakers who have registered in advance will speak in the order of registration followed by those who have not registered.~~ Refer to Rule 17.64 for complete procedure. or Rule 32?

Comment: "Complete procedure" not included in Rule 17.

(Resolution 2015-11, sec. 1, adopted 08/20/2015) advance will speak

Rule 32. Manner of Addressing Council. A person desiring to address the Council shall sign in prior to the commencement of the meeting. The citizen shall identify their name, that they are a citizen of the city, and the topic they wish to discuss. ~~—When called forth, the person wishing to comment shall step to the lectern, state their name and address for the record, and then address the Council.~~

(Comment: For public comments, including if letters are submitted to be read by the Secretary, the Presiding Officer should have the duty/right to intervene if the content is deemed to violate the decorum of the meeting. i.e., personal attacks, etc. Maybe add to Rule 34?)

Comment on above comment: Is this something we can do? Doesn't this violate TOMA The Open Meetings Act § 551.007. Public Testimony (e)

Rule 33. Total Time Limits. Total time for public comment on any subject under Council consideration can be limited to a fixed period by the presiding officer. (Comment: Suggest that target durations for topics be published on the agenda. This is a very common practice for corporate meetings and serves as an aid for presenters and council. Presenters should be encouraged to keep presentations at an executive summary level. Read-ahead documents should be provided for content that could benefit from more background information.) A majority vote of the Council may extend the time limitations of this rule.

Rule 34. Remarks to be Germane. Public comments must be kept relevant to the subject before the Council. The presiding officer shall rule on the relevance of comments. ~~Persons making irrelevant, personal, impertinent, or slanderous remarks may be barred by the presiding officer from further comment before the Council during the meeting.~~ (Comment CA: The new law does allow for criticism of elected officials)

(Comment: The last sentence was removed in the PDF. Do we not want the presiding officer to be able to remove people for slanderous comments?)

Rule 35. Matters Not On the Agenda. Discussion of matters not on the agenda is usually governed by Section 551.042 of the Texas Government Code, which provides:

A. If, at a meeting of a governmental body, a member of the public or of the governmental body inquiries about a subject for which notice has not been given as required by this subchapter, the notice provisions of this subchapter do not apply to:

1. A statement of specific factual information given in response to the inquiry; or
2. recitation of existing policy in response to the inquiry.

B. Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting.

Exhibit APart VII. Miscellaneous

Rule 36. Suspension or Adjustment of Rules. These rules or any part hereof may be suspended or adjusted for a specific purpose, or any single meeting, by a majority vote of the ~~aldermen~~ council members present. (Comment: Something else to consider; enhance process/procedure for requesting consideration items. Require council to submit draft consideration or report request item to city secretary. Secretary will evaluation the submittal to determine that there is a clearly articulated case for the purpose and desired outcome. If the requested item appears to require more than a de minimis amount of staff work effort, the secretary will confer with the city manager or their designee to estimate the work effort required. If the work effort required is greater than X workdays, the secretary will inform the requester that a second sponsor will be required to place the item on the agenda. In such a case the presiding officer will poll the council for a sponsor at the next regular meeting.

APPENDIX A

THE STATE OF TEXAS §
COUNTY OF BEXAR §
CITY OF FAIR OAKS RANCH §

AFFIDAVIT PROVIDING NOTICE OF
POTENTIAL CONFLICT OF INTEREST

I, _____, (*printed name of affiant*), a local public official of the City of Fair Oaks Ranch, Texas, make this affidavit and hereby on oath state the following:

Action being contemplated by the City may have an effect on a business entity or real property in which I have an interest. Such interest may be a “substantial interest” as that term is defined in Chapter 171 of the Texas Local Government Code. The action being contemplated may have a special economic effect on the business entity or real property distinguishable from the effect on the public. The business entity or real property in which I have an interest is described as follows (*name; address of business; lot description*):

The nature and extent of my interest in the business entity or real property is herein described by stating that either I or a person related to me in the first degree of consanguinity (blood) or affinity (marriage), as determined by Chapter 573 of the Texas Government Code (*check all that apply*):

- _____ 10% or more of the voting stock or shares of the business entity;
- _____ Own 10% or more of the fair market value of the business entity;
- _____ Own \$15,000 or more of the fair market value of the business entity; and/or
- _____ Received funds that exceed 10% of _____ (*my, his, her*) gross income for the previous year;
- _____ Has an equitable or legal ownership of real property with a fair market value of \$2,500 or more

Alternatively, even if I do not have a “substantial interest” as defined by Chapter 171 of the Texas Local Government Code, I am filing this affidavit so to avoid the appearance of impropriety. My interest may be described as follows:

Upon the filing of this affidavit with the Municipal Secretary, I affirm that I shall abstain from any discussion, vote or decision involving this business entity or real property, unless a majority of the members of the governmental entity of which I am a member is likewise required to file and has filed affidavits declaring similar interests on the same official action.

Signed this the _____ day of _____ 20____.

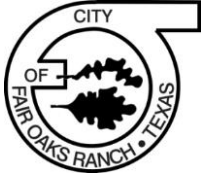
Signature of Affiant

Affiant

BEFORE ME, the undersigned authority, this day personally appeared _____ (*name of affiant*) and by oath stated that the facts herein stated are true and correct.

SWORN TO AND SUBSCRIBED BEFORE ME on this the _____ day of _____ 20____.

Notary Public in and for the State of Texas



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
October 7, 2021

AGENDA TOPIC: Discussion and possible action to create a committee to develop a definition and set of performance standards for transparency

DATE: October 7, 2021

DEPARTMENT: City Council

PRESENTED BY: Roy Elizondo, Council Member, Place 2

INTRODUCTION/BACKGROUND:

The subject of transparency in government is an area of focus for citizens, elected officials and public servants. In general, transparency in government is about providing stakeholders access to information concerning decisions and the processes used to make decisions. Defining transparency for the City would help to enable establishing roles and standards for meeting the expectations of our citizens.

This item is being brought forth for Council consideration because it will require an allocation of resources, in particular staff work effort, that is not currently included as a discrete initiative in the Strategic Action Plan. This initiative could be linked to Operational Excellence, 5.2. Develop & Implement a Proactive Communications Strategy.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

The product of this initiative would be a set of guidelines that could be used to inform the planning for and setting of performance standards of the City's information management and communications activities.

Initial research into the area of municipal transparency standards has identified the following as typical elements:

- Purpose
- Statutory Basis (e.g., TOMA, PIA, etc.)
- Definitions of Major Terms
- Specific Topical Areas & Requirements (e.g., business processes, financial matters, public participation, & usability/accessibility of information)
- Limitations / Exceptions (e.g., as may be stipulated by relevant statutes or regulations)
- Monitoring & Administration (e.g., roles, responsibilities & process)

LONG-TERM FINANCIAL & BUDGETARY IMPACT:

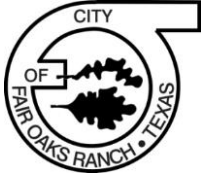
Defining transparency and related performance standards will help establish success criteria that could be used to set priorities and allocate resources to activities, such as records management, public information, and citizen outreach.

LEGAL ANALYSIS:

The transparency standards described in the guideline would be expected to comply with applicable statutes and regulations, such as Texas Open Meetings Act, Public Information Act, and other relevant legal and regulatory guidelines.

RECOMMENDATION/PROPOSED MOTION:

I move to proceed with establishing a work team to develop a definition and set of performance standards for transparency. The team would consist of one Council Member, to be selected by the Mayor, and one City Staff Member, to be selected by the City Manager. Other resources, such as subject matter experts, may be brought in as the needs arise. The specific deliverables and timeline for this project will be developed by the team and communicated to Council after the project is initiated. The team will be disbanded when a draft guideline is accepted by the Council.



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
October 7, 2021

AGENDA TOPIC: Discussion and possible action regarding roadway and public safety concerns.

DATE: October 7, 2021

DEPARTMENT: City Council & Police Department

PRESENTED BY: Michelle Bliss, Council Member, Place 3
 Tim Moring, Chief of Police

INTRODUCTION/BACKGROUND:

The purpose of this agenda item is to discuss general roadway and public safety concerns. Items of discussion may include but are not limited to the following:

- General Roadway Traffic Statistics
 - Speed studies conducted by the use of mobile radar trailer at varying locations throughout the City of Fair Oaks Ranch.
 - The location(s) generating the most traffic related complaints
 - The most frequent type of traffic related complaints
 - Resident Vs Non-Resident traffic citations
 - Street design (level of service)
 - Geometry, lane striping/markings, sidewalks, trails, drainage, connectivity, etc.
 - Traffic calming and signage
 - Others, etc.
- General Public Crime Statistics
 - Incidents & Offenses
 - Calls for service
 - Alcohol & Narcotics
 - Others, etc.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

To review and address roadway safety concerns.

LONG-TERM FINANCIAL & BUDGETARY IMPACT:

None at this time.

LEGAL ANALYSIS:

N/A

RECOMMENDATION/PROPOSED MOTION:

TBD – Take formal action as discussed.



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
October 7, 2021

AGENDA TOPIC: Consideration and possible action to create a committee to determine if Utility Vehicles (UTV's) should be authorized on certain roadways within the City and to appoint individuals to serve on said committee.

DATE: October 7, 2021

DEPARTMENT: City Council

PRESENTED BY: Chesley Muenchow, Council Member, Place 6
 Scott Parker, Council Member, Place 5

INTRODUCTION/BACKGROUND:

With its rural and urban characteristics, the City of Fair Oaks Ranch is unique. As a council and staff, we are committed to fulfilling our residents expressed desires to protect our quality of life, provide for public health and safety, and protect existing investment and valued community assets.

The purpose of this agenda item is to establish a committee to evaluate the needs of residents in the more rural, equestrian, ranch, and farming areas of the City. Specifically, UTV's are the vehicle of choice by many residents in these areas because unlike golf carts, they are designed for more intensive uses such as farming and ranching. Accordingly, the City believes it is in the best interest of public health, safety, welfare, and quality of life of the citizens to protect their right to operate UTV's on certain public roads.

The Texas Transportation Code allows for municipalities to authorize the operation of UTV's on certain roads within the boundaries of the City. If the need is warranted, the committee will establish guidelines for Council consideration. Council Members Parker and Muenchow have indicated they are interested in serving on the committee. At the operational level, Chief Moring and/or his designee can serve and provide staff support.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

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 create a committee to determine if Utility Vehicles (UTV's) should be authorized on certain roadways within the City and to appoint the following individuals to serve on said committee (insert names).