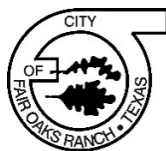


VIA ZOOM VIDEOCONFERENCE



CITY OF FAIR OAKS RANCH AGENDA - CITY COUNCIL VIDEOCONFERENCE

December 3, 2020 9:30 AM
Via Zoom Videoconference
7286 Dietz Elkhorn, Fair Oaks Ranch

THERE EXISTS A PUBLIC HEALTH EMERGENCY RELATED TO THE COVID-19 VIRUS THAT NECESSITATES A MEETING OF THE CITY COUNCIL TO TAKE PLACE VIA VIDEO CONFERENCE PURSUANT TO GOVERNMENT CODE CHAPTER 551.127, AS MODIFIED BY EXECUTIVE ORDER OF THE GOVERNOR

Zoom Videoconference Link: <https://www.zoomgov.com/j/1616967751>

Phone in number: US: +1 669 254 5252 or +1 646 828 7666 or 833 568 8864 (Toll Free)

Webinar ID: 161 696 7751

If you wish to address the commission via telephone, please select *9 on your phone, this will raise your hand and place you in a queue for speaking. At the appropriate time, the City Secretary will call upon each individual separately. *6 will unmute your phone to allow you to speak.

I. OPEN MEETING

- A. Roll Call – Declaration of a Quorum.

II. CITIZENS and GUEST FORUM / PRESENTATIONS

If you wish to address the Council, select *9 on your phone; this will place you in a queue for speaking. At the appropriate time the City Secretary will call upon each individual separately. Select *6 to unmute your phone to speak. 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.

- A. Citizens to be heard.
- B. Introduction of Trinity Glen Rose Groundwater Conservation District, District 2 Board Member, Joe duMenil.

III. 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.

- A. Approval of the November 17, 2020 Election Canvass meeting minutes. Pg. 4
- B. Approval of the November 18, 2020 Stormwater Workshop meeting minutes. Pg. 5
- C. Approval of the November 19, 2020 Regular City Council meeting minutes. Pgs. 6-9

IV. CONSIDERATION/DISCUSSION ITEMS

- A. Consideration and possible action approving a Resolution correcting the canvassing of the results of the General and Special Election held on November 3, 2020.
Mayor Garry Manitzas Pgs. 10-13
- B. Consideration and possible action authorizing the City Manager to sign an Interlocal Agreement for Failure to Appear in Court.
Judge Kim Keller Pgs. 14-19
- C. Discussion and possible action establishing a common set of values and conduct within the City Council that fosters and builds public confidence, including but not limited to establishing a Citizen Code of Conduct Advisory Committee.
Council Member Snehal Patel Pgs. 20-21
- D. Consideration and possible action requiring City Council approval before any Public Information Act (PIA) request is sent to the Texas Attorney General's office for review.
Council Member Steve Hartpence, Place 3 Pg. 22

V. REPORTS FROM STAFF/COMMITTEES/COUNCIL

- A. Fair Oaks Ranch Municipal Court Updates
Debbie Landrum, Court Administrator CMCC Pg. 23

VI. 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:

- A. 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:
 - 1. To receive legal advice from Special Counsel and the City Attorney regarding the City's ground water rights.
 - 2. 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.
 - 3. Cause No. 2018-CI-00202; the City of Fair Oaks Ranch, Texas vs. Edward I. Hill, Robert E. Heckendorn, Craig M. Kuitjen, Roger Fuentes, Wesley A. Pieper, Esther W. Hicks, William A. McDowell, Yolanda D. Ayala, PG Pfeiffer Ranches LLC, Maureen Pfeiffer Stevenson Family Trust.

VII. RECONVENE INTO OPEN SESSION

Discussion and possible action on items discussed in Executive Session.

VIII. ADJOURNMENT

Requests for City topic needing additional information/research; or, potential consideration for a future agenda.

Signature of Agenda Approval:



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 9:30 AM, November 30, 2020 and remained so posted continuously for at least 72 hours before said meeting was convened.

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

**CITY OF FAIR OAKS RANCH
CITY COUNCIL SPECIAL MEETING MINUTES
November 17, 2020
7286 Dietz Elkhorn
Fair Oaks Ranch, TX 78015**

I. OPEN MEETING

Council Present: Mayor Manitzas and Mayor Pro Tem Elizondo
Council Members: Hartpence, Koerner, Patel, and Maxton.

Council Absent: Council Member Havard

With a quorum present, the meeting was called to order at 2:00 PM.

II. CITIZENS and GUEST FORUM/PRESENTATIONS

A. There were no citizens to be heard.

III. CANVASS OF SPECIAL AND GENERAL ELECTION

A. **Consideration and possible action approving a Resolution canvassing the results of the General and Special Election held on November 3, 2020.**

MOTION: Made by Council Member Koerner, seconded by Council Member Patel to approve the Resolution canvassing the election returns and declaring the results of the General and Special Election held on November 3, 2020.

VOTE: 6-0; Motion Passed.

IV. ADJOURNMENT

Mayor Manitzas adjourned the meeting at 2:11 PM.

Garry Manitzas, Mayor

ATTEST:

Christina Picioccio, City Secretary

**CITY OF FAIR OAKS RANCH
CITY COUNCIL SPECIAL MEETING MINUTES
November 18, 2020
7286 Dietz Elkhorn
Fair Oaks Ranch, TX 78015**

I. OPEN MEETING

Council Present: Mayor Manitzas and Mayor Pro Tem Elizondo
Council Members: Hartpence, Havard, Koerner, Patel, and Maxton.

With a quorum present, the meeting was called to order at 9:00 AM.

II. CITIZENS and GUEST FORUM/PRESENTATIONS

A. Citizens to be Heard:

1. The City Secretary read a letter written by Citizen William Hennigan regarding the Storm Water Issues Study. He cited concerns with the contractor's issue and solution pertaining to flooding on his property.
2. Resident Tim Corley inquired as of answers to questions sent in a previous e-mail.

III. PURPOSE OF SPECIAL CALLED MEETING

A. Stormwater Capital Improvements Plan.

A workshop was held on the Stormwater Capital Improvement Program (CIP). Presentations were led by Mike Persyn, P.E., Associate, Water Practice Leader of K Frieze & Associates, Matthew Garret, MBA, CGFO, CPM of New Gen Strategies, Kate Ploetzner, P.E., CFM Kimley-Horn and Sarah Buckelew, CPA, City of Fair Oaks Ranch Finance Director. Discussion ensued as Council posed questions to staff and presenters. Per general consensus the program will proceed to concentrate on Priority 1 projects initially and to move forward under a single tier payment system.

IV. ADJOURNMENT

Mayor Manitzas adjourned the meeting at 2:30 PM.

Garry Manitzas, Mayor

ATTEST:

Christina Picioccio, City Secretary

CITY OF FAIR OAKS RANCH
CITY COUNCIL REGULAR MEETING MINUTES
November 19, 2020
7286 Dietz Elkhorn
Fair Oaks Ranch, TX 78015

I. OPEN MEETING

Council Present: Mayor Manitzas and Mayor Pro Tem Elizondo
Council Members: Hartpence, Havard, Koerner, Patel, and Maxton.

With a quorum present, the meeting was called to order at 6:30 PM.

II. CITIZENS and GUEST FORUM/PRESENTATIONS

A. Citizens to be heard.

1. Council Member Havard apologized to Council Member Patel, the rest of the Council and the citizens of Fair Oaks Ranch for making an inappropriate comment during the November 18, 2020 Council Meeting.
2. Chesle Muenchow spoke in support of Council Member Patel and thanked Council Member Havard for speaking on the subject and apologizing. She added that she appreciates Council Member Patel's questions as a citizen as they help her to understand the issues.
3. Arnoldo Medina Jr. thanked Council for the opportunity to provide feedback and expressed his appreciation for the work done by Council. Mr. Medina is Council Member Patel's husband and asked that Council take substantial action regarding the events of the previous day as he believes the Council should hold themselves to a higher standard. He voiced disappointment and of his hopes that something happens to correct the situation.
4. Council Member Hartpence spoke against Council Member Havard's words calling them unacceptable. Mr. Hartpence called for Council Member Havard to tender her resignation as a Council Member.

VI. CONVENE INTO EXECUTIVE SESSION

City Council convened into Executive Session at 6:43 PM regarding:

- A. 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:
1. Claims made on behalf of a real property owner against the City's operation of the K-3 Trinity Glen Rose Water Well.
 2. To receive legal advice from Special Counsel and the City Attorney regarding the City's ground water rights.
 3. 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.

City Council did not convene into Executive Session regarding:

4. Cause No. 2018-CI-00202; the City of Fair Oaks Ranch, Texas vs. Edward I. Hill, Robert E. Heckendorn, Craig M. Kuitjen, Roger Fuentes, Wesley A. Pieper, Esther W. Hicks, William A. McDowell, Yolanda D. Ayala, PG Pfeiffer Ranches LLC, Maureen Pfeiffer Stevenson Family Trust.

VII. RECONVENE INTO OPEN SESSION

The Mayor reconvened into open session at 7:16 PM.

A roll call reestablishing a quorum was taken:

Present: Mayor Manitzas and Mayor Pro Tem Elizondo

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

MOTION: Made by Mayor Pro Tem Elizondo, seconded by Council Member Koerner to approve the settlement agreement and to authorize the Mayor and City Secretary to sign the same for the City.

VOTE: 7-0; Motion Passed.

MOTION: Made by Council Member Maxton, seconded by Council Member Patel to authorize Joe Davis to sign the agreed judgement on behalf of the City as the City's legal representative.

VOTE: 7-0; Motion Passed.

III. CONSENT AGENDA

- A. **Approval of the November 5, 2020 Regular City Council meeting minutes.**
- B. **Approval of the second reading of an Ordinance providing temporary financial relief to food establishment businesses relative to Covid-19 impacts.**
- C. **Approval of the second reading of an ordinance amending the Code of Ordinances by adding Chapter 1, Article 1.10 Ethics, Division 1, Rules of Procedures on City Council Hearings for Code of Ethics Violations and City Charter Forfeitures and Prohibitions.**
- D. **Approval of Council Member Hartpence's absence for the November 19, 2020 Council meeting.**

Consent Item D was removed from the consent agenda as Mr. Hartpence was in attendance.

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

VOTE: 7-0; Motion Passed.

IV. CONSIDERATION/DISCUSSION ITEMS

- A. **Consideration and possible action electing a Council Member to serve as Mayor Pro-Tem at the first regular City Council meeting following each regular City election.**

Motion: Council Member Maxton nominated Roy Elizondo to continue serving as Mayor Pro-Tem. Council Member Hartpence nominated Council Member Patel to serve as Mayor Pro-Tem. The merits of each nominee were discussed.

VOTE: 4-3; Council Member Roy Elizondo – Council Member Patel; Council Member Elizondo declared Mayor Pro-Tem.

B. Consideration and possible action regarding the adoption of the proposed recommendations made by Ray Associates, Inc. concerning the completed Compensation and Benefits Analysis Study.

MOTION: Made by Council Member Koerner, seconded by Council Member Hartpence to approve the adoption of the proposed recommendations provided by Ray Associates, Inc. Classification and Compensation Study and Analysis for the City of Fair Oaks Ranch.

VOTE: 7-0; Motion passed.

C. Consideration and possible action approving a Professional Service Agreement with Patti Engineering for SCADA.

MOTION: Made by Mayor Pro Tem Elizondo, seconded by Council Member Hartpence to authorize the City Manager to sign a Professional Service Agreement with Patti Engineering for SCADA upgrades in the amount of \$159,800.00.

VOTE: 7-0; Motion passed.

D. Consideration and possible action re-appointing Bud Paulson or naming a replacement to the Kendall Appraisal District Board of Directors, for a two year term, beginning January 1, 2021.

MOTION: Made by Council Member Patel, seconded by Mayor Pro-Tem Elizondo to approve the re-appointment of Mr. Bud Paulson to the Kendall Appraisal District Board of Directors, effective January 1, 2021 for a two year term.

VOTE: 7-0; Motion passed.

E. Consideration and possible action approving the purchase of two (2) Patrol Vehicles for \$65,584.00.

MOTION: Made by Mayor Pro-Tem Elizondo, seconded by Council Member Patel to accept the bid from Caldwell Country Ford for the purchase of two (2) new patrol vehicles for the total amount of \$65,584.

VOTE: 7-0; Motion passed.

F. Tabled Item:

Consideration and possible action directing the City Manager to issue a stop work order to Kimley-Horn and Associates, Inc. for Professional Design Services associated with the Elevated Storage Tank.

There was no motion and therefor no discussion or vote.

V. REPORTS FROM STAFF/COMMITTEES/COUNCIL

A. None.

VIII. ADJOURNMENT

Mayor Manitzas adjourned the meeting at 8:59 PM.

Garry Manitzas, Mayor

ATTEST:

Christina Picioccio, City Secretary



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
December 3, 2020

AGENDA TOPIC: Consideration and possible action approving a Resolution correcting the canvassing of the results of the General and Special Election held on November 3, 2020

DATE: December 3, 2020

DEPARTMENT: City Council

PRESENTED BY: Mayor Garry Manitzas

INTRODUCTION/BACKGROUND:

On November 17, 2020 the City Council canvassed the election. It was soon after discovered that the late mail-in, provisional and military ballot counts had not been included in the final numbers. The attached Resolution includes these updated figures and is required to approve the canvass of returns and to declare the results of the General Election.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

Complies with State Law.

LONGTERM FINANCIAL & BUDGETARY IMPACT:

N/A

LEGAL ANALYSIS:

Per legal opinion: As both Council Members are already on City Council and would serve until their successors were qualified, this delay has no impact.

RECOMMENDATION/PROPOSED MOTION:

I move to approve the Resolution correcting the canvassing of the election returns and declaring the results of the General and Special Election held on November 3, 2020.

A RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH TEXAS CORRECTING THE CANVASS OF RETURNS AND DECLARATION OF RESULTS OF THE GENERAL AND SPECIAL ELECTION HELD NOVEMBER 3, 2020 IN THE CITY OF FAIR OAKS RANCH, TEXAS

WHEREAS, the City Council of the City of Fair Oaks Ranch, Texas called a general election to be held in the City on November 3, 2020, to elect Council Member Place 2 and Council Member Place 6; and

WHEREAS, the City Council of the City of Fair Oaks Ranch, Texas called a special election to be held in the City on November 3, 2020, to submit a proposition on the reauthorization of the local sales and use tax at the rate of one fourth (1/4) of one percent to continue providing revenue for the maintenance and repair of municipal streets; and

WHEREAS, on the 17th day of November 2020, at a special meeting of the City Council of the City of Fair Oaks Ranch, Texas, with at least two council members being present, the meeting was called to order to open, examine, and canvass the official returns of the general and special elections held in the City on the above mentioned date, for the election of Council Member Place 2 and Council Member Place 6; and

WHEREAS, it was discovered after the canvassing that the late mail-in, provisional and military ballot counts had not been included in the final numbers; and

WHEREAS, the City Council finds that the inclusion of the late mail-in, provisional and military ballot counts did not change the results of the election; and

WHEREAS, the City Council finds that a correction to the official canvassing results is necessary to ensure that the City's election records reflect the correct canvassing results.

CANVASS OF RETURNS AND DECLARATION OF RESULTS

NOW, THEREFORE, be it resolved by the City Council of the City Of Fair Oaks Ranch, Texas, after opening said returns and, examining and canvassing the votes of said election, to include the late mail-ins, provisional and military ballot counts, the corrected results are as follows:

COUNCIL MEMBER, PLACE 2

County	Precinct	Roy Elizondo			Tim Corley		
		Absentee Voting	Early Voting	Election Day	Absentee Voting	Early Voting	Election Day
Bexar	3017	89	868	73	49	666	36
Bexar	3034	122	858	34	72	704	26
Bexar	3097	1	4	0	0	4	0
Bexar	Late Mail-ins, Provisionals & Military	34			17		
Comal	208	40	331	30	41	258	32

Kendall	2080	64	682	33	55	454	23
Totals;		350	2,743	140	234	2,086	117
Grand Totals:		3,233			2,437		

It appearing that **Roy Elizondo** was duly elected Council Member, Place 2. Said named candidate received a majority of all votes cast for the office of Council Member, Place 2, is hereby declared to be elected to said office to serve a three year term, subject to taking the Oath of Office as provided by the laws of the State of Texas, and;

It appearing that **Greg Maxton** was duly elected Council Member, Place 6. Said named candidate ran unopposed for the office of Council Member, Place 6, is hereby declared to be elected to said office to serve a three year term, subject to taking the Oath of Office as provided by the laws of the State of Texas, and;

PROPOSITION 1: SPECIAL ELECTION - Reauthorization of Sales and Use Tax

County	Precinct	For			Against		
		Absentee Voting	Early Voting	Election Day	Absentee Voting	Early Voting	Election Day
Bexar	3017	114	1,366	65	29	384	31
Bexar	3034	183	1,375	51	32	370	19
Bexar	3097	0	4	0	1	4	0
Bexar	Late Mail-ins, Provisionals & Military	44			10		
Comal	208	66	519	60	20	140	11
Kendall	2080	109	933	41	18	260	19
Totals:		516	4,197	217	110	1,158	80
Grand Totals:		4,930			1,348		

It appearing that Proposition 1 was voted for. Said above named proposition received a majority of all votes cast, is hereby declared to be as voted and;

IT IS FURTHER RESOLVED that this corrected canvass and declaration of results of said general and special elections be entered in the Minutes of the City Council and the Election Register and that said officers, after being qualified and having taken the Oath, shall serve during the term commencing December 3, 2020, and thereafter until a successor is duly elected and qualified

This Resolution, declaring results of the election shall become effective immediately after its passage.

PASSED, APPROVED, and ADOPTED on this 3rd day of December, 2020.

Garry Manitzas, Mayor

ATTEST:

APPROVED AS TO FORM:

Christina Picioccio, City Secretary

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



CITY COUNCIL STAFF REPORT ITEM

CITY OF FAIR OAKS RANCH, TEXAS

December 3, 2020

AGENDA TOPIC: Consideration and possible action authorizing the City Manager to sign an Interlocal Agreement for Failure to Appear in Court

DATE: December 3, 2020

DEPARTMENT: Fair Oaks Ranch Municipal Court

PRESENTED BY: Kimberly S. Keller, Presiding Judge FORMC

BACKGROUND:

On March 13, 2020, Governor Abbott declared a State of Emergency due to the pandemic. This Declaration impacted all branches of government, including courts. The Fair Oaks Ranch Municipal Court ("FORMC") receives governing regulations from the Supreme Court of Texas, which has issued 29 different Emergency Orders this year since the Governor's Declaration. With each new Emergency Order, FORMC has adapted to the unprecedented events taking place. Additionally, FORMC continues to operate as a fully functioning municipal court, despite the pandemic, including: (1) Court Security Budget will fund improved security features; (2) new legislation altering the cost/fee structure of fines imposed by FORMC necessitates a contractual change to the Interlocal Agreement between the City and the Department of Public Safety ("DPS"); and (3) staff achievements have bolstered FORMC's ability to adjust operations during these changing times.

POLICY ANALYSIS, BENEFITS TO CITIZENS, & BUDGETARY IMPACT:

Formal response to the pandemic was required by FORMC and has been effectuated. Also, the Front Office/Lobby and Courtroom will receive security improvements financed by the Court Security Fund; these improvements will occur during the 2020-21 Budget Year. Moreover, the City's Interlocal Agreement with DPS requires a modification to comport with legislative changes.

LEGAL ANALYSIS:

FORMC is aware that we may be the *only* interaction a member of the public has with the judicial system. Despite the pandemic, the wheels of justice must continue to turn, and FORMC began making changes immediately upon the Governor's Declaration in order to balance the efficient administration of justice with necessary safety precautions. In August, FORMC adopted a formal operating plan to perform essential functions during the State of Emergency, as well as to comply with the Emergency Orders of the Supreme Court of Texas and the guidelines from the Texas Office of Court Administration. This plan spelled out safeguards to be taken for the protection of city staff, litigants, and the public; this plan remains in place. Small changes to the legislation governing the mandated fees and costs require an alteration to the Interlocal Agreement entered with the Department of Public Safety (attached). This updated contract captures the changes made to the fee/cost structure imposed on municipal courts and defendants by the Texas Legislature.

RECOMMENDATION/PROPOSED MOTION:

I move to authorize the City Manager to sign an Interlocal Agreement for Failure to Appear in Court.

**Interlocal Cooperation Contract
Failure to Appear (FTA) Program**

State of Texas

County of Bexar

I. PARTIES AND AUTHORITY

This Interlocal Cooperation Contract (Contract) is entered into between the Department of Public Safety of the State of Texas (DPS), an agency of the State of Texas and the Municipal Court of the [City or County] of the City of Fair Oaks Ranch (Court), a political subdivision of the State of Texas, referred to collectively in this Contract as the Parties, under the authority granted in Tex. Transp. Code Chapter 706 and Tex. Gov't Code Chapter 791 (the Interlocal Cooperation Act).

II. BACKGROUND

As permitted under Tex. Transp. Code § 706.008, DPS contracts with a private vendor (Vendor) to provide and establish an automated FTA system that accurately stores information regarding violators subject to the provisions of Tex. Transp. Code Chapter 706. DPS uses the FTA system to properly deny renewal of a driver license to a person who is the subject of an FTA system entry.

III. PURPOSE

This Contract applies to each FTA Report submitted by the Court to DPS or its Vendor and accepted by DPS or its Vendor.

Court will supply information to DPS, through its Vendor, that is necessary to deny renewal of the driver license of a person who fails to appear for a complaint or citation or fails to pay or satisfy a judgment ordering payment of a fine and cost in the manner ordered by the Court in a matter involving any offense that Court has jurisdiction of under Tex. Code Crim. Proc. Chapter 4.

IV. PERIOD OF PERFORMANCE

This Contract will be effective on the date of execution and terminate five years from that execution date unless terminated earlier in accordance with Section VII.C, *General Terms and Conditions, Termination*.

V. COURT RESPONSIBILITIES

A. Written warnings

A peace officer authorized to issue citations within the jurisdiction of the Court must issue a written warning to each person to whom the officer issues a citation for a traffic law violation. This warning must be provided in addition to any other warnings required by law. The warning must state in substance that if the person fails to appear in court for the

prosecution of the offense or if the person fails to pay or satisfy a judgment ordering the payment of a fine and cost in the manner ordered by the Court, the person may be denied renewal of the person's driver license. The written warning may be printed on the citation or on a separate instrument.

B. FTA Report

An FTA Report is a notice sent by Court requesting a person be denied renewal in accordance with this Contract. The Court may submit an FTA Report to Vendor if a person fails to appear or fails to pay or satisfy a judgment as required by law. There is no requirement that a criminal warrant be issued in response to the person's failure to appear. The Court must make reasonable efforts to ensure that all FTA Reports are accurate, complete, and non-duplicative. The FTA Report must include the following information:

1. the jurisdiction in which the alleged offense occurred;
2. the name of the court submitting the report;
3. the name, date of birth, and Texas driver license number of the person who failed to appear or failed to pay or satisfy a judgment;
4. the date of the alleged violation;
5. a brief description of the alleged violation;
6. a statement that the person failed to appear or failed to pay or satisfy a judgment as required by law;
7. the date that the person failed to appear or failed to pay or satisfy a judgment; and
8. any other information required by DPS.

C. Clearance Reports

The Court that files the FTA Report has a continuing obligation to review the FTA Report and promptly submit appropriate additional information or reports to the Vendor. The clearance report must identify the person, state whether or not a fee was required, and advise DPS to lift the denial of renewal and state the grounds for the action. All clearance reports must be submitted immediately, but no later than two business days, from the time and date that the Court receives appropriate payment or other information that satisfies the person's obligation to that Court.

To the extent that a Court uses the FTA system by submitting an FTA Report, the Court must collect the statutorily required \$10.00 reimbursement fee. If the person is acquitted of the underlying offense for which the original FTA Report was filed, the Court will not require payment of the reimbursement fee.

Court must submit a clearance report for the following circumstances:

1. the perfection of an appeal of the case for which the warrant of arrest was issued or judgment arose;
2. the dismissal of the charge for which the warrant of arrest was issued or judgment arose;
3. the posting of a bond or the giving of other security to reinstate the charge for which the warrant was issued;

4. the payment or discharge of the fine and cost owed on an outstanding judgment of the Court; or
5. other suitable arrangement to pay the fine and cost within the Court's discretion.

DPS will not continue to deny renewal of the person's driver license after receiving notice from the Court that the FTA Report was submitted in error or has been destroyed in accordance with the Court's record retention policy.

D. Quarterly Reports and Audits

Court must submit quarterly reports to DPS in a format established by DPS.

Court is subject to audit and inspection at any time during normal business hours and at a mutually agreed upon location by the state auditor, DPS, and any other department or agency, responsible for determining that the Parties have complied with the applicable laws. Court must provide all reasonable facilities and assistance for the safe and convenient performance of any audit or inspection.

Court must correct any non-conforming transactions performed by the Court, at its own cost, until acceptable to DPS.

Court must keep all records and documents regarding this Contract for the term of this Contract and for seven years after the termination of this Contract.

E. Accounting Procedures

Court must keep separate, accurate, and complete records of the funds collected and disbursed and must deposit the funds in the appropriate municipal or county treasury. Court may deposit such fees in an interest-bearing account and retain the interest earned on such accounts for the Court.

Court will allocate \$6.00 of each \$10.00 reimbursement fee received for payment to the Vendor and \$4.00 for credit to the general fund of the municipal or county treasury.

F. Non-Waiver of Fees

Court will not waive the \$10.00 reimbursement fee for any person that has been submitted on an FTA Report, unless any of the requirements in Tex. Trans. Code § 706.006 are met.

Failure to comply with this section will result in: (i) termination of this Contract for cause; and (ii) the removal of all outstanding entries of the Court in the FTA Report, resulting in the lifting of any denied driver license renewal status from DPS.

G. Litigation Notice

The Court must make a good-faith attempt to immediately notify DPS in the event that the Court becomes aware of litigation in which this Contract or Tex. Transp. Code Chapter 706 is subject to constitutional, statutory, or common-law challenge, or is struck down by judicial decision.

VI. PAYMENTS TO VENDOR

Court must pay the Vendor a fee of \$6.00 per person for each violation that has been reported to the Vendor and for which the Court has subsequently collected the statutorily required \$10.00 reimbursement fee. In the event that the fee has been waived by Tex. Trans. Code § 706.006, no payment will be made to the Vendor or required of the Court.

Court agrees that payment will be made to the Vendor no later than the last day of the month following the close of the calendar quarter in which the payment was received by the Court.

DPS will not pay Vendor for any fees collected by Court.

VII. GENERAL TERMS AND CONDITIONS

- A. Compliance with Law.** The Court understands and agrees that it will comply with all local, state, and federal laws in the performance of this Contract, including administrative rules adopted by DPS.
- B. Notice.** The respective party will send the other party notice as noted in this section.

Court	Department of Public Safety
Attn.:	Enforcement & Compliance Service 5805 North Lamar Blvd. Austin, Texas 78752-0001 (512) 424-5311 [fax] Driver.Improvement@dps.texas.gov (512) 424-7172
Address:	
Address:	
Fax:	
Email:	
Phone:	

- C. Termination.** Either party may terminate this Contract with 30 days' written notice. DPS may also terminate this Contract for cause if Court doesn't comply with Section V.F., *Non-Waiver of Fees*. After termination, the Court has a continuing obligation to report dispositions and collect fees for all violators in the FTA system at the time of termination. Failure to comply with the continuing obligation to report will result in the removal of all outstanding entries of the Court in the FTA Report, resulting in the lifting of any denied driver license renewal status from DPS.

VIII. CERTIFICATIONS

The Parties certify that (1) the Contract is authorized by the governing body of each party; (2) the purpose, terms, rights, and duties of the Parties are stated within the Contract; and (3) each party will make payments for the performance of governmental functions or services from current revenues available to the paying party.

The undersigned signatories have full authority to enter into this Contract on behalf of the respective Parties.

Court*

Department of Public Safety

Authorized Signatory

Driver License Division Chief or Designee

Title

Date

Date

*An additional page may be attached if more than one signature is required to execute this Contract on behalf of the Court. Each signature block must contain the person's title and date.



CITY COUNCIL CONSIDERATION ITEM

CITY OF FAIR OAKS RANCH, TEXAS

December 3, 2020

AGENDA TOPIC: Discussion and possible action establishing a common set of values and conduct within the City Council that fosters and builds public confidence, including but not limited to establishing a Citizen Code of Conduct Advisory Committee.

DATE: December 3, 2020

DEPARTMENT: City Council

PRESENTED BY: Snehal R. Patel, J.D., M.P.Aff., Council Member, Place 5

INTRODUCTION/BACKGROUND:

As council members, we have the opportunity to bring issues up we identify at a council meeting for discussion, consideration, and possible action by city council. This allows for discussions to occur in a transparent manner where our citizens may also offer comments and participate.

In that capacity, I refer to the November 18, 2020 incident during the special council meeting relating to storm water involving one council member's inappropriate remarks to myself, not to further recommend any particular corrective actions to remedy that particular action but to invite dialogue between the council members, staff, and our residents; and a path forward to maintain a civil culture for an effective and collaborative council, with policies in place that the council wants to embrace for norms of conduct.

This incident should serve to highlight the need for engaging in open discourse and non-retributive dialogue on what is working and what can be improved in the way we interact with each other and carry out our duties. I ask we do this as a constructive clear-eyed diagnoses without getting into blame or finger-pointing.

I am aware and grateful that the Mayor and staff are working on drafting a code of conduct to present to this council separately as the second step to the ethics ordinance we just adopted. Yet, clearly there are differences of opinions in terms of what is proper conduct, whether the same conduct can be described as an etiquette issue for which public and private apology suffices, or action that is so egregious that it calls for resignation. Clearly, reasonable minds can differ. ***What benchmarks do we use to measure our behavior?***

I provide the following short-term and long-term recommendations for your consideration.

A Citizens Code of Conduct Advisory Committee to be Convened. Citizens were amongst the first to publicly highlight their concerns to the city council and they are our guideposts in terms of representing the values of our community and their expectations of the city council.

I propose establishing a committee of at least five citizens with staff support from our city attorney and one city staff person. This would be similar to other committees we have established on matters relating to the city home rule charter. The committee would work to present a code of conduct for council consideration as well as set of policies on how it will enforce the code of conduct. That is as important as the principles that would be expressed in the code of conduct. The

committee would meet regularly (at least once a week) while the drafting is taking place and once a code of conduct is concluded, I would propose the committee continue to meet at least once a year to take stock and evaluate how the council is performing and present recommendations to the city council. The selection of committee members can follow the policies recently set up by the council for city committees or per the consensus of the council.

Workshop and Training for City Council Members. Like other corporations and city governments, we have our strategic planning retreats which are valuable. Alongside we should also have separate training that goes to back-to-basics such as learning to disagree agreeably and professionally using appropriate language and tone and a space for council members to discuss what is working within the council, identify areas for continuous improvement, and ways to build trust and confidence amongst our constituents. This should be conducted by a skilled neutral facilitator.

I also welcome discussion and other recommendations that help hold ourselves accountable and to establish ourselves with a reputation for exceptionalism in how we conduct ourselves as public officials.

Many established organizations have clear rules and framework for expectations for engagement and interaction, internally as well as externally with stakeholders and constituents. Those can serve as tools and example for us as well.

Citation:

<https://www.westerncity.com/article/beyond-ethics-establishing-code-conduct-guide-your-council>

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

Many of our citizens have spoken. These actions will inspire public confidence in our actions.

LONG-TERM FINANCIAL & BUDGETARY IMPACT:

To be determined.

LEGAL ANALYSIS:

None.

RECOMMENDATION/PROPOSED MOTION:

The City Council moves to convene a Citizens Code of Conduct Advisory Committee with at least 5 members who are residents of this city and the committee and representatives will be selected based on past protocols followed for similar Home Rule Charter-related committees as well as protocols for committees established by the Council. The role of the committee will include taking public comment and proposing a code of conduct with benchmarks to present to the city council, and requirements for enforcing the code. The committee will meet at least weekly and once its primary task is completed, it will meet yearly.



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
December 3, 2020

AGENDA TOPIC: Consideration and possible action of requiring City Council approval before any Public Information Act (PIA) request is sent to the Texas Attorney General's office for review.

DATE: December 3, 2020

DEPARTMENT: City Council

PRESENTED BY: Steve Hartpence, Council Member, Place 3

INTRODUCTION/BACKGROUND:

Our city is generally doing a good job of providing information to our residents in a fully transparent manner. Each Council member has advocated full transparency in one way or another during their election campaigns. However, the way the city handles PIA requests is decidedly not transparent. Any PIA request can arbitrarily be referred to the Attorney General's office without discussion with the requestor or the Council. This potentially allows the city to avoid a response for months. In my own case, PIA requests I submitted in July were finally provided in November.

My belief is that all PIA requests should be answered with the requested information unless there is a compelling interest of the city not to do so. In the event that the City Manager or the Mayor believe there is such a compelling reason, City Council approval should be obtained before submitting a PIA request to the Texas Attorney General's office.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

1. Greater transparency.
2. Elimination of the opportunity for delay or suppression of time-sensitive information.
3. Reduced legal costs.

LONG-TERM FINANCIAL & BUDGETARY IMPACT:

Reduced legal costs.

LEGAL ANALYSIS:

RECOMMENDATION/PROPOSED MOTION:

This is simply an item for discussion to get a sense of the Council's view on this topic. It may or may not result in direction to the City Manager and Mayor.



CITY COUNCIL STAFF REPORT ITEM

CITY OF FAIR OAKS RANCH, TEXAS

December 3, 2020

AGENDA TOPIC: Fair Oaks Ranch Municipal Court Update
DATE: December 3, 2020
DEPARTMENT: Municipal Court
PRESENTED BY: Debbie Landrum, Court Administrator, CMCC
Judge Kim Keller

INTRODUCTION/BACKGROUND:

Purpose of this report is to provide the City Council with an update on the Fair Oaks Ranch Municipal Court and how staff is navigating through the COVID-19 pandemic challenges.

Under the mandate of the Texas Supreme Court and the Office of Court Administration, some Municipal Court functions have been deferred until further notice. Recently, Municipal Court staff has successfully implemented the following practices:

- Appearance via email
- Electronic processing of court orders by using DocuSign
- We have conducted court proceedings via Teleconference and have recently transitioned to eCourt via ZOOM
- Computer software upgrade which provides the capability of transitioning to paper-lite / paperless Court

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

1. Streamlines our Municipal Court processes
2. Provides uninterrupted services to our customers
3. Ensures proper court practices are in place during the pandemic

LONGTERM FINANCIAL & BUDGETARY IMPACT:

N/A

LEGAL ANALYSIS:

N/A

RECOMMENDATION/PROPOSED MOTION:

No formal action is required as discussion / report item only.