

CITY OF FAIR OAKS RANCH
CITY COUNCIL REGULAR MEETING MINUTES
December 3, 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 9:30 AM.

II. CITIZENS and GUEST FORUM/PRESENTATIONS

A. Citizens to be heard.

1. Dr. Thomas Price, Ms. Maritza Gonzales-Cooper, and Mr. Brian Benway of Boerne ISD expressed appreciation for all the support from the City and Council. They announced that Boerne ISD has begun a Kindness campaign with its students.
2. The City Secretary read into the record a letter from resident Sherry St. Clair. She expressed concern about the comment made by Council Member Havard and asked for Council Member Havard to resign and for the Mayor to ask for her resignation. The Mayor responded that he gathered facts and doesn't believe the actions merit a resignation.
3. Cheryl Landman-Manzo noted that as former Mayor of Fair Oaks Ranch that she worked respectfully with her peers even when there were differences. She expressed her belief that Council Member Havard should resign.
4. Rich Nichols spoke on what he believed to be an erosion of public decorum due to the familiarity between council members.
5. Seth Mitchell spoke on the majority rule and treatment of the minority and the manner in which a voting majority treats a voting minority. He urges the majority to listen more to what the minority voice has to say and for Council to address this by adopting the ideas put forward by Council Members Patel, Koerner, and Hartpence.
6. Christine Graham believes Mayor Manitzas should keep the decorum of the meetings and asserted that what happened during the stormwater workshop was more than an "etiquette issue". Ms. Graham urged Council to find their moral compass.
7. Susan Copan is disappointed by the Mayor's dismissive response to the letter by Ms. St. Clair and believes this is becoming a consistent issue. She believes the initial response was not respectful of Council Member Patel.
8. Tim Corley stated he was not on the phone when a comment was made by Council Member Havard towards Council Member Patel but would have raised his hand to address it at that time if he had been. He also noted that had he been the offender he would have resigned to protect his leadership and he urges Council Member Havard to do so.
9. Debra Doyle believes it is abhorrent that the behavior at the stormwater workshop is being normalized by City leadership. She also calls for Council Member Havard to resign so that the City can heal and move forward.

10. Council Member Hartpence commended Mrs. Koerner on the Civility Pledge she posted. He believes the incident to be more than an etiquette issue and would like for the Mayor to call for Council Member Havard's resignation.

B. Introduction of Trinity Glen Rose Groundwater Conservation District, District 2 Board Member, Joe duMenil. Mr. duMenil provided a presentation regarding the history and mission of the Trinity Glen Rose Groundwater Conservation District.

III. **CONSENT AGENDA**

A. Approval of the November 17, 2020 Election Canvass meeting minutes.

C. Approval of the November 19, 2020 Regular City Council meeting minutes.

Consent Item B was removed from the consent agenda as Mayor Manitzas wanted to discuss.

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**

Consent Agenda Item B.

B. Approval of the November 18, 2020 Stormwater Workshop meeting minutes.

Mayor Manitzas wanted to add language to the minutes to reflect that City Manager Tobin Maples had answered one of Mr. Corley's questions during Citizens to be Heard. Mr. Corley was referred to the consultant's presentation for the remainder of his questions.

MOTION: Made by Council Member Koerner, seconded by Mayor Pro Tem Elizondo to approve the amended November 18, 2020 Stormwater Workshop meeting minutes.

VOTE: 7-0; Motion Passed.

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.

MOTION: Made by Council Member Patel, seconded by Council Member Maxton 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.

VOTE: 7-0; Motion Passed.

B. Consideration and possible action authorizing the City Manager to sign an Interlocal Agreement for Failure to Appear in Court.

MOTION: Made by Mayor Pro Tem Elizondo, seconded by Council Member Patel to authorize the City Manager to sign an Interlocal Agreement for Failure to Appear in Court.

VOTE: 7-0; Motion passed.

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.

MOTION: Made by Council Member Patel, seconded by Mayor Pro Tem Elizondo 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 as reasonably appropriate and once its primary task is completed it will meet yearly.

AMENDED MOTIONS:

1. Made by council Member Patel to convene a Citizens Code of Conduct Advisory Committee based on guidelines that will be presented on the December 17, 2020 City Council meeting. There was no second to this motion.
2. Made by Council Member Koerner, seconded by Mayor Pro Tem Elizondo to form a Citizen Code of Conduct Advisory Committee with a charter to be presented to City Council for approval at a future meeting.

After a thorough discussion Council member Patel accepted the friendly amendment by Council Member Koerner resulting in the final amended motion.

3. Made by Council Member Patel, seconded by Mayor Pro Tem Elizondo to form a Citizen's Code of Conduct Advisory Committee with a charter to be presented to City Council for approval at the December 17, 2020 City Council Meeting.

VOTE TO ACCEPT AMENDED MOTION 3: 7-0; Motion passed.

VOTE ON AMENDED MOTION 3: 7-0; Motion passed.

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 Hartpence asked for Council's opinion on the subject. He submitted a request on July 22, 2020 but did not get a response until November because of the request being sent to the Texas Attorney General's office. Council Member Hartpence wants requests to be placed on an Executive Session agenda for Council to review and decide if requests should go to the Attorney General's office.

After information provided by the City Attorney and City Secretary there was a discussion amongst the City Council. A consensus was reached that the current process should continue and City Attorney made a suggestion to provide Council a report periodically about City requests being handled by their office.

V. REPORTS FROM STAFF/COMMITTEES/COUNCIL

- A. Debbie Landrum, Court Administrator, provided to Council Fair Oaks Ranch Municipal Court Updates.

VI. CONVENE INTO EXECUTIVE SESSION

City Council did not convene into Executive Session regarding:

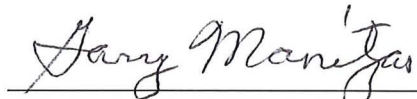
- A. Sec. 551.071 (Consultation with Attorney) the City Council will meet in private consultation with legal counsel to seek the advice of its attorneys about pending or contemplated litigation, a settlement offer, and/or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas conflicts with Chapter 551 of the Government Code; to wit:
1. 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

N/A

VIII. ADJOURNMENT

Mayor Manitzas adjourned the meeting at 12:57 PM.



Garry Manitzas, Mayor

ATTEST:



Christina Picioccio, City Secretary