

**VIA TELEPHONE CONFERENCE**



**CITY OF FAIR OAKS RANCH  
AGENDA – CITY COUNCIL TELECONFERENCE  
September 17, 2020 6:30 PM  
Via Teleconference  
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 551.125, AS MODIFIED BY EXECUTIVE ORDER OF THE GOVERNOR***

**You can dial in using your phone:**

**United States (Local #): 210-714-4201**

**(Toll-Free #): 1-800-717-4201**

***\*\*Due to costs incurred by the city for each minute for each caller using the Toll Free line please consider using the Toll Number if your phone plan covers long distance calls.***

**Conference ID: 2443302 #**

**If you wish to address the Council, please select \*5 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.**

**I. OPEN MEETING**

- A. Roll Call – Declaration of a Quorum.

**II. CITIZENS and GUEST FORUM / PRESENTATIONS**

If you wish to address the Council, select \*5 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. 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.

**III. PUBLIC HEARING**

- A. Conduct a Public Hearing on the Fiscal Year 2020-2021 Proposed Budget and 2020-2021 Tax Rate.
1. Mayor opens the public hearing
  2. Staff presentation of the Proposed Budget and Tax Rate
  3. City Council receive citizen testimony for/against the Proposed Budget and Tax Rate
  4. Mayor closes the public hearing
  5. City Council discuss the Proposed Budget and Tax Rate, inclusive of asking questions of staff

#### **IV. 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 September 3, 2020 Special City Council meeting minutes. Pgs. 60-62
- B. Approval of the September 9, 2020 Special City Council meeting minutes. Pg. 63
- C. Approval of the September 10, 2020 Special City Council meeting minutes. Pg. 64
- D. Approval of the Second Reading of an Ordinance amending the Code of Ordinances, Chapter 1, Article 1.07, Division 2 Oak Wilt Control.  
Melissa Castro, Environmental Compliance Manager Pgs. 65-72
- E. Approval of a Resolution approving a Joint Election Agreement with Comal County Elections relating to the November 3, 2020 election and authorizing the City Manager to execute all documents in connection therewith.  
Christina Picioccio, City Secretary Pgs. 73-79
- F. Approval of a Resolution approving a Joint Election Agreement with Kendall County Elections relating to the November 3, 2020 election and authorizing the City Manager to execute all documents in connection therewith.  
Christina Picioccio, City Secretary Pgs. 80-91
- G. Approval of a Resolution adopting the Comal and Kendall County Election Voting System and Software for Election Day voting and provisional ballots in all future elections and the approval of the City Manager's execution of any documents necessary to use the designated voting system. Christina Picioccio, City Secretary Pgs. 92-94

#### **V. CONSIDERATION/DISCUSSION ITEMS**

- A. Consideration and possible action approving the first reading of an Ordinance adopting the City budget for fiscal year beginning October 1, 2020 and ending September 30, 2021. Sarah Buckelew, CPA, Finance Director Pgs. 95-97
- B. Consideration and possible action approving the first reading of an Ordinance levying a property tax rate of \$.3735 per \$100 taxable valuation on property in the City of Fair Oaks Ranch for tax year 2020; and determining due and delinquent dates. Sarah Buckelew, CPA, Finance Director Pgs. 98-101
- C. Consideration and possible action approving the first reading of an Ordinance amending Ordinance 35.9 establishing an all way stop signs at the intersection of Dietz Elkhorn road and Elkhorn Ridge/Square Gate in Fair Oaks Ranch, Bexar County, Texas.  
Katherine Schweitzer, P.E., Manager of Engineering Services  
Oscar Michael "Mike" Garza, P.E., PTOE, Legacy Engineering,  
General Engineering Consultant Pgs. 102-121

- D. Consideration and possible action authorizing the City Manager to issue a work authorization for a Dietz Elkhorn Road Corridor Study.  
Tobin Maples, AICP, City Manager  
Oscar Michael “Mike” Garza, P.E., PTOE, Legacy Engineering,  
General Engineering Consultant Pgs. 122-137
- E. Consideration and possible action approving the first reading of an Ordinance amending the Fair Oaks Ranch Code of Ordinances Chapter 3 Article 3.16.04 Membership of Board.  
Laura Koerner, Council Member Pgs. 138-141
- F. Consideration and possible action approving the first reading of an Ordinance amending the City’s Code of Ordinances, Chapter 13, “Utilities”, Article 13.08 Water and Wastewater Impact Fees, Division 1, Section 13.08.004 “Definitions” and Section 13.08.018 “Functions of Advisory Committee” – 120 “Exemption from Ordinance”.  
Laura Koerner, Council Member Pgs. 142-147
- G. Consideration and possible action approving a Resolution to appoint members to fill places on the City of Fair Oaks Ranch Board of Appeals.  
Laura Koerner, Council Member Pgs. 148-149
- H. Consideration and possible action approving a Resolution to appoint members to fill places on the City of Fair Oaks Ranch Capital Improvement Advisory Committee.  
Laura Koerner, Council Member Pgs. 150-153
- I. 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.  
Laura Koerner, Council Member Pgs. 154-156
- J. Consideration and possible action approving a Resolution to appoint members to fill places on the City of Fair Oaks Ranch Planning and Zoning Commission.  
Laura Koerner, Council Member Pgs. 157-158
- K. Consideration and possible action approving a Resolution to appoint members to fill places on the City of Fair Oaks Ranch Zoning Board of Adjustment.  
Laura Koerner, Council Member Pgs. 159-160
- L. Consideration and possible action approving a Memorandum of Understanding (MOU) with the Fair Oaks Ranch Homeowners Association (FORHA) regarding law enforcement services on FORHA property.  
Tobin Maples, AICP, City Manager Pgs. 161-162
- M. Consideration and possible action to authorize the City Manager to sign a Grant Award Agreement between the Fair Oaks Ranch Municipal Development District (MDD) and the City of Fair Oaks Ranch for development of a civic center for an amount not to exceed \$600,000 as described in the terms and conditions of the Grant Award Agreement.  
Tobin Maples, AICP, City Manager Pgs. 163-177
- N. Consideration on possible action approving a Resolution authorizing the use of CARES Act Funding through the Coronavirus Relief Fund for Supplemental Pay for eligible employees.  
Tobin Maples, AICP, City Manager & Sarah Buckelew, CPA, Finance Director Pgs. 178-181

- O. Discussion regarding whether or not Council would like to be assigned as Trustees of an Employee Benefits Trust Professional Services Agreement on a Benefit Trust.

Sarah Buckelew, CPA, Finance Director and Dan Santee, Legal Counsel Pgs. 182-186

**VI. REPORTS FROM STAFF/COMMITTEES/COUNCIL**

- A. None.

**VII. 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. 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.
  - 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.
  - 5. Cause No. 2020CI15746; Boerne Ranch Estates, LLC vs. the City of Fair Oaks Ranch, Texas.
- B. 551.074 (Personnel Matters)
  - 1. The City Council will meet in private to discuss the applicants for board vacancies on the Fair Oaks Ranch Municipal Development District.

**VIII. RECONVENE INTO OPEN SESSION**

Discussion and possible action on items discussed in Executive Session.

**IX. ADJOURNMENT**

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

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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](http://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 5:00 PM, September 14, 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).