

**CITY OF FAIR OAKS RANCH
CITY COUNCIL MEETING MINUTES
November 21, 2019
7286 Dietz Elkhorn
Fair Oaks Ranch, TX 78015**

I. OPEN MEETING

A. Roll Call – Declaration of a Quorum

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

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

B. The Pledge of Allegiance was led by Carolyn Knopf, resident and FORHA President.

II. CITIZENS and GUEST FORUM/PRESENTATIONS

A. Citizens to be heard:

1. Rich Nichols, resident and prior Chairman of the Home Rule Charter Commission, provided the background regarding the Home Rule Charter Commission's rationale regarding the job description and reporting conditions of the City Secretary's position. He also requested that Council table further discussion on this topic to a later date and to reconsider creating a Charter Review Committee should Council deem that changes to the Charter are necessary.
2. David Deleranko, resident and former Home Rule Charter member, reminded Council that the Charter need only be changed if and when it is necessary and expressed concern regarding the proposed changes. He requested that Council commission a Charter Review Committee.
3. Craig Riha, resident, requested that Council weigh the prior concerns voiced by citizens and to not select Site A as the location for the city's water tower.
4. John Hill, resident, recommended that Site A not be selected as the location for the water tower and that it be placed where there is no development so that future residents will "be able to come in with open eyes", when purchasing their property.
5. Nancy Hill, resident, noted that she has a petition with 396 signatures in opposition of Site A for the water tower.

B. Mayor Manitzas noted that the presentation by Studio S Architekts would be postponed for another meeting.

III. CONSENT AGENDA

- A. **Approval of November 7, 2019 Regular City Council Meeting Minutes.**
- B. **Approval of a Resolution approving the 2019 Tax Levy Roll.**
- C. **Approval of changing the December 5, 2019 City Council meeting start time to 6:30 PM to be in compliance with the Home Rule Charter.**

Council Member Patel requested that Item A be pulled out of Consent Agenda for discussion.

The Mayor presented the Items B and C of the Consent Agenda and with no discussion, the Items B & C were approved by unanimous consent.

IV. DISCUSSION/CONSIDERATION ITEMS

III. A. Approval of November 7, 2019 Regular City Council Meeting Minutes.

Council Member Patel requested that Item IV G be modified to read "As requested by Rich Nichols (Section IIA1-Citizens to be heard) **and Council Member Patel**, Council was willing..."

MOTION: Made by Council Member Patel, seconded by Mayor Pro Tem Elizondo to approve Consent Agenda Item A as amended.

VOTE: 7-0; Motion Passed

In consideration of representatives from Frost Bank, the Mayor rearranged the order of Consideration Items.

D. Consideration and possible action approving a Resolution approving a depository agreement with Frost Bank.

MOTION: Made by Mayor Pro Tem Elizondo, seconded by Council Member Koerner to approve a resolution designating Frost Bank as the depository for the City of Fair Oaks Ranch's funds.

VOTE: 7-0; Motion Passed

A. Consideration and possible action authorizing the City Manager to sign a Professional Services Agreement for General Engineering Consultant Services (GEC).

MOTION: Made by Council Member Havard, seconded by Council Member Maxton to approve the City Manager to sign a Professional Services Agreement with Legacy Engineering Group for GEC services.

VOTE: 7-0; Motion Passed.

B. Consideration and possible action on the approval of site location and style of the Elevated Storage Tank

MOTION: Made by Council Member Koerner, seconded by Council Member Maxton to remove Site A from further design consideration for the elevated storage tank.

VOTE: 7-0; Motion Passed.

MOTION: Made by Mayor Pro Tem Elizondo, seconded by Council Member Havard to remove Site D from the list.

VOTE: 6-1; Motion Passed; Nay: Council Member Patel

MOTION: Made by Council Member Havard, seconded by Council Member Koerner to eliminate sites C and E.

VOTE: 6-1; Motion Passed; Nay: Council Member Hartpence

MOTION: Made by Council Member Koerner, seconded by Council Member Havard to authorize staff to proceed with the design of the elevated storage tank at Site B.

VOTE: 5-2; Motion Passed; Nays: Council Members Hartpence and Patel

MOTION: Made by Council Member Havard, seconded by Council Member Maxton to accept the composite construction for the tank style.

VOTE: 7-0; Motion Passed

The Council Meeting held a brief recess at 8:30 PM and resumed the meeting at 8:34 PM.

C. Consideration and possible action establishing an Audit Committee and Charter.

MOTION: Made by Council Member Hartpence, seconded by Council Member Koerner to nominate Mayor Garry Manitzas, Mayor Pro Tem Roy Elizondo, and Council Member Greg Maxton as Audit Committee Members and to approve the Audit Committee Charter.

VOTE: 7-0; Motion Passed

E. Consideration and possible action approving a Resolution casting votes for candidates for the Board of Directors for Bexar and Comal Appraisal Districts for tax years 2020 and 2021.

MOTION: Made by Mayor Pro Tem Elizondo, seconded by Council Member Patel to approve a resolution casting the City of Fair Oaks Ranch votes for the Bexar and Comal Appraisal District Board of Directors as follows: Bexar Appraisal District: Jon Fisher (5 votes), Comal Appraisal District: Wade Cleary (2 votes), Dan Krueger (2 votes), John Kuntz (2 votes), Nancy Pappas (2 votes), and John Tyler (2 votes).

VOTE: 7-0; Motion Passed.

F. Consideration and possible action on cancelling the January 2, 2020 Council Meeting.

The Mayor confirmed that there will be a quorum for the January 2, 2020 meeting therefore cancellation of the meeting is not necessary. As a presentation regarding the Impact Fee Study will be presented that night, all Council Members who will be absent, are encouraged to attend the CIAC meeting on December 12, 2019.

G. Consideration and possible action regarding means and methods for scheduling Special Called City Council meetings.

Council affirmed the current process that staff employs to schedule Special Called City Council meetings: providing Council with multiple choices (based upon a variety of factors) and selecting the date and times that the majority of Council is available.

V. REPORTS FROM STAFF / COMMITTEES / COUNCIL

- A. Sarah Buckelew, Director of Finance, provided the quarterly financial and investment reports.
- B. After a review of the Home Rule Charter process by Assistant City Manager, Carole Vanzant, and on the recommendation of former Home Rule Charter members (Citizens to be heard Section) Council directed staff to bring back a process utilizing a Home Rule Charter Review Committee. In addition, Council concluded not to advance a Home Rule Charter amendment election in May 2020.

VI. CONVENE INTO EXECUTIVE SESSION

City Council did not convene into Executive Session regarding:

- A. 551.071 (Consultation with Attorney) - 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.
- B. 551.071 (Consultation with Attorney) - to receive legal advice regarding claims made on behalf of a real property owner against the City's operation of the K-3 Trinity Glen Rose Water Well.
- C. 551.071 (Consultation with Attorney) - to receive legal advice from Special Counsel and the City Attorney regarding the City's ground water rights.

VII. RECONVENE INTO OPEN SESSION

- A. Not applicable.

VI. ADJOURNMENT

Mayor Manitzas adjourned the meeting at 9:18 PM.


Garry Manitzas, Mayor

ATTEST:


Christina Picioccio, City Secretary