

**CITY OF FAIR OAKS RANCH
CITY COUNCIL MEETING MINUTES
September 19, 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 Fair Oaks Ranch Police Officer Amanda Pina.

II. CITIZENS and GUEST FORUM / PRESENTATIONS

A. Citizens to be heard

1. Dr. Vince Caldarola, resident, spoke regarding land ownership and the city wanting him to sign away his land and water rights.
2. Brett Mussey, resident, spoke regarding drainage easements noting that the infrastructure/engineering page on the city website indicates that the maintenance of the turf within the easement shall be the duty and responsibility of the property owner; he asked why then is the city/tax payers paying for it. He also questioned why nothing was done regarding drainage after the 2009 Drainage Study.
3. Debra Doyle, resident, requested that sign in sheets used for citizens to be heard, be used to verify the correct spelling of citizens names. She then spoke on the following: Drainage - noting that a drainage study was done in 2009 but never implemented, Easements: recommending that a land acquisition plan be initiated in advance of the next legislative session for the City to acquire easements critical to drainage, Maintenance – reviewing funds earmarked for reserves to see if any is available to clean up culverts and mitigate the existing poor drainage system prior to fall & winter rains. She questioned development of a schedule of fines to be assessed to property owners not in compliance with maintaining their culverts & easements and volunteered to note addresses & vacant lots not in compliance. She requested the establishment of a Beautify Fair Oaks Committee.
4. Kelly Miller, resident, spoke on behalf of her husband David and indicated they are not going to sign over their water rights.

B. Police Chief Rubin Mayor Manitzas provided the Oath of Office to Police Officer Amanda Piña.

C. Mayor Manitzas and Public Works Director, Ron Emmons, P.E., offered special recognition to Adrian Garcia, P.E., Manager of Engineering Services. Adrian Garcia P.E., recently submitted his resignation and will be taking on the role of City Engineer for the City of Bulverde.

III. CONSENT AGENDA

A. Approval of August 6, 2019 Special City Council Meeting Minutes.

B. Approval of September 5, 2019 Regular City Council Meeting Minutes.

C. Approval of August 6, 2019 Town Hall Meeting Minutes.

D. Approval of September 12, 2019 Special City Council Meeting Minutes.

- E. **Approval of the second reading of an Ordinance Amending Chapter 12 "Traffic & Vehicle" Article 12.03 "Trucks" for the City of Fair Oaks Ranch Code of Ordinances regulating the weight load of vehicles traveling on city streets.**

The Mayor presented the Consent Agenda and with no discussion, the Consent Agenda was approved by unanimous consent.

IV. CONSIDERATION/DISCUSSION ITEMS

- A. **Consideration and possible action approving the second reading of an Ordinance adopting the City Budget for fiscal year beginning October 1, 2019 and ending September 30, 2020.**

MOTION: Made by Mayor Pro Tem Elizondo, seconded by Council Member Havard to approve the 2019-2020 Fiscal Year Budget Ordinance.

VOTE: 7-0; Motion Passed as recorded:

Mayor Manitzas – For; Mayor Pro Tem Elizondo – For; Council Member Hartpence – For; Council Member Havard – For; Council Member Koerner – For; Council Member Maxton – For; and Council Member Patel – For.

- B. **Consideration and possible action ratifying the 2019 property tax rate increase reflected in the Fiscal Year 2019-2020 general fund and debt service fund budgets.**

MOTION: Made by Council Member Hartpence, seconded by Council Member Maxton to ratify the property tax increase reflected in the fiscal year 2019-2020 budget.

VOTE: 7-0; Motion Passed.

- C. **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 2019; and determining due and delinquent dates.**

MOTION: Made by Mayor Pro Tem Elizondo, seconded by Council Member Patel to approve that the property tax rate be increased by the adoption of a tax rate of \$.3735, which is effectively a 5.6 percent increase in the tax rate, as prescribed in the property tax rate ordinance.

VOTE: 7-0; Motion Passed as recorded:

Mayor Manitzas – For; Mayor Pro Tem Elizondo – For; Council Member Hartpence – For; Council Member Havard – For; Council Member Koerner – For; Council Member Maxton – For; and Council Member Patel – For.

- D. **Consideration and possible action to approve a Resolution appointing the Municipal Judge and Alternate Municipal Judge and to authorize the City Manager to execute the Agreements.**

MOTION: Made by Council Member Hartpence, seconded by Council Member Koerner to approve a Resolution appointing the Fair Oaks Municipal Court Judge and Alternate Judge for judicial services for two years beginning October 1, 2019 and ending

September 31, 2021 and authorize the City Manager to sign a Letter of Engagement with each appointee.

VOTE: 7-0; Motion Passed.

E. Consideration and possible action to approve a Resolution appointing the City Prosecutor and Alternate City Prosecutor and to authorize the City Manager to execute the Agreements.

MOTION: Made by Council Member Maxton, seconded by Mayor Pro Tem Elizondo to approve a Resolution appointing the Fair Oaks Ranch Municipal Court Prosecutor and Alternate Prosecutor for prosecutorial services.

VOTE: 7-0; Motion Passed.

F. Consideration and possible action to approve a Sanitarian Agreement and to authorize the City Manager to execute the Agreement.

MOTION: Made by Mayor Pro Tem Elizondo, seconded by Council Member Havard to approve the Sanitarian Services Agreement for sanitarian services and authorize the City Manager to execute the Agreement with a commencement date of October 1, 2019.

VOTE: 7-0; Motion Passed.

G. Consideration and possible action to approve a Fire Inspector Agreement Renewal and to authorize the City Manager to execute the Agreement.

MOTION: Made by Council Member Koerner, seconded by Council Member Patel to approve the renewal of the Fire Inspector Service Agreement and authorize the City Manager to execute the Agreement with a commencement date of October 1, 2019.

VOTE: 7-0; Motion Passed.

H. Consideration and possible action to approve a 3 month extension of a 2014 Bank Depository Agreement.

MOTION: Made by Mayor Pro Tem Elizondo, seconded by Council Member Hartpence to authorize the City Manager to sign the three (3) month extension of the 2014 Bank Depository Agreement with Frost Bank.

VOTE: 7-0; Motion Passed.

I. Consideration and possible action authorizing the City Manager to sign the First Amendment of the Memorandum of Understanding (MOU) to evaluate Regional Wastewater Treatment Options between the City of Boerne, the City of Fair Oaks Ranch, and the Guadalupe-Blanco River Authority.

MOTION: Made by Council Member Hartpence, seconded by Mayor Pro Tem Elizondo to authorize the City Manager to sign the First Amendment of the Memorandum of Understanding to Evaluate Regional Wastewater Treatment Options between the City of Boerne, the City of Fair Oaks Ranch, and the Guadalupe-Blanco River Authority.

VOTE: 5-2; Motion Passed. Nay's: Council Members Hartpence and Patel.

J. Consideration and possible action to approve authorizing the City Manager to sign an Interlocal Participation Agreement to be a member of the Public Employee Benefits Alliance.

MOTION: Made by Council Member Hartpence, seconded by Council Member Maxton to authorize the City Manager to sign an Interlocal Participation Agreement with Public Employee Benefits Alliance with a commencement date of October 1, 2019.

VOTE: 7-0; Motion Passed

K. Consideration and possible action to approve the preliminary plat that establishes Elkhorn Ridge Unit 8.

MOTION: Made by Mayor Pro Tem Elizondo, seconded by Council Member Koerner to approve the preliminary plat that establishes Elkhorn Ridge Unit 8.

VOTE: 7-0; Motion Passed

L. Discussion regarding transient equipment and material storage on city owned property (Fire Station) located 30955 Meadow Creek Trail, generally the southwest corner of FM 3351 and Meadow Creek Trail.

This discussion item was deferred by Council Member Hartpence.

V. REPORTS FROM STAFF / COMMITTEES / COUNCIL

Assistant City Manager Carole Vanzant, provided an update on the Home Rule Charter amendment election process noting that the due date for submittals to the Assistant City Manager will be due October 11, 2019.

VI. CONVENE INTO EXECUTIVE SESSION

City Council did not convene into closed 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.

City Council convened into Executive Session at 8:00 PM regarding:

- 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.
- D. 551.071 (Consultation with Attorney) - to receive legal advice from City Attorney and Consultant regarding performance assessment and information collection.

Council Member Hartpence leaves the meeting at 9:21 PM.

VII. RECONVENE INTO OPEN SESSION

Mayor Manitzas reconvened into open session at 9:26 PM; no action was taken.

VIII. ADJOURNMENT

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

Council Member Patel noted that she would like the topic of the parameters that will be used in making the final recommendation on the Elevated Storage Tank.

Mayor Manitzas adjourned the meeting at 9:26 PM.

ATTEST:



Christina Picioccio, City Secretary


Garry Manitzas, Mayor