

**CITY OF FAIR OAKS RANCH
CITY COUNCIL MEETING MINUTES
September 5, 2019
7286 Dietz Elkhorn
Fair Oaks Ranch, TX 78015**

I. OPEN MEETING

A. Roll Call – Declaration of a Quorum

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

With a quorum present, the City Council meeting was called to order at 9:31 AM.

- B. The Pledge of Allegiance was led by The American Legion Captain Mark 'Tyler' Voss Post 313 dignitaries: Commander Charles Cecchini, Vice Commander Don Gray, Post Historian Bob Imler, and Chairman of the American Legion Dave Judson.

II. 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.

City Council convened into Executive Session at 9:33 AM 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.

III. RECONVENE INTO OPEN SESSION

The Mayor reconvened into Open Session at 10:18 AM. No action was taken.

In courtesy of the recipients of the American Legion Centennial Day Proclamation, the Mayor moved the reading up in the schedule.

V. CITIZENS and GUEST FORUM / PRESENTATIONS

- B. The Mayor read a Proclamation designating September 16, 2019 as American Legion Centennial Day. Receiving the Proclamation were Commander Charles Cecchini, Vice Commander Don Gray, Post Historian Bob Imler, and Chairman of the American Legion Dave Judson.

IV. PUBLIC HEARING

- A. The City Council conducted the first Public Hearing on the Fiscal Year 2019-2020 Proposed Budget and 2019-2020 Tax Rate.
1. Mayor Manitzas opened the Public Hearing at 10:23 AM and provided opening comments.

2. Finance Director, Sarah Buckelew provided a presentation of the Proposed Budget and Tax Rate.
3. The City Council received citizen testimony for/against the Proposed Budget and Tax Rate:
 - a. Tom Jaster, resident, spoke in support of the tax rate increase noting that the tax rate was kept low for years and now the city has to play "catch-up". He also commented that this was a no-frills budget which was leanly run, with no layers and no redundancies.
 - b. Rich Nichols, resident, spoke in support of the tax rate increase calling previous council history of not raising taxes as "short-sighted" in planning for the future. He maintained that roads, infrastructure, etc., are showing signs of middle age. He reminded all present that the city receives limited tax from commercial properties, based on resident's desire to keep Fair Oaks Ranch a residential community, therefore any tax increase is funded by its' citizens.
 - c. John Dewey, resident, spoke against the tax rate increase recommending that City Council maintain the existing tax rate as revenue will still be higher due to increase in appraisals and taxes generated from new properties. He personally noted a 39.4 % property tax increase over the past 4 years due to appraisal increases and increased tax rate. He expressed concerns with what he calculated to be a 47% increase in expenditures in 2 years as well as a 20% increase in staff (2017/2018 – 2019/2020 timeframe) and 44% increase (2016/2017 – 2019-2020 timeframe).
 - d. Frank Trapasso, resident, spoke in support of the tax rate increase. He noted the city's history of keeping taxes low without thinking of long term asset maintenance needs.
 - e. Deborah Doyle, resident, spoke regarding flooding issues in her neighborhood. She expressed hope that tax increase money will be used to mitigate drainage issues and to clean culverts as her area is inaccessible by emergency vehicles during flooding situations.
 - f. Wes Pieper, resident, spoke in opposition to the tax rate increases.
 - g. Brett Mussey, resident, expressed concern with the lack of maintenance of culverts in the city and questioned whose responsibility it was in maintaining them.

City Manager Maples answered that maintenance of the culverts have not historically been funded and that the city is preparing an engineered solution based on criticality of the drainage problems. Funding options for drainage improvements will be presented to citizens in the coming months.
4. Council discussed the Proposed Budget and Tax Rate inclusive of culvert maintenance and drainage.
5. The Mayor closed the public hearing at 11:22 AM. The Mayor announced the next Public Hearing to be held on September 12, 2019

V. CITIZENS and GUEST FORUM / PRESENTATIONS

- A. There were no citizens to be heard on general matters.
- C. Director of Human Resources & Communications, Joanna Merrill, introduced the city's newest maintenance worker, Jarrett Lee, to council and residents.
- D. City Attorney Dan Santee provided a Legislative Update on the 2019 Legislative Session.

VI. CONSENT AGENDA

- A. Approval of August 1, 2019 Regular City Council Meeting Minutes.
- B. Approval of August 14, 2019 Special Joint City Council and P&Z Meeting Minutes.
- C. Approval of August 14, 2019 Special City Council Meeting Minutes.
- D. Approval of August 15, 2019 Regular City Council Meeting Minutes.
- E. Approval of August 29, 2019 Special City Council Meeting Minutes.
- F. Approval of the second reading of an Ordinance approving FY 2018-19 budget amendments
- G. Approval of the second reading of an Ordinance amending the City of Fair Oaks Ranch Code of Ordinances Chapter 8 "Offenses and Nuisance" by creating an Article for violations of the City Charter.

The Mayor presented the Consent Agenda for approval. Council Member Patel requested that Item G of the Consent Agenda be pulled for discussion.

MOTION: Made by Council Member Havard, seconded by Mayor Pro Tem Elizondo to accept items A-F of the Consent Agenda as written.

VOTE: 7-0; Motion Passed.

VII. DISCUSSION/CONSIDERATION ITEMS

Consent Agenda G

Approval of the second reading of an Ordinance amending the City of Fair Oaks Ranch Code of Ordinances Chapter 8 "Offenses and Nuisance" by creating an Article for violations of the City Charter.

Council Member Patel requested that the language in the Ordinance be amended to match the language in the Home Rule Charter, exactly.

MOTION: Made by Council Member Patel, seconded by Mayor Pro Tem Elizondo to approve and amend the language in section 8.04.002, 1, 2, 3 to match exactly with Section 3.10 of the Home Rule Charter.

VOTE: 7-0; Motion Passed.

A. Consideration and possible action to approve a Professional Services Agreement for New Internal Controls – R.S.M.

MOTION: Made by Mayor Pro Tem Elizondo, seconded by Council Member Havard to authorize the City manager to sign the Professional Services Agreement ("Engagement Letter") with RSM US LLP for internal control services at a cost not to exceed \$50,000.

VOTE: 7-0; Motion Passed

B. Consideration and possible action approving the first reading of an Ordinance Amending Chapter 4 "Business Regulations", Article 4.02 "Solicitors" of the City of Fair Oaks Ranch Code of Ordinances..

MOTION: Made by Council Member Hartpence, seconded by Council Member Koerner to approve the first reading of an Ordinance amending the City's Code of Ordinances Article 4.02 "Solicitors".

City Council discussed the Ordinance, specifically the proposed language regarding canvassing.

AMENDED MOTION:

Made by Council Member Koerner, seconded by Council Member Patel to remove the main motion to allow staff and City Attorney to research questions posed.

VOTE: 7-0; Motion Passed.

C. Consideration and possible action approving the first reading of an Ordinance amending Chapter 12 "Traffic & Vehicle" Article 12.3 "Trucks" of the City of Fair Oaks Ranch Code of Ordinances regulating the weight load of vehicles on city streets.

MOTION: Made by Mayor Pro Tem Elizondo, seconded by Council Member Havard to approve the first reading of an Ordinance amending Chapter 12 "Traffic & Vehicles", Article 12.03 "Trucks".

VOTE: 7-0; Motion Passed.

D. Consideration and possible action on determining method on amending the Home Rule Charter.

MOTION: Made by Council Member Hartpence, seconded by Council Member Koerner to have the Home Rule Charter amendments be proposed by City Council.

VOTE: 7-0; Motion Passed.

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

Council Member Hartpence, in consideration of time, suggested that this discussion item be postponed until the next Council Meeting.

III. REPORTS FROM STAFF/COMMITTEES/COUNCIL

A. Ron Emmons P.E., Public Works Director, provided an update on the Elevated Storage Tank and reminded citizens that the next town hall meeting will be held 6:30 PM, September 10, 2019 at the Cibolo Creek Community Church.

VIII. ADJOURNMENT

Mayor Manitzas adjourned the meeting at 1:36 PM.

ATTEST:



Christina Picioccio, City Secretary


Garry Manitzas, Mayor