# CITY OF FAIR OAKS RANCH
# CITY COUNCIL MEETING MINUTES
# April 18, 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 Havard
Council Members: Elizondo, Hartpence, Koerner, Maxton, and Patel

With a quorum present, the Mayor called the City Council meeting to order at 6:31 PM.

B. The Pledge of Allegiance was led by Mike Lovelace.

## II. CITIZENS and GUEST FORUM / PRESENTATIONS

A. Mayor Manitzas presented the Employee of the Quarter Award to Accounts Payable and Payroll Specialist, Julie Lovelace.

B. Mayor Manitzas proclaimed May 5, 2019 as "Lemonade Day in Fair Oaks Ranch" and presented the Proclamation to Kimberley Blohm, President/CEO of the Greater Boerne Chamber of Commerce.

C. There were no citizens to be heard.

*Mayor Manitzas moved the executive session to the beginning of the meeting.*

## 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 close session at 6:41 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.

## VII. RECONVENE INTO OPEN SESSION

Mayor Manitzas reconvened into open session at 7:38 PM.

The following action was taken regarding VI B and VI C:

MOTION: Made by Council Member Elizondo, seconded by Council Member Koerner to authorize the City Manager to enter into a professional services agreement to assist the city in the evaluation of risks to City's ground water rights.

VOTE: 7-0; Motion Passed.

## III. CONSENT AGENDA

A. **Approval of March 29, 2019 Special City Council Meeting Minutes.**

B. **Approval of April 4, 2019 Regular City Council Meeting Minutes.**

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

## IV. DISCUSSION/CONSIDERATION ITEMS

A. **Consideration and possible action approving a Professional Service Agreement with Kimley-Horn and Associates, Inc. for engineering consulting services for an elevated storage tank and authorizing the City Manager to sign the agreement.**

MOTION: Made by Mayor Pro Tem Havard, seconded by Council Member Patel to approve the Professional Service Agreement with Kimley-Horn and Associates, Inc. for engineering consulting services for an elevated storage tank and to authorize the city Manager to sign the agreement.

VOTE: 7-0; Motion Passed.

B. **Discussion and possible action approving the First Reading of an Ordinance adopting the City's Unified Development Code.**

MOTION: Made by Council Member Maxton, seconded by Council Member Elizondo to approve the First Reading of an Ordinance adopting the UDC including modifying language regarding drainage easements to include fencing detention basins and clarifying references to the Edwards Aquifer Authority in Chapter 8.

VOTE: 7-0; Motion Passed.

C. **Discussion and possible action approving the First Reading of an Ordinance adopting the City's Backflow Prevention Program.**

Environmental Compliance Manager Melissa Castro identified three changes to the Ordinance since last presented to Council on March 21, 2019: 1. Testing frequency change from annual to every two years, 2. Customer record keeping requirement removed, and 3. The right of entry subsection, subsection (m) updated to include language regarding administrative search warrants due to prevented access and cases of public health and safety emergencies.

MOTION: Made by Council Member Hartpence, seconded by Council Member Patel to recommend the approval of the First Reading of an Ordinance adopting a Cross-Connection Control and Backflow Prevention Program.

AMENDED MOTION #1:
Made by Council Member Koerner, seconded by Council Member Maxton to amend the Ordinance to change the testing frequency for non-health hazardous assemblies to three years.

VOTE ON AMENDED MOTION #1:
6-1; Motion Passed, Nay – Council Member Havard.

AMENDED MOTION #2:

Made by Council Member Patel, seconded by Council Member Elizondo to amend the language in Section G Numbers 2 and 3 to read:

(g) (2) Within the first year of the effective date of the Ordinance, and every year after, backflow prevention assemblies which are installed to provide protection against health hazards must also be tested and certified to be operating within specifications by a recognized backflow prevention assembly tester. Test and maintenance reports shall be submitted, in accordance with the City's policies and procedures, within ten (10) business days of the test.

(g) (3) Within the first year of the effective date of the Ordinance and every 3 years after, backflow prevention assemblies which are installed to provide protection against non-health hazards must also be tested and certified to be operating within specifications by a recognized backflow prevention assembly tester. Test and maintenance reports shall be submitted, in accordance with the City's policies and procedures, within ten (10) business days of the test.

VOTE ON AMENDED MOTION #2:

7-0; Motion Passed.

VOTE ON ORIGINAL MOTION:

7-0; Motion Passed.

D. **Consideration and possible action authorizing the City Manager to sign an Online Backflow Management System Service Agreement with Vepo, LLC.**

MOTION: Made by Council Member Elizondo, seconded by Council Member Koerner to authorize the City Manager to sign the Online Backflow Management System Service Agreement with Vepo, LLC.

AMENDED MOTION:

Made by Council Member Patel, seconded by Council Member Hartpence to amend page 62, Section 2.04 to add "Council" after City to the phrase "or subsequently approved by the City".

VOTE: 7-0; Motion Passed.

VOTE ON ORIGINAL MOTION AS AMENDED:

7-0; Motion Passed.

E. **Discussion and possible action to approve the final plat that establishes Dietz Elkhorn Elementary School (Van Raub).**

MOTION: Made by Mayor Pro Tem Havard, seconded by Council Member Patel to approve the final plat that establishes Dietz Elkhorn Elementary School (Van Raub).

VOTE: 7-0; Motion Passed.

F. **Discussion and possible action to approve the preliminary plat that establishes Elkhorn Ridge Unit 3.**

MOTION: Made by Council Member Hartpence, seconded by Council Member Maxton to approve the preliminary plat that establishes Elkhorn Ridge Unit 3.

VOTE: 7-0; Motion Passed.

## V. REPORTS FROM STAFF / COMMITTEES / COUNCIL

A. None.

## VIII. ADJOURNMENT

Mayor Manitzas adjourned the meeting at 8:54 PM.

Garry Manitzas

Garry Manitzas, Mayor

ATTEST:

Christina Picioccio

Christina Picioccio, City Secretary