



**CITY OF FAIR OAKS RANCH
AGENDA – CITY COUNCIL REGULAR MEETING**

April 4, 2019 9:30 AM
City Hall Council Chambers
7286 Dietz Elkhorn, Fair Oaks Ranch

I. OPEN MEETING

- A. Roll Call – Declaration of a Quorum
- B. Pledge of Allegiance.

II. CITIZENS and GUEST FORUM / PRESENTATIONS

To address the Council, please sign the Attendance Roster located on the table at the entrance of the Council Chamber. 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. Presentation of Employee Service Awards to Evan G. Downey and Michael W. Davis.
- B. Presentation of Employee of the Quarter Award
- C. Citizens to be heard.

III. 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 March 21, 2019 Regular City Council Meeting Minutes. Pgs. 3-5
- B. Approval of the Second Reading of an Ordinance extending the agreement with Acadian Ambulance Service of Texas for EMS services and authorizing the City Manager to sign the agreement. Pgs. 6-8

IV. DISCUSSION/CONSIDERATION ITEMS

- A. Discussion and possible action on the City of Fair Oaks Ranch Zoning Board of Adjustment appointments. Carole Vanzant, Assistant City Manager Pgs. 9-11
- B. Discussion and possible action on the City Council's Strategic Plan. Tobin Maples, City Manager Pg. 12

V. REPORTS FROM STAFF/COMMITTEES/COUNCIL

- A. None

VI. 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. 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

Discussion and possible action on items discussed in Executive Session.

VIII. ADJOURNMENT

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

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, both places being convenient and readily accessible to the general public at all times. Said Notice was posted by 9:30 AM April 1, 2019 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).

**CITY OF FAIR OAKS RANCH
CITY COUNCIL MEETING MINUTES
March 21, 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, Maxton, and Patel

Absent: Council Members: Hartpence and Koerner

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 Planning and Zoning Commissioner David Horwath.

II. CITIZENS and GUEST FORUM / PRESENTATIONS

A. David Spencer, Candidate for BISD Place 5, introduced himself to council and citizens present.

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

VII. 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 6:35 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.

VIII. RECONVENE INTO OPEN SESSION

Mayor Manitzas reconvened into open session at 7:45 PM.

The following action was taken regarding VIIIB:

MOTION: Made by Council Member Elizondo, seconded by Mayor Pro Tem Havard authorizing the City Manager to sign an agreement to toll proceedings in the matter involving claims related to the K-3 well.

VOTE: 5-0; Motion Passed

III. CONSENT AGENDA

A. **Approval of March 7, 2019 Special Joint Council and P&Z Public Hearing Minutes.**

B. **Approval of March 7, 2019 Regular City Council Meeting Minutes.**

C. **Approval of Council Member Hartpence's absence for the March 21, 2019 Council Meeting.**

D. **Approval of Council Member Koerner's absence for the March 21, 2019 Council Meeting.**

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

IV. PUBLIC HEARING

- A. The City Council conducted a public hearing to receive public testimony regarding the Fair Oaks Montessori School Final Replat.
1. Adrian Garcia P.E., provided the staff report recommending approval of the final replat.
 2. The applicant did not provide a presentation.
 3. Mayor Manitzas opened the public hearing at 7:50 PM.
 4. There was no public testimony.
 5. The Mayor closed the public hearing at 7:50 PM.
 6. There was no council discussion.

V. DISCUSSION/CONSIDERATION ITEMS

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

Jeff Barton, Gap Strategies consultant reviewed substantive edits to the UDC since the March 7, 2019 public hearing: 1. Tree Preservation – (a) the P&Z Commission will now be included in the tree preservation approval process and (b) the tree preservation section of the UDC has been reorganized and includes two “protected” trees categories, and 2. Establishment of Traffic Impact Analysis triggers for developments that generate 50 trips at peak hour or 150 trips per day. Council questions were answered by Mr. Barton.

City Manager Maples recommended consideration of this item be postponed until April 18th due to the absence of two council members.

MOTION: Made by Council Member Elizondo, seconded by Council Member Maxton to postpone consideration of this item until the April 18th Council Meeting.

VOTE: 5-0; Motion Passed.

B. Discussion and possible action approving the First Reading of an Ordinance extending the agreement with Acadian Ambulance Service of Texas for EMS services and authorizing the City Manager to sign the agreement.

MOTION: Made by Council Member Patel, seconded by Council Member Elizondo to approve the First Reading of an Ordinance extending the EMS contract with Acadian Ambulance Service of Texas for three years, starting May 1, 2019 and authorizing the City Manager to sign agreement.

VOTE: 5-0; Motion Passed.

C. Discussion and possible action to approve Fair Oaks Montessori School Final Replat.

MOTION: Made by Mayor Pro Tem Havard, seconded by Council Member Elizondo to approve the final replat that establishes Fair Oaks Montessori School.

VOTE: 5-0; Motion Passed.

D. Discussion and possible action to approve a preliminary plat that establishes Front Gate 2B.

MOTION: Made by Council Member Elizondo, seconded by Council Member Maxton to approve the preliminary plat that establishes Front Gate Unit 2B.

VOTE: 5-0; Motion Passed.

E. Discussion and possible action regarding Bond Series 2015 Surplus.

MOTION: Made by Council Member Elizondo, seconded by Mayor Pro Tem Havard to direct staff to draft a budget amendment utilizing the bond surplus for budgeted current year roadway projects, and increase the budgeted Chip Seal project as indicated in the slide presentation. This will result in a budget surplus which staff recommends to be assigned to future CIP projects as approved by Council.

VOTE: 5-0; Motion Passed.

VI. REPORTS FROM STAFF / COMMITTEES / COUNCIL

- A. Capital Improvements Advisory Committee Chairman John Merritt provided the Committee's semi-annual reports from September 26, 2018 and March 6, 2019, noting no action required for either. He further noted that the Committee is awaiting the adoption of the Water, Wastewater and Reuse study which is a key component in calculating impact fees as the City's impact fees need to be reviewed this year.
- B. Manager of Engineering Services Adrian Garcia P.E. presented an overview of various street maintenance options that staff is considering for the City's annual street maintenance program.
- C. Environmental Compliance Manager Melissa Castro, provided an update on the Backflow Prevention Education Outreach Plan.
- D. City Manager Tobin Maples provided an update on the FM 3351 Strategic Planning Team activities and noted that a future workshop with Gateway Planning, TxDOT and certain members of Staff and Council is planned.

IX. ADJOURNMENT

Mayor Manitzas adjourned the meeting at 9:36 PM.

ATTEST:

Garry Manitzas, Mayor

Christina Picioccio, City Secretary



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
April 4, 2019

AGENDA TOPIC: Discussion and possible action approving the Second Reading of an Ordinance extending the agreement with Acadian Ambulance Service of Texas for EMS services and authorizing City Manager to sign the agreement

DATE: April 4, 2019

DEPARTMENT: Police

PRESENTED BY: Chief Rubin

INTRODUCTION/BACKGROUND:

In May 2014 the City entered into a three-year contract with Acadian Ambulance Service of Texas to provide EMS within the City. This contract was renewed for two years in 2017. This contract is due to expire April 30, 2019 with a three-year extension available at the same terms of original contract.

The first reading of the Ordinance was approved by Council at the March 21, 2019 Council Meeting.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

Ambulance and Emergency Medical Services is essential to the health and welfare of the residents of Fair Oaks Ranch and to the traveling public visiting and passing through the City.

LONGTERM FINANCIAL & BUDGETARY IMPACT:

Extension of contract is at the original rate of \$73,500.00 to be paid annually throughout the term of the contract in equal monthly payments of \$6,125.00.

LEGAL ANALYSIS:

Reviewed by legal.

RECOMMENDATION/PROPOSED MOTION:

I move to approve the Second Reading of an Ordinance extending the EMS contract with Acadian Ambulance Service of Texas for three years, starting May 1, 2019 and authorizing the City Manager to sign agreement.

AN ORDINANCE

AN ORDINANCE OF THE CITY OF FAIR OAKS RANCH RENEWING AN EXCLUSIVE AGREEMENT WITH ACADIAN AMBULANCE SERVICE OF TEXAS AS THE SOLE PROVIDER FOR EMERGENCY MEDICAL SERVICES FOR THE CITY OF FAIR OAKS RANCH; AND PROVIDING AN EFFECTIVE DATE

BE IT ORDAINED BY THE CITY COUNCIL OF FAIR OAKS RANCH, TEXAS:

- Section 1. In May 2014, the City Council of Fair Oaks Ranch (City Council) approved Ordinance 2014-06 manifesting an Agreement with Acadian Ambulance Service of Texas (Acadian) as the sole provider for the purpose of emergency medical service, for a term of three years and, in March 2017, the City Council approved Ordinance 2017-03 renewing the Agreement with Acadian for a two-year period.
- Section 2. City Council and Acadian wish to renew the Agreement (attached) for a three-year period.
- Section 3. City Council and Acadian have approved a rate of \$73,500 to be paid annually throughout term of the Agreement in equal monthly payments of \$6,125.00. Said Agreement shall take effect May 1, 2019 and remain in full force and effect for three (3) years to April 30, 2022.
- Section 4. Said Agreement may be terminated by either party with the terminating party providing 180 days written notice as provided in Section 2 of the original Agreement
- Section 5. City Council hereby authorizes the City Manager to sign said Agreement with Acadian Ambulance Service of Texas, LLC.

PASSED AND APPROVED this 21st day of March, 2019

PASSED, APPROVED AND ADOPTED this 4th day of April, 2019

Garry Manitzas, Mayor

ATTEST:

APPROVED AS TO FORM:

Christina Picioccio, City Secretary

Denton Navarro Rocha Bernal & Zech,
P.C., City Attorney

RENEWAL TO SERVICES AGREEMENT

THIS RENEWAL TO SERVICES AGREEMENT (the "Renewal") is made and entered into as of this _____ day of _____, 2019, or the execution of this Renewal by both parties, by and between, **The City of Fair Oaks Ranch, Texas ("City")** and **Acadian Ambulance Service of Texas, LLC. formerly known as Acadian Ambulance Service Inc., ("Acadian")**.

RECITALS

- A. City and Acadian entered into to that certain Services Agreement for ambulance services (the "Agreement") effective May 1, 2014; and
- B. City and Acadian desire to renew the terms of the Agreement as set forth herein below.

NOW, THEREFORE, in consideration of the foregoing promises and for valuable consideration the receipt of which is acknowledged by the parties, City and Acadian agree to renew the Agreement as follows:

- 1. All references to Acadian Ambulance Service, Inc. shall be stricken from the Agreement and any subsequent Amendment(s) and Addendum(s) is replaced with Acadian Ambulance Service of Texas, LLC, for the term or terms in which the Agreement is deemed effective.
- 2. **Renewal.** City and Acadian hereby agree to renew the Agreement for an additional term of three years, to be effective May 1, 2019 through April 30, 2022.
- 3. **Rate.** City agrees to pay Acadian as follows: \$6,125.00 per month.
- 4. **General.** If provisions of this Renewal and the Agreement conflict, the provisions of this Renewal shall prevail. Except as specifically amended herein, all terms and conditions of the Agreement shall remain in full force and effect.

THE CITY OF FAIR OAKS RANCH
7286 DIETZ ELKHORN
FAIR OAKS RANCH, TX 78015

ACADIAN AMBULANCE SERVICE of TEXAS, LLC
P O Box 98000
LAFAYETTE, LA 70509-8000

BY: _____
Name: _____
Title: _____
Date: _____

By: _____
Name: _____
Title: _____
Date: _____



CITY COUNCIL CONSIDERATION ITEM

CITY OF FAIR OAKS RANCH, TEXAS

April 4, 2019

AGENDA TOPIC: Discussion and possible action on the City of Fair Oaks Ranch Zoning Board of Adjustment appointments

DATE: April 4, 2019

DEPARTMENT: Administration

PRESENTED BY: Carole Vanzant, Assistant City Manager

INTRODUCTION/BACKGROUND:

The City's zoning ordinance, Section 14.01.004a (Attachment A) entitled, "Zoning Board of Adjustment" provides for the structure of the Zoning Board of Adjustment ("the Board"):

1. The Board shall consist of five (5) members *who shall be appointed* by majority vote of the City Council.
2. City Council, by majority vote, *shall appoint two individuals as alternate board members* to serve in the absence of one or more regular members when requested to do so by the mayor or city manager.

On February 21, 2019, City Council, by consensus, directed staff to implement the following appointment process:

February 25	Post application on various platforms
March 22	Application submittal deadline
April 4	City Council reviews applications and determine interviewees, if warranted
TBD	City Council interviews applicants and makes appointments

As of close of business on March 22, the city received eight applications for seven open seats. Copies of the applications were provided, via internal memo, to City Council on March 29. This agenda item today is for City Council to determine if appointments are to be made:

1. Directly from the submittals; or,
2. By holding interviews
 - a. Provide dates and times of City Council availability

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

1. Complies with the direction City Council provided Staff on February 21, 2019
2. Complies with city's zoning ordinance and state statute

LONGTERM FINANCIAL & BUDGETARY IMPACT:

N/A

LEGAL ANALYSIS:

Legal affirmed staff's review and interpretation of the city's zoning ordinance and state statute, inclusive of zoning board of adjustment appointments.

RECOMMENDATION/PROPOSED MOTION:

By motion, provide staff with the means to appoint members to the Fair Oaks Ranch Zoning Board of Adjustment and, if applicable, dates and times of Council availability for interviews.

**City of Fair Oaks Ranch
Chapter 14, Zoning**

Section 14.01.004 Zoning Board of Adjustment.

- (a) Structure and Procedure of the Zoning Board of Adjustment.
 - (1) Creations, Appointment and Removal.
 - (A) The Zoning Board of Adjustment is established in accordance with Chapter 211 of the Texas Local Government Code (LGC). The Board members are appointed by the City Council.
 - (B) **The Board shall consist of five (5) members who shall be appointed by majority vote of the City Council.**
 - (C) A member may only be removed for cause.
 - (D) A vacancy on the Board shall be filled for the unexpired term.
 - (E) **City Council, by majority vote, shall appoint two individuals as alternate board members to serve in the absence of one or more regular members when requested to do so by the mayor or city manager.** An alternate member serves for the same period as a regular member and is subject to removal in the same manner as a regular member. A vacancy among the alternate members is filled in the same manner as a vacancy among the regular members.

Ordinance 2018-05, adopted 6/21/2018
Texas Local Government Code 211.008 – 211.009



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
April 4, 2019

AGENDA TOPIC: Discussion and possible action on the City Council's Strategic Plan
DATE: April 4, 2019
DEPARTMENT: Administration
PRESENTED BY: Tobin Maples, City Manager

INTRODUCTION/BACKGROUND:

Staff will provide relevant information on this item at the meeting.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

LONG-TERM FINANCIAL & BUDGETARY IMPACT:

LEGAL ANALYSIS:

N/A

RECOMMENDATION/PROPOSED MOTION: