



CITY OF FAIR OAKS RANCH

CITY COUNCIL REGULAR MEETING

Thursday, March 03, 2022 at 6:30 PM

City Hall Council Chambers, 7286 Dietz Elkhorn, Fair Oaks Ranch

MINUTES

OPEN MEETING

1. Roll Call - Declaration of a Quorum

Council Present: Mayor Maxton and Council Members: Stroup, Elizondo, Bliss, Koerner, Parker, and Muenchow

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

2. Pledge of Allegiance – The Pledge of Allegiance was recited in unison.

CITIZENS and GUEST FORUM

3. Citizens to be heard – There were no citizens to be heard.

PRESENTATIONS

4. Joanna Merrill, IPMA-SCP, Director of Human Resources and Communications, presented a 10-Year Service Award to Brandon Garrettson, Wastewater Supervisor.
5. Joanna Merrill, IPMA-SCP, Director of Human Resources and Communications, recognized Jennifer Hudson, HR/Communications Specialist for receiving the International Public Management Association for Human Resources Certified Professional (IPMA-CP) designation
6. Joanna Merrill, IPMS-SCP, Director of Human Resources and Communications, introduced new employees: Kenneth Neesham, Maintenance Technician; Hunter Hickman, Maintenance Technician; Eloy Contreras III, Maintenance Technician and Ricardo Bautista, Court Administrator.
7. Joanna Merrill, IPMS-SCP, Director of Human Resources and Communications, recognized Employee of the Quarter - Q1 recipient, Maria J. Pinedo, Court Clerk.
8. Joanna Merrill, IPMS-SCP, Director of Human Resources and Communications, presented the Government Finance Officers Association (GFOA) Certificate of Achievement for Excellence in Financial Reporting for the Fiscal Year Ended September 30, 2020 and recognized the Finance Department for this achievement.
9. Joanna Merrill, IPMS-SCP, Director of Human Resources and Communications, presented a Recognition of the Government Finance Officers Association Distinguished Budget Presentation Award for the FY 2021 budget and recognized the Finance Department for receiving the award.

10. Craig Glendenning presented to City Council, on behalf of the developers for Fair Oaks Meadows, a proposed design for Boerne Ranch Estates and expressed willingness to begin further discussions with the City.
11. Angie Flores, Senior Manager and Mary Zambrano, Consultant, from Raftelis, presented to Council a Utility Rate Study Report and recommendations from the Rate Advisory Panel.

CONSENT AGENDA

12. **Approval of the February 17, 2022 Regular City Council meeting minutes.**

MOTION: Made by Council Member Muenchow, seconded by Council Member Parker, to approve the Consent Agenda.

VOTE: 6-0; Motion Passed. (Council Member Roy Elizondo was not present to vote)

CONSIDERATION/DISCUSSION ITEMS

13. **Presentation of the Certificate of Unopposed Candidates and consideration and possible action approving a Resolution declaring unopposed candidates, in the May 7, 2022 General Election, elected to office and to cancel said General Election.**

MOTION: Made by Council Member Bliss, seconded by Council Member Stroup, to accept the Certificate of Unopposed Candidates and to approve a Resolution declaring the unopposed candidates in the May 7, 2022 General Election, elected to office and to cancel said General Election.

VOTE: 7-0; Motion Passed.

14. **Consideration and possible action authorizing the City Manager to execute a Guaranteed Maximum Price Amendment to the Construction Manager at Risk Agreement between the City of Fair Oaks Ranch and Waterman Construction, LLC for City Hall Renovation construction services.**

MOTION: Made by Council Member Elizondo, seconded by Council Member Koerner, to authorize the City Manager to execute a GMP Amendment in the amount of \$952,945.00 between the City of Fair Oaks Ranch and Waterman Construction, LLC for construction services subject to City Council approval of a budget amendment.

VOTE: 7-0; Motion Passed.

15. **Consideration and possible action approving the first reading of an Ordinance adopting Fiscal Year 2021-22 Budget Amendments for the City Hall Renovation project.**

MOTION: Made by Council Member Koerner, seconded by Council Member Elizondo, to approve the first reading of an Ordinance Adopting Fiscal Year 2021-22 Budget Amendments for the City Hall Renovation project.

VOTE: 7-0; Motion Passed.

16. Consideration and possible action authorizing the City Manager to sign a Professional Services Agreement for a Wastewater Treatment Plant Engineering Feasibility Study.

MOTION: Made by Council Member Elizondo, seconded by Council Member Bliss, to authorize the City Manager to sign a Professional Services Agreement with Garver LLC for a Wastewater Treatment Plant Engineering Feasibility Study, in the amount of \$251,931.00.

VOTE: 7-0; Motion Passed.

17. Consideration and possible action approving a request to create a flag shaped rear lot and a rear lot with a depth greater than five times the lot frontage on the street located northwest of the intersection of Rolling Acres Trail and Ammann Rd.

MOTION: Made by Council Member Koerner, seconded by Council Member Muenchow, to recommend approval of the request as follows:

- a. Creation of a flag shaped rear lot
- b. Creation of a rear lot with a depth (3000') that is greater than five times the lot frontage on the street (70').

VOTE: 7-0; Motion Passed.

18. Consideration and possible action approving a Law Enforcement & Patrol Agreement between the City of Fair Oaks Ranch and Elkhorn Ridge Homeowners Association Inc.

MOTION: Made by Council Member Parker, seconded by Council Member Stroup, to approve the agreement between the City of Fair Oaks Ranch and Elkhorn Ridge Homeowners Association Inc. for police services within the gated community of Elkhorn Ridge.

VOTE: 7-0; Motion Passed.

19. Consideration and possible action approving a Law Enforcement & Patrol Agreement between the City of Fair Oaks Ranch and SA Front Gate Homeowners Association.

MOTION: Made by Council Member Muenchow, seconded by Council Member Bliss, to approve the agreement between the City of Fair Oaks Ranch and SA Front Gate Homeowners Association for police services within the gated community of Front Gate.

VOTE: 7-0; Motion Passed.

20. Consideration and possible action approving a Resolution to appoint a member to fill the Planning & Zoning Commission's Place 5 unexpired term.

MOTION: Made by Council Member Bliss, seconded by Council Member Elizondo, to appoint Burney Martin to fill the unexpired term for Place 5 on the Planning & Zoning Commission.

VOTE: 6-0; Motion Passed. Council Member Stroup abstained due to her not being present at the interviews.

21. Consideration and possible action approving a Resolution to appoint members to fill the open Zoning Board of Adjustment Place 1 and Alternate Places 6 and 7.

MOTION: Made by Council Member Koerner, seconded by Council Member Elizondo, to appoint Michael Rey to fill Place 1 of the Zoning Board of Adjustment, to appoint Roderick Terrell to fill Alternate Place 6 of the Zoning Board of Adjustment, and to appoint Jonathan Lisenby to fill Alternate Place 7 of the Zoning Board of Adjustment.

VOTE: 6-0; Motion Passed. Council Member Stroup abstained due to her not being present at the interviews.

REPORTS FROM STAFF AND COUNCIL

22. Joanna Merrill, IPMA-SCP, Director of Human Resources and Communications, provided an update to Council regarding the status of FY 2021 State of the City event.

REQUESTS AND ANNOUNCEMENTS

23. Announcements and reports by Mayor and Council Members.

Council Member Koerner wanted to highlight the autism awareness fundraiser by the Leon Springs Fire Department by selling t-shirts and let everyone know that the person to contact was Diana Fairhurst.

Council Member Stroup let all present know of a March 8, 2022 blood drive from 8 AM – 3 PM at Fair Oaks Ranch Elementary in the parking lot along Chartwell. She also announced an easter egg hunt sponsored by FORHA at Vestal Park for children of various ages on April 3, 2022 from 2 PM – 4 PM.

24. Announcements by the City Manager.

City Manager, Tobin Maples, gave his time to Director of Public Works & Engineering Services, Grant Watanabe, to share news with the Council. Mr. Watanabe announced that the Fair Oaks Ranch Wastewater Treatment Plant was the recipient of the Municipal Wastewater Treatment Plant of the Year Award by the Water Environment Association of Texas. He also announced that Bill Champion was the recipient of Outstanding Municipal Operator of the Year Award for demonstrating outstanding professionalism. Both will be recognized in San Antonio on April 6, 2022 as part of the Texas Water Conference.

25. Requests by Mayor and Council Members that items be placed on a future City Council agenda.

Council Member Bliss asked for an item to approve her absence for the second Council meeting in May.

Council Member Koerner asked for an agenda item for an update on the Civic Center.

CONVENE INTO EXECUTIVE SESSION

City Council convened into Executive Session at 11:04 PM regarding:

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:

Sec. 551.071 (Consultation with Attorney) the City Council will meet in private consultation with legal counsel to seek the advice of its attorneys about pending or contemplated litigation, a settlement offer, and/or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas conflicts with Chapter 551 of the Government Code; to wit:

27. Cause No. 2022CI01978; Boerne Ranch Estates, LLC v. The City of Fair Oaks Ranch.

City Council did not convene into Executive Session regarding:

Sec. 551.071 (Consultation with Attorney) the City Council will meet in private consultation with legal counsel to seek the advice of its attorneys about pending or contemplated litigation, a settlement offer, and/or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas conflicts with Chapter 551 of the Government Code; to wit:

26. To receive legal advice from Special Counsel and the City Attorney regarding the City's ground water rights.

Sec. 551.072 (Deliberation regarding real property)

28. The City Council will meet in closed session to deliberate the purchase, exchange, lease, or value of real property that may be considered for future location of water and wastewater system improvements.

RECONVENE INTO OPEN SESSION

City Council reconvened into Open Session at 11:33 PM. No action was taken.

ADJOURNMENT

Mayor Maxton adjourned the meeting at 11:34 PM.

ATTEST:

Gregory C. Maxton, Mayor

Christina Picioccio, City Secretary