



## **CITY OF FAIR OAKS RANCH**

# **CITY COUNCIL REGULAR MEETING**

Thursday, February 17, 2022 at 6:30 PM

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

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## **MINUTES**

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### **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.

Dave Neighbor, Candidate for Kendall County Pct 2 Justice of the Peace, spoke of his background and desire to serve his community.

Teal Harris expressed appreciation to everyone for showing up and making a difference in the community.

Rich Nichols, member of the ZBOA, spoke of the three vacancies on the board and contacted four qualified individuals that expressed interest in serving: Tom Jaster, Michael Rey, Jonathan Lisenby, and Dale Pearson.

Joe DuMenil, representative and elected official for Trinity Glen Rose Groundwater Conservation District, announced the Sentinel Landscape designation for Camp Bullis. A press release and FAQ is being prepared regarding the lifetime designation.

Mayor Maxton read an email from Emily Brown expressing concern about the rock crusher activity in the City and the company operating without permits. Ms. Brown asked that they be held accountable and asked Council to reject a permit.

### **PRESENTATIONS**

4. Joanna Merrill, Director of Human Resources and Communications, presented to Investigator Stacy Love a 10-Year Employee Service Award.

### **CONSENT AGENDA**

5. **Approval of the January 20, 2022 Regular City Council meeting minutes.**
6. **Approval of a Resolution to approve the 2021 Property Tax Levy.**
7. **Approval of a Resolution ordering a General Election to be held May 7, 2022, for the election of Council Member Places 3, 4, and 5.**

8. **Approval of a Resolution authorizing a Joint Election Agreement with Kendall County Elections relating to the May 7, 2022 election and authorizing the City Manager to execute all documents in connection therewith.**

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

VOTE: 7-0; Motion Passed.

#### **CONSIDERATION/DISCUSSION ITEMS**

9. **Consideration and possible action accepting the FY 2020-2021 financial statement audit.**

MOTION: Made by Council Member Elizondo, seconded by Council Member Muenchow, to accept the Fiscal Year 2020-2021 annual audit as presented by ABIP, PC.

VOTE: 7-0; Motion Passed.

10. **Consideration and possible action approving a Resolution allocating the Fiscal Year 2020-21 General Fund balances and carryover of encumbrances and continuing appropriations.**

MOTION: Made by Council Member Bliss, seconded by Council Member Stroup, to approve a Resolution allocating portions of the General Fund balance and authorizing the Finance Director to carry forward continuing appropriations for year-end encumbrances, contractual commitments, and capital projects.

VOTE: 7-0; Motion Passed.

11. **Consideration and possible action authorizing the City Manager to sign Professional Service Agreements for On-Call Engineering Services in support of Roadway CIP, Drainage CIP, Water, Wastewater and Reuse CIP, and general civil engineering projects.**

MOTION: Made by Council Member Elizondo, seconded by Council Member Koerner, to authorize the City Manager to sign Professional Services Agreements with the selected consultants and for future work authorizations to be issued utilizing these agreements provided work authorizations are for approved projects included in our annual budgets.

VOTE: 7-0; Motion Passed.

12. **Consideration and possible action on filling the Planning & Zoning Commission's Place 5 unexpired term.**

MOTION: Made by Mayor Maxton, seconded by Council Member Koerner, to fill Place 5 P&Z Commissioner's unexpired term by direct appointment or by utilizing the city's standardized appointment process.

VOTE: 7-0; Motion Passed.

**13. Consideration and possible action on filling the open Zoning Board of Adjustment Place 1 and Alternate Places 6 and 7.**

MOTION: Made by Council Member Muenchow, seconded by Council Member Bliss, to fill Place 1 and Alternate Places 6 & 7 of the Zoning Board of Adjustment by utilizing the City's standardized appointment process.

VOTE: 7-0; Motion Passed.

**REPORTS FROM STAFF AND COMMITTEES**

**14. Chief of Police, Tim Moring, provided to Council the Police Department's Annual Report.**

**15. Scott Huizenga, Assistant City Manager for Administrative Services, provided to Council a presentation on the Financial Update and Quarterly Investment Report for Quarter 1 of Fiscal Year 2022.**

**REQUESTS AND ANNOUNCEMENTS**

**16. Announcements and reports by Mayor and Council Members.**

Council Member Stroup thanked City Manager, Tobin Maples, for making himself available to be at the Fair Oaks Ranch Elementary cowboy breakfast.

Council Member Koerner announced that the Leon Springs Fire Department is running an autism awareness fundraiser selling t-shirts and encouraged everyone to purchase by contacting the board.

Council Member Muenchow announced that she and Council Member Parker met with residents for coffee before the Council meeting.

Council Member Elizondo commended staff for a great job communicating information to the community under the great leadership by City Manager Maples.

Mayor Maxton complimented the City Manager and staff on being thoroughly prepared for the winter storm. He also applauded the City Manager and the HR team for the great job communicating with citizens during the storm and in response to the air quality permit through TCEQ.

**17. Announcements by the City Manager.**

City Manager Maples announced that materials and equipment for live streaming has shipped. Installation will commence as soon as it is received.

Monday, February 21, 2022, City Offices are closed in observation of President's Day.

Mr. Maples clarified that the ZBOA application discussed during the meeting is not related to the rock crushing facility.

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

None.

**CONVENE INTO EXECUTIVE SESSION**

City Council convened into Executive Session at 8:53 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:

20. To receive legal advice from the City Attorney regarding the Bobcat Trucking, Inc. application (Permit Application No. 167675) to the Texas Commission On Environmental Quality (TCEQ) for an air quality standard permit for permanent rock and concrete crushers.
21. 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.
22. Development issues related to the development agreement for Boerne Ranch Estates/The Reserve.

**Sec. 551.072 (Deliberation Regarding Real Property)**

23. 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.

**Sec. 551.074 (Personnel Matters)**

24. To deliberate the possible removal of an appointed public officer; to wit: MDD Board Member Place 3. The board member may request the deliberation by the City Council be held in public rather than closed session.

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:

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

**RECONVENE INTO OPEN SESSION**

City Council reconvened into Open Session at 10:06 PM.

MOTION: Made by Council Member Stroup, seconded by Council Member Elizondo, to approve Denton, Navarro, Rocha, Bernal & Zech law firm to represent the City of Fair Oaks Ranch in reference to litigation with Boerne Ranch Estate if representation is not provided by TML.

VOTE: 7-0; Motion Passed.

MOTION: Made by Council Member Koerner, seconded by Council Member Elizondo, to approve the removal of Rene Gallegos from appointment to the MDD Board for failure to meet requirements of the City Charter for the appointment to this board.

VOTE: 7-0; Motion Passed.

**ADJOURNMENT**

Mayor Maxton adjourned the meeting at 10:07 PM.

ATTEST:

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Gregory C. Maxton, Mayor

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Christina Picioccio, TRMC, City Secretary