



CITY OF FAIR OAKS RANCH CITY COUNCIL REGULAR MEETING

Thursday, June 02, 2022 at 6:30 PM

Public Safety Training Room, Police Station, 7286 Dietz Elkhorn, Fair Oaks Ranch

Live Stream: <https://www.youtube.com/channel/UCDqRvLvReqxrh1lbajwshKA/live>

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 led by Mr. Mac McWilliams.

CITIZENS and GUEST FORUM

3. **Citizens to be heard**

Rich Nichols, J.C. Taylor, and Garry Manitzas spoke in opposition of the proposed tax exemption for residents aged sixty-five and older.

Greg Buschman provided information for the upcoming community events:

- Classic Custom Car Show at Boots Gaubatz Park on June 3, 2022 from 5:00 PM – 8:00 PM. Officer Magness and Buddy will be providing a presentation. This event is sponsored by FORHA.
- The Rotary Club and Chick-Fil-A are hosting a Custom Car Show & Music Trivia Contest in Leon Springs on June 3, 2022.
- The Rotary Club is hosting a Community Blood Drive from 10:00 AM – 2:00 PM on Sunday, June 5, 2022 at Cibolo Creek Community Church on Ralph Fair Road. Walk-ins are welcome.

Wes Pieper spoke in favor of the proposed tax exemption for residents aged sixty-five and older.

The Mayor read the caption of a petition received by the City in opposition of the proposed ordinance increasing the tax exemption for residents aged sixty-five and older and noted that it was signed by fourteen individuals.

PRESENTATIONS

At the request of Mayor Maxton Item 5 was moved up to allow the recipients to leave for a previous engagement.

5. **Mayor Maxton introduced Mac and Maggie McWilliams before reading a proclamation honoring their 75th Wedding Anniversary.**
4. **Mayor Maxton administered the Oath of Office for elected officials: Michelle Bliss, Council Member Place 3; Laura Koerner, Council Member Place 4; and Scott Parker, Council Member Place 5.**

6. **Joanna Merrill, Director of Human Resources and Communications, introduced new employees: Casey Parker, Multimedia Communications Officer and Kelly Barbour, Utility Clerk.**
7. **Chief of Police, Tim Moring, presented Life Saving Awards to Sergeant Richard Gonzalez and Officer Matthew Drexler.**
8. **Chief of Police, Tim Moring, provided a presentation to Council on the City's Emergency Notification System and strategy.**

CONSENT AGENDA

9. **Approval of the May 19, 2022 Regular City Council meeting minutes.**
10. **Approval of a Final Plat request from Elkhorn Ridge Development SA, LLC for Elkhorn Ridge Unit 4 proposing 26 single-family residential lots, generally located north-west of the intersection of Dietz Elkhorn Road and Elkhorn Ridge, City of Fair Oaks Ranch, Texas.**
11. **Approval of the second reading of an Ordinance amending ad valorem tax exemptions on residence homesteads.**
12. **Approval of the second reading of an Ordinance adopting a tax freeze for qualifying disabled homesteads.**
13. **Approval of Council Member Bliss' absence from the July 7, 2022 Regular City Council Meeting.**

Council Member Bliss asked to move item 11 from the Consent Agenda to Consideration.

MOTION: Made by Council Member Bliss, seconded by Council Member Elizondo, to approve the Consent Agenda. (Items 9, 10, 12 and 13)

VOTE: 7-0; Motion Passed.

CONSIDERATION/DISCUSSION ITEMS

11. **Approval of the second reading of an Ordinance amending ad valorem tax exemptions on residence homesteads. (Moved from Consent)**

MOTION: Made by Council Member Koerner, seconded by Council Member Muenchow, to approve the second reading of an Ordinance amending ad valorem tax exemptions as follows:

- Five thousand dollars (\$5,000) exemption for residence homesteads
- An amount equal to the greater of ten percent (10%) or fifty thousand dollars (\$50,000) exemption for residents aged 65 and over
- An amount equal to the greater of ten percent (10%) or fifty thousand dollars (\$50,000) exemption for residents qualifying as disabled

MOTION TO AMEND: Made by Council Member Stroup, seconded by Council Member Elizondo, to amend the motion by removing "An amount equal to the greater of ten percent (10%) or" before "fifty thousand dollars (\$50,000) exemption for residents aged 65."

The final amended motion is as follows:

- Five thousand dollars (\$5,000) exemption for residence homesteads
- Fifty thousand dollars (\$50,000) exemption for residents aged 65 and over
- An amount equal to the greater of ten percent (10%) or fifty thousand dollars (\$50,000) exemption for residents qualifying as disabled

VOTE ON AMENDMENT: 5-2; Council Members Bliss and Parker voted nay.

VOTE ON AMENDED MOTION: 7-0; Motion Passed.

To note, as substantial changes were made to the Ordinance, this reading is now considered the first reading. The second reading of the Ordinance will be at the June 16th council meeting.

14. Consideration and possible action electing a Council Member to serve as Mayor Pro-Tem until the next regular city election.

MOTION: Made by Mayor Maxton, seconded by Council Member Bliss, to elect Laura Koerner as Mayor Pro Tem.

VOTE: 7-0; Motion Passed.

Mayor Maxton asked to move item 17 out of order.

17. Consideration and possible action regarding the programmed expiration of the city's exclusive franchise agreement with Republic Services for the collection, hauling, and disposal of residential garbage and refuse waste in the City of Fair Oaks Ranch.

MOTION: Made by Mayor Maxton, seconded by Council Member Elizondo, to direct staff to exercise the city's option to renew the current agreement, inclusive of negotiating enhancements.

VOTE: 7-0; Motion Passed.

15. Consideration and possible action authorizing the City Manager to sign a Construction Agreement with Udelhoven, Inc. for the Wastewater Treatment Plant Sludge Dewatering Project; and approval of the first reading of an Ordinance amending the budget in support of said project.

MOTION: Made by Council Member Elizondo, seconded by Council Member Parker, to authorize the City Manager to sign a Construction Agreement with in the amount of \$1,041,276.66 with a 5% contingency in the amount of \$52,063.84, for a total value not to exceed \$1,093,340.50 and to approve the first reading of an Ordinance amending the FY21-22 Budget.

MOTION TO AMEND: Made by Council Member Koerner, seconded by Council Member Stroup, to amend the motion by adding "Udelhoven, Inc." after "sign a Construction Agreement with".

The amended motion is as follows: To authorize the City Manager to sign a Construction Agreement with Udelhoven, Inc. in the amount of \$1,041,276.66 with a 5% contingency in the amount of \$52,063.84, for a total value not to exceed

\$1,093,340.50 and to approve the first reading of an Ordinance amending the FY21-22 Budget.

VOTE ON AMENDMENT: 7-0; Motion Passed.

VOTE ON AMENDED MOTION: 7-0; Motion Passed.

16. Consideration and possible action authorizing the City Manager to sign a Construction Agreement with Stripe It Up, LLC for sealcoating (fog seal) in support of the City's Annual Street Maintenance Program.

MOTION: Made by Council Member Koerner, seconded by Council Member Muenchow, to authorize the City Manager to sign a Construction Agreement with Stripe It Up, LLC in the amount of \$173,983.16 with a 5% contingency in the amount of \$8,699.16 for a value not to exceed \$182,682.32.

VOTE: 7-0; Motion Passed.

18. Consideration and possible action on a request (Application No. P & Z 2022-03-28) from Thomas C Dechert, applicant and property owner, to grant a Variance from the requirements of UDC Section 5.4 (1) b to reduce the street frontage for a lot served by private septic (OSSF) from 150 feet to 70 feet for the property located at 423 and 425 Ammann Road, Boerne, TX.

MOTION: Made by Council Member Muenchow, seconded by Council Member Bliss, to approve the request from Thomas C Dechert, applicant and property owner, to grant a Variance from the requirements of UDC Section 5.4 (1) b to reduce the street frontage for a lot served by private septic (OSSF) from 150 feet to 70 feet for the property located at 423 and 425 Ammann Road, Boerne, TX.

VOTE: 7-0; Motion Passed.

REPORTS FROM STAFF AND COMMITTEES

- 19. Joanna Merrill, IPMA-SCP, Director of Human Resources & Communications provided a status Report to Council regarding the Fourth of July fireworks show and event.**
- 20. Scott Huizenga, Assistant City Manager of Administrative Services, provided a presentation regarding the FY 2022-23 Strategic Action Plan.**

REQUESTS AND ANNOUNCEMENTS

21. Announcements and reports by Mayor and Council Members.

Council Member Elizondo informed all to keep an eye out for future Active Shooter Seminar's since they are filling up quickly.

Council Member Koerner announced that June 12th is Texas Women Veterans Day annually. This year there is Texas Women Veteran's Day Celebration event in Boerne's Veterans Memorial Park.

22. Announcements by the City Manager.

City Manager, Tobin Maples, announced that Assistant City Manager's Carole Vanzant and Scott Huizenga would be attending the City Manager's Association conference from June 9-12, 2022 in Bastrop.

23. Requests by Mayor and Council Members that items be placed on a future City Council agenda. – None.**CONVENE INTO EXECUTIVE 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:

- 24. To receive legal advice from Special Counsel and the City Attorney regarding the City's ground water rights.
- 25. Cause No. 2022CI01978; Boerne Ranch Estates, LLC v. The City of Fair Oaks Ranch.
- 26. Case No. 22-090-451; Vincent A. Caldarola, MD vs. City of Fair Oaks Ranch, Texas.

Sec. 552.071 (Deliberation regarding real property)

- 27. 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

N/A

ADJOURNMENT

Mayor Maxton adjourned the meeting at 9:57 PM.

ATTEST:

Gregory C. Maxton, Mayor

Christina Picioccio, TRMC
City Secretary