



## **CITY OF FAIR OAKS RANCH**

### **CITY COUNCIL REGULAR MEETING**

Thursday, January 06, 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

### **CITIZENS and GUEST FORUM**

3. Citizens to be heard - Dayton Hoffman spoke in favor of the UTV Ordinance and asked Council to consider approving it as it would contribute to the uniqueness of Fair Oaks Ranch.

### **PRESENTATIONS**

5. Joanna Merrill, IPMA-SCP, Director of Human Resources and Communications, recognized Jimmy Washer for his promotion to Maintenance Supervisor.
4. Joanna Merrill, IPMA-SCP, Director of Human Resources and Communications, Presented a 25 years Employee Service Awards to Jimbo Ford, Water/Wastewater Operator II. Mayor Maxton also spoke of his service to the City previously with FairCo.
6. Matthew Schorsch, of Freese and Nichols, presented to City Council an Emergency Response Plan for Utility Systems with the support of Julio Colunga, Assistant Director of Public Works

### **CONSENT AGENDA**

7. **Approval of the December 7, 2021 Special City Council meeting minutes.**
8. **Approval of the December 14, 2021 Special City Council meeting minutes.**
9. **Approval of the December 16, 2021 Regular City Council meeting minutes.**
10. **Approval of the second reading of an Ordinance amending the Fair Oaks Ranch Code of Ordinances Chapter 3 "Building Regulations".**

*Council Member Koerner asked to move item 8 from the Consent Agenda to Consideration.*

MOTION: Made by Council Member Muenchow, seconded by Council Member Parker, to approve the Consent Agenda. (Items 7, 9, & 10)

VOTE: 7-0; Motion Passed.

**CONSIDERATION/DISCUSSION ITEMS****8. Approval of the December 14, 2021 Special City Council meeting minutes.**

MOTION #1: Made by Council Member Koerner, seconded by Council Member Elizondo, to amend the minutes to correct Laura Koerner's name being listed twice under Roll Call.

VOTE: 7-0; Motion Passed.

MOTION #2: Made by Council Member Bliss, seconded by Council Member Koerner, to approve the December 14, 2021 Special City Council meeting minutes.

VOTE: 7-0; Motion Passed.

**11. Consideration and possible action approving the first reading of an Ordinance amending the City of Fair Oaks Ranch Code of Ordinances Chapter 1 "General Provisions" by adding Article 1.10 entitled "Stormwater Pollution Prevention".**

MOTION: Made by Council Member Koerner, seconded by Council Member Parker, to approve the first reading of an Ordinance amending Chapter 1 "General Provisions" by adding a new article entitled "Stormwater Pollution Prevention".

VOTE: 7-0; Motion Passed.

**12. Consideration and possible approval of the first reading of an Ordinance amending the City of Fair Oaks Ranch Code of Ordinances Chapter 12 "Traffic & Vehicles" Article 12.04 "Operation of Golf Carts on Public Streets" by establishing regulations for the operation of recreational off-road vehicles and utility vehicles on city-owned streets and providing additional clarification regarding child safety restraints as defined by the Texas Transportation Code.**

Police Chief noted the following corrections to the proposed document:

In Sec. 12.04.002 Golf carts & off-highway vehicles permitted and restricted: The person maintains current financial responsibility for the golf cart and/or an off-highway vehicle, as required of other passenger vehicles in Section 601.051 of the Texas Transportation Code.

In Sec. 12.04.004 Liability: Nothing in this Article shall be construed as an assumption of liability by Fair Oaks Ranch for any injuries (including death) to persons, pets or property which may result from the operation of a golf cart and/or an off-highway vehicle ~~by an authorized driver~~

MOTION: Made by Council Member Elizondo, seconded by Council Member Koerner, to approve the first reading of an ordinance amending the City of Fair Oaks Ranch Code of Ordinances Chapter 12 "Traffic & Vehicles" Article 12.04 "Operation of Golf Carts on Public Streets" by establishing regulations for the operation of recreational off-road vehicles and utility vehicles on city-owned streets and providing additional clarification regarding child safety restraints as defined by the Texas Transportation Code.

VOTE: 7-0; Motion Passed.

**13. Consideration and possible action to approve the first reading of an Ordinance amending the City Council Rules of Procedure.**

The following correction was made to Rule 10 Consent Agenda: The City Manager may separately designate items as consent items which shall be placed under Consent Agenda on the agenda and be acted upon by the Council under ~~Rule 27~~ Rule 28.

MOTION: Made by Council Member Koerner, seconded by Council Member Elizondo, to approve the first reading of an Ordinance establishing the City Council Rules of Procedure.

VOTE: 7-0; Motion Passed.

#### **REPORTS FROM STAFF AND COMMITTEES**

14. **Amanda Valdez, TRMC, Deputy City Secretary , provided to Council a presentation on Important Election Dates for the upcoming May 7, 2022 General Election.**

#### **REQUESTS AND ANNOUNCEMENTS**

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

Council Member Stroup reminded everyone of the Adopt-a Highway event on January 22, 2022 at 8:15 AM.

Council Member Koerner briefed the Council about information from the ESD 4 Meeting. The Fire House on Ralph Fair is nearly completed. All Officers have been hired and there will always be an Officer on duty.

Council Member Parker announced that there will be another event at Spotted Deer offering an opportunity for residents to come and speak to Council Members on January 19, 2022 at 1:00 PM.

Mayor Maxton informed Council that he presented to the Kendall County, Boerne, and Fair Oaks Ranch Transportation Committee based off of the City's Comprehensive Plan. The Mayor also thanked the Police Department for the community engagement during the holidays.

16. **Announcements by the City Manager.**

City Manager, Tobin Maples, reminded everyone that Bulk Pickup begins the week of January 10, 2022. He asked for patience in case there is a delay as there may be a shortage of drivers.

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

N/A

#### **CONVENE INTO EXECUTIVE SESSION**

City Council convened into Executive Session at 8:18 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:

18. To receive legal advice from Special Counsel and the City Attorney regarding the City's ground water rights.
20. Development issues related to the development agreement for Boerne Ranch Estates/The Reserve.

**Sec. 551.072 (Deliberation regarding real property)**

21. 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.

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. 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.

**RECONVENE INTO OPEN SESSION**

City Council reconvened into Open Session at 11:08 PM. No action was taken.

**ADJOURNMENT**

Mayor Maxton adjourned the meeting at 11:09 PM.

ATTEST:



Christina Picioccio, TRMC, City Secretary



Gregory C. Maxton, Mayor