



CITY OF FAIR OAKS RANCH CITY COUNCIL REGULAR MEETING

Thursday, October 06, 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>

AGENDA

OPEN MEETING

1. Roll Call - Declaration of a Quorum
2. Pledge of Allegiance

CITIZENS and GUEST FORUM

To address the Council, please sign the Attendance Roster located on the table at the entrance in the foyer of the Public Safety Training Room. 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. Speakers shall limit their comments to five (5) minutes each.

3. Citizens to be heard.

PRESENTATIONS

4. Presentation of a 15-Year Service Award to: John Ojeda, Lieutenant.

Joanna Merrill, IPMA-SCP, Director of Human Resources and Communications

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.

5. Approval of the September 15, 2022 Regular City Council meeting minutes.

Christina Picioccio, TRMC, City Secretary

6. Approval of the September 22, 2022 Special City Council meeting minutes.

Christina Picioccio, TRMC, City Secretary

7. Approval of a Resolution amending the authorized representatives to TexPool, the City's investment pool.

Rosie Vela, Director of Finance

8. Approval of a Resolution amending the Rules of Procedure of the Fair Oaks Ranch Capital Improvements Advisory Committee.

Christina Picioccio, TRMC, City Secretary

9. Approval of a Resolution authorizing the use of the Court Technology Fund for the purchase of audio and video equipment for the Municipal Court to support live streaming.

Scott Huizenga, Assistant City Manager, Administrative Services

- [10.](#) Approval of Council Member Bliss's absence on September 15, 2022 from the regular city council meeting.

Michelle Bliss, Council Member Place 3

REPORTS FROM STAFF AND COMMITTEES

- [11.](#) Capital Improvements Advisory Committee (CIAC) Semiannual Report.

Paul Mebane, CIAC Chairman

REQUESTS AND ANNOUNCEMENTS

12. Announcements and reports by Mayor and Council Members.
13. Announcements by the City Manager.
14. Requests by Mayor and Council Members that items be placed on a future City Council agenda.

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:

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:

15. To receive legal advice from Special Counsel and the City Attorney regarding the City's ground water rights.
16. Case No. 22-090-451; Vincent A. Caldarola, MD vs. City of Fair Oaks Ranch, Texas.

Sec. 551.072 (Deliberation regarding real property)

17. 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

Discussion and possible action on items discussed in Executive Session.

ADJOURNMENT

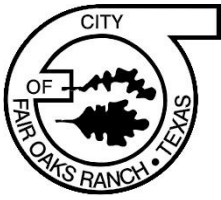
Signature of Agenda Approval: s/Gregory C. Maxton

Gregory C. Maxton, Mayor

I, Christina Picioccio, TRMC, 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.

As per Texas Government Code 551.045, said Notice was posted by 6:30 PM, October 3, 2022 and remained so posted continuously for at least 72 hours before said meeting was convened.

The Fair Oaks Ranch Police Station is wheelchair accessible at the front main 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 REGULAR MEETING

Thursday, September 15, 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, Koerner, Parker and Muenchow.

Council Absent: Council Member Bliss

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 – No citizens signed up to be heard.

PRESENTATIONS

4. Mayor Maxton presented a Proclamation in recognition of Human Resources Professional's Day on September 26, 2022.
5. Mayor Maxton presented a Proclamation in recognition of Information Technology Professional's Day on September 20, 2022.
6. Joanna Merrill, IPMS-SCP, Director of Human Resources and Communications, introduced new employee(s): David Perez Jr., Police Officer (not present); Rosie Vela, Director of Finance.

PUBLIC HEARING

7. Conduct a Public Hearing on the Fiscal Year 2022-2023 Proposed Budget and Tax Rate.
 - A. Opening comments from the Mayor – The Mayor thanked staff for the quality service from the Finance Department despite not having a Finance Director. Mayor welcomed the new Finance Director, introduced earlier and listed the awards and achievements by the Department.
 - B. Comments from the City Manager – The City Manager reiterated his appreciation to the Finance Department and also recognized Council for their assistance in preparing the budget as well as Senior Staff for their participation in the process.
 - C. Presentation of the Proposed Budget and Tax Rate by Assistant City Manager of Administrative Services, Scott Huizenga.

- D. Open the Public Hearing and receive citizen testimony at 6:51 PM – No citizens spoke.
- E. Close the Public Hearing at 6:52 PM.
- F. Receive Comments from the Mayor and City Council – Council did not provide any comments.

CONSENT AGENDA

- 8. **Approval of the August 31, 2022 City Council Special Meeting minutes.**
- 9. **Approval of the September 1, 2022 Regular City Council meeting minutes.**
- 10. **Approval of a resolution reaffirming the City's Investment Policy.**

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

VOTE: 6-0; Motion Passed.

CONSIDERATION/DISCUSSION ITEMS

- 11. **Consideration and possible action adopting the FY 2022-23 Pay Schedule for General Government and Police Employees.**

MOTION: Made by Council Member Elizondo, seconded by Council Member Koerner, to approve an across-the-board adjustment of 3.2% to the adopted Pay Schedule for General Government and Police Employees for FY 2022-23.

VOTE: 5-1; Motion Passed. Council Member Muenchow voted Nay.

- 12. **Consideration and possible action approving the first reading of an Ordinance adopting the City budget for fiscal year beginning October 1, 2022 and ending September 30, 2023.**

MOTION: Made by Council Member Stroup, seconded by Council Member Muenchow, to remove the Ammann Road Reconstruction design funds of \$365,286 and place back into the Unallocated Fund.

VOTE: 6-0; Motion Passed.

MOTION: Made by Council Member Elizondo, seconded by Council Member Koerner, to approve the 2022-23 Fiscal Year Budget Ordinance.

VOTE: 5-1; Motion Passed as recorded:

Mayor Maxton – For; Council Member Stroup – For; Council Member Elizondo – For; Council Member Koerner – For; Council Member Parker – For; Council Member Muenchow – Against.

13. Consideration and possible action on an Ordinance levying ad valorem taxes for use and support of the municipal government of the City of Fair Oaks Ranch for the fiscal year beginning October 1, 2022 and ending September 30, 2023.

MOTION: Made by Council Member Elizondo, seconded by Mayor Maxton, that the property tax rate be increased by the adoption of a tax rate 32.91 cents per \$100 taxable valuation, which is effectively a 1.01% increase in the tax rate.

VOTE: 5-1; Motion Passed as recorded:

Mayor Maxton – For; Council Member Stroup – For; Council Member Elizondo – For; Council Member Koerner – For; Council Member Parker – For; Council Member Muenchow – Against.

14. Consideration and possible action approving a Resolution to appoint members to fill places on the City of Fair Oaks Ranch Board of Appeals.

MOTION: Made by Council Member Muenchow, seconded by Council Member Parker, to approve a Resolution reaffirming Jenks Boston to Place 2 on the City of Fair Oaks Ranch Board of Appeals.

VOTE: 6-0; Motion Passed

15. Consideration and possible action approving a Resolution to appoint members to fill places on the City of Fair Oaks Ranch Capital Improvements Advisory Committee (CIAC).

MOTION: Made by Council Member Koerner, seconded by Council Member Stroup, to approve a Resolution reaffirming Dana Green to Place 4, Paul Mebane to Place 5, and Marcus Garcia to Place 6 on the City of Fair Oaks Ranch Capital Improvements Advisory Committee.

VOTE: 6-0; Motion Passed

16. Consideration and possible action approving a Resolution to appoint members to fill places on the City of Fair Oaks Ranch Municipal Development District Board of Directors (MDD).

MOTION: Made by Council Member Parker, seconded by Council Member Muenchow, to approve a Resolution reaffirming members Roy Elizondo to Place 1, Laura Koerner to Place 2, Nicholas DiCianni to Place 4, and Mike Lovelace to Place 5 on the City of Fair Oaks Ranch Municipal Development District Board of Directors.

VOTE: 6-0; Motion Passed

17. Consideration and possible action approving a Resolution to appoint members to fill places on the City of Fair Oaks Ranch Zoning Board of Adjustment.

MOTION: Made by Council Member Elizondo, seconded by Council Member Stroup, to approve a Resolution reaffirming Dean Gaubatz to Place 2, Laurence "Rich" Nichols to Place 3, and J.C. Taylor to Place 5 and further appointing Jonathan Lisenby to Place 4 and Al McDavid to the second Alternate Position on the City of Fair Oaks Ranch Zoning Board of Adjustment.

VOTE: 5-0; Motion Passed. Council Member Muenchow abstained.

REQUESTS AND ANNOUNCEMENTS

18. Announcements and reports by Mayor and Council Members.

Council Member Koerner congratulated the Fair Oaks Ranch Police Department for winning the Back the Badge 5K again. She also recognized Council Member Stroup coming in 2nd Place for her age group.

Mayor Maxton recognized Council Member Koerner for winning her age group in the Back the Badge 5K. The Mayor recognized staff, and especially Environmental Program Manager, Kelsey Delgado, for their work in putting on a successful Household Hazardous Waste event for residents. Mayor Maxton also expressed gratitude for the team from Republic Services for their help in making this event a success.

19. Announcements by the City Manager.

None

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

None.

CONVENE INTO EXECUTIVE SESSION

Pursuant to Section 551.101 of the Open Meetings Act, Texas Gov't Code, a quorum of City Council convened into Executive Session at 7:54 PM regarding:

Sec. 552.074 (Personnel Matters)

- 24. To perform the annual evaluation of the City Manager.

City Council did not convene into Executive Session regarding:

Sec. 551.071 (Consultation with Attorney

- 21. To receive legal advice from Special Counsel and the City Attorney regarding the City's ground water rights.
- 22. Case No. 22-090-451; Vincent A. Caldarola, MD vs. City of Fair Oaks Ranch, Texas.

Sec. 552.072 (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.

RECONVENE INTO OPEN SESSION

City Council reconvened into Open Session at 9:01 PM. No action was taken.

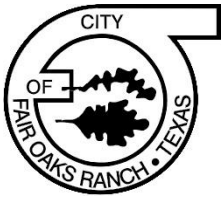
ADJOURNMENT

Mayor Maxton adjourned the meeting at 9:02 PM.

ATTEST:

Gregory C. Maxton, Mayor

Christina Picioccio, TRMC, City Secretary



CITY OF FAIR OAKS RANCH
CITY COUNCIL SPECIAL MEETING

Thursday, September 22, 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, Bliss, Koerner, Parker, and Muenchow.

Council Absent: Council Member Elizondo

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. There were no citizens to be heard.

PURPOSE OF SPECIAL CALLED MEETING

4. **Consideration and possible action approving the second reading of an Ordinance adopting the City budget for fiscal year beginning October 1, 2022 and ending September 30, 2023.**

MOTION: Made by Council Member Koerner, seconded by Council Member Parker, to approve the 2022-23 Fiscal Year Budget Ordinance.

VOTE: 4-2; Motion Passed as recorded:

Mayor Maxton – For; Council Member Stroup – Against; Council Member Bliss – For; Council Member Koerner – For; Council Member Parker – For; Council Member Muenchow – Against.

5. **Consideration and possible action approving the second reading of an Ordinance levying a property tax rate of 32.19 cents per \$100 taxable value on property in the City of Fair Oaks Ranch for the tax year 2022; and determining due and delinquent dates.**

Assistant City Manager for Administrative services, Scott Huizenga, stated that the property tax rate was printed incorrectly on the agenda and explained that the correct property tax rate is 32.91.

MOTION: Made by Council Member Muenchow, seconded by Council Member Koerner, that the property tax rate be increased by the adoption of a tax rate 32.91 cents per \$100 taxable valuation, which is effectively a 1.01% increase in the tax rate.

VOTE: 4-2; Motion Passed as recorded:

Mayor Maxton – For; Council Member Stroup – Against; Council Member Bliss – For; Council Member Koerner – For; Council Member Parker – For; Council Member Muenchow – Against.

6. Consideration and possible action approving a Resolution ratifying the property tax rate reflected in the FY 2022-23 General Fund and Debt Service Fund budgets.

MOTION: Made by Council Member Bliss, seconded by Council Member Parker, to approve a Resolution ratifying the property tax rate reflected in the fiscal year 2022-23 budget.

VOTE: 4-2; Motion Passed. Council Members Stroup and Muenchow voted nay.

CONSIDERATION/DISCUSSION ITEMS

7. Consideration and possible action approving a Resolution to appoint a member to fill the Alternate Place on the City of Fair Oaks Ranch Board of Appeals.

MOTION: Made by Council Member Muenchow, seconded by Council Member Stroup, approve a Resolution appointing John Wall to the Alternate Place on the City of Fair Oaks Ranch Board of Appeals.

VOTE: 6-0; Motion Passed.

ADJOURNMENT

Mayor Maxton adjourned the meeting at 6:43 PM.

ATTEST:

Gregory C. Maxton, Mayor

Christina Picioccio, TRMC,
City Secretary



CITY COUNCIL CONSENT ITEM
CITY OF FAIR OAKS RANCH, TEXAS
October 6, 2022

AGENDA TOPIC: Approval of a Resolution amending the authorized representatives to TexPool, the City's investment pool

DATE: October 6, 2022

DEPARTMENT: Finance

PRESENTED BY: Consent Agenda - Rosie Vela, Director of Finance

INTRODUCTION/BACKGROUND:

TexPool, the City's investment fund pool, requires representatives of the City to perform fund transactions, receive confirmations and statements, and to have inquiry rights. Current authorizations for fund transactions include the Interim Finance Director, City Manager and Assistant City Manager of Community Services.

With the hiring of a new Director of Finance, authorizations need to be updated. TexPool requires an amending Resolution to do so. The proposed Resolution amends Resolution 2021-29 by adding the Director of Finance, Rosie Vela, as an authorized representative, removing the Assistant City Manager of Community Services and adding the Assistant City Manager of Administrative Services who oversees the Finance Department.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

- Furthers Financial Integrity Strategic Plan Initiative 1.5, Ensure Continuity and Excellence of Financial Reporting.
- Updates authorized representatives for ongoing security of funds.
- Designates authorizations to ensure investments and transfers can be efficiently processed.

LONG-TERM FINANCIAL & BUDGETARY IMPACT:

N/A

LEGAL ANALYSIS:

The amending Resolution is provided by TexPool. The Resolution has been reviewed by the City Attorney.

RECOMMENDATION/PROPOSED MOTION:

Consent Agenda - I move to approve a Resolution amending authorized representatives to the City's investment pool.

A RESOLUTION**A RESOLUTION AMENDING RESOLUTION 2021-29; AUTHORIZING REPRESENTATIVES TO THE CITY'S INVESTMENT POOL**

WHEREAS, the City of Fair Oaks Ranch, Texas, ("City") is a local government of the State of Texas and is empowered to delegate to a public funds investment pool the authority to invest funds and to act as custodian of investments purchased with local investment funds; and

WHEREAS, it is in the best interest of the City to invest local funds in investments that provide for the preservation and safety of principal, liquidity, and yield consistent with the Public Funds Investment Act; and

WHEREAS, the Texas Local Government Investment Pool ("TexPool"), a public funds investment pool, was created on behalf of entities whose investment objective in order of priority are preservation and safety of principal, liquidity, and yield consistent with the Public Funds Investment Act; and

WHEREAS, TexPool requires a Resolution amending Authorized Representatives; and

WHEREAS, the City has hired a new Director of Finance who shall be added as an authorized representative.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS:

- A. That Tobin Maples, City Manager; Scott Huizenga, Asst City Manager of Administrative Services; Rosie Vela, Director of Finance, and Summer Fleming, Accounting Manager, are authorized representatives of the City of Fair Oaks Ranch and are hereby authorized to transmit funds for investment in TexPool and are each further authorized to withdraw funds from time to time, to issue letters of instruction, and to take all other actions deemed necessary or appropriate for the investment of local funds.
- B. That an Authorized Representative of the City of Fair Oaks Ranch may be deleted by a written instrument signed by two remaining Authorized Representatives provided that the deleted Authorized Representative (1) is assigned job duties that no longer require access to the City's Texpool account or (2) is no longer employed by the City; and,
- C. That Rosie Vela, Director of Finance, hereby has the primary responsibility for performing transactions and receiving confirmations and monthly statements under Texpool's Participation Agreement.
- D. That this Resolution and its authorization shall continue in full force and effect until amended or revoked by the City of Fair Oaks Ranch, and until TexPool receives a copy of any such amendment or revocation.

PASSED, APPROVED and ADOPTED this 6th day of October, 2022.

Gregory C. Maxton, Mayor

ATTEST:

APPROVED AS TO FORM:

Christina Picioccio, TRMC, City Secretary

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



Resolution Amending Authorized Representatives

Please complete this form to amend or designate Authorized Representatives. *This document supersedes all prior Authorized Representative forms.*

* Required Fields

1. Resolution

WHEREAS,

City of Fair Oaks Ranch

Participant Name*

7 7 8 7 8

Location Number*

("Participant") is a local government of the State of Texas and is empowered to delegate to a public funds investment pool the authority to invest funds and to act as custodian of investments purchased with local investment funds; and

WHEREAS, it is in the best interest of the Participant to invest local funds in investments that provide for the preservation and safety of principal, liquidity, and yield consistent with the Public Funds Investment Act; and

WHEREAS, the Texas Local Government Investment Pool ("TexPool / Texpool Prime"), a public funds investment pool, were created on behalf of entities whose investment objective in order of priority are preservation and safety of principal, liquidity, and yield consistent with the Public Funds Investment Act.

NOW THEREFORE, be it resolved as follows:

- A. That the individuals, whose signatures appear in this Resolution, are Authorized Representatives of the Participant and are each hereby authorized to transmit funds for investment in TexPool / TexPool Prime and are each further authorized to withdraw funds from time to time, to issue letters of instruction, and to take all other actions deemed necessary or appropriate for the investment of local funds.
- B. That an Authorized Representative of the Participant may be deleted by a written instrument signed by two remaining Authorized Representatives provided that the deleted Authorized Representative (1) is assigned job duties that no longer require access to the Participant's TexPool / TexPool Prime account or (2) is no longer employed by the Participant; and
- C. That the Participant may by Amending Resolution signed by the Participant add an Authorized Representative provided the additional Authorized Representative is an officer, employee, or agent of the Participant;

List the Authorized Representative(s) of the Participant. Any new individuals will be issued personal identification numbers to transact business with TexPool Participant Services.

1. Tobin Maples City Manager

Name

Title

2 1 0 6 9 8 0 9 0 0

Phone

2 1 0 6 9 8 3 5 6 5

Fax

TMaples@fairoaksranchtx.org

Email

Signature

2. Scott Huizenga Assistant City Manager

Name

Title

2 1 0 6 9 8 0 9 0 0

Phone

2 1 0 6 9 8 3 5 6 5

Fax

SHuizenga@fairoaksranchtx.org

Email

Signature

3. Rosie Vela Director of Finance

Name

Title

2 1 0 6 9 8 0 9 0 0

Phone

2 1 0 6 9 8 3 5 6 5

Fax

RVela@fairoaksranchtx.org

Email

Signature

1. Resolution (continued)

4. Summer Fleming Accounting Manager
 Name Title
2 1 0 6 9 8 0 9 0 0 2 1 0 6 9 8 3 5 6 5 SFleming@fairoaksranchtx.org
 Phone Fax Email

 Signature

List the name of the Authorized Representative listed above that will have primary responsibility for performing transactions and receiving confirmations and monthly statements under the Participation Agreement.

Rosie Vela
 Name

In addition and at the option of the Participant, one additional Authorized Representative can be designated to perform only inquiry of selected information. *This limited representative cannot perform transactions.* If the Participant desires to designate a representative with inquiry rights only, complete the following information.

 Name Title

 Phone Fax Email

D. That this Resolution and its authorization shall continue in full force and effect until amended or revoked by the Participant, and until TexPool Participant Services receives a copy of any such amendment or revocation. This Resolution is hereby introduced and adopted by the Participant at its regular/special meeting held on the ____ day of _____, 2 0.

Note: Document is to be signed by your Board President, Mayor or County Judge and attested by your Board Secretary, City Secretary or County Clerk.

City of Fair Oaks Ranch
 Name of Participant*

SIGNED

 Signature*
Gregory C. Maxton
 Printed Name*
Mayor
 Title*

ATTEST

 Signature*
Christina Picioccio
 Printed Name*
City Secretary
 Title*

2. Delivery Instructions

Please return this document to **TexPool Participant Services:**

Email: texpool@dstsystems.com

Fax: 866-839-3291



CITY COUNCIL CONSENT ITEM
CITY OF FAIR OAKS RANCH, TEXAS
October 6, 2022

AGENDA TOPIC: Approval of a Resolution amending the Rules of Procedure of the Fair Oaks Ranch Capital Improvements Advisory Committee

DATE: October 6, 2022

DEPARTMENT: City Secretary

PRESENTED BY: Consent Agenda - Christina Picioccio, TRMC, City Secretary

INTRODUCTION/BACKGROUND:

Under Ordinance No. 145.0, the Fair Oaks Ranch City Council established the City of Fair Oaks Ranch Impact Fee Advisory Committee in 2004 to serve in an advisory capacity. Pursuant to Local Government Code 395.058(a), the City Council of the City of Fair Oaks Ranch resolved (Res 82.5) on February 16, 2006 to rename the Impact Fee Advisory Committee to Capital Improvements Advisory Committee (CIAC).

Pursuant to Local Government Code §395.058(e), City Council shall adopt procedural rules for the advisory committee to follow in carrying out its duties. The Rules and Procedures were initially adopted for the CIAC on March 16, 2006 and revised on May 21, 2009 and most recently on October 15, 2015. The City Secretary's office has taken over many of the responsibilities that are currently listed under other positions. In partnership with the Public Works Department staff has drafted an updated version of the procedural rules that correctly identifies the positions that perform duties and allows for said person to assign them to a designee. Other minor changes to the document include:

- Title change from Rules and Procedures to Rules of Procedure for consistency across other groups.
- Changing the title Alderman to Council Member to be consistent with the City's Home Rule Charter.
- Specifying the date/time of regular and recurring meetings.

At their regular meeting on September 1, 2022, the CIAC voted to recommend approval of the Capital Improvements Advisory Committee Rules of Procedure attached to the Resolution as **Exhibit A**. The purpose of this resolution is to comply with Government Code §395.058(e) by approving the revised document.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

Complies with Government Code.

LONGTERM FINANCIAL & BUDGETARY IMPACT:

None

LEGAL ANALYSIS:

Approved as to form.

RECOMMENDATION/PROPOSED MOTION:

Consent Agenda - I move to approve the Resolution amending the Rules of Procedure of the Fair Oaks Ranch Capital Improvements Advisory Committee.

A RESOLUTION

A RESOLUTION OF THE CITY OF FAIR OAKS RANCH AMENDING THE RULES OF THE CITY OF FAIR OAKS RANCH CAPITAL IMPROVEMENT ADVISORY COMMITTEE

WHEREAS, under Ordinance No. 145.0, the Fair Oaks Ranch City Council established the City of Fair Oaks Ranch Impact Fee Advisory Committee; and

WHEREAS, pursuant to Local Government Code §395.058(a), the City Council of the City of Fair Oaks Ranch resolved (Res 82.5) on February 16, 2006 to rename the Impact Fee Advisory Committee to Capital Improvements Advisory Committee; and

WHEREAS, the Committee serves in an advisory capacity and is established to follow the duties and functions set forth in Texas Local Government Code §395.058(c) and City of Fair Oaks Ranch Ordinance No. 145.0; and

WHEREAS, the pursuant to Local Government Code §395.058(e) the governing body of the political subdivision shall adopt procedural rules for the advisory committee to follow in carrying out its duties; and,

WHEREAS, on September 1, 2022 the CIAC voted to recommend approval of the revised document attached as **Exhibit A**; and,

WHEREAS, the City Council deems it is necessary to adopt these Rules of Procedures as necessary.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS THAT:

- Section 1. The Fair Oaks Ranch Capital Improvements Advisory Committee Rules of Procedure shall be adopted as set forth in the attached, as “**Exhibit A**”.
- Section 2. That the recitals contained in the preamble hereto are hereby found to be true and such recitals are hereby made a part of this Resolution for all purposes and are adopted as part of the judgment and findings of the Council.
- Section 3. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Resolution be severable, and, if any phrase, clause, sentence, paragraph, or section of this Resolution shall be declared invalid by judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Resolution and the remainder of this Resolution shall be enforced as written
- Section 4. That it is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, as amended, Texas Government Code.
- Section 5. This Resolution shall take effect immediately.

PASSED, APPROVED and ADOPTED this 6th day of October, 2022.

Gregory C. Maxton, Mayor

ATTEST:

APPROVED AS TO FORM:

Christina Picioccio, TRMC, City Secretary

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



CITY OF FAIR OAKS RANCH

CAPITAL IMPROVEMENTS ADVISORY COMMITTEE

RULES OF PROCEDURE

Adopted March 16, 2006

Revised May 21, 2009

Revised October 15, 2015

DRAFT – Revised October 6, 2022

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CAPITAL IMPROVEMENTS ADVISORY COMMITTEE RULES OF PROCEDURE

INTRODUCTION

The City of Fair Oaks Ranch Capital Improvements Advisory Committee (CIAC) is established to comply with Section 395.058 Texas Local Government Code – Chapter 395 “Financing Capital Improvements Required by New Development in Municipalities, Counties, and Certain Other Local Governments”.

MISSION STATEMENT

The CIAC is responsible for advising and assisting the City in the following:

- a. in development of Land Use Assumptions and regular update;
- b. by reviewing proposed Capital Improvement Plans;
- c. by providing written comments on those plans;
- d. by monitoring and evaluating implementation of approved plans;
- e. by filing semiannual reports regarding plan progress;
- f. by reporting any perceived inequities in plan implementation;
- g. by reporting any inequities in imposing impact fees; and
- h. by reporting the need to update or revise the land use assumptions, capital improvement plans, and impact fees.

SECTION I – MEMBERS

Chapter 395 – Section 395.058 (b) specifies that the CIAC be composed of no fewer than five (5) members, no fewer than 40 percent of the members must be representatives of the real estate, development, or building industries, and the membership must include a representative from the extraterritorial jurisdiction. None shall be an employee or official of a political subdivision or governmental entity.

Committee members shall be appointed by a majority vote of the City Council by Resolution.

The Chairman of the CIAC shall be appointed, by Resolution, by a majority vote of the City Council and shall serve until the appointment is rescinded or member resigns.

The Vice Chairman of the CIAC shall be appointed, by Resolution, by a majority vote of the City Council and shall serve until the appointment is rescinded or member resigns.

By Resolution, an appointed City Council Member and the Public Works Director will attend the meetings and present reports/data on behalf of the City.

SECTION II – COMMITTEE ROLES

Chairman:	Reviews proposed agenda, approves and/or makes recommendations for changes. Chairman will lead meetings and ensure all agenda items have been addressed. Chairman signs approved minutes and semi-annual reports.
Vice-Chairman:	Assumes Chairman's role when the Chairman is unable to preside over meeting.
Committee Members:	Uphold duties of CIAC in accordance to Mission Statement and in compliance with Section 395.058 Texas Local Government Code.
Council Member:	Reviews proposed agenda, approves and/or makes recommendations for changes. Serves as a liaison between the City and the CIAC. Provides meeting update to City Council.
City Secretary and/or their designee:	Proposes agenda for concurrence by Chairman and City Council Member. Shall provide information and support documentation as it relates to set agenda items.
Public Works Director and/or their designee:	Maintains and updates the following data pertinent to CIAC: land use assumption, building permit issuance, new home valuation, and impact fee payments.
City Secretary and/or their designee:	Posts agenda according to the rules specified by the Texas Open Meeting Act. Takes meeting minutes to be approved by committee and signed by Chairman at next committee meeting. Prepares Semi-Annual report for Chairman's signature.
Finance Director and/or their designee:	Responsible for reconciling impact fee payments with the general ledger.

SECTION III - MEETINGS

1. **Regular Meetings** – The CIAC shall meet at 9:00 AM the first Thursday in March and September each year or at the call of the Chairman, unless postponed or canceled for valid reason(s).
2. **Special Meetings** – Special meetings may be held on any business day of the week to consider items that require action prior to the next regularly scheduled meeting and may be called upon the request of the committee Chairman.
3. **Work Sessions** – Work sessions will be held as needed and will begin as decided upon by a majority of the committee or unless held as part of a regular or special meeting.
4. **Meeting Rules** – All meetings will be conducted according to Robert's Rules of Order.
5. **Quorum** – All meetings of the CIAC will require a quorum – defined herein as a majority of committee members.
5. **Meeting Notices** – Committee meeting agendas will be posted according to the rules specified by the Texas Open Meeting Act.
6. **Attendees** – Citizens and visitors are welcome to attend all public meetings of the CIAC.
7. **Meeting minutes** – Committee meeting minutes will be taken according to the rules specified by the Texas Open Meeting Act. Minutes shall be approved and signed at the next Committee meeting and shall be retained permanently according to the City's records retention schedule.



CITY COUNCIL CONSENT ITEM
CITY OF FAIR OAKS RANCH, TEXAS
October 6, 2022

AGENDA TOPIC: Approval of a Resolution authorizing the use of the Court Technology Restricted Fund for the purchase of audio and visual equipment for the Municipal Court.

DATE: October 6, 2022

DEPARTMENT: Finance

PRESENTED BY: Consent Agenda - Scott Huizenga, Assistant City Manager, Administrative Services

INTRODUCTION/BACKGROUND:

Article 102.0172 of the Code of Criminal Procedure provides for the establishment of a Municipal Court Technology Fund. The City collects the fee of \$4 from each defendant upon conviction of a misdemeanor offense in the Municipal Court as a cost of the court. The City deposits the fee into the Court Technology Fund, and the fund can be used only to finance the purchase of technological enhancements for the Municipal Court.

The City Council passed and adopted Ordinance 21.5 establishing a Municipal Court Technology Fund on October 1, 1999. The fund shall be used in accordance with Article 102.0172 of the Code of Criminal Procedure and administered by or under the direction of the City Council of the City of Fair Oaks Ranch, Texas.

On January 20, 2022, the City Council authorized the City Manager to execute a contract with Troxell Communications (now known as Bluum Technology) to install a live-streaming system for City Council meetings, which could be expanded to Municipal Court and other committee and commission meetings. The Municipal Court began streaming its arraignment proceedings in July. The total cost incurred is \$33,442 based on current expenditures for the system.

Currently, City Council meetings are live-streamed generally twice per month. The City also streams Court generally once per month. The City also holds Planning and Zoning meetings and other special meetings that could be streamed once per month, on average.

Therefore, the Municipal Court share is estimated conservatively at \$8,360 (25%) based on the approximate number of City Council meetings, Municipal Court proceedings, and potential future commission and committee meetings. There are no ongoing expenditures of the system except for staff time to produce the live-streamed meetings.

Livestream expenses Cost Share by Meeting Type			
Meeting Type	Meetings Per Year	Percentage of Meetings	Cost Share
Council Meetings	24	50%	\$16,721
Commissions and committees (future)	12	25%	\$8,361
Municipal Court	12	25%	\$8,360
Total	48	100%	\$33,442

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

Project 5.2.5 of the Strategic Action Plan is to Develop and implement live stream and video capabilities for council meetings. Prior council authorization led to the successful implementation of live-streamed council meetings in April 2022 and of court proceedings in July 2022.

LONG-TERM FINANCIAL & BUDGETARY IMPACT:

As Court Technology Restricted Funds can legally be spent on qualifying items under Article 102.0172 of the Code of Criminal Procedure, it is prudent to use restricted funds before unrestricted funds when applicable. This measure would charge the Court Technology Fund for 25% of the total project cost, or \$8,360. The expenditure would be recorded in the year-end close of the FY 2021-22 budget. The projected Court Technology Fund Balance for FY 2021-22 prior to live stream expenses is \$22,514.

LEGAL ANALYSIS:

The use of Court Technology Restricted Funds for the purchase of audio and visual equipment to livestream Court Proceedings qualifies as a technological enhancement and is an allowable expenditure under the Code of Criminal Procedure.

RECOMMENDATION/PROPOSED MOTION:

Consent Agenda - I move to approve a Resolution authorizing the use of the Court Technology Restricted Fund for the purchase of audio and visual equipment for the Municipal Court.

A RESOLUTION**A RESOLUTION OF THE CITY COUNCIL OF FAIR OAKS RANCH, TEXAS AUTHORIZING THE USE OF THE COURT TECHNOLOGY RESTRICTED FUND IN THE AMOUNT OF \$8,360.00 FOR THE PURCHASE OF AUDIO AND VISUAL EQUIPMENT FOR THE MUNICIPAL COURT.**

WHEREAS, Article 102.0172 of the Code of Criminal Procedure provides for the establishment of a Municipal Court Technology Fund; and

WHEREAS, a Municipal Court Technology Fund can be used only for technological enhancements as authorized by the Code of Criminal Procedure; and

WHEREAS, the City Council of Fair Oaks Ranch, Texas passed Ordinance 21.5 on October 21, 1999, establishing a Municipal Court Technology Fund to be administered by or under the direction of City Council of the City of Fair Oaks Ranch, Texas; and

WHEREAS, the City Council of Fair Oaks Ranch, Texas authorized the City Manager on January 20, 2022 to execute a contract with Troxell Communications to support stand up and operation of a system to support audio and video internet streaming of council meetings and municipal court proceedings; and

WHEREAS, the City Council of Fair Oaks Ranch, Texas has determined the audio and visual equipment is a qualified purchase and benefits the Municipal Court.

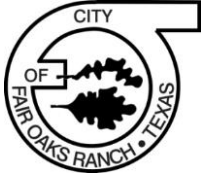
NOW, THEREFORE, BE IT RESOLVED that the City Council of Fair Oaks Ranch, Texas hereby authorizes the use of the Court Technology Fund in the amount of \$8,360.00 for the purchase of audio and visual and equipment for the Municipal Court.

PASSED and APPROVED this 6th day of October, 2022.

ATTEST:

Gregory C. Maxton, Mayor

Christina Picioccio, TRMC, City Secretary



CITY COUNCIL CONSENT ITEM
CITY OF FAIR OAKS RANCH, TEXAS
October 6, 2022

AGENDA TOPIC: Approval of Council Member Bliss's absence on September 15, 2022 from the regular city council meeting

DATE: October 6, 2022

DEPARTMENT: City Council

PRESENTED BY: Consent Agenda – Presented by Council Member Bliss

INTRODUCTION/BACKGROUND:

Council member Bliss missed the 9/15/22 meeting due to an unforeseen emergency.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

Complies with Section 3.09 of the Home Rule Charter.

LONG-TERM FINANCIAL & BUDGETARY IMPACT:

N/A

LEGAL ANALYSIS:

N/A

RECOMMENDATION/PROPOSED MOTION:

Consent Agenda – I move to approve Council Member Bliss's absence from the September 15, 2022 regular city council meeting.

To: Honorable Mayor Gregory C. Maxton and City Council Members
City of Fair Oaks Ranch

**Capital Improvements Advisory Committee Semiannual Progress Report
September 1, 2022 Meeting**

Overview:

A Capital Improvements Plan is required by LGC § 395, *Financing Capital Improvements Required by New Development in Municipalities, Counties and Certain other Local Governments*. The plan is to identify capital improvements or facility expansions required by new service units projected; and to include a description of the service area and projection of changes in land uses, densities, intensities, and populations in the service area over a 10-year period. Since the City imposes an impact fee, a periodic review shall be performed at least every five years to determine the need of updating the plans and/or impact fees.

To partially pay for the extension of its Water and Wastewater systems attributable to new development, the City of Fair Oaks Ranch has opted to charge impact fees as allowed under Texas Local Government Code Title 12. Subtitle C. Chapter 395 (Code).

The Code requires the governing body (City) to appoint a Capital Improvements Advisory Committee (CIAC). The CIAC serves in an advisory capacity and is established to:

1. advise and assist the City in adopting land use assumptions;
2. review the capital improvements plan and file written comments;
3. monitor and evaluate implementation of the capital improvements plan;
4. file semiannual reports with respect to the progress of the capital improvements plan and report to the City any perceived inequities in implementing the plan or imposing the impact fee; and
5. advise the City of the need to update or revise the land use assumptions, capital improvements plan, and impact fee.

Progress Report:

Chairperson Mebane called the semi-annual CIAC meeting to order at 9:00 AM, Thursday, September 1, 2022. Below are the members present at roll call along with their designation and term expiration:

Paul Mebane, Chair (At Large) 9/30/22
Vice Chair Chris Weigand (Real Estate) 9/30/23
Dana Green (Development) 9/30/22
Joe DeCola (Real Estate) 9/30/24
John Guidry (At Large) 9/30/24
Seth Mitchell (At Large) 9/30/24
Marcus Garcia (Development) 9/30/22
Ben Koerner (At Large) 9/30/23

Chairperson Mebane declared a quorum present.

Absent were:

Arthur Waterman (Building) 9/30/23

Council and Staff Present:

Emily Stroup – Council Representative

Gregory C. Maxton, Mayor

Grant Watanabe, P.E. – Director of Public Works & Engineering Services

Katherine Schweitzer, P.E. – Manager of Engineering Services

Sandra Gorski, Public Works Administrative Assistant

Scott Huizenga, Assistant City Manager, Administrative Services

Amanda Valdez, TRMC – Deputy City Secretary

Following introductions, staff provided updates on Capital Improvement Plans and Impact Fee Capital Projects. Staff also provided an update on Land Use Assumptions and answered questions of the members. The Committee voted to recommend approval of a revised version of the Committee's Rules of Procedure after minor edits were agreed to by consensus. The document will be presented to City Council for final approval.

COMMITTEE RECOMMENDATIONS:

1. There has been no significant change in the Capital Improvement Plan or the Land Use Assumptions, and therefore there is no need for any change in the current impact fees at this time. The next updated impact fees are expected to be presented to Council in 2025.
2. With the completion of the Wastewater Treatment Plant Study and approval of a way forward, there may be changes needed to the future wastewater infrastructure requirements in the current Master Plan. The Wastewater Master Plan update could occur during the FY2023-24 budget year, as well as relooking at the Water Master Plan at the same time.
3. It was noted that costs are rising, and home building is slowing down, but the extent and duration is not known. This should be considered in the next Master Plan and Land Use Assumptions update.

The next Semi Annual CIAC meeting will take place on March 2, 2023.

Signed: Paul Mebane
Paul Mebane, CIAC Chairperson

Date: September 29, 2022