THERE EXISTS A PUBLIC HEALTH EMERGENCY RELATED TO THE COVID-19 VIRUS THAT NECESSITATES A MEETING OF THE CITY COUNCIL TO TAKE PLACE VIA VIDEO CONFERENCE PURSUANT TO GOVERNMENT CODE CHAPTERS 551.127, AS MODIFIED BY EXECUTIVE ORDER OF THE GOVERNOR

Zoom Videoconference Link: https://www.zoomgov.com/j/1601995909
Phone in number: US: +1 669 254 5252 or +1 646 828 7666 or 833 568 8864 (Toll Free)
Webinar ID: 160 199 5909

If you wish to address the City Council via telephone, please select *9 on your phone, this will place you in a queue for speaking. At the appropriate time, the City Secretary will call upon each individual separately. *6 will unmute your phone to allow you to speak.

I. OPEN MEETING
   A. Roll Call – Declaration of a Quorum.

II. CITIZENS and GUEST FORUM / PRESENTATIONS
    If you wish to address the City Council, select *9 on your phone; this will place you in a queue for speaking. At the appropriate time the City Secretary will call upon each individual separately. Select *6 to unmute your phone to speak. 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.
    A. Citizens to be heard.
    B. Presentation of Employee Service Awards to Julio Colunga, Public Works Superintendent and Yvonne Medina, Police Administrative Assistant (5 years).
    C. Recognition of Brandon Garrettson for his promotion from Water/Wastewater Operator III to Wastewater Supervisor.
    D. Introduction of new employees: Michael Silva, Utility Technician and Jack Harris, Maintenance Technician.
    E. Recognition of Deputy City Secretary Amanda Valdez and her achievement of Texas Municipal Clerks Certification.

III. 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.
    A. Approval of the January 21, 2021 Regular City Council meeting minutes. Pgs. 4-6
B. Approval of the second reading of an Ordinance adopting Fiscal Year 2020-21 Budget Amendments. Sarah Buckelew, CPA, Finance Director Pgs. 7-11

C. Approval of a Resolution ordering a General Election to be held May 1, 2021 for the election of Mayor and Council Member Place 1. Christina Picioccio, City Secretary Pgs. 12-15

D. Approval of a Resolution ordering a Special Election to be held May 1, 2021 for the election of Council Member Places 5 and 6. Christina Picioccio, City Secretary Pgs. 16-19

IV. CONSIDERATION/DISCUSSION ITEMS

A. Consideration and possible action approving a Resolution amending City Council Rules of Procedure Part II Rule 4; changing the meeting time of the regular City Council meeting held on the first Thursday of each month from 9:30 AM to 6:30 PM. Laura Koerner, Council Member Place 4 Pgs. 20-23

V. REPORTS FROM STAFF/COMMITTEES/COUNCIL

A. Council Code of Conduct Advisory Committee (CCCAC) Update. Christina Picioccio, City Secretary

VI. 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:

A. 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:

1. To receive legal advice and to receive and deliberate an offer of settlement for claims made on behalf of a real property owner against the City’s operation of well K-2.


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

VII. RECONVENE INTO OPEN SESSION

Discussion and possible action on items discussed in Executive Session.

VIII. ADJOURNMENT

Requests for City topic needing additional information/research; or, potential consideration for a future agenda.
I, Christina Picioccio, 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 9:30 AM, February 1, 2021 and remained so posted continuously for at least 72 hours before said meeting was convened.

The Fair Oaks Ranch City Hall is wheelchair accessible at the side 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).
I. **OPEN MEETING**

Council Present: Mayor Manitzas and Mayor Pro Tem Elizondo

Council Members: Hartpence, Havard, Koerner, Patel, and Maxton.

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

II. **CITIZENS and GUEST FORUM/PRESENTATIONS**

A. There were no citizens to be heard.

*At the direction of Mayor Manitzas, the Executive Session was presented out of its scheduled order.*

VI. **CONVENE INTO EXECUTIVE SESSION**

City Council convened into Executive Session at 6:33 PM regarding:

A. 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:


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

City Council did not convene into Executive Session regarding:

1. To receive legal advice and to receive and deliberate an offer of settlement for claims made on behalf of a real property owner against the City’s operation of well K-2.

VII. **RECONVENE INTO OPEN SESSION**

The Mayor reconvened into open session at 7:47 PM.

A roll call reestablishing a quorum was taken:

Present: Mayor Manitzas and Mayor Pro Tem Elizondo

Council Members: Havard, Hartpence, Koerner, Patel and Maxton

No action was taken.
III. CONSENT AGENDA
A. Approval of the January 7, 2021 Regular City Council meeting minutes.

B. Approval of a final plat that establishes the Arbors at Fair Oaks Ranch Unit 2 proposing 47 single family residential lots, generally located on the east side of Ralph Fair Road and north of Dietz Elkhorn Road, City of Fair Oaks Ranch.

MOTION: Made by Council Member Maxton, seconded by Council Member Koerner to approve the Consent Agenda.
VOTE: 7-0; Motion Passed.

IV. CONSIDERATION/DISCUSSION ITEMS
A. Consideration and possible action authorizing the City Manager to sign a Professional Services Agreement for a Water/Wastewater/Reuse Rate Update to the Fair Oaks Ranch Utility.

MOTION: Made by Mayor Pro Tem Elizondo, seconded by Council Member Koerner, to authorize the City Manager to sign a Professional Services Agreement for the Water/Wastewater/Reuse Rate Update with Raftelis Financial Consultants, Inc. at a not to exceed cost of $144,158.00.
VOTE: 7-0; Motion Passed.

B. Consideration and possible action authorizing the City Manager to enter into and manage an agreement between the City of Fair Oaks Ranch and Waterman Construction, LLC as Construction Manager at Risk for a Civic Center and City Hall Renovation.

MOTION: Made by Council Member Koerner, seconded by Mayor Pro Tem Elizondo, to authorize the City Manager to sign an Agreement with Waterman Construction, LLC to provide Construction Manager at Risk Services for Construction of a Civic Center and City Hall Renovation at an amount not to exceed $134,233.00.
VOTE: 6-1; Motion Passed. Nay, Council Member Hartpence.

C. Consideration and possible action approving a Resolution to approve the 2020 Property Tax Levy

MOTION: Made by Mayor Pro Tem Elizondo, seconded by Council Member Hartpence, to approve a resolution approving the City of Fair Oaks Ranch 2020 property tax levy roll of $6,180,639.53.
VOTE: 7-0; Motion Passed.

D. Consideration and possible action approving the first reading of an Ordinance adopting Fiscal Year 2020-21 Budget Amendments.

MOTION: Made by Mayor Pro Tem Elizondo, seconded by Council Member Patel, to approve the First Reading of the proposed Budget Amendment Ordinance.
VOTE: 7-0; Motion Passed.
E. Consideration and possible action on appointing a Council Member to the Citizens Code of Conduct Advisory Committee as the Committee Project Sponsor.

MOTION: Made by Council Member Koerner, seconded by Council Member Maxton, to appoint Council member Patel to the Citizens Code of Conduct Advisory Committee as the Committee’s project sponsor.

VOTE: 7-0; Motion Passed

F. Discussion on necessary and potential amendments to the City’s Code of Ordinances Chapter 6 Article 6.02 Weeds, High Grass, and Debris on Lots.

Code Compliance Officer, Amber Little, provided a presentation entitled “Weeds, High Grass and Debris on Lots Ordinance”. Council provided feedback and direction. Item to return at a future council meeting.

V. REPORTS FROM STAFF/COMMITTEES/COUNCIL

A. Christina Picioccio, City Secretary, announced that Council Member Maxton, Place 6, applied for the Mayors seat in the May 1, 2021 election thus driving the ordering of a special election. The City Secretary provided the special election calendar and explained that the application timeframe is dependent on the date of ordering the election (anticipated at the February 4, 2021 Council meeting).

VIII. ADJOURNMENT

Council Member Koerner announced plans to submit an agenda item on the February 4, 2021 Council Meeting, to move the meeting time of the first monthly meeting to 6:30 PM.

Mayor Manitzas adjourned the meeting at 9:56 PM.

__________________________________________
Garry Manitzas, Mayor

ATTEST:

__________________________________________
Christina Picioccio, City Secretary
AGENDA TOPIC: Approval of the second reading of an Ordinance Adopting Fiscal Year 2020-21 Budget Amendments

DATE: February 4, 2021

DEPARTMENT: Finance

PRESENTED BY: Sarah Buckelew, CPA, Finance Director

INTRODUCTION/BACKGROUND:

The purpose of this agenda item is to bring forward for consideration and possible adoption ten budget amendments for Fiscal Year 2020-21. This represents the second reading of the proposed ordinance adopting the ten budget amendments as discussed further below.

Proposed Budget Adjustment #1 – Adjust Property Tax Revenue for Levy and subsequent property value adjustments

<table>
<thead>
<tr>
<th></th>
<th>M&amp;O</th>
<th>I&amp;S</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Adopted Budget</strong></td>
<td>5,360,694</td>
<td>548,653</td>
<td>5,909,347</td>
</tr>
<tr>
<td><strong>Levy Roll</strong></td>
<td>5,641,311</td>
<td>539,328</td>
<td>6,180,640</td>
</tr>
<tr>
<td><strong>Post-Levy Adjustments</strong></td>
<td>242,647</td>
<td>23,204</td>
<td>265,851</td>
</tr>
<tr>
<td><strong>Projected Receivable</strong></td>
<td>5,883,958</td>
<td>562,533</td>
<td>6,446,491</td>
</tr>
<tr>
<td>at 98.3% Collection Rate</td>
<td>5,783,931</td>
<td>552,969</td>
<td>6,336,900</td>
</tr>
<tr>
<td><strong>Proposed Budget Amendment</strong></td>
<td>423,237</td>
<td>4,316</td>
<td>427,553</td>
</tr>
</tbody>
</table>

Due to COVID-19 protocols, the Bexar County Appraisal District experienced significant delays in processing property value appeals. Therefore, the certified tax roll reported property values that Council and Staff recognized were likely materially undervalued. Additional property tax revenue is anticipated as the remaining appeals are processed. The Levy Roll, adopted by resolution, certified a total levy of $6,180,640. Since the date of the Levy Roll, an additional $265,851 of property tax revenue has been added to the certified reports. Adjustments to date total $427,553, of which $423,237 is M&O tax revenue and $4,316 is I&S tax revenue that should be recognized for budget purposes.
Offsets to additional revenue

The anticipation of additional property tax revenue was known at the time of budget adoption, and budget adjustments were delayed until the amount of the additional property tax revenue was known.

<table>
<thead>
<tr>
<th>Proposed Amendment #</th>
<th>Amount</th>
<th>Increased Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>#2</td>
<td>$9,750</td>
<td>Increase in Internet Bandwidth to accommodate backup needs</td>
</tr>
<tr>
<td>#3</td>
<td>$110,372</td>
<td>Organizational Changes to hire Deputy City Manager</td>
</tr>
<tr>
<td>#4</td>
<td>$15,000</td>
<td>Increased scope by Kimley Horn for stormwater utility workshop</td>
</tr>
<tr>
<td>#5</td>
<td>$8,179</td>
<td>Emergency HVAC repair on City Hall AC unit</td>
</tr>
<tr>
<td>#6</td>
<td>$60,000</td>
<td>Increased budget for planning and General Engineering Consultant ($20k Corridor Study, $40k Planning)</td>
</tr>
<tr>
<td>#7</td>
<td>$20,000</td>
<td>Expense of keeping portable for remainder of the year</td>
</tr>
<tr>
<td>#8</td>
<td>$8,000</td>
<td>AED unit for portable building</td>
</tr>
<tr>
<td>#9</td>
<td>$5,000</td>
<td>Increase in budget for COVID personal protective equipment</td>
</tr>
<tr>
<td>#10</td>
<td>$16,000</td>
<td>Timeclocks needed for new timekeeping system within new HRIS system</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$252,301</strong></td>
<td></td>
</tr>
</tbody>
</table>

The first reading of this Ordinance was presented to and approved by City Council at the February 4, 2021 council meeting.

**POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:**

Out of conservatism during the budget process, recognition of any additional property tax revenue was delayed until the tax levy and additional adjustments were posted by Bexar County Tax Assessor Collector. In an effort to maximize transparency to citizens, utilization of any additional property tax revenue is being processed through the budget amendment process.

**LONG-TERM FINANCIAL & BUDGETARY IMPACT:**

See attachments to the Budget Amendment Ordinance

**LEGAL ANALYSIS:**

Ordinance approved as to form.

**RECOMMENDATION/PROPOSED MOTION:**

Consent Agenda (I move to approve the second reading of the proposed Budget Amendment Ordinance.)
AN ORDINANCE

AMENDING THE BUDGET OF THE CITY OF FAIR OAKS RANCH, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020 AND ENDING SEPTEMBER 30, 2021

WHEREAS, the budget for the City of Fair Oaks Ranch, Texas for FY 2020-2021 has heretofore been approved as provided by law and filed with the City Secretary under Ordinance 2020-25

WHEREAS, per above said Ordinance 2020-25, the City Manager may move amounts within the same fund but budget amendments between funds must be approved by City Council by ordinance; and,

WHEREAS, pursuant to Texas LGC §102.010, budget amendments shall be passed and approved by City Council; and,

WHEREAS, staff recommends making the attached budget amendments as shown in Exhibit A; and,

WHEREAS, the City Council finds the budget amendments as detailed in the attachment are warranted.

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

PART 1. That the recitals contained in the preamble hereto are hereby found to be true and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

PART 2. That the City Secretary is hereby directed to file this ordinance as an Amendment to the original budget and the Finance Director is hereby directed to amend the original budget with the amendments listed in the attached Exhibit A.

PART 3. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance be severable, and, if any phrase, clause, sentence, paragraph, or section of this ordinance 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 ordinance and the remainder of this ordinance shall be enforced as written.

PART 4. That it is officially found, determined and declared that the meeting at which this Ordinance 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 ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

PART 5. This ordinance shall take effect following a second reading on February 4, 2021 and after passage, adoption and publication as may be required by governing law.

PART 6. The provisions of this ordinance shall be cumulative of all ordinances not repealed by this ordinance and ordinances governing or regulating the same subject matter as that covered herein.
PASSED and APPROVED on first reading this 21st day of January 2021.

PASSED, APPROVED AND ADOPTED on second reading the 4th day of February 2021.

____________________________________________________
Garry Manitzas, Mayor

ATTEST:

___________________________________________   ____________________________________________________
Christina Picioccio, City Secretary  Denton Navarro Rocha Bernal & Zech, P.C.,
City Attorney

APPROVED AS TO FORM:
## Proposed Increases to Revenue

<table>
<thead>
<tr>
<th>Amendment #</th>
<th>Department</th>
<th>Acct #</th>
<th>Acct Name</th>
<th>Reason for Budget Surplus</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>#1 Revenue</td>
<td>M&amp;O Property Tax Revenue</td>
<td>01-400-110</td>
<td>Increased Property tax value reported from BCAD</td>
<td>$ 423,237</td>
<td></td>
</tr>
<tr>
<td>#1 Revenue</td>
<td>I&amp;S Property Tax Revenue</td>
<td>06-400-110</td>
<td>Increased Property tax value reported from BCAD</td>
<td>$ 4,316</td>
<td></td>
</tr>
</tbody>
</table>

**Total Proposed Revenue Increases** $ 427,553

## Proposed Increases to Budgeted Expenditures

<table>
<thead>
<tr>
<th>Amendment #</th>
<th>Department</th>
<th>Acct #</th>
<th>Acct Name</th>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>#2 IT</td>
<td>Tech/Internet/Software Maintenance</td>
<td>01-615-701</td>
<td>Increase in Internet Bandwidth</td>
<td>$ 9,750</td>
<td></td>
</tr>
<tr>
<td>#3 Administration</td>
<td>Salaries</td>
<td>01-611-101</td>
<td>Organizational Changes to hire Deputy City Manager</td>
<td>$ 88,376</td>
<td></td>
</tr>
<tr>
<td>#3 Administration</td>
<td>Taxes - Social Security</td>
<td>01-611-102</td>
<td>Organizational Changes to hire Deputy City Manager</td>
<td>$ 5,480</td>
<td></td>
</tr>
<tr>
<td>#3 Administration</td>
<td>Taxes - Medicare</td>
<td>01-611-103</td>
<td>Organizational Changes to hire Deputy City Manager</td>
<td>$ 1,281</td>
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</tr>
<tr>
<td>#3 Administration</td>
<td>Taxes - SUTA/FUTA</td>
<td>01-611-104</td>
<td>Organizational Changes to hire Deputy City Manager</td>
<td>$ 225</td>
<td></td>
</tr>
<tr>
<td>#3 Administration</td>
<td>Workers Compensation</td>
<td>01-611-105</td>
<td>Organizational Changes to hire Deputy City Manager</td>
<td>$ 239</td>
<td></td>
</tr>
<tr>
<td>#3 Administration</td>
<td>Retirement</td>
<td>01-611-106</td>
<td>Organizational Changes to hire Deputy City Manager</td>
<td>$ 10,382</td>
<td></td>
</tr>
<tr>
<td>#3 Administration</td>
<td>Health Insurance</td>
<td>01-611-107</td>
<td>Organizational Changes to hire Deputy City Manager</td>
<td>$ 4,389</td>
<td></td>
</tr>
<tr>
<td>#4 SAP Fund</td>
<td>Stormwater Funding</td>
<td>02-501-568</td>
<td>Increased scope for Kimley Horn workshop</td>
<td>$ 15,000</td>
<td></td>
</tr>
<tr>
<td>#5 Maintenance</td>
<td>Furniture, Fixtures, Equipment</td>
<td>01-640-803</td>
<td>Emergency HVAC repair on City Hall AC unit</td>
<td>$ 8,179</td>
<td></td>
</tr>
<tr>
<td>#6 Engineering &amp; Planning</td>
<td>Professional Services</td>
<td>01-642-300</td>
<td>Increased budget for planning and General Engineering Consultant ($20k Corridor Study, $40k Planning)</td>
<td>$ 60,000</td>
<td></td>
</tr>
<tr>
<td>#7 Shared Expenses</td>
<td>Facility Contracts &amp; Services</td>
<td>01-690-700</td>
<td>Expense of keeping portable for remainder of the year</td>
<td>$ 20,000</td>
<td></td>
</tr>
<tr>
<td>#8 Public Safety</td>
<td>Furniture, Fixtures, Equipment</td>
<td>01-630-803</td>
<td>AED unit for portable building</td>
<td>$ 8,000</td>
<td></td>
</tr>
<tr>
<td>#9 Maintenance</td>
<td>Supplies &amp; Consumables</td>
<td>01-640-200</td>
<td>Increase in budget for COVID PPE</td>
<td>$ 5,000</td>
<td></td>
</tr>
<tr>
<td>#10 HR &amp; Communications</td>
<td>Furniture, Fixtures, Equipment</td>
<td>01-613-803</td>
<td>Timedocks needed for new timekeeping system</td>
<td>$ 16,000</td>
<td></td>
</tr>
</tbody>
</table>

**Total Proposed Expenditure Increases** $ 252,301

## Transfers Required Between Funds

<table>
<thead>
<tr>
<th>Amendment #</th>
<th>Acct #</th>
<th>Acct Name</th>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>Transfer to SAP Fund</td>
<td>01-690-805</td>
<td>For Increased scope for Kimley Horn Workshop</td>
<td>$ (15,000)</td>
</tr>
<tr>
<td>SAP Fund</td>
<td>Transfer From General Fund</td>
<td>02-400-986</td>
<td>For Increased scope for Kimley Horn Workshop</td>
<td>$ 15,000</td>
</tr>
</tbody>
</table>

**Total Net Transfers between Funds** $ -
INTRODUCTION/BACKGROUND:
The Texas Election Code requires City Council to order the election no later than the 78th day (February 12, 2021) before Election Day, May 1, 2021. This year the Mayor’s seat and Council Place 1 are up for reelection.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:
Affords the citizens the opportunity to elect their local government officials and complies with State Election Code and City Charter.

LONGTERM FINANCIAL & BUDGETARY IMPACT:
Budgeted cost of election, including contract for conducting the election, is $6,000. Due to city campus renovations and the need to look for an alternate polling location within the city, the City intends to contract with Kendall County Elections. Budget overruns are anticipated as Kendall County contracts with fewer entities, thus we will incur an increased cost sharing load. In addition holding a special election will also increase costs which was not anticipated during budget setting.

LEGAL ANALYSIS:
Approved as to form.

RECOMMENDATION/PROPOSED MOTION:
Consent Agenda (I move to approve a Resolution ordering a General Election to be held May 1, 2021 for the election of the Mayor and Council Member Place 1.)
A RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS, CALLING FOR A GENERAL ELECTION TO BE HELD ON MAY 01, 2021 FOR THE ELECTION OF CERTAIN CITY OFFICERS; PROVIDING PROCEDURES AND DEADLINES FOR THE FILING OF CANDIDATE APPLICATIONS TO BE PLACED ON THE BALLOT; FOR THE LOCATION AND TIME FOR EARLY VOTING; AUTHORIZING CONTRACTS WITH THE ELECTION ADMINISTRATOR OF KENDALL COUNTY, TEXAS TO CONDUCT THE ELECTIONS; AUTHORIZING THE ELECTIONS TO BE HELD AS A JOINT ELECTION; AND FOR NOTICE OF SAID ELECTIONS TO THE PUBLIC AS REQUIRED BY LAW

WHEREAS, the laws of the State of Texas provide that on May 1, 2021, there shall be a general election for municipal officers; and,

WHEREAS, the City of Fair Oaks Ranch is a Home Rule municipality located in Bexar County, Comal County and Kendall County, adopted as authorized by Article XI, Section 5, of the Texas Constitution; and

WHEREAS, Section 4.01 of the City's Charter requires the City of Fair Oaks Ranch to conduct an election for city officers annually on an authorized uniform election date; and

WHEREAS, pursuant to Chapter 3 of the Texas Election Code, the City Council of the City of Fair Oaks Ranch, Texas hereby calls for the above general election for municipal officers and hereby sets forth the procedures and requirements for the conduct of said election as prescribed by the Texas Election Code; and

WHEREAS, pursuant to Chapter 271 of the Texas Election Code, the City will contract with the Kendall County Elections Administrator to conduct this election.

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

SECTION 1. The City of Fair Oaks Ranch hereby orders a Municipal General Election to be held on May 1, 2021, an authorized uniform election date, for the purpose of:

a. Electing the Mayor and a Council Member for Place 1.
   i. The Mayor and Council Member elected to Place 1, shall serve a term of 3 years, with their terms terminating in 2024, or when their successors are duly elected;
   ii. That at said election each of the aforementioned named City Council positions shall be voted upon separately and that the candidate receiving the majority votes for each said City Council position shall be elected to that office;
   iii. That qualified persons desiring to be candidates in the aforementioned City Council Places shall file applications for candidacy with the City Secretary beginning at 8 AM on the 13th day of January and not later than 5:00 PM on the 12th day of February, 2021.
SECTION 2. All qualified voters of the City of Fair Oaks Ranch shall be entitled to vote in said election.

SECTION 3. Early voting in said elections shall be conducted during the early voting period designated as April 19 through April 27, 2021. The Kendall County Election Administrator is hereby charged with the duty of conducting early voting in said election, as required by law. Applications for ballot by mail shall be mailed to:

Staci L. Decker, REO, Elections Administrator
Kendall County Elections
221 Fawn Valley Dr., STE 100
Boerne, TX 78006

SECTION 4. The main early polling place for the holding of said election shall be at the Kendall County Courthouse Annex, 221 Fawn Valley, Boerne, Texas 78006 on the following dates and times; and the entire City of Fair Oaks Ranch, Texas, for the purpose of holding said election shall be and constitute one Municipal election precinct.

Mon. April 19 – Fri. April 23 ..................................8:00 AM to 6:00 PM
Sat. April 24 ..........................................................10:00 AM to 6:00 PM
Sun. April 25 ..........................................................Closed
Mon. April 26 – Tue. April 27 ................................7:00 AM to 7:00 PM

SECTION 5. The polling place on Election Day shall be open from 7:00 AM to 7:00 PM.

SECTION 6. Pursuant to Section 61.012, Texas Election Code, as amended, the City shall provide at least one accessible voting system in each polling place used in the election. Such voting system shall comply with Texas and federal laws establishing the requirement for voting systems that permit voters with physical disabilities to cast a secret ballot. Touch screen machines may be used for early voting and Election Day voting by personal appearance. Certain early voting may be conducted by mail. The Elections Administrator shall also utilize a Central Counting Station (the “Station”) as provided by Section 127.001, et seq., Texas Election Code, as amended. Kendall County Election Administrator Staci L. Decker, serving as the Elections Official Manager and Presiding Judge of the Stations, will appoint the Election Judges and Station Clerks for each Station location, and will establish a written plan for the orderly operation of the Station locations in accordance with the provisions of the Texas Election Code. The Elections Administrator will appoint the Tabulation Supervisors which will also serve as the Programmers for the Stations. Lastly, the Elections Administrator will publish notice and conduct testing on the automatic tabulation equipment relating to the Stations and conduct instruction for the officials and clerks for the Stations in accordance with the provisions of the Texas Election Code. Voting by Mail ballot and Provisional Voting shall be done on paper ballot.
SECTION 7. The City Secretary shall serve as the election officer of the May 1, 2021 General Election of the City of Fair Oaks Ranch as required and authorized by law.

SECTION 8. The City Secretary is hereby authorized and directed to post notice of said election, in both English and Spanish, on a bulletin board used for posting notices of the City Council meetings of the City of Fair Oaks Ranch at 7286 Dietz Elkhorn, City of Fair Oaks Ranch, Texas (the polling places for the holding of said election) not later than the twenty-first (21) day before Election Day. Said notice shall remain posted through the end of Election Day.

SECTION 9. The City Secretary is further authorized and directed to cause notice of said election to be published in a newspaper of general circulation in the City of Fair Oaks Ranch at least once, not earlier than the thirtieth (30th) day nor later than the tenth (10th) day before Election Day.

SECTION 10. The City Secretary shall send a copy of the notice of said election to the County Clerk and Voter Registrar of Bexar, Comal, and Kendall County no later than the 60th day before Election Day.

SECTION 11. The Council authorizes the City Manager to negotiate and enter into one or more joint election agreements with other governmental organizations in accordance with the provisions of the Texas Election Code in such form as shall be approved by the City Manager, or his/her designee, and the City Attorney.

SECTION 12. The Council authorizes the City Manager to negotiate and enter into contracts with the Elections Administrator to conduct the elections in accordance with the provisions of the Texas Election Code in such form as shall be approved by the City Manager and the City Attorney.

SECTION 13. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and this Council declares that this Resolution would have been enacted without such invalid provision.

APPROVED on this the 4th day of February, 2021.

________________________________________
Garry Manitzas, Mayor

ATTEST:

________________________________________
Christina Picioccio, City Secretary

________________________________________
Denton Navarro Rocha Bernal & Zech, P.C., City Attorney
AGENDA TOPIC: Approval of a Resolution ordering a Special Election to be held May 1, 2021 for the election of Council Member Places 5 and 6

DATE: February 4, 2021

DEPARTMENT: City Secretary

PRESENTED BY: Consent Agenda – City Secretary

INTRODUCTION/BACKGROUND:
On January 13, 2021, Council Member Maxton, City Council Place 6, and on January 29, 2021 Council Member Patel, City Council Place 5, each submitted an application to run for the Mayor’s seat, thereby announcing their candidacy for another office and thus resigning from City Council Places 6 and 5 respectively (Article 11, Section 11 and Article 16, Section 65 of the Texas Constitution). The City Attorney’s Office has confirmed the application of the “resign to run” provisions and the requirement to call for a special election. Additionally, as per Section 3.09 (D) of the City Charter Filling Vacancies: “In the event of a vacancy in the City Council, if there are 365 days or more remaining on the term of the vacated City Council office, the City Council shall call a special election to fill such vacancy”. As Council Member Maxton’s term ends in May of 2023, and Council Member Patel’s term ends in May of 2022, both remaining time in office exceeds 365 days, this precipitates the need to call a Special Election during the May Election timeframe.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:
Affords the citizens the opportunity to elect their local government officials and complies with State Election Code and City Charter.

LONGTERM FINANCIAL & BUDGETARY IMPACT:
Budgeted cost of election, including contract for conducting the election, is $6,000. Due to city campus renovations and the need to look for an alternate polling location within the city, the City intends to contract with Kendall County Elections. Budget overruns are anticipated as Kendall County contracts with fewer entities, thus we will incur an increased cost sharing load. In addition holding a special election will also increase costs which was not anticipated during budget setting.

LEGAL ANALYSIS:
Approved as to form.

RECOMMENDATION/PROPOSED MOTION:
Consent Agenda  (I move to approve a Resolution ordering a Special Election to be held May 1, 2021 for the election of Council Member Places 5 and 6.)
A RESOLUTION

A RESOLUTION ORDERING A SPECIAL ELECTION TO BE HELD ON MAY 1, 2021 IN THE CITY OF FAIR OAKS RANCH, TEXAS, TO BE HELD ON SATURDAY, MAY 1, 2021 FOR THE PURPOSE OF FILLING THE VACANCY FOR THE REMAINDER OF THE UNEXPIRED TERM OF OFFICE OF CITY COUNCIL PLACE 5 AND CITY COUNCIL PLACE 6; AUTHORIZING CONTRACTS WITH THE ELECTION ADMINISTRATOR OF KENDALL COUNTY TO CONDUCT THIS ELECTION AND PROCEDURES RELATED THERETO.

WHEREAS, Fair Oaks Ranch, Texas is a home rule municipality acting under its City Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, Article 11, Section 11 and Article 16, Section 65 of the Texas Constitution, known as the “resign to run” provisions, states that in a city with terms of more than two years, a city official who has more than one year and 30 days remaining in the current term of office, and who announces a candidacy for another office automatically resigns from the first office; and

WHEREAS, the Attorney General has opined that pursuant to the “resign to run” provisions an officer announces candidacy for office by making a written statement indicating, without qualification, that the individual intends to run for an office, Tex. Att'y Gen. Op. No. GA-0643 (2008); Tex. Att'y Gen. Op. No. GA-0769 (2010); and

WHEREAS, on January 13, 2021, Council Member Maxton, City Council Place 6, submitted an application for the Mayor’s seat, thereby announcing his candidacy for another office and automatically resigning from City Council Place 6; and

WHEREAS, on January 29, 2021, Council Member Patel, City Council Place 5, submitted an application for the Mayor’s seat, thereby announcing his candidacy for another office and automatically resigning from City Council Place 5; and

WHEREAS, pursuant to section 3.09(D) of the City Charter, in the event of a vacancy in the City Council, if there are 365 days or more remaining on the term of the vacated City Council office, the City Council shall call a special election to fill such vacancy; and

WHEREAS, pursuant to Chapter 271 of the Texas Election Code, the City will contract with the Kendall County Election Administrator to conduct the City of Fair Oaks Ranch General and Special Called Election.

WHEREAS, the City Council finds and determines that the holding of a special election on the date set forth below, a uniform election date, is in the public’s interest.

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

SECTION 1. The City of Fair Oaks Ranch hereby orders a Special Election to be held on May 01, 2021, an authorized uniform election date, for the purpose of filling the vacancy for the remainder of the unexpired terms of office of City Council Place 5 and City Council Place 6.
That qualified persons desiring to be candidates in the aforementioned City Council Places shall file applications for candidacy with the City Secretary beginning after the order of the Special Election at the February 4, 2021 Council meeting and not later than 5:00 PM on the 1st day of March, 2021.

SECTION 2. All qualified voters of the City of Fair Oaks Ranch shall be entitled to vote in said election.

SECTION 3. Early voting in said elections shall be conducted during the early voting period designated as April 19 through April 27, 2021. The Kendall County Election Administrator is hereby charged with the duty of conducting early voting in said election, as required by law. Applications for ballot by mail shall be mailed to:

Staci L. Decker, REO, Elections Administrator
Kendall County Elections
221 Fawn Valley Dr., STE 100
Boerne, TX 78006

SECTION 4. The main early polling place for the holding of said election shall be at the Kendall County Courthouse Annex, 221 Fawn Valley, Boerne, Texas 78006 on the following dates and times; and the entire City of Fair Oaks Ranch, Texas, for the purpose of holding said election shall be and constitute one Municipal election precinct.

Mon. April 19 – Fri. April 23 .................................................. 8:00 AM to 6:00 PM
Sat. April 24 ................................................................. 10:00 AM to 6:00 PM
Sun. April 25 ...................................................................... Closed
Mon. April 26 – Tue. April 27 .................................................. 7:00 AM to 7:00 PM

SECTION 5. The polling place on Election Day shall be open from 7:00 AM to 7:00 PM.

SECTION 6. Pursuant to Section 61.012, Texas Election Code, as amended, the City shall provide at least one accessible voting system in each polling place used in the election. Such voting system shall comply with Texas and federal laws establishing the requirement for voting systems that permit voters with physical disabilities to cast a secret ballot. Touch screen machines may be used for early voting and Election Day voting by personal appearance. Certain early voting may be conducted by mail. The Elections Administrator shall also utilize a Central Counting Station (the “Station”) as provided by Section 127.001, et seq., Texas Election Code, as amended. Kendall County Election Administrator Staci Decker, serving as the Elections Official Manager and Presiding Judge of the Stations, will appoint the Election Judges and Station Clerks for each Station location, and will establish a written plan for the orderly operation of the Station locations in accordance with the provisions of the Texas Election Code. The Elections Administrator will appoint the Tabulation Supervisors which will also serve as the Programmers for the Stations. Lastly, the Elections Administrator will publish notice and conduct testing on the automatic tabulation equipment relating to the Stations and conduct instruction for the officials and clerks for the Stations in accordance with the provisions of the Texas Election Code. Voting by Mail ballot and Provisional Voting shall be done on paper ballot.
SECTION 7. The City Secretary shall serve as the election judge of the May 01, 2021 Special Election of the City of Fair Oaks Ranch as required and authorized by law.

SECTION 8. The City Secretary is hereby authorized and directed to post notice of said election, in both English and Spanish, on a bulletin board used for posting notices of the City Council meetings of the City of Fair Oaks Ranch at 7286 Dietz Elkhorn, City of Fair Oaks Ranch, Texas (the polling places for the holding of said election) not later than the twenty-first (21) day before Election Day. Said notice shall remain posted through the end of Election Day.

SECTION 9. The City Secretary is further authorized and directed to cause notice of said election to be published in a newspaper of general circulation in the City of Fair Oaks Ranch at least once, not earlier than the thirtieth (30th) day nor later than the tenth (10th) day before Election Day.

SECTION 10. The City Secretary shall send a copy of the notice of said election to the County Clerk and Voter Registrar of Bexar, Comal, and Kendall County no later than the 60th day before Election Day.

SECTION 11. The Council authorizes the City Manager to negotiate and enter into one or more joint election agreements with other governmental organizations in accordance with the provisions of the Texas Election Code in such form as shall be approved by the City Manager, or his/her designee, and the City Attorney.

SECTION 12. The Council authorizes the City Manager to negotiate and enter into contracts with the Elections Administrator to conduct the elections in accordance with the provisions of the Texas Election Code in such form as shall be approved by the City Manager and the City Attorney.

SECTION 13. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and this Council declares that this Resolution would have been enacted without such invalid provision.

APPROVED on this the 4th day of February, 2021.

________________________________________
Garry Manitzas, Mayor

ATTEST:

________________________________________
Christina Picioccio, City Secretary

________________________________________
Denton Navarro Rocha Bernal & Zech, P.C., City Attorney
AGENDA TOPIC: Consideration and possible action amending the City Council Rules of Procedure Part II Rule 4; changing the meeting time of the regular City Council meeting held on the first Thursday of each month from 9:30 AM to 6:30 PM.

DATE: February 4, 2021
DEPARTMENT: City Council
PRESENTED BY: Laura Koerner, Council Member Place 4

INTRODUCTION/BACKGROUND:
The City Council in June 2015 approved Resolution 2015-05 establishing a second regular City Council meeting on each first Thursday in each calendar month beginning at 9:30 AM. The original purpose for the morning session, according to the Council Consideration Page, was "to be a work session for presentations to Council on potential future agenda items. Doing such gives Council, citizens and staff more time to clarify, share concerns, make/implement suggestions before the item goes forward for Council consideration at a later date".

Since that time, the morning Council meeting has transformed into a normal Council meeting, with an agenda similar to the evening meeting including items for action and vote. In addition, these meetings often run well past the planned 2-2 ½ hours. While Council seats remain unpaid positions, we now have three working Councilmembers that must take time off of their paying jobs to support daytime meetings (often requiring taking Paid Time Off). The City also has a growing working age citizen demographic that must also take time off of work to attend or speak at morning meetings. In addition, with three open City Council positions in this May 1st election, attending a morning meeting may be a barrier to working citizens from considering a candidacy for City Council.

I believe now is the time to change the City Council Meeting Rules of Procedure by moving the regular Council meeting held on the first Thursday of each month to the evening, leaving the 3rd Thursday regular City Council meeting unchanged.

The Fair Oaks Ranch Home Rule Charter mandates the regular City Council meeting times and places be set by Council by resolution. This agenda item proposes amending the City Council Meeting Rules & Procedure to revise the meeting time of the regular City Council meeting held on the first Thursday of each month from 9:30 AM to 6:30 PM.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:
- Encourage more citizen involvement at City Council meetings by hosting all regular meetings outside of the workday.
- Remove barriers from working citizens that are considering running for City Council.
- Complies with process in City Charter relative to establishing regular City Council meetings.
LONG-TERM FINANCIAL & BUDGETARY IMPACT:
N/A

LEGAL ANALYSIS:
Approved as to form.

RECOMMENDATION/PROPOSED MOTION:
I move to approve amending the City Council Rules of Procedure Part II Rule 4 changing the meeting time of the regular City Council meeting held on the first Thursday of each month from 9:30 AM to 6:30 PM.
A RESOLUTION

AMENDING THE CITY COUNCIL MEETING RULES OF PROCEDURE PART II RULE 4
ESTABLISHING TIME AND PLACE OF REGULAR CITY COUNCIL MEETINGS AND
PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, The City Council Meeting Rules of Procedure, in accordance to Resolution 2015-05 passed and approved June 2015, established a second regular City Council meeting on each first Thursday in each calendar month beginning at 9:30 a.m.; and,

WHEREAS, The Fair Oaks Ranch Home Rule Charter states the City Council shall meet at the time and place determined by resolution; and,

WHEREAS, the Fair Oaks Ranch City Council now finds it to be in the best interest of the City Council members and attendees to amend the first Thursday regular City Council meeting start time from 9:30 a.m. to 6:30 p.m.

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

Section 1. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 2. That the City Council Meeting Rules of Procedure Rule 4. Regular Meetings, is hereby amended to read as follows: The City Council shall meet in regular session on each first Thursday in each calendar month beginning at 9:30 a.m. and the third Thursday in each calendar month beginning at 6:30 p.m. unless postponed or cancelled for valid reason(s), in the Fair Oaks Ranch Council Chambers. The City Council, by a majority vote, may reschedule any regular meeting.

Section 3. All resolutions or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. 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, Texas Government Code, as amended.
Section 7.  This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED and APPROVED on this the 4th day of February, 2021.

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Garry Manitzas, Mayor

ATTEST:  

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Christina Picioccio, City Secretary

APPROVED AS TO FORM:

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