

**CITY OF FAIR OAKS RANCH
AGENDA – CITY COUNCIL REGULAR MEETING**

December 6, 2018, 9:30 AM
City Hall Council Chambers
7286 Dietz Elkhorn, Fair Oaks Ranch

I. OPEN MEETING

- A. Roll Call – Declaration of a Quorum
- B. Pledge of Allegiance.

II. CITIZENS and GUEST FORUM / PRESENTATIONS

To address the Council, please sign the Attendance Roster located on the table at the entrance of the Council Chamber. 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.

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 November 8, 2018 Special Joint City Council and Planning and Zoning Meeting Minutes. Pg. 3
- B. Approval of November 15, 2018 Regular City Council Meeting Minutes. Pgs. 4-6
- C. Approval of Council Member Hartpence’s absence from the November 15, 2018 Council Meeting. Pg. 7
- D. Approval of Council Member Maxton’s absence from the December 6, 2018 Council Meeting. Pg. 8
- E. Approval of the Second Reading of an Ordinance providing for a reasonable limit on the amount of time to be spent without charge for repeat public information requestors. Pgs. 9-13

IV. DISCUSSION/CONSIDERATION ITEMS

None

V. REPORTS FROM STAFF / COMMITTEES / COUNCIL

None

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. 551.071 (Consultation with Attorney) - Cause No. 2018-CI-00202; the City of Fair Oaks Ranch, Texas vs Edward I. Hill, Robert E. Heckendorn, Craig M. Luitjen, Roger Fuentes, Wesley A. Pieper, Esther W. Hicks, William A. McDowell, Yolanda D. Ayala, PG Pfeiffer Ranches LLC, Maureen Pfeiffer Stevenson Family Trust.

B. 551.074 (Personnel Matters) - The governing body hereby convenes into closed session regarding the City Manager's employment agreement.

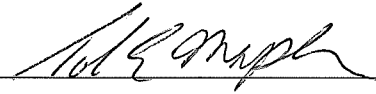
VII. RECONVENE INTO OPEN SESSION

Discussion and possible action on items discussed in Executive Session: VI A and B.

VIII. ADJOURNMENT

Requests for City topic needing additional information/research; or, potential consideration for a future agenda.

Signature of Agenda Approval: _____



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. Said Notice was posted by 9:30 AM, December 3, 2018 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).

**CITY OF FAIR OAKS RANCH
CITY COUNCIL MEETING MINUTES
JOINT WORKSHOP
CITY COUNCIL and PLANNING AND ZONING COMMISSION
November 8, 2018
7286 Dietz Elkhorn
Fair Oaks Ranch, TX 78015**

I. ROLL CALL - DECLARATION OF A QUORUM

Present: Mayor Manitzas and Mayor Pro Tem Havard
Council Members: Elizondo, Hartpence, Koerner, and Maxton

Absent: Council Member Patel

A quorum was present.

Commission Members:

Present: Bobbe Barnes, Conrad Fothergill, David Horwath, Douglas Leonard, Dale Pearson,
Michael Rey, Frank Trapasso

A quorum was present and the Special Joint Workshop was called to order at 6:30 PM.

II. PURPOSE OF SPECIAL CALLED MEETING

A. Jeff Barton, Gap Strategies Project Manager, led the workshop providing an overview of the creation of the City's Comprehensive Plan and Zoning Ordinances and how the Zoning Regulations -Chapter 14 will integrate into the Unified Development Code (UDC). Discussion focused on how the P&Z and Council will shape and frame the various chapters of the UDC in upcoming meetings. Council Member Koerner requested that a summary page be included in the advanced reads that identifies standard versus non-standard practices, which ordinances are superseded and to highlight "big picture changes". Future meeting schedules were discussed and solidified.

III. ADJOURNMENT

Mayor Manitzas adjourned the meeting at 7:36 PM.

Garry Manitzas, Mayor

ATTEST:

Christina Picioccio, City Secretary

**CITY OF FAIR OAKS RANCH
CITY COUNCIL MEETING MINUTES
November 15, 2018
7286 Dietz Elkhorn
Fair Oaks Ranch, TX 78015**

I. OPEN MEETING

A. Roll Call – Declaration of a Quorum

Present: Mayor Manitzas, Mayor Pro Tem Havard
Council Members: Elizondo, Koerner, Maxton and Patel

Absent: Council Member Hartpence

With a quorum present, Mayor Manitzas called the Regular City Council meeting to order at 6:30 PM.

B. The Pledge of Allegiance was led by Director of Human Resources and Communications, Kim Stahr.

II. CITIZENS and GUEST FORUM / PRESENTATIONS

A. There were no citizens to be heard.

III. CONSENT AGENDA

A. **Approval of November 1, 2018 Regular City Council Meeting Minutes.**

B. **Approval of the Second Reading of an Ordinance amending the City's Master Fee Schedule.**

The Mayor presented the Consent Agenda and with no discussion, the Consent Agenda was approved by unanimous consent.

The Executive Session was convened out of order, at the request of the City Attorney.

VI. CONVENE INTO EXECUTIVE SESSION

City Council convened into closed session at 6:32 PM regarding:

551.071 (Consultation with Attorney) - Cause No. 2018-CI-00202; the City of Fair Oaks Ranch, Texas vs Edward I. Hill, Robert E. Heckendorn, Craig M. Luitjen, Roger Fuentes, Wesley A. Pieper, Esther W. Hicks, William A. McDowell, Yolanda D. Ayala, PG Pfeiffer Ranches LLC, Maureen Pfeiffer Stevenson Family Trust.

VII. RECONVENE INTO OPEN SESSION

Mayor Manitzas reconvened into open session at 6:59 PM. The following statement to the citizens was read: "The City of Fair Oaks Ranch is pleased to announce the lawsuit initiated by ten residents who were annexed, seeking to invalidate annexations completed November 2017, has been dismissed in the 150th District Court in Bexar County."

IV. DISCUSSION/CONSIDERATION ITEMS

A. Consideration and possible action approving the October 26, 2016 Special City Council Meeting Minutes.

MOTION: Made by Council Member Elizondo, seconded by Council Member Koerner to approve the October 26, 2016 Special City Council Meeting Minutes.

VOTE: 6-0; Motion Passed.

At the direction of the Mayor, Item H was moved forward in the discussion items.

H. Discussion and possible action authorizing the City Manager to execute an engagement letter with ABIP.

MOTION: Made by Council Member Elizondo, seconded by Council Member Patel to authorize the City Manager to sign the Professional Services Agreement (“Engagement Letter”) with ABIP, P.C. for FY 2018-19 internal control services at a cost of \$49,685.

VOTE: 6-0; Motion Passed

B. Presentation and discussion regarding the Master Drainage Plan.

Consultants Gian Villarreal and Matt Scott of CDM Smith reviewed the history of the creation of the City’s Master Drainage Plan. Through the help of staff, 46 sites were identified and ranked according to prioritization criteria developed from Stakeholder and citizen input as well as computer modeling. Next steps: adopt Master Drainage Plan, pursue funding mechanisms, and revise storm water policies and drainage criteria.

C. Consideration and possible action approving the Tree Preservation Plan for Front Gate Unit 4.

MOTION: Made by Mayor Pro Tem Havard, seconded by Council Member Elizondo to approve the Tree Preservation Plan for the proposed subdivision of Front Gate Unit 4.

VOTE: 6-0; Motion Passed.

D. Consideration and possible action approving the First Reading of an Ordinance adopting a Cross Connection Control and Backflow Prevention Program.

City Manager, Tobin Maples requested that the discussion of this item be postponed. Melissa Castro, Environmental Compliance Manager outlined plans to develop a citizen educational outreach program – City Council voiced support of this initiative - no action taken.

E. Consideration and possible action authorizing the City Manager to sign an Online Backflow Management System Service Agreement with Vepo, LLC.

This item was postponed as it relates to Item D above.

F. Discussion and possible action on the first reading of an Ordinance providing for a reasonable limit on the amount of time to be spent without charge for repeat public information requestors.

MOTION: Made by Council Member Elizondo, seconded by Council Member Maxton to approve the first reading of an Ordinance establishing a reasonable monthly and yearly limit on the amount of time to be spent without charge for repeat public information requestors.

VOTE: 6-0; Motion Passed

G. Consideration and possible action regarding cancelling December 20, 2018 Council Meeting.

MOTION: Made by Mayor Pro Tem Havard, seconded by Council Member Elizondo to approve cancelling the December 20, 2018 Council Meeting.

VOTE: 6-0; Motion Passed

REPORTS FROM STAFF / COMMITTEES / COUNCIL

A. None.

VIII. ADJOURNMENT

Mayor Manitzas adjourned the meeting at 8:34 PM.

ATTEST:

Garry Manitzas, Mayor

Christina Picioccio, City Secretary



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
December 6, 2018

AGENDA TOPIC: Approval of Council Member Hartpence's absence from the November 15, 2018 Council Meeting.

DATE: December 6, 2018

DEPARTMENT: City Council

PRESENTED BY: Consent Agenda - Council Member Hartpence

INTRODUCTION/BACKGROUND:

Due to being out of town.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

Section 3.09 of the Home Rule Charter

LONGTERM FINANCIAL & BUDGETARY IMPACT:

N/A

LEGAL ANALYSIS:

N/A

RECOMMENDATION/PROPOSED MOTION:

Approval of Council Member Hartpence's absence from the November 15, 2018 Council Meeting.



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
December 6, 2018

AGENDA TOPIC: Approval of Council Member Maxton's absence from the December 6, 2018 Council Meeting.

DATE: December 6, 2018

DEPARTMENT: City Council

PRESENTED BY: Consent Agenda - Council Member Maxton

INTRODUCTION/BACKGROUND:

Due to a family obligation.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

Section 3.09 of the Home Rule Charter

LONGTERM FINANCIAL & BUDGETARY IMPACT:

N/A

LEGAL ANALYSIS:

N/A

RECOMMENDATION/PROPOSED MOTION:

Approval of Council Member Maxton's absence from the December 6, 2018 Council Meeting.



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
December 6, 2018

AGENDA TOPIC: Approval of the second reading of an Ordinance providing for a reasonable limit on the amount of time to be spent without charge for repeat public information requestors

DATE: December 6, 2018

DEPARTMENT: Administration

PRESENTED BY: Carole Vanzant, Assistant City Manager and Christina Picioccio, City Secretary

INTRODUCTION/BACKGROUND:

At the November 1st City Council meeting, a discussion between the City Council, City Attorney and staff was held on Section 552.275 of the Texas Government Code (Public Information Act) authorizing a governmental body to establish a reasonable monthly and yearly limit on the amount of time that personnel are required to spend producing public information to a requestor without recovering its costs attributable to the personnel time related to that requestor. At the completion of the discussion, City Council authorized staff to work with the City Attorney in developing an ordinance establishing allowable reasonable time limits on the amount of time to be spent without charge for repeat public information requestors.

With the amendment of removing the word “not” in the Accountability Section, the first reading of the Ordinance was approved by City Council at the November 15th Council Meeting.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

1. Provides a method of maximizing the city’s human and financial resources while striking a reasonable balance with the obligation of the city to make available public information.
2. Complies with the provisions set forth in Government Code 552.275.
3. Complies with the City Charter requiring two reading of an Ordinance.

LONGTERM FINANCIAL & BUDGETARY IMPACT:

Capturing attributable personnel costs.

LEGAL ANALYSIS:

Ordinance was reviewed and approved as to form.

RECOMMENDATION/PROPOSED MOTION:

Consent Agenda – Approval of the second reading of an Ordinance establishing a reasonable monthly and yearly limit on the amount of time to be spent without charge for repeat public information requestors.

AN ORDINANCE

OF THE CITY OF FAIR OAKS RANCH PROVIDING FOR A REASONABLE LIMIT ON THE AMOUNT OF TIME TO BE SPENT WITHOUT CHARGE FOR REPEAT PUBLIC INFORMATION REQUESTORS; REQUIRING PAYMENT FOR TIME AND EXPENDITURES INCURRED BEYOND THIS LIMIT; PROVIDING FOR EXCEPTIONS; PROVIDING FOR AN OPEN MEETINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Texas Public information Act (Texas Gov't Code Chapter 552, or "the Act" herein) gives the public the right to request access to government information; and,

WHEREAS, the Act authorizes the governmental body to charge and to require payments from requestors before complying with certain requests for production of public information or for copies of public information; and,

WHEREAS, in 2017, the Texas Legislature, in recognition of the fact that a municipality may expend significant resources in responding to requests for public information without recovering its costs, amended Section 552.275 of the Act, which authorizes the governmental body of a municipality to establish reasonable monthly and yearly limits on the amount of time that personnel of the governmental body are required to spend producing public information for inspection or duplication by a requestor, or providing copies of public information to a requestor, without recovering its costs attributable to that personnel time; and,

WHEREAS, Section 552.275 of the Act provides that a yearly time limit established may not be less than 36 hours for a requestor during the 12-month period that corresponds to the fiscal year of the governmental body, and a monthly time period may not be less than 15 hours for a requestor for a one-month period; and authorizes a municipality to require requestors exceeding those time limits to pay for the municipality's costs before the city will process the request if the city has sent a written cost estimate; and,

WHEREAS, the City Council desires to adopt a policy in this regard to provide a method of maximizing its human and financial resources while striking a reasonable balance with the obligation of the City to make available public information, and has determined that 36 hours is a reasonable yearly time limit and 15 hours is a reasonable monthly limit to be imposed under Section 552.275.

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

SECTION I. – FINDINGS INCORPORATED

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION II. – POLICY ADOPTION

That the City Council of the City of Fair Oaks Ranch hereby adopts the following:

Definitions:

Public Information: All information that is written, produced, collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official city business by the City Council or by any employee of the City. It also includes data the City owns or has a right of access to but was prepared or stored by a third party. The definition of “public information” applies to and includes to any electronic communication created, transmitted, received or maintained on any device. This term shall be construed in accordance with the provisions of the Act as set forth in Tex. Gov’t Code Chapter 552, as may be amended.

Requestor: A person who submits a written request to the City of Fair Oaks Ranch for inspection or copies of public information.

Policy:

Section 1.

That in accordance with Section 552.275, the City Council establishes an annual time limit of 36 hours and a monthly time limit of 15 hours as the amount of time that employees are required to devote without charge to produce public information for inspection or duplication, or providing copies of public information to any one requestor. This annual time limit shall apply to each twelve (12) month period commencing each fiscal year beginning on October 1, 2018, effective with the date of adoption of this ordinance.

Section 2.

- A. That the City Secretary or the City Secretary’s designee shall provide the requestor with a written statement of the amount of personnel time spent complying with each request and the cumulative amount of time spent complying with requests from that requestor during the applicable twelve month period. The time spent preparing the written statement of total time spent may not be included.
- B. When the time spent on responding to a particular requestor’s requests equals or exceeds the time limit imposed by Section 1, the City Secretary or the City Secretary’s designee shall provide the requestor with a written estimate of the total cost, including materials, personnel time, and overhead expenses necessary to comply with the request, even if the requestor intends to only inspect the documents. The estimate must be provided on or before the tenth (10th) day after the date on which the public information was requested. The amount of the cost shall be established by rules prescribed by the attorney general.
- C. If the City Secretary or the City Secretary’s designee determines that additional time is required to prepare the written estimate of costs required by Section 2(B) and provides the requestor with a written statement of that determination, the City Secretary or the City Secretary’s designee must provide the written estimate of costs required by Section 2(B) as soon as practicable, but on or before the 10th day after the date the City provides the written statement that additional time is required.

Section 3

- A. After the City Secretary or the City Secretary’s designee has provided the requestor with the written estimate of costs under Section 2, the requestor may respond within ten (10) days of receiving the estimate by submitting a written statement in which the requestor commits to pay the lessor of:

1. the actual costs incurred in complying with the requestor's request, including the cost of materials, and personnel time and overhead; or
 2. the amount stated in the written statement provided.
- B. If the requestor fails or refuses to submit the written statement of commitment to pay, the requestor shall be considered to have withdrawn the requestor's pending request for public information.

Section 4.

That any time spent complying with a request in the name of a minor is to be included in the calculation of the cumulative amount of time spent complying with a request for public information by a parent, guardian, or other person who has control of the minor under a court order and with whom the minor resides, unless that parent, guardian or other person establishes that another person submitted that request in the name of the minor.

Section 5.

- A. This Policy does not apply if the requestor is an individual who, for a substantial portion of the individual's livelihood or for substantial financial gain, gathers, compiles, prepares, collects, photographs, records, writes, edits, reports, investigates, processes, or publishes news or information for and is seeking the information for:
1. a radio or television broadcast station that holds a license issued by the Federal Communications Commission; or
 2. a newspaper that is qualified under Section 2051.044 of the Texas Gov't Code to publish legal notices or is a free newspaper of general circulation and that is published at least once a week and available and of interest to the general public in connection with the dissemination of news; or
 3. A newspaper of general circulation that is published on the Internet by a news medium engaged in the business of disseminating news or information to the general public; or
 4. A magazine that is published at least once a week or on the Internet by a news medium engaged in the business of disseminating news or information to the general public.
- B. This policy does not apply if the requestor is a representative of a publicly funded legal services organization that is exempt from federal income taxation under Section 501(a), Internal Revenue Code of 1986, as amended, by being listed as an exempt entity under Section 501(c)(3) of that code.
- C. This Policy does not apply if the requestor is an elected official of the United States, this state, or a political subdivision of this state.
- D. This Policy does not apply to any other requestors that are specifically exempted by Section 552.275 of the Act, as may be amended.
- E. This Policy does not replace or supersede other sections of the Act and does not preclude the City from charging for cost of labor in response to a request for copies or a request for inspection for which a charge is authorized under another section of the Act. The limit established in this policy applies to all requestors equally except as exempted by the Act

Accountability:

The Office of the City Secretary will maintain and enforce this policy. It shall be the City Secretary’s responsibility to enforce the policy equally to all requestors except as exempted by the Act, to provide detailed statements, and to maintain a record of the cumulative amount of time each requestor has accrued towards the established limit per fiscal year. The City Secretary is hereby expressly authorized to implement additional policies and procedures relative to the handling of requests for public information that are consistent with the Act and this policy.

SECTION III. – PROPER NOTICE & MEETING

The City Council of the City of Fair Oaks Ranch hereby officially finds and determines that a sufficient written notice of the date, hour, place and subject of this City Council meeting was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding these meetings as required by Chapter 551, Texas Gov’t Code; and that these meetings have been open to the public as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered, and formally acted upon. The City Council further ratifies, approves, and confirms such written notice and the contents and posting thereof.

SECTION IV. – EFFECTIVE DATE

That this Ordinance shall become effective upon its adoption.

PASSED AND APPROVED on first reading this 15th day of November, 2018.

PASSED, APPROVED, AND ADOPTED on second and final reading this 6th day of December, 2018.

Garry Manitzas, Mayor

ATTEST:

APPROVED AS TO FORM:

Christina Picioccio, City Secretary

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