



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

Thursday, June 03, 2021 at 6:30 PM
City Hall Council Chambers, 7286 Dietz Elkhorn, Fair Oaks Ranch

MINUTES

OPEN MEETING

Council Present: Mayor Maxton and Council Members: Stroup, Elizondo, Koerner, Parker, and Muenchow

Council Absent: Council Member Hartpence

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

CITIZENS and GUEST FORUM

1. Citizens to be heard.

Rich Nichols asked Council to begin meetings with a positive message and recognize members of the community for their random acts of kindness.

Jay Abbott, representative of the Fair Oaks Ranch Golf & Country Club, thanked Council for considering the agenda item regarding the Water Supply Agreement.

PRESENTATIONS

2. Joanna Merrill, Director of Human Resources & Communications, introduced the following new employees: Police Officers Hayden Griffiths and Iris Solis, IT Network Specialist, Jason MacDonald and Payroll & A/P Specialist, Amanda Sturgeon.

CONSENT AGENDA

3. **Approval of the May 19, 2021 Special City Council meeting minutes.**
4. **Approval of the May 20, 2021 Regular City Council meeting minutes.**

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

VOTE: 6-0; Motion Passed.

CONSIDERATION/DISCUSSION ITEMS

5. **Consideration and possible action authorizing the City Manager to sign an Assignment and Assumption of the Fair Oaks Ranch Golf & Country Club Water Supply Agreement and a Temporary Assignment and Assumption of the Fair Oaks Club Corp Effluent Disposal Agreement.**

MOTION: Made by Council Member Elizondo, seconded by Council Member Koerner, to approve Assignor and Assignee request the City's consent to that certain Temporary Assignment and Assumption of the Effluent Agreement, attached

hereto as Exhibit A, and to that certain Assignment and Assumption of the Potable Agreement, attached hereto as Exhibit B.

VOTE: 6-0; Motion Passed

6. Consideration and possible action adopting a Charter for a Utility Rate Advisory Panel and determining ways and means of seating said panel.

MOTION 1: Made by Council Member Elizondo, seconded by Council Member Koerner, to adopt the Water/Wastewater/Reuse Rate Study Advisory Panel Charter as written, except for the following modifications:

VOTE: As addressed in subsequent motion 6.

MOTION 2: Made by Council Member Elizondo, seconded by Council Member Koerner, to amend the first sentence in section "Composition, Size, and Recruitment of the Panel as follows: "The panel will be made up of no more than 15 ~~but not less than~~ 12 members from the community with the members selected by Council after receiving and reviewing applicants".

VOTE: 6-0; Motion Passed

MOTION 3: Made by Council Member Koerner, seconded by Council Member Elizondo, to rename section "Decision-Making Process and Role of Facilitator" to "Role of the Facilitator", and to amend as following:

"While the Panel will not be making any decisions for the City, their input will inform recommendation made for City Council and adoption. ~~A consensus will be sought to reach agreement from the Panel on any recommendations to put forth to the Council. A consensus process means general agreement from most is achieved, but it is not a majority vote. Elements of a consensus-based recommendation include:~~

- ~~• All parties agree with and support the recommendations publicly~~
- ~~• No party blocks, obstructs, or otherwise criticizes the recommendations~~
- ~~• Neutrality is considered support for consensus~~

~~Consensus can take many forms including:~~

- ~~• An unqualified "Yes!"~~
- ~~• I can accept the recommendation~~
- ~~• I can live with the recommendation~~
- ~~• I do not fully agree with the recommendation; however, I will not block it and I will support it"~~

The facilitator will be responsible for record keeping and documentation of the meetings. After each meeting, the facilitator will prepare a meeting summary that captures the discussion, the outcomes, and next steps. The panel will be asked to review each summary for inclusion in the final report.

VOTE: 6-0; Motion Passed

MOTION 4: Made by Council Member Stroup, seconded by Council Member Koerner, to amend the section titled "Roles and Responsibilities of Panel Members" as follows: "Share information they learn with groups or people they represent *within the boundaries set by the facilitator*".

VOTE: 6-0; Motion Passed

MOTION 5: Made by Council Member Muenchow, seconded by Council Member Stroup, to amend the Section titled Advisory Panel Relationship and Duty to the Broader Public as follows: "Panel meetings can be open to the public so that the public can observe the Panel's work, however, ~~we recommend that~~ no public comment or questions *will* be permitted during the meetings. Opportunities for additional public input into the rate study process ~~can~~ *will* be provided ~~through an alias email address (or form at website) to which residents can send ideas, questions, or concerns and through the Public Hearing process.~~

VOTE: 6-0; Motion Passed

MOTION 6: Made by Council Member Elizondo, seconded by Council Member Muenchow, to amend his original motion to accept the changes to the charter document.

VOTE: 6-0; Motion Passed

MOTION 7: Made by Council Member Stroup, seconded by Council Member Muenchow, to approve the following method and timing for seating the Water/Wastewater/Reuse Rate Study Advisory Panel: release the application as soon as possible with a target due date for applications to be received no later than June 25, 2021, and presented to Council for consideration on July 1, 2021.

VOTE: 6-0; Motion Passed

7. Consideration and possible action regarding opportunities to provide multi-platform access and participation to In-Person City Council meetings.

MOTION: Made by Council Member Elizondo, seconded by Council Member Muenchow, to authorize staff to develop, as part of the budget process, an initiative to provide video streaming and teleconference interaction in support of citizens to be heard.

VOTE: 6-0; Motion Passed

REPORTS FROM STAFF/COMMITTEES/COUNCIL

8. John Merritt, CIAC Chairperson, provided to Council information and history about the CIAC as well as semi-annual reports for the meetings held in September 24, 2020 and March 30, 2021. His recommendation to Council at the moment is not to take action on the impact fee.
9. Christina Picioccio, City Secretary, presented to Council a proposed timeline regarding open positions on Boards and Commissions and the plan to fill the possibly 18 open positions.

CONVENE INTO EXECUTIVE SESSION

City Council convened into Executive Session at 8:29 PM regarding:

Sec. 551.071 (Consultation with Attorney) the City Council will meet in private consultation with legal counsel to seek the advice of its attorneys about pending or contemplated litigation, a settlement offer, and/or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas conflicts with Chapter 551 of the Government Code; to wit:

11. 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.
13. Update on the pending police Administrative Hearing for a Report of Separation regarding former officer Richard Davila, and/or Richard J. Davila Jr. vs. City of Fair Oaks Ranch, Texas A/K/A City of Fair Oaks Ranch Cause No. 2021CI05780 (37th Judicial District, Bexar County, Texas), and other matters in connection therewith.

City Council did not convene into Executive Session regarding:

10. 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.
12. To receive legal advice from Special Counsel and the City Attorney regarding the City's ground water rights.

RECONVENE INTO OPEN SESSION

Mayor Maxton reconvened into Open Session at 9:29 PM. No action was taken.

ADJOURNMENT

Council Member Elizondo asked for an agenda item to discuss the Council's committee and liaison assignments.

Mayor Maxton asked for a presentation to the new Council Members regarding flooding issues. City Manager Maples relayed that there was already a plan to address this at a future meeting.

Mayor Maxton adjourned the meeting at 9:31 PM

ATTEST:


Christina Picioccio, City Secretary


Gregory C. Maxton, Mayor