

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

Thursday, November 04, 2021 at 6:30 PM  
City Hall Council Chambers, 7286 Dietz Elkhorn, Fair Oaks Ranch

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**MINUTES**

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**OPEN MEETING**

1. Roll Call - Declaration of a Quorum

Council Present: Mayor Maxton and Council Members: Stroup, 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. Citizens to be heard:

Adam Blanchard, candidate for Texas House of Representatives, District 122, spoke of his background and asked for the community's support in his race.

Christopher Gilfillan spoke about the wastewater and how bonds are unfair to residents in gated communities. He also reminded all present of the Veteran's Day event scheduled for 5:30PM at Vestal Park.

Nolan Kuehn spoke of his desire to see a mixed use/multipurpose trail between Fair Oaks Ranch and Boerne for the safety of pedestrians and cyclists.

Lee Wheeler told Council of his experiences with aggressive motorists and accidents he has had while cycling and urged Council to consider a mixed use/multipurpose trail.

**PRESENTATIONS**

4. Joanna Merrill, IPMA-SCP, Director of Human Resources & Communications and Mayor Gregory C. Maxton recognized Mike Davis, Maintenance Department Supervisor, on his retirement.
5. Joanna Merrill, IPMA-SCP, Director of Human Resources & Communications recognized Scott Davis, Building Inspector for being awarded Employee of the Quarter.
6. Mayor, Gregory C. Maxton read a proclamation for National Court Week, November 1-5, 2021.
7. Mike Garza, P.E., PTOE, RSP1, General Engineering Consultant, of Legacy Engineering provided to Council an update on Road Maintenance and Safety Improvements.

**CONSENT AGENDA**

8. **Approval of the October 21, 2021 Regular City Council meeting minutes.**

9. **Approval of the October 25, 2021 Special City Council meeting minutes.**

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

VOTE: 6-0; Motion Passed.

**CONSIDERATION/DISCUSSION ITEMS**

10. **Consideration and possible action to approve the City's proposed 5-year Streets Capital Improvement Plan.**

MOTION: Made by Council Member Parker, seconded by Council Member Stroup, to approve the proposed FY 2022-27 Roadway Capital Improvement Plan.

VOTE: 6-0; Motion Passed.

11. **Consideration and possible action approving the first reading of an Ordinance amending the City's Code of Ordinances, Chapter 3, Article 3.01, Sec. 3.01.004 establishing construction hours of operation for new construction, additions, and alterations within the City of Fair Oaks Ranch.**

MOTION: Made by Council Member Koerner, seconded by Council Member Muenchow, to approve the first reading of an Ordinance amending the Code of Ordinances, Chapter 3, Article 3.01, Sec. 3.01.004 establishing construction hours of operation for new construction, additions, and alterations.

AMENDMENT: Made by Council Member Koerner, seconded by Council Member Muenchow, to amend section 301.004 (f) to include an update to the hours in the Ordinance from "before 7:00 a.m. or after 7:00 p.m. on any day of the week" to "before 7:00 a.m. or after 7:00 p.m. on any weekday, before 8:00 a.m. or after 7:00 p.m. on Saturday, and before 9:00 a.m. or after 7:00 p.m. on Sunday".

VOTE ON AMENDMENT: 6-0; Motion Passed.

VOTE ON MOTION: 6-0; Motion Passed.

12. **Consideration and possible action declaring excess City property surplus and authorizing disposal.**

MOTION: Made by Council Member Koerner, seconded by Council Member Muenchow, to authorize the City Manager to sell, auction or dispose of equipment declared as surplus by the most practical and profitable means.

VOTE: 6-0; Motion Passed.

**REQUESTS AND ANNOUNCEMENTS****13. Announcements and reports by Mayor and Council Members:**

Council Member Koerner provided an update from the Bexar County ESD 4 Meeting. Construction of the Fire House is ongoing and behind schedule. A new policy has been implemented to have a Lieutenant and Captain present on every shift.

**14. Announcements by the City Manager:**

City Manager Maples congratulated the Police Department for a successful Halloween Trunk or Treat. He also reminded all present of the special meeting to discuss the City Council Rules of Procedure at 6 P.M. on November 16, 2021. Court Security Committee meetings will begin soon with Judge Keller.

**15. Request by Mayor and Council Members that items be placed on a future City Council agenda:**

N/A

**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:*

City Council did not into Executive Session regarding:

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

**17. 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.**

City Council convened into Executive Session at 8:20 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:

**16. To receive legal advice from Special Counsel and the City Attorney regarding the City's ground water rights.****Sec. 551.072 (Deliberation regarding real property)****18. To deliberate the purchase, exchange, lease, or value of real property that may be considered for future location of an elevated storage tank.**

**Sec. 551.074 (Personnel Matters)**

19. To perform the annual evaluation of the City Manager.

**RECONVENE INTO OPEN SESSION**

Mayor Maxton reconvened into Open Session at 9:49 PM.

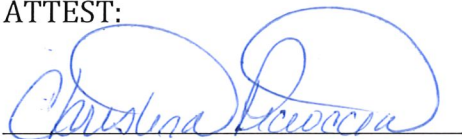
MOTION: Made by Mayor Maxton, seconded by Council Member Muenchow, to approve the amended City Manager's employment agreement which includes an extension of his employment for six years with no changes to his salary at the request of the City Manager.

VOTE: 6-0; Motion Passed.

**ADJOURNMENT**

Mayor Maxton adjourned the meeting at 9:54 P.M.

ATTEST:



Christina Picioccio, City Secretary



Gregory C. Maxton, Mayor