



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

Thursday, April 01, 2021 at 6:30 PM  
Via Zoom Videoconference

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**MINUTES**

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**OPEN MEETING**

Council Present: Mayor Manitzas and Mayor Pro Tem Elizondo

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

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

**CITIZENS and GUEST FORUM**

1. Citizens to be heard.

The City Secretary read a letter into the record from Arnolito Medina. Mr. Medina wrote to clarify that his comments at the April 1, 2021 council meeting were made at a high level, abbreviated manner. He intended to provide input and not to advise Council Members about conflicts of interest related to the storm water utility nor ask Council Members to recuse themselves from decisions.

**CONSIDERATION/DISCUSSION ITEMS**

*Due to scheduling conflicts, the consultant, Andrew Friedman asked to speak at the beginning of the meeting.*

8. **Consideration and possible action authorizing the City Manager to sign a Professional Service Agreement with Malone and Wheeler for engineering consulting services for solids handling volute dewatering press system.**

**MOTION:** Made by Mayor Pro Tem Elizondo, seconded by Council Member Koerner to authorize the City Manager to sign a Professional Services Agreement with Malone and Wheeler for engineering procurement and construction services at a cost of \$142,260.00 and a contingency of \$14,226.00 totaling a cost not to exceed of \$156,486.00.

**VOTE:** 6-1; Motion Passed. Council Member Hartpence voted nay.

**PRESENTATIONS**

1. Joanna Merrill, Director of Human Resources & Communications, presented a 15 Year Service Award to Police Chief Tim Moring.
2. Richard Sena, BISD Trustee, presented to Council a presentation regarding an update on BISD Demographic Report on student enrollment.

3. Oscar Michael "Mike" Garza, P.E., PTOE, RSP1, General Engineering Consultant from Legacy Engineering Group provided a presentation to Council regarding a pavement preservation plan for the City.
4. Dan Santee, City Attorney, provide to Council a presentation regarding Conflict of Interest Compliance.

#### CONSENT AGENDA

5. **Approval of the March 18, 2021 Regular City Council meeting minutes.**
6. **Approval of a Resolution appointing a Director to the Fair Oaks Ranch Municipal Development District (FORMDD) Board of Directors.**

Council Member Patel requested that the March 18, 2021 minutes (Item 5) be moved from the consent agenda for discussion.

#### ITEM # 6

MOTION: Made by Mayor Pro Tem Elizondo, seconded by Council Member Hartpence to approve the Consent Agenda Item #6.

VOTE: 7-0; Motion Passed.

#### CONSIDERATION/DISCUSSION ITEMS

##### ITEM # 5.

MOTION: Made by Council Member Patel, seconded by Council Member Hartpence to amend the minutes to include the information submitted by Mr. Arnaldo Medina.

City Secretary, Christina Picioccio, read the proposed amendment to the minutes as provided by resident Arnaldo Medina. After a brief discussion amongst council members, Council Member Patel withdrew her motion.

MOTION: Made by Mayor Pro Tem Elizondo, seconded by Council Member Maxton to approve the March 18, 2021 Regular City Council meeting minutes as written.

VOTE: 5-2; Motion Passed. Council Members Hartpence and Patel voted nay.

7. **Consideration and possible action approving the first reading of an ordinance allowing for landscape irrigation systems for leak appeal consideration and for ratifying the temporary waiving of plumbing permit requirements for repairs resulting from the February 2021 winter storm.**

MOTION: Made by Mayor Pro Tem Elizondo, seconded by Council Member Patel to approve the first reading of an ordinance temporarily allowing for landscape irrigation breaks to be considered for a leak appeal adjustment and ratifying the City Manager's decision to waive applicable plumbing permit fees.

VOTE: 7-0; Motion Passed.

**REPORTS FROM STAFF/COMMITTEES/COUNCIL****9. North side water tower report.**

Sarah Buckelew, CPA, Finance Director and Katherine Schweitzer, P.C., Manager of Engineering Services provided to Council an update on the north side water tower.

**10. Report on TxDOT FM 3351 Projects.**

Fernando Camarillo, P.E., Poznecki -Camarillo LLC and Richard de la Cruz of TxDOT presented a report on TxDOT FM 3351 Projects to the council.

**11. Monthly Financial Update.**

Sarah Buckelew, CPA, Finance Director presented the monthly financial update.

**CONVENE INTO EXECUTIVE SESSION**

City Council convened into Executive Session at 10:19 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:

13. Cause No. 2018-CI-00202; the City of Fair Oaks Ranch, Texas vs. Edward I. Hill, Robert E. Heckendorn, Craig M. Kuitjen, Roger Fuentes, Wesley A. Pieper, Esther W. Hicks, William A. McDowell, Yolanda D. Ayala, PG Pfeiffer Ranches LLC, Maureen Pfeiffer Stevenson Family Trust.
15. Update on the pending police Administrative Hearing for a Report of Separation regarding former officer Richard Davila, and other matters in connection therewith.

**Sec. 551.071 (Deliberation regarding real property)**

16. 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.

City Council did not convene into Executive Session regarding:

**Sec. 551.071 (Consultation with Attorney)**

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

**RECONVENE INTO OPEN SESSION**

*The Mayor reconvened into Open Session at 10:54 PM.*

A roll call reestablishing a quorum was taken:

Council Present: Mayor Manitzas and Mayor Pro Tem Elizondo

Council Members: Havard, Koerner, Patel and Maxton

Council Member Hartpence did not rejoin the meeting following Executive Session.

No action was taken.

**ADJOURNMENT**

Council Member Patel asked that at a future meeting Mike Garza return to Council with a follow-up presentation regarding the Dietz Elkhorn Corridor Study providing possible solutions.

Council Member Koerner asked for an update on the status of the fire renewal contract.

Mayor Manitzas adjourned the meeting at 10:56 PM.

  
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Garry Manitzas, Mayor

ATTEST:

  
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Christina Picioccio, City Secretary