



CITY OF FAIR OAKS RANCH CITY COUNCIL REGULAR MEETING

Thursday, August 17, 2023 at 6:30 PM

Public Safety Training Room, Police Station, 7286 Dietz Elkhorn, Fair Oaks Ranch

Live Stream: <https://www.youtube.com/channel/UCDqRvLvReqxrh1lbajwshKA/live>

MINUTES

OPEN MEETING

1. **Roll Call - Declaration of a Quorum**

Council Present: Mayor Maxton and Council Members: Stroup, Rhoden, Bliss, Koerner, and Parker

Council Absent: Council Member Muenchow

With a quorum present, the meeting was called to order at 6:31 PM.

2. **Pledge of Allegiance** – The Pledge of Allegiance was recited in unison.

CITIZENS and GUEST FORUM

3. **Citizens to be heard.**

Craig Matson, resident, cautioned everyone that there is an oak wilt hotspot on Fairway Green Dr. He urged neighbors to talk to each other about any problems with their trees to contain the disease. He advocated the proactive treatment of oak wilt to save legacy trees.

Teal Harris, resident, expressed appreciation to Council for volunteering their time to the city and to those residents who regularly attend meetings. Ms. Harris voiced concern regarding the drought conditions and the effects that overbuilding could contribute to the inability of water to reach aquifers. She also echoed Mr. Matson's suggestion for conversations about oak wilt.

Diana Gonzales, from PEC Pedernales, announced that PEC is celebrating their 85th anniversary. She provided historical information about the company and asked residents to join the power of change program and to participate in several activities planned to celebrate the milestone by visiting their website, pec.coop.

PRESENTATIONS

4. Jennifer Hudson, IPMA-CP, Human Resources/Communications Specialist, introduced new hire(s): Rafael Rios, Utility Technician; Veronica Macias, Administrative Clerk; and Amanda Wade, Administrative Assistant.
5. Mayor Maxton presented a Building Code Staff Appreciation Proclamation and recognized the department's staff members.
6. Jannette Goodall, President of the Texas Municipal Clerk's Association, presented the Municipal Clerk's Office Achievement of Excellence Award to the Fair Oaks Ranch City Secretary's Department.

CONSENT AGENDA

7. **Approval of the August 3, 2023, Regular City Council meeting minutes.**
8. **Approval of the second reading of an ordinance amending the City of Fair Oaks Ranch Code of Ordinances Chapter 1 "General Provisions," Article 1.07 "Trees and Shrubs" to include updated definitions and the responsibility of public trees.**
9. **Approval of property owner's request for waiver of penalty and interest for delinquent property tax in accordance with Section 33.011 (i) of the Texas Property Tax Code.**

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

VOTE: 6-0; Motion Passed.

PUBLIC HEARING

10. **The City Council of the City of Fair Oaks Ranch, Texas will conduct a public hearing to receive public testimony on proposed amendments to the following chapters in the Unified Development Code (UDC):**

Chapter 1: General Provisions

Chapter 2: Review Authority and Procedures

Chapter 3: Applications and Permits

- a) Mayor Maxton opened the public hearing at 6:56 PM.
- b) Consultant, Lata Krishnarao of Ardurra, provided a presentation of the proposed amendments to Chapters 1-3 of the UDC.
- c) The City Council received no citizen testimony for/against the proposed amendments.
- d) Mayor Maxton closed public comments at 7:08 PM.
- e) City Council discussed the amendments, inclusive of questions of the consultant.
- f) The Public Hearing was adjourned with no formal action at 7:11 PM.

CONSIDERATION/DISCUSSION ITEMS

11. **Consideration and possible action approving the first reading of an ordinance amending the City of Fair Oaks Ranch Unified Development Code (UDC), Chapter 1 - General Provisions, Chapter 2 - Review Authority and Procedures, and Chapter 3 - Applications and Permits.**

Council Member Muenchow arrived at 7:17 PM.

MOTION 1: Made by Council Member Koerner, seconded by Council Member Stroup, to approve the first reading of an ordinance amending the City of Fair Oaks Ranch Unified Development Code, Chapter 1- General Provisions, Chapter 2 – Review Authority and Procedures, and Chapter 3 – Applications and Permits with the removal of the word "joint" in section 1.9(d)

Council Member Koerner withdrew her motion. Council Member Stroup withdrew her second.

MOTION 2: Made by Council Member Koerner, seconded by Council Member Stroup, to approve the first reading of an ordinance amending the City of Fair Oaks Ranch Unified Development Code, Chapter 1- General Provisions, Chapter 2 – Review Authority and Procedures, and Chapter 3 – Applications and Permits with removing the word “joint” from section 1.9, changing Table 3.1 to have final action by the Zoning Board of Adjustment for Appeal of Denial of Signed Permits, and removal of the words "the commission finds it" in Section 4a of Chapter 3.

VOTE: 7-0; Motion Passed.

12. Consideration and possible action approving the second reading of an ordinance authorizing Restricted Prior Service Credit for employees who are members of the Texas Municipal Retirement System (TMRS).

MOTION: Made by Council Member Koerner, seconded by Council Member Bliss, to approve the second reading of an ordinance authorizing Restricted Prior Service Credit for employees who are members of the Texas Municipal Retirement System (TMRS).

VOTE: 7-0; Motion Passed.

13. Consideration and possible action approving a resolution setting the maximum proposed ad valorem tax rate for Fiscal Year 2023-24, setting the Fiscal Year 2023-24 budget and tax rate public hearing, and other matters in connection therewith.

MOTION: Made by Council Member Muenchow, seconded by Council Member Koerner, to approve a resolution setting the maximum proposed ad valorem tax rate for Fiscal Year 2023-24 at .0356 and setting the Fiscal Year 2023-24 budget and tax rate public hearing for September 12, 2023, at 6:30 PM.

VOTE: 7-0; Motion Passed as recorded:

Mayor Maxton – For; Council Member Stroup – For; Council Member Rhoden – For; Council Member Bliss - For; Council Member Koerner - For; Council Member Parker – For; Council Member Muenchow – For.

14. Consideration and possible action on a resolution of the City of Fair Oaks Ranch, Texas affirming the City Council's support of extending, by six months, the remaining 2008 Water Supply Agreements.

MOTION: Made by Council Member Parker, seconded by Council Member Rhoden, to approve a resolution providing for a six-month extension of the 2008 Water Supply Agreements.

VOTE: 7-0; Motion Passed.

15. Consideration and possible action to accept applications for open positions on Boards, Committees, and Commissions and to set dates for interviews.

Council decided not to interview incumbents. Council directed staff to schedule special meetings to begin at 5:00 PM on September 7, 2023, and September 12, 2023, with a preference for filling interview spots at the September 12, 2023, special meeting.

MOTION: Made by Council Member Koerner, seconded by Council Member Muenchow, to accept the Boards, Committees, and Commissions applications.

VOTE: 7-0; Motion Passed.

16. Consideration and possible action to Bexar County to utilize a city building as a poll location in the November election.

MOTION: Made by Council Member Bliss, seconded by Council Member Stroup, to allow the Bexar County Elections department use of a City building for the November 2023 election and future elections.

VOTE: 7-0; Motion Passed.

WORKSHOP

17. FY 2023-24 Budget Workshop.

Summer Fleming, Interim Director of Finance, led a workshop with Council on the FY 2023-24 Budget.

MOTION: Made by Council Member Muenchow, seconded by Council Member Stroup, to allocate \$150,000 from the unallocated general fund balance to fund the security, the bay doors, and the generator at Fire Station #3.

Council Member Muenchow withdrew her motion as a motion was not required.

REQUESTS AND ANNOUNCEMENTS

18. Announcements and reports by Mayor and Council Members.

Mayor Maxton reminded everyone about water conservation. The city is in an exceptional drought. The Mayor urged citizens to conserve water and abide by the rules and watering times as we are in stage 2 of the drought contingency and stage 3 restrictions are more severe. He also asked everyone to share the message to other residents.

19. Announcements by the City Manager.

Interim City Manager, Scott Huizenga, informed Council that notifications are about to go out about the Household Hazardous Waste Collection Program on Sept 23, 2023, at Cibolo Creek Church. Mr. Huizenga also reminded everyone that the next town hall meeting is scheduled for Aug 29, 2023, at Spring Creek Church. He also announced that the Finance Department has received official notice that they are GFOA triple crown winners for 2021 having been awarded the Distinguished Budget Award, the Certificate of Excellence in Financial Reporting, and the Popular Annual Financial Report.

20. Requests by Mayor and Council Members that items be placed on a future City Council agenda.

None.

CONVENE INTO EXECUTIVE SESSION

City Council convened into Executive Session at 8:52 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:

25. Legal considerations related to an internal affairs investigation being conducted by an independent third-party investigator into complaints within the Fair Oak Ranch Police Department and the Office of the Police Chief and other related issues to receive advice on pending litigation related to Davila v. City of Fair Oaks Ranch, Texas, No. 2021CT05-780, In the District Court 37th Judicial District Court in Bexar County, Texas.

Sec. 551.074 (Personnel Matters)

27. The City Council will meet in closed session pursuant to Texas Government Code Section 551.074, personnel matters, to deliberate the re-appointment, evaluation, and duties of a public officer; to wit: Judge Kimberly S. Keller.
28. The City Council will meet in closed session pursuant to Texas Government Code Section 551.074, Personnel Matters, to deliberate the process and options for filling the vacancy of City Manager.

City Council did not convene 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:

21. To receive legal advice from Special Counsel and the City Attorney regarding the City's ground water rights.
22. Case No. 22-090-451; Vincent A. Caldarola, MD vs. City of Fair Oaks Ranch, Texas.
23. Discussion related to possible terms and conditions necessary to resolve disputes that have been the subject of ongoing litigation with the development commonly known as Boerne Ranch Estates, LLC, aka Fair Oaks Meadows.
24. 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)

26. 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.

RECONVENE INTO OPEN SESSION

City Council reconvened into Open Session at 10:45 PM. No action was taken.

ADJOURNMENT

Mayor Maxton adjourned the meeting at 10:45 PM

ATTEST:

Gregory C. Maxton, Mayor

Christina Picioccio, TRMC, City Secretary