



## **CITY OF FAIR OAKS RANCH**

### **CITY COUNCIL REGULAR MEETING**

Thursday, October 05, 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>

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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, Rhoden, Koerner, and Muenchow

Council Absent: Council Member Parker

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** – None.

### **CONSENT AGENDA**

#### **4. Approval of the September 21, 2023, Special City Council meeting minutes.**

#### **5. Approval of the September 21, 2023, Regular City Council meeting minutes.**

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

VOTE: 5-0; Motion Passed.

*Mayor Maxton moved Item 10 out of order.*

### **REPORTS FROM STAFF AND COMMITTEES**

#### **10. Semiannual Report from the Capital Improvements Advisory Committee (CIAC).**

Paul Mebane, CIAC Chairperson, presented the semiannual report from the Capital Improvements Advisory Committee and expressed the Committees interest in being a part of an ad hoc bond advisory committee.

### **CONSIDERATION ITEMS**

#### **6. Consideration and possible action approving a Heritage Tree Plan for the Fox Falls Off-Site Gravity Sewer Project.**

MOTION: Made by Council Member Koerner, seconded by Council Member Muenchow, to approve the Heritage Tree Plan for the Fox Falls Off-Site Gravity Sewer Project with the condition that mitigation be met by payment of the fee-in-lieu of mitigation.

VOTE: 5-0; Motion Passed.

7. **Consideration and possible action approving a resolution appointing members to the ad hoc Bond Advisory Committee and directing the City Manager to develop financing options in support of the FY 2024-28 Capital Improvements Plan.**

MOTION: Made by Council Member Rhoden, seconded by Council Member Stroup, to approve a resolution appointing members to the ad hoc Bond Advisory Committee and directing the City Manager to develop financing options in support of the FY 2024-28 Capital Improvements Plan.

VOTE: 5-0; Motion Passed.

8. **Consideration and possible action approving a resolution ordering a Special Election for the unexpired term of Council Place 3.**

MOTION: Made by Council Member Muenchow, seconded by Council Member Rhoden, to approve a resolution ordering a Special Election to be held December 9, 2023, for the election of Council Member Place 3.

VOTE: 5-0; Motion Passed.

## WORKSHOP

9. **Multimodal Transportation and Dietz Elkhorn Survey Results.**

Mike Garza, P.E., PTOE, RSP1, Legacy Engineering Group, provided a presentation to the Council regarding survey results on Multimodal Transportation and the Dietz Elkhorn Reconstruction Project. Council discussed the results and Mr. Garza answered questions of the Council after which they provided guidance to staff on options they would like to consider.

## REQUESTS AND ANNOUNCEMENTS

11. **Announcements and reports by Mayor and Council Members.**

Council Member Stroup reminded everyone that the FORHA Classic Car Show will take place on Sunday, October 8, 2023, at 4:00 PM in Boots Gaubatz Park.

Mayor Maxton announced that the annular eclipse on October 14, 2023, would last from 11:54 AM to 11:56 AM. He cautioned residents to be careful as he expects an increase in traffic during the event.

12. **Announcements by the City Manager** – None

13. **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 closed session at 7:41 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:

17. **To receive advice on matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct clearly conflict and 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 Police Chief and other related issues.**

**Sec. 551.074 (Personnel Matters)**

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

*City Council did not convene into closed session regarding:*

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

14. To receive legal advice from Special Counsel and the City Attorney regarding the City's ground water rights.
15. Case No. 22-090-451; Vincent A. Caldarola, MD vs. City of Fair Oaks Ranch, Texas.
16. 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.

**Sec. 551.072 (Deliberation regarding real property)**

18. 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.

**Sec. 551.074 (Personnel Matters)**

21. To perform the annual evaluation of the City Secretary.

**RECONVENE INTO OPEN SESSION**

City Council reconvened into Open Session at 9:41 PM. No action was taken.

**ADJOURNMENT**

Mayor Maxton adjourned the meeting at 9:42 PM

ATTEST:

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Gregory C. Maxton, Mayor

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Christina Picioccio, TRMC, City Secretary