



CITY OF FAIR OAKS RANCH
CITY COUNCIL REGULAR MEETING

Thursday, March 21, 2024 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: Rhoden, Olvera, Koerner, and Parker

Council Absent: Council Members: Stroup and Muenchow

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**

Resident Nolan Keane spoke about the Town Hall meeting and expressed disappointment that more residents didn't attend. He also opined that the gateway feature should be colorful and recommended using a local sculptor rather than the proposed cows. Mr. Keane also questioned whether we need a community center.

Mayor Maxton read a letter from resident Nathan Britt. Mr. Britt expressed his concerns regarding the Noble Lark road closure to through traffic noting that Noble Lark is a public road and should be accessible to all residents.

CONSENT AGENDA

4. **Approval of the February 27, 2024 Town Hall meeting minutes.**

5. **Approval of the March 7, 2024 Regular City Council meeting minutes.**

6. **Approval of Council Member Muenchow's absence from the June 20, 2024 Regular City Council meeting.**

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

VOTE: 5-0; Motion Passed.

CONSIDERATION/DISCUSSION ITEMS

7. **Consideration and possible action approving a resolution of the City of Fair Oaks Ranch, Texas authorizing a First Amendment to the 2008 Water Supply Agreement between the City of Fair Oaks Ranch and First Baptist Church at Fair Oaks Ranch for the reservation of water and other related matters, and authorizing the City Manager to execute the First Amendment.**

MOTION: Made by Council Member Rhoden, seconded by Council Member Olvera, to approve a resolution authorizing a First Amendment to the 2008 Water Supply Agreement between the City of Fair Oaks Ranch and First Baptist Church at Fair Oaks Ranch.

VOTE: 5-0; Motion Passed.

8. **Consideration and possible action approving a resolution of the City of Fair Oaks Ranch, Texas approving a First Amendment to the 2008 Water Supply Agreement between the City of Fair Oaks Ranch and Cibolo Creek Community Church, Inc. for the reservation of water and other related matters, and authorizing the City Manager to execute the First Amendment.**

MOTION: Made by Council Member Koerner, seconded by Council Member Olvera, to approve a resolution authorizing a First Amendment to the 2008 Water Supply Agreement between the City of Fair Oaks Ranch and Cibolo Creek Community Church, Inc.

VOTE: 5-0; Motion Passed.

9. **Consideration and possible action approving a resolution of the City of Fair Oaks Ranch, Texas authorizing a First Amendment to the 2008 Water Supply Agreement between the City of Fair Oaks Ranch and Ralph Fair, LLC for the reservation of water and other related matters, and authorizing the City Manager to execute the First Amendment.**

MOTION: Made by Council Member Rhoden, seconded by Council Member Parker, to approve a resolution authorizing a First Amendment to the 2008 Water Supply Agreement between the City of Fair Oaks Ranch and Ralph Fair, LLC.

VOTE: 5-0; Motion Passed.

10. **Consideration and possible action approving a resolution of the City of Fair Oaks Ranch, Texas authorizing a First Amendment to the 2008 Water Supply Agreement between the City of Fair Oaks Ranch and Oak Bend Forest, L.C. for the reservation of water and other related matters; and authorizing the City Manager to execute the First Amendment.**

MOTION: Made by Council Member Parker, seconded by Council Member Koerner, to approve a resolution authorizing a First Amendment to the 2008 Water Supply Agreement between the City of Fair Oaks Ranch and Oak Bend Forest, L.C.

VOTE: 5-0; Motion Passed.

11. **Consideration and possible action approving a resolution of the City of Fair Oaks Ranch, Texas authorizing a First Amendment to the 2008 Water Supply Agreement between the City of Fair Oaks Ranch and Green Land Ventures for the reservation of water and other related matters, and authorizing the City Manager to execute the First Amendment.**

MOTION: Made by Council Member Olvera, seconded by Council Member Rhoden, to approve a resolution authorizing a First Amendment to the 2008 Water Supply Agreement between the City of Fair Oaks Ranch and Green Land Ventures.

VOTE: 5-0; Motion Passed.

12. **Consideration and possible action to approve a resolution amending the Planning and Zoning Rules of Procedure.**

MOTION: Made by Council Member Olvera, seconded by Council Member Rhoden, approve a resolution amending the P&Z Rules of Procedure as follows by removing the original staggered term language in Rule 2.2 and removing the requirement that City Council ratify P&Z meeting date changes in Rule 10.3.

VOTE: 5-0; Motion Passed.

13. **Approval of a resolution authorizing the submission of a grant application for the State and Local Cybersecurity Grant Program and authorizing the City Manager to execute all documents in connection therewith.**

MOTION: Made by Council Member Koerner, seconded by Council Member Parker, to approve the resolution authorizing the submission of a grant application for the State and Local Cybersecurity Grant Program and authorizing the City Manager to execute all documents in connection therewith.

VOTE: 5-0; Motion Passed.

14. **Consideration and possible action accepting the FY 2022-23 Audit.**

MOTION: Made by Council Member Rhoden, seconded by Council Member Koerner, to accept the Fiscal Year 2022-23 annual audit as presented by ABIP, PC.

VOTE: 5-0; Motion Passed.

WORKSHOP

15. **Dietz Elkhorn (East) Reconstruction Options.**

Grant Watanabe, P.E., Director of Public Works and Engineering Services, led a workshop regarding the Dietz Elkhorn (East) Reconstruction Options. These options were based on public response from a townhall meeting in August of 2023 and with prior Council direction. The Public Works Director's presentation showcased the different options and their estimated costs. Steven Dean, P.E., CFM, Vice President for Water Resources, and Joel Mesa, P.E., CFM, Project Manager, Pape-Dawson Engineers, Inc. provided answers to citizen and council questions.

Council verbalized unanimous preference to option #1, which provided 11-foot driving lanes and five-foot shoulders on north and south side lanes.

16. Gateway Feature and Community Center Townhall Recap.

Joanna Merrill, IPMA-SCP, Director of HR & Communications, provided to Council a presentation showing results of a Townhall survey regarding the Gateway Feature and Community Center Townhall. The gateway feature committee will take the information from the survey and bring back more information.

REPORTS FROM STAFF AND COMMITTEES

17. Presentation of the Popular Annual Financial Report for the Fiscal Year Ended September 30, 2023.

Summer Fleming, Director of Finance, provided a presentation to Council regarding the Popular Annual Financial Report for the Fiscal Year Ended September 30, 2023

18. Presentation on the upcoming total eclipse set to occur on April 8, 2024.

Tim Moring, Chief of Police, provided to Council a presentation on the upcoming total eclipse set to occur on April 8, 2024. Chief Moring reviewed safety considerations and urged people to stay home and be careful where they stop.

REQUESTS AND ANNOUNCEMENTS

19. Announcements and reports by Mayor and Council Members.

Council Member Olvera reminded listeners about FORHA's easter egg scramble to be held Saturday, March 23rd between 2:00 – 3:30 PM. This event will be held at Vestal Park and registration is required. Contact FORHA for more information.

Mayor Maxton announced that a Town Hall will be held at 6:30 PM on April 9th at the Spring Creek United Methodist Church sanctuary. The Town Hall will be regarding the General Obligations Bonds that will be on the May 4th ballot and will provide information on each road reconstruction project and its impact on property tax rates. The Mayor reminded all residents that April 4 is the last day to register to vote or to make changes to your registration to be eligible to vote in the May 4th election.

The Mayor noted that TxDOT's 3351 resurfacing project is ongoing and that citizens can anticipate one-lane road closures between 8:00 PM and 5:00 AM. He further stated that the City has been notified that Fair Oaks Parkway will be closed overnight between 11:00 PM and 5:00 AM on March 27th as San Antonio Water System (SAWS) installs the bypass of the wastewater line across Fair Oaks Parkway. Traffic will be diverted to Leslie Pfeiffer.

Additional news:

The Police Department is accepting applications for the June 2024 Junior Police Academy.

City Hall will be closed on Friday, March 29th in observance of Good Friday.

Post Oak Trail is now open to two-way traffic.

20. Announcements by the City Manager.

None

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

Council Member Koerner requested that real property ownership language in the P&Z Rules of Procedure be brought back to Council for discussion at a future council meeting.

CONVENE INTO EXECUTIVE SESSION

City Council did not convene into closed 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:

- 22. To receive legal advice from Special Counsel and the City Attorney regarding the City's ground water rights.**
- 23. Case No. 22-090-451; Vincent A. Caldarola, MD vs. City of Fair Oaks Ranch, Texas.**
- 24. 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)

- 25. 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

N/A

ADJOURNMENT

Mayor Maxton adjourned the meeting at 9:12 PM

ATTEST:

Gregory C. Maxton, Mayor

Christina Picioccio, TRMC, City Secretary