



CITY OF FAIR OAKS RANCH

CITY COUNCIL REGULAR MEETING

Thursday, September 21, 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 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.

Robert Moser, resident, expressed concern at the rate of trees he has lost recently due to drought conditions and asked Council to set watering amounts/surcharges based off the size of each property.

PRESENTATIONS.

4. Mayor Maxton presented a Proclamation for Human Resources Professional Day and recognized the department's staff members.

CONSENT AGENDA

5. **Approval of the August 29, 2023 Town Hall meeting minutes.**
6. **Approval of the September 7, 2023 Special City Council meeting minutes.**
7. **Approval of the September 7, 2023 Regular City Council meeting minutes.**
8. **Approval of the September 12, 2023 Special City Council meeting minutes.**
9. **Approval of the September 12, 2023 Special City Council meeting minutes.**
10. **Approval of the second reading of an ordinance amending the City of Fair Oaks Ranch Code of Ordinances, Appendix A "Fee Schedule," Article A8.000 "Subdivision/Land Development Regulation Fees."**
11. **Approval of a resolution authorizing execution of an Interlocal Agreement with the City of Boerne for Animal Control Services for FY 2023-24, expenditure of the required funds, and execution of all applicable documents by the City Manager.**

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

VOTE: 6-0; Motion Passed.

CONSIDERATION/DISCUSSION ITEMS

12. **Consideration and possible action approving the second reading of an ordinance adopting the City budget for the fiscal year beginning October 1, 2023 and ending September 30, 2024.**

MOTION: Made by Council Member Rhoden, seconded by Council Member Stroup, to approve the second reading of the FY 2023-24 Budget Ordinance.

VOTE: 6-0; 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 Muenchow – For.

13. **Consideration and possible action approving the second reading of an ordinance levying a property tax rate of 30.05 cents per \$100 taxable valuation on property in the City of Fair Oaks Ranch for the tax year 2023; and determining due and delinquent dates; and providing an effective date.**

MOTION: Made by Council Member Bliss, seconded by Council Member Muenchow, to approve the second reading of an ordinance levying a property tax rate of 30.05 cents per \$100 taxable value for tax year 2023; providing when taxes shall become due and delinquent; and providing an effective date.

VOTE: 6-0; 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 Muenchow – For.

14. **Consideration and possible action approving a resolution ratifying the property tax rate reflected in the FY 2023-24 General Fund and Debt Service Fund budgets.**

MOTION: Made by Council Member Koerner, seconded by Council Member Stroup, to approve a resolution ratifying the property tax rate reflected in the FY 2023-24 budget.

VOTE: 6-0; Motion Passed.

15. **Consideration and possible action approving a resolution authorizing a First Amendment to the 2008 Water Supply Agreement between the City of Fair Oaks Ranch and Mark J. Minahan, Sr. and Brenda S. Minahan for the reservation of water and other related matters and authorizing the City Manager to execute the First Amendment.**

MOTION: Made by Council Member Muenchow, 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 Mark J. Minahan, Sr. and Brenda S. Minahan and authorizing the City Manager to execute the Amendment.

VOTE: 6-0; Motion Passed.

16. **Consideration and possible action approving a resolution authorizing the execution of the fourth amendment to the agreement between the City of Fair Oaks Ranch and the Guadalupe-Blanco River Authority for the Western Canyon Project.**

MOTION: Made by Council Member Rhoden, seconded by Council Member Muenchow, to approve a resolution authorizing the execution of the fourth amendment to the agreement between the City of Fair Oaks Ranch and the Guadalupe-Blanco River Authority for the Western Canyon Project, execution of all applicable documents by the City Manager, and establishing an effective date.

VOTE: 6-0; Motion Passed.

17. **Consideration and possible action appointing Council Members as members or liaisons to various boards, committees, and commissions.**

MOTION: Made by Mayor Maxton, seconded by Council Member Koerner, to approve the attachment (Attachment A) assigning council members as members or liaisons to the following boards, committees, and commissions:

Audit Committee

- Keith Rhoden
- Greg Maxton
- Chesley Muenchow

Branding Committee

- Laura Koerner
- Scott Parker
- Michelle Bliss

**Municipal District
Development Board**

- Keith Rhoden
- Laura Koerner

**Wildlife Education
Committee**

- Michelle Bliss
- Scott Parker
- Chesley Muenchow

**Liaison to Capital
Improvements Advisory
Committee**

- Emily Stroup

Court Security Committee

- Emily Stroup

**Emergency Management
Committee**

- Gregory C. Maxton
- Laura Koerner
- Scott Parker

VOTE: 6-0; Motion Passed.

CONVENE INTO EXECUTIVE SESSION

Pursuant to Section 551.101 of the Open Meetings Act, Texas Gov't Code, City Council convened into Executive Session at 7:06 PM regarding:

Sec. 551.074 (Personnel Matters) to discuss the applicants for vacancies on various boards, commissions, and committees for the City of Fair Oaks Ranch.

RECONVENE INTO OPEN SESSION

City Council reconvened into Open Session at 7:18 PM. No action was taken.

18. Consideration and possible action approving a resolution to appoint members to fill places on the City of Fair Oaks Ranch Planning & Zoning Commission.

MOTION: Made by Council Member Muenchow, seconded by Council Member Bliss, to approve a resolution appointing Eric Beilstein to Place 3, appointing Shawna Verrett to Place 5, and reappointing Dale Pearson to Place 6 and reappointing Lamberto Balli to Place 7 on the City of Fair Oaks Ranch Planning and Zoning Commission.

VOTE: 6-0; Motion Passed.

19. Consideration and possible action approving a resolution to appoint members to fill places on the City of Fair Oaks Ranch Capital Improvement Advisory Committee.

MOTION: Made by Council Member Koerner, seconded by Council Member Stroup, to approve a resolution reappointing Ben Koerner to Place 7, appointing Jamin Kazarian to Place 8, and reappointing Chris Weigand to Place 9 on the City of Fair Oaks Ranch Capital Improvement Advisory Committee.

VOTE: 6-0; Motion Passed.

20. Consideration and possible action approving a resolution to appoint members to fill places on the City of Fair Oaks Ranch Municipal Development District Board of Directors.

MOTION: Made by Council Member Bliss, seconded by Council Member Koerner, to approve a resolution reappointing David Fairhurst to Place 3, appointing Robert Olvera to Place 6, reappointing Steven Robertson to Place 7 and appointing Keith Rhoden as the City Council Representative on the City of Fair Oaks Ranch Municipal Development District Board of Directors.

VOTE: 6-0; Motion Passed.

21. Consideration and possible action approving a resolution to appoint members to fill places on the City of Fair Oaks Ranch Zoning Board of Adjustment.

MOTION: Made by Council Member Muenchow, seconded by Council Member Bliss, to approve a resolution reappointing Michael Rey to Place 1, reappointing Jonathan Lisenby to Place 4, and reappointing Roderick Terrell to the Alternate position on the City of Fair Oaks Ranch Zoning Board of Adjustment.

VOTE: 6-0; Motion Passed.

22. Consideration and possible action approving a resolution to appoint members to fill places on the City of Fair Oaks Ranch Board of Appeals.

MOTION: Made by Mayor Maxton, seconded by Council Member Rhoden, to approve a resolution appointing Alternate Member John Wall to Place 1, Jerry Arends to Place 3, and Eric Beilstein as the Alternate member on the City of Fair Oaks Ranch Board of Appeals.

VOTE: 6-0; Motion Passed.

REPORTS FROM STAFF AND COMMITTEES**23. 2023 Annular Eclipse.**

Lieutenant John Ojeda provided a presentation to City Council regarding the October 14, 2023, Annular Eclipse and briefed everyone on safely viewing the eclipse and safety measures in should emergencies arise during the event.

REQUESTS AND ANNOUNCEMENTS**24. Announcements and reports by Mayor and Council Members.**

Mayor Maxton reminded everyone that the Household Hazardous Waste event is scheduled to take place Saturday, September 23, 2023, from 8:00 – 11:00 AM in the Cibolo Creek Community Church parking lot. He also announced that Tuesday, October 3, 2023, is National Night Out. Representatives from the Police Department, the Fire Department, and the City's ambulance service will be out visiting neighborhoods. Mayor Maxton also notified citizens that Phase 1 of the Post Oak Trail Reconstruction Project will begin soon. Three culverts that cross Post Oak Trail will be replaced resulting in that street being closed to through traffic.

Council Member Bliss announced her resignation from City Council on September 22, 2023, due to personal reasons.

25. Announcements by the City Manager.

N/A

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

N/A

CONVENE INTO EXECUTIVE SESSION

City Council convened into closed session at 7:48 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:

27. To receive legal advice from Special Counsel and the City Attorney regarding the City's ground water rights.**Sec. 551.074 (Personnel Matters)****31. To deliberate and select finalists for the City's municipal court judges.**

City Council did not convene into Executive Session regarding:

28. Case No. 22-090-451; Vincent A. Caldarola, MD vs. City of Fair Oaks Ranch, Texas.

29. **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)

30. **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 9:22 PM

MOTION: Made by Mayor Maxton, seconded by Council Member Koerner, to appoint Darrell Dullnig as the Municipal Judge and Frank Dickson as the Alternate Municipal Judge for the City of Fair Oaks Ranch.

VOTE: 6-0; Motion Passed.

ADJOURNMENT

Mayor Maxton adjourned the meeting at 9:24 PM.

ATTEST:

Gregory C. Maxton, Mayor

Christina Picioccio, TRMC, City Secretary