



CITY OF FAIR OAKS RANCH
CITY COUNCIL REGULAR MEETING

Thursday, January 18, 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: Stroup, Rhoden, Koerner, and Parker

Council Absent: Council Members: Olvera 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** – None.

PRESENTATIONS

4. **In Recognition of recent Promotion(s): Michael Maddox, Police Sergeant.**

Joanna Merrill, IPMA-SCP, Director of Human Resources and Communications, recognized Michael Maddox for his recent promotion to Sergeant.

5. **Presentation of a 5-Year Service Award to: Matthew Drexler, Police Officer.**

Joanna Merrill, IPMA-SCP, Director of Human Resources and Communications, recognized Police Officer, Matthew Drexler, for five years of service with the City.

6. **Presentation of a 10-Year Service Award to: David Magness, Police Officer.**

Joanna Merrill, IPMA-SCP, Director of Human Resources and Communications, recognized Police Officer, David Magness, for ten years of service with the City.

7. **Presentation of a 15-Year Service Award to: Ernesto Martinez, GIS Technician**

Joanna Merrill, IPMA-SCP, Director of Human Resources and Communications, recognized GIS Technician, Ernesto Martinez, for fifteen years of service with the City.

8. **Introduction of new hire(s): Lee Muniz, Manager of Engineering Services; Kimberly Corbin, Administrative Clerk; James Garza, Maintenance Technician; Cristobal De la Rosa Castillo, Maintenance Technician.**

Joanna Merrill, IPMA-SCP, Director of Human Resources and Communications, introduced four newly hired employees of the City.

9. **In Recognition of Recent Promotion(s): Julie Lovelace, Accounting Manager**

Joanna Merrill, IPMA-SCP, Director of Human Resources and Communications, recognized Julie Lovelace for her recent promotion to Accounting Manager.

CONSENT AGENDA

10. **Approval of the December 21, 2023 Regular City Council meeting minutes.**
11. **Approval of the second reading of an ordinance amending the City of Fair Oaks Ranch Unified Development Code related to Statutory and Regulatory Changes.**
12. **Approval of a resolution allocating portions of the FY 2022-23 General Fund Balances and carryover of encumbrances and continuing appropriations.**
13. **Approval of a resolution authorizing the execution of a purchase order with Briggs Equipment for a trailer-mounted boom lift, expenditure of the required funds, and execution of all applicable documents by the City Manager.**
14. **Approval of a resolution authorizing the execution of a purchase order with SealMaster Houston for fog seal equipment, expenditure of the required funds, and execution of all applicable documents by the City Manager.**

Council Member Scott Parker requested to move items 13 & 14 from Consent to Consideration

MOTION: Made by Council Member Koerner, seconded by Council Member Rhoden, to approve the Consent Agenda items 10-12.

VOTE: 5-0; Motion Passed.

CONSIDERATION/DISCUSSION ITEMS

13. **Approval of a resolution authorizing the execution of a purchase order with Briggs Equipment for a trailer-mounted boom lift, expenditure of the required funds, and execution of all applicable documents by the City Manager.**

MOTION: Made by Council Member Parker, seconded by Council Member Stroup, to approve a resolution authorizing the execution of a purchase order with Briggs Equipment for a trailer-mounted boom lift in the amount of \$54,480.00.

VOTE: 5-0; Motion Passed.

14. **Approval of a resolution authorizing the execution of a purchase order with SealMaster Houston for fog seal equipment, expenditure of the required funds, and execution of all applicable documents by the City Manager.**

MOTION: Made by Council Member Rhoden, seconded by Council Member Koerner, to approve a resolution authorizing the execution of a Purchase Order with SealMaster Houston for fog seal equipment in the amount of \$103,714.54.

VOTE: 5-0; Motion Passed.

15. **Consideration and possible action approving a resolution authorizing and executing a policy regarding use of body worn cameras for the Fair Oaks Ranch Police Department as required by state law.**

MOTION: Made by Council Member Parker, seconded by Council Member Koerner, to approve a resolution authorizing and executing a policy regarding use of body worn cameras for the Fair Oaks Ranch Police Department.

VOTE: 5-0; Motion Passed.

16. **Consideration and possible action appointing Council Member Olvera to serve as a member on the Branding Committee and Wildlife Education Committee.**

MOTION: Made by Mayor Maxton, seconded by Council Member Koerner, to postpone this consideration item to the next council meeting.

VOTE: 5-0; Motion Passed.

WORKSHOP

17. **Bond Advisory Committee Report and Recommendations.**

Seth Mitchell, BAC Chairman, led a workshop with Council in which he presented the recommendations of the Committee and the rationale for its decisions inclusive of answering questions of the council. Council will hold a separate workshop at the February 1, 2024 Council meeting to review the roadway projects recommended to be funded with General Obligation Bonds to make decisions for calling an election at the February 15, 2024 council meeting.

REPORTS FROM STAFF AND COMMITTEES

18. **Gateway Committee Update.**

Council Members Parker and Koerner gave an update to the Council on the concept for a gateway feature proposed for Fair Oaks Parkway near Leslie Pfeiffer Road. A drawing of the concept for the monument and additional installations along the road and possibly at other locations throughout the city to commemorate Ralph Fair's raising of Hereford cows were shown. Council provided feedback to the Committee to pursue the process of gathering estimates for the concept the committee is pursuing.

19. **Update regarding UDC Policy Amendments.**

Lee Muniz, P.E., CFM, Manager of Engineering Services, provided Council the Planning & Zoning Commission's plans to address each section in groups. After the Commission is done with each group of sections, a workshop will be held at the subsequent Council meeting to provide updates. Public Hearings will not take place after the groups are addressed. Council agreed to hold either incremental public hearings or one at the end of the process.

REQUESTS AND ANNOUNCEMENTS

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

Mayor Maxton congratulated City Attorney, Dan Santee, for being made a partner at his firm. The Mayor also thanked staff who stayed on site during the lower temperatures over the past weekend to ensure that the City had the ability to address issues arising from the winter event. Mayor Maxton reminded residents that they could sign up for notifications on the City's website through "NotifyMe" and "Regroup," which specifically sends notifications in the event of an emergency. Mayor Maxton also announced that the State of the City will take place from 6:00 – 8:00 PM on February 7, 2024. He invited residents to purchase a ticket to attend the dinner event. He also reminded residents that a Town Hall meeting will be held at the Spring Creek United Methodist Church at 6:30 PM on February 27, 2024 focusing on the topics of the proposed community center

and gateway features. Lastly, Mayor Maxton reminded everyone that bulk brush pickup is ongoing and urged residents to contact the City with any questions.

21. Announcements by the City Manager.

City Manager, Scott Huizenga, thanked City Staff who participated in the weather preparation event. Mr. Huizenga explained that staff members from the Utilities and Maintenance Department were on site for two days in anticipation of an emergency. Mr. Huizenga also announced that the candidate filing period for a place on the upcoming general election ballot to elect a Mayor and Council Member Place 1 began on January 17, 2024.

22. 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 9:25 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:

- 23. To receive legal advice from Special Counsel and the City Attorney regarding the City's ground water rights.**
- 26. The City Council will meet in closed session pursuant to Texas Government Code Section 551.071 to consult with legal counsel about pending or contemplated litigation; to wit: former officer Evan Downey F5 appeal proceeding.**
- 27. 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: Richard J. Davila Jr. vs. City of Fair Oaks Ranch.**

Sec. 551.074 (Personnel Matters)

- 29. To perform the annual evaluation of the City Manager.**

City Council did not convene into Executive Session regarding:

Sec. 551.071 (Consultation with Attorney)

- 24. Case No. 22-090-451; Vincent A. Caldarola, MD vs. City of Fair Oaks Ranch, Texas.**
- 25. 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)

28. **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 11:24 PM.

MOTION: Made by Mayor Maxton, seconded by Council Member Parker, to approve the firm of Denton, Navarro, Rodriguez, Bernal, Santee, and Zech to represent the City in the pending F-5 hearing of former officer Evan Downey.

VOTE: 5-0; Motion Passed.

ADJOURNMENT

Mayor Maxton adjourned the meeting at 11:25 PM.

ATTEST:

Gregory C. Maxton, Mayor

Christina Picioccio, TRMC, City Secretary