



**CITY OF FAIR OAKS RANCH
CITY COUNCIL REGULAR MEETING**

Thursday, May 18, 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: Rhoden, Koerner, Parker, and Muenchow

Council Absent: Council Members: Stroup and Bliss

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 Kuehn, encouraged Council to introduce a useable bicycle trail in the City.

PRESENTATIONS

4. Swearing in of elected officials: Keith Rhoden, Council Member Place 2; Chesley Muenchow, Council Member Place 6.

Gregory C. Maxton, Mayor, swore in elected officials: Keith Rhoden, Council Member Place 2; and Chesley Muenchow, Council Member Place 6.

5. Recognition of the Government Finance Officers Association (GFOA) Distinguished Budget Presentation Award for the FY 2022 budget.

Gregory C. Maxton, Mayor, recognized the City of Fair Oaks Ranch's Finance Department for its achievement of the Distinguished Budget Presentation Award for the FY 2022 budget from the Government Finance Officers Association.

6. Police Week and Peace Officers Memorial Day Proclamation.

Gregory C. Maxton, Mayor, presented a Proclamation for Police Week, May 14 - May 20, 2023, and Peace Officers Memorial Day, May 15, 2023.

7. Public Works Week Proclamation.

Gregory C. Maxton, Mayor, presented a Proclamation for Public Works Week, May 21- 27, 2023.

CONSENT AGENDA

8. **Approval of the May 4, 2023, Regular City Council meeting minutes.**
9. **Approval of the second reading of an ordinance amending the City of Fair Oaks Ranch Code of Ordinances, Chapter 13 "Utilities", Article 13.03 "Water and Sewer System", Division 3, Part II "Drought Contingency Plan" to include updated definitions, initiation and termination criteria and creating an appeal process; and amending Appendix A Fee Schedule Article A9 (v) "Water Charges – Drought Surcharge Rates".**
10. **Approval of the second reading of an ordinance establishing stop signs on streets within the Setterfeld Estates Subdivision.**
11. **Approval of Mayor Maxton's absence from the May 4, 2023, Regular City Council meeting.**
12. **Approval of Council Member Elizondo's absence from the May 4, 2023, Regular City Council meeting.**
13. **Approval of Council Member Stroup's absence from the May 18, 2023, Regular City Council meeting.**
14. **Approval of Council Member Rhoden's absence from the June 1, 2023, and June 15, 2023, Regular City Council meetings.**

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

VOTE: 5-0; Motion Passed.

CONSIDERATION/DISCUSSION ITEMS

Mayor Maxton moved Item 17 out of order.

17. **Consideration and possible action establishing the City's co-sponsorship of a 4th of July Parade with the Fair Oaks Ranch Homeowners' Association; and approving a resolution declaring the parade a public purpose, authorizing street closures for the event, and authorizing the City Manager to execute a Memorandum of Understanding with FORHA.**

Mayor Maxton expressed his interest in seeing a MOU included with the resolution that includes a golf cart parade. Council Member Muenchow also asked that a representative of FORHA be present at the meeting to answer questions.

MOTION: Made by Mayor Maxton, seconded by Council Member Koerner, that the consideration and possible action establishing the City's co-sponsorship of a 4th of July Parade with the Fair Oaks Ranch Homeowners' Association; and approving a resolution declaring the parade a public purpose, authorizing street closures for the event, and authorizing the City Manager to execute a Memorandum of Understanding with FORHA be postponed until the next council meeting.

VOTE: 5-0; Motion Passed.

15. Consideration and possible action electing a Council Member to serve as Mayor Pro Tem at the first regular City Council meeting following each regular city election.

MOTION: Made by Mayor Maxton, seconded by Council Member Rhoden, to elect Laura Koerner, as Mayor Pro Tem.

VOTE: 5-0; Motion Passed.

16. Consideration and possible action authorizing the City Manager to execute a construction agreement for Enchanted Park cul-de-sac reconstruction.

MOTION: Made by Council Member Koerner, seconded by Council Member Muenchow, to authorize the City Manager to sign a Construction Agreement with Bueno Pro Services, LLC. for \$51,017.57 with a 5% contingency in the amount of \$2,550.88, for a total value not to exceed \$53,568.45.

VOTE: 5-0; Motion Passed.

18. Consideration and possible action regarding requirements or expenditures associated with the Local Disaster.

Gregory C. Maxton, Mayor, announced that the bulk tree limb pickup is complete.

Carole Vanzant, Assistant City Manager, Community Services, informed all that a total of 43,000 cubic yards of brush and tree limbs were picked up as a result of Winter Storm Mara. There was a total of 2,315 piles. The total cost of the project was \$430,496 and was paid from the general emergency reserve fund. The official date of completion was May 5, 2023. She went on to tell everyone that the Texas Division of Emergency Management (TDEM) accepted the City's request for reimbursement and the City will now work over the next few weeks to upload the required submittals to the online portal.

WORKSHOP

19. Wastewater and Emergency Response/Disaster Recovery Town Hall Recap.

Gregory C. Maxton, Mayor, led a workshop discussing the recent town hall meeting. Mayor Maxton informed everyone that there were 69 residents in attendance and expressed hope that more residents will attend in the future to provide important feedback. Attendees' responses indicate that they believe the town hall meetings are valuable, especially the breakout tables since many were not comfortable speaking in front of other attendees. The other suggestion was that the next topic be the Street Maintenance Program. Council Member Koerner made a recommendation to change the format to be less formal, maintain less than a quorum of Council in attendance, and not classify them as council meetings.

REPORTS FROM STAFF AND COMMITTEES

20. Christina Picioccio, City Secretary, provided a report to Council regarding the upcoming process to appoint board and commission members for terms beginning October 1, 2023.

21. Bobbe Barnes, Planning & Zoning Commission Chairperson, provided to Council a report regarding the prioritized topics and proposed work schedule for amendments to the City's Unified Development Code.

REQUESTS AND ANNOUNCEMENTS**22. Announcements and reports by Mayor and Council Members.**

Mayor Maxton announced that the City of Fair Oaks Ranch has been named the 4th safest City in Texas.

Council Member Koerner welcomed new Council Member, Keith Rhoden, to Council.

23. Announcements by the City Manager.

None.

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

None.

CONVENE INTO EXECUTIVE SESSION

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:

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

Sec. 551.072 (Deliberation regarding real property)

27. 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 7:38 PM.

ATTEST:

Gregory C. Maxton, Mayor

Christina Picioccio, TRMC, City Secretary