



CITY OF FAIR OAKS RANCH CITY COUNCIL REGULAR MEETING

Thursday, February 02, 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, Elizondo, Koerner, Muenchow, and Parker.

Council Absent: Council Member 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.

PRESENTATIONS

3. Joanna Merrill, IPMS-SCP, Director of Human Resources and Communications, introduced new hires(s): Jeffrey W. McCulloch, Utility Technician; Eddie D. Merrill, Police Officer; John E. Esquivel, Police Officer; and Zachary M. Zepeda, Police Officer.

CITIZENS and GUEST FORUM

4. **Citizens to be heard** – None

CONSENT AGENDA

5. **Approval of the January 19, 2023 Regular City Council meeting minutes.**
6. **Approval of Council Member Bliss's absence from the January 19, 2023 and February 2, 2023 regular city council meetings.**
7. **Approval of a Resolution ordering a General Election to be held May 6, 2023, for the election of Council Member Places 2 and 6; to approve a Joint Election Agreement with Kendall County election and to authorize the City Manager to sign the agreement.**

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

VOTE: 6-0; Motion Passed

CONSIDERATION/DISCUSSION ITEMS**8. Consideration and possible action approving ratifying the City Manager's execution of a Building Inspector Services Agreement.**

MOTION: Made by Council Member Elizondo, seconded by Council Member Stroup to approve the ratification of the City Manager's execution of the Building Inspector Services Agreement with Jim Earl IV.

VOTE: 6-0; Motion Passed

9. Discussion and possible action to pursue the opportunity to receive local government relief for disabled veteran exemptions from the state under Local Government Code Section 140.011.

Laura Koerner, Council Member Place 4, provided information to the Council regarding an opportunity to receive local government relief for disabled veteran exemptions from the state under Local Government Code Section 140.011.

MOTION: Made by Council Member Koerner, seconded by Council Member Elizondo to have the City pursue the opportunity to receive local government relief for disabled veteran exemptions from the state under Local Government Code Section 140.011.

VOTE: 6-0; Motion Passed

WORKSHOP**10. Tree Preservation Workshop.**

Kelsey Delgado, Environmental Program Manager and Council Member Stroup, provided a presentation to Council regarding tree preservation. Council discussion provided direction to staff to update the tree preservation ordinance inclusive of an education component.

11. Transportation Town Hall Workshop.

Mayor Maxton led a council discussion regarding the Transportation Town Hall Workshop held on January 24, 2023 at the Spring Creek United Methodist Church. Council voiced approval of the format, the ability to hear directly from citizens as well as having outside experts (TxDOT) present. City Council Members are to send topics of interest for future Town Halls to City Manager Maples.

REPORTS FROM STAFF AND COMMITTEES**12. State of the City Event update.**

Joanna Merrill, IPMA-SCP, Director of Human Resources and Communications, provided a brief update on the upcoming February 15, 2023 State of the City Event. Council provided direction to staff to pursue the live streaming and recording of the event.

13. Police Department 2022 Annual Report.

Tim Moring, Chief of Police, provided to Council a presentation on the Police Department's 2022 Annual Report.

REQUESTS AND ANNOUNCEMENTS**14. Announcements and reports by Mayor and Council Members.**

Council Member Stroup thanked staff and the Police Department ensuring that the City was safeguarded during the winter event on February 1.

Mayor Maxton noted that the Police Department went to resident homes to check on individuals in the wake of power outages. He thanked staff who worked in the City to ensure that water levels were maintained in order to avoid Boil Water Procedures. He also lauded the Communications Department for all the work in providing information to our residents and keeping them aware of developments during power outage.

Mayor Maxton encouraged citizens to sign up on the city's emergency notification system "Regroup" as a method to receive timely information from the City.

15. Announcements by the City Manager.

The City Manager expressed appreciation to staff for their phenomenal work to keep the city running during the recent ice storm.

City Manager Maples noted that the City was working with Republic regarding the massive amount of downed tree limbs due to the ice storm. Messaging will be forthcoming once a solution is determined.

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

None

CONVENE INTO EXECUTIVE SESSION

Pursuant to Section 551.101 of the Open Meetings Act, Texas Gov't Code, a quorum of the governing body convened into closed session at 9:38 PM regarding:

Sec. 551.071 (Consultation with Attorney) the City Council met 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:

18. 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.

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:

17. To receive legal advice from Special Counsel and the City Attorney regarding the City's ground water rights.

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

Sec. 551.072 (Deliberation regarding real property)

20. 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 11:19 PM. No action was taken.

ADJOURNMENT

Mayor Maxton adjourned the meeting at 11:20 PM.

ATTEST:

Gregory C. Maxton, Mayor

Christina Picioccio, TRMC, City Secretary