



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

Thursday, October 19, 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, Koerner, Parker, 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, Christine Graham, spoke of feral hogs in Setterfeld Estates. She is concerned due to the proximity of the animals to school bus stops and residents who may be out walking. She asked for clarity from the City because she was referred to Texas Parks and Wildlife or the Comal County Game Warden.

PRESENTATIONS

4. Recognition of the Employee of the Quarter (Q4 - July 2023 through September 2023): Kelsey Delgado, Environmental Program Manager.

Jennifer Hudson, IPMA-CP, Human Resources Generalist, recognized Kelsey Delgado, Environmental Program Manager as the Employee of the Quarter.

CONSENT AGENDA

5. Approval of the October 5, 2023 Regular City Council meeting minutes.

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

VOTE: 6-0; Motion Passed.

CONSIDERATION/DISCUSSION ITEMS

6. Consideration and possible action approving a resolution of the City Council of the City of Fair Oaks Ranch supporting the Texas Department of Transportation FM 3351 expansion project between IH-10 and SH 46.

MOTION: Made by Council Member Rhoden, seconded by Council Member Koerner, to approve a resolution of the City Council of the City of Fair Oaks Ranch supporting the Texas Department of Transportation FM 3351 expansion project between IH-10 and SH 46.

VOTE: 6-0; Motion Passed.

7. **Consideration and possible action approving a resolution authorizing the execution of an Advance Funding Agreement for Voluntary Utility Relocation and Standard Utility Agreement with TxDOT for the relocation of water lines near the FM3351 Cibolo Creek Bridge and authorizing the City Manager to execute all applicable documents.**

MOTION: Made by Council Member Parker, seconded by Council Member Muenchow, to approve a resolution authorizing the execution of an Advanced Funding Agreement for Voluntary Utility Relocation and Standard Utility Agreement with TxDOT for the relocation of water lines near the FM3351 Cibolo Creek Bridge and authorizing the City Manager to execute all applicable documents.

VOTE: 6-0; Motion Passed.

8. **Consideration and possible action approving the first reading of an ordinance adopting Fiscal Year 2023-24 Budget Amendment.**

MOTION: Made by Council Member Muenchow, seconded by Council Member Rhoden, to approve the first reading of an ordinance amending the FY 2023-24 Budget.

VOTE: 6-0; Motion Passed.

WORKSHOP

9. **Tree Mitigation Fund Workshop.**

Kelsey Delgado, Environmental Program Manager, provided a workshop presentation to Council regarding a Tree Mitigation Fund and how to use said funds. Council provided feedback to staff to pursue Option # 4 to allow for multiple uses.

REQUESTS AND ANNOUNCEMENTS

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

Council Member Stroup reminded everyone that the Police Department's Trunk or Treat event is happening on October 28, 2023, from 6-8 P.M. at Van Raub Elementary School.

Mayor Maxton informed everyone that Early Voting for the Constitutional Amendment Election is taking place in the PD Training Room from October 23 – November 3, 2023 and urged citizens to look at the City's website for details on both the Constitutional Amendment Election as well as the upcoming Special Election to fill the vacancy of Council Member Place 3. Mayor Maxton also reminded the attendees that the November 2, 2023 City Council meeting was canceled to accommodate the poll site and that regular City Council meetings would resume on November 16, 2023.

11. **Announcements by the City Manager.**

Interim City Manager, Scott M. Huizenga, informed Council that the first meeting of the Bond Advisory Committee would take place on October 24, 2023 at 3PM in the Fellowship Building of Spring Creek United Methodist Church.

12. **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 7:19 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:

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

Sec. 551.074 (Personnel Matters)

17. **The City Council will meet in closed session pursuant to Texas Government Code Section 551.074, Personnel Matters, to deliberate the process and options for filling the vacancy of City Manager.**

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:

14. Case No. 22-090-451; Vincent A. Caldarola, MD vs. City of Fair Oaks Ranch, Texas.
15. 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)

16. 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.

Sec. 551.074 (Personnel Matters)

18. To perform the annual evaluation of the City Manager.
19. To perform the annual evaluation of the City Secretary.

RECONVENE INTO OPEN SESSION

City Council reconvened into Open Session at 9:43 PM.

MOTION: Made by Mayor Maxton, seconded by Council Member Koerner, to hire Scott Huizenga as the City Manager for the City of Fair Oaks Ranch with a contract effective on October 20, 2023 and also authorizing the Mayor to sign the contract.

VOTE: 6-0; Motion Passed.

ADJOURNMENT

Mayor Maxton adjourned the meeting at 9:45 PM.

ATTEST:

Gregory C. Maxton, Mayor

Christina Picioccio, TRMC, City Secretary