



CITY OF FAIR OAKS RANCH
CITY COUNCIL REGULAR MEETING

Thursday, November 16, 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 Member Stroup

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

Mayor Maxton presented a Proclamation to Ralph Fair Jr. in honor of his 90th birthday.

4. Joanna Merrill, IPMA-SCP, Director of Human Resources and Communications, introduced new hire(s): Juan Munoz, Utility Technician; Morgan Koontz, Utility Technician; Grant Hemphill, Water/Wastewater Operator I; Kevin O'Connor, Maintenance Technician.

5. Joanna Merrill, IPMA-SCP, Director of Human Resources and Communications, presented a 5-Year Service Award to Tom Heath, Infrastructure Inspector.

6. Joanna Merrill, IPMA-SCP, Director of Human Resources and Communications, presented a 20-Year Service Award to Steven Fried, Water Supervisor.

Mayor Maxton announced that Council would go into Executive Session before proceeding with the remainder of the meeting.

CONVENE INTO EXECUTIVE SESSION

City Council convened into closed session at 6:53 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:

24. To receive legal advice from Special Counsel and the City Attorney regarding the City's ground water rights.
28. Matters associated with or arising from the third-party independent investigation involving incidents within the police department.

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. Case No. 22-090-451; Vincent A. Caldarola, MD vs. City of Fair Oaks Ranch, Texas.
26. 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.
27. Cause No. 2021CI05780: Richard J. Davila Jr. vs. City of Fair Oaks Ranch.

Sec. 551.072 (Deliberation regarding real property)

29. 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 8:32 PM.

MOTION: Made by Council Member Koerner, seconded by Council Member Parker, to waive the attorney-client privilege related to the police investigation report and authorizing the City Attorney to release the report after making mandatory redactions.

VOTE: 5-0; Motion Passed.

CONSENT AGENDA

7. **Approval of the October 19, 2023 Regular City Council meeting minutes.**
8. **Approval of the second reading of an ordinance amending the Fiscal Year 2023-24 Amendment.**
9. **Approval of a resolution approving the 2023 property tax levy roll.**
10. **Approval of a resolution authorizing brokers, dealers, and financial institutions to conduct investment transactions for the City of Fair Oaks Ranch, Texas.**
11. **Approval of a resolution amending resolution 2023-36 by modifying Section 4 to accurately reflect early voting dates, times, and locations.**
12. **Approval of a resolution casting votes for candidates for the Boards of Directors for Bexar and Comal Appraisal Districts for tax years 2024 and 2025.**

13. **Approval of a resolution authorizing the execution of an agreement with Patti Engineering, Inc. for Supervisory Control and Data Acquisition (SCADA) support services.**
14. **Approval of a resolution authorizing the execution of a purchase order with Vermeer Texas-Louisiana for a hydro-vacuum excavator, expenditure of the required funds, and execution of all applicable documents by the City Manager.**
15. **Approval of a resolution authorizing the execution of a Participation Agreement with the Sourcewell Cooperative Purchasing Program, a purchase order with Ewald Kubota for a skid steer, expenditure of the required funds, and execution of all applicable documents by the City Manager.**

Council Member Parker requested that Item 10 be moved to the Consideration portion of the agenda.

MOTION: Made by Council Member Muenchow, seconded by Council Member Rhoden, to approve the Consent Agenda (Items 7-9 & 11-15.)

VOTE: 5-0; Motion Passed.

CONSIDERATION/DISCUSSION ITEMS

10. **Approval of a resolution authorizing brokers, dealers, and financial institutions to conduct investment transactions for the City of Fair Oaks Ranch, Texas.**

MOTION: Made by Council Member Parker, seconded by Council Member Rhoden, to approve a resolution authorizing brokers, dealers, and financial institutions to conduct investment transactions for the City of Fair Oaks Ranch.

VOTE: 5-0; Motion Passed.

16. **Consideration and possible action approving the first reading of an ordinance amending the City of Fair Oaks Ranch Code of Ordinances, Chapter 13 "Utilities", Article 13.06 "Water Conservation Plan", Section 13.06.006 "Landscape Watering Management" to include an updated watering day schedule, and providing for an effective date.**

MOTION: Made by Council Member Koerner, seconded by Council Member Muenchow, to approve the first reading of an ordinance amending the City of Fair Oaks Ranch Code of Ordinances, Chapter 13 "Utilities", Article 13.06 "Water Conservation Plan"; Section 13.06.006 "Landscape Watering Management" to include an updated watering day schedule, and providing for an effective date.

VOTE: 5-0; Motion Passed.

17. **Consideration and possible action approving a resolution to accept a \$42,000 monetary donation from SA Front Gate, LLC, Elkhorn Ridge Development SA, LLC, and Elkhorn Ridge SA, LLC; a \$10,000 monetary donation from ROW at Dietz Elkhorn, LLC; and a monetary donation up to \$10,000 from Vantage at Fair Oaks, LLC for the design and construction of the Dietz Elkhorn Sidewalk Project.**

MOTION: Made by Council Member Muenchow, seconded by Council Member Rhoden, to approve a resolution to accept a \$42,000 monetary donation from SA Front Gate, LLC,

Elkorn Ridge Development SA, LLC, and Elkhorn Ridge SA, LLC; a \$10,000 monetary donation from ROW at Dietz Elkhorn, LLC; and a monetary donation up to \$10,000 from Vantage at Fair Oaks, LLC for the design and construction of the Dietz Elkhorn Sidewalk Project and authorizing the City Manager to execute all applicable documents.

VOTE: 5-0; Motion Passed.

WORKSHOP

18. First Quarter Town Hall Meeting.

Mayor, Gregory C. Maxton, led a discussion with Council regarding the upcoming Town Hall Meeting. Council scheduled the meeting to take place on February 27, 2024 and focusing on the civic center and a gateway feature topics.

19. Civic Center Update.

Rocky Lopez, Lopez Salas Architects, Inc., led a workshop discussion on the current concept plan for the proposed building. Council provided feedback on the layout and size of the rooms for the architects to begin working with their consultants to move the project forward.

REPORTS FROM STAFF AND COMMITTEES

20. Summer Fleming, Interim Director of Finance, provided to Council a Quarterly Investment Report for the quarter ended September 30, 2023.

REQUESTS AND ANNOUNCEMENTS

21. Announcements and reports by Mayor and Council Members.

Mayor Maxton congratulated Deputy City Secretary, Amanda Valdez, for being nominated for the Emerging Leader Award from the Texas Municipal Clerk's Association. Mayor Maxton also reminded everyone that early voting in the City's special election to fill a vacancy for Council Member place 3 would begin on Monday, November 27, 2023. He also announced that the PD is now collecting new, unwrapped toys for their annual toy drive. Donations may be dropped off at City Hall and various other locations in the area through December 15, 2023. Mayor Maxton reminded everyone that Bulk Brush Pickup is scheduled to begin on January 8, 2024 and more details will be announced soon. Due to the upcoming Thanksgiving holiday, Mayor Maxton notified the attendees that residents whose trash is usually picked up on Thursday will be picked up Friday instead and residents whose trash is usually picked up on Friday will be picked up on Saturday. Mayor Maxton also wished everyone a Happy Thanksgiving on behalf of Council and staff.

Council Member Parker asked residents to drive carefully as deer rut has begun.

22. Announcements by the City Manager

None

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

None.

ADJOURNMENT

Mayor Maxton adjourned the meeting at 9:40 PM.

ATTEST:

Gregory C. Maxton, Mayor

Christina Picioccio, TRMC, City Secretary