



CITY OF FAIR OAKS RANCH
CITY COUNCIL REGULAR MEETING

Thursday, July 20, 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

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.

CITIZENS and GUEST FORUM

3. Citizens to be heard.

Resident Jamin Kazarian spoke in opposition of the Council approving a second reading of an ordinance addressing public trees. Mr. Kazarian is concerned that the language in the ordinance is unclear and urged Council to revisit the wording.

PRESENTATIONS

4. Joanna Merrill, IPMA-SCP, Director of Human Resources and Communications, recognized the Employee of the Quarter (Q3 - April 2023 through June 2023): Timothy Flynn, Maintenance Technician.

CONSENT AGENDA

5. Approval of the July 6, 2023 Regular City Council meeting minutes.

Mayor Maxton asked to pull item 5 from consent for discussion.

6. **Approval of the second reading of an ordinance amending the City of Fair Oaks Ranch Code of Ordinances, Chapter 1 “General Provisions,” Article 1.07 “Trees And Shrubs” to include updated definitions, and to add new sections defining the authority and responsibility of public trees.**

Council Member Koerner asked to pull item 6 from consent for discussion.

CONSIDERATION/DISCUSSION ITEMS**5. Approval of the July 6, 2023, Regular City Council meeting minutes.**

Mayor Maxton noted that the minutes incorrectly identified the first topic set for the August 29, 2023, Town Hall meeting as Dietz Elkhorn Corridor Study when it should read Dietz Elkhorn Construction Project.

MOTION: Made by Mayor Maxton, seconded by Council Member Koerner, to approve the July 6, 2023, Regular City Council meeting minutes with changes to item 8 to read Roadway Construction instead of Corridor Study.

VOTE: 6-0; Motion Passed.

6. Approval of the second reading of an ordinance amending the City of Fair Oaks Ranch Code of Ordinances, Chapter 1 "General Provisions," Article 1.07 "Trees And Shrubs" to include updated definitions, and to add new sections defining the authority and responsibility of public trees.

Council Member Koerner noted that she pulled this item for discussion based on the comments during the "Citizens to be Heard" portion of the meeting. Staff was directed to provide alternate language for the ordinance.

MOTION: Made by Mayor Maxton, seconded by Council Member Rhoden, to postpone this item until the next Council meeting on August 3, 2023.

VOTE: 5-1; Motion Passed. Council Member Stroup voted against this motion.

7. Consideration and possible action approving the first reading of an ordinance amending the City of Fair Oaks Ranch Code of Ordinances, Appendix A, "Fee Schedule;" Article A7.000 (a) and (b) "Wastewater Service Charges."

MOTION: Made by Council Member Muenchow, seconded by Council Member Parker, to approve an ordinance amending the City of Fair Oaks Ranch Code of Ordinances Appendix A. "Fee Schedule" Article A7.000 (a) and (b) "Wastewater Service Charges."

VOTE: 6-0; Motion Passed.

8. Consideration and possible action approving a resolution authorizing the execution of a work authorization with Pape-Dawson Engineers, Inc. for engineering services for the Dietz Elkhorn (East) Reconstruction Project.

MOTION: Made by Council Member Koerner, seconded by Council Member Stroup, to approve a resolution authorizing the execution of a work authorization with Pape-Dawson Engineers, Inc. for engineering services for the Dietz Elkhorn (East) Reconstruction Project for \$291,525.00, with a 10% contingency in the amount of \$29,152.50, for a total value not to exceed \$320,677.50.

VOTE: 6-0; Motion Passed.

WORKSHOP**9. FY 2023-2024 Budget Workshop - Municipal Court, City Secretary, Utilities and Capital Improvement Plans.**

The following staff members provided presentations regarding the proposed budget for their respective departments:

Summer Fleming, Interim Director of Finance
Ricardo Bautista, Municipal Court Administrator
Christina Picioccio, TRMC, City Secretary
Julio Colunga, Assistant Director of Public Works

Scott M. Huizenga, Interim City Manager, led the portion of the workshop related to Utilities and Capital Improvements.

REQUESTS AND ANNOUNCEMENTS**10. Announcements and reports by Mayor and Council Members.**

Council Member Stroup wished Interim Finance Director, Summer Fleming, a happy birthday.

Mayor Maxton reminded everyone that the bulk/brush pickup is starting soon and urged residents in Sector 1 to be ready for pickup on July 31, 2023, after which Sector 2 is expected to begin on August 7, 2023, and finally on August 14, 2023, for Sector 3. Mayor Maxton also informed residents that they are beginning to receive postcards from the city regarding proposed changes to the Unified Development Code. He asked for residents' patience in getting all the material online as the postcards were delivered earlier than expected. He also encouraged residents to reach out to the City Secretary's department to apply for openings on boards and committees by August 9, 2023. Mayor Maxton informed everyone that the City has moved into Stage 1 of the Drought Contingency Plan as a result of a significant drop in water well levels. He asked residents to continue conserving water to avoid harsher restrictions. Mayor Maxton also invited residents to attend the ribbon-cutting for the new dewatering press at the Wastewater Treatment Facility on July 27, 2023, at 9:00 AM.

11. Announcements by the City Manager.

None.

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 Executive Session at 8:58 PM regarding:

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 re-appointment, evaluation, and duties of a public officer; to wit: Judge Kimberly S. Keller.**

Sec. 551.076/551.089 (Deliberation regarding security devices or security audits)

18. The City Council will meet in closed session pursuant to Texas Government Code Section 551.076/551.089, security devices or audits, to deliberate the deployment, or specific occasions for deployment, or specific occasions for implementation, of security personnel or security devices, critical infrastructure, security assessments or deployments relating to information resources technology, network security information, with respect to the Fair Oaks Ranch Municipal Court.

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:

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

RECONVENE INTO OPEN SESSION

City Council reconvened into Open Session at 9:57 PM. No action was taken.

ADJOURNMENT

Mayor Maxton adjourned the meeting at 9:58 PM.

ATTEST:

Gregory C. Maxton, Mayor

Christina Picioccio, TRMC, City Secretary