



CITY OF FAIR OAKS RANCH

CITY COUNCIL REGULAR MEETING

Thursday, November 17, 2022 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, Bliss, 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. - None

PRESENTATIONS

4. Joanna Merrill, IPMA-SCP, Director of Human Resources and Communications, provided a presentation of San Antonio Express-News Top Workplaces Award 2022 to the City of Fair Oaks Ranch.

A gentleman who intended on speaking during Citizens to be Heard but arrived after the meeting started and did not sign up was given the opportunity to do so after the Presentations portion of the agenda.

CITIZENS and GUEST FORUM

3. Citizens to be heard.

Ron Madura, resident, spoke about tree preservation and requested that Council consider an Ordinance that would help limit the removal of trees.

CONSENT AGENDA

5. **Approval of the October 13, 2022 City Council and Planning and Zoning Commission Joint Public Hearing Minutes.**
6. **Approval of the November 3, 2022 Regular City Council meeting minutes.**
7. **Approval of a Resolution approving the 2022 Property Tax Levy Roll.**

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

VOTE: 7-0; Motion Passed.

CONSIDERATION/DISCUSSION ITEMS

8. **Consideration and possible action approving the first reading of an Ordinance approving the first amendment to the City's exclusive franchise agreement with Republic Services for the collection, hauling, and disposal of residential garbage and refuse waste in the City of Fair Oaks Ranch.**

MOTION: Made by Council Member Muenchow, seconded by Council Member Elizondo, to approve the first reading of an Ordinance approving the first amendment to the City's exclusive franchise agreement with Republic Services for the collection, hauling, and disposal of residential garbage and refuse waste.

VOTE: 7-0; Motion Passed.

9. **Consideration and possible action to approve a Resolution authorizing participation in Texas CLASS investment pool.**

MOTION: Made by Council Member Elizondo, seconded by Council Member Parker, to approve the Resolution authorizing the City to participate in Texas CLASS Investment Pool.

VOTE: 7-0; Motion Passed.

10. **Consideration and possible action to approve a Resolution authorizing participation in TexPool Prime investment pool.**

MOTION: Made by Council Member Muenchow, seconded by Council Member Koerner, to approve the Resolution authorizing participation in the TexPool Prime investment pool and designating authorized representatives.

VOTE: 7-0; Motion Passed.

11. **Consideration and possible action approving a Law Enforcement and Patrol Agreement between the City of Fair Oaks Ranch and Setterfeld Estates Homeowners Association.**

MOTION: Made by Council Member Bliss, seconded by Council Member Stroup, to approve the agreement between the City of Fair Oaks Ranch and Setterfeld Estates Homeowners Association for police services within the gated community of Setterfeld Estates.

VOTE: 7-0; Motion Passed.

12. **Consideration and possible action authorizing the City Manager to sign a Construction Agreement with G5 Utilities, LLC for the Balcones Creek Waterline Replacement Project.**

MOTION: Made by Council Member Koerner, seconded by Council Member Stroup, to authorize the City Manager to sign a Construction Agreement with G5 Utilities, LLC for \$123,652.60 with a 10% contingency in the amount of \$12,365.26, for a total value not to exceed \$136,017.86.

VOTE: 7-0; Motion Passed.

13. Consideration and possible action approving a Wastewater Treatment Plant Site Feasibility Study capacity expansion option.

MOTION: Made by Council Member Elizondo, seconded by Council Member Koerner, to approve Option 1: Current Wastewater Treatment Plant Expansion for further evaluation as part of the Wastewater Treatment Plant Site Feasibility Study.

VOTE: 7-0; Motion Passed.

14. Presentation and possible discussion of the Fiscal Year 2021-22 Preliminary Year-End Results.

Rosie G. Vela, Director of Finance provided to Council a presentation of the Fiscal Year 2021-22 Preliminary Year-End Results and led a discussion regarding the information presented.

REPORTS FROM STAFF AND COMMITTEES

15. Rosie G. Vela, Director of Finance, provided to Council a presentation of the Quarterly Investment Report for Quarter Ended September 30, 2022.

REQUESTS AND ANNOUNCEMENTS**16. Announcements and reports by Mayor and Council Members.**

Mayor Maxton wished everyone a Happy Thanksgiving on behalf of the entire Council.

17. Announcements by the City Manager.

City Manager, Tobin Maples, AICP, reminded everyone that City Offices will be closed on Thursday, November 24, 2022 and Friday, November 25, 2022, in observance of the Thanksgiving holiday.

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

Council Member Stroup proposed a discussion of a tree preservation ordinance as suggested earlier in the meeting by citizen Ron Madura.

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 Executive Session at 7:54 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:

21. Cause No. 2021CI05780: Richard J. Davila Jr. vs. City of Fair Oaks Ranch.

Sec. 551.072 (Deliberation regarding real property)

22. The City Council met 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.

City Council did not convene into Executive Session regarding:

Sec. 551.071 (Consultation with Attorney)

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

RECONVENE INTO OPEN SESSION

City Council reconvened into Open Session at 8:26 PM.

MOTION: Made by Council Member Koerner, seconded by Council Member Muenchow, to authorize the City Manager to engage litigation services from Denton, Navarro, Rocha, Bernal, & Zech, LLC.

VOTE: 7-0; Motion Passed.

ADJOURNMENT

Mayor Maxton adjourned the meeting at 8:27 PM.

ATTEST:

Gregory C. Maxton, Mayor

Christina Picioccio, TRMC, City Secretary