



CITY OF FAIR OAKS RANCH
CITY COUNCIL REGULAR MEETING

Thursday, October 03, 2024 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: Olvera, Koerner, and Parker

Council Absent: Council Members Stroup, Rhoden 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.

Mayor Maxton read a letter from citizen, Geri Pieper, requesting speed monitoring signs and a reduction of the speed limit on Dietz Elkhorn.

CONSENT AGENDA

4. Approval of the September 16, 2024 Special City Council meeting minutes.

5. Approval of the September 16, 2024 Special City Council meeting minutes.

6. Approval of Council Member Rhoden's absence from the August 15, 2024 and October 3, 2024 Regular City Council meetings.

7. Approval of Council Member Olvera's absence from the September 19, 2024 Regular City Council meeting.

MOTION: Made by Council Member Parker, seconded by Council Member Olvera, to approve the Consent Agenda.

VOTE: 4 - 0; Motion Passed.

Mayor Maxton recommended changing the order of agenda items and proposed that all Oak Bend Estate items be addressed in sequence, followed by all Stone Creek Ranch items: City Council voiced no objection.

PUBLIC HEARING

8. **The City Council will conduct a public hearing to receive public testimony on the following variance request: Application No. PV# 2024-01 from the applicant, Sitterle Homes LTD, on behalf of the property owner, Oak Bend Forest, L.C., to reduce the minimum required street frontage from 150 feet to a range of 107.75 – 148.68 feet for 38 lots in the proposed 55-lot Oak Bend Subdivision Phase I.**
- a) Mayor Maxton opened the public hearing at 6:37 PM.
 - b) Grant Watanabe, P.E., CFM, Director of Public Works and Engineering Services, provided a presentation on the variance request.
 - c) The applicant did not provide a presentation of the variance request.
 - d) City Council did not receive public testimony for or against the variance request.
 - e) Mayor Maxton closed public comments at 6:44 PM.
 - f) City Council discussed the request, inclusive of asking questions of the applicant and staff.
 - g) Mayor Maxton adjourned the public hearing with no formal action.

CONSIDERATION/DISCUSSION ITEMS

10. **Consideration and possible action approving a variance request: Application No. PV# 2024-01 from the applicant, Sitterle Homes LTD, on behalf of the property owner, Oak Bend Forest, L.C., to reduce the minimum required street frontage from 150 feet to a range of 107.75 – 148.68 feet for 38 lots in the proposed 55-lot Oak Bend Subdivision Phase I.**

MOTION: Made by Council Member Koerner, seconded by Council Member Parker, to approve the proposed variance to permit street frontages of less than 150 feet for 38 of the 55 lots in Oak Bend Subdivision Phase I, with frontages ranging from 107.75 to 148.68 feet as presented.

VOTE: 4 - 0; Motion Passed.

11. **Consideration and possible action approving the Oak Bend Subdivision Phase I Tree Preservation Plan.**

MOTION: Made by Council Member Olvera, seconded by Council Member Koerner, to approve the Oak Bend Subdivision Phase I Tree Preservation Plan.

VOTE: 4 - 0; Motion Passed.

12. **Consideration and possible action approving the Oak Bend Subdivision Phase I Preliminary plat establishing 55 lots from the applicant, Sitterle Homes LTD, on behalf of the property owner, Oak Bend Forest, L.C.**

MOTION: Made by Council Member Olvera, seconded by Council Member Koerner, to approve the Preliminary Plat for Oak Bend Subdivision Phase I with the following conditions:

1. The proposed variance (PV-2024-01) regarding thirty-eight (38) lots that do not meet the 150-foot street lot frontages is approved.
2. Confirm how the proposed development will comply with the requirements of Article II Section 3, Submission of Final Plat of Old Subdivision Regulations.
3. Show that the street Bald Cypress Court will be connected to the adjoining street on the east in Phase II in the future and add a note to the plat regarding this.
4. Remove building setback legend from the “existing keynotes” (previously titled as “key notes”) on all pages. All setback requirements need to meet the zoning requirements of Neighborhood Residential (NR) District.
5. Provide metes and bounds description to verify all coordinate points on the plat. The coordinates and distances indicated in the metes and description in the warranty deed do not match the coordinates and distances called out on the plat.
6. Add a plat note stating, “approval of this plat vacates the approved and recorded Oak Bend Estates Plat”.

VOTE: 4 - 0; Motion Passed.

PUBLIC HEARING

9. **The City Council will conduct a public hearing to receive public testimony on the following variance request: Application No. PV# 2024-02 from the applicant and owner, Green Land Ventures, LTD., to reduce the required minimum street frontage from 150 feet to 108 feet for three (3) lots in the proposed Stone Creek Ranch Unit 2B.**
 - a) Mayor Maxton opened the public hearing at 7:00 PM.
 - b) Grant Watanabe, P.E., CFM, Director of Public Works and Engineering Services, provided a presentation on the variance request.
 - c) The applicant did not provide a presentation of the variance request.
 - d) City Council did not receive public testimony for or against the variance request.
 - e) Mayor Maxton closed public comments at 7:04 PM.
 - f) City Council did not discuss the request or ask questions of the applicant and staff.
 - g) Mayor Maxton adjourned the public hearing with no formal action.

CONSIDERATION/DISCUSSION ITEMS

13. **Consideration and possible action approving a variance request: Application No. PV# 2024-02 from the applicant and owner, Green Land Ventures, LTD., to reduce the required minimum street frontage from 150 feet to 108 feet for three (3) lots in the proposed Stone Creek Ranch Unit 2B.**

MOTION: Made by Council Member Koerner, seconded by Council Member Parker, to approve the proposed variance to allow street frontages of less than 150 feet for three (3) of the proposed 12 lots in the Stone Creek Unit 2B Plat, with street frontages of 108.13 feet, 111.85 feet, and 116.90 feet as presented.

VOTE: 4 - 0; Motion Passed.

14. Consideration and possible action approving a Preliminary Plat request from Green Land Ventures, Ltd., for Stone Creek Ranch Unit 2B establishing 12 single-family residential lots.

MOTION: Made by Council Member Parker, seconded by Council Member Olvera, to approve the Preliminary Plat for Stone Creek Ranch Unit 2B with the following conditions:

- 1) The approved variance (PV-2024-02) shall apply only to the three lots that do not meet the 150-foot street frontage requirement as presented.
- 2) Applicant to verify that the increased runoff resulting from the proposed development will not have an adverse impact on other properties or drainage systems.

VOTE: 4 - 0; Motion Passed.

WORKSHOP

15. Tree Preservation Workshop Follow-Up

Kelsey Delgado, Environmental Program Manager, led a workshop with City Council regarding Tree Preservation. Council Member Olvera will present a consideration item on a future Council agenda.

REPORTS FROM STAFF AND COMMITTEES

16. Semiannual Report from the Capital Improvements Advisory Committee (CIAC).

Paul Mebane, CIAC Chairperson, provided the CIAC semiannual report to City Council.

REQUESTS AND ANNOUNCEMENTS

17. Announcements and reports by Mayor and Council Members.

Mayor Maxton reminded residents that the deadline to register to vote in the upcoming November 5, 2024, election is Monday, October 7, 2024. He encouraged everyone to visit the City's website for more information. Additionally, he announced the successful transition of services to Frontier Waste. For residents who were unable to set out their bins for pickup, Republic Services will return on October 9, 2024, to collect any remaining bins. Mayor Maxton also invited the community to join Interim Chief of Police Todd Smith for "Coffee with the Chief" on Saturday, October 5, 2024, from 8:00 AM to 10:00 AM at Spotted Deer, where the first 100 cups of coffee will be free.

18. Announcements by the City Manager.

N/A

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

Council Member Olvera requested that an agenda item be added for a future meeting to address resident Geri Pieper's concerns about Dietz Elkhorn.

CONVENE INTO EXECUTIVE SESSION

City Council convened into closed session at 7:47 PM regarding:

Sec. 551.074 (Personnel Matters)

23. To perform the annual evaluation of the 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:

20. Case No. 22-090-451; Vincent A. Caldarola, MD vs. City of Fair Oaks Ranch, Texas.
21. 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)

22. 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 10:00 PM. No action was taken.

ADJOURNMENT

Mayor Maxton adjourned the meeting at 10:00 PM.

ATTEST:

Gregory C. Maxton, Mayor

Christina Picioccio, TRMC, City Secretary