



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

Thursday, December 05, 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>

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### **MINUTES**

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#### **OPEN MEETING**

##### **1. Roll Call - Declaration of a Quorum**

Council Present: Mayor Maxton and Council Members: Stroup, Rhoden, Olvera, Koerner, and Parker

Council Absent: Council Members: None

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.**

David Fairhurst, resident, spoke on behalf of the Fair Oaks Ranch Homeowners Association, regarding concerns about the impact of TxDOT's widening of FM 3351 on the community's trail system. While the project includes a trail for joggers and hikers, it does not accommodate horses. As a member of a committee focused on reconnecting the trail, Mr. Fairhurst suggested that the Corley Tract development could present an opportunity to address this issue and encouraged Council to consider it.

#### **PRESENTATIONS**

##### **4. Presentation of a 5-Year Service Award to: Clayton Hoelscher, Procurement Manager**

Joanna Merrill, PSHRA-SCP, Director of HR and Communications, presented a 5-Year Service Award to Procurement Manager Clayton Hoelscher

##### **5. Presentation of a 15-Year Service Award to: Christina Picioccio, TRMC, City Secretary**

Joanna Merrill, PSHRA-SCP, Director of HR and Communications, presented a 15-Year Service Award to City Secretary Christina Picioccio

#### **CONSENT AGENDA**

##### **6. Approval of the November 7, 2024 Regular City Council meeting minutes**

##### **7. Approval of a resolution authorizing the execution of an agreement with Clark Construction of Texas, Inc. for milling and overlay repairs on Battle Intense**

**8. Approval of the second reading of an ordinance amending the budget for the fiscal year beginning October 1, 2024, and ending September 30, 2025**

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

VOTE: 6 - 0; Motion Passed.

**CONSIDERATION/DISCUSSION ITEMS**

**9. Consideration and possible action to approve a resolution authorizing execution of an amendment to the Interlocal Agreement between the City of Fair Oaks Ranch and the Fair Oaks Ranch Municipal Development District, execution of all applicable documents by the City Manager, and providing an effective date**

MOTION: Made by Council Member Koerner, seconded by Council Member Olvera, to approve a resolution authorizing execution of an amendment to the Interlocal Agreement between the City of Fair Oaks Ranch and the Fair Oaks Ranch Municipal Development District.

VOTE: 6 - 0; Motion Passed.

**10. Consideration and possible action approving a resolution authorizing the execution of a work authorization with Kimley-Horn and Associates, Inc. for engineering services for the WWTP Phase 1 Expansion Project**

MOTION: Made by Council Member Rhoden, seconded by Council Member Stroup, to approve the resolution authorizing the execution of a work authorization with Kimley-Horn and Associates, Inc. for engineering services for the WWTP Phase 1 Expansion Project, expenditure of the required funds up to \$604,906, and execution of all applicable documents by the City Manager.

VOTE: 6 - 0; Motion Passed.

**11. Consideration and possible action of a Master Development Plan from Athena Domain, LLC, for an 80.69-acre parcel of land at 29580 Ralph Fair Road, a portion of the Corley Tract, in furtherance of the applicant's request for Water and Wastewater CCN incorporation**

MOTION: Made by Council Member Stroup, seconded by Council Member Parker, to approve the Master Development Plan for an 80.69-acre parcel of land located at 29580 Ralph Fair Road, a portion of the Corley Tract, in furtherance of the applicant's request for water and wastewater CCN incorporation, with the following conditions:

1. The Master Development Plan for Phase I shall not exceed 139 LUEs (water) and 137 LUEs (wastewater).
2. The Developer shall "loop" the water system by connection to existing waterline mains to the north at the Arbors Subdivision and to the south at the intersection of Ralph Fair Road and Dietz Elkhorn Road.
3. The Developer shall conduct a FEMA CLOMR/LOMR study and obtain approval prior to submission of the Final Plat if altering the boundary of the 100-year floodplain.

4. The Developer shall enter into a water and wastewater service agreement with the City to memorialize the number of units, LUEs, related fees, and any cost sharing arrangement for off-site infrastructure upgrades necessary to serve the development.
5. The Master Development plan for Phase I will be a gated community with private streets.

VOTE: 6 - 0; Motion Passed.

**12. Consideration and possible action approving a resolution ordering a Special Election for the unexpired term of Council Place 6 to be held February 25, 2025 to be contracted with Kendall County Elections, and to authorize the City Manager to execute said agreement**

MOTION: Made by Council Member Rhoden, seconded by Council Member Olvera, to approve a resolution ordering a Special Election for the unexpired term of Council Place 6 to be held February 25, 2025 to be contracted with Kendall County Elections, and to authorize the City Manager to execute said agreement.

VOTE: 6 - 0; Motion Passed.

## **WORKSHOP**

**13. Drought Contingency Plan Workshop**

Kelsey Delgado, Environmental Program Manager, led a workshop with Council regarding proposed updates to the Drought Contingency Plan. Council provided staff direction to bring back an ordinance at a future meeting transitioning into a 4 stage plan.

## **REQUESTS AND ANNOUNCEMENTS**

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

Council Member Stroup announced the Voss Middle School theater program's upcoming play, with performances scheduled at the school campus on December 6, 2024, at 7:00 PM; December 7, 2024, at 7:00 PM; and December 8, 2024, at 6:00 PM.

Mayor Maxton announced that the City, in partnership with the Fair Oaks Ranch Homeowners Association, will host the "Santa on the Ranch" event on Sunday, December 8, 2024, at City Hall from 2:00 to 5:00 PM. The event location was moved to City Hall due to anticipated inclement weather on Saturday and will feature Santa and Mrs. Claus, food trucks, games, music, and other festivities. The Mayor also announced that the State of the City event is scheduled for January 30, 2025, at 7:00 PM at Spring Creek United Methodist Church. He encouraged residents to stay tuned for additional details from the City on how to attend. Additionally, Mayor Maxton reminded residents that the Police Department is accepting donations of new, unwrapped toys for children aged infant to 16 years old as part of the annual Blue Santa Toy Drive. Donations can be dropped off at several locations in the City, including City Hall, until December 18, 2024.

**15. Announcements by the City Manager**

N/A

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

N/A

**CONVENE INTO EXECUTIVE SESSION**

City Council convened into closed session at 7:55 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:

18. 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

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:

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

**Sec. 551.072 (Deliberation regarding real property)**

19. 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 9:02 PM. No action was taken.

**ADJOURNMENT**

Mayor Maxton adjourned the meeting at 9:02 PM.

ATTEST:

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Gregory C. Maxton, Mayor

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Christina Picioccio, TRMC, City Secretary