



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

Thursday, December 7, 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, and Parker,

Council Absent: Council Members: Stroup 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**

Rich Nichols, citizen, requested that three stop signs be placed within the City limits: two at the intersection of Keeneland Drive/Venturer and one at the intersection of Hansel/Battle Intense making both intersections four-way stops.

Wes Pieper, citizen, referenced e-mails he sent to City Council. One was regarding the Unified Development Code and property rights. The other was regarding street projects and the Comprehensive Plan. He requested that his recommendations be considered.

**CONSENT AGENDA**

**4. Approval of the November 16, 2023 Regular City Council meeting minutes.**

**5. Approval of the second 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.**

**6. Approval of a resolution authorizing the execution of a purchase order with Motorola Solutions, Inc. for body worn cameras, expenditure of the required funds, and execution of all applicable documents by the City Manager.**

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

VOTE: 4-0; Motion Passed.

**CONSIDERATION/DISCUSSION ITEMS****7. Consideration and possible action accepting a private donation to the City of Fair Oaks Ranch Police Department.**

MOTION: Made by Council Member Parker, seconded by Council Member Rhoden, to approve the City's acceptance of a private monetary donation to purchase equipment for the Police Department in the amount of \$2,000.

VOTE: 4-0; Motion Passed.

**8. Consideration and possible action approving a private donation to the City of Fair Oaks Ranch Police Department.**

MOTION: Made by Council Member Koerner, seconded by Council Member Rhoden, to approve the City's acceptance of a private monetary donation to the Police Department in the amount of \$100.

VOTE: 4-0; Motion Passed.

**9. Consideration and possible action approving a resolution authorizing the submission of project application(s) to the Texas Department of Transportation for FY 2026-27 Highway Safety Improvement Program (HSIP) funding, and execution of all documents relative to the submission by the City Manager.**

MOTION: Made by Council Member Koerner. The motion died for lack of a second.

**10. Consideration and possible action on cancelling the January 4, 2024, City Council meeting.**

MOTION: Made by Council Member Rhoden, seconded by Council Member Koerner, to cancel the January 4, 2024, City Council meeting.

VOTE: 4-0; Motion Passed.

**WORKSHOP****11. Unified Development Code Amendments related to Statutory and Regulatory Changes and Mixed Use Village Zoning District.**

Bobbe Barnes, Planning and Zoning (P&Z) Commission Chairperson and T. Daniel Santee, City Attorney, led a discussion with Council regarding the proposed Unified Development Code (UDC) Statutory and Regulatory Changes and proposed changes to the Mixed Use Village Zoning District. After City Council discussion, the City Council directed that the proposed changes to the Mixed Use Village Zoning District not be considered at this time. Upcoming P&Z and City Council public hearings will focus on Statutory and Regulatory Changes only.

**REPORTS FROM STAFF AND COMMITTEES****12. Bond Advisory Committee Update.**

Seth Mitchell, Bond Advisory Committee Chairman, provided to the Council a status update on the committee's progress. He encouraged citizens to attend the December 13<sup>th</sup> meeting at 9:00 AM to be held at the Spring Creek United Methodist Church Fellowship Building.

*Council Member Parker exited the meeting at 8:52 PM and returned at 8:56 PM.*

**13. Presentation of the Fiscal Year 2022-23 Preliminary Year-End Results.**

Summer Fleming, Director of Finance, provided to the Council the Preliminary Year-End Results for the Fiscal Year 2022-23.

**REQUESTS AND ANNOUNCEMENTS****14. Announcements and reports by Mayor and Council Members.**

Mayor Maxton reminded everyone about the City's special election to fill a vacancy for Council Member Place 3. Election day will be on Saturday, December 9, 2023, in the Public Safety Training Room from 7:00 AM until 7:00 PM. The Mayor announced that the Police Department is now collecting new, unwrapped toys for their annual toy drive. In addition, Santa will be visiting Parker's ice cream shop on December 12, 2023 between 5:00 PM – 7:00 PM. Mayor Maxton noted that to those that bring a new, unwrapped gift, that Parker's will provide you with a free gift. The Mayor further disclosed that Santa, escorted by the Fair Oaks Ranch Police Department, will be touring the City of December 14<sup>th</sup>, 15, 18<sup>th</sup>, and 19<sup>th</sup>. Look on social media and the City website for specific information. In closing, the Mayor, on behalf of the City Council and staff wishes everyone a safe and enjoyable holiday with family and friends.

**15. Announcements by the City Manager**

City Manager, Scott Huizenga, announced that notifications for the January Bulk Brush went out in the mail today (November 16, 2023), so be on the lookout.

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

Mayor Maxton requested that the stop sign situation as introduced by Rich Nichols in the Citizen's to Be Heard portion of tonight's meeting, be brought back a future workshop item.

**CONVENE INTO EXECUTIVE SESSION**

*City Council convened into closed session at 9:15 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:

20. 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: Richard J. Davila Jr. vs. City of Fair Oaks Ranch.

21. The City Council will meet in closed session pursuant to Texas Government Code Section 551.071 to consult with legal counsel about pending or contemplated litigation; to wit: former officer Lacey Gonzales F5 appeal proceeding.

**Sec 551.074 (Personnel Matters)**

24. To perform the annual evaluation of the City Secretary.

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:

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

**Sec 551.074 (Personnel Matters)**

23. To perform the annual evaluation of the City Manager.

**RECONVENE INTO OPEN SESSION**

City Council reconvened into Open Session at 10:43 PM.

MOTION: Made by Council Member Rhoden, seconded by Council Member Kerner, to approve the firm of Denton Navarro, Rocha, Bernal, and Zech to represent the City in the pending F-5 hearing of former officer Lacy Gonzalez.

VOTE: 4-0; Motion Passed.

**ADJOURNMENT**

Mayor Maxton adjourned the meeting at 10:44 PM.

ATTEST:

\_\_\_\_\_  
Gregory C. Maxton, Mayor

\_\_\_\_\_  
Christina Picioccio, TRMC, City Secretary