



CITY OF FAIR OAKS RANCH
CITY COUNCIL REGULAR MEETING

Thursday, December 21, 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, Olvera, 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.**

The following residents spoke in opposition to the Noble Lark road closure:

- Nathan Britt
- Josh Cook

Mayor Maxton read letters from the following residents stating their opposition to the Noble Lark road closure:

- Steven & Angela Reese
- Meredith Tucker

The following residents spoke in support of the Noble Lark road closure:

- Robert Williamson
- Jordan Waldrup
- Matt Sandage

PRESENTATIONS

4. **Swearing in of newly elected official.**

Mayor Gregory C. Maxton provided the Oath of Office to newly elected Council Member Ruben Olvera.

5. **Presentation of Fair Oaks Ranch Police Department's Life Saving Award to Sergeant Alex Willis along with presentations of Life Saving recognitions to Glen McKinney and Bryan Clingman.**

Chief of Police Tim Moring provided a brief presentation related to an event where Sergeant Alex Willis and civilians Glen McKinney and Bryan Clingman pulled an unconscious driver from a burning

vehicle. Sergeant Willis was presented a Life Saving Award. Mr. McKinney and Mr. Clingman were also recognized and provided plaques for their life saving efforts.

6. In Recognition of recent Promotion(s): Nathan Domenech, Police Sergeant.

Jennifer Hudson, Human Resources Generalist, recognized Nathan Domenech for his recent promotion to Police Sergeant.

7. In Recognition of Recent Promotion(s): Summer Fleming, Director of Finance

Jennifer Hudson, Human Resources Generalist, recognized Summer Fleming for her recent promotion to Director of Finance.

8. Presentation of the Government Finance Officers Association (GFOA) Certificate of Achievement for Excellence in Financial Reporting for the Fiscal Year Ended September 30, 2022.

Jennifer Hudson, Human Resources Generalist, recognized the Finance Department for their Certificate of Achievement for Excellence in Financial Reporting for the Fiscal Year Ended September 30, 2022, awarded by the Government Finance Officers Association.

CONSENT AGENDA

9. Approval of the December 7, 2023 Regular City Council meeting minutes.

10. Approval of a resolution authorizing the execution of purchase orders with Caldwell Country Ford for three Ford Police Interceptors and Chastang Ford for one Ford F-450, expenditure of the required funds, and execution of all applicable documents by the City Manager.

11. Approval of Council Member Stroup's absence from the November 16, 2023, and December 7, 2023 Regular City Council meetings.

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

VOTE: 7-0; Motion Passed.

PUBLIC HEARING

12. The City of Fair Oaks Ranch City Council will conduct a public hearing to receive public testimony on proposed Unified Development Code amendments related to Statutory and Regulatory Changes.

- a) Mayor Gregory C. Maxton opened the public hearing at 7:11 PM.
- b) Carole Vanzant, Assistant City Manager, Community Services, provided a presentation of the proposed Statutory and Regulatory Changes.
- c) City Council received no citizen testimony for/against the proposed amendments.
- d) Mayor Maxton closed public comments at 7:14 PM.
- e) City Council did not discuss the amendments.
- f) Mayor Maxton adjourned the Public Hearing at 7:15 PM with no formal action.

CONSIDERATION/DISCUSSION ITEMS

13. **Consideration and possible action approving the first reading of an ordinance amending the City of Fair Oaks Ranch Unified Development Code related to Statutory and Regulatory Changes.**

MOTION: Made by Council Member Koerner, seconded by Council Member Rhoden, to approve the first reading of an ordinance amending the City of Fair Oaks Ranch Unified Development Code related to Statutory and Regulatory Changes.

VOTE: 7-0; Motion Passed.

14. **Consideration and possible action approving a Resolution authorizing participation in the multi-district litigation as a settlement class member in the Aqueous Film-Forming Foam (AFF) Product liability litigation and authorizing the City Manager to execute settlement participation forms.**

MOTION: Made by Council Member Muenchow, seconded by Council Member Koerner, to approve a Resolution authorizing participation as a settlement class member in the Aqueous Film-Forming Foam Product liability litigation and authorizing the City Manager to execute settlement participation forms.

VOTE: 7-0; Motion Passed.

WORKSHOP

15. **Unified Development Code Permitted Uses in Mixed Use Village Zoning District.**

P&Z Commissioner, David Horwath, spoke to the history of the process the P&Z has followed to review the UDC.

Mayor Maxton led a discussion with the Council about the direction to the Planning & Zoning Commission regarding permitted uses in the Mixed-Use Village Zoning District section of the UDC. Council directed the Planning & Zoning Commission to review the Future Land Use Map and explore options on how the City can legally limit the percentage of multi-family housing in mixed-use village districts and amend language that eliminates the ability for a mixed-use district to have only one use. Council assigned this as a top priority but also gave the Commission flexibility to address it as they decide.

REPORTS FROM STAFF AND COMMITTEES

16. **Gateway Committee Update.**

Council Members and Gateway Committee members, Laura Koerner and Scott Parker, provided an update to Council. The committee met with Halff & Associates to talk about the project and provide ideas on what they would like to see in the future. The committee expects to see conceptual drawings in January after which they will update Council again.

REQUESTS AND ANNOUNCEMENTS**17. Announcements and reports by Mayor and Council Members.**

Mayor Maxton reminded everyone that City Hall will be closed on December 25 and 26, 2023 in observance of the Christmas holiday and on January 1, 2024 for the New Year holiday. The Mayor also reminded everyone that the January 4, 2024 regular council meeting was cancelled. Mayor Maxton congratulated the Police Department for the success of their toy drive which collected 1,501 toys and thanked everyone who donated. From December 18, 2023 – Jan 31, 2024, CPS will perform planned tree trimming along the elevated power lines to ensure reliability during potential storms. Mayor Maxton announced that there is a temporary road closure to through traffic on Noble Lark at the intersection of Dietz Elkhorn during the first quarter of 2024. Bulk brush pickup occurs from January 8-26, 2024, throughout the city. The Mayor encouraged residents to visit the website for the pickup schedule. Mayor Maxton thanked the Police Department for escorting Santa and Mrs. Claus through the City on four evenings to ensure that all families in the city were visited. Mayor Maxton also thanked Santa and Mrs. Claus for visiting. Lastly, Mayor Maxton wished everyone a happy holiday season on behalf of Council and staff.

18. Announcements by the City Manager.

None.

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

None.

CONVENE INTO EXECUTIVE SESSION

Pursuant to Section 551.101 of the Open Meetings Act, Texas Gov't Code, a quorum of the City Council convened into closed session at 8:39 PM regarding:

Sec. 551.074 (Personnel Matters)

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

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:

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

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

22. 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)

- 23. 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 10:46 PM. No action was taken.

ADJOURNMENT

Mayor Maxton adjourned the meeting at 10:46 PM.

ATTEST:

Gregory C. Maxton, Mayor

Christina Picioccio, TRMC, City Secretary