



CITY OF FAIR OAKS RANCH
CITY COUNCIL REGULAR MEETING

Thursday, October 05, 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>

AGENDA

OPEN MEETING

1. Roll Call - Declaration of a Quorum
2. Pledge of Allegiance

CITIZENS and GUEST FORUM

To address the Council, please sign the Attendance Roster located on the table at the entrance in the foyer of the Public Safety Training Room. In accordance with the Open Meetings Act, Council may not discuss or take action on any item which has not been posted on the agenda. Speakers shall limit their comments to five (5) minutes each.

3. Citizens to be heard.

CONSENT AGENDA

All of the following items are considered to be routine by the City Council, there will be no separate discussion on these items and will be enacted with one motion. Items may be removed by any Council Member by making such request prior to a motion and vote.

4. Approval of the September 21, 2023 Special City Council meeting minutes.

Christina Picioccio, TRMC, City Secretary

5. Approval of the September 21, 2023 Regular City Council meeting minutes.

Christina Picioccio, TRMC, City Secretary

CONSIDERATION ITEMS

6. Consideration and possible action approving a Heritage Tree Plan for the Fox Falls Off-Site Gravity Sewer Project.

Kelsey Delgado, Environmental Program Manager

7. Consideration and possible action approving a resolution appointing members to the ad hoc Bond Advisory Committee and directing the City Manager to develop financing options in support of the FY 2024-28 Capital Improvements Plan.

Scott M. Huizenga, Interim City Manager

8. Consideration and possible action approving a resolution ordering a Special Election for the unexpired term of Council Place 3.

Christina Picioccio, TRMC, City Secretary
Dan Santee, City Attorney

WORKSHOP

9. Multimodal Transportation and Dietz Elkhorn Survey Results.

Grant Watanabe, P.E., Director of Public Works and Engineering Services
Mike Garza, P.E., PTOE, RSP1, Legacy Engineering Group
Jeanne Tarrants, RSP1, Legacy Engineering Group

REPORTS FROM STAFF AND COMMITTEES

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

Paul Mebane, CIAC Chairperson

REQUESTS AND ANNOUNCEMENTS

11. Announcements and reports by Mayor and Council Members.
12. Announcements by the City Manager.
13. Requests by Mayor and Council Members that items be placed on a future City Council agenda.

CONVENE INTO EXECUTIVE SESSION

Pursuant to Section 551.101 of the Open Meetings Act, Texas Gov't Code, a quorum of the governing body hereby convenes into closed session:

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:

14. To receive legal advice from Special Counsel and the City Attorney regarding the City's ground water rights.
15. Case No. 22-090-451; Vincent A. Caldarola, MD vs. City of Fair Oaks Ranch, Texas.
16. 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.
17. To receive advice on matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct clearly conflict and related to an internal affairs investigation being conducted by an independent third-party investigator into complaints within the Fair Oak Ranch Police Department and the Police Chief and other related issues.

Sec. 551.072 (Deliberation regarding real property)

18. 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)

19. The City Council will meet in closed session pursuant to Texas Government Code Section 551.074, Personnel Matters, to deliberate the process and options for filling the vacancy of City Manager.
20. To perform the annual evaluation of the City Manager.
21. To perform the annual evaluation of the City Secretary.

RECONVENE INTO OPEN SESSION

Discussion and possible action on items discussed in Executive Session.

ADJOURNMENT

Signature of Agenda Approval: s/Gregory C. Maxton

Gregory C. Maxton, Mayor

I, Christina Picioccio, TRMC, City Secretary, certify that the above Notice of Meeting was posted on the outside bulletin board at the Fair Oaks Ranch City Hall, 7286 Dietz Elkhorn, Fair Oaks Ranch, Texas, and on the City's website www.fairoaksranchtx.org, both places being convenient and readily accessible to the general public at all times.

As per Texas Government Code 551.045, said Notice was posted by 6:30 PM, October 2, 2023 and remained so posted continuously for at least 72 hours before said meeting was convened.

The Fair Oaks Ranch Police Station is wheelchair accessible at the front main entrance of the building from the parking lot. Requests for special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary's office at (210) 698-0900. Braille is not available. The City Council reserves the right to convene into Executive Session at any time regarding an issue on the agenda for which it is legally permissible; pursuant to Texas Government Code Chapter 551. Section 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.087 (Economic Development).