



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

Thursday, November 16, 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.

### **PRESENTATIONS**

4. Introduction of new hire(s): Juan Munoz, Utility Technician; Morgan Koontz, Utility Technician; Grant Hemphill, Water/Wastewater Operator I; Kevin O'Connor, Maintenance Technician.

Joanna Merrill, IPMA-SCP, Director of Human Resources and Communications

5. Presentation of a 5-Year Service Award to: Tom Heath, Infrastructure Inspector.

Joanna Merrill, IPMA-SCP, Director of Human Resources and Communications

6. Presentation of a 20-Year Service Award to Steven Fried, Water Supervisor.

Joanna Merrill, IPMA-SCP, Director of Human Resources and Communications

### **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.*

7. Approval of the October 19, 2023 Regular City Council meeting minutes.

Christina Picioccio, TRMC, City Secretary

8. Approval of the second reading of an ordinance amending the Fiscal Year 2023-24 Amendment.

Summer Fleming, Interim Director of Finance

9. Approval of a resolution approving the 2023 property tax levy roll.  
Summer Fleming, Interim Director of Finance
10. Approval of a resolution authorizing brokers, dealers, and financial institutions to conduct investment transactions for the City of Fair Oaks Ranch, Texas.  
Summer Fleming, Interim Director of Finance
11. Approval of a resolution amending resolution 2023-36 by modifying Section 4 to accurately reflect early voting dates, times, and locations.  
Christina Picioccio, TRMC, City Secretary
12. Approval of a resolution casting votes for candidates for the Boards of Directors for Bexar and Comal Appraisal Districts for tax years 2024 and 2025.  
Gregory C. Maxton, Mayor  
Laura Koerner, Mayor Pro Tem, Place 4
13. Approval of a resolution authorizing the execution of an agreement with Patti Engineering, Inc. for Supervisory Control and Data Acquisition (SCADA) support services.  
Clayton Hoelscher, Procurement Manager
14. Approval of a resolution authorizing the execution of a purchase order with Vermeer Texas-Louisiana for a hydro-vacuum excavator, expenditure of the required funds, and execution of all applicable documents by the City Manager.  
Clayton Hoelscher, Procurement Manager
15. Approval of a resolution authorizing the execution of a Participation Agreement with the Sourcewell Cooperative Purchasing Program, a purchase order with Ewald Kubota for a skid steer, expenditure of the required funds, and execution of all applicable documents by the City Manager.  
Clayton Hoelscher, Procurement Manager

**CONSIDERATION/DISCUSSION ITEMS**

16. Consideration and possible action approving the first 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.  
Julio Colunga, Assistant Director of Public Works  
Kelsey Delgado, Environmental Program Manager
17. Consideration and possible action approving a resolution to accept a \$42,000 monetary donation from SA Front Gate, LLC, Elkhorn Ridge Development SA, LLC, and Elkhorn Ridge SA, LLC; a \$10,000 monetary donation from ROW at Dietz Elkhorn, LLC; and a monetary donation up to \$10,000 from Vantage at Fair Oaks, LLC for the design and construction of the Dietz Elkhorn Sidewalk Project.  
Grant Watanabe, P.E., Director of Public Works and Engineering Services

**WORKSHOP**

18. First Quarter Town Hall Meeting.

Gregory C. Maxton, Mayor

19. Civic Center Update.

Grant Watanabe, P.E., Director of Public Works and Engineering  
Lopez Salas Architects, Inc.

**REPORTS FROM STAFF AND COMMITTEES**

20. Quarterly Investment Report for the quarter ended September 30, 2023.

Summer Fleming, Interim Director of Finance

**REQUESTS AND ANNOUNCEMENTS**

21. Announcements and reports by Mayor and Council Members.

22. Announcements by the City Manager.

23. 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:

24. To receive legal advice from Special Counsel and the City Attorney regarding the City's ground water rights.
25. Case No. 22-090-451; Vincent A. Caldarola, MD vs. City of Fair Oaks Ranch, Texas.
26. 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.
27. Cause No. 2021CI05780: Richard J. Davila Jr. vs. City of Fair Oaks Ranch.
28. Matters associated with or arising from the third-party independent investigation involving incidents within the police department.

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

29. 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**

*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](http://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, November 11, 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).