



CITY OF FAIR OAKS RANCH
CITY COUNCIL REGULAR MEETING

Thursday, August 17, 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): Rafael Rios, Utility Technician; Veronica Macias, Administrative Clerk; Amanda Wade, Administrative Assistant.

Jennifer Hudson, IPMA-CP, Human Resources/Communications Specialist

5. Building Code Staff Appreciation Proclamation.

Gregory C. Maxton, Mayor

6. Municipal Clerk's Office Achievement of Excellence Award.

Jannette Goodall, President, Texas Municipal Clerk's Association

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 August 3, 2023 Regular City Council meeting minutes.

Christina Picioccio, TRMC, City Secretary

8. Approval of the second reading of an ordinance amending the City of Fair Oaks Ranch Code of Ordinances Chapter 1 "General Provisions," Article 1.07 "Trees and Shrubs" to include updated definitions and the responsibility of public trees.

Kelsey Delgado, Environmental Program Manager

9. Approval of property owner's request for waiver of penalty and interest for delinquent property tax in accordance with Section 33.011 (i) of the Texas Property Tax Code.

Summer Fleming, Interim Director of Finance

PUBLIC HEARING

10. The City Council of the City of Fair Oaks Ranch, Texas will conduct a public hearing to receive public testimony on proposed amendments to the following chapters in the Unified Development Code (UDC):

Chapter 1: General Provisions

Chapter 2: Review Authority and Procedures

Chapter 3: Applications and Permits

- a) Mayor opens the public hearing
- b) Staff/consultant presentation of the proposed amendments to Chapters 1-3 of the UDC
- c) City Council receives citizen testimony for/against the proposed amendments
- d) Mayor closes public comments
- e) City Council discusses the amendments, inclusive of questions of the staff/consultant
- f) Public Hearing is adjourned with no formal action

Grant Watanabe, P.E., Director of Public Works & Engineering Services
Lata Krishnarao, AICP, LEED ND, Consultant, Ardurra

CONSIDERATION/DISCUSSION ITEMS

11. Consideration and possible action approving the first reading of an ordinance amending the City of Fair Oaks Ranch Unified Development Code (UDC), Chapter 1 - General Provisions, Chapter 2 - Review Authority and Procedures, and Chapter 3 - Applications and Permits.

Grant Watanabe, P.E., Director of Public Works & Engineering Services
Lata Krishnarao, AICP, LEED ND, Consultant, Ardurra

12. Consideration and possible action approving the second reading of an ordinance authorizing Restricted Prior Service Credit for employees who are members of the Texas Municipal Retirement System (TMRS).

Jennifer Hudson, IPMA-CP, Human Resources and Communications Specialist

13. Consideration and possible action approving a resolution setting the maximum proposed ad valorem tax rate for Fiscal Year 2023-24, setting the Fiscal Year 2023-24 budget and tax rate public hearing, and other matters in connection therewith.

Summer Fleming, Interim Director of Finance

14. Consideration and possible action on a resolution of the City of Fair Oaks Ranch, Texas affirming the City Council's support of extending, by six months, the remaining 2008 Water Supply Agreements.

Carole Vanzant, Assistant City Manager, Community Services
Grant Watanabe, Director of Public Works & Engineering

15. Consideration and possible action to accept applications for open positions on Boards, Committees, and Commissions and to set dates for interviews.

Christina Picioccio, TRMC, City Secretary

16. Consideration and possible action to Bexar County to utilize a city building as a poll location in the November election.

Christina Picioccio, TRMC, City Secretary

WORKSHOP

17. FY 2023-24 Budget Workshop.

Summer Fleming, Interim Director of Finance

REQUESTS AND ANNOUNCEMENTS

18. Announcements and reports by Mayor and Council Members.
19. Announcements by the City Manager.
20. 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:

21. To receive legal advice from Special Counsel and the City Attorney regarding the City's ground water rights.
22. Case No. 22-090-451; Vincent A. Caldarola, MD vs. City of Fair Oaks Ranch, Texas.
23. 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.
24. To receive legal advice from Special Counsel and the City Attorney regarding the City's ground water rights.
25. Legal considerations 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 Office of the Police Chief and other related issues to receive advice on pending litigation related to Davila v. City of Fair Oaks Ranch, Texas, No. 2021CT05-780, In the District Court 37th Judicial District Court in Bexar County, Texas.

Sec. 551.072 (Deliberation regarding real property)

26. 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)

27. The City Council will meet in closed session pursuant to Texas Government Code Section 551.074, personnel matters, to deliberate the re-appointment, evaluation, and duties of a public officer; to wit: Judge Kimberly S. Keller.
28. 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.

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, August 14, 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).