

CITY OF FAIR OAKS RANCH

CITY COUNCIL REGULAR MEETING

Thursday, September 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: Stroup, Rhoden, Bliss, Koerner, Parker, and Muenchow

With a quorum present, the meeting was called to order at 6:31 PM.

2. Pledge of Allegiance – The Pledge of Allegiance was recited in unison.

CITIZENS and GUEST FORUM

3. Citizens to be heard.

Rhonda Nugent, resident, reflected on the recent fires in Hawaii and questioned what policies/practices that the City of Fair Oaks Ranch had in place in case of fire or other emergencies.

PRESENTATIONS

4. Police Chief James Kohler presented the Texas Law Enforcement Accreditation Program's re-accreditation certificate the Fair Oaks Ranch Police Department.

5. Mayor Maxton presented an Information Technology Professionals Day Proclamation and recognized the department's staff members.

CONSENT AGENDA

6. **Approval of the August 17, 2023, Regular City Council meeting minutes.**

7. **Approval of the second 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.**

8. **Approval of a resolution reaffirming the City's Investment Policy.**

9. **Approval of Council Member Parker's absences from the September 21, 2023, and October 5, 2023, Regular City Council Meetings.**

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

VOTE: 7-0; Motion Passed.

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 4: Zoning Districts and Use Regulations**Chapter 5: Subdivision Design Standards**

- a) The Mayor opened the Public Hearing at 6:53 PM.
- b) Staff/consultant presentation of the proposed amendments to Chapters 4-5 of the UDC.
- c) City Council received citizen testimony for/against the proposed amendments.

The following residents spoke in opposition to the proposed amendments, specifically the language regarding restrictions on horses:

- Al Schmidt (letter read by Mayor)
- Cheryl Pennington
- Shawna Verrett
- Vincent Gould
- Gabriel Fuentes
- Laura Okey
- John Weir
- Marshall Denney
- Desi D'Orsogna
- Steve Aikens
- Tim Taylor
- Nancy Logan
- Eric Mitchell
- John McCune
- Keith Casey
- Rina Grona
- Amber Chavez
- Mary Hutton
- Brynna Malley
- Robert Joyner
- Jamie Murray
- Terri Katz
- Leslie Abel
- Bernadette Casey
- Janice Fair

- d) Mayor closed public comments
- e) City Council discussed the amendments, inclusive of questions to staff/consultant
- f) Public Hearing was adjourned with no formal action at 8:12 PM.

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 4: Zoning Districts and Use Regulations, and Chapter 5: Subdivision Design Standards.**

MOTION 1: Made by Council Member Koerner, seconded by Council Member Bliss to send back the Planning & Zoning Commission UDC Chapters 4 & 5 for rework specifically to bring it back to its original version and to provide the changes required by law and/or recommendations driven specifically by things that are not working correctly.

VOTE: 7-0; Motion Passed.

Council recessed at 8:34 PM and resumed open session at 8:42 PM.

12. Consideration and possible action to approve the proposed Fiscal Year 2023-24 Municipal Development District (MDD) Budget.

MOTION: Made by Council Member Bliss, seconded by Council Member Muenchow, to approve the FY 2023-24 MDD Budget as presented.

VOTE: 7-0; Motion Passed.

13. Consideration and possible action approving a resolution authorizing the execution of an agreement with JF Petroleum Group for the construction and installation of a fuel tank.

MOTION: Made by Council Member Parker, seconded by Council Member Rhoden, to approve a resolution authorizing the execution of an agreement with JF Petroleum Group for \$78,250.00 with a 5% contingency in the amount of \$3,912.50 for a total value not to exceed \$82,162.50.

VOTE: 7-0; Motion Passed.

14. Consideration and possible action approving the first reading of an Ordinance amending the City of Fair Oaks Ranch Code of Ordinances Appendix A "Fee Schedule," Article A8.000 "Subdivision/Land Development Regulation Fees."

MOTION: Made by Council Member Stroup, seconded by Council Member Rhoden, to approve an ordinance amending the City of Fair Oaks Ranch Code of Ordinances Appendix A "Fee Schedule," Article A8.000 "Subdivision/Land Development Regulation Fees.

VOTE: 7-0; Motion Passed.

15. Consideration and possible action approving a resolution authorizing the execution of a work authorization with Kimley-Horn and Associates, Inc. for engineering services for the Wastewater Treatment Plant (WWTP) Phase 1 Expansion Project.

MOTION: Made by Council Member Rhoden, seconded by Council Member Koerner, to approve the resolution authorizing the execution of a work authorization with Kimley-Horn and Associates, Inc. for engineering services (30% Design) in support of the WWTP Phase 1 Expansion Project for \$183,908.00.

VOTE: 7-0; Motion Passed.

WORKSHOP

The Water Conservation Plan Workshop and Civic Center Workshop were taken out of order.

16. FY 2023-24 Budget Workshop.

Summer Fleming, Interim Director of Finance, led a workshop with Council on the FY 2023-24 Budget.

Council Member Muenchow left the meeting at 9:26 PM.

18. Civic Center Workshop.

Robert Lopez, AIA, Principle, Lopez Salas Architects, presented to Council a potential layout for the civic center based on the initial interviews with stakeholders and their required uses. Council provided approval to allow the start of the schematic design.

17. Water Conservation Plan Workshop.

Kelsey Delgado, Environmental Program Manager and Julio Colunga, Assistant Director of Public Works, provided a water conservation plan workshop.

REQUESTS AND ANNOUNCEMENTS**19. Announcements and reports by Mayor and Council Members.**

Mayor Maxton spoke about water conservation and reminded that the City is in stage 2 drought contingency plan. Mayor Maxton encouraged residents to provide their input to two surveys on the City website; one regarding the reconstruction project on Dietz Elkhorn Road east of Fair Oaks Parkway and one regarding multimodal transportation.

20. Announcements by the City Manager.

Interim City Manager, Scott Huizenga, informed the Council regarding the following events. The next Household Hazardous Waste event will be Saturday, September 23, at Cibolo Creek Church. National Night Out is scheduled for Tuesday, October 3, 2023. The annual Trunk or Treat will be held at Fair Oaks Ranch Elementary on Saturday, October 28, 2023, in the back parking lot

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

None.

CONVENE INTO EXECUTIVE SESSION

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:

22. To receive legal advice from Special Counsel and the City Attorney regarding the City's ground water rights.**23. Case No. 22-090-451; Vincent A. Caldarola, MD vs. City of Fair Oaks Ranch, Texas.****24. 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)

- 25. 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)

- 26. 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.
- 27. To perform the annual evaluation of the City Manager.
- 28. To perform the annual evaluation of the City Secretary.


RECONVENE INTO OPEN SESSION

N/A

ADJOURNMENT

Mayor Maxton adjourned the meeting at 11:05PM

ATTEST:



Gregory C. Maxton, Mayor



Christina Picioccio, TRMC, City Secretary