

## **CITY OF FAIR OAKS RANCH**

# **CITY COUNCIL REGULAR MEETING**

Thursday, May 04, 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 Pro Tem Koerner and Council Members: Stroup, Parker, and Muenchow

Council Absent: Mayor Maxton and Council Members: Elizondo and Bliss

With a quorum present, the meeting was called to order at 6:30 PM.

#### **2. Pledge of Allegiance** – The Pledge of Allegiance was led by Council Member Stroup.

### **CITIZENS and GUEST FORUM**

#### **3. Citizens to be heard.**

Resident, Joe duMenil, signed up to speak but chose to make his comments during the consideration of Item 8, Drought Contingency Ordinance.

### **PRESENTATIONS**

4. Joanna Merrill, IPMS-SCP, Director of Human Resources and Communications, introduced new employee, James K. Reeves, Building Official.

### **CONSENT AGENDA**

5. **Approval of the April 18, 2023, Special City Council Townhall meeting minutes.**
6. **Approval of the April 20, 2023, Regular City Council meeting minutes.**
7. **Approval of Council Member Parker's absence from the April 20, 2023, Regular City Council meeting.**

The Consent Agenda was approved by unanimous consent.

**CONSIDERATION/DISCUSSION ITEMS**

8. **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 13.03 "Water and Sewer System", Division 3, Part II "Drought Contingency Plan" to include updated definitions, initiation and termination criteria and creating an appeal process; and amending Appendix A Fee Schedule Article A9 (v) "Water Charges – Drought Surcharge Rates".**

Resident and Trinity Glen Rose Groundwater Conservation District President and Precinct 2 Representative, Joe duMenil, spoke in support of the Council approving the Ordinance.

MOTION: Made by Council Member Muenchow, seconded by Council Member Stroup, to approve the first reading of an ordinance amending the City of Fair Oaks Ranch Code of Ordinances, Chapter 13 "Utilities", Article 13.03 "Water and Sewer System", Division 3, Part II "Drought Contingency Plan" to include updated definitions, initiation and termination criteria and creating an appeal process; and amending Appendix A Fee Schedule Article A9 (v) "Water Charges – Drought Surcharge Rates".

VOTE: 4-0; Motion Passed.

9. **Consideration and possible action on a Concept Plan request from the applicant Urbanist Inc. on behalf of the property owners Brenda Minahan and Mark Minahan for a proposed multi-unit residential community on approximately 19.8 acres zoned Mixed Use Village District (MU) generally located north-east of the intersection of Dietz Elkhorn Road Ralph Fair Road.**

MOTION: Made by Council Member Parker, seconded by Council Member Stroup, to approve the Concept Plan request from the applicant Urbanist Inc. on behalf of the property owners Brenda Minahan and Mark Minahan for a proposed multi-unit residential community on approximately 19.8 acres zoned Mixed Use Village District (MU), with the following conditions.

- a. Submit a complete updated application packet with all missing and incomplete information that matches the Concept Plan.
- b. Provide a revised Concept Plan showing a site layout of the commercial and residential component in compliance with the UDC including but not limited to building frontage, pedestrian connectivity to sidewalk, parking location and parking calculations. Add a note on the Concept Plan that all requirements of the UDC, City codes and City standards shall be met.
- c. Update Landscaping Plan to match the Concept Plan.

VOTE: 4-0; Motion Passed.

10. **Consideration and possible action regarding requirements or expenditures associated with the Local Disaster.**

Interim City Manager, Scott M. Huizenga, provided an update to Council regarding the status of the project. Mr. Huizenga expects the collection of brush to be completed within the next week as 96% of the piles have been removed from the City.

**WORKSHOP****11. FY 2024-28 Five-Year Financial Plan.**

Interim City Manager, Scott M. Huizenga, led a workshop regarding the City's FY 2024-28 Five-Year Financial Plan.

**REPORTS FROM STAFF AND COMMITTEES**

12. Scott M. Huizenga, Interim City Manager, provided to Council the Quarterly Financial Update for Quarter 2 of Fiscal Year 2023.
13. Grant Watanabe, P.E., Director of Public Works & Engineering Services, reported to Council that the Heritage Tree Plan and Preliminary Plat for Botanica Fair Oaks have been withdrawn by the applicant.

**REQUESTS AND ANNOUNCEMENTS****14. Announcements and reports by Mayor and Council Members.**

Council Member Stroup reminded everyone to vote in the City Election on Saturday, May 6, 2023, in the Police Station's training room.

Council Member Parker thanked everyone for their well wishes during his recovery.

**15. Announcements by the City Manager.**

Interim City Manager, Scott M. Huizenga, asked Council to answer the poll regarding their availability for Special Budget Workshops.

**16. 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:

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

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

19. 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**

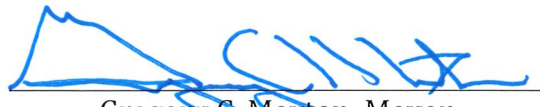
N/A

**ADJOURNMENT**

Mayor Pro Tem Koerner adjourned the meeting at 8:16 PM.

ATTEST:

  
Christina Picioccio, TRMC, City Secretary

  
Gregory C. Maxton, Mayor