



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

Thursday, September 19, 2024 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>

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## **MINUTES**

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### **OPEN MEETING**

**1. Roll Call - Declaration of a Quorum**

Council Present: Mayor Maxton and Council Members: Stroup, Rhoden, Koerner, and Muenchow

Council Absent: Council Members Olvera and Parker

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

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

### **CITIZENS and GUEST FORUM**

**3. Citizens to be heard.**

Resident Craig Matson spoke about security in the City regarding isolated gang activity due to the current administration not enforcing immigration law.

Mayor Maxton read a letter from resident, Geri Pieper, regarding speed monitoring on Dietz Elkhorn and asking Council to decrease the speed limit from 35 mph to 30 mph.

### **PRESENTATIONS**

**4. IT Professionals Day Proclamation.**

Mayor Maxton presented a Proclamation recognizing IT Professionals Day.

**5. HR Professionals Day Proclamation.**

Mayor Maxton presented a Proclamation recognizing HR Professionals Day.

### **CONSENT AGENDA**

**6. Approval of the September 5, 2024 Special City Council meeting minutes.**

**7. Approval of the September 5, 2024 Regular City Council meeting minutes.**

**8. Approval of the second reading of an ordinance amending the City of Fair Oaks Ranch Unified Development Code (UDC) regarding comprehensive amendments, including various policy and administrative changes.**

**9. Approval of a resolution approving an agreement for depository and banking services with Frost Bank to serve as the City's primary banking services depository and authorizing the City Manager to execute all necessary documents.**

10. **Approval of a resolution authorizing the execution of an agreement with Patti Engineering, Inc. for Supervisory Control and Data Acquisition (SCADA) support services.**
11. **Approval of a resolution authorizing the execution of an Interlocal Agreement with the City of Boerne for Animal Control Services for FY 2024-25, expenditure of the required funds, and execution of all applicable documents by the City Manager.**
12. **Approval of a resolution authorizing the execution of an Interlocal Agreement by and between the City of Boerne and Kendall County for Public Safety and Utilities Communication Services, expenditure of the required funds, and execution of all applicable documents by the City Manager.**

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

VOTE: 5 - 0; Motion Passed.

#### **CONVENE INTO EXECUTIVE SESSION**

City Council convened into Executive Session at 6:50 PM regarding:

#### **Sec. 551.074 (Personnel Matters)**

32. **To conduct interviews, individually, of applicants for vacancies on various boards, commissions, and committees for the City of Fair Oaks Ranch.**

#### **RECONVENE INTO OPEN SESSION**

Mayor Maxton reconvened the meeting into Open Session at 7:14 PM. No action was taken.

#### **CONSIDERATION/DISCUSSION ITEMS**

13. **Consideration and possible action approving the second reading of an ordinance adopting the City budget for the fiscal year beginning October 1, 2024, and ending September 30, 2025.**

MOTION: Made by Council Member Stroup, seconded by Council Member Koerner, to approve the approve the FY 2024-25 budget ordinance.

VOTE: 5 - 0; Motion Passed. as Recorded:

Vote: Maxton - For; Stroup - For; Rhoden - For; Koerner - For; and Muenchow - For

**14. Consideration and possible action approving the second reading of an ordinance levying a property tax rate of 28.53 cents per \$100 taxable valuation on property in the City of Fair Oaks Ranch for tax year 2024; determining due and delinquent dates; and providing an effective date.**

MOTION: Made by Council Member Muenchow, seconded by Council Member Rhoden, to approve an ordinance levying an ad valorem tax rate of 28.53 cents per \$100 taxable valuation for tax year 2024; providing when taxes shall become due and delinquent; and providing an effective date.

VOTE: 5 - 0; Motion Passed.

**15. Consideration and possible action approving a resolution ratifying the recently adopted budget for FY 2024-25 that contains a property tax rate that raises more total property taxes than the previous year.**

MOTION: Made by Council Member Stroup, seconded by Council Member Muenchow, to approve a resolution ratifying the recently adopted budget for FY 2024-25 that contains a property tax rate that raises more total property taxes than the previous year.

VOTE: 5 - 0; Motion Passed.

**16. Consideration and possible action approving a resolution adopting the FY 2024-25 Pay Schedule for General Government, Police, and Seasonal Employees.**

MOTION: Made by Council Member Koerner, seconded by Council Member Rhoden, to approve a resolution adopting the FY 2024-25 Pay Schedule for General Government, Police, and Seasonal employees.

VOTE: 5 - 0; Motion Passed.

**17. Consideration and possible action approving the second reading of an ordinance extending the expiration of Ordinance 2024-10 from October 2, 2024 to January 31, 2025.**

MOTION: Made by Council Member Muenchow, seconded by Council Member Rhoden, to approve the second reading of an ordinance extending the expiration date of Ordinance 2024-10 from October 2, 2024 to January 31, 2025.

VOTE: 5 - 0; Motion Passed.

**18. Consideration and possible action approving the second reading of an ordinance extending the expiration date of Ordinance 2024-11 from October 2, 2024 to January 31, 2025.**

MOTION: Made by Council Member Stroup, seconded by Council Member Muenchow, to approve the second reading of an ordinance extending the expiration date of Ordinance 2024-11 from October 2, 2024 to January 31, 2025.

VOTE: 3 - 2; Motion Failed as Recorded:

Vote: Maxton - For; Stroup - For; Rhoden - For; Koerner - Against; and Muenchow - Against

**19. Consideration and possible action approving a resolution approving and adopting an amended Investment Policy for the investment of public funds, providing for the highest investment return, maximum security, and conforming to all state and local statutes governing the investment of public funds.**

MOTION: Made by Council Member Rhoden, seconded by Council Member Muenchow, to approve a resolution adopting an amended Investment Policy for the investment of public funds.

VOTE: 5 - 0; Motion Passed.

**20. Consideration and possible action approving a resolution to appoint Council Members as members or liaisons to various boards, committees, and commissions.**

MOTION: Made by Mayor Maxton, seconded by Council Member Muenchow, to approve a resolution assigning council members as members or liaisons to the boards, committees, and commissions.

VOTE: 5 - 0; Motion Passed.

**21. Consideration and possible action approving a resolution to appoint members to fill places on the City of Fair Oaks Ranch Capital Improvement Advisory Committee.**

MOTION: Made by Council Member Koerner, seconded by Council Member Rhoden, to approve a resolution appointing Joe DeCola to Place 1, Harold Prasatik to Place 2, and Gary Miller to Place 3 on the City of Fair Oaks Ranch Capital Improvement Advisory Committee.

VOTE: 5 - 0; Motion Passed.

**22. Consideration and possible action approving a resolution to appoint members to fill places on the City of Fair Oaks Ranch Municipal Development District Board of Directors.**

MOTION: Made by Mayor Maxton, seconded by Council Member Muenchow, to approve a resolution appointing Laura Koerner to Place 2, Nicholas DiCianni to Place 4, and Mike Lovelace to Place 5 on the City of Fair Oaks Ranch Municipal Development District Board of Directors.

VOTE: 5 - 0; Motion Passed.

**23. Consideration and possible action approving a resolution to appoint members to fill places on the City of Fair Oaks Ranch Planning & Zoning Commission.**

MOTION: Made by Council Member Rhoden, seconded by Council Member Stroup, to approve a resolution appointing Linda Tom to Place 1, Bobbe Barnes to Place 2, and David Horwath to Place 4, on the City of Fair Oaks Ranch Planning and Zoning Commission.

VOTE: 5 - 0; Motion Passed.

**24. Consideration and possible action approving a resolution to appoint members to fill places on the City of Fair Oaks Ranch Zoning Board of Adjustment.**

MOTION: Made by Council Member Rhoden, seconded by Council Member Stroup, to approve a resolution appointing Dean Gaubatz to Place 2, Edward Gillespie to Place 3, J.C. Taylor to Place 5, and Al McDavid as Alternate 2, on the City of Fair Oaks Ranch Zoning Board of Adjustment.

VOTE: 5 - 0; Motion Passed.

**25. Consideration and possible action approving a resolution to appoint members to fill places on the City of Fair Oaks Ranch Transportation Safety Advisory Committee.**

MOTION: Made by Mayor Maxton, seconded by Council Member Muenchow, to approve a resolution appointing: Chris Doepke to Regular Place 1; Shawn Balusek to Regular Place 2; Al Schmidt to Regular Place 3; Denise Fortenberry to Regular Place 4; John Wall to Regular Place 5; Sharon Brimhall to Alternate Place 1; and Josh Cooke to Alternate Place 2 on the City of Fair Oaks Ranch Transportation Safety Advisory Committee.

VOTE: 5 - 0; Motion Passed.

**REQUESTS AND ANNOUNCEMENTS**

**26. Announcements and reports by Mayor and Council Members.**

Mayor Maxton announced the upcoming transition of waste removal services from Republic Services to Frontier Waste, effective September 30, 2024. He noted that service schedules will remain unchanged, with no expected interruption for residents. Recycle and trash bins will be replaced during regularly scheduled pickup days starting the week of September 23, 2024. Once the bins are emptied and collected, Frontier Waste will deliver new bins by the following day. Mayor Maxton also encouraged residents to attend the "Coffee with Chief" event on October 5, 2024, where they can meet and speak with the Interim Police Chief, Todd Smith, at Spotted Deer from 8:00 AM to 10:00 AM.

**27. Announcements by the City Manager.**

City Manager Scott Huizenga announced the retirement of Water/Wastewater Operator II, Bill Champion on September 27, 2024, after an impressive 16 years of service. With a remarkable 50-year career in the wastewater industry, Bill was recognized as the Outstanding Operator of the Year by the Water Environment Association of Texas in 2022. The City Manager congratulated Bill on his distinguished career and well-deserved retirement.

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

N/A

**CONVENE INTO EXECUTIVE SESSION**

City Council convened into closed session at 8:18 PM regarding:

**Sec. 551.074 (Personnel Matters)**

34. To perform the annual evaluation of the City Secretary.

City Council did not convene into closed 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:

- 29. Case No. 22-090-451; Vincent A. Caldarola, MD vs. City of Fair Oaks Ranch, Texas.
- 30. 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)**

31. 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)**

33. To perform the annual evaluation of the City Manager.

**RECONVENE INTO OPEN SESSION**

City Council reconvened into Open Session at 9:06 PM. No action was taken.

**ADJOURNMENT**

Mayor Maxton adjourned the meeting at 9:06 PM.

ATTEST:

  
Christina Picioccio, TRMC, City Secretary

  
Gregory C. Maxton, Mayor