

## **CITY OF FAIR OAKS RANCH**

### **CITY COUNCIL REGULAR MEETING**

Thursday, April 20, 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>

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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, Elizondo, Koerner, and Muenchow

Council Absent: Council Members: Bliss and Parker

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.**

David Horwath, resident and member of the P&Z Commission, offered comments on the proposed UDC amendments.

### **PRESENTATIONS**

4. Joanna Merrill, IPMA-SCP, Director of Human Resources and Communications, recognized the Employee of the Quarter (Q2 - January 2023 through March 2023): Ernesto Martinez, GIS Technician.
5. Mayor Maxton presented a proclamation for City Clerks Week, April 30 – May 6, 2023.
6. Mayor Maxton presented a National Arbor Day Proclamation to be held April 28, 2023.

### **CONSENT AGENDA**

#### **7. Approval of the March 31, 2023, Special City Council meeting minutes.**

#### **8. Approval of the April 6, 2023, Regular City Council meeting minutes.**

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

VOTE: 5-0; Motion Passed.

**WORKSHOP****16. FY 2024-28 Five-Year Financial Plan.**

MOTION: Made by Mayor Maxton, seconded by Council Member Koerner, to defer item 16 from tonight's agenda to the May 4, 2023, agenda.

VOTE: 5-0; Motion Passed.

**CONSIDERATION/DISCUSSION ITEMS**

**9. Consideration and possible action approving the first 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, led a discussion regarding the proposed Ordinance. Per discussion, Council members are to provide alternate language and feedback to the City Secretary, for inclusion in the next draft.

**10. Consideration and possible action authorizing the City Manager to execute construction agreements associated with the Annual Street Maintenance Program.**

MOTION: Made by Council Member Stroup, seconded by Council Member Muenchow, to authorize the City Manager to sign Construction Agreements with the following companies in support of the Annual Street Maintenance Program for a total amount of \$817,047.03:

- Intermountain Slurry Seal, in the amount of \$589,189.10 with a 5% contingency in the amount of \$29,459.46 for a total value not to exceed \$618,648.56.
- Pavement Restoration, Inc., in the amount of \$83,862.60 with a 5% contingency in the amount of \$4,193.13 for a total value not to exceed \$88,055.73.
- Pavecon, Ltd. in the amount of \$105,088.32 with a 5% contingency in the amount of \$5,254.42 for a total value not to exceed \$110,342.74.

VOTE: 5-0; Motion Passed.

**11. Consideration and possible action on approving the first reading of an Ordinance establishing stop signs on streets within the Setterfeld Estates Subdivision.**

MOTION: Made by Council Member Elizondo, seconded by Council Member Stroup, to approve the first reading of an Ordinance establishing stop signs within the Setterfeld Estates Subdivision.

VOTE: 5-0; Motion Passed.

**12. Consideration and possible action to form a committee that will prepare an Emergency Operations Center manual that will cover the standard procedures for handling emergency situations for the City of Fair Oaks Ranch.**

MOTION: Made by Council Member Elizondo, seconded by Council Member Muenchow, to authorize the formation of a committee to prepare an Emergency Operations Center standard operating procedures manual which will cover the actions needed for handling emergency situations for the City of Fair Oaks Ranch. The committee members will be:

- Mayor Greg Maxton
- Mayor Pro Tem Laura Koerner
- Councilmember Scott Parker
- Police Chief Tim Moring (Alternate: Lieutenant John Ojeda)
- Julio Colunga, Asst Director of Public Works (Alternates: Steven Fried and Jimmy Washer)

VOTE: 5-0; Motion Passed.

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

MOTION: Made by Council Member Koerner, seconded by Council Member Stroup, to authorize an additional \$116,791.06 for a total not to exceed amount of \$336,377.50 for the agreement with CTC Disaster Response, Inc. The additional amount may require a Budget Amendment later in the fiscal year if projected budget savings are used for other purposes.

VOTE: 5-0; Motion Passed.

**WORKSHOP**

**14. Discussion on advancing the Planning and Zoning Commission's submission of the proposed amended City of Fair Oaks Ranch Unified Development Code (UDC).**

Lata Krishnarao, AICP, LEED ND, Consultant, Ardurra, led a workshop regarding the Planning and Zoning Commission's submission of the proposed amended City of Fair Oaks Ranch Unified Development Code (UDC).

**15. Comprehensive Plan Review and Adoption Process.**

Lata Krishnarao, AICP, LEED ND, Consultant, Ardurra, led a workshop regarding the Comprehensive Plan Review and Adoption Process. Council will address the Comprehensive Plan after the budget cycle; an item will be placed on the first agenda in October.

**REPORTS FROM STAFF AND COMMITTEES**

17. Christina Picioccio, TRMC, City Secretary, provided an election update to Council.

18. Scott M. Huizenga, Assistant City Manager, provided an update on the proposed Civic Center.

19. Scott M. Huizenga, Assistant City Manager, presented the Investment Report for the Quarter ended March 31, 2023.

**REQUESTS AND ANNOUNCEMENTS****20. Announcements and reports by Mayor and Council Members.**

Council Member Stroup announced that the "Adopt a Highway" event for FORHA would take place on Saturday, April 22, 2023, beginning at the FORA office.

Mayor Maxton announced that the Public Works department has been busy realigning the sidewalk on Battle Intense. He also informed everyone that the screw press system at the Wastewater Treatment Plant has been tested successfully and it should be fully operational by the end of May. The Balcones Creek waterline replacement should be completed in about two weeks according to Grant Watanabe, Director of Public Works and Engineering. Mayor Maxton thanked members of the public who attended the Wastewater Townhall meeting on Tuesday, April 18, 2023, and provided their feedback. Lastly, the Mayor reminded everyone that the City is still in a stage 1 drought contingency. He urged residents to continue conserving water in anticipation of the hot summer months.

**21. Announcements by the City Manager.**

None.

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

None.

**CONVENE INTO EXECUTIVE SESSION**

*City Council convened into Executive Session at 9:43 PM regarding:*

**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 following items related to the position and duties of City Manager:**

1. The terms and conditions of the resignation of City Manager Tobin Maples
2. The process and options for filling the vacancy of City Manager
3. The process and options for designation of an Acting City Manager and future appointment of an Interim City Manager

*City Council did not convene into Executive Session regarding:*

**Sec. 551.071 (Consultation with Attorney)**

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

**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.

**RECONVENE INTO OPEN SESSION**

City Council reconvened into Open Session at 11:13 PM.

MOTION: Made by Council Member Elizondo, seconded by Council Member Muenchow, to waive the ninety-day notification for the resignation of the City Manager, Tobin Maples, and set a separation date of April 21, 2023, at 5:00 PM.

VOTE: 5-0; Motion Passed.

MOTION: Made by Council Member Stroup, seconded by Council Member Koerner, to appoint Scott Huizenga as Interim City Manager, effective 5:00 PM on April 21, 2023, with a salary of \$178,464 to be paid during the term while he serves as Interim City Manager, to set a leave hour accumulation of 200 hours per year that would carry over into a time period after serving as Interim City Manager, to set a specified term to serve as Interim City Manager at six months or upon hiring of a City Manager if shorter. If longer, allowing for a month-to-month negotiation beyond the six months, allowing for an automobile allowance of \$600/month during the time period serving as Interim City Manager and setting a start date of April 21, 2023, and authorizing the Mayor to sign a memo of understanding with the stipulations set forth.

VOTE: 5-0; Motion Passed.

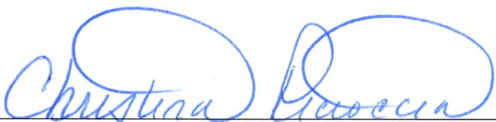
**ADJOURNMENT**

Mayor Maxton adjourned the meeting at 11:16 PM

ATTEST:



Laura Koerner, Mayor Pro Tem



Christina Picioccio, TRMC, City Secretary