



## CITY OF FAIR OAKS RANCH

# CITY COUNCIL REGULAR MEETING

Thursday, January 05, 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, Bliss, Koerner, Parker, and Muenchow.

With a quorum present, the meeting was called to order at 6:32 PM.

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

### CITIZENS and GUEST FORUM

3. Citizens to be heard - None

### CONSENT AGENDA

4. **Approval of the December 15, 2022 Regular City Council meeting minutes.**

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

VOTE: 7-0; Motion Passed.

### CONSIDERATION/DISCUSSION ITEMS

5. **Consideration and possible action approving a Resolution authorizing the power of eminent domain for the acquisition of pipeline easements and certain property rights necessary for the construction, enlargement and maintenance of pipelines and appurtenances designed to carry water and wastewater within the City's Certificated Area (CCN).**

MOTION: Made by Council Member Elizondo, seconded by Council Member Bliss, to approve the Resolution authorizing the power of eminent domain for the acquisition of pipeline easements and certain property rights necessary for the construction, enlargement and maintenance of pipelines and appurtenances designed to carry water and wastewater within the City's Certificated Area (CCN).

VOTE: 7-0; Motion Passed as recorded:

Mayor Maxton – For; Council Member Stroup – For; Council Member Elizondo – For; Council Member Bliss – For; Council Member Koerner – For; Council Member Parker – For; Council Member Muenchow – For.

6. **Consideration and possible action approving a Resolution authorizing an Easement Acquisition Reimbursement Agreement with Urbanist, Inc.**

MOTION: Made by Council Member Muenchow, seconded by Council Member Parker, to approve the Resolution authorizing an Easement Acquisition Reimbursement Agreement with Urbanist, Inc.

VOTE: 7-0; Motion Passed.

7. **Consideration and possible action approving a Resolution authorizing the execution of an Agreement to Contribute Right of Way Funds (Fixed Price) with TxDOT for the FM3351 Cibolo Creek project, expenditure of the required project funds and execution of all applicable documents by the City Manager.**

MOTION: Made by Council Member Elizondo, seconded by Council Member Koerner, to approve a Resolution authorizing the execution of an Agreement to Contribute Right of Way Funds (Fixed Price) with TxDOT for the FM3351 Cibolo Creek project, expenditure of the required project funds, and execution of all applicable documents by the City Manager.

VOTE: 7-0; Motion Passed.

8. **Consideration and possible action approving a Resolution allocating Fiscal Year 2021-22 General Fund Balances and carryover of encumbrances and continuing appropriations.**

MOTION: Made by Council Member Koerner, seconded by Council Member Muenchow, to approve a Resolution allocating portions of the General Fund balance and authorizing the Finance Director to carry forward continuing appropriations for year-end encumbrances, contractual commitments, and capital projects.

MOTION: Made by Council Member Muenchow, seconded by Council Member Koerner, to strike the beginning of the motion "allocating portions of the General Fund Balance" and leave in "approve a Resolution authorizing the Finance Director to carry forward continuing appropriations for year-end encumbrances, contractual commitments, and capital projects".

Council asked that the Resolution be amended to remove the following: *"that after all required fund balance allocations are made, any remaining unassigned General Fund balance is to be transferred to the Strategic Projects Fund 02 for future capital projects as approved by Council."*, the paragraph **"WHEREAS, pursuant to GASB 54, City Council desires for any remaining unassigned balance after all other required allocations are made to be transferred to the Strategic Projects Fund 02 for future capital projects as approved by Council."** and to move the words: **"NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS"** to replace the words **"BE IT FURTHER RESOLVED"**. Because of the changes proposed to the motion and Resolution Council discussed tabling the item.

MOTION: Made by Council Member Koerner, seconded by Council Member Bliss, to table the agenda item to the next Council meeting.

VOTE: 6-0; Motion Passed. Council Member Bliss was not present for the vote.

**WORKSHOP**

9. **Christina Picioccio, TRMC, City Secretary, provided information to Council regarding the 2023 City Election inclusive of important dates, plans for ordering the election and Early Voting and Election Day poll locations. Christina Picioccio informed all that the Police Department Training room would be utilized as the location in Fair Oaks Ranch due to Van Raub Elementary School being unavailable in the future as a polling site.**

**REPORTS FROM STAFF AND COMMITTEES**

10. Kelsey Delgado, Environmental Project Manager, provided to Council a summary presentation of the September 2022 Household Hazardous Waste Event.

**REQUESTS AND ANNOUNCEMENTS****11. Announcements and reports by Mayor and Council Members.**

Council Member Koerner announced that the Leon Springs Fire Department Chief has announced his retirement after over 40 years. The Leon Spring Fire Department Board will be voting to appoint a new Chief Tuesday, January 10, 2023 after which Mrs. Koerner will invite them to the next Council meeting for a formal introduction. Council Member Koerner also reminded everyone that the new Fire Department is nearing completion and she will announce the grand opening once she has more details.

Council Member Stroup announced, that as the Municipal Court liaison, she was informed that there was a great response from residents participating in recent jury trials. She went on to say that all residents decided to donate their compensation for their work as jurors to a local charity. The organization that received the funds was "Golfers for Others", a group in the City that use their own money to help the elderly and disabled renovate their homes when necessary. Council Member Stroup also informed all that her sister gave birth to a healthy baby boy earlier that day and offered her congratulations.

Mayor Maxton announced the beginning of Bulk/Brush Pickup the week of January 9, 2023. He detailed that Sector One would be picked up from January 9-13, 2023, Sector Two would be picked up January 16-20, 2023, and Sector 3 from January 23-27, 2023. Notices have been sent out, but he urged residents to call City Hall with questions. The Mayor informed everyone that City Offices would be closed on January 16, 2023, in observance of Martin Luther King, Jr. Day. He also reminded everyone of the upcoming Transportation Town Hall meeting scheduled to take place on January 24, 2023, at 6:30 PM at the Spring Creek United Methodist Church and urged all residents to attend.

**12. Announcements by the City Manager.**

City Manager, Tobin Maples, informed everyone that Christmas Tree pickup would take place on January 9, 2023.

**13. 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:*

*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:

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

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

16. 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 Maxton adjourned the meeting at 7:40 PM.

ATTEST:

  
Christina Picioccio, TRMC, City Secretary

  
Gregory C. Maxton, Mayor