



CITY OF FAIR OAKS RANCH
CITY COUNCIL REGULAR MEETING

Thursday, April 04, 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>

AGENDA

OPEN MEETING

1. Roll Call - Declaration of a Quorum
2. Pledge of Allegiance

CITIZENS and GUEST FORUM

To address the Council, please sign the Attendance Roster located on the table at the entrance in the foyer of the Public Safety Training Room. In accordance with the Open Meetings Act, Council may not discuss or take action on any item which has not been posted on the agenda. Speakers shall limit their comments to five (5) minutes each.

3. Citizens to be heard.

PRESENTATIONS

4. Presentation of a 5-Year Service Award to: Brian LeJeune, Information Technology Manager.

Joanna Merrill, IPMA-SCP, Director of HR and Communications

CONSENT AGENDA

All of the following items are considered to be routine by the City Council, there will be no separate discussion on these items and will be enacted with one motion. Items may be removed by any Council Member by making such request prior to a motion and vote.

5. Approval of the March 21, 2024 Regular City Council meeting minutes.

Christina Picioccio, TRMC, City Secretary

6. Approval of Council Member Stroup's absence from the March 21, 2024 Regular City Council meeting.

Emily Stroup, Council Member Place 1

7. Approval of Council Member Muenchow's absence from the March 21, 2024 Regular City Council meeting.

Chesley Muenchow, Council Member Place 6

CONSIDERATION/DISCUSSION ITEMS

8. Consideration and possible action approving a resolution authorizing the execution of an agreement with IWC Oil & Refinery, LLC for on-site fuel delivery.

Clayton Hoelscher, Procurement Manager

- [9.](#) Consideration and possible action to approve a resolution for the Fair Oaks Ranch Municipal Court to adopt a Confidentiality Policy & Agreement.

Ricardo Bautista, Court Administrator

WORKSHOP

- [10.](#) Solid Waste Franchise Agreement.

Carole Vanzant, CPM, Assistant City Manager

- [11.](#) Tree Mitigation Fund Policy and Oak Wilt Program Workshop.

Kelsey Delgado, Environmental Program Manager

- [12.](#) Planning and Zoning Commission Rules of Procedure - Rule 2.2

Christina Picioccio, TRMC, City Secretary

- [13.](#) Unified Development Code Policy Amendments for Prioritized Categories 1-7.

Lee Muniz, P.E. CFM, Manager of Engineering Services

REPORTS FROM STAFF AND COMMITTEES

- [14.](#) Semiannual Report from the Capital Improvements Advisory Committee (CIAC).

Paul Mebane, CIAC Chairperson

REQUESTS AND ANNOUNCEMENTS

15. Announcements and reports by Mayor and Council Members.
16. Announcements by the City Manager.
17. Requests by Mayor and Council Members that items be placed on a future City Council agenda.

CONVENE INTO EXECUTIVE SESSION

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:

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

20. 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)

21. 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

Discussion and possible action on items discussed in Executive Session.

ADJOURNMENT

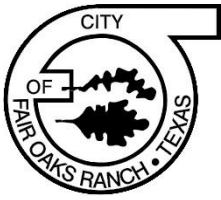
Signature of Agenda Approval: s/Gregory C. Maxton

Gregory C. Maxton, Mayor

I, Christina Picioccio, TRMC, City Secretary, certify that the above Notice of Meeting was posted on the outside bulletin board at the Fair Oaks Ranch City Hall, 7286 Dietz Elkhorn, Fair Oaks Ranch, Texas, and on the City's website www.fairoaksranchtx.org, both places being convenient and readily accessible to the general public at all times.

As per Texas Government Code 551.045, said Notice was posted by 6:30 PM, April 1, 2024 and remained so posted continuously for at least 72 hours before said meeting was convened. A quorum of various boards, committees, and commissions may attend the City Council meeting.

The Fair Oaks Ranch Police Station is wheelchair accessible at the front main entrance of the building from the parking lot. Requests for special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary's office at (210) 698-0900. Braille is not available. The City Council reserves the right to convene into Executive Session at any time regarding an issue on the agenda for which it is legally permissible; pursuant to Texas Government Code Chapter 551. Section 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.087 (Economic Development).



CITY OF FAIR OAKS RANCH
CITY COUNCIL REGULAR MEETING

Thursday, March 21, 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>

MINUTES

OPEN MEETING

1. Roll Call - Declaration of a Quorum

Council Present: Mayor Maxton and Council Members: Rhoden, Olvera, Koerner, and Parker

Council Absent: Council Members: Stroup and Muenchow

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 Nolan Keane spoke about the Town Hall meeting and expressed disappointment that more residents didn't attend. He also opined that the gateway feature should be colorful and recommended using a local sculptor rather than the proposed cows. Mr. Keane also questioned whether we need a community center.

Mayor Maxton read a letter from resident Nathan Britt. Mr. Britt expressed his concerns regarding the Noble Lark road closure to through traffic noting that Noble Lark is a public road and should be accessible to all residents.

CONSENT AGENDA

4. Approval of the February 27, 2024 Town Hall meeting minutes.

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

6. Approval of Council Member Muenchow's absence from the June 20, 2024 Regular City Council meeting.

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

VOTE: 5-0; Motion Passed.

CONSIDERATION/DISCUSSION ITEMS

- 7. **Consideration and possible action approving a resolution of the City of Fair Oaks Ranch, Texas authorizing a First Amendment to the 2008 Water Supply Agreement between the City of Fair Oaks Ranch and First Baptist Church at Fair Oaks Ranch for the reservation of water and other related matters, and authorizing the City Manager to execute the First Amendment.**

MOTION: Made by Council Member Rhoden, seconded by Council Member Olvera, to approve a resolution authorizing a First Amendment to the 2008 Water Supply Agreement between the City of Fair Oaks Ranch and First Baptist Church at Fair Oaks Ranch.

VOTE: 5-0; Motion Passed.

- 8. **Consideration and possible action approving a resolution of the City of Fair Oaks Ranch, Texas approving a First Amendment to the 2008 Water Supply Agreement between the City of Fair Oaks Ranch and Cibolo Creek Community Church, Inc. for the reservation of water and other related matters, and authorizing the City Manager to execute the First Amendment.**

MOTION: Made by Council Member Koerner, seconded by Council Member Olvera, to approve a resolution authorizing a First Amendment to the 2008 Water Supply Agreement between the City of Fair Oaks Ranch and Cibolo Creek Community Church, Inc.

VOTE: 5-0; Motion Passed.

- 9. **Consideration and possible action approving a resolution of the City of Fair Oaks Ranch, Texas authorizing a First Amendment to the 2008 Water Supply Agreement between the City of Fair Oaks Ranch and Ralph Fair, LLC for the reservation of water and other related matters, and authorizing the City Manager to execute the First Amendment.**

MOTION: Made by Council Member Rhoden, seconded by Council Member Parker, to approve a resolution authorizing a First Amendment to the 2008 Water Supply Agreement between the City of Fair Oaks Ranch and Ralph Fair, LLC.

VOTE: 5-0; Motion Passed.

- 10. **Consideration and possible action approving a resolution of the City of Fair Oaks Ranch, Texas authorizing a First Amendment to the 2008 Water Supply Agreement between the City of Fair Oaks Ranch and Oak Bend Forest, L.C. for the reservation of water and other related matters; and authorizing the City Manager to execute the First Amendment.**

MOTION: Made by Council Member Parker, seconded by Council Member Koerner, to approve a resolution authorizing a First Amendment to the 2008 Water Supply Agreement between the City of Fair Oaks Ranch and Oak Bend Forest, L.C.

VOTE: 5-0; Motion Passed.

- 11. **Consideration and possible action approving a resolution of the City of Fair Oaks Ranch, Texas authorizing a First Amendment to the 2008 Water Supply Agreement between the City of Fair Oaks Ranch and Green Land Ventures for the reservation of water and other related matters, and authorizing the City Manager to execute the First Amendment.**

MOTION: Made by Council Member Olvera, seconded by Council Member Rhoden, to approve a resolution authorizing a First Amendment to the 2008 Water Supply Agreement between the City of Fair Oaks Ranch and Green Land Ventures.

VOTE: 5-0; Motion Passed.

- 12. **Consideration and possible action to approve a resolution amending the Planning and Zoning Rules of Procedure.**

MOTION: Made by Council Member Olvera, seconded by Council Member Rhoden, approve a resolution amending the P&Z Rules of Procedure as follows by removing the original staggered term language in Rule 2.2 and removing the requirement that City Council ratify P&Z meeting date changes in Rule 10.3.

VOTE: 5-0; Motion Passed.

- 13. **Approval of a resolution authorizing the submission of a grant application for the State and Local Cybersecurity Grant Program and authorizing the City Manager to execute all documents in connection therewith.**

MOTION: Made by Council Member Koerner, seconded by Council Member Parker, to approve the resolution authorizing the submission of a grant application for the State and Local Cybersecurity Grant Program and authorizing the City Manager to execute all documents in connection therewith.

VOTE: 5-0; Motion Passed.

- 14. **Consideration and possible action accepting the FY 2022-23 Audit.**

MOTION: Made by Council Member Rhoden, seconded by Council Member Koerner, to accept the Fiscal Year 2022-23 annual audit as presented by ABIP, PC.

VOTE: 5-0; Motion Passed.

WORKSHOP

- 15. **Dietz Elkhorn (East) Reconstruction Options.**

Grant Watanabe, P.E., Director of Public Works and Engineering Services, led a workshop regarding the Dietz Elkhorn (East) Reconstruction Options. These options were based on public response from a townhall meeting in August of 2023 and with prior Council direction. The Public Works Director’s presentation showcased the different options and their estimated costs. Steven Dean, P.E., CFM, Vice President for Water Resources, and Joel Mesa, P.E., CFM, Project Manager, Pape-Dawson Engineers, Inc. provided answers to citizen and council questions.

Council verbalized unanimous preference to option #1, which provided 11-foot driving lanes and five-foot shoulders on north and south side lanes.

16. Gateway Feature and Community Center Townhall Recap.

Joanna Merrill, IPMA-SCP, Director of HR & Communications, provided to Council a presentation showing results of a Townhall survey regarding the Gateway Feature and Community Center Townhall. The gateway feature committee will take the information from the survey and bring back more information.

REPORTS FROM STAFF AND COMMITTEES

17. Presentation of the Popular Annual Financial Report for the Fiscal Year Ended September 30, 2023.

Summer Fleming, Director of Finance, provided a presentation to Council regarding the Popular Annual Financial Report for the Fiscal Year Ended September 30, 2023

18. Presentation on the upcoming total eclipse set to occur on April 8, 2024.

Tim Moring, Chief of Police, provided to Council a presentation on the upcoming total eclipse set to occur on April 8, 2024. Chief Moring reviewed safety considerations and urged people to stay home and be careful where they stop.

REQUESTS AND ANNOUNCEMENTS

19. Announcements and reports by Mayor and Council Members.

Council Member Olvera reminded listeners about FORHA’s easter egg scramble to be held Saturday, March 23rd between 2:00 – 3:30 PM. This event will be held at Vestal Park and registration is required. Contact FORHA for more information.

Mayor Maxton announced that a Town Hall will be held at 6:30 PM on April 9th at the Spring Creek United Methodist Church sanctuary. The Town Hall will be regarding the General Obligations Bonds that will be on the May 4th ballot and will provide information on each road reconstruction project and its impact on property tax rates. The Mayor reminded all residents that April 4 is the last day to register to vote or to make changes to your registration to be eligible to vote in the May 4th election.

The Mayor noted that TxDOT’s 3351 resurfacing project is ongoing and that citizens can anticipate one-lane road closures between 8:00 PM and 5:00 AM. He further stated that the City has been notified that Fair Oaks Parkway will be closed overnight between 11:00 PM and 5:00 AM on March 27th as San Antonio Water System (SAWS) installs the bypass of the wastewater line across Fair Oaks Parkway. Traffic will be diverted to Leslie Pfeiffer.

Additional news:

The Police Department is accepting applications for the June 2024 Junior Police Academy.

City Hall will be closed on Friday, March 29th in observance of Good Friday.

Post Oak Trail is now open to two-way traffic.

20. Announcements by the City Manager.

None

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

Council Member Koerner requested that real property ownership language in the P&Z Rules of Procedure be brought back to Council for discussion at a future council meeting.

CONVENE INTO EXECUTIVE SESSION

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:

- 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.**

RECONVENE INTO OPEN SESSION

N/A

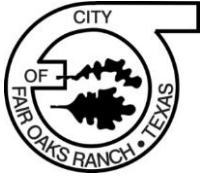
ADJOURNMENT

Mayor Maxton adjourned the meeting at 9:12 PM

ATTEST:

Gregory C. Maxton, Mayor

Christina Picioccio, TRMC, City Secretary



**CITY COUNCIL CONSENT ITEM
CITY OF FAIR OAKS RANCH, TEXAS**

AGENDA TOPIC: Approval of Council Member Stroup’s absence from the March 21, 2024 Regular City Council meeting
DATE: April 4, 2024
DEPARTMENT: City Council
PRESENTED BY: Consent Item – Emily Stroup, Council Member Place 1

INTRODUCTION/BACKGROUND:

Council Member Stroup requests approval from missing the March 21, 2024 Regular City Council meeting due to personal reasons.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

Complies with Section 3.09 of the Home Rule Charter.

LONGTERM FINANCIAL & BUDGETARY IMPACT:

N/A

LEGAL ANALYSIS:

N/A

RECOMMENDATION/PROPOSED MOTION:

Consent Item – I move to approve Council Member Stroup’s absence from the March 21, 2024 Regular City Council meeting.



**CITY COUNCIL CONSENT ITEM
CITY OF FAIR OAKS RANCH, TEXAS**

AGENDA TOPIC: Approval of Council Member Muenchow’s absence from the March 21, 2024 Regular City Council meeting
DATE: April 4, 2024
DEPARTMENT: City Council
PRESENTED BY: Consent Item – Chesley Muenchow, Council Member Place 6

INTRODUCTION/BACKGROUND:

Council Member Muenchow requests approval from missing the March 21, 2024 Regular City Council meeting due to illness.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

Complies with Section 3.09 of the Home Rule Charter.

LONGTERM FINANCIAL & BUDGETARY IMPACT:

N/A

LEGAL ANALYSIS:

N/A

RECOMMENDATION/PROPOSED MOTION:

Consent Item – I move to approve Council Member Muenchow’s absence from the March 21, 2024 Regular City Council meeting.



CITY COUNCIL CONSIDERATION ITEM

CITY OF FAIR OAKS RANCH, TEXAS

AGENDA TOPIC: Consideration and possible action approving a resolution authorizing the execution of an agreement with IWC Oil & Refinery, LLC for on-site fuel delivery.

DATE: April 4, 2024

DEPARTMENT: Finance

PRESENTED BY: Clayton Hoelscher, Procurement Manager

INTRODUCTION/BACKGROUND:

On September 7, 2023, the City Council approved the purchase and installation of an above ground fuel tank to be located on the city campus. Having an on-site fuel tank will improve emergency preparedness and operational resiliency by ensuring City vehicles, including public safety vehicles, can continue to operate in the event of an extended power outage, winter storm or other disaster which may limit access to commercial fueling locations.

To select a fuel provider, a Request for Proposals was issued resulting in four proposals being received. The proposals were reviewed based on the following criteria:

- Qualifications and Experience
- Project Approach
- Price

After evaluation, the City selected IWC Oil & Refinery, LLC as the highest ranked respondent. Pricing will be based on the average daily price on the day of delivery as determined by the Oil Price Information Service Report. This report provides a daily average of wholesale pricing available to fuel suppliers. The agreement also includes a contractor markup of \$0.18 per gallon for both gasoline and diesel.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

- Supports Project 5.3.12 of the Strategic Action Plan item to Implement a Fuel Station for City Fleet Vehicles
- Improves the City's emergency preparedness and operational resiliency by ensuring access to a fueling station during an extended power outage, winter storm or other disaster.
- Meets procurement guidelines.

LONGTERM FINANCIAL & BUDGETARY IMPACT:

Fuel will be purchased on an as-needed basis. There is no minimum or maximum amount guaranteed in the agreement.

LEGAL ANALYSIS:

The City Attorney has reviewed and approved the agreement.

RECOMMENDATION/PROPOSED MOTION:

I move to approve a resolution authorizing the execution of an agreement with IWC Oil & Refinery, LLC for on-site fuel delivery, expenditure of the required funds, and execution of all applicable documents by the City Manager.

A RESOLUTION

A RESOLUTION OF THE CITY OF FAIR OAKS RANCH, TEXAS AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR FUEL DELIVERY, EXPENDITURE OF THE REQUIRED FUNDS, AND EXECUTION OF ALL APPLICABLE DOCUMENTS BY THE CITY MANAGER

WHEREAS, the City of Fair Oaks Ranch is having an on-site fuel tank installed; and,

WHEREAS, the City is seeking a provider to deliver fuel on-site; and

WHEREAS, proposals were received in accordance with Texas Local Government Code Chapter 252; and,

WHEREAS, the proposal from IWC Oil & Refinery, LLC was selected; and,

WHEREAS, the City Council of the City of Fair Oaks Ranch supports this purchase and authorizes the execution of an agreement with IWC Oil & Refinery, LLC (**Exhibit A**).

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS THAT:

- Section 1.** The City Council hereby authorizes the City Manager to execute an agreement with IWC Oil & Refinery, LLC to provide fuel on-site, to expend required funds and to execute any and all applicable documents to effectuate this Resolution.
- Section 2.** The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.
- Section 3.** All resolutions or parts thereof, which are in conflict or inconsistent with any provision of this resolution are hereby repealed to the extent of such conflict, and the provision of this resolution shall be and remain controlling as to the matters resolved herein.
- Section 4.** This resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.
- Section 5.** If any provision of this resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this resolution would have been enacted without such invalid provision.
- Section 6.** It is officially found, determined, and declared that the meeting at which this resolution is adopted was open to the public and that public notice of the time, place and subject matter of the public business to be considered at such meeting, including

this resolution, was given, all as required Chapter 551, Texas Government Code, as amended.

Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED, APPROVED, and ADOPTED on the 4th day of April, 2024.

Gregory C. Maxton, Mayor

ATTEST:

APPROVED AS TO FORM:

Christina Picioccio, TRMC
City Secretary

Denton Navarro Rodriquez Bernal Santee & Zech
P.C., City Attorney

Exhibit A

CITY OF FAIR OAKS RANCH
AGREEMENT

THE STATE OF TEXAS §
§
KENDALL COUNTY §

This Agreement (“Agreement”) is made and entered by and between the City of Fair Oaks Ranch, Texas, (the “City”) a Texas municipality, and IWC Oil & Refinery, LLC. (“Contractor”).

Section 1. Duration. This Agreement shall become effective upon the date of the final signature affixed hereto and shall remain in effect until satisfactory completion of the Scope of Work unless terminated as provided for in this Agreement. The initial term of this Agreement shall be one year from the effective date, with the option for renewal upon mutual agreement of both parties.

Section 2. Scope of Work.

(A) Contractor shall perform the Work as more particularly described in the Scope of Work attached hereto as Exhibit “A”. The work as described in the Scope of Work constitutes the “Project”.

(B) The Quality of Work provided under this Agreement shall be of the level of quality performed by Contractors regularly rendering this type of service.

(C) The Contractor shall perform its Work for the Project in compliance with all statutory, regulatory and contractual requirements now or hereafter in effect as may be applicable to the rights and obligations set forth in the Agreement.

(D) The Contractor may rely upon the accuracy of reports and surveys provided to it by the City except when defects should have been apparent to a reasonably competent Contractor or when it has actual notice of any defects in the reports and surveys.

Section 3. Compensation.

(A) The Contractor shall be paid in the manner set forth in Exhibit “A” and as provided herein.

(B) *Billing Period:* The Contractor may submit monthly, or less frequently, an invoice for payment based on the estimated completion of the described tasks and approved work schedule. Subject to Chapter 2251, Texas Government Code (the “Prompt Payment Act”), payment is due within thirty (30) days of the City’s receipt of the Contractor’s

invoice. Interest on overdue payments shall be calculated in accordance with the Prompt Payment Act.

Section 4. Time of Completion.

The prompt completion of the Work under the Scope of Work relates is critical to the City. Unnecessary delays in providing Work under a Scope of Work shall be grounds for dismissal of the Contractor and termination of this Agreement without any or further liability to the City other than a prorated payment for necessary, timely, and conforming work done by Contractor prior to the time of termination.

Section 5. Insurance.

Before commencing work under this Agreement, Contractor shall obtain and maintain the liability insurance provided for below throughout the term of the Project plus an additional two years. Contractor shall provide evidence of such insurance to the City. Such documentation shall meet the requirements noted in Exhibit B.

Contractor shall maintain the following limits and types of insurance:

Workers Compensation Insurance: Contractor shall carry and maintain during the term of this Agreement, workers compensation and employers' liability insurance meeting the requirements of the State of Texas on all the Contractor's employees carrying out the work involved in this contract.

General Liability Insurance: Contractor shall carry and maintain during the term of this Agreement, general liability insurance on a per occurrence basis with limits of liability not less than \$1,000,000 for each occurrence and for fire damage. For Bodily Injury and Property Damage, coverage shall be no less than \$1,000,000. As a minimum, coverage for Premises, Operations, Products and Completed Operations shall be \$2,000,000. This coverage shall protect the public or any person from injury or property damages sustained by reason of the Contractor or its employees carrying out the work involved in this Agreement. The general aggregate shall be no less than \$2,000,000.

Automobile Liability Insurance: Contractor shall carry and maintain during the term of this Agreement, automobile liability insurance with either a combined limit of at least \$1,000,000 per occurrence for bodily injury and property damage or split limits of at least \$1,000,000 for bodily injury per person per occurrence and \$1,000,000 for property damage per occurrence. Coverage shall include all owned, hired, and non-owned motor vehicles used in the performance of this contract by the Contractor or its employees.

Subcontractor: In the case of any work sublet, the Contractor shall require subcontractor and independent contractors working under the direction of either the Contractor or a subcontractor to carry and maintain the same workers compensation and liability insurance required of the Contractor.

Qualifying Insurance: The insurance required by this Agreement shall be written by non-assessable insurance company licensed to do business in the State of Texas and currently rated "B+" or better by the A.M. Best Companies. All policies shall be written on a "per occurrence basis" and not a "claims made" form.

Evidence of such insurance shall be attached as Exhibit "C".

Section 6. Miscellaneous Provisions.

(A) *Subletting.* The Contractor shall not sublet or transfer any portion of the work under this Agreement, or any Scope of Work issued pursuant to this Agreement unless specifically approved in writing by the City, which approval shall not be unreasonably withheld. Subcontractors shall comply with all provisions of this Agreement and the applicable Scope of Work. The approval or acquiescence of the City in the subletting of any work shall not relieve the Contractor of any responsibility for work done by such subcontractor.

(B) *Compliance with Laws.* The Contractor shall comply with all federal, state and local laws, statutes, ordinances, rules and regulations, and the orders and decrees of any courts, administrative, or regulatory bodies in any matter affecting the performance of this Agreement, including, without limitation, worker's compensation laws, minimum and maximum salary and wage statutes and regulations, and licensing laws and regulations. When required, the Contractor shall furnish the City with satisfactory proof of compliance.

(C) *Independent Contractor.* Contractor acknowledges that Contractor is an independent contractor of the City and is not an employee, agent, official or representative of the City. Contractor shall not represent, either expressly or through implication, that Contractor is an employee, agent, official or representative of the City. Income taxes, self-employment taxes, social security taxes and the like are the sole responsibility of the Contractor.

(D) *Non-Collusion.* Contractor represents and warrants that Contractor has not given, made, promised or paid, nor offered to give, make, promise or pay any gift, bonus, commission, money or other consideration to any person as an inducement to or in order to obtain the work to be provided to the City under this Agreement. Contractor further agrees that Contractor shall not accept any gift, bonus, commission, money, or other consideration from any person (other than from the City pursuant to this Agreement) for any of the Work performed by Contractor under or related to this Agreement. If any such gift, bonus, commission, money, or other consideration is received by or offered to Contractor, Contractor shall immediately report that fact to the City and, at the sole option of the City, the City may elect to accept the consideration for itself or to take the value of such consideration as a credit against the compensation otherwise owing to Contractor under or pursuant to this Agreement.

(E) *Force Majeure.* If the performance of any covenant or obligation to be performed hereunder by any party is delayed as a result of circumstances which are beyond the

reasonable control of such party (which circumstances may include, without limitation, pending litigation, acts of God, war, acts of civil disobedience, fire or other casualty, shortage of materials, adverse weather conditions [such as, by way of illustration and not of limitation, severe rain storms or below freezing temperatures, or tornados] labor action, strikes or similar acts, moratoriums or regulations or actions by governmental authorities), the time for such performance shall be extended by the amount of time of such delay, but no longer than the amount of time reasonably occasioned by the delay. The party claiming delay of performance as a result of any of the foregoing force majeure events shall deliver written notice of the commencement of any such delay resulting from such force majeure event not later than seven (7) days after the claiming party becomes aware of the same, and if the claiming party fails to so notify the other party of the occurrence of a force majeure event causing such delay and the other party shall not otherwise be aware of such force majeure event, the claiming party shall not be entitled to avail itself of the provisions for the extension of performance contained in this subsection.

(F) In the case of any conflicts between the terms of this Agreement and wording contained within the Scope of Work, this Agreement shall govern. The Scope of Work is intended to detail the technical scope of Work, fee schedule, and contract time only and shall not dictate Agreement terms.

Section 7. Termination.

(A) This Agreement may be terminated:

(1) By the mutual agreement and consent of both Contractor and City;

(2) By either party, upon the failure of the other party to fulfill its obligations as set forth in either this Agreement or a Scope of Work issued under this Agreement;

(3) By the City, immediately upon notice in writing to the Contractor, as consequence of the failure of Contractor to perform the Work contemplated by this Agreement in a timely or satisfactory manner;

(4) By **VENDOR PERFORMANCE**: Vendor performance will be monitored on a regular basis by the City of Fair Oaks.

I. An unsatisfactory performance determination includes, but is not limited to:

II. One service “call back” to correct the same problem within 30 calendar days.

III. Failure to deliver.

IV. Two instances within one year of response time, as defined in this statement of work, to an authorized service call exceeding the two calendar day limit.

V. One instance within one year of spillage and cleanup.

VI. Any requirement not met as outlined in the service requirements determined by the City of Fair Oaks.

NOTE: Unsatisfactory performance may result in a negative vendor performance report, or cancellation of the contract or both, in addition to any other rights, liquidated damages and remedies provided by the contract or allowed by law.

VII. An exceptional performance determination includes, but is not limited to:

VIII. Product upgrade substitution suggested and accepted at no additional cost to the City of Fair Oaks.

IX. Vendor commended for exceptional customer service, exceptional service provided.

(B) If the City terminates this Agreement pursuant to subsection 7(A)(3) or (4), above, the Contractor shall not be entitled to any fees or reimbursable expenses other than the fees and reimbursable expenses then due and payable as of the time of termination and only then for those Work that have been timely and adequately performed by the Contractor considering the actual costs incurred by the Contractor in performing work to date of termination, the value of the work that is nonetheless usable to the City, the cost to the City of employing another Contractor to complete the work required and the time required to do so, and other factors that affect the value to the City of the work performed at time of termination. In the event of termination not the fault of the Contractor, the Contractor shall be compensated for all basic, special, and additional Work actually performed prior to termination, together with any reimbursable expenses then due.

Section 8. Indemnification. Contractor agrees to indemnify and hold the City of Fair Oaks Ranch, Texas and all of its present, future and former agents, employees, officials and representatives harmless in their official, individual and representative capacities from any and all claims, demands, causes of action, judgments, liens and expenses (including attorney's fees, whether contractual or statutory), costs and damages (whether common law or statutory), costs and damages (whether common law or statutory, and whether actual, punitive, consequential or incidental), of any conceivable character, for injuries to persons (including death) or to property (both real and personal) created by, arising from or in any manner relating to the Work or goods performed or provided by Contractor – expressly including those arising through strict liability or under the constitutions of the United States.

Section 9. Notices. Any notice required or desired to be given from one party to the other party to this Agreement shall be in writing and shall be given and shall be deemed to have been served and received (whether actually received or not) if (i) delivered in person to the address set forth below; (ii) deposited in an official depository under the regular care and custody of the United States Postal Service located within the confines of the United States of America and sent by certified mail, return receipt requested, and addressed to such party at the address hereinafter specified; or (iii) delivered to such party by courier receipted delivery. Either party may designate another address within the confines of the continental United States of America for notice, but until written notice of such change is actually received by the other party, the last address of such party designated for notice shall remain such party's address for notice.

Section 10. No Assignment. Neither party shall have the right to assign that party's interest in this Agreement without the prior written consent of the other party.

Section 11. Severability. If any term or provision of this Agreement is held to be illegal, invalid or unenforceable, the legality, validity or enforceability of the remaining terms or provisions of this Agreement shall not be affected thereby, and in lieu of each such illegal, invalid or unenforceable term or provision, there shall be added automatically to this Agreement a legal, valid or enforceable term or provision as similar as possible to the term or provision declared illegal, invalid or unenforceable.

Section 12. Waiver. Either City or the Contractor shall have the right to waive any requirement contained in this Agreement that is intended for the waiving party's benefit, but, except as otherwise provided herein, such waiver shall be effective only if in writing executed by the party for whose benefit such requirement is intended. No waiver of any breach or violation of any term of this Agreement shall be deemed or construed to constitute a waiver of any other breach or violation, whether concurrent or subsequent, and whether of the same or of a different type of breach or violation.

Section 13. Governing Law; Venue. This Agreement and all of the transactions contemplated herein shall be governed by and construed in accordance with the laws of the State of Texas. The provisions and obligations of this Agreement are performable in Kendall County, Texas such that exclusive venue for any action arising out of this Agreement shall be in Kendall County, Texas.

Section 14. Paragraph Headings; Construction. The paragraph headings contained in this Agreement are for convenience only and shall in no way enlarge or limit the scope or meaning of the various and several paragraphs hereof. Both parties have participated in the negotiation and preparation of this Agreement and this Agreement shall not be construed either more or less strongly against or for either party.

Section 15. Binding Effect. Except as limited herein, the terms and provisions of this Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, devisees, personal and legal representatives, successors and assigns.

Section 16. Gender. Within this Agreement, words of any gender shall be held and construed to include any other gender, and words in the singular number shall be held and construed to include the plural, unless the context otherwise requires.

Section 17. Counterparts. This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, and all of which shall constitute but one and the same instrument.

Section 18. Exhibits. All exhibits to this Agreement are incorporated herein by reference for all purposes wherever reference is made to the same.

Section 19. Entire Agreement. It is understood and agreed that this Agreement contains the entire agreement between the parties and supersedes any and all prior agreements, arrangements or understandings between the parties relating to the subject matter. No oral understandings, statements, promises or inducements contrary to the terms of this Agreement exist. This Agreement cannot be changed or terminated orally.

Section 20. Relationship of Parties. Nothing contained in this Agreement shall be deemed or construed by the parties hereto or by any third party to create the relationship of principal and agent or of partnership or of joint venture or of any association whatsoever between the parties, it being expressly understood and agreed that no provision contained in this Agreement nor any act or acts of the parties hereto shall be deemed to create any relationship between the parties other than the relationship of independent parties contracting with each other solely for the purpose of effecting the provisions of this Agreement.

Section 21. Right To Audit. City shall have the right to examine and audit the books and records of Contractor with regards to the work described in Exhibit A, or any subsequent changes, at any reasonable time. Such books and records will be maintained in accordance with generally accepted principles of accounting and will be adequate to enable determination of: (1) the substantiation and accuracy of any payments required to be made under this Agreement; and (2) compliance with the provisions of this Agreement.

22. Dispute Resolution. In accordance with the provisions of Subchapter I, Chapter 271, TEX. LOCAL GOV'T CODE, the parties agree that, prior to instituting any lawsuit or other proceeding arising from a dispute under this agreement, the parties will first attempt to resolve the dispute by taking the following steps: (1) A written notice substantially describing the nature of the dispute shall be delivered by the dissatisfied party to the other party, which notice shall request a written response to be delivered to the dissatisfied party not less than 5 days after receipt of the notice of dispute. (2) If the response does not reasonably resolve the dispute, in the opinion of the dissatisfied party, the dissatisfied party shall give notice to that effect to the other party whereupon each party shall appoint a person having authority over the activities of the respective parties who shall promptly meet, in person, in an effort to resolve the dispute. (3) If those persons cannot or do not resolve the dispute, then the parties shall each appoint a person from the highest tier of managerial responsibility within each respective party, who shall then promptly meet, in person, in an effort to resolve the dispute.

23. Disclosure of Business Relationships/Affiliations; Conflict of Interest Questionnaire. Contractor represents that it is in compliance with the applicable filing and disclosure requirements of Chapter 176 of the Texas Local Government Code.

24. Boycott Israel. The City may not enter into a contract with a company for goods and services unless the contract contains a written verification from the company; (i) it does not Boycott Israel; and (ii) will not Boycott Israel during the term of the contract. (Texas government code chapter 2270) by entering this agreement, Professional verifies that it does not Boycott Israel, and agrees that during the term of the agreement will not Boycott

Israel as that term is defined in the Texas Government Code Section 808.001, as amended.

25. Energy Company Boycotts. Contractor represents and warrants that: (1) it does not, and will not for the duration of the contract, boycott energy companies or (2) the verification required by Section 2274.002 of the Texas Government Code does not apply to the contract. If circumstances relevant to this provision change during the course of the contract, Contractor shall promptly notify City.

26. Firearm Entities and Trade Association Discrimination. Contractor verifies that: (1) it does not, and will not for the duration of the contract, have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association or (2) the verification required by Section 2274.002 of the Texas Government Code does not apply to the contract. If circumstances relevant to this provision change during the course of the contract, Contractor shall promptly notify City.

27. Sales Tax. The City qualifies as an exempt agency under the Texas Limited Sales, Excise and Use Tax Act (the "Tax Act") and is not subject to any State or City sales taxes on materials incorporated into the project. Labor used in the performance of this contract is also not subject to State or City sales taxes. The City will provide an exemption certificate to the Contractor. The Contractor must have a sales tax permit issued by the Comptroller of Public Accounts and shall issue a resale certificate complying with the Tax Act, as amended, when purchasing said materials. The Contractor is responsible for any sales taxes applicable to equipment purchases, rentals, leases, consumable supplies which are not incorporated into the services to be provided under this Contract, tangible personal property purchased for use in the performance of this Contract and not completely consumed, or other taxable services used to perform this Contract, or other taxes required by law in connection with this Contract.

28. Compliance with Laws, Charter, Ordinances. Contractor, its agents, employees and subcontractors must comply with all applicable federal and state laws, the ordinances of the City of Fair Oaks Ranch, and with all applicable rules and regulations promulgated by local, state and national boards, bureaus and agencies. Contractor must obtain all necessary permits, bonds and licenses that are required in completing the work contracted for in this agreement.

EXECUTED on _____.

CITY:

CONTRACTOR:

By: _____

By: _____

Name: Scott M. Huizenga

Name: _____

Title: City Manager

Title: _____

ADDRESS FOR NOTICE:

CITY

CONTRACTOR

City of Fair Oaks Ranch
Attn: Scott M. Huizenga
7286 Dietz Elkhorn
Fair Oaks Ranch, TX 78015

IWC Oil & Refinery, LLC
8610 N. New Braunfels St. 301
San Antonio, TX 78217

Exhibit “A”

SCOPE OF SERVICES

The initial term of this Agreement shall be for a period of one year, commencing on contract execution with the option for renewal upon mutual agreement of both parties.

There is no minimum or maximum compensation guaranteed with this agreement. Upon request, Contractor will deliver fuel to the City no later than two days from when the order is placed. The City and Contractor will determine a mutually agreed upon schedule prior to the first delivery. Subsequent deliveries will be made according to the schedule. If the City needs to change a delivery date, the City will give the Contractor written notice five business days prior to the scheduled delivery date. The Contractor will be prepared to deliver fuel for emergency resupply to the facility within a 24 hour notice. If an event that may cause a delay is projected, the City and Contractor will work together to schedule a delivery prior to the event.

The Contractor will provide gasoline and diesel for the City’s split-compartment fuel tank with a capacity of 1,000 gallons of gasoline and 500 gallons of diesel. Certificates of the products shall be provided. Fuel supplied shall conform to these specifications. Proof of conformance to specifications will be provided with each delivery. In the event that a quantity of fuel tested is found not to conform to specifications, the City may reject the order.

The Oil Price Information Service (OPIS) Gross Daily Average will be used for the day of each delivery. Contractor shall provide documentation from OPIS with each invoice verifying the price. The Contractor will be paid a markup of \$.18 per gallon for gasoline and \$.18 per gallon for diesel. This price includes all delivery and miscellaneous fees. The only other charges shall be any applicable taxes.

Exhibit "B"

REQUIREMENTS FOR ALL INSURANCE DOCUMENTS

The Contractor shall comply with each and every condition contained herein. The Contractor shall provide and maintain the minimum insurance coverage set forth below during the term of its agreement with the City. Any Subcontractor(s) hired by the Contractor shall maintain insurance coverage equal to that required of the Contractor. It is the responsibility of the Contractor to assure compliance with this provision. The City of Fair Oaks Ranch accepts no responsibility arising from the conduct, or lack of conduct, of the Subcontractor.

INSTRUCTIONS FOR COMPLETION OF INSURANCE DOCUMENT

With reference to the foregoing insurance requirements, Contractor shall specifically endorse applicable insurance policies as follows:

1. The City of Fair Oaks Ranch shall be named as an additional insured with respect to General Liability and Automobile Liability **on a separate endorsement.**
2. A waiver of subrogation in favor of The City of Fair Oaks Ranch shall be contained in the Workers Compensation and all liability policies and must be provided **on a separate endorsement.**
3. All insurance policies shall be endorsed to the effect that The City of Fair Oaks Ranch will receive at least thirty (30) days written notice prior to cancellation or non-renewal of the insurance.
4. All insurance policies, which name The City of Fair Oaks Ranch as an additional insured, must be endorsed to read as primary and non-contributory coverage regardless of the application of other insurance.
5. **Chapter 1811 of the Texas Insurance Code, Senate Bill 425 82(R) of 2011, states that the above endorsements cannot be on the certificate of insurance. Separate endorsements must be provided for each of the above.**
6. All insurance policies shall be endorsed to require the insurer to immediately notify The City of Fair Oaks Ranch of any material change in the insurance coverage.
7. All liability policies shall contain no cross-liability exclusions or insured versus insured restrictions.
8. Required limits may be satisfied by any combination of primary and umbrella liability insurances.
9. Contractor may maintain reasonable and customary deductibles, subject to approval by The City of Fair Oaks Ranch.
10. Insurance must be purchased from insurers having a minimum AmBest rating of B+.
11. All insurance must be written on forms filed with and approved by the Texas Department of Insurance. (ACORD 25 2010/05). Coverage must be written on an occurrence form.
12. Contractual Liability must be maintained covering the Contractors obligations contained in the contract. Certificates of Insurance shall be prepared and executed by the insurance company or its authorized agent and shall contain provisions

representing and warranting all endorsements and insurance coverages according to requirements and instructions contained herein.

- 13. Upon request, Contractor shall furnish The City of Fair Oaks Ranch with certified copies of all insurance policies.
- 14. A valid certificate of insurance verifying each of the coverages required above shall be issued directly to the City of Fair Oaks Ranch within ten (10) business days after contract award and prior to starting any work by the successful Contractor's insurance agent of record or insurance company. Also, prior to the start of any work and at the same time that the Certificate of Insurance is issued and sent to the City of Fair Oaks Ranch, all required endorsements identified in sections A, B, C and D, above shall be sent to the City of Fair Oaks Ranch. The certificate of insurance and endorsements shall be sent to:

City of Fair Oaks Ranch
Attn: Clayton Hoelscher, Procurement Manager
Email: choelscher@fairoaksranchtx.org
7286 Dietz Elkhorn
Fair Oaks Ranch, Texas 78015

Exhibit “C”
EVIDENCE OF INSURANCE

***WILL BE OBTAINED PRIOR TO CONTRACT EXECUTION**



**CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS**

AGENDA TOPIC: Consideration and possible action to approve a resolution for the Fair Oaks Ranch Municipal Court to adopt a Confidentiality Policy & Agreement
DATE: April 4, 2024
DEPARTMENT: Municipal Court
PRESENTED BY: Ricardo Bautista, Court Administrator

INTRODUCTION/BACKGROUND:

Due to an amendment to the Texas Rule of Judicial Administration 7, approved by the Supreme Court of Texas on August 25, 2023, in Misc. Dkt. No. 23-9068 (**Exhibit A**). The Fair Oaks Ranch Municipal Court must adopt a confidentiality policy (**Exhibit B**), as required by Rule of Judicial Administration 7.1, by May 1, 2024.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

The Municipal Court must adopt, implement, and train current court staff members about the confidentiality policy and agreement by May 1, 2024. This policy will instruct and define to the court staff rules and regulations regarding confidential information.

LONGTERM FINANCIAL & BUDGETARY IMPACT:

The policy will not affect the City of Fair Oaks Ranch financially or budgetary.

LEGAL ANALYSIS:

Approved as to Form by City Attorney.

RECOMMENDATION/PROPOSED MOTION:

I move to approve a resolution adopting a Confidentiality Policy and Agreement for the Fair Oaks Ranch Municipal Court.

A RESOLUTION

A RESOLUTION AUTHORIZING THE ADOPTION OF THE FAIR OAKS RANCH MUNICIPAL COURT CONFIDENTIALITY POLICY AND UPDATE TO THE CITY OF FAIR OAKS RANCH PERSONNEL POLICY MANUAL; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Fair Oaks Ranch desires to provide a set of guidelines intended to create and maintain understanding and cooperation among the employees of the City and to set forth results and procedures to enhance the services of the City; and

WHEREAS, the City Council finds state and federal rules and regulations set certain provisions regarding City employee conduct; and,

WHEREAS, the Supreme Court of Texas approved amendments to the Texas Rules of Judicial Administration and such amendments requires each court in the State to adopt a confidentiality policy, as required by Rule of Judicial Administration 7.1, by May 1, 2024; and

WHEREAS, the Texas Municipal Court Education Center created a model policy incorporating the confidentiality provisions in Rule of Judicial Administration 7.2 that are specific to the municipal court; and

WHEREAS, the model policy has been tailored for use by the City and is attached hereto as **Exhibit A**; and

WHEREAS, the City Council finds that adoption of the Fair Oaks Ranch Municipal Court Confidentiality Policy and Agreement (**Exhibit B**), is in the best interest of the City.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF FAIR OAKS RANCH, BEXAR COUNTY TEXAS:

Section 1. The City Council approves the Fair Oaks Ranch Municipal Court Confidential Policy and Agreement, attached hereto as **Exhibit B**, and incorporated for all purposes. The City Council authorizes the City Manager to append the policy provided for herein to the City’s Personnel Policies Manual.

Section 2 The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this resolution for all purposes and are adopted as part of the judgment and finding of the City Council.

Section 3. All resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this resolution are hereby repealed to the extent of such conflict, and the provisions of this resolution shall be and remain controlling as to the matters resolved herein.

Section 4. This resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. This resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED, APPROVED, and ADOPTED on the 4th day of April, 2024.

Gregory C. Maxton, Mayor

ATTEST:

APPROVED AS TO FORM:

Christina Picioccio, TRMC
City Secretary

Denton Navarro Rodriquez Bernal Santee & Zech
P.C., City Attorney

Supreme Court of Texas

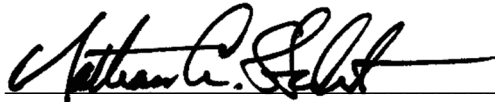
Misc. Docket No. 24-9006

Final Approval of Amendments to Texas Rule of Judicial Administration 7

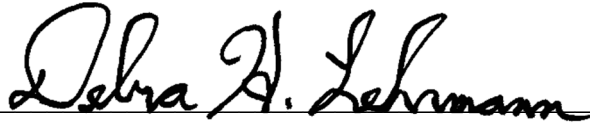
ORDERED that:

1. On August 25, 2023, in Misc. Dkt. No. 23-9068, the Court preliminarily approved amendments to Texas Rule of Judicial Administration 7 and invited public comment.
2. The comment period has expired. Only minor changes to the rule have been made to include references to the business court. This Order gives final approval to the amended rule. The amendments are shown in redline against the current rule.
3. Each court must adopt a confidentiality policy, as required by Rule of Judicial Administration 7.1, by May 1, 2024. Each court must also provide that policy to current court staff members and train them on it by May 1, 2024. Courts within the same county are encouraged to collaborate to adopt a uniform confidentiality policy.
4. The Court's confidentiality policy is attached to this Order and may serve as a model. Section 2(e) has been revised as shown since it was first published in Misc. Dkt. No. 23-9068.
5. The Clerk is directed to:
 - a. file a copy of this Order with the Secretary of State;
 - b. cause a copy of this Order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
 - c. send a copy of this Order to each elected member of the Legislature; and
 - d. submit a copy of this Order for publication in the *Texas Register*.

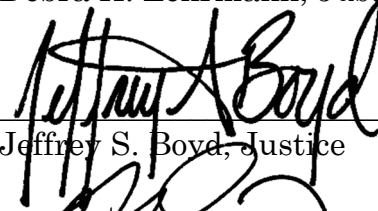
Dated: February 20, 2024.



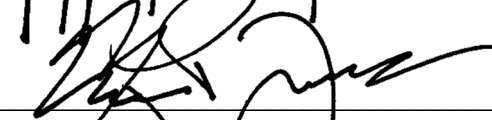
Nathan L. Hecht, Chief Justice



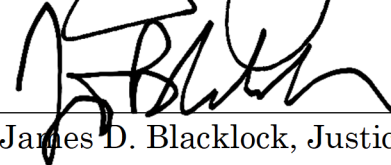
Debra H. Lehrmann, Justice



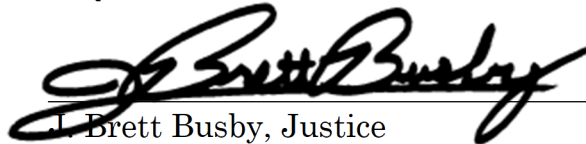
Jeffrey S. Boyd, Justice



John P. Devine, Justice



James D. Blacklock, Justice



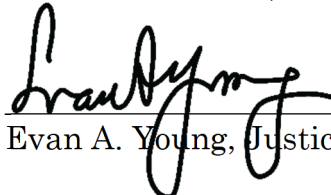
J. Brett Busby, Justice



Jane N. Bland, Justice



Rebeca A. Huddle, Justice



Evan A. Young, Justice

TEXAS RULES OF JUDICIAL ADMINISTRATION

Rule 7. Administrative Responsibilities. (Clean Version)**Rule 7.1. All Courts.**

(a) *Court Confidentiality Policy Required.* A court, including an appellate, district, statutory county, business, statutory probate, constitutional county, justice, and municipal court, must adopt a policy governing court confidentiality.

(b) *Policy Contents.* The policy must:

- (1) define who the policy applies to;
- (2) define confidential information;
- (3) impose a duty of confidentiality on all court staff that continues after employment at the court ends;
- (4) address when, if ever, the disclosure of confidential information is authorized;
- (5) provide the language of relevant laws, including section 21.013 of the Texas Government Code and section 39.06 of the Texas Penal Code;
- (6) address negligent or accidental disclosure of confidential information;
- (7) warn of potential penalties for the unauthorized disclosure of confidential information, including:
 - (A) referral to relevant law enforcement agencies for investigation and prosecution;
 - (B) termination of employment;
 - (C) for attorneys, referral to the State Bar of Texas for discipline;
 - (D) for law students, referral to the Texas Board of Law Examiners for consideration in determining eligibility to practice law in Texas; and

(8) require all court staff to acknowledge receipt of the policy in writing.

(c) *Distribution and Training Required.* The court must:

(1) for all new court staff members, provide the policy and train on it before the new staff member begins any substantive work for the court;

(2) provide the policy to all existing court staff at least biannually.

Rule 7.2. District, Statutory County, and Business Courts.

A district, statutory county, or business court judge must:

(a) diligently discharge the administrative responsibilities of the office;

(b) rule on a case within three months after the case is taken under advisement;

(c) if an election contest or a suit for the removal of a local official is filed in the judge's court, request the presiding judge to assign another judge who is not a resident of the county to dispose of the suit;

(d) on motion by either party in a disciplinary action against an attorney, request the presiding judge to assign another judge who is not a resident of the administrative region where the action is pending to dispose of the case;

(e) request the presiding judge to assign another judge of the administrative region to hear a motion relating to the recusal or disqualification of the judge from a case pending in his court; and

(f) to the extent consistent with due process, consider using methods to expedite the disposition of cases on the docket of the court, including:

(1) adherence to firm trial dates with strict continuance policies;

(2) the use of teleconferencing, videoconferencing, or other available means in lieu of personal appearance for motion hearings, pretrial conferences, scheduling, and other appropriate court proceedings;

(3) pretrial conferences to encourage settlements and to narrow trial issues;

(4) taxation of costs and imposition of other sanctions authorized by the Rules of Civil Procedure against attorneys or parties filing frivolous motions or pleadings or abusing discovery procedures; and

(5) local rules, consistently applied, to regulate docketing procedures and timely pleadings, discovery, and motions.

Rule 7. Administrative Responsibilities. (Redline)

Rule 7.1. All Courts.

(a) Court Confidentiality Policy Required. A court, including an appellate court, district court, statutory county court, business, statutory probate court, constitutional county court, justice court, and municipal court, must adopt a policy governing court confidentiality.

(b) Policy Contents. The policy must:

(1) define who the policy applies to;

(2) define confidential information;

(3) impose a duty of confidentiality on all court staff that continues after employment at the court ends;

(4) address when, if ever, the disclosure of confidential information is authorized;

(5) provide the language of relevant laws, including section 21.013 of the Texas Government Code and section 39.06 of the Texas Penal Code;

(6) address negligent or accidental disclosure of confidential information;

(7) warn of potential penalties for the unauthorized disclosure of confidential information, including:

(A) referral to relevant law enforcement agencies for investigation and prosecution;

(B) termination of employment;

(C) for attorneys, referral to the State Bar of Texas for discipline;

(D) for law students, referral to the Texas Board of Law Examiners for consideration in determining eligibility to practice law in Texas; and

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A district ~~court, or~~ statutory county ~~court, or business court~~ judge must:

- (a) diligently discharge the administrative responsibilities of the office;
- (b) rule on a case within three months after the case is taken under advisement;
- (c) if an election contest or a suit for the removal of a local official is filed in the judge's court, request the presiding judge to assign another judge who is not a resident of the county to dispose of the suit;
- (d) on motion by either party in a disciplinary action against an attorney, request the presiding judge to assign another judge who is not a resident of the administrative region where the action is pending to dispose of the case;
- (e) request the presiding judge to assign another judge of the administrative region to hear a motion relating to the recusal or disqualification of the judge from a case pending in his court; and
- (f) to the extent consistent with due process, consider using methods to expedite the disposition of cases on the docket of the court, including:

(1) adherence to firm trial dates with strict continuance policies;

(2) the use of teleconferencing, videoconferencing, or other available means in lieu of personal appearance for motion hearings, pretrial conferences, scheduling, and other appropriate court proceedings;

(3) pretrial conferences to encourage settlements and to narrow trial issues;

(4) taxation of costs and imposition of other sanctions authorized by the Rules of Civil Procedure against attorneys or parties filing frivolous motions or pleadings or abusing discovery procedures; and

(5) local rules, consistently applied, to regulate docketing procedures and timely pleadings, discovery, and motions.

EXHIBIT B

**Fair Oaks Ranch Municipal Court
Confidentiality Policy and Agreement**

Employees of the Fair Oaks Ranch Municipal Court occupy positions of public trust. In the course of their duties, employees will encounter confidential information about the prospective disposition of cases and the inner workings of the Court.

Preserving the confidentiality of the Court’s documents and private deliberations is crucial to the Court’s work. More specifically, confidentiality furthers the ability of judges and judicial staff to communicate openly and honestly and to reach the most legally correct outcomes for litigants. Confidentiality also builds public respect for the judiciary and impresses on others the gravity of the judicial process. Any breach of confidentiality would betray not only the Court and the individuals who work here, but also the public’s interest in thorough, considered justice.

Confidentiality has long been an expectation within Texas courts. Canon 3B(10) of the Texas Code of Judicial Conduct demands that judges and court staff refrain from “public comment about a pending or impending proceeding which may come before the judge’s court.” Canon 3B(11) of the Texas Code of Judicial Conduct provides that “[t]he discussions, votes, positions taken, and writings of appellate judges and court personnel about causes are confidences of the court and shall be revealed only through a court’s judgment, a written opinion or in accordance with Supreme Court guidelines for a court approved history project.”

Texas Government Code Section 21.013 creates a Class A misdemeanor criminal offense for the unauthorized disclosure of non-public judicial work product, stating “[a] person . . . with access to non-public judicial work product commits an offense if the person knowingly discloses, wholly or partly, the contents of any non- public judicial work product . . .” Additionally, Texas Penal Code Section 39.06 criminalizes the misuse of official information by a public servant who “discloses or uses information for a nongovernmental purpose that: (1) he has access to by means of his office or employment; and (2) has not been made public”, with penalties ranging from a Class C misdemeanor to a felony of the third degree.

This confidentiality policy incorporates the Canons as well as the statutory penalties of both Texas Government Code Section 21.013 and Texas Penal Code Section 39.06. This policy applies to all Court staff and city employees whose duties may include having access to court records.

1. Protection of information. Confidential information must not be shared with persons not employed within the Court, except as provided in Section 3 below. Employees must refrain from commenting about cases that are or may come before the Court to family, friends, or acquaintances.

2. Confidential information defined. Confidential information includes:

- a) drafts of opinions not yet released, internal memoranda, emails between judges or staff, and any other document not intended for public use;
- b) conversations between judges or court staff about litigants or cases before, previously before, or expected to come before the Court;
- c) the private views of judges or court staff concerning the disposition of cases, litigants, anticipated cases, or each other;
- d) the authorship of per curiam opinions or orders, the timing of opinion or order release, and any other procedural mechanism not ordinarily public;
- e) documents filed under seal by litigants or counsel; and
- f) other information, however communicated, that is not authorized to be made public.

3. Disclosures of confidential information.

- a) **Intentional disclosure** of confidential information outside of the boundaries of (1) above may be met with maximum disciplinary action. See (5) below.
- b) **Negligent or accidental disclosure** is an extremely serious matter that may, but will not necessarily, be met with penalties as described in (5) below. Employees who accidentally disclose confidential information have a duty to promptly report the disclosure to their supervisor, appointing authority, or human resources department so that mitigation can be attempted.

Employees are expected to exercise their discretion and judgment to minimize the risk of inadvertent disclosure. For example, employees should refrain from

EXHIBIT B

communicating about sensitive matters in crowded or public spaces where others may overhear, even within the public areas of the Court. Employees should use court-issued, password-protected equipment to transmit confidential documents. Employees should be mindful of who can see their screen when working at home, on aircraft, public transit, or in public spaces. Employees should carefully keep track of and password protect electronic devices containing confidential information and immediately report any loss or theft of those devices.

- c) **Authorized disclosure** occurs when the Judge, City Attorney or Prosecutor who supervises the employee authorizes the employee to share work product with a specific person or organization. For example, employees may be authorized to share draft rules or administrative orders for review and comment before they are released to the public, and the Court Administrator or Clerks of the Court may be authorized to disclose information relating to case status as part of their job duties, provided the Court's internal, confidential deliberations are not disclosed.
- d) **Disclosure as necessary to report misconduct or illegal acts** is permitted. Employees may disclose confidential information when such disclosure is necessary to adequately report to an appropriate authority the misconduct or illegal acts of any person, including sexual or other forms of harassment.

4. Continuing confidentiality obligation. An employee's duty to preserve confidentiality survives the employee's departure from the Court. An employee who leaves the Court has the same ongoing duty to protect confidential information that they had during their employment.

Further, the duty to protect information related to the disposition of cases, such as the substance of the Court's deliberations, persists even after an opinion or order is publicly released. Employees asked about a decision of the Court should offer no comment beyond a referral to the released opinion or order.

Finally, employees who depart from Court employment may not retain confidential materials. Employees should return or securely dispose of materials, such as in designated Court shredding bins, prior to an anticipated departure, or as soon as possible after an unanticipated departure.

5. Penalties for unauthorized disclosure: In the event of an unauthorized disclosure of confidential information, the Court will investigate the circumstances and such investigation will be coordinated with the City Manager or City Manager’s designee. Investigations will follow the policies and procedures adopted by the City and provided for in the City’s personnel manual or employee handbook and appropriate disciplinary action, will be administered as necessary. Potential disciplinary actions may include but are not limited to:

- a) referral of the matter to the relevant law enforcement agency for investigation and prosecution. *See* Texas Government Code Section 21.013 and Texas Penal Code Section 39.06;
- b) disciplinary actions pursuant to the City’s Personnel Policy Manual or Handbook in effect at the time of the violation, including termination of employment;
- c) for attorneys, referral to the State Bar of Texas or of other states for discipline and possible loss of the privilege to practice before Texas or other courts.

6. Acknowledgement. Please acknowledge your understanding and agreement to this policy by signing below.

Employee’s Signature

Date



**CITY COUNCIL WORKSHOP
CITY OF FAIR OAKS RANCH, TEXAS**

AGENDA TOPIC: Solid Waste Franchise Agreement
DATE: April 4, 2024
DEPARTMENT: Public Works
PRESENTED BY: Carole Vanzant, CPM, Assistant City Manager

INTRODUCTION/BACKGROUND:

In 2017, the City Council approved an Exclusive Franchise Agreement with Republic Services for a five-year term for the collection, hauling, and disposal of residential garbage and refuse waste. The agreement prescribes the following renewal option:

“The City, at its sole discretion, shall have the option to renew this Agreement for up to two (2) additional two (2) year terms. There is no guarantee to the Contractor that the City will exercise this option to continue this Agreement beyond the initial five-year period. Both parties, in writing, shall agree to each extension.”

In 2022, the City Council approved the First Amendment to the 2017 Agreement for a term of two years, expiring September 30, 2024. In late 2023, Republic Services notified the City of its interest in exercising the second option of the renewal term. The City Council, at its February 2024 meeting, considered the following options in providing solid waste services for FY 2024-25 and subsequent years:

- Direct staff to exercise the City’s option to renew the current agreement for two years, inclusive of negotiating enhancements and contract amendments.
- Direct staff to solicit proposals (RFP) for solid waste collection services with the goal of advancing a new franchise agreement starting October 1, 2024. The City is not required to solicit proposals for solid waste collection and disposal services.
- Direct staff to negotiate a new agreement with a specific service provider.

The City Council decided to exercise its option to renew the current agreement, inclusive of negotiating contract amendments with Republic Services. During discussions, Republic Services noted two major factors affecting its operations:

1. Pricing – Due to events of the past several years, margins have eroded.
 - a. Pricing was lower than it should have been after the last RFP cycle.
 - b. The BLS Water, Sewer and Trash Index in recent years has been between 7% - 9% while agreement has a cap of 3% annually.
 - c. The pandemic, historic high inflation rates, and cost of labor, truck, and container raised costs significantly.
2. Brush – The amount of brush collected during the biannual events continually increased with no compensation for the increase. The company attributed excessive brush to landscaping companies that do not haul off the spoils.

Republic Services is proposing the following:

1. Rather than requesting a large one-time increase, they offer a longer-term agreement that would allow a more gradual “stair-stepping” of rates (current base rate is \$23.65 a month).
 Possible example: A 10-year term allowing for a 10% increase in year one, followed by 8% increases years two and three. Years four through ten would be based upon BLS Water, Sewer and Trash index with no floor or cap. A shorter term would not allow Republic to recover its investment before the expiration of the contract.
2. A smaller brush curbside limit that would be ample for most households (current brush pile size is 15 x 6 x 6).
3. As Republic Services and the City of Fair Oaks Ranch have been partners for nearly 25 years, they would appreciate the opportunity to continue our relationship.

If the City Council desires to continue negotiations with Republic Services proposal, staff seeks direction on items 1 and 2 above. If the City Council desires to end negotiations, two options are available to ensure the City provides solid waste services.

- Direct staff to solicit proposals (RFP) for solid waste collection services with the goal of advancing a new franchise agreement starting October 1, 2024. The City is not required to solicit proposals for solid waste collection and disposal services. *A draft RFP can be presented to City Council at its April 18 meeting.*
- Direct staff to negotiate a new agreement with a specific service provider. *An agenda item will be placed on the April 18 meeting to name the service provider.*

LONGTERM FINANCIAL & BUDGETARY IMPACT:

There is minimal budgetary impact to the City but customer monthly service rates could change based on the terms of a new franchise agreement.

RECOMMENDATION/PROPOSED MOTION:

Staff needs direction on proceeding with one of the following options:

Option 1:

City Council provides staff with direction on the Republic Services proposed options to begin working toward a Second Amendment to the 2017 Agreement (anticipated timeframe for completion – up to two months from tonight’s meeting).

Option 2:

At the next City Council meeting, staff brings forth a draft Request for Proposals for solid waste collection services with for a new franchise agreement beginning October 1, 2024 (anticipated timeframe for completion – up to five months from tonight’s meeting).

Option 3:

The City Council, at its April 18 meeting, names a specific service provider with which the City should negotiate a new agreement (anticipated timeframe for completion - up to three months from tonight’s meeting).



**CITY COUNCIL WORKSHOP
CITY OF FAIR OAKS RANCH, TEXAS**

AGENDA TOPIC: Tree Mitigation Fund Policy and Oak Wilt Program Workshop
DATE: April 4, 2024
DEPARTMENT: Public Works
PRESENTED BY: Kelsey Delgado, Environmental Program Manager

INTRODUCTION/BACKGROUND:

The City Council held a workshop in October 2023 regarding a proposed Tree Mitigation Fund. Staff has drafted a proposed policy which establishes a Tree Mitigation Fund and several programs and initiatives for which the City may use funds received from the fee-in-lieu of mitigation.

Through the Tree Mitigation Fund Policy (**Attachment A**), fee-in-lieu funds will be placed in a reserve fund balance line item to be allocated to expense line items during the City’s annual budget process. The funds will be reserved for an Oak Wilt Program, tree and landscape protection, city-approved events and other programs or projects as recommended by staff with City Council approval.

An Oak Wilt Program (**Attachment B**) will be established and funded from the Tree Mitigation Fund annually to incentivize and aid in oak wilt treatment within the city limits through a reimbursement process. As proposed, program applicants may be eligible for reimbursement of up to 50% of the total cost of eligible services, with a maximum reimbursement amount of \$1,500 per fiscal year per property.

As part of this workshop, staff is requesting direction from City Council regarding these two items. Based on feedback received, the policy and program will be brought back at a future City Council meeting for consideration and possible action.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

- Supports Priority 2.5 Develop, Implement and Update Environmental Sustainability Programs of the Strategic Action Plan.
- Provides financial assistance directly to residents for oak wilt mitigation and treatment.
- Enables use of fee-in-lieu of mitigation funds for the protection and preservation of existing trees, reforestation, beautification of the City and other events or projects to improve the quality of life and support the hill country aesthetic of Fair Oaks Ranch.

LONGTERM FINANCIAL & BUDGETARY IMPACT:

By establishing a Tree Mitigation Fund, any fees collected from development projects in lieu of mitigation may be used towards an Oak Wilt Program, tree and landscape protection, City-approved events and other programs or projects.

Attachment A

**CITY OF FAIR OAKS RANCH
TREE MITIGATION FUND POLICY**

Per the Unified Development Code, a fee-in-lieu of mitigation for trees removed on development and redevelopment projects has been established for situations in which meeting mitigation requirements is not feasible. The City of Fair Oaks Ranch is committed to being good stewards of these funds by implementing this policy so that the funds may be dedicated to certain goals, projects or initiatives.

The Tree Mitigation Fund (hereafter referred to as the FUND) Policy seeks to use the funds collected by development and redevelopment projects for public use. This includes tree and habitat mitigation and remediation, public improvements, citywide beautification, and public events. It is the City’s goal to responsibly use collected fees-in-lieu of mitigation for the improvement of residents’ quality of life by following the policy set forth below. The fulfillment of this policy shall be the joint responsibility of the City’s governing body, employees, and its citizens.

Purpose

The purpose of this policy is to appropriately use funds provided to the City through the fee-in-lieu of mitigation for tree removal as defined in the Unified Development Code (UDC).

Goals

The goals of the FUND are to:

- ❖ Support an Oak Wilt Program, including education, mitigation and financial assistance.
- ❖ Provide funding for landscaping, planting, and maintenance to public land.
- ❖ Provide free plant giveaways as part of Arbor Day activities or other City events.
- ❖ Assist in funding various City projects including, but not limited to, capital improvements, drainage improvements, and storm or brush clean-up.

Organization Structure

A successful FUND requires the commitment and involvement of all City employees. The specific responsibilities of key individuals/groups are outlined below:

➤ *City Manager*

The City Manager is responsible for approving the FUND, reviewing the recommendations of the Manager of Engineering Services in coordination with the Environmental Program Manager, allocating funding, and providing support staff as needed. The City Manager is

Attachment A

also responsible for the final review and approvals of all proposed policy directives, funding requests, and requests for line and support staff associated with FUND.

➤ *Manager of Engineering Services*

The Manager of Engineering Services is responsible for the promotion and implementation of the City’s Tree Mitigation Fund objectives in the operation and maintenance of current and future programs and funded projects in coordination with the Environmental Program Manager. They will oversee the initiation of actions and budgeted resources as necessary to achieve the goal as presented in the FUND. While coordinating activities with the Environmental Program Manager, the Manager of Engineering Services will report directly to the City Manager.

➤ *Environmental Program Manager*

The Environmental Program Manager will be responsible for the implementation and day-to-day management of the FUND and programs within this policy. The Environmental Program Manager will function as the Project Manager and will:

- ❖ Develop and implement an Oak Wilt Program.
- ❖ Organize and coordinate funded events and projects.
- ❖ Track and manage current and future monetary contributions to the FUND.
- ❖ Manage the day-to-day administration, implementation, and monitoring of the FUND.
- ❖ Create plans and search for additional initiatives that support the goals of the Tree Mitigation Fund.

➤ *Employees and Staff*

All employees and staff are responsible for assisting the FUND by providing input to the Environmental Program Manager to help with the implementation of the FUND programs and to help promote program initiatives and events to the public.

Identification of Funding Projects/ Programs

- A. Tree Mitigation Fund – A reserve fund shall be established for the collection and deposit of fee-in-lieu of mitigation payments. Such funds are subject to appropriation during the normal budget cycle or by budget amendment for out of cycle requests. Budget line items may be created to allocate funds and capture expenses related to each FUND program or initiative.
 - a. Oak Wilt Program – Tree Mitigation Fund expense line item should annually allocate funds to be used exclusively on Oak Wilt management.
 - b. Tree and Landscaping Protection – Tree Mitigation Fund expense line item should annually allocate funds to be used for tree and landscape maintenance.

Attachment A

- c. City Approved Events - Tree Mitigation Fund expense line item should annually allocate funds for City events such as an Arbor Day Celebration, free plant giveaways, etc.
- d. Additional line items may be created and allocated from the Tree Mitigation Fund for specific projects or programs as determined by staff with City Council approval.

The City will maintain accurate records of the FUND programs and initiatives and the associated costs on a regular basis. Guidelines and procedures will be reviewed and approved by the City Manager periodically. Information will be furnished to the City Manager on the goals and progress of the Tree Mitigation Fund.

Policy guidelines and procedures were reviewed and approved by the City Manager this ____ day of _____, 2024.

City Manager

Attachment B

**CITY OF FAIR OAKS RANCH
OAK WILT PROGRAM**

The City of Fair Oaks Ranch is making funds available to its citizens to incentivize and assist in oak wilt treatment within its city limits. Reimbursement from approved applications is on a first-come, first-served basis and will only be processed when funds are available. Specific guidelines must be followed to be eligible for reimbursement through this program.

Guidelines

To be eligible for reimbursement, a property must have a confirmed diagnosis of oak wilt or be at risk of getting oak wilt due to its proximity to an infected property as determined by a certified arborist. All treatment must be completed by a certified arborist. To receive reimbursement, an invoice from an approved City of Fair Oaks Ranch registered tree contractor and treatment plan must be provided to the City alongside the application no later than 30 days after treatment has been completed.

Services Eligible for Reimbursement:

- 1) Injectable Therapeutic and/or Preventative Treatment
- 2) Removal of Diseased Red Oak Trees
- 3) Trenching to contain an Oak Wilt center

Applicants are eligible for reimbursement of up to 50% of the total cost of eligible services, with a maximum payout of \$1,500 per fiscal year per property.

Reimbursement Process

The Environmental Program Manager will gather the application, invoice and treatment plan from the property owner, ensure all requirements are met, and will determine the eligible reimbursement amount. A determination of the request shall be approved by the Manager of Engineering Services. Reimbursement to the applicant will be made within 30 days of application approval. Any applications for ineligible services or incomplete applications will not be processed until a corrected or complete application is received.



CITY COUNCIL WORKSHOP CITY OF FAIR OAKS RANCH, TEXAS

AGENDA TOPIC: Planning and Zoning Commission Rules of Procedure - Rule 2.2
DATE: April 4, 2024
DEPARTMENT: City Secretary
PRESENTED BY: Christina Picioccio, TRMC, City Secretary

INTRODUCTION/BACKGROUND:

At the March 21, 2024 City Council meeting Council Member Koerner requested that the Planning and Zoning Commission (P&Z) Rules of Procedure be brought back to a future council meeting for discussion. The specific rule for debate is Rule 2.2 which addresses criteria for Commission membership, specifically that commission members be “real property owners.”

Section 7.14 of the City Charter does not address criteria for P&Z Membership (**Exhibit A-Excerpt**). Section 1, #3 of Ordinance 2018-03, which established the P&Z Commission states, “Members serve at the will of the City Council and shall be resident citizens, real property owners, and qualified voters of the City of Fair Oaks Ranch” (**Exhibit B**). Neither State law nor Chapter 2, Section 3, of the City’s Unified Development Code (UDC) (**Exhibit C - Excerpt**) which addresses the P&Z states that a person who serves on a P&Z commission own real property within the city they serve.

Staff seeks Council direction to determine any required changes to the P&Z Rules of Procedure. The changes will be returned to a subsequent meeting for consideration, if necessary.

LONGTERM FINANCIAL & BUDGETARY IMPACT:

There are no long term financial or budgetary impacts of this agenda item.

Section 7.14 - Planning and Zoning Commission.

Consistent with all applicable Federal and State laws with respect to land use, development and environmental protection, the City Council shall:

- A.** Establish a Planning and Zoning Commission to carry out planning functions and such planning responsibilities as may be specified in this Charter and by ordinance;
- B.** The Planning and Zoning Commission shall have the following planning responsibilities:
 - 1.** Make recommendations to Council on the adoption of the City's comprehensive plan; and
 - 2.** Make recommendations to City Council on the adoption of subdivision and other land use and development regulations; and
 - 3.** Hold a minimum of two public hearings on any proposed Development Agreement entered into with a property owner pursuant to the authority granted to municipalities by Texas Local Government Code Chapter 212.172, as amended, and make recommendations to City Council on its approval.

ORDINANCE 2018-03

AN ORDINANCE OF THE CITY OF FAIR OAKS RANCH ESTABLISHING A PLANNING AND ZONING COMMISSION OF THE CITY OF FAIR OAKS RANCH, TEXAS; AND PROVIDING A SEVERABILITY AND REPEALING CLAUSE

WHEREAS, the purpose of promoting the public health, safety, morals, or general welfare and protecting and preserving places and areas of historical, cultural, or architectural importance and significance is the responsibility of the government of the City of Fair Oaks Ranch, Texas; and,

WHEREAS, municipal regulatory authority regarding municipal zoning are found in the Texas Local Government Code, Chapter 211; and,

WHEREAS, the City Charter of the City of Fair Oaks Ranch, Chapter 7.14 mandates the City Council shall establish a Planning and Zoning Commission to carry out planning functions and such planning responsibilities as may be specified by the City Charter and by ordinance; and,

WHEREAS, the City Council has determined that it is in the best interest of the City of Fair Oaks Ranch, Texas, to establish the City of Fair Oaks Ranch Planning and Zoning Commission.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS THAT:

Section 1 - Planning and Zoning Commission

1. The Fair Oaks Ranch Planning and Zoning Commission is hereby established.
2. The Commission shall consist of seven (7) regular members who will serve for staggered three year (3) terms.
3. **Members serve at the will of the City Council and shall be resident citizens, real property owners, and qualified voters of the City of Fair Oaks Ranch.**
4. The Planning and Zoning Commission shall hold the public hearings required by Texas Local Government Code Section 211.007 jointly with the City Council.

Section 2 - Severability

It is hereby declared to be the intention of the City Council that the selections, paragraphs, sentences, clauses and phrases of this Ordinance are separable and if any phrase, clause, sentence, paragraph or section shall be declared unconstitutional or invalid by valid judgment or decree unconstitutional or invalid by valid judgment or decree of the court of competent jurisdiction, such unconstitutionality or validity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance.

Section 3- Repeal

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

Exhibit B

Section 4 - Effective Date

This Ordinance shall be effective upon passage, approval and publication, as required.

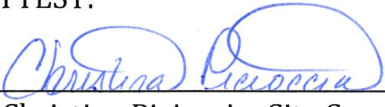
PASSED and APPROVED on first reading this 1st day of March, 2018.

PASSED, APPROVED and ADOPTED on second reading this 5th day of March, 2018.



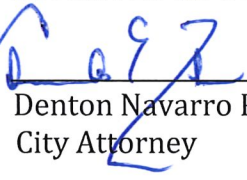
Garry Manitzas, Mayor

ATTEST:



Christina Picioccio, City Secretary

APPROVED AS TO FORM:



Denton Navarro Rocha Bernal & Zech, P.C.,
City Attorney

(3) Planning and Zoning Commission

- a. Responsibilities. The regulations and restrictions of the Planning and Zoning Commission (Commission) for the City will be pursuant to the provisions of applicable statutory requirements of the State of Texas and the City's Home Rule Charter Section 7.14. The Commission's procedures and actions shall conform to this Code and the Charter.
- b. Powers and Duties. The Commission has the powers and duties of a Commission in accordance with LGC §211.007 and §371.042, provided, however, that it serves only in an advisory capacity to City Council. The Commission's authority extends to and includes review and recommendation of the following:
 - i. General Development Plans and Concept Plans
 - ii. Final Plats (including Amending, Development, and Replats)
 - iii. Preliminary Plats
 - iv. Site Development Permits
 - v. Development Agreements
 - vi. Special Use Permits
 - vii. Historic Building Designations
 - viii. Heritage Plans
 - ix. Planned Unit Developments
 - x. Conservation Development Alternatives (CDA)
 - xi. Comprehensive Plan or Future Land Use Map Amendments
 - xii. Zoning Map Amendments (Rezoning)
 - xiii. Unified Development Code (Code) Text Amendments
 - xiv. Any other specific procedure or items that require Commission action as specified in this Code or as required by state or federal law.
- c. Membership and By-Laws. The Commission will be formed and conduct all activities in accordance with this Code, any other applicable City codes, the City Home Rule Charter, the ordinance creating the Commission, and any adopted By-Laws.
- d. Commission Review Process. The Commission review process will be required for any permit or application that requires review and recommendations from the Commission, as described in this Code. The process will include the following:
 - i. Initiation. The Property Owner of the affected property or its authorized agent may initiate a Commission process upon application.

- ii. Application. An application must be made in a format consistent with requirements determined by the City Manager (or designee). Applications must include all materials determined necessary by the City Manager (or designee). The City Manager, in advance of any application, will make information regarding the format requirements and submittal materials required for the application available. Requirements include:
 - 1) All applications must have signatures or authorization of all -owners of land within the boundary of the tract of land included in the application;
 - 2) All applications must be submitted in a form acceptable to the City Manager (or designee); and
 - 3) All applications must include an application fee as required by Chapter 3, Applications and Permits, in accordance with the Administrative Procedures Manual.

- e. Commission Final Action. The Commission will serve as an Advisory Body to the City Council and will have no authority for final action.

- f. Criteria for Recommendation. An application or variance will not be recommended for review and approval until:
 - i. The application is complete, and the information contained within the application is sufficient and correct to allow adequate review and a decision on a recommendation by the appropriate review authority.

 - ii. No plat will be recommended without a determination that the plat conforms to the following:
 - 1) The requirements of this Code and any applicable state law.

 - 2) The City’s Comprehensive Plan and any other adopted plans as they relate to:
 - I. The City’s current and future land use, streets, sidewalks, alleys, parks, playgrounds, and public utility facilities; and

 - II. The extension of the City or the extension, improvement, or widening of its roads, taking into account access to and extension of sewer and water mains and the instrumentalities of public utilities.

 - III. Any subdivision design and improvement standards adopted by the City pursuant to LGC §212.002 or §212.044, governing plats and subdivision of land within the City’s jurisdiction to promote the health, safety, morals, or general welfare of the City and the safe, orderly, and healthful development of the City.

 - iii. The tract of land subject to the application is adequately served by public improvements and infrastructure or will be adequately served upon completion of required improvements.

- g. Appeals. Appeals to Planning and Zoning Commission action, as applicable, will be made to City Council.



**CITY COUNCIL WORKSHOP
CITY OF FAIR OAKS RANCH, TEXAS**

AGENDA TOPIC: Unified Development Code Policy Amendments for Prioritized Categories 1-7
DATE: April 4, 2024
DEPARTMENT: Public Works and Engineering Services
PRESENTED BY: Lee Muniz, Manager of Engineering Services

INTRODUCTION/BACKGROUND:

On September 7, 2023, City Council returned the Unified Development Code (UDC) to the Planning & Zoning Commission (P&Z) to rework the amendments by first addressing statutory and regulatory changes and then prioritizing all proposed policy changes. At the P&Z’s September 14th meeting, Mayor Maxton provided further guidance, based on the Council’s direction, as shown below. He also noted that the City Council would like to hold workshops on each of the proposed amendments prior to holding public hearings.

1. Bring forth statutory and regulatory changes inclusive of updates driven by state or federal law and any items that need to be addressed immediately.
2. Prioritize and bring forth policy recommendations per topic such as Conservation Development Alternative, Fencing, Setbacks and Landscaping.
3. Bring forth any proposed language changes.

At the January – March 2024 regular P&Z meetings, the Commissioners reviewed identified UDC language problems. The review included staff recommendations to issues identified by the P&Z. The top seven prioritized categories were presented in this meeting, which included the following.

1. Subdivision Design
2. Infrastructure
3. Drive-In Facilities
4. Parking lots
5. Building Standards
6. Building Design
7. Landscaping

The final recommendation includes 13 recommended policy changes and four administrative policy changes.

Exhibit A is a newly developed document summarizing the proposed amendments of the seven categories. The summary includes:

1. The topic summarizing the content of each policy change.
2. The current UDC section location.
3. Identification of “What is the problem” in the current UDC.
4. The P&Z recommended policy revision to address problem.

There are four staff-recommended administrative policy changes.

- UDC section 8.4 (5) a b (Standards for Development) – Removing language exempting areas within the city limits of Fair Oaks Ranch located outside of the Edwards or Trinity Aquifer Contributing or Recharge Zone because all areas of the city are within the Edwards or Trinity Aquifers.
- UDC section 9.1 (3) (Annual Review) – Adding language incorporating existing standards for driveway construction into the UDC.
- UDC section 9.3 (2) (Fiscal Surety) – Revised language to clarify requiring infrastructure improvements to comply with the City’s fiscal surety requirements prior to recording the final plat.
- UDC Section 9.8 (1) e (Survey Control Point Markers) – Clarifying lot markers must be placed by a Registered Professional Land Surveyor (RPLS) and clarifying the depth at which corner markers must be placed.

A copy of the redline UDC chapters and sections depicting the proposed changes are attached as **Exhibit B**. Clerical and grammatical updates and table reorganization references are shown in blue.

Staff seeks direction on the proposed policy changes which will be incorporated into a future public hearing to amend the UDC.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

The proposed policy changes will help fortify the current UDC language by implementing policy changes that mirror the Comprehensive Plan.

LONGTERM FINANCIAL & BUDGETARY IMPACT:

N/A

EXHIBIT A

P&Z Prioritized Categories 1-7

Topic	Subdivision Design: Cul-de-Sac streets
UDC Section(s):	5.5 (3)
What is the problem: Lack of cul-de-sac regulations can create emergency services challenges in accessing properties located in a cul-de-sac.	
P&Z Recommendation: Include references to comply with the International Fire Code and the American Association of State Highway and Transportation Officials (AASHTO) regarding cul-de-sac dimensions, ROW limits, and street length.	

Topic	Subdivision Design: Easements
UDC Section(s):	5.6 (1)
What is the problem: Subdivision public utility easement dedication without minimum width requirement can result in substandard easement widths.	
P&Z Recommendation: Add the easement requirements from the previous subdivision ordinance (Section 5.A) requiring widths for single (15 feet) and multiple utility easements (20 feet).	

Topic	Subdivision Design: Easements
UDC Section(s):	5.6 (6)
What is the problem: Construction and/or excavation over designated easements could damage infrastructure or create unforeseen costs to repair infrastructure within easements.	
P&Z Recommendation: Add the previous subdivision ordinance (Section 3.B.15) restricting any modifications, structures, or fencing within the easement unless approved by the City.	

EXHIBIT A

Topic	Subdivision Design: Easements
UDC Section(s):	5.6 (7)
What is the problem: The UDC does not contain language to prevent vegetation from damaging overhanging utilities due to overgrowth.	
P&Z Recommendation: Add the previous subdivision ordinance language (Section 5.D) that provides separation between the utility and the vegetation growth to require an additional 6-foot width on each side of the utility easement at a height of 10 feet.	

Topic	Landscaping: Transitional Shrub Standards
UDC Section(s):	6.5 (5) e i
What is the problem: Requiring a six-foot minimum spacing between planting could allow for inadequate screening in transition areas. This also restricts the ability of the property owner to provide more dense plantings as needed or desired.	
P&Z Recommendation: Decrease the center-to-center planting distance from six feet to a minimum of three feet to allow for greater screening while still allowing landscaping adequate room for growth.	

Topic	Drive-In Facilities: Drive-in Facilities
UDC Section(s):	6.6 (3) b
What is the problem: The UDC minimally recognizes vehicles queuing for drive-in facilities. If not enhanced, back up of vehicles onto streets may create a road hazard.	
P&Z Recommendation: Add language requiring stacking spaces criteria based on the Institute of Traffic Engineers (ITE) Trip Generation Manual for most uses. Gas pump stacking spaces requirement is determined by the municipality; therefore, two (2) stacking spaces are recommended.	

EXHIBIT A

Topic	Drive-In Facilities: Drive-in Facilities
UDC Section(s):	6.6 (3) e and f
What is the problem: The UDC does not recognize privacy issues (noise, light pollution, etc.) for residents located near the lot lines of drive-in facilities.	
P&Z Recommendation: Added language that establishes a minimum buffer of 25 feet along the property lot line and add requirements for screening along adjacent residential lot line.	

Topic	Parking Lots: Parking Lot Location Setbacks
UDC Section(s):	6.7 (3) b
What is the problem: Developers may construct parking areas approximately 10 feet for non-arterial streets and 15 feet for arterial streets from the street right-of-way, which is too close to roadways to maintain a Hill Country character as outlined in the Comprehensive Plan.	
P&Z Recommendation: Provide a minimum landscape setback of 35 feet for non-arterial streets and 40 feet for arterial streets. This compares with the City of Boerne's requirement.	

Topic	Parking Lots: Landscaped Islands
UDC Section(s):	6.7 (4) c iv
What is the problem: The UDC does not provide a minimum size for landscaped islands in parking lots. If not defined, plant life and vegetation sustainability could be comprised.	
P&Z Recommendation: A minimum of sixty (60) square feet based on the Texas A&M minimal planting guide minimum square footage requirement is recommended.	

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Topic	Parking Lots: Landscape Buffer along Ralph Fair Road
UDC Section(s):	6.7 (5) b
<p>What is the problem: Ralph Fair Road is an arterial street with a different landscape buffer from other arterial streets as defined in Section 6.7 (3) (b) where all arterial streets are to be 15 feet. The only arterial streets in the City are Ralph Fair Road and I-10 Frontage.</p>	
<p>P&Z Recommendation: To maintain a Hill Country character per the Comprehensive Plan, landscape buffering along Ralph Fair Road shall be forty (40) feet. Note: for properties with parking lots, this mirrors the proposed setback requirement found in 6.7(3)(b) - this buffer requirement is not in addition to the setback requirement.</p>	

Topic	Infrastructure: Infrastructure Construction Process
UDC Section(s):	9.2 (5)
<p>What is the problem: The current UDC does not include a requirement of city-issued permits for construction of utilities and drainage infrastructure. This could allow contractors to construct infrastructure that does not meet current design and construction standards, resulting in sub-standard infrastructure.</p>	
<p>P&Z Recommendation: Add language requiring developers to obtain city-issued permits for the construction of utilities and drainage infrastructure.</p>	

Topic	Subdivision Design: Streets
UDC Section(s):	9.4 (2) a vi and vii
<p>What is the problem: Current UDC regulations have insufficient minimum requirements that can result in premature street failures.</p>	
<p>P&Z Recommendation: Add language increasing minimum requirements to 10 inches for base foundation and the following material to be used: Flexible Base Material (Type A or D, and Grade 1-2 or 5) and hot-mixed asphaltic concrete (HMAC), Type "D" as per Texas Department of Transportation Standard Specification for Construction of Highways, Streets and Bridges.</p>	

EXHIBIT A

Topic	Infrastructure: Street Designation for Stormwater Design Criteria
UDC Section(s):	9.7 (1) c ii and iii
What is the problem: The UDC does not provide criteria for Connector or Local streets for design storm capacity. This could result in public safety issues due to under-designed infrastructure. The UDC already includes criteria for Arterial and Collector streets.	
P&Z Recommendation: Add language to include criteria for connector and local streets.	

EXHIBIT B

Section 5.5 Blocks

(1) Block Length and Character

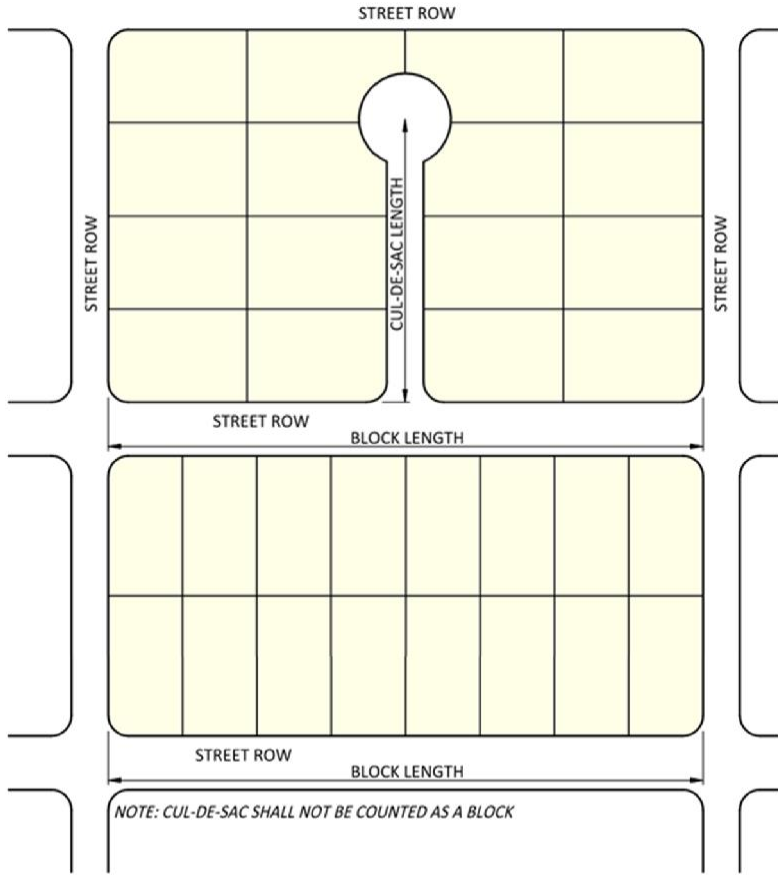
Table 5.2 Block Length and Character

Zoning District	Mixed Use Village	Neighborhood Commercial	Community Facilities	Logistics	Existing Residential	Neighborhood Residential	Rural Residential
Block Length	600' Maximum and no more than 400' without a midblock pedestrian connection	500' Maximum	1000' Maximum	1000' Maximum	*See Note	800' Maximum	No Maximum
Block Character	Rectilinear and/or connected blocks	Rectilinear and/or connected blocks	Rectilinear and/or connected blocks	Rectilinear and/or connected blocks	*See Note	Rectilinear or curvilinear connected blocks	Rectilinear or curvilinear blocks

* Note: Block Length and Block Character for the R1, R2, R3, and R4 districts are privately enforced through deed restrictions. The City does not enforce private deed restrictions or HOA regulations. The City does not enforce private deed restrictions or HOA regulations.

- (2) Width.** Blocks will be wide enough to accommodate two rows of lots, except where the lots back up to a major street with no access by the lots.
- (3)** Cul-de-sac dimensions, right-of-way limits, and street length shall be determined based on the criterion set forth by the International Fire Code and American Association of Highway and Transportation Officials (ASSHTO). The Planning and Zoning Commission will make a recommendation to accept or reject a plan that does not meet the criterion based on its merits after considering density, land use, safety and convenience.

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BLOCK LENGTH AND CUL-DE-SAC LENGTH

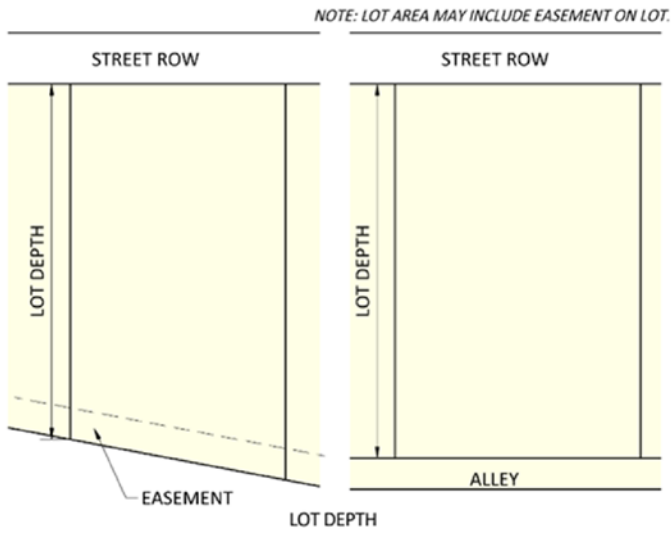


EXHIBIT B

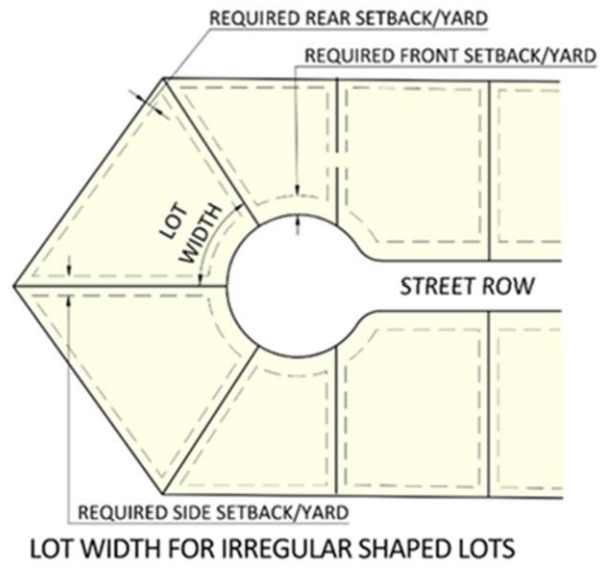
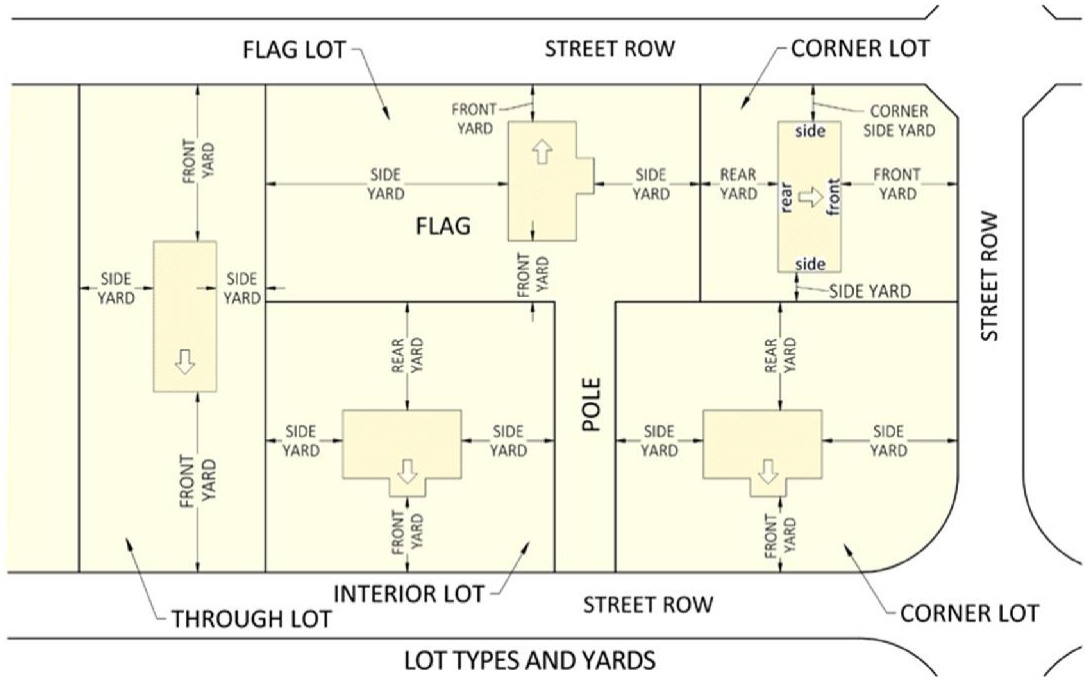


Figure 5.1 Block and lot illustrations

Section 5.6 Easements:

- (1) **Dedication Required.** Where necessary to adequately serve a subdivision with public utilities, the Subdivider will dedicate or grant easements for poles, wires, conduits, drainage channels, stormwater, water, wastewater, and other utilities. These easements shall be at least 15 feet wide for a single utility or 20 feet wide for multiple utilities, unless the city determines that a greater width is necessary additional width may be required by the city or the utility provider. All necessary on-site easements should be established during the platting process and establishment of easements by a separate instrument is discouraged.

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- (2) **Location of Easements.** The easements required under this Section will be continuous for the entire length of the block. These easements will parallel as closely as possible the street line frontage of the block. Easements may not straddle but may cross property lines, and they may cross lots other than along lot boundary lines, if in the opinion of the City Manager (or designee), such locations are needed.
- (3) **Access to Easements.** Drainage easements are not permitted to be enclosed by a fence or gate, except to contain a basin or pond in accordance with TCEQ. All fences crossing an easement will have double swing gates to allow ready access to the easement. The minimum width of the opening will be no less than 12 feet.
- (4) **Additional Easements for Guy Wires.** Where aboveground utility easements or alleys are not straight within each block, or if they do not connect on a straight course with the utility easements or alleys of adjoining blocks, then additional easements will be provided for the placing of guy wires on lot division lines in order to support poles set on the curving or deviating easement lines or alley ROW.
- (5) Any dedication of land for a future street or alley will be consistent with state law provisions.
- (6) No structure, vegetation (other than ground cover), or equipment shall be placed within any easement dedicated pursuant to this UDC unless the person or entity wishing to place such structure or equipment has first obtained written consent to encroach from all holders of the right to use said easement. A fence or screen shall be permitted over any utility easement only if approved by the City Manager or designee and provided that the easement remains fully accessible to the city for maintenance and repair purposes. A fence or screen shall be permitted over any drainage easement if the water flow within the easement is not adversely affected by the fence or screen. In addition to all other remedies provided by this Unified Development Code, the city may summarily remove any fence or screen erected in violation of this section, and the city shall not incur any liability or assume any duty to compensate the owner or replace the fence or screen.
- (7) Where utilities are not located in alleys, an overhang easement at least six (6) feet wide must be provided on the opposing side of the 15-foot easement strip, at a height at and above 10 feet. In all alleys, overhang easements at least six feet wide must be provided on each side of the alley for electric and telephone lines, at a height at and above 10 feet.

Section 6.4 General Standards

(1) Building Frontages

- a. **Building Frontage Designations:** Building Frontage designations are established by the Zoning Map to specify certain building form and site development standards along each street illustrating the City’s regulatory commitment to providing streets in certain areas that are oriented to pedestrian travel and safety, as well as auto travel and safety. The Zoning Map illustrates the Building Frontage designations within Fair Oaks Ranch. For the purposes of this UDC, all Building Frontages are classified into one of the following three (3) categories:
 - i. **Primary Frontages –** Primary Frontages are intended to provide the most pedestrian friendly context. Buildings and sites along Primary Frontages shall be held to the highest standard of pedestrian-oriented design and few gaps shall be permitted in the “Street Wall.” Breaks in the street wall may be permitted for courtyards, forecourts, sidewalk cafes, and pedestrian connections between the individual sites and the public sidewalk. Publicly

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accessible spaces designed for people to congregate, such as outdoor cafes, patios, and plazas, when differentiated from the sidewalk, may be included in the building façade delineation for purposes of meeting a build-to or setback range requirement. These Primary Frontages are envisioned by the City as the main retail, restaurant, and entertainment-oriented streets of the city, or are important neighborhood connection points. Primary Frontages are designated on the Zoning Map.

- ii. Secondary Frontages – Secondary Frontages are also intended to be pedestrian- oriented. However, in some locations, where access to a General Frontage block or alley is not available, Secondary Frontages may need to accommodate driveways, parking, service/utility functions, and loading and unloading. In such cases, Secondary Frontages may balance pedestrian orientation with automobile accommodation. Areas with Secondary Frontages may include a hybrid development design that has a more pedestrian-supportive development context at street intersections and accommodates auto-based functions and surface parking in the middle of the block. Surface parking shall be screened from the roadway with a street wall or with a landscape fence. Secondary Frontages are designated on the Zoning Map.
 - iii. General Frontages – General Frontages are intended to accommodate more auto-oriented uses, surface parking, and service functions on a site with a more suburban/automobile orientation. The General Frontages shall include any building frontages not designated as either a Primary or Secondary Frontage on the Zoning Map.
- b. New Street Frontages - A new street created after the adoption of these zoning regulations shall have frontage designations assigned by the City Manager (or designee) based on the appropriate street designations identified in section and on planning principles represented in the Future Land Use Map and the Transportation Plan included in the comprehensive plan.
 - c. Change of Frontage Designation- A frontage designation may be changed administratively with approval from the City Manager (or designee).

~~(2) Treatment of Street Intersections (Relocated to section 7.5 (1))~~

- ~~a. Corner Building Facade: Corner building street facades along intersections of Primary Frontages and Secondary Frontages shall be built to the setback zone for a minimum of 20' from the intersection along each street or the width of the corner lot, whichever is less regardless of the building frontage percentage required along that street. This requirement shall not prohibit incorporation of curved, chamfered building corners or recessed entries, or civic/open spaces at such intersections. In addition, this standard shall apply regardless of the frontage requirement along the intersecting street even if it is a General Street.~~
- ~~b. Corner Building Height Allowance: Corner buildings may exceed the maximum building height by 25% along no more than 20% of the building's frontage along each corresponding street facade.~~

- (2) Street Access.** All buildings will front on public streets unless they front on a plaza or a courtyard. In an effort to reduce the congestion created by a number of drives along streets while maintaining adequate access to developments, the city allows and encourages the use of Access Easements to be dedicated within and across developments of similar use. These easements will typically be twenty-four (24) feet in width but may vary upon approval by the City's Engineer.
- (3) Fire Separation Requirement.** Side and rear setbacks shall be based on minimum fire separation required between buildings, if applicable.
- (4) Recessed Entry Setbacks.** Building facade lines on recessed entries and arcade buildings shall be measured from the front of facade with the recessed entry or arcade.

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(5) Measuring heights.

- a. Chimneys, vents, elevator and stair enclosures, screened HVAC equipment, other mechanical enclosures, tanks, solar energy systems and similar elements are not to be included when calculating the height of the building. Those elements should not occupy more than 25% of the overall height of the structure.
- b. Internal building height shall be measured from finished floor to the bottom of the structural members of the ceiling.
- c. Floor to floor heights shall not apply to parking structures or civic buildings.

(6) Encroachments. Encroachments into ROW:

- a. Shall not exceed the maximum depth of the sidewalk (except blade signs which shall encroach no more than five (5) feet from the building facade line).
- b. Minimum vertical clearance from the finished sidewalk shall be 8’.
- c. In no case shall an encroachment be located over an on-street parking or travel lane.
- d. Encroachments over Required Setbacks: Canopies, awnings, galleries, and balconies may encroach over any required setback areas per standards established in each zoning district as long as the vertical clearance is a minimum of eight (8) feet from the finished sidewalk or finished grade elevation.

(7) Phased Developments. Due to the infill nature of development, certain building form and site development standards may be deferred for phased development projects meeting the following criteria:

- a. Submission of a site plan that illustrates how development and any related private improvements will be phased out over time. Each phase of the site plan shall independently comply with all applicable standards of the Zoning District unless an Administrative Modification is granted.
- b. Required private landscaping and open space amenities may also be phased in with the building.

(8) Required Public Improvements. All site plans that require public improvements such as sidewalk and streetscape improvements may be deferred through the payment of a proportional fee-in-lieu, per approval from the City Manager (or designee).

(9) Auxiliary Building and Site Standards.

- a. Accessory Structures:
 - i. The combined floor area of all accessory structures on any residential lot will not exceed ten percent (10%) of the total lot area.
 - ii. There will be no more than one (1) accessory structure used for, or intended to be used for, living quarters on any residential lot.
 - iii. No accessory structure will be erected in any required setback area.
- b. Portable Storage Buildings. No portable storage building will be erected in any required setback area. However, a portable storage building on a single-family residential lot that is less than 100 (one hundred) square feet and does not require a building permit is allowed provided that a minimum unobstructed setback distance of five (5) feet is maintained between the primary residential building and the portable building must be located a minimum distance of three (3)-feet from the property line.
- c. Fences and Walls. Fences, fence posts, and freestanding walls within or bordering residential lots will not exceed six (6) feet in height as measured from the ground level at the base of the fence or wall. The maximum height may be increased to eight (8) feet for a semitransparent fence where the open and unobstructed area in proportion to the total fence area (measured

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perpendicular to the fence) is four-to-one (4/1) or greater. An eight (8) feet solid wall fence is permitted when screening the rear of a property from an Arterial as designated on the Master Thoroughfare Plan.

- d. Outdoor Lighting:
 - i. Covered porch lighting on residences is permitted provided that each external light fixture does not exceed 2220 lumens.
 - ii. Security lights of any output that are controlled by a motion sensor switch are permitted provided they do not remain illuminated longer than ten (10) minutes after activation.
 - iii. Outdoor lighting must comply with the City’s Dark Sky Lighting requirements.

Section 6.5 Landscaping Requirements

(1) Applicability.

- a. All residential subdivisions and all non-residential site developments with a total irrigated landscape area exceeding five thousand (5,000) square feet will comply with the standards specified in this Section.

(2) Subdivision Landscaping Requirements

- a. Landscaping and Water Resources Protection for Residential Single-Family Developments. Residential preliminary plans and final plats should conform to the site topography to minimize the amount of grading necessary to achieve a viable street network.
- b. Landscaping and Irrigation Standards for Common Areas within a Subdivision. Common areas are defined as those locations that are not maintained by the homeowner such as but not limited to parks, medians, greenbelts, drainage areas, etc.

(3) Landscaping and Irrigation Standards

- a. Landscape Design Plan. Landscaping and irrigation plans will be designed with the objective of minimizing potable water use. The applicant shall include a sealed statement from an engineer, architect, landscape architect or plumber/irrigationist stating that they have met the provisions in this code. A landscape design plan meeting the following requirements will be submitted as part of the landscape documentation package:
 - i. Plant Selection and Grouping. Plants and Trees to be included in any landscape plan for a site development will be selected from native species that require little irrigation. Recommended species can be found in the Lady Bird Johnson Wildflower Center Native Plant Database or the City of Fair Oaks Ranch Approved Plant List.
 - ii. Mulch. After completion of all planting, all irrigated non-turf areas will be covered with a minimum layer of three (3) inches of mulch to retain water, inhibit weed growth, and moderate soil temperature. Mulch types appropriate to Central Texas low water-use plants and trees will be used.
 - iii. Aesthetic Water Use, Pools and Spas. Recirculation water will be used for any decorative water features. Pool and spa covers are encouraged to reduce evaporation.
- b. Landscape Design Plan Specifications. The landscape design plan will be drawn on project base sheets at a scale that accurately and clearly identifies:
 - i. Watering schematic,
 - ii. Landscape materials, trees, shrubs, groundcover, turf, and other vegetation. Planting symbols will be clearly drawn, and plants labeled by botanical name, common name, container size, spacing, and quantities of each group of plants indicated,
 - iii. Property lines and street names,

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- iv. Streets, driveways, walkways, and all other paved areas,
 - v. Pools, ponds, channels, other water features, fences, and retaining walls,
 - vi. Existing and proposed buildings and structures including elevation, if applicable.
 - vii. Natural features including but not limited to topography, rock outcroppings, existing trees, and shrubs that will remain,
 - viii. Tree staking, plant installation, soil preparation details, and any other applicable planting and installation details,
 - ix. A calculation of the total landscaped area, and
 - x. Designation of recreational areas.
- c. Irrigation Design Plan. An irrigation design plan, that meets the City of Fair Oaks Ranch Water Conservation requirements (City Ord. 13.06 Water Conservation Plan), and the following conditions will be submitted as part of the Landscape Documentation Package:
- i. Runoff and Overspray. Soil types and infiltration rate will be considered when designing irrigation systems. All irrigation systems will be designed to avoid runoff, low head drainage, overspray, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, or structures. Proper irrigation equipment and schedules, including features such as repeat cycles, will be used to closely match application rates to infiltration rates to eliminate runoff. Special attention will be given to avoid runoff on slopes and to avoid overspray in planting areas with a width less than ten (10) feet, and in median strips.
 - ii. No overhead sprinkler irrigation systems will be installed in median strips less than ten (10) feet wide.
- d. Irrigation Equipment:
- i. Controllers. Automatic control systems will be required for all irrigation systems and must be able to accommodate all aspects of the design.
 - ii. Valves. Plants that require different amounts of water will be irrigated by separate valves. If one valve is used for a given area, only plants with similar water use will be used in that area. Anti-drain (check) valves will be installed in strategic points to minimize or prevent low-head drainage.
 - iii. Back-Flow Prevention Valves. Back-flow prevention valves will be required on the irrigation system to prevent contamination of the potable water supply. Additional regulations can be found in the City of Fair Oaks Ranch Back-Flow Prevention Ordinance.
 - iv. Rain Sensing Override Devices. Rain sensing override devices will be required on all irrigation systems.
- e. Irrigation Design Plan Specifications. The irrigation design plan will be drawn on project base sheets. It will be separate from, but use the same format as, the landscape design plan. The scale will be the same as that used for the landscape design plan described above. The irrigation design plan will accurately and clearly identify the following fixtures and conditions, as applicable:
- i. Location, type, and size of all components of the irrigation system, including automatic controllers, main and lateral lines, valves, sprinkler heads, moisture sensing devices, rain switches, quick couplers, and backflow prevention devices;
 - ii. Static water pressure at the point of connection to the public water supply.
 - iii. Flow rate (gallons per minute), application rate (inches per hour), and design operating pressure (psi) for each station.
 - iv. Ensure compliance with the City Cross-Connection Control and Backflow Prevention

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Ordinance.

- f. Irrigation Schedules. Irrigation schedules satisfying the following conditions will be submitted as part of the Landscape Documentation Package:
 - i. Annual Irrigation Program. An annual irrigation program with monthly irrigation schedules will be required for the plant establishment period, for the established landscape, and for any temporarily irrigated areas. The irrigation schedule will include the following:
 - 1. Run time (in minutes per cycle), suggested number of cycles per day, and frequency of irrigation for each station; and
 - 2. Amount of applied water (in gallons) recommended on a monthly and annual basis.
 - ii. Amount of Water. The total amount of water for the project will include water designated in the Estimated Total Water Use calculation plus water needed for any water features, which will be considered as a high water using hydro zone.
 - iii. Times. Landscape irrigation will be scheduled during the early morning or late evening hours (not between 9:00am and 7:00pm). Irrigation schedules will also follow the Water Conservation Plan adopted by the City of Fair Oaks Ranch and as amended.
- g. Maintenance Schedules:
 - i. Maintenance Schedule. A regular maintenance schedule satisfying the conditions of this Section will be submitted as part of the Landscape Documentation Package to include:
 - 1. Landscapes will be maintained to ensure water efficiency.
 - 2. A regular maintenance schedule will include but not be limited to checking, adjusting, and repairing irrigation equipment; resetting the automatic controller; aerating and de-thatching turf areas; replenishing mulch; fertilizing; pruning, and weeding in all landscaped areas.
 - ii. Irrigation Equipment. Whenever possible, repair of irrigation equipment will be done with the originally specified materials or their equivalents.
- h. Certification. A licensed landscape architect or contractor, certified irrigation designer, or other licensed or certified professional in a related field will conduct a final field observation and will provide a certificate of substantial completion to the City. The certificate will specifically indicate that plants were installed as specified, that the irrigation system was installed as designed, and that an irrigation audit has been performed, along with a list of any observed deficiencies.
- i. Erosion/Sedimentation Control. All site development projects that will contain two thousand (2,000) square feet or more of impervious cover when completed will comply with the requirements and standards in Chapter 9, Infrastructure and Public Improvements.
- j. Stormwater Runoff Management. All site development projects that will contain twenty percent (20%) or more of impervious cover when completed will comply with the requirements and standards of Chapters 8, Environmental Protection, and 9, Infrastructure and Public Improvements, of this Code.

(4) Landscape Requirements for Lots:

- a. Minimum landscape standards include:
 - i. Landscaping Required. A minimum percentage of the total lot area of property on which development, construction or reconstruction occurs will be devoted to landscaping per Table 6.1.
 - ii. Existing Natural Features. Protection of existing natural features is encouraged, and natural features are to be used to satisfy the minimum landscape requirements.

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Table 6.1 Minimum Landscape Requirements.

Land Use	Landscaping Required (% of total lot)
Rural Residential	-
Neighborhood Residential	25
Existing Residential	20
Mixed Use Village	25
Neighborhood Commercial	15
Community Facilities	15
Logistics	15

- b. Postponement of Landscaping Installation. Required landscaping may be installed following the issuance of a certificate of occupancy; however, the developer will be required to [submit a surety and](#) maintain appropriate erosion control measures for water quality throughout the process.

(5) Residential Transition Standards.

- a. Purpose. Residential Transition provides visual screening and spatial separation of two adjoining buildings and areas of activity. Residential Transition is intended to protect the character and stability of residential areas, to conserve the value of land and buildings of the properties and neighborhoods adjacent to non-residential developments, and to enhance the visual and aesthetic image of the City of Fair Oaks Ranch.
- b. Application. Residential Transition is achieved through a combination of any or all of the following: Building height transition, and in the non-building portion of the transition zone landscape screening and fencing.
- c. Transition Landscaping Screening Requirements. Transition requirements can be applied within the required setback. The landscaping methods will be in conformance with other applicable sections of this Code.
- d. Transition Tree Standards. Trees are required in transition areas according as shown in [Section 6-8 4.6 Zoning Districts and as per the specifications in Appendix B of the UDC](#):
 - i. Large trees, with a minimum size of two (2) inch diameter measured at a point four (4.5) feet above the ground at planting, are required to fill 40% to 60% of the transition screening requirement.
 - ii. Small trees or large shrubs are required to fulfill from no less than twenty percent (20%) to no more than forty percent (40%) of the required number of trees.
 - iii. Evergreen trees are required to fulfill at least fifty percent (50%) of required trees planted.
 - iv. Trees will be distributed along the entire length of the buffer. Due to unique characteristics of a site, or design objectives, alternative plant mixes may be approved as a part of the site development plan.
 - v. Existing trees may be substituted for required trees (buffer) if they are shown on the site development plan to be in healthy condition and in compliance with the tree type and location requirements of this Code.
- e. Transition Shrub Standards: Evergreen shrubs, a minimum of eighteen (18) inches in height, of

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a variety that can be expected to reach four to five (4-5) feet in height within three to five (3 to 5) years of planting as shown in Section ~~6.8~~ 4.6 Zoning Districts:

- i. Shrubs will not normally be planted closer than ~~six (6)~~ three (3) feet on center. Additionally, shrubs will not normally be planted closer than six (6) feet to planted trees, nor within the drip line of existing, protected trees. Shrubs will be distributed along the entire length of the buffer.
- ii. Variations in quantities may be approved as part of the site development plan when larger plants are provided.

(6) Landscape and Tree Requirements in Parking Lots:

- a. Safety / Visibility. Landscape and tree requirements will adhere to safety/visibility requirements found within this Code and Technical Criteria Manuals used by the City of Fair Oaks Ranch, as specified in other sections of this Code.
- b. Parking Lots. Parking lot landscape and tree requirements are based on the amount of parking located on various sides of the building, as follows:
 - i. Front: The landscaped area within the parking lot will be at least ten percent (10%) of that portion of the parking lot and circulation area that is located between the front facade building line and the primary right-of-way property line. The landscaped areas within these parking lots will contain at least one shade tree per twelve (12) parking spaces.
 - ii. Street Side: At least six percent (6%) of that portion of the parking lot and circulation area located between the building and a secondary right- of-way property line will be landscaped. The landscaped areas within these parking lots will contain one shade tree per twenty (20) parking spaces.
 - iii. Interior Side (without right-of-way): At least three percent (3%) of the parking lot and circulation area located between the side facade building line and the side property line where there is no right-of-way will be landscaped. The landscaped areas within parking lots will contain one shade tree per thirty (30) parking spaces.
 - iv. Rear: There is no requirement to landscape the parking and circulation area located between the rear facade building line and the rear property line.
- c. Requirements. The landscaped areas within parking lots will comply with the following requirements:
 - i. Each area will measure at least one (1) parking space in size, with no single landscaped area less than fifty (50) square feet in area.
 - ii. Landscaped areas will be located to define parking areas and to assist in clarifying appropriate circulation patterns.
 - iii. Twenty-five percent (25%) of the total landscape requirement may be located within the landscaped edge of the parking lot.
 - iv. When calculating the tree requirement, any remaining fraction of a tree greater than or equal to zero point five (0.5) will constitute one (1) tree; any remaining fraction less than zero point five (0.5) will not require an additional tree.
 - v. All newly planted trees will be planted in a pervious area no less than four (4) feet wide in any direction.
 - vi. All newly planted trees will be at least two (2) inches diameter measured four (4) feet above ground level.

(7) Safety / Visibility.

Streetscape requirements will adhere to safety/visibility requirements found within this Code and Technical Criteria Manuals used by the City of Fair Oaks Ranch, as well as any applicable Texas

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Department of Transportation requirements.

(8) Street Trees.

Along all streets, street trees should be planted for that applicable street type per the standards in Section 9.4, Infrastructure and Public Improvements (Streets). The City Manager (or designee) may permit additional minor setbacks or other adjustments to the planting strip to accommodate future right-of-way expansions, sidewalks, and utility lines.

(9) Parking Areas.

Parking areas adjacent to a public right-of-way will be screened per the standards in in Section 7.7, Design Standards (Screening Standards).

Section 6.6 Access and Circulation

(1) Purpose. The purpose of this Section is to require that the parking and circulation aspects of all developments are well designed with regard to safety, efficiency and convenience for vehicles, golf carts, bicycles, and pedestrians, both within the development and to and from surrounding areas. The on-site pedestrian system must provide adequate directness, continuity, street crossings, and security as defined by the standards in this Section. Sidewalk or bikeway extensions off-site may be required based on needs created by the proposed development. This Section sets forth parking requirements and addresses the placement of drive-in facilities and loading zones.

(2) General Standards

- a. New Roadways. All new streets will be built in accordance with Section 9.4, Infrastructure and Public Improvements (Streets), of this Code, the Transportation Plan Element of the City of Fair Oaks Ranch Comprehensive Plan and the City’s thoroughfare plan may be adopted by the City Council.
- b. Safety Considerations:
 - i. Pedestrian Separation. To the maximum extent feasible, pedestrians will be separated from vehicles and bicycles. Where complete separation of pedestrians and vehicles and bicycles is not possible, potential hazards will be minimized by the use of techniques such as special paving, grade separations, pavement marking, signs or striping, bollards, median refuge areas, traffic calming features, landscaping, or other means to clearly delineate pedestrian areas, for both day and night use.

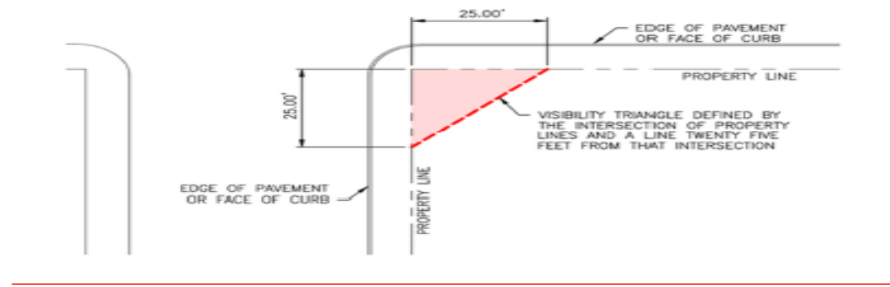


Figure. 6.1 Visibility Triangle

- ii. Curb Cuts and Ramps. Curb cuts and ramps will be located at convenient, safe locations for the physically disabled, for bicyclists and for pedestrians pushing strollers or carts. The location and design of curb cuts and ramps will meet the requirements of the International Building Code and the Americans with Disabilities Act ramp standards and will avoid crossing or funneling traffic through loading areas, drive-in lanes and

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outdoor trash storage/collection areas.

- iii. Corner Lot View Lines. On a corner lot in any district, nothing will be erected, placed, planted, or allowed to grow in such a manner so as to materially impair vehicle drivers' vision at intersections, within a triangle defined by the property lines and a line joining two points located twenty-five (25) feet back from the intersection of the property lines;

(3) Drive-in Facilities. Any drive-in facility for a bank, food service, or other such building, if permitted by the zoning district regulations set forth in Chapter 4, Zoning Districts and Use Regulations, will be secondary in emphasis to any other building entry or access facility and must comply with the design standards in Chapter 7, Design Standards. Such facilities will be located in side or rear locations that do not interrupt direct pedestrian access along connecting pedestrian frontage. The design and layout of drive-in facilities for restaurants, banks, or other uses will:

- a. Avoid potential pedestrian / vehicle conflicts;
- b. Provide adequate stacking spaces for automobiles before and after use of the facility;
 - i. A stacking space shall be an area on a site measuring eight (8') feet by twenty (20') feet with direct forward access to a service window or station of a drive through facility which does not constitute space for any other circulation driveway, parking space, or maneuvering area.
 - ii. The required quantity of stacking spaces for various services shall be determined by the Institute of Traffic Engineers (ITE) Trip Generation Manual.
 - iii. Each gas pump shall be provided with a minimum of two (2) stacking spaces, in addition to the pump itself.
 - iv. For services not listed the ITE Trip Generation Manual, the number of stacking spaces will be determined by the City Manager or his/her designee.
- c. Provide adequate directional signage to enhance a free-flow through the facility; and/or
- d. Provide a walk-up service option as well as drive-in.
- e. Drive through windows and similar elements shall not be located in yards adjacent to residential zones or use. If a drive through is located adjacent to a residential use or zone, provide a twenty-five (25) foot landscaped buffer along the property line.
- f. Such facilities must meet all applicable screening and landscaping requirements of this Chapter.

Section 6.7 Parking Standards

(1) Purpose and Intent. Adequate parking facility design and construction contributes to improved pedestrian and vehicular mobility and safety and will include the following:

- a. Safe, Efficient, Convenient and Attractive. All vehicular use areas in any site development will be designed to be safe, efficient, convenient, and attractive, considering use by all modes of transportation that will access the site including, without limitation, cars, trucks, golf carts, bicycles, pedestrian and emergency vehicles.
- b. Pedestrian Friendly. All parking lots and other facilities will be designed with the pedestrian user in mind to ensure safe and comfortable pedestrian mobility.

(2) Parking Requirements:

- a. Off-street Parking and Loading Space. Off-street parking and loading space will be provided any time a structure is erected or significantly altered in accordance with the requirements set forth in Table 64.2
- b. Unlisted. Parking requirements for uses not specifically listed in this Chapter will be the same

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as required for a similar use. When a fractional number of spaces are calculated, the required number of parking spaces will be the next whole number.

- c. Change of Use. Whenever the use of an existing building is changed, the spaces provided will comply with the requirements associated with the new use as listed in Table 6.2
- d. Unobstructed Vehicular Access. Unobstructed vehicular access to and from a public street will be provided for all off-street parking spaces. Vehicular access will be provided in such manner as to protect the safety of persons using such access or traveling in the public street from which such access is obtained.

(The insert below replaces Table 6.2 following this section)

- e. Minimum Off-Street Vehicular Parking Requirement. Refer to Table 4.2 Use Table for parking ratios.
- f. Additional Criteria:
 - i. Landscaping within surface parking lots shall meet standards in Section 6.5
 - ii. The City Manager (or designee) may approve a shared parking plan or alternative parking plan.
 - iii. On-street parking located along any public street shall not count towards the required off street parking unless improved and built according to approved cross sections.
- g. Minimum Bicycle Parking Requirement. For mixed-use/ multifamily/ commercial/ office/ retail uses the number of bicycle spaces provided shall be 5% of all provided automobile spaces with a minimum of two (2) spaces. Bicycle parking shall conform to standards in this section.

Table 6.2 Parking Requirements

Minimum Off-Street Vehicular Parking Requirement		Additional Criteria
Commercial/Office/ Retail uses	1 space per 300 sq.ft. of usable building area	1. Landscaping within surface parking lots shall meet standards in Section 6.6. 2. A shared parking plan or alternative parking plan
Restaurant uses	1 space per 200 sq.ft. of usable building area	
Residential uses	1.5 spaces per each dwelling unit	
Lodging - Hotel/ Motel/ B&B type uses	.75 space per guest room; all other areas, such as conference space shall be parked at 1 space per 300 sq.ft. of usable building area.	3. On-street parking located along any public street shall not count towards the required off street parking unless improved and built according to approved cross sections.
Light manufacturing/ Warehouse/ Logistics types uses	1 space per 500 sq.ft. of usable building area	
Civic/ Places of Worship type uses	1 space per 200 sq.ft. of usable building area	
Minimum Bicycle Parking Requirement		

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Mixed-use/ Multifamily/ Commercial/Office/ Retail uses	5% of all provided automobile spaces (minimum 2 spaces)	Bicycle Parking shall conform to standards in Section 6.7 (14).
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(3) Parking Lot Location:

- a. Location. Required off-street parking spaces will be located on the same lot or premises as the building or use for which they are required unless:
 - i. Collective Parking. Such spaces are provided collectively by two (2) or more buildings or uses on adjacent lots in a single parking area located within the boundaries of those adjacent lots, and the total number of parking spaces supplied collectively is equal to the number of spaces required in Chapter 76, of this Code for each use considered separately, or
 - ii. Approved Alternative. An alternative location is approved by the City Manager (or designee).
- b. Setbacks.

Any vehicular use area, including parking spaces and circulation area, will be set back from the street right-of-way a minimum of thirty-five (35') landscaped area if located along a non-arterial street and a minimum of forty (40') feet if located along an Arterial Street, unless otherwise permitted by the zoning district requirements in Chapter 4. All efforts must be made to minimize disturbance in these setbacks and preserve the natural landscaping. ~~containing six (6) or more parking spaces or two thousand (2,000) or more square feet will be set back from the street right-of-way a minimum of ten (10) feet if located along a non-arterial street and a minimum of fifteen (15) feet if located along an arterial street.~~

(4) Parking Lot Layout:

- a. Future Development. Parking lots will be laid out to continue the street / block pattern of the area so that the lots can easily be redeveloped with buildings consistent with the design of the surrounding development.
- b. Size and Scale:
 - i. Visually and Functionally Segmented. Large surface parking lots will be visually and functionally segmented into several smaller lots by landscaped areas.
 - ii. Number of Parking Spaces. Each lot will contain a maximum of fifty (50) parking spaces, unless the developer designs and constructs a parking lot system that exceeds the minimum landscaping area and stacking requirements for parking lots as specified in Section 6.72 and Table 4.2 of this Code by at least two (2) percent for each additional fifty (50) parking spaces per parking lot or proportion thereof, up to a maximum of two hundred (200) parking spaces per parking lot.
- c. Circulation Routes:
 - i. Vehicles, Bicycles and Pedestrians. Parking lots will provide well-defined circulation routes for vehicles, bicycles and pedestrians.
 - ii. Safe and Efficient Access and Egress. All parking spaces will open directly upon an aisle or driveway with such width and design to provide safe and efficient access and egress for the vehicle.
 - iii. Separation of Vehicles and Pedestrians. To the maximum extent feasible, pedestrians and vehicles will be separated through provision of a separate sidewalk or walkway for

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pedestrians. Where complete separation of pedestrian and vehicles is not feasible, potential hazards will be minimized by using landscaping, bollards, special paving, lighting and other similar means to clearly delineate pedestrian areas.

- iv. Landscaped Islands. To the maximum extent feasible, landscaped islands with raised curbs or islands designed to induce infiltration of storm runoff will be used to define parking lot entrances, the ends of all parking aisles, the location and pattern of primary internal access drives, and to provide pedestrian refuge areas and walkways. Each landscaped area shall not be less than sixty (60) square feet in area.

- d. Driveways:
 - i. Unless otherwise specified in the specific Zoning District standards, driveway access and off-street loading and unloading may be located along General Frontages only.
 - ii. Unless otherwise specified in the specific Zoning District standards, driveways and off-street loading and unloading may be located with access along a Secondary Frontage street only if the property has no access to either a General Frontage street or joint use easement to an adjoining property with direct driveway access to any other street.
 - iii. Unless otherwise specified in the specific Zoning District standards, driveways and off-street loading and unloading may be located with access along a Primary Frontage street only if the property has no access to either a Secondary or General Frontage Street or joint use easement to an adjoining property with direct access to any other Street.
 - iv. Along Primary and Secondary Frontages, driveway spacing shall be limited to one driveway per each block face or per 200 feet of block face for blocks greater than 400 feet in length except as otherwise approved by the City Engineer.
 - v. Shared driveways, joint use easements or joint access easements shall be required to adjoining properties when driveway and service access is off a Primary Frontage or Secondary Frontage.
 - vi. Service and loading/unloading areas shall be screened per standards in [this](#) Chapter ~~76~~.
 - vii. Unless required to meet minimum fire access or service access standards all commercial and mixed use driveways shall be a maximum of 24' in width. Service driveways shall be a maximum of 30' in width. Driveways wider than 24' in width shall only be located off of General Frontage Streets. Driveways along State controlled roadways shall meet TxDOT Standards or the city's adopted standards.
 - viii. Driveway entrances and exits will be setback at least one hundred fifty (150) feet from a signalized intersection, or thirty-five (35) feet from the curb return of a street intersection or within thirty-five (35) feet of the radius of the edge of pavement or traveled street at an intersection on a curve.
 - ix. Driveway Entrances and Exits. Driveway entrances and exits will be at roadway grade level where the driveway intersects the [City's](#) right-of-way except as otherwise approved by the City Engineer.
 - x. Backing Into Streets. Parking plans may be refused where it is necessary to back a vehicle into a heavily traveled street.
 - xi. Paving. In all Zoning Districts each entrance and exit to a parking facility will be completely surfaced per standards in [Section 89.4](#), Streets.
 - xii. Visibility. Each entrance and exit to a parking facility will be constructed and maintained so that any vehicle entering or exiting the facility will be clearly visible at a distance of not less than ten (10) feet to any person approaching said entrance on any pedestrian path or walk.
 - xiii. Further Requirements. See [Section 89.4](#), Streets, for driveway design requirements.

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(5) Street Screen Required:

- a. Any lot frontage along Primary frontages and Secondary frontages with surface parking shall be defined by a Street Screen. This required Street Screen shall be located at the street edge of the minimum setback zone. Refer to [this Chapter 7, Design Standards, of this code](#) for more specifications.
- b. Any frontage along Ralph Fair Road (FM 3351) with surface parking shall also be screened by a three (3) foot high (minimum) vegetative Street Screen and Landscape Buffer ~~ten (10)~~ **forty (40')** foot (minimum) width **required from frontage right-of-way**. The Street Screen may be planted within the required Landscape Buffer. Refer to [section 6.9](#) for more specifications.

(6) Parking Area Surface Requirements:

- a. Paving Specifications. All open, off-street parking, and vehicular use areas will be paved with bituminous or Portland cement binder so as to provide a permanent, durable and dustless surface and will be so graded and drained as to dispose of all water within the area. Such paving and draining of waters will be done in accordance with the specifications of this Code. If required, adequate culverts will be provided under driveway entrances to prevent obstruction of drainage ways and to comply with the drainage criteria set forth in this Chapter.
- b. Approved Alternatives. Alternative dust-free parking surfaces including, but not limited to, gravel, stone, brick, and paving blocks may be used upon condition of prior approval of the City Engineer.

(7) Required Number of Spaces for Type of Use:

- a. Number of Parking Spaces. Residential and nonresidential uses will provide a minimum number of parking spaces as defined by the standards in Table 6.2
- b. Approved Alternatives. The minimum number of parking spaces or loading zones required may be altered by the City Engineer to assure adequate parking and loading; however, the applicant must remain compliant with all applicable ADA requirements and maintain safe and convenient access for vehicles and pedestrians.

(8) On-street Parking:

- a. Approvals. On-street parking will be allowed subject to approval from City Council for all streets except those classified as *Local Side Street, Alley and Arterial*. On-street parking may not occupy designated bicycle lanes.
- b. Parallel Parking. All on street parallel parking spaces will have a minimum length of twenty-two (22) feet.
- c. Further Requirements. See Section 9.4 Streets, generally, for further requirements regarding on-street parking.

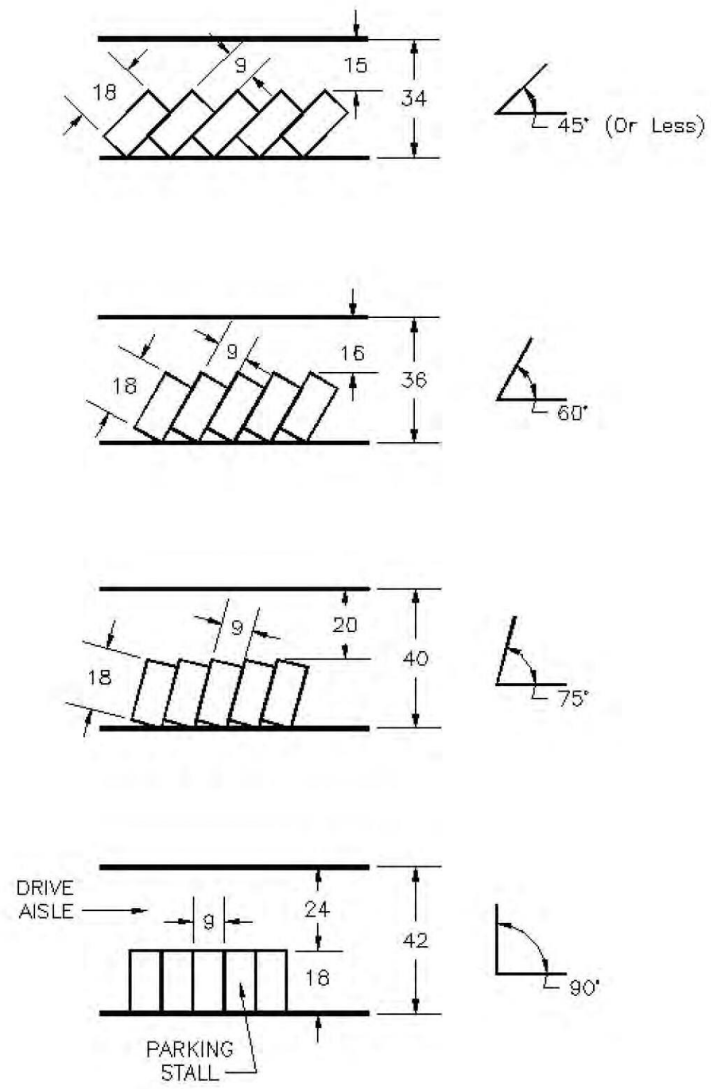
(9) Off-Street Parking Stall Dimensions:

- a. Standards. Parking areas for automobiles will meet the following standards for long and short-term parking of standard and compact vehicles:
 - i. Length, Width and Vertical Clearance. Required off-street parking spaces will be at least nine (9) feet wide and eighteen (18) feet long. Each space will have a vertical clearance of at least seven and one-half (7.5) feet.
 - ii. Parallel Parking Stalls. Parallel parking stalls will have a minimum length of twenty-two (22) feet.
 - iii. Drive Aisles Standards. Drive aisles in off-street parking areas will comply with the standards in Figure 6.2.

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- iv. Two-Way Drives. Two-way drives must be twenty-four (24) feet in width.
- b. Vehicular Overhang. Parking facilities will be designed to prevent vehicle encroachment into public walkways and sidewalks.
- c. Typical Parking Layout. See Figure 6.2 Typical Parking Layout for graphic representing parking layout dimension requirements.

Figure 6.2 Typical Parking Layout



(10) Requirements for compliance with. Accessibility Standards.

Requirements for compliance will be in accordance with applicable provisions of the Americans with Disabilities Act, Texas Accessibility Standards, and any other state and federal laws regulating architectural barriers. Information may also be obtained by visiting the website www.ada.gov.

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(11) Loading Zones:

- a. Adequate Sizing. Each development will provide loading zones and service areas adequately sized to accommodate the types of vehicles that use them. Such loading zones and service areas will be indicated on the development plan.
- b. Requirements. Loading space requirements will be calculated according to either Table 6.4 or Table 6.5.
- c. Screening. All loading spaces will be screened from view in accordance with the requirements for parking areas in Chapter 7, Design Standards.
- d. Loading Zone Sizes. Two different sized loading zones are described in this Code:
 - i. Large. Large Loading Zones will be a minimum of ten (10) feet wide by fifty (50) feet long. These are sized to accommodate larger delivery and service vehicles. See Table 6.4, Large Loading Zones.
 - ii. Small. Small Loading Zones will be a minimum of ten (10) feet wide by twenty-five (25) feet long. These are sized to accommodate smaller delivery and service vehicles. See Table 6.5, Small Loading Zones.
 - iii. Both. Different uses may be required to provide either Small Loading Zones or Large
 - iv. Loading Zones. In certain cases where a use has a Gross Floor Area over twenty-five thousand (25,000) feet, the installation of both Small and Large Loading Zones may be required.

Table 6.4 Large Loading Zones

Gross Floor Area (Square Feet)	Minimum Number of Loading Spaces Large Loading Zones (10x50)
25,001 - 60,000	1
60,001 - 96,000	2
96,001 - 144,000	3
Each additional 54,000	1 additional loading space

Table 6.5 Small Loading Zones

Gross Floor Area (Square Feet)	Minimum Number of Loading Spaces Small Loading Zone (10x25)
2,000 – 10,000	1
10,001 – 25,000	2
25,001 – 100,000	3
Each additional 100,000	1 additional

(12) Shared Parking:

- a. Joint / Shared Use. Where parking spaces are used jointly by two (2) or more buildings or establishments, the required space may be located not to exceed six hundred (600) feet from a building in a mixed use or commercial district. Shared parking may be applied when land uses have different parking demand patterns during the day and are able to use the same

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parking spaces at different times of the day.

- b. Approvals. Shared parking must be approved by the City Manager (or designee).

(13) Fire Lanes.

The requirement for Fire Lanes and the enforcement of restrictions related to Fire Lanes established in this Section are designed to ensure adequate access to buildings by fire-fighting and other emergency vehicles.

a. Regulations:

- i. Off-Street Parking. Any off-street parking facility required to have five or more parking spaces, constructed or significantly altered subsequent to the effective date of this Code, will be required to have a fire lane.
- ii. Location and Dimensions in Plans. Whenever a person or entity applies for a site development, building, or construction permit, significantly improves a building, or applies for a change of use that would necessitate the provision of a fire lane according to the terms of this Chapter, said person or entity will include in all plans and specifications submitted to the City the location and dimensions of the proposed fire lanes required by this Chapter.
- iii. Approved Alternatives. A fire lane may be provided in an off-loading roadway area on the subject property in lieu of providing the fire lane in a parking facility if the City, Engineer determines that the alternate fire lane provides adequate access for emergency vehicles to structures on the subject property.
- iv. Signs and Markings. All required fire lanes will be delineated by a red stripe on the pavement marking the outside boundaries of the fire lane. In addition, signs will be conspicuously placed along the curb nearest the fire lane indicating the existence of the fire lane and indicating that parking therein is prohibited.
- v. Approved Alternatives. Any proposed fire lane less than 20 feet will be subject to approval by the City Council with recommendation by the City Manager (or designee).

- b. Variances. Under certain circumstances, a fire lane may prove impracticable. The City Council may authorize a variance from the requirements of this Section when, in its opinion, undue hardship will result from requiring strict compliance. In such case, the individual or entity requesting a variance must submit the requisite application and provide a detailed plan indicating provisions for adequate alternate emergency vehicle access to the subject property. Any alternate emergency vehicle access plan must be reviewed by the City Manager (or designee) for adequacy.

(14) Bicycle Parking

- a. Facilities. Off-street parking and facilities for bicycles will be provided per the requirements in [Section 6.7 \(2\) \(e\) Table 6-2](#). Bicycle parking facilities will be racks or lockers anchored to prevent movement or theft. Each space designated for bicycle parking will be a minimum of two (2) feet wide and six (6) feet long. Bicycle parking facilities will, at minimum, be a bike rack with the ability for a user to lock one wheel and the frame to the rack, with the user providing the lock and chain.
- b. Location. Access to the use being served by the parking facility will be at least as convenient for users of bicycle parking as the most convenient automobile parking and as close as possible to the desired entrances without interfering with pedestrian or vehicular traffic.

(15) Traffic Control Devices

- a. Signs and Devices. Standard traffic control signs and devices will be used to direct traffic where necessary within a parking lot per the Texas Manual on Uniform Traffic Control Devices (TMUTCD).

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- b. Location. No signs will be located on any parking lot except behind the setback lines established for the zoning districts in which the parking facility is located, or at facility entrances and exits.

(16) Lighting (Deleted as covered in section 7.8)

~~Light fixtures provided for any off-street parking area adjacent to a residential use or residentially zoned lot will shield the source of light from sight and prevent the spillover of direct light onto the residential use, while still providing security to motorists, pedestrians, and bicyclists. See Section 7.8, Outdoor Lighting, of this Code for lighting standards.~~

(16) Maintenance

The property owner will be responsible for maintaining any vehicular use area in good condition and free of refuse, debris, and vehicles that have not been driven for two weeks or longer, and all landscaping in a healthy and growing condition, replacing it when necessary, as specified in the approved site development permit.

7.5 Building Design Standards

(1) Building Orientation and Entrances

(Insert relocated from section 6.4 (2))

- a. Corner Building Facade: Corner building street facades along intersections of Primary Frontages and Secondary Frontages shall be built to the setback zone for a minimum of 20' from the intersection along each street or the width of the corner lot, whichever is less regardless of the building frontage percentage required along that street. This requirement shall not prohibit incorporation of curved, chamfered building corners or recessed entries, or civic/ open spaces at such intersections. In addition, this standard shall apply regardless of the frontage requirements along the intersecting street even if it is a General Street.
- b. Corner Building Height Allowance: Corner buildings may exceed the maximum building height by 25% along no more than 20% of the building's frontage along each corresponding street facade.
- c. Buildings shall be oriented towards Primary Frontages, where the lot has frontage along a Primary Frontage. If a building has no frontage along a Primary Frontage, then it shall front a Secondary Frontage. All other buildings may be oriented towards General Frontage Streets or Civic Spaces. The types of Frontages are indicated on the Official Zoning Map.
- d. Primary entrances to buildings shall be located on the street along which the building is oriented (See Figure 7-1 6.4). At intersections, corner buildings may have their primary entrances oriented at an angle to the intersection. Building entrances shall be provided for all separate ground floor commercial use tenant spaces that are located along Primary or Secondary frontages.
- e. All primary entrances shall be oriented to the public sidewalk for ease of pedestrian access. Secondary and service entrances may be located from parking areas or alleys.
- f. Primary Entrance Design: Primary building entrances along Primary Frontages and Secondary Frontages shall consist of at least two of following design elements so that the main entrance is architecturally prominent and clearly visible from that street (see Figures 7-2-6.5):
 - i. Architectural details such as arches, awnings, canopies, arcades, tile work, moldings, lintels, pediments, columns, porticos, porches, overhangs, railings, and others such elements as appropriate, or;
 - ii. Integral planters or wing walls that incorporate landscape, courtyard or seating elements, or;

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- iii. Prominent three-dimensional, vertical features such as belfries, chimneys, clock towers, domes, spires, steeples, towers, or turrets, or;
- iv. A repeating pattern of pilasters projecting from the Facade wall by a minimum of eight inches or architectural columns.

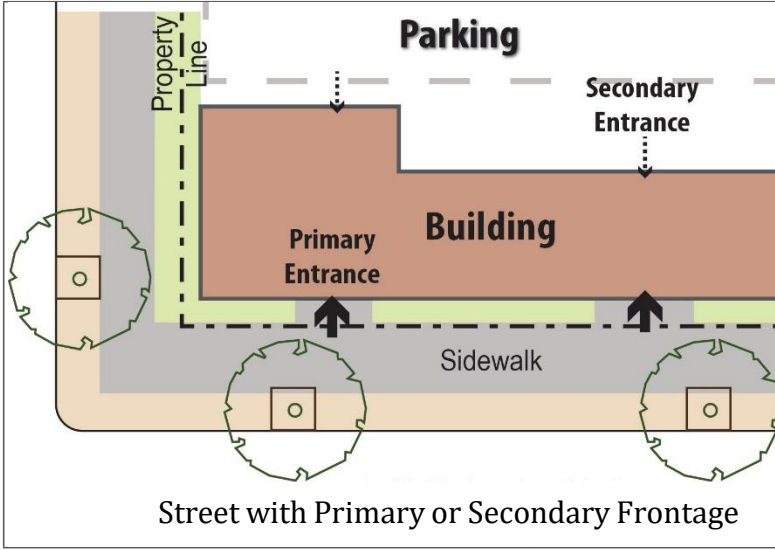


Figure 7-1 Figure showing required building orientation and location of primary entrances

Figure 6.4 Figure Showing Required Building Orientation and Location of Primary Entrances



Figures 7-2 Examples of Primary Entrance Designs

Figures 6.5 Examples of Primary Entrance Designs

- g. Courtyards. Buildings will be designed to face the street, rather than internal drives and parking yards; provided, however, that courtyards may exist within or between buildings, and buildings may open up to the courtyard. In such cases, the front facade of the building must nonetheless address the street as described above. All entrances and exits will have a continuous pedestrian walkway that is connected to a public sidewalk on the primary street and intersecting secondary streets.

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(2) Facade Composition

- a. Buildings shall maintain the traditionally prevalent facade rhythm of 20 feet – 30 feet.
- b. This rhythm may be expressed by changing materials, or color, or by using design elements such as fenestration, columns and pilasters, or by varying the setback of portions of the building facade. (See [Figures 7-3 6.6](#)):
 - i. Changes in material, color, and/or texture either horizontally or vertically at intervals not less than 20 feet and not more than 30 feet; or;
 - ii. The construction of building entrances, bay windows, display windows, storefronts, arcades, facade relief, panels, balconies, cornices, bases, pilasters, or columns.
- c. Building facades shall be designed with a distinct base, middle, and top.
- d. For retail storefront buildings, a transom, display window area, and bulkhead at the base shall be utilized (see [Figure 7-4 6.7](#)).



Figure 7-3 6.6 Illustration showing building articulation requirement



Figures 7-4 6.7 Images showing examples of appropriate storefront design

- e. Infill buildings shall generally maintain the alignment of horizontal elements along the block ([Figure 7-5 6.8](#)).

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Figure 7-5-6.8 Figure showing how horizontal elements should match in the design of infill buildings.

- f. Corner emphasizing architectural features, pedimented gabled parapets, cornices, awnings, blade signs, arcades, colonnades and balconies should be used along commercial storefronts to add pedestrian interest (Figures 7-6).



Figures 7-6 6.9 Buildings with architectural features and storefront elements that add interest along the street.

- g. Facade Transparency Required:
 - i. All ground floor front facades of buildings along designated Primary and Secondary Frontages shall have windows with a Visible Transmittance (VT) of 0.6.
 - ii. All facades shall meet the minimum requirement for Facade transparency (percentage of doors and windows) as established in Table 7-1 6.5 below. Ground floor windows and doors along Primary and Secondary facades shall have a Visible Transmittance (VT) of 0.6 or higher. Example shown in Figures 7-7 6.10.

Table 7-1 6.5 Required Minimum Facade Transparency by Facade Frontage Type

Facade Frontage Type	Primary or Secondary Frontage	General Frontage/ All Other facades
Non-Residential, Commercial or Mixed Use Buildings		
Ground Floor	40% (min.)	None
Upper Floor(s)	25% (min)	None
Multifamily Buildings		
Ground Floor	25% (min.)	None
Upper Floor(s)	20% (min.)	None

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<u>Facade Frontage Type</u>	<u>Primary or Secondary Frontage</u>	<u>General Frontage/All Other Facades</u>
<u>Non-Residential, Commercial or Mixed use Buildings</u>		
<u>Ground Floor</u>	<u>40% (min.)</u>	<u>None</u>
<u>Upper Floor(s)</u>	<u>25% (min)</u>	<u>None</u>
<u>Multifamily Buildings</u>		
<u>Ground Floor</u>	<u>25% (min.)</u>	<u>None</u>
<u>Upper Floor(s)</u>	<u>20% (min.)</u>	<u>None</u>
<u>Upper Floor(s)</u>	<u>20% (min.)</u>	<u>None</u>



Figures 7-7-6.10 Images showing appropriate transparency required along Primary and Secondary Frontages

Section 7.8 Outdoor Lighting

(1) Purpose and Intent

The purpose of this Section is to regulate outdoor lighting in order to reduce or prevent light pollution in the City. All regulations in this section are in addition to the City’s Dark Sky requirements. New lighting technologies have produced lights that are extremely powerful, and these types of lights may be improperly installed so that they create problems of excessive glare, light trespass, and higher energy use. Excessive glare can be annoying and may cause safety problems. Light trespass reduces privacy, degrades the enjoyment of the night sky, and results in higher energy use and increased costs for everyone. Appropriately regulated, and properly installed, outdoor lighting will contribute to the safety and welfare of the residents and will help preserve the historic and rural character of the City in keeping with the desired objectives of the Comprehensive Plan.

(2) Applicability

Binding Regulations. The regulations contained in this Section are binding only within the City limits of Fair Oaks Ranch. All outdoor lighting fixtures installed on private and public property within a new development or redevelopment within the City limits will be required to comply with this Code. This Code does not apply to interior lighting; however, overly bright lighting emitted from a structure will be subject to this Code if it is determined by the City Manager that it creates a nuisance, or a safety hazard as defined in the References Section of this Code.

Section 8.4. Water Quality Protection

(1) Water Quality Protection Requirements

The water quality protection requirements of this Code are applicable to all residential and non-

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residential development in those portions of the City of Fair Oak Ranch and pursuant to Local Government Code section 212.003, limited extension of City Regulation to the ETJ that are located within the Edwards or Trinity Aquifer recharge or contributing zones. Requirements will include the following:

- a. Review and Approval of Impervious Cover Percentages. The City will review and approve estimates of impervious cover percentage prior to determining the applicability of this Section to a proposed development.
- b. Requirements:
 - i. Water Conservation. Water conservation requirements are applicable in all portions of the City of Fair Oak Ranch.
 - ii. Drainage. Drainage criteria and requirements have many implications for environmental protection. Refer to the provisions in Chapter 9, Infrastructure and Public Improvements, of this Code for drainage related requirements.

(2) Specifications and Standards

- a. Governing Document. The specifications and standards recommended in the most current Edition of the *City of San Antonio Storm Water Design Criteria Manual*, as amended from time to time, including later editions, except such portions that may be hereinafter amended, deleted, or modified by the City of Fair Oak Ranch will be the governing document in the design, development, and construction of all storm water quality related improvements within the city limits and extraterritorial jurisdiction of the City of Fair Oak Ranch.
- b. Applicability. A Stormwater Permit is required prior to any land disturbance within the city limits or the City’s extraterritorial jurisdiction (ETJ) to ensure conformance to the stormwater management provisions and other applicable requirements of this Code. Issuance of a Site Development Permit or a Final Plat for a single-family residential subdivision within the city limits constitutes approval of a Stormwater Permit for that specific development.

(3) Edwards and Trinity Aquifer Recharge Zones Standards

Residential and non-residential development projects in the Edwards and Trinity Aquifer Recharge Zones will comply with the *City of San Antonio Storm Water Design Criteria Manual*, and any legal requirements of the TCEQ and / or Edwards Aquifer Authority.

(4) Standards for Development Outside the Edwards and Trinity Aquifer Recharge Zones

Residential and non-residential development projects in the City and extraterritorial jurisdiction and outside of the Edwards and Trinity Aquifer Recharge Zones will comply with the *City of San Antonio Storm Water Design Criteria*, or any other innovative management practice approved by the City Engineer. Standards will include the following:

- a. Pollutant Reduction. A water quality control must isolate and treat the water draining to the control from the contributing area and result in a 75 percent reduction in total suspended solids and total phosphorous resulting from the development activity. The required pollutant reduction level is applied only to the incremental increase in pollutant load caused by development. If a sand filtration system is required, the minimum required capture volume is the first one-half inch of runoff, or the 2-yr storm runoff volume, whichever is greater.
- b. Water Quality Controls. Water quality controls must be situated to receive and treat all runoff from impervious surfaces in the development. Where this is not practicable, supporting documentation must be provided to demonstrate attainment of the necessary water quality treatment level. The location of a water quality control must be shown on the slope map,

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- preliminary plan, site plan, or subdivision construction plan, as applicable; and may not be in located in a twenty-five (25) year floodplain.
- c. Management Practices. If the developer is proposing an innovative management practice, the applicant must substantiate the pollutant removal efficiency of the proposed control with refereed professional journals or a verifiable engineering study.
 - d. Maintenance. The water quality control will be designed to minimize maintenance requirements. The Subdivider / Developer and City will provide for an extended inspection and maintenance program of all water quality controls as follows:
 - i. Non-Single Family Zoning Categories. For non-single-family zoning categories the Subdivider / Developer will maintain a required water quality control in accordance with the maintenance standards in the City of San Antonio Storm Water Design *Criteria Manual*. Documentation will be provided by the Subdivider / Developer of the facility to ensure that sufficient annual funding exists to properly maintain any water quality controls. The City or its designated representative will inspect each water quality control at least once in the first year following approval of completion of construction and at least once every three (3) years thereafter. If noncompliance is found during an inspection, the City will request in writing that the property owner comply. This notice will describe the measures to be taken. If, within thirty (30) days of notice, the maintenance required is not accomplished, the City may impose fines or assessments as established in Section 12.3, Penalties, of this Code, or bring action in a court of competent jurisdiction as provided in Section 12.4, Civil Remedies, of this Code to require the property owner to accomplish necessary maintenance. Necessary maintenance is that maintenance needed to bring the facility and/or improvement into compliance with this Chapter or technical manuals referenced herein or other ordinances, laws or regulations. The City hereby declares that any failure to maintain a water quality control facility in accordance with City standards is a public nuisance subject to all remedies, legal and equitable, to abate that nuisance.
 - ii. Single-Family Residential Development. For a single-family residential development, the City will maintain a required water quality control, provided the water quality control has been accepted by the City. The Developer will make an estimation of the cost to conduct periodic inspections and maintenance of water quality controls, including one (1) year after the City's acceptance of completion of construction and every three (3) years thereafter for a total period of at least sixteen (16) years. The City will have authority to review and approve the estimated costs. The Developer will post surety for payment of the estimated costs consistent with the requirements specified in Section 12(5), Maintenance and Supervision, of this Code, or make a contribution for the full estimated cost of inspection and maintenance to the City prior to the City's approval of a final plat or issuance of a site development permit.
 - e. Documentation. Prior to the City's approval of a permit, a Final Plat, a Site Development Plan, the Developer will provide the City with complete copies of all plans and documents pertaining to the Edwards and Trinity Aquifers which are relevant to the proposed project. These plans and documents will include, but are not limited to, the following:
 - i. Edwards and Trinity Aquifer Protection Plans
 - ii. Contributing Zone Plans
 - iii. Storm Water Pollution Prevention Plans

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- iv. Water Pollution Abatement Plans
- v. Organized Sewage Collection System Plans
- vi. Underground Storage Tank Facility Plans
- vii. Above ground Storage Tank Facility Plans

(5) Exceptions

The requirements of this Section, as revised, are not applicable for the following:

- ~~a. Developments Not Located in a Recharge or Contributing Zone. Developments not located in the Edwards or Trinity Aquifer recharge or contributing zones with a total estimated impervious cover of twenty five (25) percent or less;~~
- a. Nonresidential Developments. Nonresidential developments with a total impervious cover area of five thousand (5,000) square feet or less;
- b. Small Developments. Developments involving construction of less than three (3) single-family residential structures.

(6) Onsite Wastewater Facility Permit

Prior to the approval of a final plat, the Developer will provide the City with complete copies of all applicable permit applications, plans and documents pertaining to the Onsite Sewage Facility (OSSF) Permit as required by the County(ies) in which the development is located. See Section 3.9(11).

Section 9.1 Purpose and Intent

(1) Purpose

The purpose of this Chapter is to assure that residential and nonresidential development projects constructed within the City of Fair Oaks Ranch (City) and its extraterritorial jurisdiction (ETJ) are adequately furnished with necessary public infrastructure. These include streets, water, wastewater, stormwater drainage and roads, among others.

(2) Comprehensive Plan

Design and construction of infrastructure in the City and ETJ will be consistent with the policies and guidelines established in the most recent versions of the Fair Oaks Ranch Comprehensive Plan, the Fair Oaks Ranch Thoroughfare Master Plan (Thoroughfare Plan), Fair Oaks Ranch Master Drainage Plan (Drainage Plan), and the Fair Oaks Ranch Utility (Water/Wastewater) Master Plan (Utility Plan). Any interpretation of the requirements of this Section will be made in a manner consistent with these Plans (See Section 9.2 below).

~~**(3) Annual Review (Relocated to section 9.2 (11))**~~

~~The Planning and Zoning Commission (Commission) and the City Engineer will have an annual review of amendments to the minimum design standards of the following and will make recommendations to the City Council regarding the adoption of such amendments:~~

- ~~a. Texas Commission on Environmental Quality (TCEQ),~~
- ~~b. Texas Department of Transportation (TxDOT) Standard Specification for Construction of Highways, Streets and Bridges~~
- ~~c. Texas Manual on Uniform Traffic Control Devices (TMUTCD)~~
- ~~d. Fair Oaks Ranch Utilities Water and Wastewater Capital Improvements Plan (WWCIP), San~~

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- ~~Antonio Water System Standard Specifications for Water and Sanitary Sewer Construction, City of San Antonio Unified Development Code Article V, Sections 35-504, 35-505, 35-506 pertaining to streets,~~
- ~~e. City of San Antonio LID Guidance Manual,~~
- ~~f. San Antonio River Authority (SARA): San Antonio River Basin Low Impact Development Technical Guidance Manual,~~
- ~~g. Greater Edwards Aquifer Alliance: Watershed Stewardship for the Edwards Aquifer Region, A Low Impact Development Manual,~~
- ~~h. City of New Braunfels Low Impact Development Design Manual,~~
- ~~i. City of San Antonio Storm Water Design Criteria Manual~~
- ~~j. San Antonio Water Systems Standard for Utility Construction Testing~~
- ~~k. City of San Antonio Appendix C: Bicycle Facility Design Guidance~~
- ~~l. City of San Antonio Sidewalk and Driveway Design and Construction Guidelines San Antonio Design Guidance Manual,~~
- ~~m. City of San Antonio Standard Specifications for Construction,~~
- ~~n. San Antonio Water System (SAWS) Specifications for Water and Sanitary Sewer Construction (Standard Details Manuals),~~
- ~~o. Building Codes with local amendments applicable to the City.~~

Section 9.2 General Standards

(1) Compliance with Standards

Full compliance with the standards contained within this Code must be obtained before the issuance of a building repair, plumbing, or electrical permit for any structure on a lot within a subdivision within the jurisdiction of the City.

(2) Review, Permit and Enforcement

In fulfilling any responsibilities in this Section that require technical or other expertise, the City Manager (or designee) will rely on the assistance of the City Engineer or another designee for such expertise.

(3) Unapproved Final Plat or Site Development

City approvals, including building, repair, plumbing, or electrical permits, will not be issued and the City will not provide maintenance or services on a lot, parcel or development for which a Final Plat or Site Development Permit has not been approved and recorded.

(4) Grandfather Provisions

The provisions of this Section will not be construed to prohibit the issuance of permits for any lot or undivided tract or parcel of land upon which a residence exists that was in existence prior to the passage of this Code or any other amendments thereafter.

(5) Required Improvements

In the absence of any provision to the contrary, the Subdivider / Developer will provide the following improvements, as approved in the construction plans, in conformance with the standards, specifications, [city-issued permits](#), and requirements of this Code:

- a. Streets, if intended to be dedicated to the public by owner, including rights-of-way, alleys,

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- sidewalks, bridges, and signalization;
- b. Water Systems including utility easements, water distribution lines, fire hydrants, valves, pumps, and water towers;
- c. Wastewater Systems including utility easements, wastewater lines, manholes, and lift stations;
- d. Drainage Systems including drainage easements, channels, storm sewer lines and inlets, basins, control structures, and landscaping;
- e. Protection of environmentally sensitive features
- f. Park Land and Improvements;
- g. Permanent Monument Markers;
- h. Utilities for electric and telephone service and associated utility easements installed in conformance with the terms and regulations of the provider of said utility;
- i. Gas, Fiber Optics and Other Telecommunications Services and Associated Utility Easements, when provided, installed in conformance with the terms and regulations of the provider of said utility.

(6) Improvement Continuity and Integration

All improvements must be designed and installed to provide for a logical system of utilities, drainage and streets and to create continuity of improvements for the development of adjacent properties. Pedestrian, vehicle, water, wastewater, and drainage improvements must be extended to the perimeter of a subdivision.

(7) Improvement Plans

- a. Registered Professional Engineer. Plans for the improvements required by this Chapter will be prepared and approved in accordance with the provisions contained herein and certified for accuracy and completeness by a Registered Professional Engineer licensed in the State of Texas.
- b. Record Drawings / As-Built Drawings. After completion of construction, the developer will deliver to the City as-built construction documents indicating all improvements, new construction, and upgrades. These documents will clearly indicate the location of all improvements including the location of public utilities and infrastructure. The documents will include a certification from a Registered Professional Engineer or that all construction required by this Code was performed in compliance with the standards and specifications required of this Code. The developer will also deliver a digital file of the approved and As-Built record drawing plans for each improvement in the following formats:
 - 1. File format: AutoCAD DWG,SHP- Layers to be determined by the City Engineer
 - 2. Coordinate System: NAD 1983 State Plane Texas South Central FIPS 4204 Feet REF FRAME: NAD_83(2011)(EPOCH:2010.0000)
 - 3. Vertical NAVD88 (Computed using GEOID12A)
 - 4. Accuracy: Appurtenances will be located with a positional tolerance of 1:10,000+0.10'
 - 5. A letter of certification by a registered Professional Engineer attesting to the As-Built digital files accuracy

(8) Acceptance of Improvements

- a. Inspections. During the course of installation and construction of the required improvements, the City Engineer or another designee of the City Manager will make periodic inspections of the work to ensure that all improvements comply with this Code and other municipal, county and state requirements.

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- b. Record Drawings and Maintenance Bonds. Upon completion of installation and construction of all required improvements, the Developer may seek acceptance of all public improvements by the City, by submitting the required number of copies of record drawings and a maintenance bond ~~in an amount equal to 20% of the cost installation and construction of all required improvements, as required by section 12.5 or as required by a Development Agreement approved for the project. The length of the maintenance bond will be determined by the size and complexity of the development and will be stated in the Developer Agreement.~~
- c. Testing. All testing will be in accordance with *San Antonio Water Systems Standard for Utility Construction Testing*, unless otherwise specified in this Chapter. For the wastewater lines and all appurtenances associated therewith, at the Developer’s expense, the Developer will provide for and submit reports from the TV inspection of the lines and all appurtenances associated therewith prior to any acceptance. In addition, the developer will provide a statement signed by a Registered Professional Engineer that all improvements have been installed and constructed in accordance with the submitted record drawings.

(9) Maintenance and Supervision

- a. Temporary Work Easement. Where required, for purposes of installation or maintenance of city, other public or private utilities, water or wastewater service, a temporary work easement shall be granted for the duration of the necessary work, including the right to move, store and remove equipment and supplies, and erect and remove temporary structures on the land and to perform any other work necessary and incident to the construction of the project.

(10) Development Manual(s) and Public Works Specification Manual(s)

- a. All Development Manuals shall contain development application forms, required application materials, fees, and application submittal deadlines. The Development Manual may be adopted and updated from time to time by Resolution approved by City Council. A copy of the current Development Manual shall be posted to the City’s website. Any amendment to the Development Manual shall be published on the City’s website within 30 calendar days from when the amendment is made in accordance with LGC Section 212.0081 or its successor statute.
- b. The Public Works Specification Manual(s) shall contain specifications necessary to complete public projects including but not limited to roadway design specifications, traffic impact requirements, utility easement specifications, and driveway requirements. The Public Works Specification Manual(s) may be adopted and updated from time to time by ordinance approved by the City Council. In accordance with LGC Sections 212.002 & 212.0021, prior to adopting or amending the Public Works Specification Manual(s) a public hearing is required and notice of the public hearing shall be published in a newspaper of general circulation in the city. A copy of the current Public Works Specification Manual(s) shall be available upon request.

(11) Design Standards (Relocated from Section 9.1 (3))

~~The Planning and Zoning Commission (Commission) and the City Engineer will have an annual review of amendments to the minimum design standards of the following and will make recommendations to the City Council regarding the adoption of such amendments:~~

~~All design standards listed below refer to the latest approved version of said design standard~~

- a. City of Fair Oaks Ranch Design Standards
 - i. Fair Oaks Ranch Utilities Water and Wastewater Capital Improvements Plan (WWCIP),

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- [San Antonio Water System Standard Specifications for Water and Sanitary Sewer Construction, City of San Antonio Unified Development Code Article V, Sections 35-504, 35-505, 35-506 pertaining to streets,](#)
- ii. [City of Fair Oaks Ranch Driveway Construction Guidelines](#)
- iii. [City of Fair Oaks Ranch Construction Standard Specification for Water and Sanitary Sewer Construction.](#)
- b. [Other Design Standards](#)
 - i. [Texas Commission on Environmental Quality \(TCEQ\),](#)
 - ii. [Texas Department of Transportation \(TxDOT\) Standard Specification for Construction of Highways, Streets and Bridges](#)
 - iii. [Texas Manual on Uniform Traffic-Control Devices \(TMUTCD\)](#)
 - iv. [City of San Antonio LID Guidance Manual,](#)
 - v. [San Antonio River Authority \(SARA\): San Antonio River Basin Low Impact Development Technical Guidance Manual,](#)
 - vi. [Greater Edwards Aquifer Alliance: Watershed Stewardship for the Edwards Aquifer Region, A Low Impact Development Manual,](#)
 - vii. [City of New Braunfels Low-Impact Development Design Manual,](#)
 - viii. [City of San Antonio Storm Water Design Criteria Manual](#)
 - ix. [San Antonio Water Systems Standard for Utility Construction Testing](#)
 - x. [City of San Antonio Appendix C: Bicycle Facility Design Guidance](#)
 - xi. [City of San Antonio Sidewalk and Driveway Design and Construction Guidelines San Antonio Design Guidance Manual,](#)
 - xii. [City of San Antonio Standard Specifications for Construction,](#)
 - xiii. [San Antonio Water System \(SAWS\) Specifications for Water and Sanitary Sewer Construction \(Standard Details Manuals\),](#)
 - xiv. [Building Codes with local amendments applicable to the City.](#)

Section 9.3 Adequate Public Facilities (APF) Processing Procedures

(1) Facilities and Services

A final plat or replat or site development permit will not be approved unless the land proposed for subdivision or site development is adequately served by essential public facilities and services (see Section 9.2(5)). Adequately served is defined as having an approved construction plan that demonstrates that public facilities and services will be constructed. The final plat can be approved but not filed until such time as the public facilities and services have been accepted by the City Engineer and with a letter of acceptance being issued by the City Manager (or designee). Those services include the following:

- a. Street Access and Parking:
 - i. Safe and Reliable Access. A final plat, replat or site development permit will not be approved unless the proposed lot(s) have safe and reliable access for daily use and emergency purposes.
 - ii. Direct Access to Improved Street. A plat or replat will not be approved unless the proposed lot(s) have direct access to an improved public or private street, an approved public way, or an approved access easement in accordance with Section 7.4(1), Design Principles, of this Code, and connected to an improved public thoroughfare.
 - iii. Two Means of Vehicular Access. Except for lots that are provided access from an

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approved cul-de-sac, all subdivisions must have at least two means of vehicular access or approach on a paved public right-of-way. Where development phasing or constraints of the land prevent the provision of a second, separate means of access, the City may, in its sole discretion, accept a temporary street connection, or median divided street or entry to satisfy this requirement. Vehicular access must also be provided, where necessary, for maintenance of utilities.

- i. **Parking.** All [public](#) parking facilities, including driveways, parking lots, parking garages, and all other facilities intended for [use by the public for the](#) temporary storage of motorized vehicles, trailers, bicycles, and other transportation devices, will be designed in compliance with the requirements contained herein. It is the intent of this Code that [public](#) parking facilities are constructed to provide adequate capacity and functionality to the uses they serve while preserving the health, safety, and welfare of the residents of the adjacent areas and the City overall.

(2) Fiscal Surety and Assurance of Construction and Maintenance

A ~~final plat or replat~~ [plat shall not be recorded nor a site](#) development permit will not be approved unless the Developer has complied with all the requirements for Fiscal Surety relating to Construction and Maintenance as detailed in Chapter 12, Compliance and Enforcement.

Section 9.4 Streets

(1) Purpose

The purpose of this section is to ensure adequate and safe pedestrian and vehicle circulation within the City, and into adjoining areas. All developments will provide for streets and sidewalks to serve said development in accordance with the requirements and design standards of this Section and other sections or manuals, guidelines, reports, as may be referenced in this Section.

(2) Requirements and Design Standards

- a. **Design and Construction.** All design and construction of streets, alleys, drainage facilities, and utilities must conform to the current amended *City of San Antonio Unified Development Code Article V*, unless otherwise specified in this Chapter, and to sound engineering principles to include the following:
 - i. **Traffic-Control and Street Name Signs.** Traffic-control and street name signs will be installed by the Subdivider at all street intersections within or abutting the subdivision or as directed by the City. All such signs will be installed in accordance with standards of the Texas Manual on Uniform Traffic-Control Devices (TMUTCD). Street signs will match and utilize the City’s existing standard template.
 - ii. **Surface Drainage.** Surface drainage from private property will be taken to streets, alleys, or drainage courses as quickly as possible, and that drainage water from streets and alleys be taken to defined drainage courses as quickly as possible. Using streets and alleys as major drainage courses is not permitted.
 - iii. **Grades.** Minimum grades of streets and alleys will be three-tenths of one percent (0.30%) and a maximum grade of ten percent (10%). Concrete or rock retards will be installed in ditch lines in conformity with the current, amended *City of San Antonio Unified Development Code Article V*, in areas where required by the City. Profiles of streets will be furnished, showing existing centerline elevations, both right-of-way line elevations and

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proposed centerline grade. At creek or other drainage crossings where consideration must be given to the proper handling of stormwater, a profile of the flow line of such creek, or other drain extending sufficient distance, both upstream and downstream to determine proper street grade and size of drainage structure at such crossing is required.

- iv. Drainage Structures. Drainage structures of permanent type will be provided at crossing of drainage courses with streets or alleys, in order that a minimum of inconvenience and hazard to the traveling public will occur, and in order to minimize damage to and excessive maintenance of public property. Such drainage structures will have minimum of thirty-six feet (36') clear roadway.
- v. Open Channels and Ditches. Open channels and ditches will be constructed to proper cross-section, grade, and alignment so as to function properly, and without permitting destructive velocities.
- vi. Base. All street sections will be installed with a minimum of ~~an eight (8")~~ ten (10") inch thick base, compacted flexible base material (Type A or D, and Grade 1-2 or 5). Base material used for streets will conform to the requirements of *Texas Department of Transportation Standard Specification for Construction of Highways, Streets and Bridges*, unless otherwise specified in this Chapter. The compacted base will extend a minimum of 12 inches behind the back of curb (where curb exists). All returns will have minimum radius of fifteen feet (15'). All curbs (where required) will be constructed in accordance with current specifications of the current, amended *City of San Antonio Unified Development Code Article V* unless otherwise specified in this Chapter.
- vii. Pavement. The pavement will be compacted, in accordance with the *Texas Department of Transportation Standard Specification for Construction of Highways, Streets and Bridges*, unless otherwise specified in this Chapter. Pavement will be 2-inches (2") compacted hot-mix asphaltic concrete (HMAC), Type "D".
- viii. Trees. Large or other desirable trees within the limits of the right-of-way and outside of the construction area will be left and protected.
- ix. Alleys. Alleys will be paved at least ten feet (10') wide. The finished centerline grade of alleys will be low enough below the abutting property to provide proper drainage.
- b. Assumptions. The above specifications for construction of streets are based on the assumption that a flexible base with an asphalt pavement will be constructed in keeping with prevalent practice in the City of Fair Oaks Ranch. The materials, design, specification and procedure will conform to those of the *City of San Antonio Unified Development Code Article V, Sections 35-504, 35-505, and 35-506* for similar construction. This also applies if a concrete pavement is used instead of the flexible base with asphalt pavement. Base material used for streets will conform to the requirements of *Texas Department of Transportation Standard Specification for Construction of Highways, Streets and Bridges. Texas Department of Transportation Standard Specification for Construction of Highways, Streets and Bridges, Item 345, Grade #2 Asphalt Stabilized Base*, may be used in lieu of the #2 flexible base. Before placing any material, the contractor will furnish the City with reports of analysis of the proposed material made by an approved laboratory.

Section 9.7 Drainage and Erosion Control Standards

(1) Facilities Required

The Developer will provide a storm drainage system to meet a level of service as defined in this

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section. A storm drainage system will be provided that is capable of conveying the peak discharge generated by the 100-yr storm. Note peak flows may be reduced by detention or other on-site storage. This conveyance may be enclosed or open, or a combination of both. The system will be integrated with the storm drainage system of the City, and the design of the system must be approved by the City Manager (or designee) in accordance with the requirements of this Code. The storm drainage system is any existing collection, conveyance, or storage stormwater infrastructure within the defined street right-of-way and/or existing platted easement, and drainage paths as defined by the City.

- a. Property not reserved or designed for conveying stormwater will be protected from frequent inundation of the 10-yr storm as follows:
 - i. When the total drainage area is less than 2 acres, protection may be provided by following good lot grading practices, such as
 - 1. Clearly defining areas of disturbance and grading to protect and preserve natural and hydrologic features (natural soils, vegetation, hillsides, conservation areas, karst features, existing natural watercourses, and wetlands), and
 - 2. Minimize site grading and areas of disturbance and isolating areas where construction activities will occur or by one of the conveyances described below in item 1b.
 - ii. When the total drainage area is 2 acres or more, one of the following conveyances must be used to convey the 10-yr storm:
 - 1. Pipe system conveying the design storm;
 - 2. Engineered open channel;
 - 3. A street gutter when the velocity of stormwater during a 10-yr storm is less than 10 cfs;
 - 4. A natural stream.
- b. Buildings will be protected from the 100-yr storm by:
 - i. Providing a minimum of one (1) foot freeboard above the 100-yr storm stage, at any point along the drainage system, for openings in a building. For lakes and detention basins, the 100-yr storm stage will be the water surface of flow through the defined emergency spillway.
 - ii. Flood-proofing a building below the 100-yr stormwater surface elevation plus one (1) foot of freeboard in accordance with the current edition of the International Building Code or as required by the City.
 - iii. A completed Elevation Certificate with the necessary base flood elevations hydrological and hydraulic data as needed and a letter of No-Adverse-Impact, prepared by a professional engineer or surveyor, must be submitted when the structure is completed and ready for habitation for residential structures
- c. Street Crossings. Concentrated flow will be conveyed under streets (by roadway classification as detailed below in items i, ii, and iii). New and/or redevelopment of land that drains to a street crossing must evaluate the stormwater runoff impact to said crossing, and either improve the crossing to meet the standards set in this section or retain stormwater within the development site to pre-development conditions. These crossings may be bridges, culverts, or underground systems. Crossings will be designed to completely convey flood flows using streets as part of the stormwater conveyance system in accordance with the following criteria:
 - i. Street Classification = Arterial; Minimum Design Storm Capacity = 50-yr
 - ii. Street Classification = Collector and **Connector**; Minimum Design Storm Capacity = 25-yr
 - iii. Street Classification = **Local and** Residential; Minimum Design Storm Capacity = 10-yr

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- iv. Overflow depths for the 100-yr storm at the low point in the roadway crossing will be limited to 7 inches measured at the high point in the roadway cross section.
- d. Downstream impacts of increased impervious area resulting from development will be mitigated through detention and/or green infrastructure. Peak runoff control will be provided for the 100-yr, 10-yr, and 2-yr storms and volumetric and/or extended detention control of the annual mean storm event will be provided. The maximum release rate from any development or redevelopment will be as follows:
 - i. 2-yr storm peak rate less than or equal to 0.5 cfs per site acre
 - ii. 10-yr storm peak rate less than or equal to 2.0 cfs per site acre
 - iii. 100-yr storm peak rate less than or equal to 3.0 cfs per site acre
 - iv. Annual storm. 40-hour extended detention or other City approved green infrastructure.
- e. Private property will maintain positive grades of at least 2% away from habitable structures towards lot lines. Surface drainage from private property will be graded toward existing collection, conveyance, or storage stormwater infrastructure within the defined street right-of-way and/or existing platted easement, and drainage paths as defined by the City’s most current hydrologic and hydraulic model. For the City to preserve natural drainage paths and ultimately protect the interests of private property owners, the following data is required on plot plans submitted as part of the building permit application process: existing and proposed contours; existing point elevations at all lot corners; proposed point elevations at all lot corners; existing stormwater collection, conveyance, or storage infrastructure; street right-of- way; existing and/or proposed platted easement; drainage paths as defined by the City’s most current hydrologic and hydraulic model; low opening elevations for structure.

(6) Flood Hazards

- a. General Policy. All subdivisions will conform to the latest version of the “Flood Disaster Protection Act of 1973,” Public Law 93-234, the City’s Flood Damage Prevention Ordinance (2009) as amended, and policies as dictated by the Federal Emergency Management Agency (FEMA).
- b. Floodplain Designations and General Restrictions. Federal floodplains are based on a 100-year frequency discharge and apply only in those areas where official FEMA maps have been prepared, or where 100-year water and surface profile studies are available for the City and its extraterritorial jurisdiction., Refer to the City’s Flood Damage Prevention Ordinance for information on the Flood Insurance Rate Maps (FIRM) and Flood Insurance Studies (FIS) used to establish the areas of special flood hazard within the City, and provisions for flood hazard reduction.
- c. General Requirements in Floodplains. The elevation of the lowest floor (including basements) in the 100-year floodplain [a minimum of 12 inches above the base flood elevation conforming to Chapter 3; Section 3.12 of the City Code of Ordinances](#). The limits of the 100-year floodplain and the limits of the floodway will be shown on the preliminary and final plats as applicable.
 - d. Access to Subdivisions. The City will not permit new “island” subdivisions, lots or streets that would be surrounded by the floodwaters of the 100-year flood, unless:
 - 1. The area is accessible to high ground by a street elevated above the 100-year flood level; or
 - 2. The evidence presented shows that the surface area and elevation of the “island” is sufficient to sustain the residents safely during a 100-year flood.

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Section 9.8 Monuments and Survey Control Point Markers

(1) Subdivisions and all lots submitted for plat approval must provide monuments and control points as follows:

- a. ~~Licensed Registered Professional~~ Land Surveyor (RPLS). All monuments and control points will be placed by a ~~Licensed Registered Professional~~ Land Surveyor (RPLS) and must be in place prior to the installation of any roadway improvements.
- b. Locations. To the extent it is practicable, monuments should be installed in locations that will prevent disturbance or destruction of the monument by construction activities. Any monuments disturbed or destroyed during roadway construction will be reestablished in conformance with the provisions of this Code by a ~~Licensed Registered Professional~~ Land Surveyor (RPLS).
- c. Intermediate Monuments. Where, due to topographic conditions, permanent structures, or other conditions, the view is obstructed between any two adjacent monuments, intermediate monuments will be set as to assure a clear view between adjacent monuments.
- d. Markers. All corners of subdivisions and points of curvature (P.C.) and points of tangency (P.T.) along boundary lines of subdivisions will be marked with a one-half inch iron rod, two feet in length, set in the center of a concrete monument six (6) inches in diameter and thirty (30) inches deep, with the top of the concrete monument set flush with the finished ground surface.
- e. Corner Markers. Corner markers will be a one-half inch iron rod, or three-fourths inch pipe, two feet in length, and will be installed flush with the ground. Depending on the terrain, a six (6) inch bar may be permitted by the City if it is at a sufficient depth to retain a stable, distinctive location, and it's of sufficient size to withstand the deteriorating forces of nature. Corners of all lots, block corners, street right-of-way P.C.s and P.T.s will be marked with corner markers.
- f. Permanent Benchmark. One permanent benchmark must be installed and referenced to the U.S. Geological Survey Datum (USGS NAD 83, mean sea level) and the State Plane Coordinate System (Texas State Plane, South Central, Feet). The City Manager (or designee) may waive the requirement for installations of a benchmark for developments smaller than 50 acres when at least two benchmarks are located within one-half mile of the proposed development's boundaries.

To: Honorable Mayor Gregory C. Maxton and City Council Members
City of Fair Oaks Ranch

**Capital Improvements Advisory Committee Semiannual Progress Report
March 21, 2024 Meeting**

Overview:

A Capital Improvements Plan is required by LGC § 395, *Financing Capital Improvements Required by New Development in Municipalities, Counties and Certain other Local Governments*. The plan is to identify capital improvements or facility expansions required by new service units projected; and to include a description of the service area and projection of changes in land uses, densities, intensities, and populations in the service area over a 10-year period. Since the City imposes an impact fee, a periodic review shall be performed at least every five years to determine the need of updating the plans and/or impact fees.

To partially pay for the extension of its Water and Wastewater systems attributable to new development, the City of Fair Oaks Ranch has opted to charge impact fees as allowed under Texas Local Government Code Title 12. Subtitle C. Chapter 395 (Code).

The Code requires the governing body (City) to appoint a Capital Improvements Advisory Committee (CIAC). The CIAC serves in an advisory capacity and is established to:

1. advise and assist the City in adopting land use assumptions;
2. review the capital improvements plan and file written comments;
3. monitor and evaluate implementation of the capital improvements plan;
4. file semiannual reports with respect to the progress of the capital improvements plan and report to the City any perceived inequities in implementing the plan or imposing the impact fee; and
5. advise the City of the need to update or revise the land use assumptions, capital improvements plan, and impact fee.

Progress Report:

Chairperson Mebane called the semi-annual CIAC meeting to order at 9:00 AM, Thursday, March 21, 2024. Below are the members present along with their designation and term expiration:

- Paul Mebane, Chair (At Large) 9/30/25
- Chris Weigand, Vice Chair (Real Estate) 9/30/25
- John Guidry (At Large) 9/30/24
- Seth Mitchell (At Large) 9/30/24
- Marcus Garcia (Development) 9/30/25

Chairperson Mebane declared a quorum present.

Absent was:

- Joe DeCola (Real Estate) 9/30/24
- Dana Green (Development) 9/30/25
- Ben Koerner (At Large) 9/30/25

Council and Staff Present:

- Emily Stroup, Council Representative
- Gregory C. Maxton, Mayor

Scott M. Huizenga, City Manager
Grant Watanabe, P.E., Director of Public Works & Engineering Services
Amanda Wade, Public Works Administrative Assistant
Summer Fleming, Director of Finance
Amanda Valdez, Deputy City Secretary
Rachel Brown, Building Codes Administrative Assistant

Following introductions, staff provided updates on Capital Improvement Plans and Impact Fee Capital Projects. Staff also provided an update on Land Use Assumptions and answered questions of the members.

COMMITTEE RECOMMENDATIONS:

1. It is recognized that construction and material costs have risen and that home building has been slower than forecasted which will affect future Impact Fees. The current Impact Fees were approved by Council in early 2020 and need to be updated in early 2025.
2. It is recommended that the Water, Wastewater and Reuse Master Plan be updated this year in order to present new Impact Fee recommendations to Council in early 2025. This will allow us to have an updated Capital Improvement Plan and Land Use Assumptions as a basis for the new Impact Fees.
3. One significant change to the Wastewater CIP has occurred. We are no longer planning to build a new Wastewater Treatment Plant and have started design work for the expansion of the existing treatment plant. The Wastewater CIP has \$25M for the plant while the expansion is estimated to cost about \$5M.
4. The current Impact Fees were based on a Freese and Nichols Study completed in 2019. While such a study is not currently in the budget for this fiscal year, the CIAC recommends that such a study be funded to be kicked off this September. Staff plans to present a budget amendment at a future City Council meeting to use existing impact fees to fund the needed Impact Fee Study.

The next Semi Annual CIAC meeting will take place on September 5, 2024.

Signed: Paul Mebane
Paul Mebane, CIAC Chairperson

Date: _____