



CITY OF FAIR OAKS RANCH
CITY COUNCIL REGULAR MEETING

Thursday, October 05, 2023 at 6:30 PM

Public Safety Training Room, Police Station, 7286 Dietz Elkhorn, Fair Oaks Ranch

Live Stream: <https://www.youtube.com/channel/UCDqRvLvReqxrh1lbajwshKA/live>

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.

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.

4. Approval of the September 21, 2023 Special City Council meeting minutes.

Christina Picioccio, TRMC, City Secretary

5. Approval of the September 21, 2023 Regular City Council meeting minutes.

Christina Picioccio, TRMC, City Secretary

CONSIDERATION ITEMS

6. Consideration and possible action approving a Heritage Tree Plan for the Fox Falls Off-Site Gravity Sewer Project.

Kelsey Delgado, Environmental Program Manager

7. Consideration and possible action approving a resolution appointing members to the ad hoc Bond Advisory Committee and directing the City Manager to develop financing options in support of the FY 2024-28 Capital Improvements Plan.

Scott M. Huizenga, Interim City Manager

8. Consideration and possible action approving a resolution ordering a Special Election for the unexpired term of Council Place 3.

Christina Picioccio, TRMC, City Secretary
Dan Santee, City Attorney

WORKSHOP

9. Multimodal Transportation and Dietz Elkhorn Survey Results.

Grant Watanabe, P.E., Director of Public Works and Engineering Services
Mike Garza, P.E., PTOE, RSP1, Legacy Engineering Group
Jeanne Tarrants, RSP1, Legacy Engineering Group

REPORTS FROM STAFF AND COMMITTEES

10. Semiannual Report from the Capital Improvements Advisory Committee (CIAC).

Paul Mebane, CIAC Chairperson

REQUESTS AND ANNOUNCEMENTS

11. Announcements and reports by Mayor and Council Members.
12. Announcements by the City Manager.
13. 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:

14. To receive legal advice from Special Counsel and the City Attorney regarding the City's ground water rights.
15. Case No. 22-090-451; Vincent A. Caldarola, MD vs. City of Fair Oaks Ranch, Texas.
16. 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.
17. To receive advice on matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct clearly conflict and related to an internal affairs investigation being conducted by an independent third-party investigator into complaints within the Fair Oak Ranch Police Department and the Police Chief and other related issues.

Sec. 551.072 (Deliberation regarding real property)

18. The City Council will meet in closed session to deliberate the purchase, exchange, lease, or value of real property that may be considered for future location of water and wastewater system improvements.

Sec. 551.074 (Personnel Matters)

19. The City Council will meet in closed session pursuant to Texas Government Code Section 551.074, Personnel Matters, to deliberate the process and options for filling the vacancy of City Manager.
20. To perform the annual evaluation of the City Manager.
21. To perform the annual evaluation of the City Secretary.

RECONVENE INTO OPEN SESSION

Discussion and possible action on items discussed in Executive Session.

ADJOURNMENT

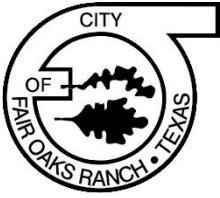
Signature of Agenda Approval: s/Gregory C. Maxton

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, October 2, 2023 and remained so posted continuously for at least 72 hours before said meeting was convened.

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 SPECIAL MEETING**

Tuesday, September 21, 2023, at 5:00 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: Stroup, Rhoden, and Koerner.

Council Absent: Council Members Bliss, Parker, and Muenchow

With a quorum present, the meeting was called to order at 5:01 PM.

2. Pledge of Allegiance – The pledge of Allegiance was led by Mayor Maxton.

CITIZENS and GUEST FORUM

3. There were no citizens to be heard.

CONVENE INTO EXECUTIVE SESSION

Pursuant to Section 551.101 of the Open Meetings Act, Texas Government Code, a quorum of the governing body hereby convenes into closed session:

City Council convened into Executive Session at 5:03 PM regarding:

Sec. 551.074 (Personnel Matters)

4. To conduct interviews, individually, for the City's Municipal Court Judge and Alternate Municipal Court Judge positions.

Council Member Michelle Bliss joined the Executive Session at 5:18 PM

Council Member Chesley Muenchow joined the Executive Session at 5:41 PM.

RECONVENE INTO OPEN SESSION

Mayor Maxton reconvened into Open Session at 6:06 PM. No action was taken.

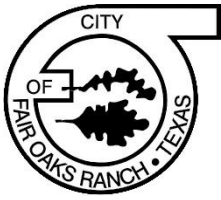
ADJOURNMENT

Mayor Maxton adjourned the meeting at 6:06 PM.

ATTEST:

Gregory C. Maxton, Mayor

Christina Picioccio, TRMC, City Secretary



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

Thursday, September 21, 2023 at 6:30 PM

Public Safety Training Room, Police Station, 7286 Dietz Elkhorn, Fair Oaks Ranch

Live Stream: <https://www.youtube.com/channel/UCDqRvLvReqxrh1lbajwshKA/live>

MINUTES

OPEN MEETING

1. Roll Call - Declaration of a Quorum

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

Council Absent: Council Member Parker

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

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

CITIZENS and GUEST FORUM

3. Citizens to be heard.

Robert Moser, resident, expressed concern at the rate of trees he has lost recently due to drought conditions and asked Council to set watering amounts/surcharges based off the size of each property.

PRESENTATIONS.

4. Mayor Maxton presented a Proclamation for Human Resources Professional Day and recognized the department's staff members.

CONSENT AGENDA

5. **Approval of the August 29, 2023 Town Hall meeting minutes.**
6. **Approval of the September 7, 2023 Special City Council meeting minutes.**
7. **Approval of the September 7, 2023 Regular City Council meeting minutes.**
8. **Approval of the September 12, 2023 Special City Council meeting minutes.**
9. **Approval of the September 12, 2023 Special City Council meeting minutes.**
10. **Approval of the second reading of an ordinance amending the City of Fair Oaks Ranch Code of Ordinances, Appendix A "Fee Schedule," Article A8.000 "Subdivision/Land Development Regulation Fees."**
11. **Approval of a resolution authorizing execution of an Interlocal Agreement with the City of Boerne for Animal Control Services for FY 2023-24, expenditure of the required funds, and execution of all applicable documents by the City Manager.**

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

VOTE: 6-0; Motion Passed.

CONSIDERATION/DISCUSSION ITEMS

12. Consideration and possible action approving the second reading of an ordinance adopting the City budget for the fiscal year beginning October 1, 2023 and ending September 30, 2024.

MOTION: Made by Council Member Rhoden, seconded by Council Member Stroup, to approve the second reading of the FY 2023-24 Budget Ordinance.

VOTE: 6-0; Motion Passed as recorded:
Mayor Maxton – For; Council Member Stroup – For; Council Member Rhoden – For; Council Member Bliss - For; Council Member Koerner – For; Council Member Muenchow – For.

13. Consideration and possible action approving the second reading of an ordinance levying a property tax rate of 30.05 cents per \$100 taxable valuation on property in the City of Fair Oaks Ranch for the tax year 2023; and determining due and delinquent dates; and providing an effective date.

MOTION: Made by Council Member Bliss, seconded by Council Member Muenchow, to approve the second reading of an ordinance levying a property tax rate of 30.05 cents per \$100 taxable value for tax year 2023; providing when taxes shall become due and delinquent; and providing an effective date.

VOTE: 6-0; Motion Passed as recorded:
Mayor Maxton – For; Council Member Stroup – For; Council Member Rhoden – For; Council Member Bliss – For; Council Member Koerner – For; Council Member Muenchow – For.

14. Consideration and possible action approving a resolution ratifying the property tax rate reflected in the FY 2023-24 General Fund and Debt Service Fund budgets.

MOTION: Made by Council Member Koerner, seconded by Council Member Stroup, to approve a resolution ratifying the property tax rate reflected in the FY 2023-24 budget.

VOTE: 6-0; Motion Passed.

15. Consideration and possible action approving a resolution authorizing a First Amendment to the 2008 Water Supply Agreement between the City of Fair Oaks Ranch and Mark J. Minahan, Sr. and Brenda S. Minahan for the reservation of water and other related matters and authorizing the City Manager to execute the First Amendment.

MOTION: Made by Council Member Muenchow, 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 Mark J. Minahan, Sr. and Brenda S. Minahan and authorizing the City Manager to execute the Amendment.

VOTE: 6-0; Motion Passed.

16. **Consideration and possible action approving a resolution authorizing the execution of the fourth amendment to the agreement between the City of Fair Oaks Ranch and the Guadalupe-Blanco River Authority for the Western Canyon Project.**

MOTION: Made by Council Member Rhoden, seconded by Council Member Muenchow, to approve a resolution authorizing the execution of the fourth amendment to the agreement between the City of Fair Oaks Ranch and the Guadalupe-Blanco River Authority for the Western Canyon Project, execution of all applicable documents by the City Manager, and establishing an effective date.

VOTE: 6-0; Motion Passed.

17. **Consideration and possible action appointing Council Members as members or liaisons to various boards, committees, and commissions.**

MOTION: Made by Mayor Maxton, seconded by Council Member Koerner, to approve the attachment (Attachment A) assigning council members as members or liaisons to the following boards, committees, and commissions:

Audit Committee

- Keith Rhoden
- Greg Maxton
- Chesley Muenchow

Municipal District Development Board

- Keith Rhoden
- Laura Koerner

Liaison to Capital Improvements Advisory Committee

- Emily Stroup

Branding Committee

- Laura Koerner
- Scott Parker
- Michelle Bliss

Wildlife Education Committee

- Michelle Bliss
- Scott Parker
- Chesley Muenchow

Court Security Committee

- Emily Stroup

Emergency Management Committee

- Gregory C. Maxton
- Laura Koerner
- Scott Parker

VOTE: 6-0; Motion Passed.

CONVENE INTO EXECUTIVE SESSION

Pursuant to Section 551.101 of the Open Meetings Act, Texas Gov't Code, City Council convened into Executive Session at 7:06 PM regarding:

Sec. 551.074 (Personnel Matters) to discuss the applicants for vacancies on various boards, commissions, and committees for the City of Fair Oaks Ranch.

RECONVENE INTO OPEN SESSION

City Council reconvened into Open Session at 7:18 PM. No action was taken.

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

MOTION: Made by Council Member Muenchow, seconded by Council Member Bliss, to approve a resolution appointing Eric Beilstein to Place 3, appointing Shawna Verrett to Place 5, and reappointing Dale Pearson to Place 6 and reappointing Lamberto Balli to Place 7 on the City of Fair Oaks Ranch Planning and Zoning Commission.

VOTE: 6-0; Motion Passed.

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

MOTION: Made by Council Member Koerner, seconded by Council Member Stroup, to approve a resolution reappointing Ben Koerner to Place 7, appointing Jamin Kazarian to Place 8, and reappointing Chris Weigand to Place 9 on the City of Fair Oaks Ranch Capital Improvement Advisory Committee.

VOTE: 6-0; Motion Passed.

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

MOTION: Made by Council Member Bliss, seconded by Council Member Koerner, to approve a resolution reappointing David Fairhurst to Place 3, appointing Robert Olvera to Place 6, reappointing Steven Robertson to Place 7 and appointing Keith Rhoden as the City Council Representative on the City of Fair Oaks Ranch Municipal Development District Board of Directors.

VOTE: 6-0; Motion Passed.

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

MOTION: Made by Council Member Muenchow, seconded by Council Member Bliss, to approve a resolution reappointing Michael Rey to Place 1, reappointing Jonathan Lisenby to Place 4, and reappointing Roderick Terrell to the Alternate position on the City of Fair Oaks Ranch Zoning Board of Adjustment.

VOTE: 6-0; Motion Passed.

22. Consideration and possible action approving a resolution to appoint members to fill places on the City of Fair Oaks Ranch Board of Appeals.

MOTION: Made by Mayor Maxton, seconded by Council Member Rhoden, to approve a resolution appointing Alternate Member John Wall to Place 1, Jerry Arends to Place 3, and Eric Beilstein as the Alternate member on the City of Fair Oaks Ranch Board of Appeals.

VOTE: 6-0; Motion Passed.

REPORTS FROM STAFF AND COMMITTEES

23. 2023 Annular Eclipse.

Lieutenant John Ojeda provided a presentation to City Council regarding the October 14, 2023, Annular Eclipse and briefed everyone on safely viewing the eclipse and safety measures in should emergencies arise during the event.

REQUESTS AND ANNOUNCEMENTS

24. Announcements and reports by Mayor and Council Members.

Mayor Maxton reminded everyone that the Household Hazardous Waste event is scheduled to take place Saturday, September 23, 2023, from 8:00 – 11:00 AM in the Cibolo Creek Community Church parking lot. He also announced that Tuesday, October 3, 2023, is National Night Out. Representatives from the Police Department, the Fire Department, and the City’s ambulance service will be out visiting neighborhoods. Mayor Maxton also notified citizens that Phase 1 of the Post Oak Trail Reconstruction Project will begin soon. Three culverts that cross Post Oak Trail will be replaced resulting in that street being closed to through traffic.

Council Member Bliss announced her resignation from City Council on September 22, 2023, due to personal reasons.

25. Announcements by the City Manager.

N/A

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

N/A

CONVENE INTO EXECUTIVE SESSION

City Council convened into closed session at 7:48 PM 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:

27. To receive legal advice from Special Counsel and the City Attorney regarding the City’s ground water rights.

Sec. 551.074 (Personnel Matters)

31. To deliberate and select finalists for the City’s municipal court judges.

City Council did not convene into Executive Session regarding:

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

29. 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)

30. The City Council will meet in closed session to deliberate the purchase, exchange, lease, or value of real property that may be considered for future location of water and wastewater system improvements.

RECONVENE INTO OPEN SESSION

City Council reconvened into Open Session at 9:22 PM

MOTION: Made by Mayor Maxton, seconded by Council Member Koerner, to appoint Darrell Dullnig as the Municipal Judge and Frank Dickson as the Alternate Municipal Judge for the City of Fair Oaks Ranch.

VOTE: 6-0; Motion Passed.

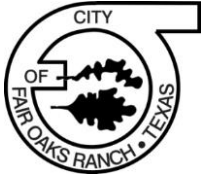
ADJOURNMENT

Mayor Maxton adjourned the meeting at 9:24 PM.

ATTEST:

Gregory C. Maxton, Mayor

Christina Picioccio, TRMC, City Secretary



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS

AGENDA TOPIC: Consideration and possible action approving a Heritage Tree Plan for the Fox Falls Off-Site Gravity Sewer Project.
DATE: October 5, 2023
DEPARTMENT: Public Works
PRESENTED BY: Kelsey Delgado, Environmental Program Manager

INTRODUCTION/BACKGROUND:

The Fox Falls Off-site Gravity Sewer project is a San Antonio Water System (SAWS) utility project consisting of over two miles of sewer line upgrades between Fair Oaks Village (IH-10 Frontage Road and Fair Oaks Parkway) and Old Fredericksburg Road. The upgrades will cross through Fair Oaks Parkway, Frost Bank, Leslie Pfeiffer Drive and The Woods at Fair Oaks neighborhood and will require tree removal to accommodate the larger sewer line. This project is being completed within existing SAWS utility easements, originally dedicated in 2008 within The Woods at Fair Oaks.

On May 5, 2023, a Tree Preservation Plan and Heritage Plan for the Fox Falls Off-Site Gravity Sewer was submitted to the Public Works Department by M.W. Cude Engineers, LLC (**Attachment A**) on behalf of the applicant Meritage Homes of Texas, L.P.

As outlined in UDC Section 8.8, tree mitigation shall be at a 1:1 ratio for Tree Circumference (TC) inches to be removed. In cases where soil, slope, lot size, or other natural constraints make replacing the same number of Tree Circumference (TC) inches unfeasible, the City Manager (or designee), may allow some or all the mitigation to take place on a separate, public site within the City, or on lands owned by an association that operates and maintains trails, open space, or parkland within the City. In addition, the City Manager (or designee) may allow mitigation by payment of fee for some or all the trees to be removed, if the City’s fee schedule includes a provision for Fee-In-Lieu of Replacement Trees.

The applicant has voiced concerns regarding the replanting of mitigation trees within the utility easements since they may interfere with future maintenance requirements or cause damage to the underground sewer line. Additionally, the applicant stated they attempted to find an alternate location for replanting but no resolution with The Woods HOA or FORHA was reached.

On August 17, 2023, Cude Engineers requested to move forward with the plans with the intention that mitigation shall be met through a Fee-In-Lieu of Replacement Trees.

This plan submission is subject to the City’s UDC adopted in 2019. Section 8.8 contains an exemption for preservation requirements for trees in utility easements but states the following requirements: “A Heritage Plan is required to be reviewed and approved by the Planning and Zoning Commission and City Council prior to any construction activity that is likely to endanger a Heritage Tree, TC 75 inches or larger...A Heritage Plan must be submitted to the City, reviewed by City Staff, and voted on by the Planning and Zoning Commission before a Preliminary Plat or Site

Development Permit is forwarded to City Council.” The submitted Heritage Plan shows the following Heritage Trees:

<u>Tag #</u>	<u>Size/Type</u>	<u>Saved/Removed</u>
Tree #6067	42” Oak	To Be Removed
Tree #6093	38” Oak	To Be Removed
Tree #32337	26” Oak	To Be Removed
Tree #32344	25” Oak	To Be Removed

To mitigate, the applicant has requested to pay a fee-in-lieu. Based on the below fee-in-lieu schedule, the payment for removing heritage trees is estimated to be \$82,400.

FEE-IN-LIEU SCHEDULE	
Tree Type	Fee per Circumference Inch
Heritage (24-48” diameter)	\$200
Protected (12-24” diameter)	\$100
Standard (8-12” diameter)	\$50

Applicable UDC Sections

Section 8.8 (6)(b) states:

“b. A Heritage Plan must be submitted to the City, reviewed by City Staff, and voted on by the Planning and Zoning Commission before a Preliminary Plat or Site Development Permit is forwarded to City Council. It must be approved by City Council before a Final Plat is approved.”

Section 8.8(2)(b) states:

“*Preservation Exemptions.* The following areas are exempt from the preservation requirements of this section:

- i. Right-of-way. Trees located within a right-of-way to be dedicated to and maintained by the City; and
- ii. Easements. Trees located within any utility easement”

Section 8.8 (7) states:

“a. *Removal by Right.* Protected Trees, including Heritage Trees, located within 10 feet of the perimeter of the proposed building footprint, the area over an OSSF, areas necessary for site access, **or within areas designated for the construction or installation of public facilities**

such as streets or utilities may be removed at the discretion of the applicant, provided that the terms of Sections 8.8(7)b-c. (below) are satisfied;

b. Removal and Mitigation of Protected Trees. Developers of land are encouraged to preserve protected trees whenever possible. An applicant may remove Protected Trees if approved mitigation is provided. Generally speaking, mitigation shall be at a 1:1 ratio for TC inches to be removed. The applicant may plant smaller trees to replace Protected Trees, provided that no tree smaller than TC 8 inches is generally allowed, and that the total tree coverage on the lot (as measured in TC inches) is approximately the same as pre-development conditions. In cases where soil, slope, lot size, or other natural constraints make replacing the same number of TC inches unfeasible, the City Manager (or his designee), may, at their sole discretion, allow some or all of the mitigation to take place on a separate, public site within the City, or on lands owned by an association that operates and maintains trails, open space, or parkland within the City and that are usable by residents of the general area where the applicant’s land is located. In addition, **the City Manager (or designee) may allow mitigation by payment of fee for some or all of the Protected Trees to be moved, if the City’s fee schedule includes a provision for Fee In Lieu of Replacement Trees.**

c. Removal and Mitigation of Heritage Trees.

i. Heritage Trees may not be removed during construction, except under certain specific circumstances:

- 1. If the tree is sick or diseased and meets the criteria laid out in Section 8.8(4); or
- 2. **If the tree is within the footprint as described in Section 8.8(7)a; or**
- 3. If the removal is approved by the City Council after consideration by the P&Z, with a formal recommendation from the P&Z to the Council on whether to approve the removal.

ii. If any Heritage Trees are planned for removal, they must be identified and clearly marked on the Heritage Plan. The Heritage Plan must also identify any Heritage Trees that are likely to be endangered by construction activity which might sever or compress the root zone, or otherwise threaten the health and life of the tree, as determined by a reasonable person. The City Council may grant removals under Section 8.8(7)c.i-3 (above) at its sole discretion. In considering whether to allow the removal of Heritage Trees, the City Council shall consider whether removal is absolutely necessary to allow the applicant to meet reasonable, investment-backed expectations for use of the property, and whether such use can be accomplished while preserving Heritage Trees.

iii. If any Heritage Tree removals are granted, the applicant shall meet all the mitigation and replacement conditions outlined in 8.8(7)b. (above), except that any decisions delegated to the City Manager in that paragraph shall be made by the City Council.”

On September 14, 2023, the Planning and Zoning Commission recommended approval of the Heritage Plan with the condition that mitigation be met by payment of the fee-in-lieu once adopted by City Council. The ordinance amending the City of Fair Oaks Ranch Code of Ordinances Appendix A “Fee Schedule,” Article A8.000 “Subdivision/Land Development Regulation Fees,” to include establishment of a fee-in-lieu, was approved and adopted at the September 21, 2023 City Council meeting.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

The applicant has met the requirements of the Heritage Plan as stated in section 8.8. As a utility, the applicant is exempt from Preservation requirements. However, the applicant is still subject to mitigation requirements. Replacing trees is not practical because the parcel is in a utility (sewer) easement and public land is not available for replanting. Therefore, a Fee-In-Lieu of Replacement Trees is the most viable option.

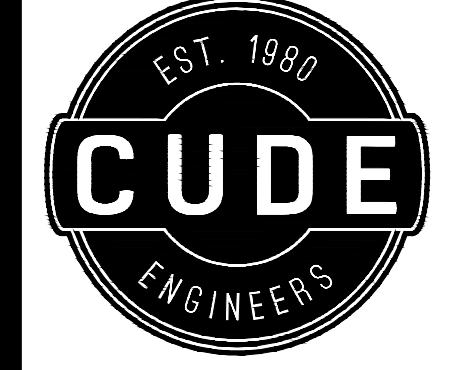
The Planning and Zoning Commission recommended approval at its meeting of September 14, 2023.

LONGTERM FINANCIAL & BUDGETARY IMPACT:

An estimated \$82,400 would be available for the City Council to initiate a tree preservation program for such activities including, but not limited to, right-of-way tree maintenance, brush removal, oak wilt remediation, and citywide tree planting. A workshop to discuss potential options is planned later this month.

RECOMMENDATION/PROPOSED MOTION:

I move to approve the Heritage Tree Plan for the Fox Falls Off-Site Gravity Sewer Project with the condition that mitigation be met by payment of the fee-in-lieu of mitigation.



4122 Pond Hill Road, Suite 101
San Antonio, Texas 78231
P: (210) 681-2951 F: (210) 523-7112

FOX FALLS OFFSITE GRAVITY SEWER
HERITAGE TREE PRESERVATION PLAN

DATE
05/05/2023
PROJECT NO.
03274.012
DRAWN BY
ED/AG
CHECKED BY
HS/DDC

REVISIONS
1.
2.
3.
4.
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8.
9.

CUDE ENGINEERS
TBPE No. 455
TBPLS No. 10048500

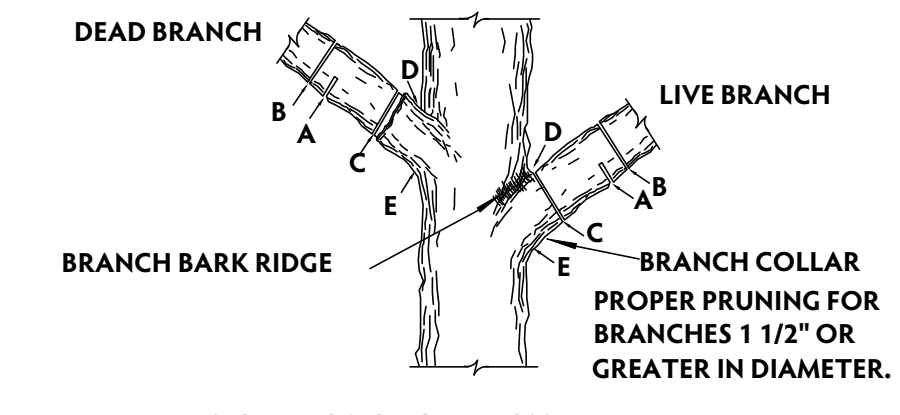
T1.00

03274.012 - 24-04-2023 (1) Tree Plan - Fox Falls - Heritage Tree Preservation Plan - 2023-05-05 1:30pm

LEGEND



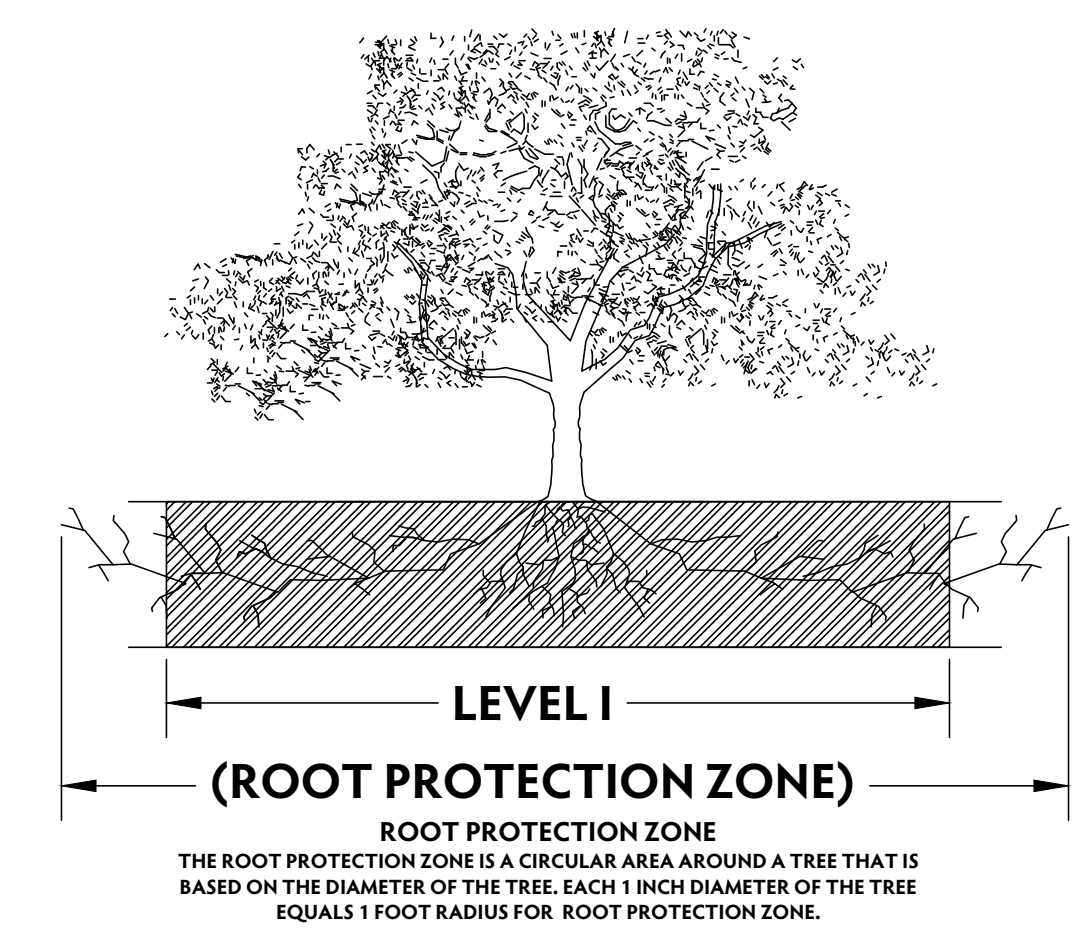
HERITAGE TREE REMOVED



NOTE: DO NOT CUT FROM D to E.

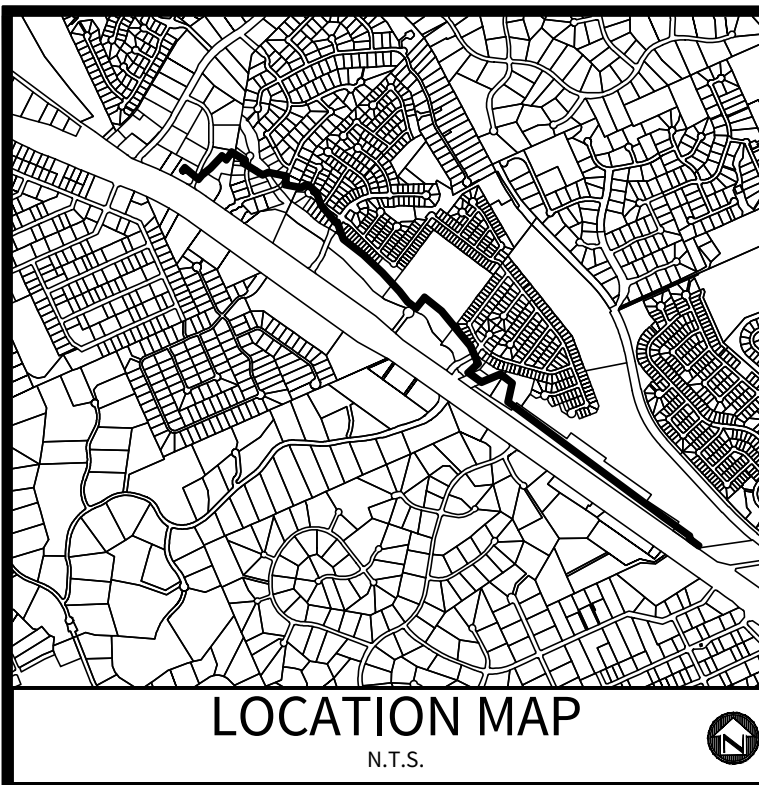
- A. FIRST CUT - TO PREVENT THE BARK FROM BEING PEELED WHEN THE BRANCH FALLS.
- B. SECOND CUT - TO REDUCE THE WEIGHT OF BRANCH.
- C. FINAL CUT - ALLOW FOR HEALING COLLAR BUT NO STUBS
- D. BRANCH RIDGES - INDENT PROPERLY BRANCH RIDGES WHICH ARE SITE FOR DECAY.

FOR OAKS ONLY: PAINT ALL WOUNDS OR CUTS WITH PRUNING PAINT WITHIN 20 MIN TO PREVENT THE SPREAD OF OAK WILT.



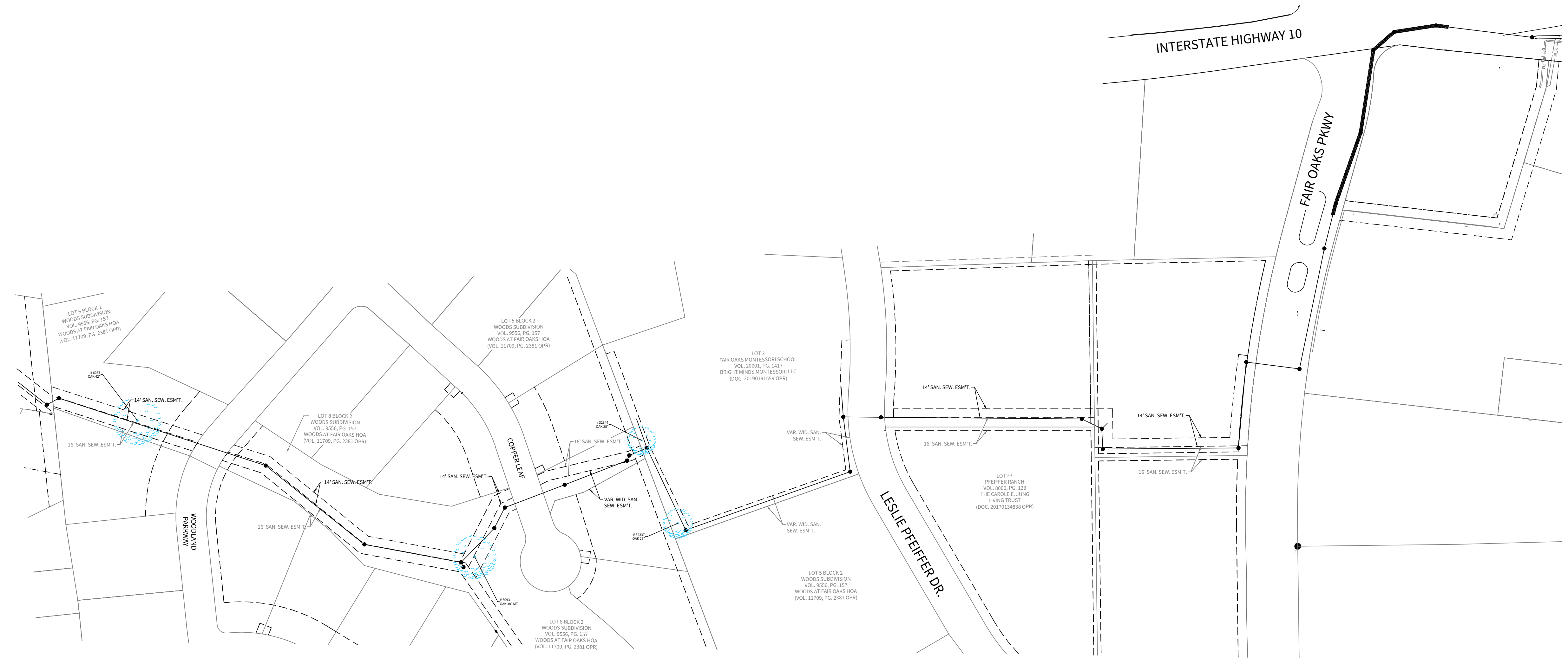
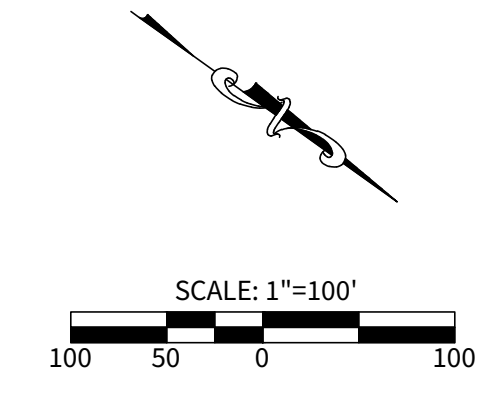
- NOTES:**
- FOX FALLS OFF-SITE GRAVITY SEWER IS SUBJECT TO THE CITY OF FAIR OAKS RANCH UNIFIED DEVELOPMENT CODE SECTION 8.8 - TREE AND HABITAT PROTECTION.
 - ALL TREES SHOWN ON THIS HERITAGE TREE PRESERVATION PLAN HAVE A TREE CIRCUMFERENCE OF 75 INCHES OR GREATER AS DESCRIBED IN THE CITY OF FAIR OAKS RANCH UNIFIED DEVELOPMENT CODE SECTION 8.8 (6).
 - ALL TREES SHOWN ON THIS TREE PRESERVATION PLAN ARE EXEMPT FROM THE TREE PRESERVATION REQUIREMENT PER THE CITY OF FAIR OAKS UNIFIED DEVELOPMENT CODE SECTION 8.8 (2) c.
 - ANY SUBSEQUENT NOTES DEALING WITH ROOT PROTECTION DO NOT APPLY TO RESIDENTIAL DEVELOPMENTS.
 - ALL EXISTING TREES DENOTED ON THIS PLAN TO BE PRESERVED AS SHOWN AND PROTECTED AT THE ROOT PROTECTION ZONE (RPZ). THE RPZ SHALL BE A MINIMUM OF 1 FOOT PER TREE FOR EACH 3.1" OF THE TREE.
 - A (CHAINLINK OR ORANGE MESH FENCE) BARRIER AROUND THE RPZ SHALL BE ERRECTED AND MAINTAINED UNTIL CONSTRUCTION IS COMPLETED.
 - RPZ SHALL BE SUSTAINED IN A NATURAL STATE AND SHALL BE FREE FROM VEHICULAR OR MECHANICAL TRAFFIC; NO FILL, EQUIPMENT, LIQUIDS, OR CONSTRUCTION DEBRIS SHALL BE PLACED INSIDE THE PROTECTIVE BARRIER.
 - THE RPZ SHALL BE COVERED WITH 6" OF COARSE MULCH TO REDUCE MOISTURE STRESS.
 - ANY DAMAGE DONE TO EXISTING TREE CROWNS OR ROOT SYSTEMS SHALL BE REPAIRED IMMEDIATELY. ALL WOUNDS TO OAKS WILL BE PAINTED WITH PRUNING PAINT WITHIN 30 MINUTES AFTER DAMAGE. ROOTS EXPOSED DURING CONSTRUCTION OPERATIONS WILL BY CUT CLEANLY.
 - THE PROPOSED FINISH GRADE AND ELEVATION OF LAND WITHIN THE ROOT PROTECTION ZONE OF ANY TREE TO BE PRESERVED SHALL NOT BE RAISED OR LOWERED MORE THEN 3". WELLING AND RETAINING METHODS ARE ALLOWED OUTSIDE THE RPZ.
 - THE RPZ SHALL REMAIN PERVIOUS, I.E. GROUND COVER OR TURF AT COMPLETION OF LANDSCAPE DESIGN.
 - PROTECTION OF TREES DURING CONSTRUCTION SHALL FOLLOW SECTION 8.8 (8) OF THE CITY OF FAIR OAKS RANCH UNIFIED DEVELOPMENT CODE.
 - CONTRACTOR TO UPDATE TREE PRESERVATION PLAN FOR CHANGES DURING CONSTRUCTION AND NOTIFY ENGINEER ACCORDINGLY. THE REVISED TREE PRESERVATION PLAN WILL BE RESUBMITTED AND APPROVED BY THE CITY OF FAIR OAKS RANCH.
 - THERE ARE NO PROTECTED OR HERITAGE TREES LOCATED WITHIN THE 100 YEAR FLOODPLAIN.
 - PLANTED TREES SHALL BE NO SMALLER THAN 2.5" IN DIAMETER OR 8" IN TRUNK CIRCUMFERENCE.
 - PER SECTION 8.8 (5) e OF THE CITY OF FAIR OAKS RANCH, A TREE WARRANTY WILL BE PROVIDED TO THE CITY OF FAIR OAKS RANCH REGARDING ALL TREES MARKED TO BE SAVED.
 - A PRE-CONSTRUCTION WALK MUST BE COMPLETED WITH THE CITY OF FAIR OAKS RANCH STAFF PRIOR TO ANY TREE REMOVAL ON-SITE.

TREE CATEGORY	TREE #	SPECIES	DIAMETER (IN.)	TRUNK CIRCUMFERENCE (IN.)	TREE STATUS	REMOVED OR PRESERVED
HERITAGE TREE	6067	OAK	42	132	EXEMPT	REMOVED
HERITAGE TREE	6093	OAK	38	119	EXEMPT	REMOVED
HERITAGE TREE	32337	OAK	26	82	EXEMPT	REMOVED
HERITAGE TREE	32344	OAK	25	79	EXEMPT	REMOVED
PRESERVATION MITIGATION REQUIRED			131	412		
TREE MITIGATION THROUGH PLANTING = 44 ~ 3" TREES			132	415		



OWNER/DEVELOPER:
MERITAGE HOMES OF TEXAS, L.P.
CONTACT PERSON: TONDA ALEXANDER
2722 W. BITTERS RD, SUITE 200
SAN ANTONIO, TX 78231
TEL: (210) 402-6045
FAX: (210) 402-7397

CIVIL ENGINEER:
M.W. CUDE ENGINEERS, L.L.C.
CONTACT PERSON: DAVID CUPIT, P.E.
4122 POND HILL ROAD, SUITE 101
SAN ANTONIO, TX 78231
TEL: (210) 681-2951
FAX: (210) 523-7112





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

AGENDA TOPIC: Consideration and possible action approving a resolution appointing members to the ad hoc Bond Advisory Committee and directing the City Manager to develop financing options in support of the FY 2024-28 Capital Improvements Plan

DATE: October 5, 2023

DEPARTMENT: Administration

PRESENTED BY: Scott M. Huizenga, Interim City Manager

INTRODUCTION/BACKGROUND:

The City Council reviewed the FY 2024-28 Proposed Capital Improvements Plan (CIP) during a budget workshop on July 20, 2023. The City Council also reviewed financing scenarios and a draft timeline for approving the plan and issuing debt to finance the plan. The Capital Improvements Advisory Committee (“CIAC”) reviewed a similar plan at its semiannual meeting on September 7, 2023. CIAC expressed its desire at that meeting to serve as a bond advisory committee to include review of impact fee and non-impact fee eligible projects.

The CIP contains about \$34 million in planned projects, of which nearly \$14 million would be supported by the General Fund. General Fund-supported projects include roadways, drainage, and buildings. The CIP identifies about \$20 million for Water and Wastewater projects.

The proposed resolution designates members of CIAC to serve as the ad hoc Bond Advisory Committee to the Council. If the City Council adopts the resolution, members will meet multiple times over the next several months to review the proposed CIP projects for scope and need.

The resolution also directs the City Manager to develop financing options by February 2024. Staff and committee members will review potential options including General Obligation (GO) Bonds, Certificates of Obligation (CO’s), and Revenue Bonds. GO Bonds require voter approval prior to issuing debt. GO Bonds are **not** required. The City can issue CO’s at virtually identical terms to GO Bonds without an election (although CO’s are subject to petition of referendum). However, if the City Council chooses to use GO Bonds, the City must call an election by February 2024 to meet the May 2024 election date. This would allow the City to incorporate debt service into its FY 2024-25 Adopted Budget. If the City Council opts for CO’s or other forms of financing, the timeline is less stringent.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

A long-term CIP provides specific direction and financing to maintain the City’s *existing* infrastructure with stable financing. A Bond Advisory Committee, while optional, can provide neutral recommendations to the City Council on project needs, scope, timing, and financing. The resolution also furthers the following elements of the Strategic Action Plan.

- Project 1.2.3 of the Strategic Action Plan to Develop 5 Year CIP Projections
- Project 1.4.11 of the Strategic Action to Develop a long-term capital and debt financing plan
- Pillar 3 of the Strategic Action Plan for Reliable and Sustainable Infrastructure

LONG-TERM FINANCIAL & BUDGETARY IMPACT:

The proposed CIP includes 35 projects estimated at a total of \$34 million. Coupled with conservative cash funding, this would require estimated annual debt payments of \$1 million in the General Fund and \$1.5 million in the Utility Fund once the plan is fully implemented. The City would appropriate debt service annually in the adopted budget.

LEGAL ANALYSIS:

The City Attorney approved the resolution to form.

RECOMMENDATION/PROPOSED MOTION:

I move to approve a resolution appointing members to the ad hoc Bond Advisory Committee and directing the City Manager to develop financing options in support of the FY 2024-28 Capital Improvements Plan

A RESOLUTION

A RESOLUTION OF THE COUNCIL OF FAIR OAKS RANCH, TEXAS APPOINTING MEMBERS TO THE AD HOC BOND ADVISORY COMMITTEE AND DIRECTING THE CITY MANAGER TO DEVELOP FINANCING OPTIONS IN SUPPORT OF THE FY 2024-28 CAPITAL IMPROVEMENTS PLAN.

WHEREAS, the City Council in Ordinance 145.0 established the Impact Fee Advisory Committee on January 15, 2004, pursuant to Chapter 395 of the Texas Local Government Code governing impact fees in new developments; and

WHEREAS, Impact Fee Advisory Committee was changed to Capital Improvements Advisory Committee (“CIAC”) on February 16, 2006, by Resolution 82.5; and

WHEREAS, the City Council adopted the Water, Wastewater, and Reuse Capital Improvement Plan at the Council meeting of October 21, 2021, the Roadway Capital Improvement Plan at the Council meeting of November 4, 2021, and the Drainage Capital Improvement Plan at the meeting of January 20, 2022; and

WHEREAS, the adopted Capital Improvements Plan (CIP) include an estimated \$34 million in various projects over five years; and

WHEREAS, the City Council supports the development of financing alternatives to support the Capital Improvements (CIP) including a combination of operating and debt service expenses to support the plan; and

WHEREAS, CIAC expressed its intent to serve as a bond advisory committee at its meeting of September 7, 2023, to include review of impact fee eligible and non-impact fee eligible projects; and

WHEREAS, the City Council finds it appropriate to designate members of CIAC as the ad hoc Bond Advisory Committee; and

WHEREAS, the City Council expects to consider a CIP financing plan by February 2024.

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

Section 1. The City Council designates the following members to the Bond Advisory Committee for the Council.

- | | | |
|---------------|----------------|--------------------------------|
| Joe DeCola | Paul Mebane | Chris Weigand |
| John Guidry | Marcus Garcia | Emily Stroup – Council Liaison |
| Seth Mitchell | Ben Koerner | |
| Dana Green | Jamin Kazarian | |

Section 2. The City Council directs the City Manager to develop financing options in support of the FY 2024-28 Capital Improvements Plan by February 2024.

- Section 3.** 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 4.** 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 5.** This resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.
- Section 6.** 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 7.** 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 8.** 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 5th day of October 2023.

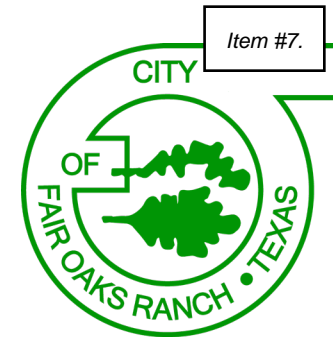
Gregory C. Maxton, Mayor

ATTEST:

APPROVED AS TO FORM:

Christina Picioccio, TRMC, City Secretary

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

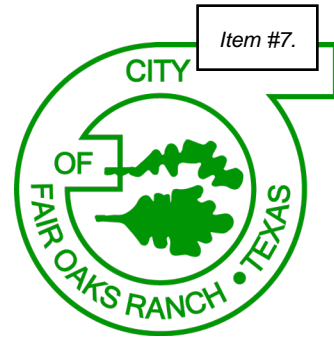


FY 2023-24

CIP Proposed Budget

Presented by Scott Huizenga, Interim City Manager

September 7, 2023

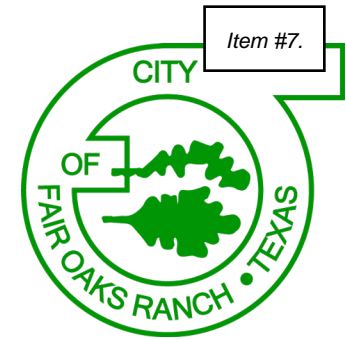


CIP Assumptions and Methodology

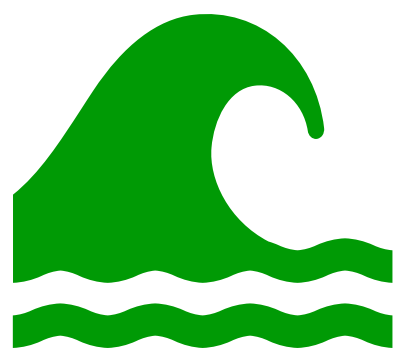
- Uses Council-adopted CIP priorities
- Combination of cash and debt financing
- 20-year debt financing
- Phase-in of projects over five-year period

Available Funding Sources

- Unallocated General Fund Surplus
- Utility Capital Reserve Fee
- Utility Impact Fees
- Debt Issuance
 - General Obligation (GO) Bond — Election required; not typically used to fund utility improvements)
 - Certificate of Obligation (CO) — No election required, but voters retain the right of referendum
 - Revenue Bond — No election required; supported by utility revenue
 - Tax Notes — No election required, not subject to referendum by the citizens, maximum maturity of 7 years

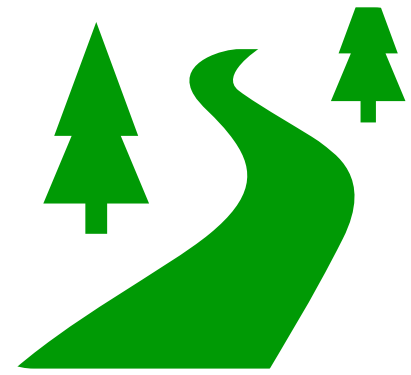


Approved Five-Year CIP Projects



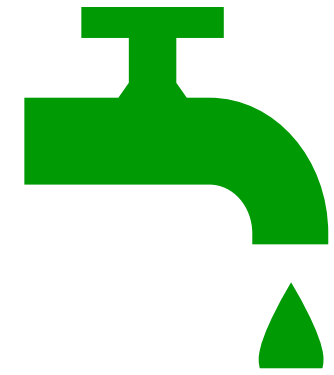
Drainage

- 10 Projects
- \$2.4 million



Roadways

- 3 projects
- \$10.5 million



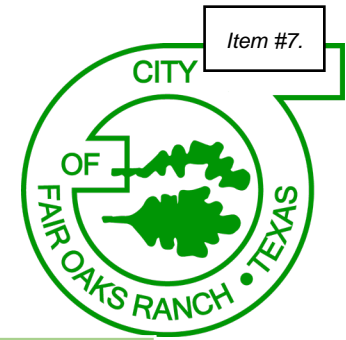
Water/Wastewater

- 20 Projects
- \$20.1 million



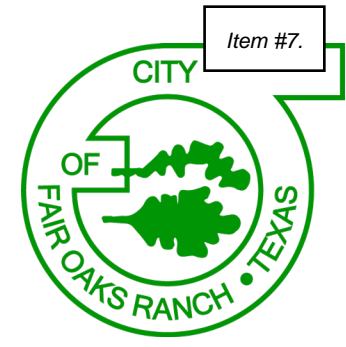
Buildings

- 1 project
- \$800,000



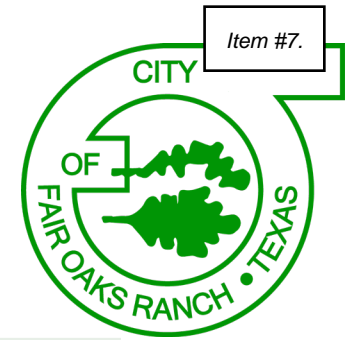
Drainage

	2023	2024	2025	2026	2027	2028
Drainage 7840 Silver Spur Trail (Drainage CIP # 17)	28,796	-	-	-	-	-
Drainage 29010 Tivoli Way (Drainage CIP #34)	1,200,000	-	-	-	-	-
Drainage 7967 Turf Paradise Lane (Drainage CIP #37)	94,000	-	-	-	-	-
Drainage 7820 Rolling Acres Trail (Drainage CIP #5)	250,000	-	-	-	-	-
Drainage Rockinghorse Lane (Drainage CIP #61)	29,609	-	-	-	-	-
Drainage 28907 Chartwell Lane (CIP #35)	-	64,829	260,000	-	-	-
Drainage 8622 Delta Dawn (CIP# 15)	-	245,000	-	-	-	-
Drainage 8472 Rolling Acres Trail (CIP# 2)	-	-	65,000	150,000	-	-
Drainage 8040 Rolling Acres Trail (CIP# 4)	-	-	65,000	150,000	-	-
Drainage 7740 Pimlico Lane (CIP# 42)	-	-	109,465	-	-	-
Drainage 7420 Rolling Acres Trail (CIP#6)	-	-	-	108,867	108,867	510,000
Drainage 8426 Triple Crown (CIP# 41)	-	-	-	-	225,000	-
Drainage 8312 Triple Crown (CIP #43)	-	-	-	-	240,000	-
Drainage 29314 Sumpter Drive (CIP# 32)	-	-	-	-	-	61,829
Drainage 32030 Scarteen (CIP# 53)	-	-	-	-	-	61,829
Total Drainage	1,602,405	309,829	499,465	408,867	573,867	633,658



Roadways and Buildings

	2023	2024	2025	2026	2027	2028
Modify Chartwell and Dietz Intersection	98,126	-	-	-	-	-
Dietz Elkhorn Roadway reconstruction	300,915	309,235	253,128	1,843,760	1,843,760	-
Post Oak Tr Roadway reconstruction, TX Dot Grant	875,000	-	-	-	-	-
Connect sidewalk between Elkhorn Ridge subdivision	15,000	300,000	-	-	-	-
Battle Intense Reconstructing sidewalk curb.	54,500	-	-	-	-	-
Reconstruct Battle Intense Trailside	-	-	300,000	-	-	-
Rolling Acres Roadway reconstruction	-	-	-	373,901	373,901	2,492,673
Total Roadway	1,343,541	609,235	553,128	2,217,661	2,217,661	2,492,673
Plan and construct a civic/community center	412,815	800,000	-	-	-	-
Fire Station #3 Upgrades	-	150,000	-	-	-	-
Total Buildings	412,815	950,000	-	-	-	-

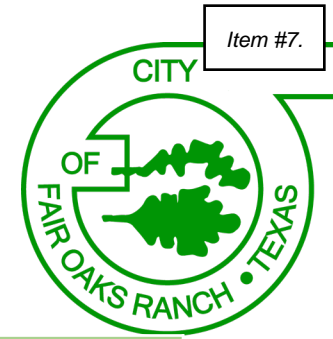


General Fund –Tax Rates and Impacts

Funding Required						
	2023	2024	2025	2026	2027	2028
Total Needed — All Projects	\$3,358,761	\$1,659,829	\$1,052,593	\$2,626,528	\$2,791,528	\$3,126,331
Potential Cash Funding		\$859,829	\$239,465	\$300,000	\$333,867	\$123,658
Debt Funding Needed		\$800,000	\$813,128	\$2,326,528	\$2,457,661	\$3,002,673

I&S Levy						
	2023	2024	2025	2026	2027	2028
I&S Tax rate/\$100 Valuation	0.0268	0.0238	0.0242	0.0255	0.0313	0.0367
Total I&S Levy	\$565,959	\$553,163	\$616,669	\$683,350	\$881,582	\$1,084,501
% Increase in I&S Levy		-2.26%	11.48%	10.81%	29.01%	23.02%

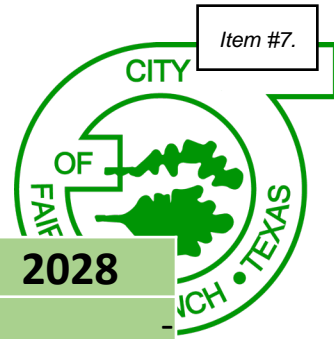
Average Homestead I&S Portion						
	2023	2024	2025	2026	2027	2028
I&S Portion	\$152	\$149	\$166	\$184	\$237	\$291



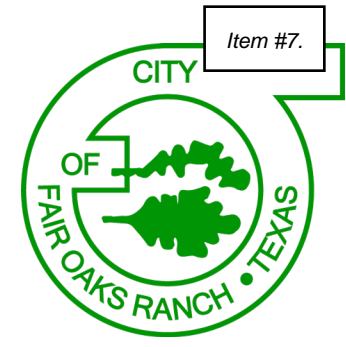
Unfunded Projects

	2023	2024	2025	2026	2027	2028
Drainage Ammann Road Low Water Cross (CIP# 1)	-	55,275	55,275	506,892	506,892	-
Ammann Road Reconstruction	-	373,901	373,901	2,492,673	2,492,673	-
Fire Station #3 Phase 2 Upgrades	-	326,400	-	-	-	-
Design and Construct a City Gateway Feature	-	500,000	-	-	-	-

Water

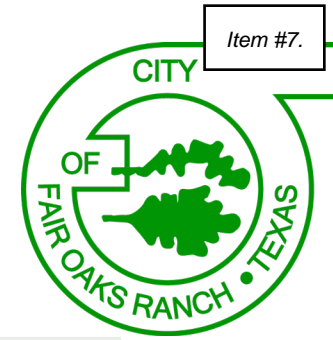


	2023	2024	2025	2026	2027	2028
Plant 2 Tank and Variable Frequency Drives (1W)	7,065	-	-	-	-	-
Replace Creek Crossings West (not Impact Fee)(6R)	144,196	-	-	-	-	-
Willow Wind Drive/Red Bud Hill Water Line (29R)	70,705	845,968	-	-	-	-
Build Elevated Storage Tank (2W)	50,000	736,313	3,480,000	3,480,000	-	-
Rolling Acres Trail Water Line Rehabilitation (28R)	66,794	587,443	-	-	-	-
Expand Plant No. 5 (impact fee) (5W)	15,000	1,270,000	-	-	-	-
Old Fredericksburg Waterline (21W)	291,920	260,000	-	-	-	-
Upgrade Elmo Davis Pump Station (1R, 2R)		385,000	-	-	-	-
Well 27 Electrical (15R) Add Variable Frequency		60,000	-	-	-	-
Well 31 Electrical (19R) Add Variable Frequency		60,000	-	-	-	-
Well 25 Electrical (New) Add Variable Frequency		60,000	-	-	-	-
Well 28 Electrical (New) Add Variable Frequency		60,000	-	-	-	-
Upgrade Electrical at Plant No. 3 Pump Station (5R)		-	71,557	294,489	-	-
Upgrade Electrical at Elmo Davis Pump Station (3R)		-	67,642	296,348	81,559	-
Well K6 Electrical (11R)		-	60,000	-	-	-
Well CR1 Electrical (16R)		-	60,000	-	-	-
Expand Elmo Davis Water Plant Zone C (Impact Fee) (6W)		-	-	178,661	973,198	256,790
Total Water	645,680	4,324,724	3,739,199	4,249,498	1,054,757	256,790



Wastewater

	2023	2024	2025	2026	2027	2028
Solids Handling Improvements (4R)	1,095,497	-	-	-	-	-
Wastewater Treatment Plant Phase 1 Expansion (2S)	100,000	2,531,000	2,531,000	-	-	-
Install Sewer Line and Decommission Falls Lift Station	-	-	-	104,957	721,654	-
Improvements at School Lift Station (8R)	-	-	-	280,575	-	-
Improvements at Deer Meadows Lift Stations No 1	-	-	-	-	159,563	-
Improvements at Deer Meadows Lift Stations No 2	-	-	-	-	159,563	-
Total Drainage	1,195,497	2,531,000	2,531,000	385,532	1,040,780	-



Utilities Fund – Service Fees

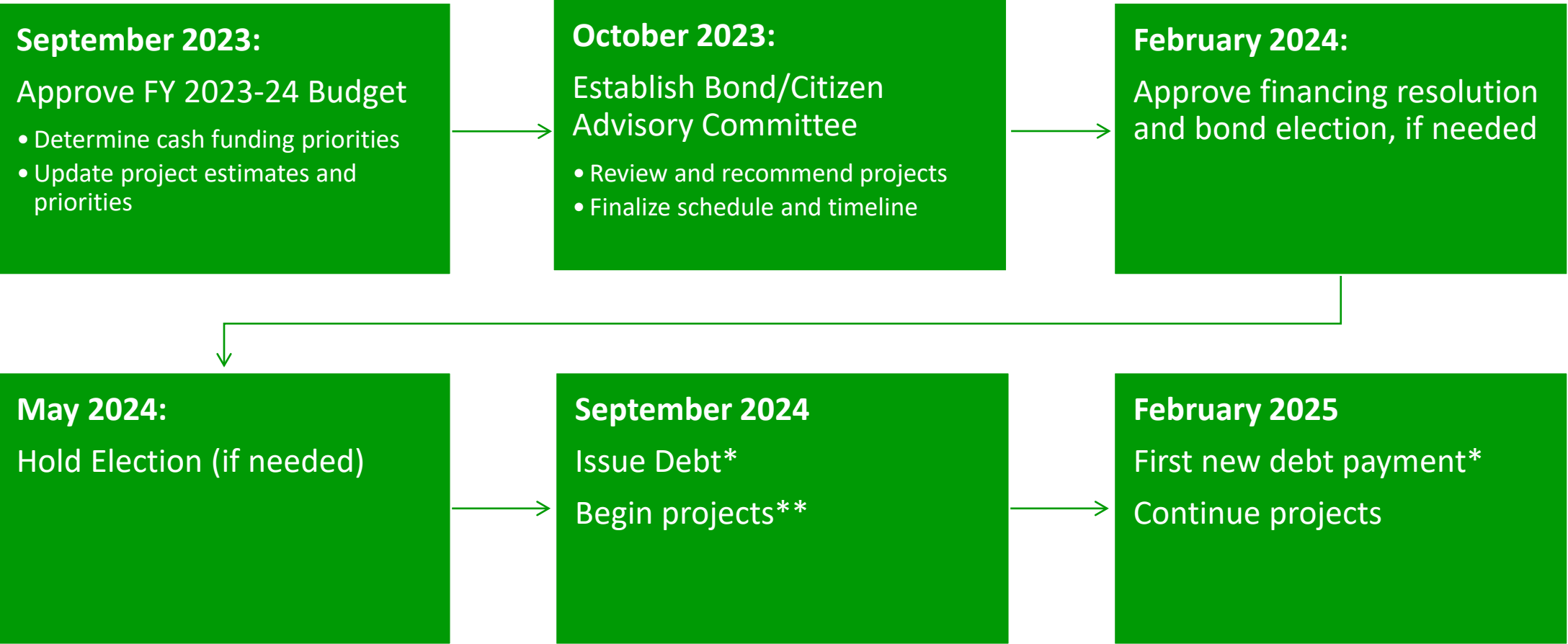
Funding Required						
	2023	2024	2025	2026	2027	2028
Total Needed — All Projects	\$1,841,177	\$6,855,724	\$6,270,199	\$4,635,030	\$2,095,537	\$256,790
Potential Cash Funding		\$240,000	\$259,199	\$283,618	\$400,685	\$256,790
Debt Funding Needed		\$6,615,724	\$6,011,000	\$4,351,412	\$1,694,852	-

Debt Service Fees						
	2023	2024	2025	2026	2027	2028
Water Debt Service Fee	\$7.43	\$7.32	\$15.77	\$24.03	\$29.52	\$31.49
Wastewater Debt Service Fee	\$2.29	\$2.26	\$8.68	\$15.00	\$19.18	\$20.68

Capital Reserve Fees						
	2023	2024	2025	2026	2027	2028
Water Capital Reserve Fee	\$7.36	\$7.36	\$7.36	\$7.36	\$7.36	\$7.36
Wastewater Cap Reserve Fee	\$4.51	\$4.51	\$4.51	\$4.51	\$4.51	\$4.51

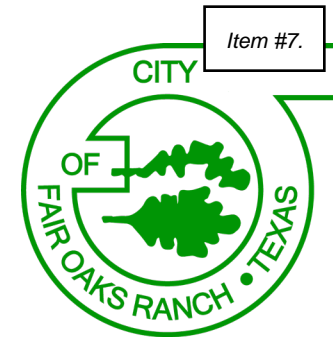


Draft Timeline

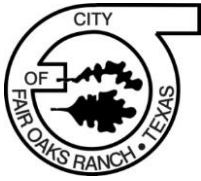


*if bond election is successful

**City can authorize reimbursement of expenditures prior to bond issuance



Questions?



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

AGENDA TOPIC: Consideration and possible action approving a resolution ordering a Special Election for the unexpired term of Council Place 3
DATE: October 5, 2023
DEPARTMENT: City Secretary
PRESENTED BY: Consent Agenda – Christina Picioccio, TRMC, City Secretary

INTRODUCTION/BACKGROUND:

Council Member Bliss submitted a letter of resignation of her Place 3 seat on City Council. Her resignation was accepted by the Mayor on September 22, 2023.

As per Article X1, Section 11 of the Texas Constitution

- b. A municipality so providing a term exceeding two (2) years but not exceeding four (4) for any of its non-civil service officers must elect all the members of its governing body by the majority vote of the qualified voters in such municipality.
- c. Any vacancy or vacancies occurring on such governing body shall not be filled by appointment but must be filled by majority vote of the qualified voters at a special election called for such purpose within one hundred and twenty (120) days after such vacancy or vacancies occur except that the municipality may provide by charter or charter amendment the procedure for filling a vacancy occurring on its governing body for an unexpired term of 12 months or less.

Section 3.09 D of the City Charter Filling Vacancies states: “In the event of a vacancy in the City Council, if there are 365 days or more remaining on the term of the vacated City Council office, the City Council shall call a special election to fill such vacancy.

This agenda item is to review the statutory requirements and deadlines of holding a special election and to consider approving a resolution to select a date and county to run said election.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

Affords the citizens the opportunity to elect their local government officials and complies with State Election Code and City Charter.

LONGTERM FINANCIAL & BUDGETARY IMPACT:

This special election has not been budgeted. At this time, estimated costs are unknown. Staff is currently working with county officials and intends to provide more details at the City Council meeting.

LEGAL ANALYSIS:

Resolution to be provided at the City Council meeting.

RECOMMENDATION/PROPOSED MOTION:

I move to approve a resolution ordering a Special Election to be held _____ for the election of Council Member Place 3.



MULTIMODAL TRANSPORTATION AND DIETZ ELKHORN SURVEY RESULTS

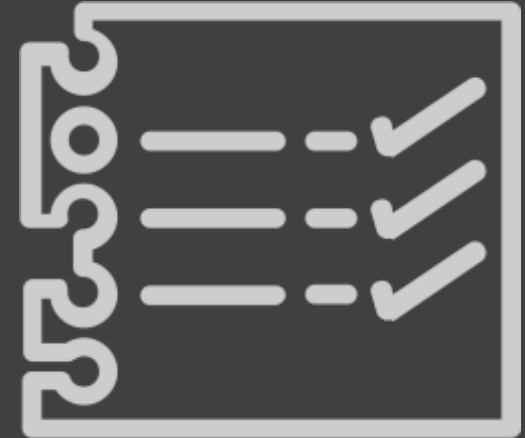
GRANT WATANABE, PE, DIRECTOR OF PUBLIC WORKS & ENGR SERVICES
OSCAR MICHAEL GARZA, PE, PTOE, RSP₁ - LEGACY ENGINEERING GROUP
JEANNE TARRANTS, RSP₁ - LEGACY ENGINEERING GROUP
OCTOBER 5, 2023





AGENDA

- Review Survey Results
- Summary of Comments
- Takeaways
- Next Steps





PRESENTATION OUTLINE

Item #9.

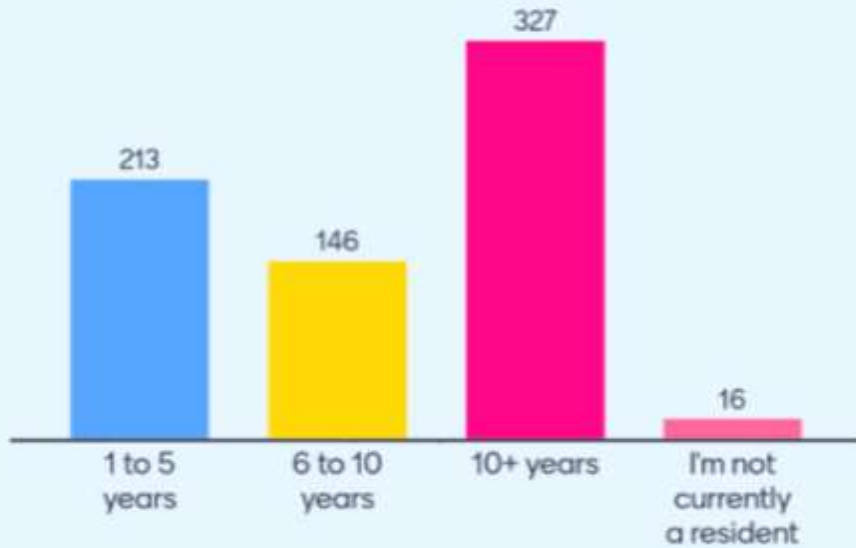
Thank you ♥

A total of 1,251 surveys were completed. More than 700 people took the time to complete at least one of the surveys.

Thank you for sharing your opinions.

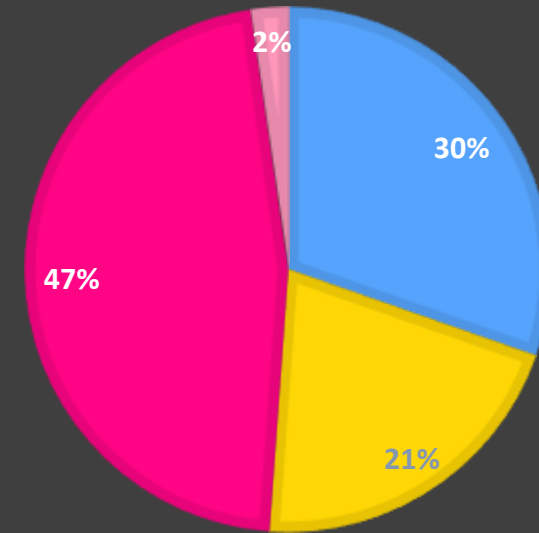


How long have you been a resident of Fair Oaks Ranch?



YEARS OF RESIDENCY IN FAIR OAKS RANCH

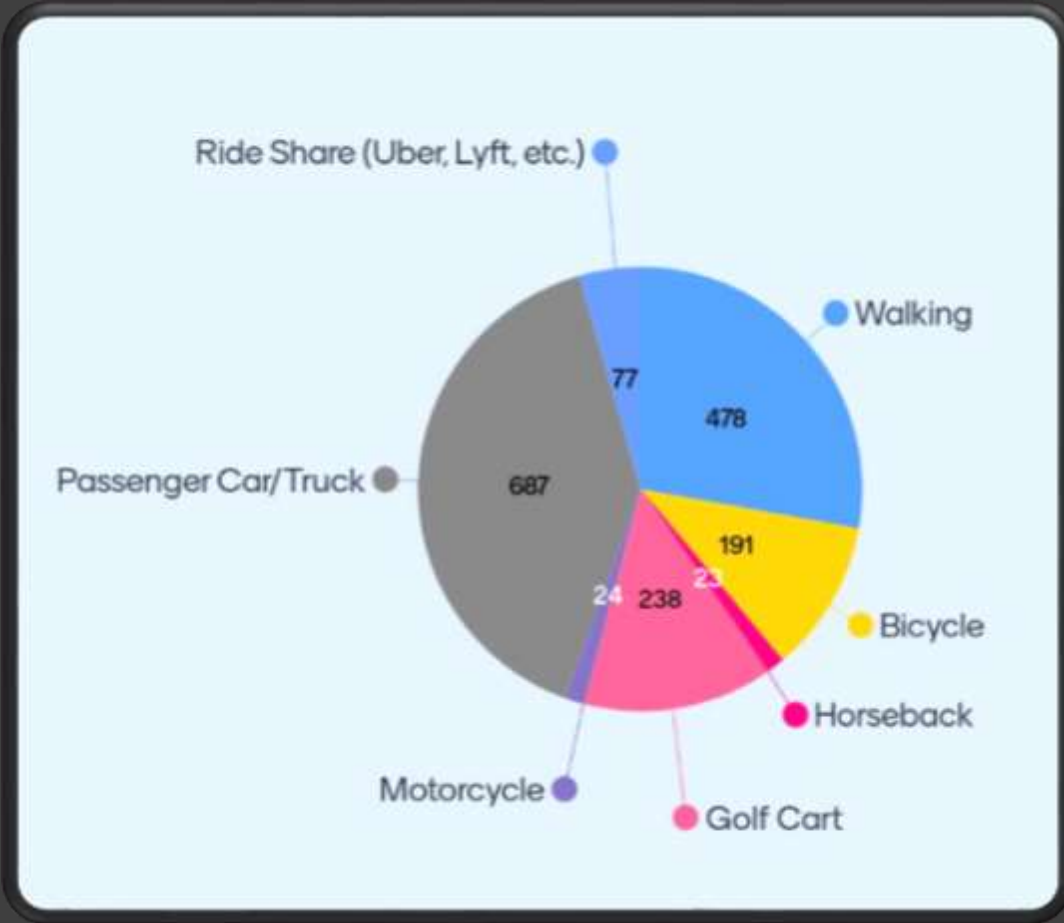
■ 1-5 Years ■ 6-10 Years ■ 10+ Years ■ Non Resident



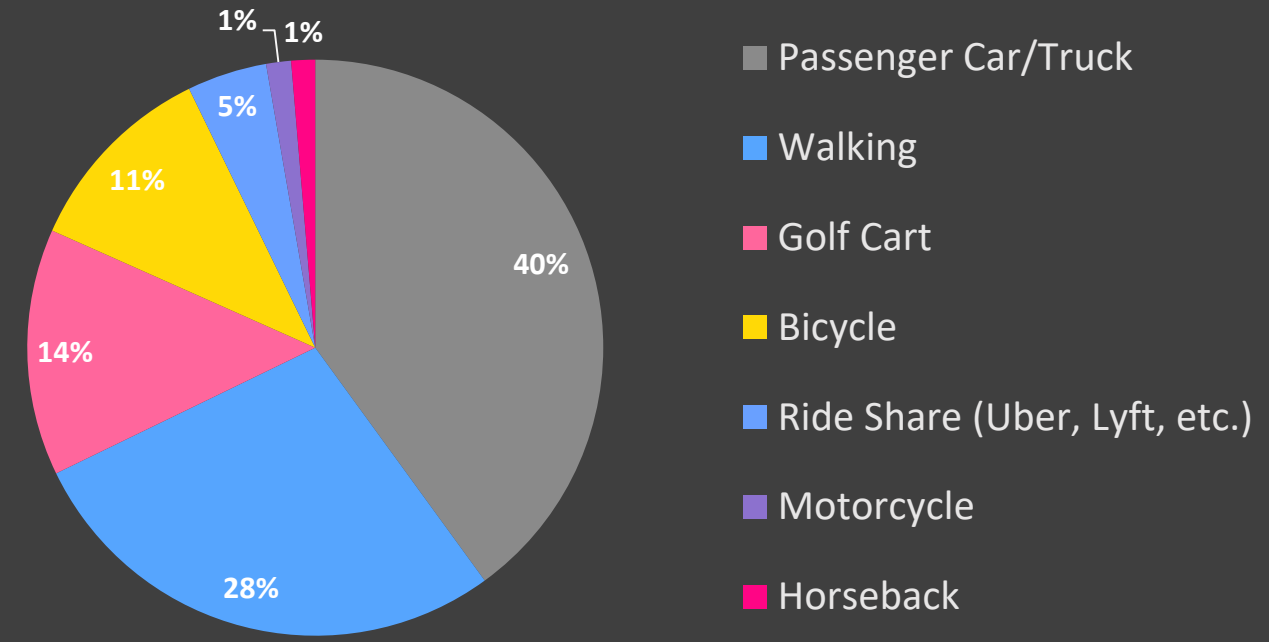
Most respondents stated 10+ years



What modes of transportation do you use?



Modes of Transportation Used

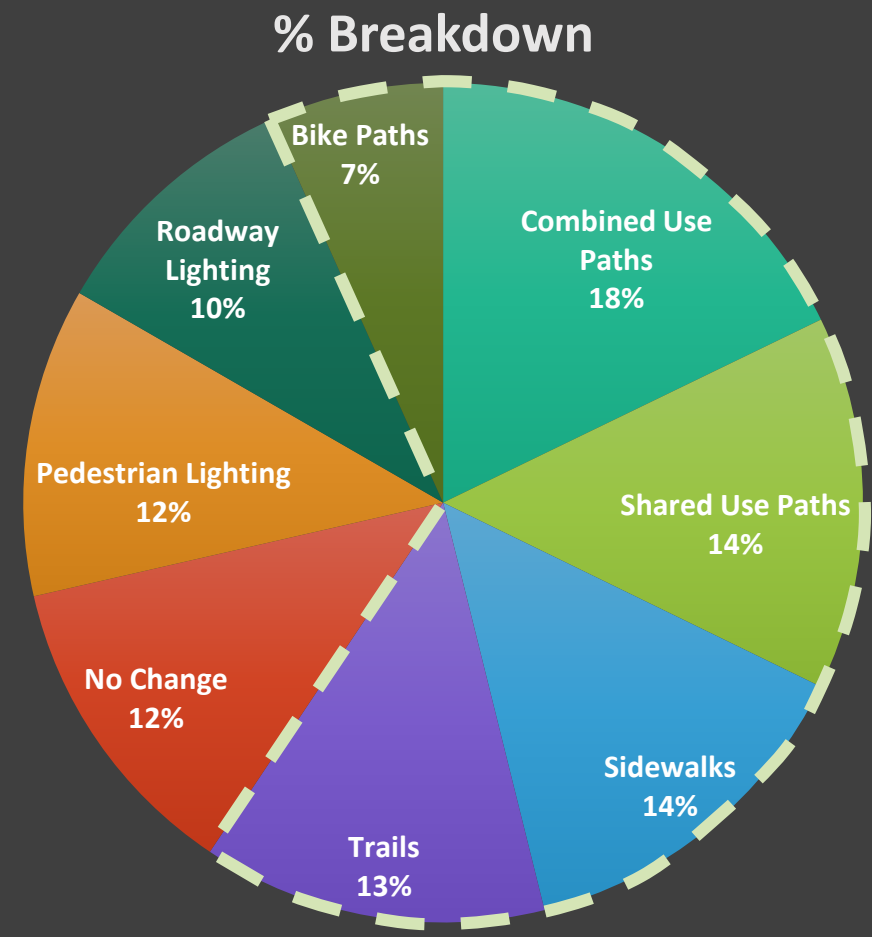
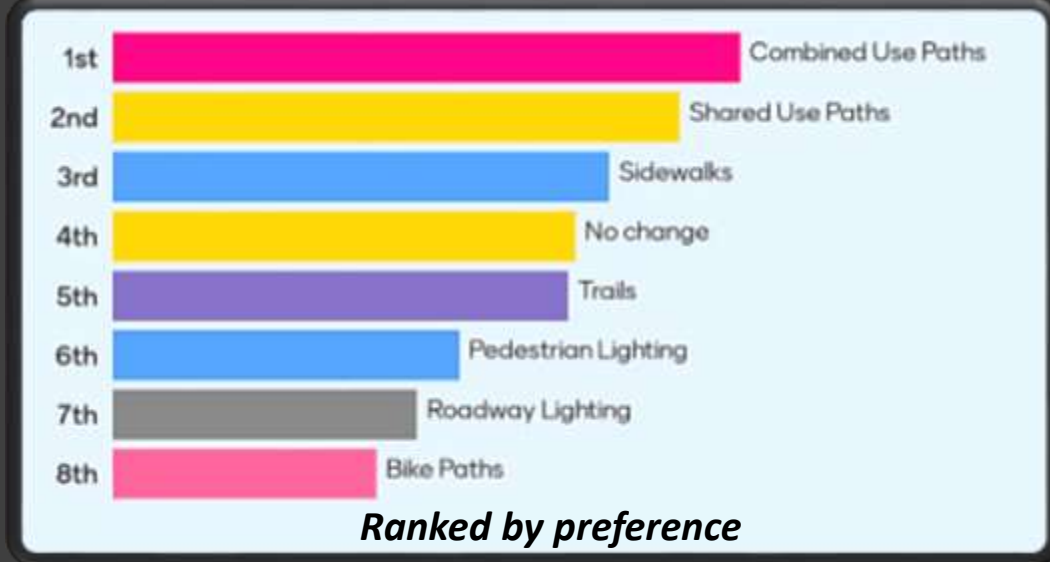
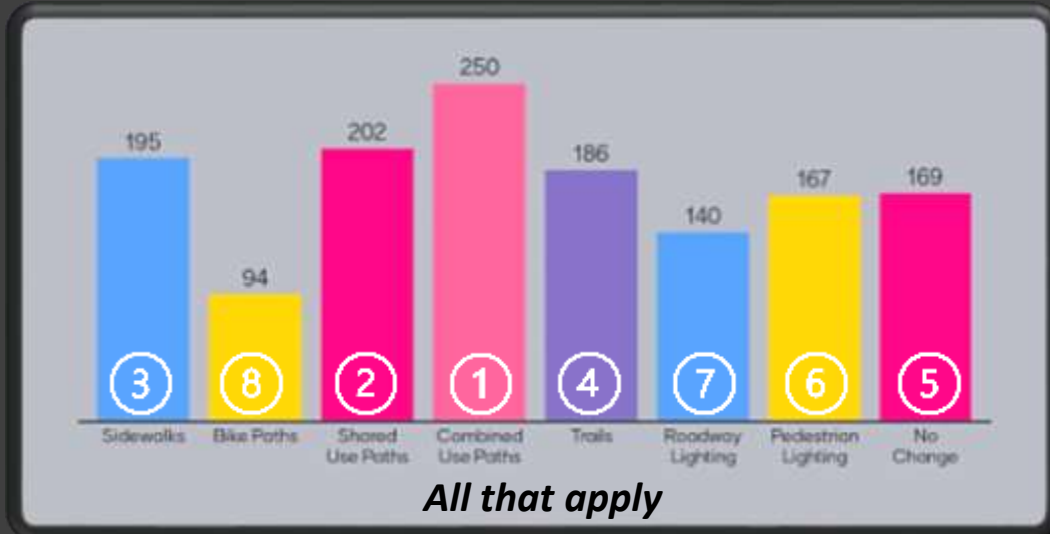




TOWN HALL UPDATE MULTIMODAL SURVEY

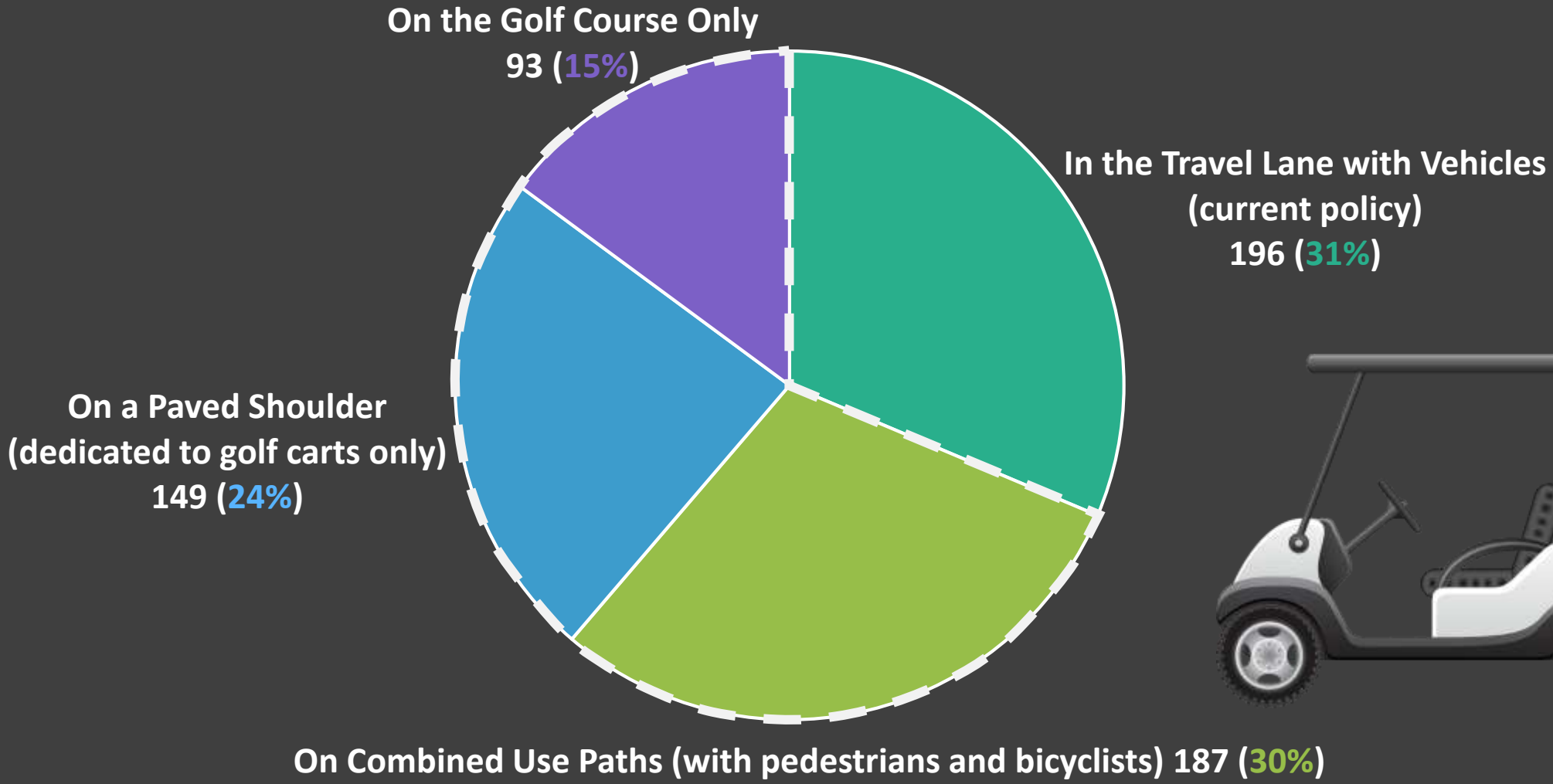


I would like to see more _____ within the City of Fair Oaks Ranch.



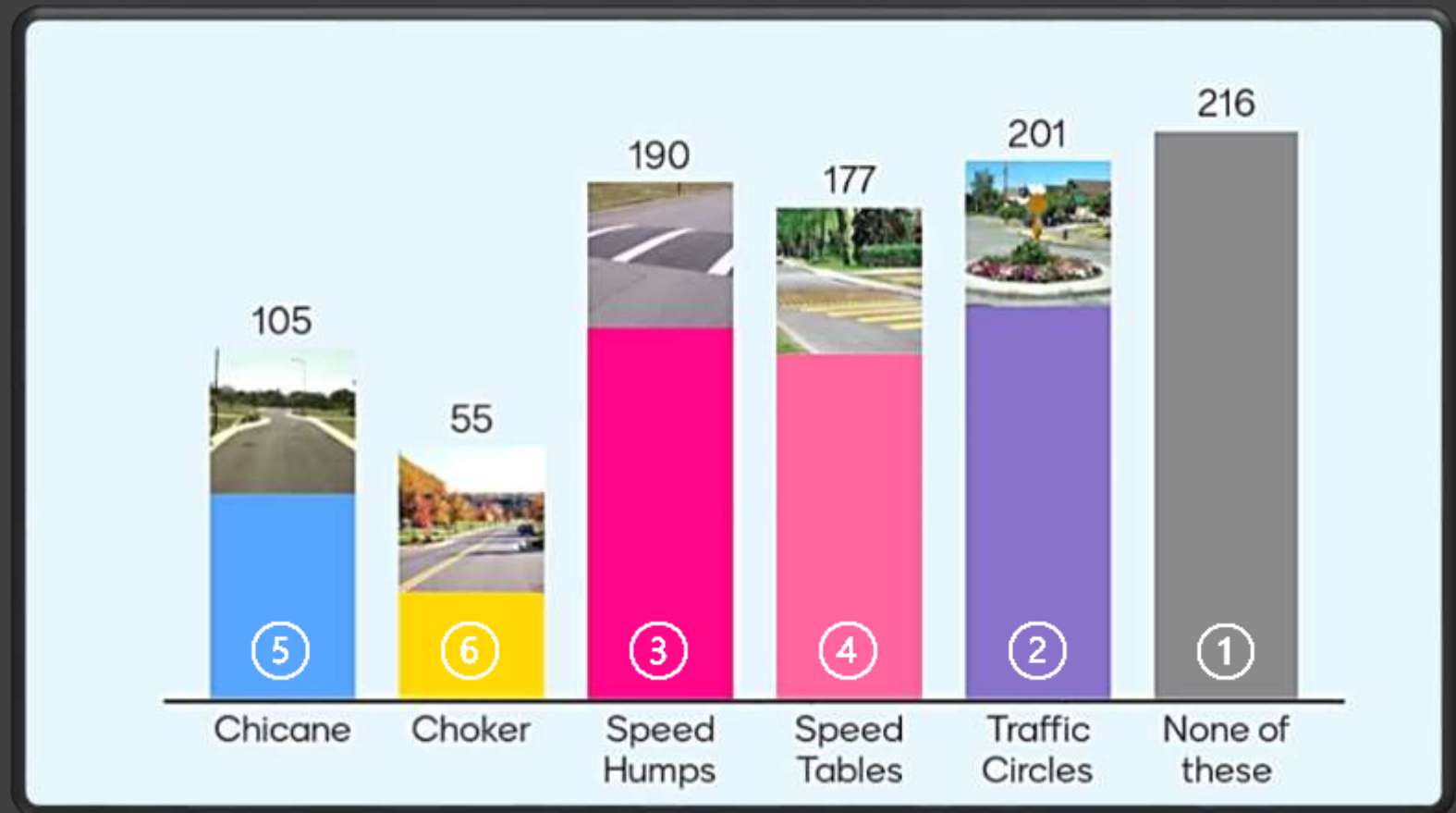


In my opinion, golf carts should travel...



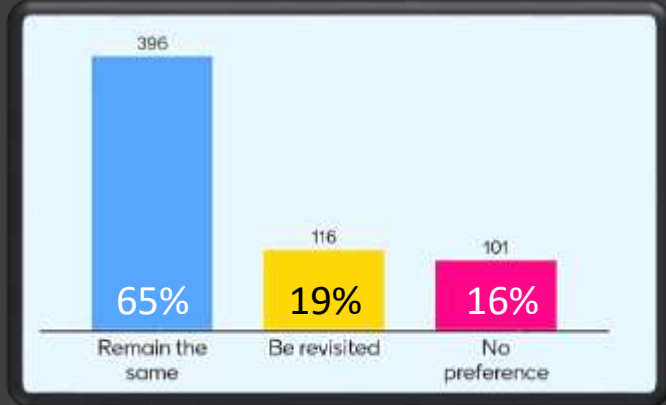


Should the City consider the use of Traffic Calming Devices on public roadways? (choose all devices to consider)

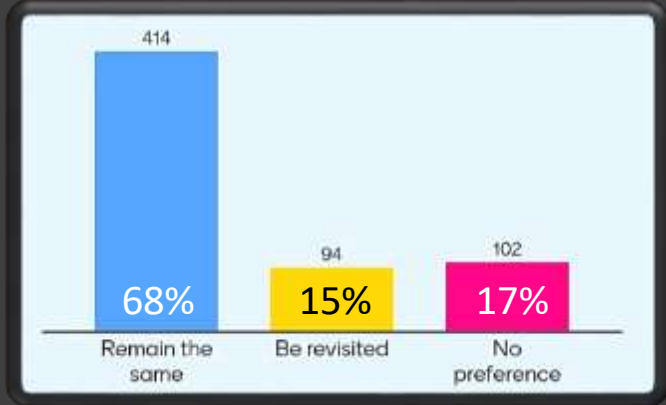




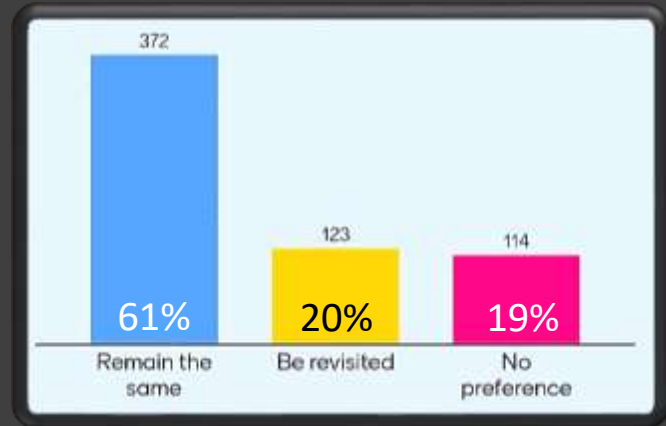
Should the City's Current Roadway Classifications be Revisited?



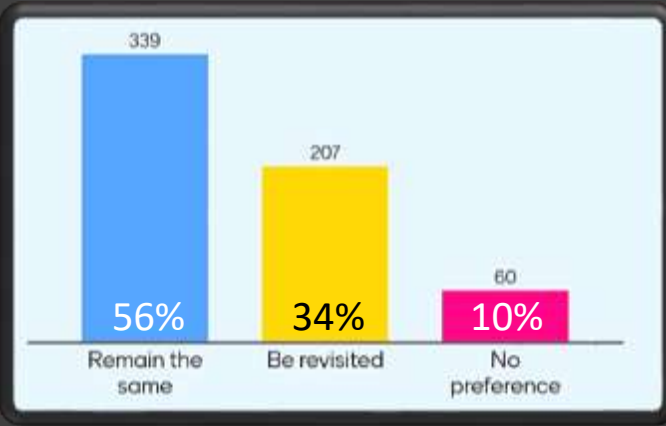
Local Rural Residential



Neighborhood Residential



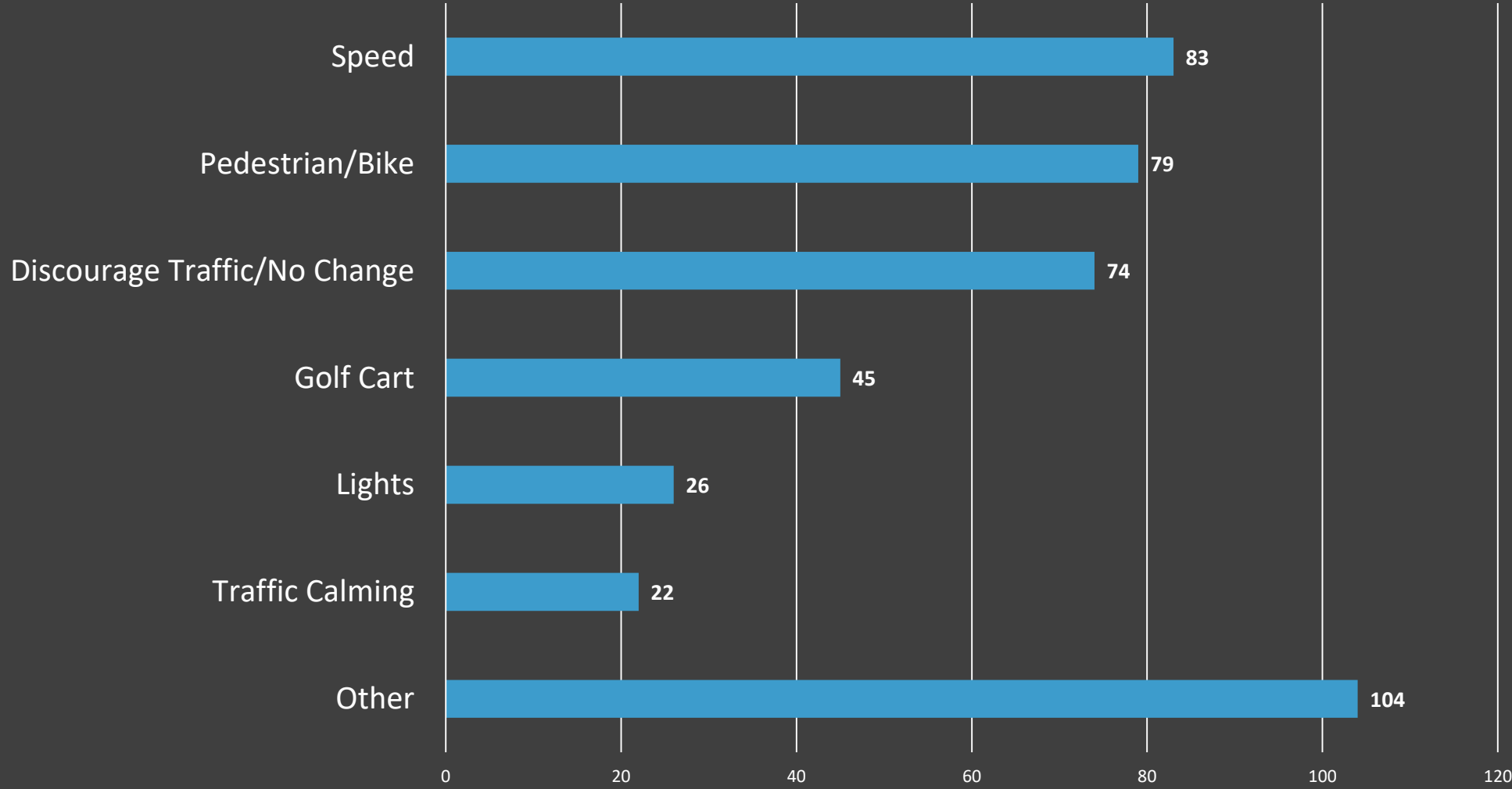
Local Connector



Collector



Multimodal Survey Comment Summary





TOWN HALL UPDATE MULTIMODAL TAKEAWAYS



Majority of the survey respondents were residents of 10+ years.



After passenger vehicles, walking and golf carts were the two most used modes of transportation.



The results suggest that the community would like to separate cars from other modes of transportation.



The results suggest that the community would like the City to reconsider the best travel path for Golf Carts.



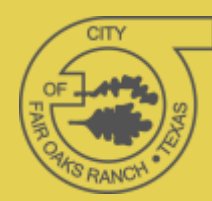
Most respondents selected no traffic calming devices; the second most selected was the Traffic Circle (or Roundabout).



Most respondents agree with the City's roadway classification system (reflective of current policy).



**Thank you to the
Residents who Showed
Interest in Participating
in Multimodal Planning**



- **Council feedback on Multimodal Town Hall and survey**
- **Review results and comments for further discussion on this topic**
- **Take results into consideration during transportation decision-making**
- **Consider future role for potential Multimodal Transportation Committee**

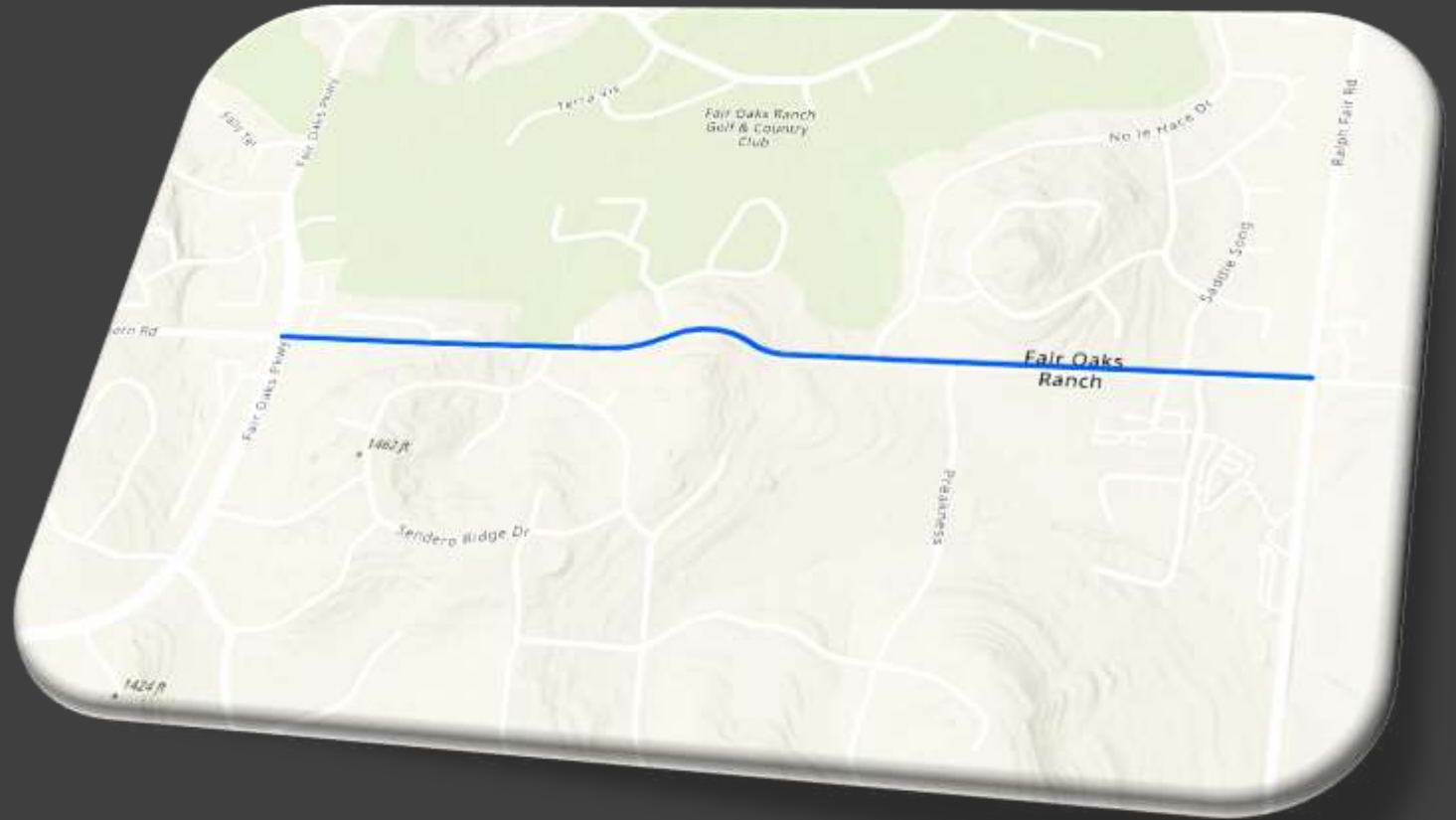




TOWN HALL UPDATE DIETZ ELKHORN SURVEY



Respondents were asked what elements they would like to consider for the Dietz Elkhorn Reconstruction Project from Fair Oaks Parkway to Ralph Fair Road.

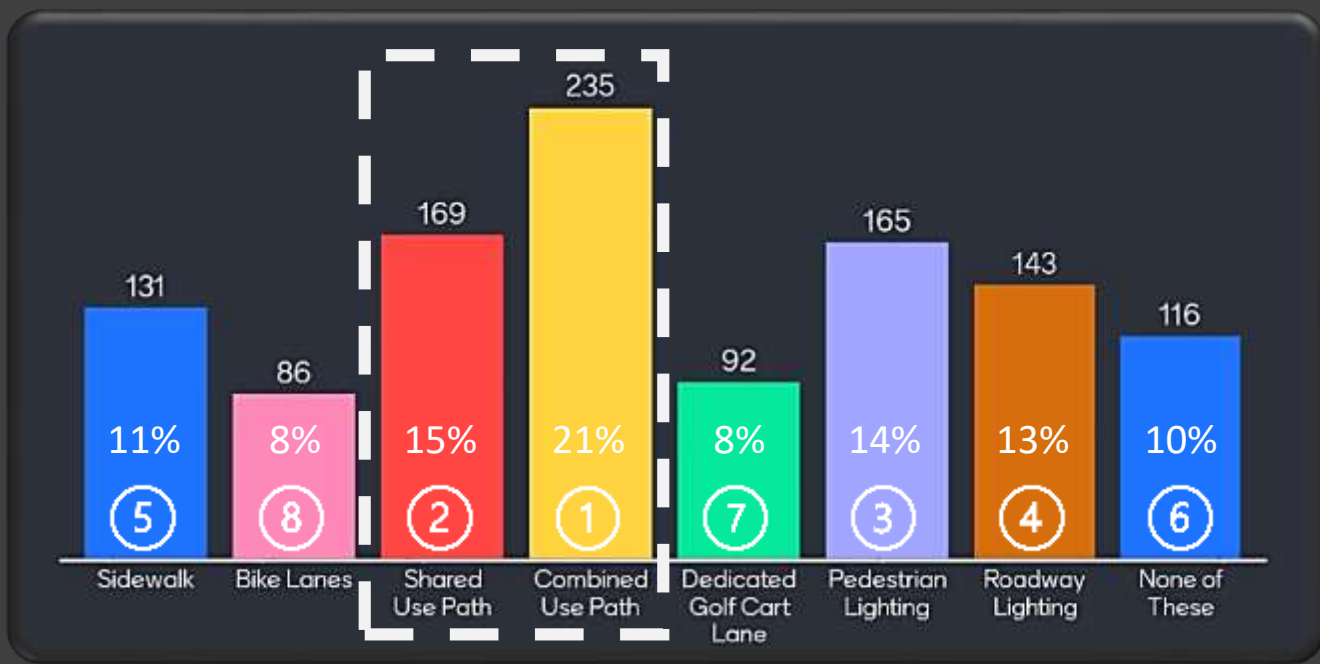




**TOWN HALL UPDATE
DIETZ ELKHORN SURVEY**



I would like the Dietz Elkhorn Roadway Reconstruction Project to incorporate ____.



All that apply

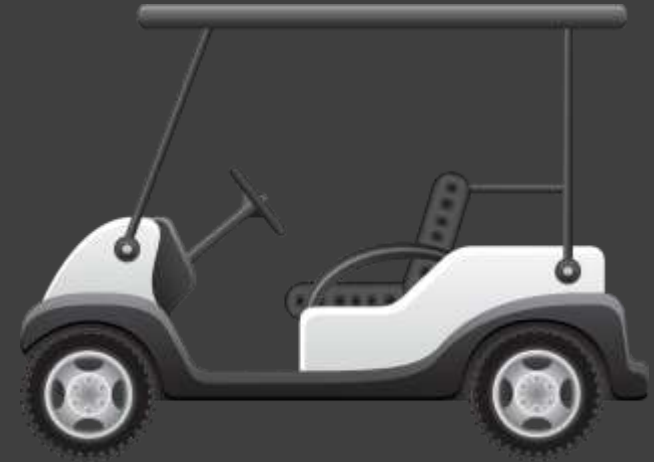
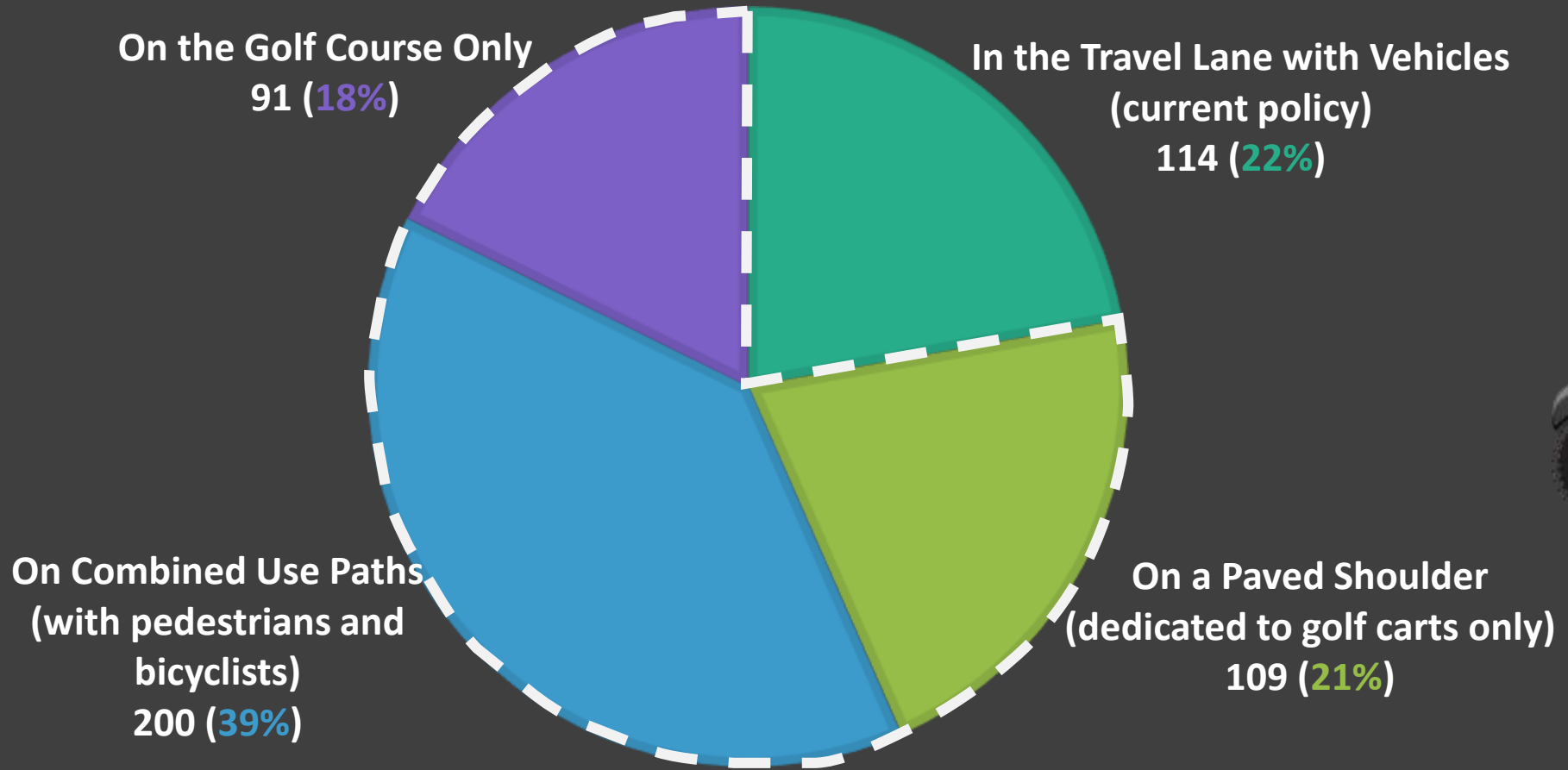


Ranked by preference



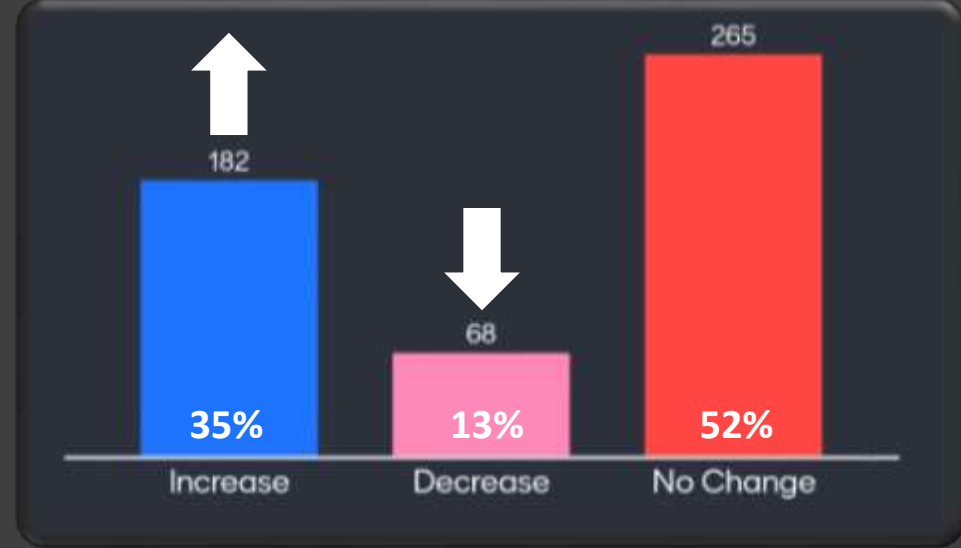
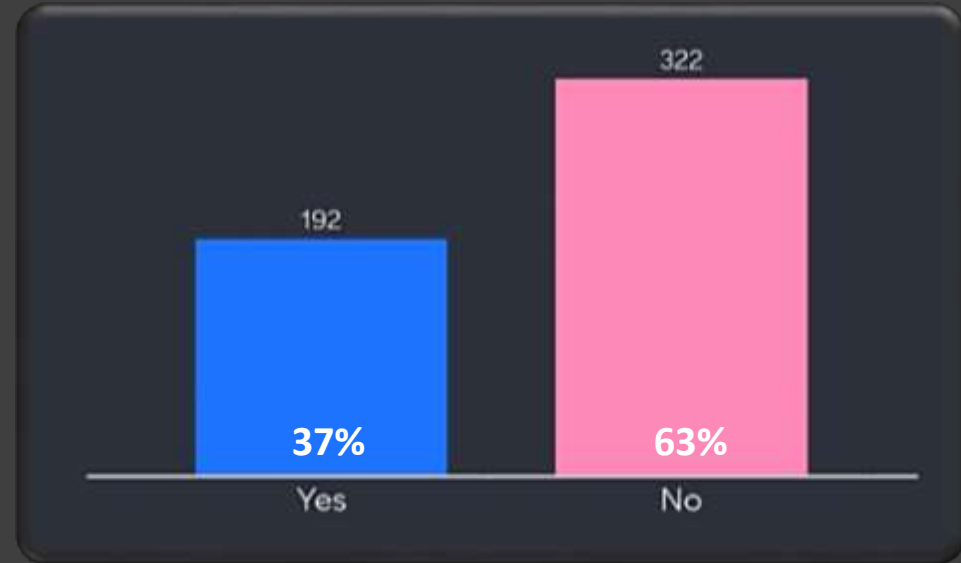
Item #9.

On Dietz Elkhorn Road, where do you think golf carts should travel?



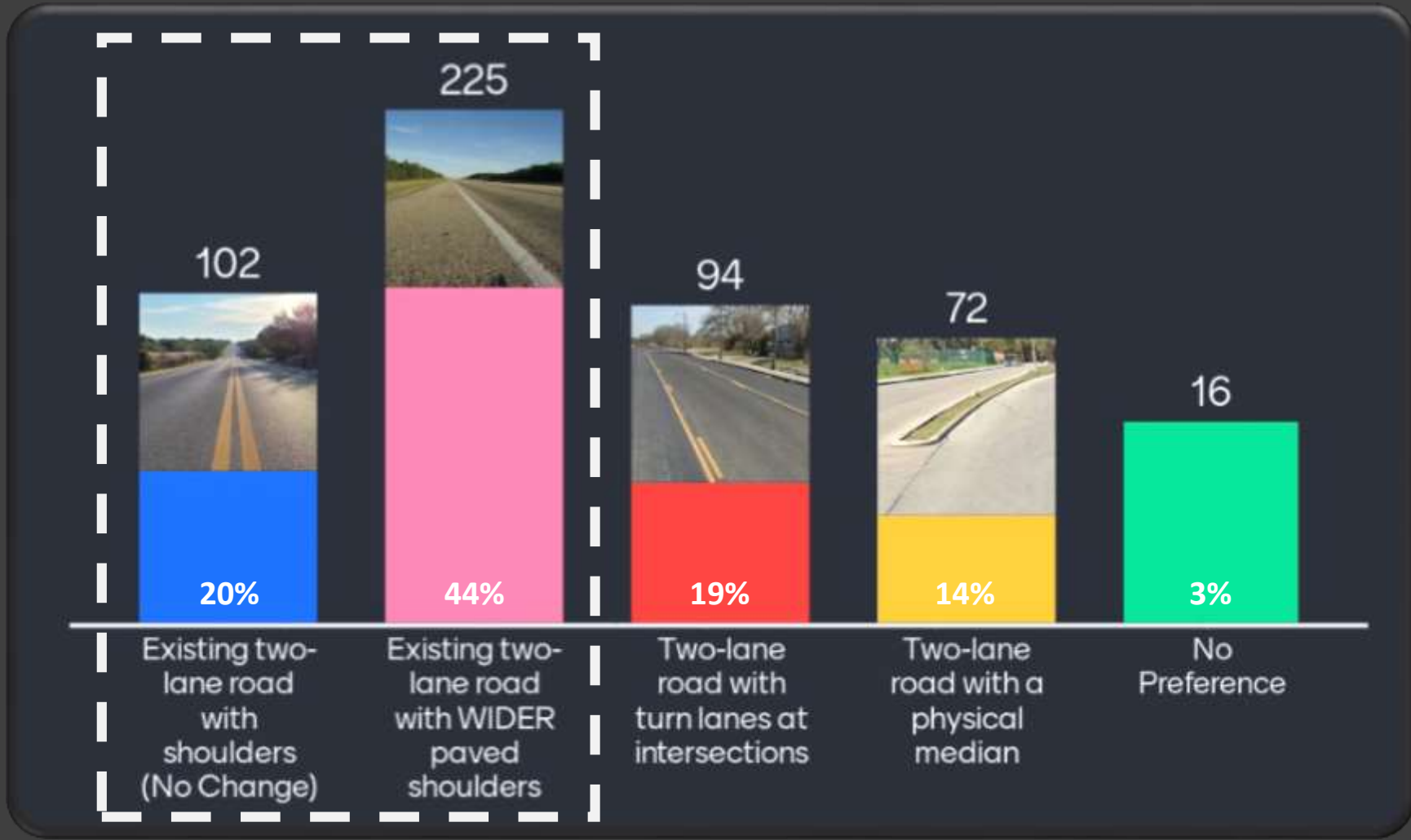


Should the 30 mph Dietz Elkhorn Road Speed Limit Change?



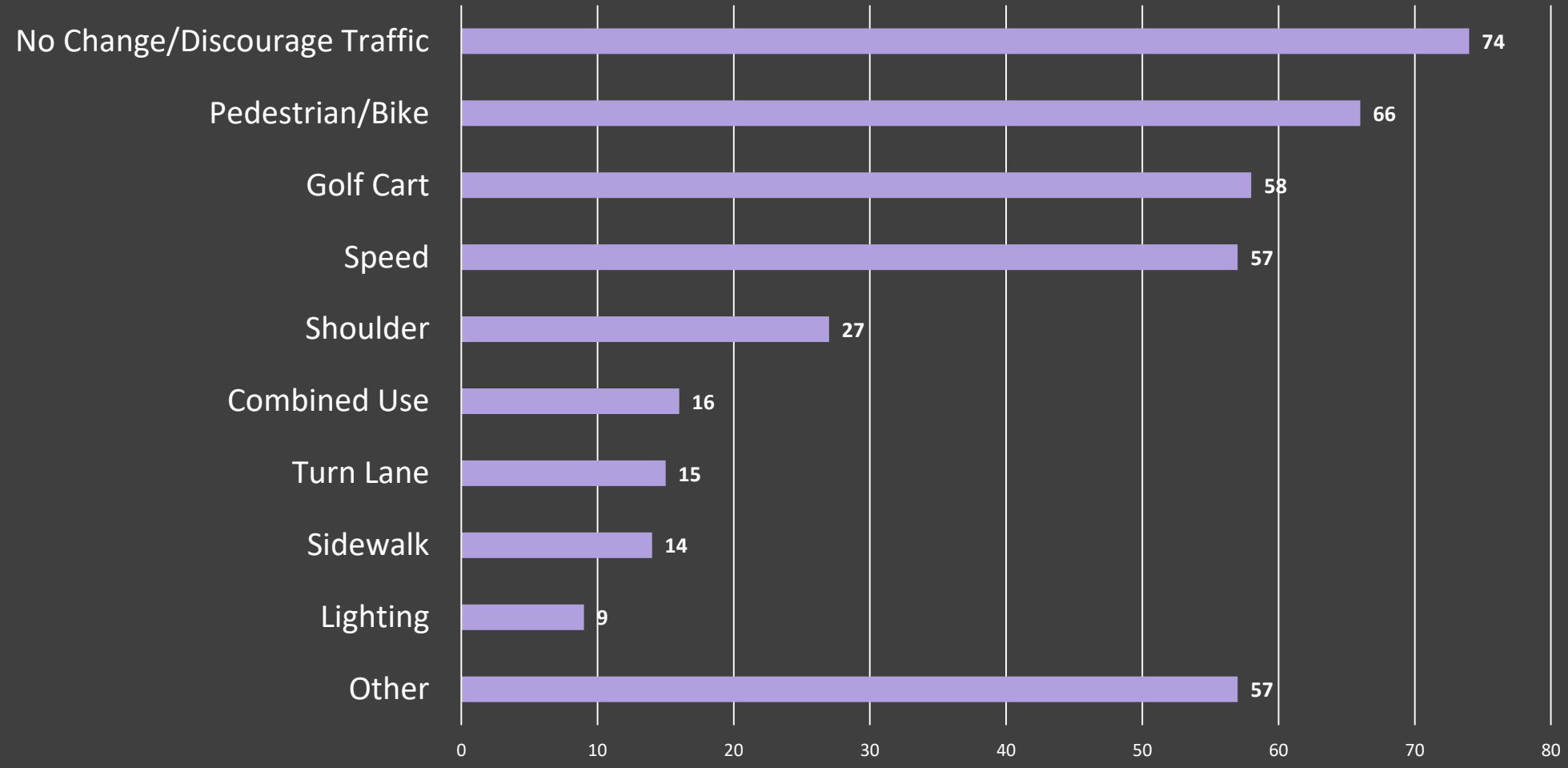


What configuration would you prefer for Dietz Elkhorn Road?





Dietz Elkhorn Road Survey Comment Summary





TOWN HALL UPDATE DIETZ ELKHORN TAKEAWAYS



**“Combined Use Path”
and “Shared Use Path”
ranked as the two
highest selected
features for
consideration within
the Dietz Elkhorn
Road Project.**



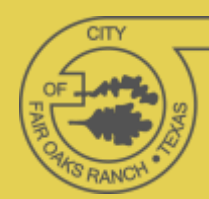
**The results suggest that
the community would
like the City to
reconsider the best
travel path for Golf
Carts; only 22% suggest
to remain in travel lane
(current policy).**



**Most respondents feel
that the current 30
MPH speed limit
should remain the
same – if changed, the
City should consider
the possibility of
increasing it.**



**Most respondents
(64%) prefer that the
Dietz Elkhorn Road
Project maintain one
travel lane in each
direction with the
addition of wider
shoulders.**

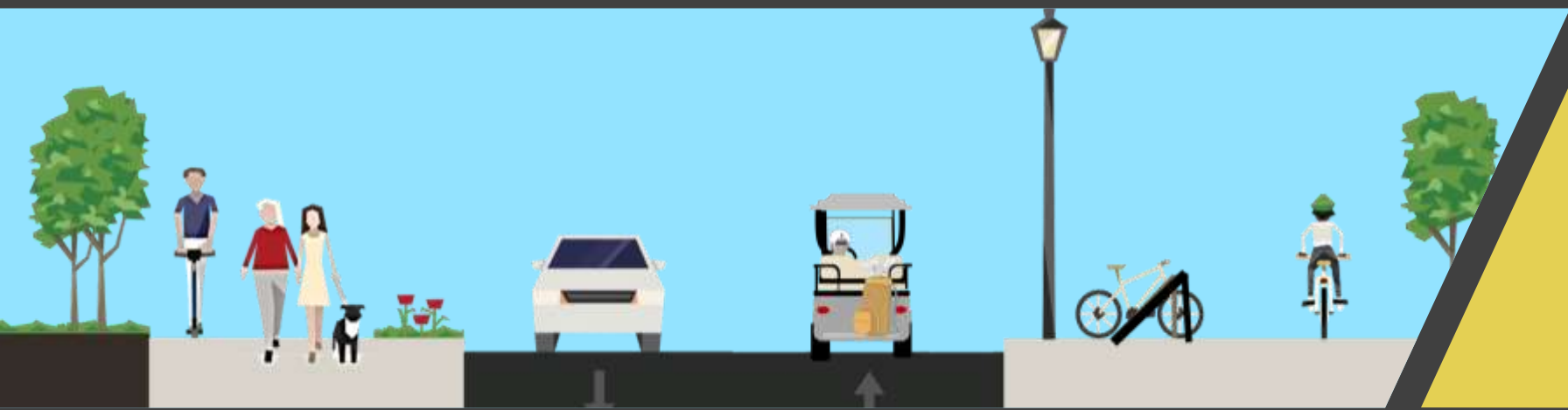


- **Council guidance on prioritizing desired elements to include in the project**
- **Consultant to develop reasonable alternatives/design concepts which incorporate desired elements**
- **Public outreach to obtain feedback on alternatives**
- **Council update on feedback received, cost estimates and alternative selection**





QUESTIONS?



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

**Capital Improvements Advisory Committee Semiannual Progress Report
September 7, 2023 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, September 7, 2023. Below are the members present along with their designation and term expiration:

- Paul Mebane, Chair (At Large) 9/30/25
- John Guidry (At Large) 9/30/24
- Seth Mitchell (At Large) 9/30/24
- Dana Green (Development) 9/30/25
- Marcus Garcia (Development) 9/30/25
- Ben Koerner (At Large) 9/30/23

Chairperson Mebane declared a quorum present.

Absent was:

- VICE Chair Chris Weigand (Real Estate) 9/30/23
- Joe DeCola (Real Estate) 9/30/24
- Arthur Waterman (Building) 9/30/23

Council and Staff Present:

- Emily Stroup – Council Representative
- Scott M. Huizenga, Interim City Manager
- Grant Watanabe, P.E. – Director of Public Works & Engineering Services
- Julio Colunga, Assistant Director of Public Works
- Amanda Wade, Public Works Administrative Assistant
- Summer Fleming, Interim Finance Director
- Christina Picioccio, TRMC –City Secretary

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. While there have been no significant changes to the Capital Improvement Plan or Land Use Assumptions, it is recognized that costs continue to rise and home building continues to slow which will affect future Impact Fees. The current Impact Fees were approved by Council in early 2020 and are to be updated every five years.
2. It is recommended that the Water, Wastewater and Reuse Master Plan be updated in FY2023-24 in order to present new Impact Fee recommendations to Council in 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. Scott Huizenga presented the City’s five-year Capital Improvement Plans for utilities, roadways, drainage, and facilities to the CIAC and mentioned that a citizen advisory group may be requested to review and recommend projects for debt financing. The CIAC is open to supporting additional duties as assigned by the Council.

The next Semi Annual CIAC meeting will take place on March 21, 2024.

Signed: Paul Mebane
Paul Mebane, CIAC Chairperson

Date: October 5, 2023