

## CITY OF FAIR OAKS RANCH CITY COUNCIL REGULAR MEETING

Thursday, May 19, 2022 at 6:30 PM

City Hall Council Chambers, 7286 Dietz Elkhorn, Fair Oaks Ranch

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

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### AGENDA

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#### 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 in the foyer of the Public Safety 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. Annual Street Maintenance Plan Update.

Julio Colunga, Assistant Director of Public Works

Mike Garza, P.E., PTOE, RSP1, General Engineering Consultant, Legacy Engineering Group

5. Highway Safety Improvement Program (HSIP) Potential Opportunities Available for the City of Fair Oaks Ranch.

Grant Watanabe, P.E., Director of Public Works & Engineering Services

Mike Garza, P.E., PTOE, RSP1, General Engineering Consultant, Legacy Engineering Group

6. Public Works Week Proclamation.

Gregory C. Maxton, Mayor

7. Police Week and Peace Officers Memorial Day Proclamation.

Gregory C. Maxton, Mayor

#### 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.*

8. Approval of the May 5, 2022 Regular City Council meeting minutes.

Christina Picioccio, TRMC, City Secretary

9. Approval of the second reading of an Ordinance adopting Fiscal Year 2021-22 Budget Amendment for the Chartwell and Dietz Elkhorn Intersection Project.

Tobin E. Maples, City Manager

### CONSIDERATION/DISCUSSION ITEMS

10. Consideration and possible action approving the first reading of an Ordinance amending ad valorem exemptions on residence homesteads.

Tobin E. Maples, City Manager

11. Consideration and possible action approving the first reading of an Ordinance adopting a tax freeze for qualifying disabled homesteads and/or individuals over the age of sixty-five (65).

Tobin E. Maples, City Manager

### REQUESTS AND ANNOUNCEMENTS

12. Announcements and reports by Mayor and Council Members.
13. Announcements by the City Manager.
14. 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:

15. To receive legal advice from Special Counsel and the City Attorney regarding the City's ground water rights.
16. Cause No. 2022CI011978; Boerne Ranch Estates, LLC v. The City of Fair Oaks Ranch.
17. Case No. 22-090-451; Vincent A. Caldarola, MD vs. City of Fair Oaks Ranch, Texas.

### 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 Matter)**

19. To review objectives surrounding evaluation of City Manager.

**RECONVENE INTO OPEN SESSION**

*Discussion and possible action on items discussed in Executive Session.*

**ADJOURNMENT**

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**Signature of Agenda Approval:** s/Scott Huizenga

Scott Huizenga, Assistant City Manager, Administrative Services

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](http://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, May 16, 2022 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).



# ANNUAL STREET MAINTENANCE PLAN UPDATE

JULIO COLUNGA – ASSISTANT DIRECTOR OF PUBLIC WORKS

MICHAEL GARZA, PE, PTOE, RSP<sub>1</sub> – LEGACY ENGINEERING GROUP (GEC)



### Slurry Seal

- A slurry seal is the application of a mixture of water, asphalt emulsion, aggregate (very small crushed rock), and additives to an existing asphalt pavement surface.
- A slurry seal is an emulsion with aggregates as part of the mixture.
- The placement of this mixture on existing pavement is the “seal” of the pavement surface.



### Fog Seal

- Fog seal is a single application, typically light, of emulsified asphalt to an existing asphalt surface.
- This type of maintenance treatment can be valuable aid to renew weathered (oxidized) asphalt surfaces and improve the surface appearance, seal minor cracks and surface voids, and inhibit raveling as well as preventing moisture from penetrating into the hot mix.



## Mill & Overlay

- A “mill & overlay” is a street rehabilitation technique that requires the removal of the top layer (typically 2") of a street by the grinding action of a large milling machine. After the top layer is removed, a new layer of asphalt pavement is put in its place.
- Well-designed pavements with a strong base and adequate thickness to support traffic loads will deteriorate from the surface down. Therefore, mill and overlays are an important part of the pavement lifecycle as they replace deteriorated surfaces with fresh new asphalt.





# ANNUAL STREET MAINTENANCE PLAN UPDATE

## PCI SCORING VISUAL

Pavement Condition  
86 - 100 (Good)



Pavement Condition  
71 - 85 (Satisfactory)



Pavement Condition  
56 - 70 (Fair)



Pavement Condition  
41 - 55 (Poor)



Pavement Condition  
11 - 40 (Very Poor/Serious)



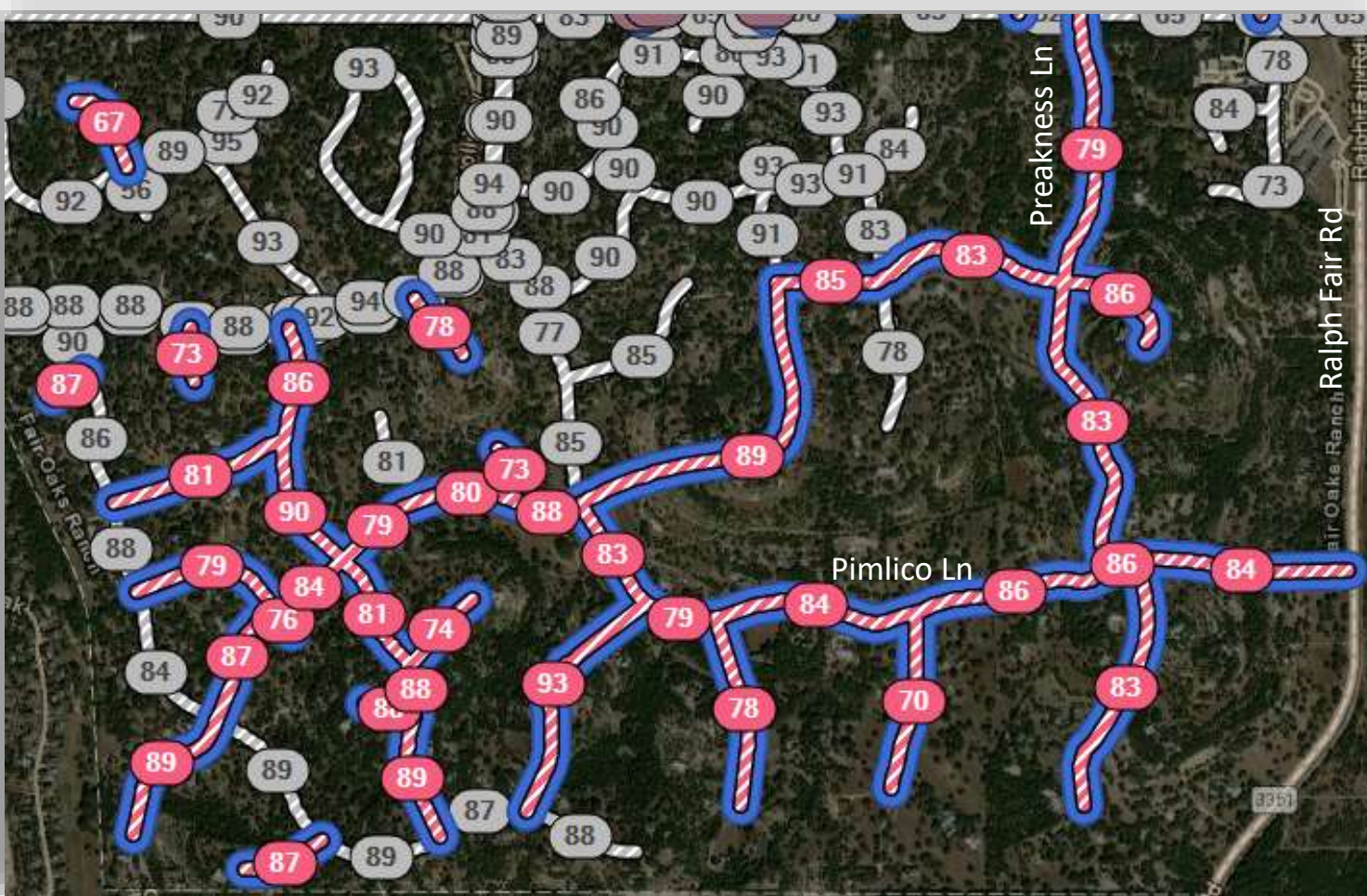
Pavement Condition  
0 - 10 (Failed)



# ANNUAL STREET MAINTENANCE PLAN UPDATE

## PCI SCORING VISUAL

Item #4.



For roads in generally satisfactory condition (PCI 71-85) the appropriate treatment is fog seal to preserve pavement life span



# ANNUAL STREET MAINTENANCE PLAN UPDATE

## PCI SCORING VISUAL

Item #4.



For roads in generally fair condition (PCI 56-70) the appropriate treatment is slurry or micro-seal

For roads in generally poor condition (PCI 41-55) the appropriate treatment is mill & overlay



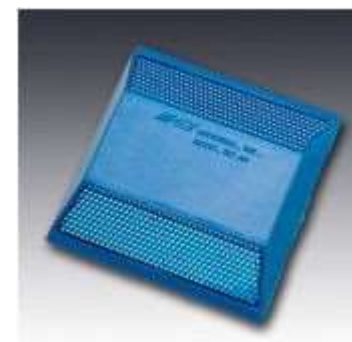
# ANNUAL STREET MAINTENANCE PLAN UPDATE

## SAFETY ENHANCEMENTS

Item #4.

### Curve Safety Treatments

- Proposed Raised Pavement Markings (RPM's)
  - ❖ ~ 30' Spacing on Straightaways
  - ❖ ~ 20' Spacing on Curves
- Install / Adjust Chevron Signs
- Supplemental Safety Signage
- Initial Roadways:
  - ❖ Rolling Acres Trail
  - ❖ Post Oak Trail
  - ❖ Meadow Creek Trail





# ANNUAL STREET MAINTENANCE PLAN UPDATE

## SAFETY ENHANCEMENTS

Item #4.

### Curve Safety Treatments

#### Raised Pavement Markings (RPMs)

##### Rolling Acres Trail

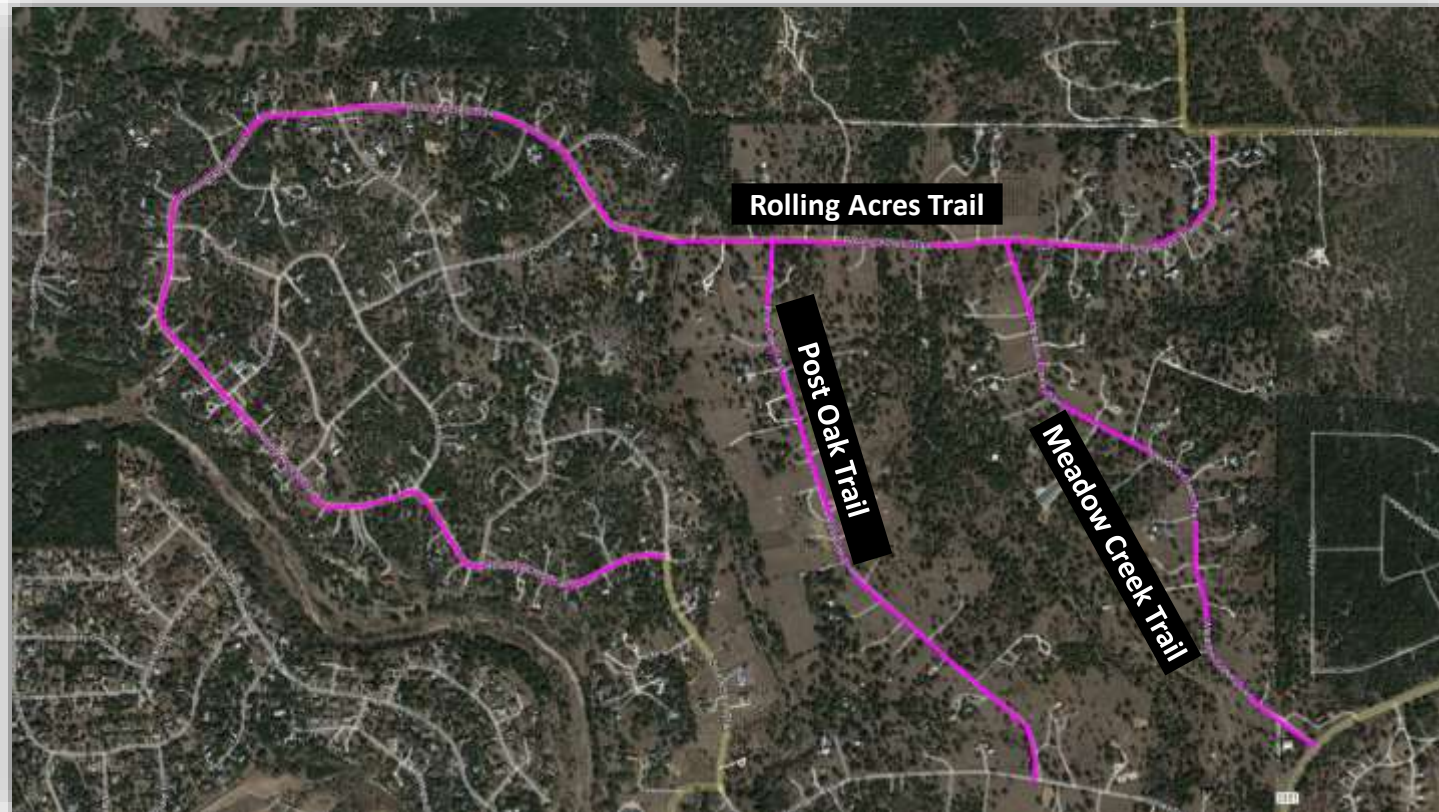
- Straightaways ~ 530 RPMs
  - Curves ~ 270 RPMs
- Total ~ 800 RPMs

##### Post Oak Trail

- Straightaways ~ 150 RPMs
  - Curves ~ 50 RPMs
- Total ~ 200 RPMs

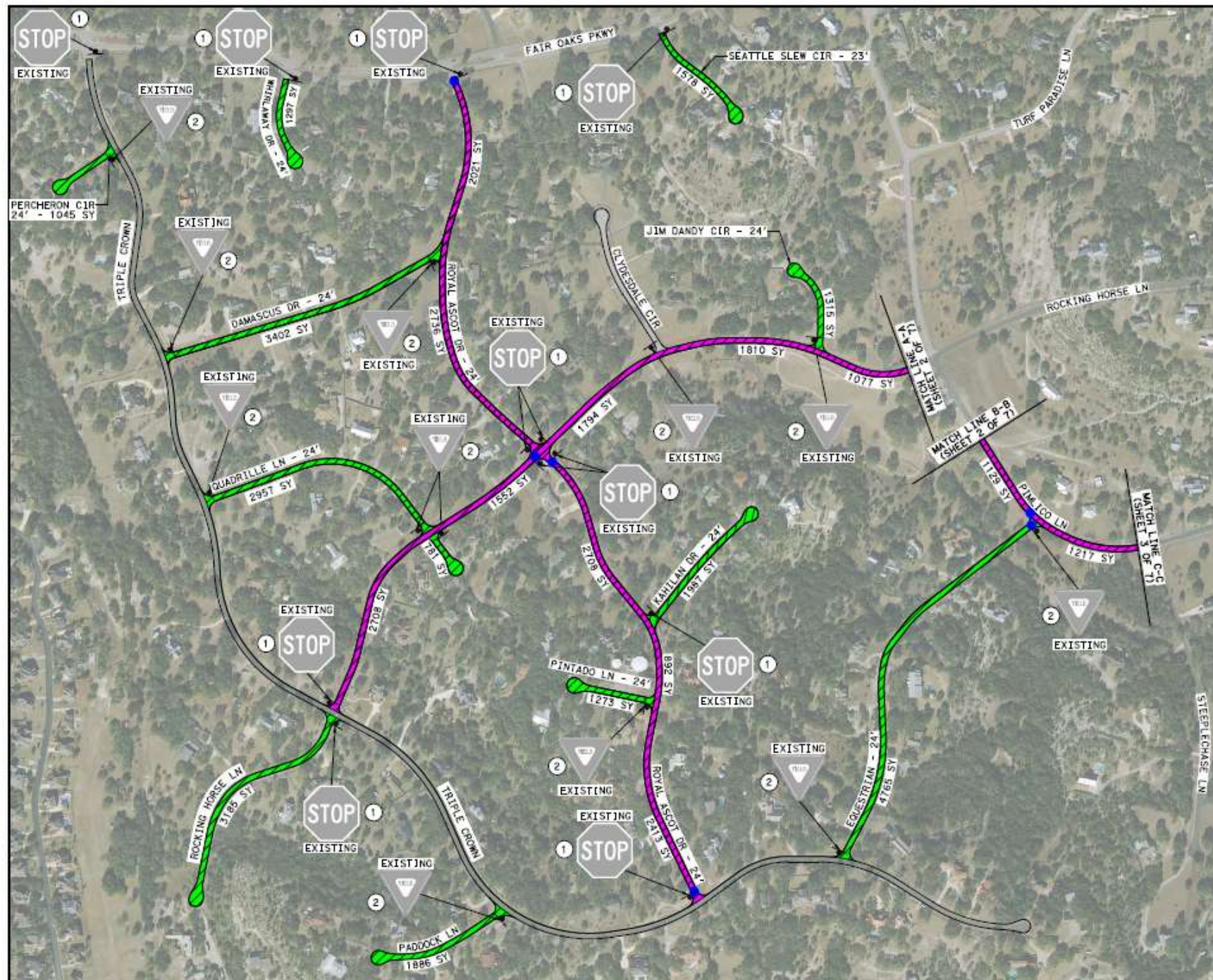
##### Meadow Creek Trail

- Straightaways ~ 150 RPMs
  - Curves ~ 100 RPMs
- Total ~ 250 RPMs





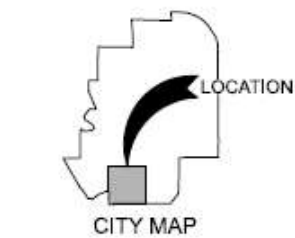
PRODUCT	EST QUANTITIES	COST PER UNIT	TOTAL COST	SCHEDULE
Micro-seal	151,305 SY	\$4.30	\$650,355	Currently scheduled for July/August time frame
Mill and Overlay	786 SY	\$34.11	\$26,810	Currently scheduled for Mid-May
Fog seal	102,331 SY	\$1.70	\$174,065	Bids received 5/13 and under review
RPM	Blue – 138 EA Yellow – 2298 EA Mobilization	\$5.00 \$5.00 \$10,000.00	\$22,180	Will be scheduled to be done after road work, includes roads treated last year
Striping	White lines – 24,496 LF Stop bars – 1,116 LF Yellow lines – 22,952 LF	\$0.32 \$14.00 \$0.32	\$30,807	Will be scheduled to be done after road work, includes roads treated last year
Signage – chevron, golf cart and street names	Chevron – 86 signs total Cart Path – 2 Street signs - 55	\$76.10 \$373.20 \$38 avg. cost	\$9381	Signs will be installed by City staff
<b>Contingency:</b>			<b>\$86,402</b>	
<b>TOTAL:</b>			<b>\$1M</b>	



0 200 400  
SCALE: 1"=400'

LEGEND

- FOG SEAL
- FOG SEAL/RAISED PAVEMENT MARKERS
- EXISTING SIGN TO REMAIN PROPOSED 24" STOP BAR
- EXISTING YIELD TO REMAIN
- PROPOSED 24" STOP BAR
- PROPOSED YIELD TO REMAIN



- NOTES
1. RPM'S 20' SPACING ON CURVES AND 30' SPACING ON STRAIGHT AWAYS.
  2. FOR SPACING OF CHEVRONS FOLLOW TXDOT STANDARD D & OM(3)-20.
  3. FOR STOP LINE PLACEMENT FOLLOW TXDOT STANDARD PM(4)-20.

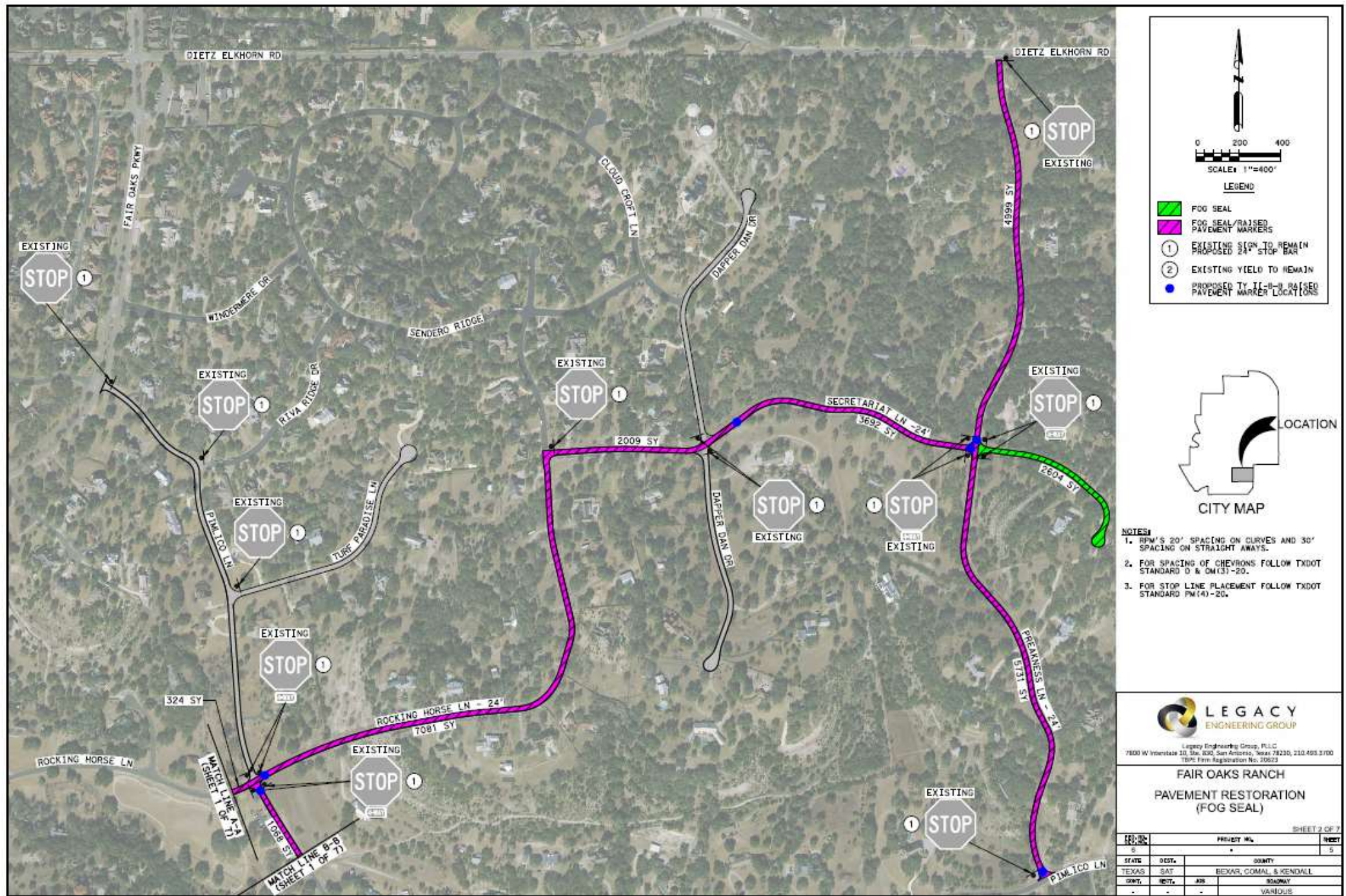
**LEGACY ENGINEERING GROUP**  
Legacy Engineering Group, PLLC  
7800 W Interstate 10, Ste. 600, San Antonio, Texas 78230, 210.455.3700  
TSP# 1999 Registration No. 20553

**FAIR OAKS RANCH  
PAVEMENT RESTORATION  
(FOG SEAL)**

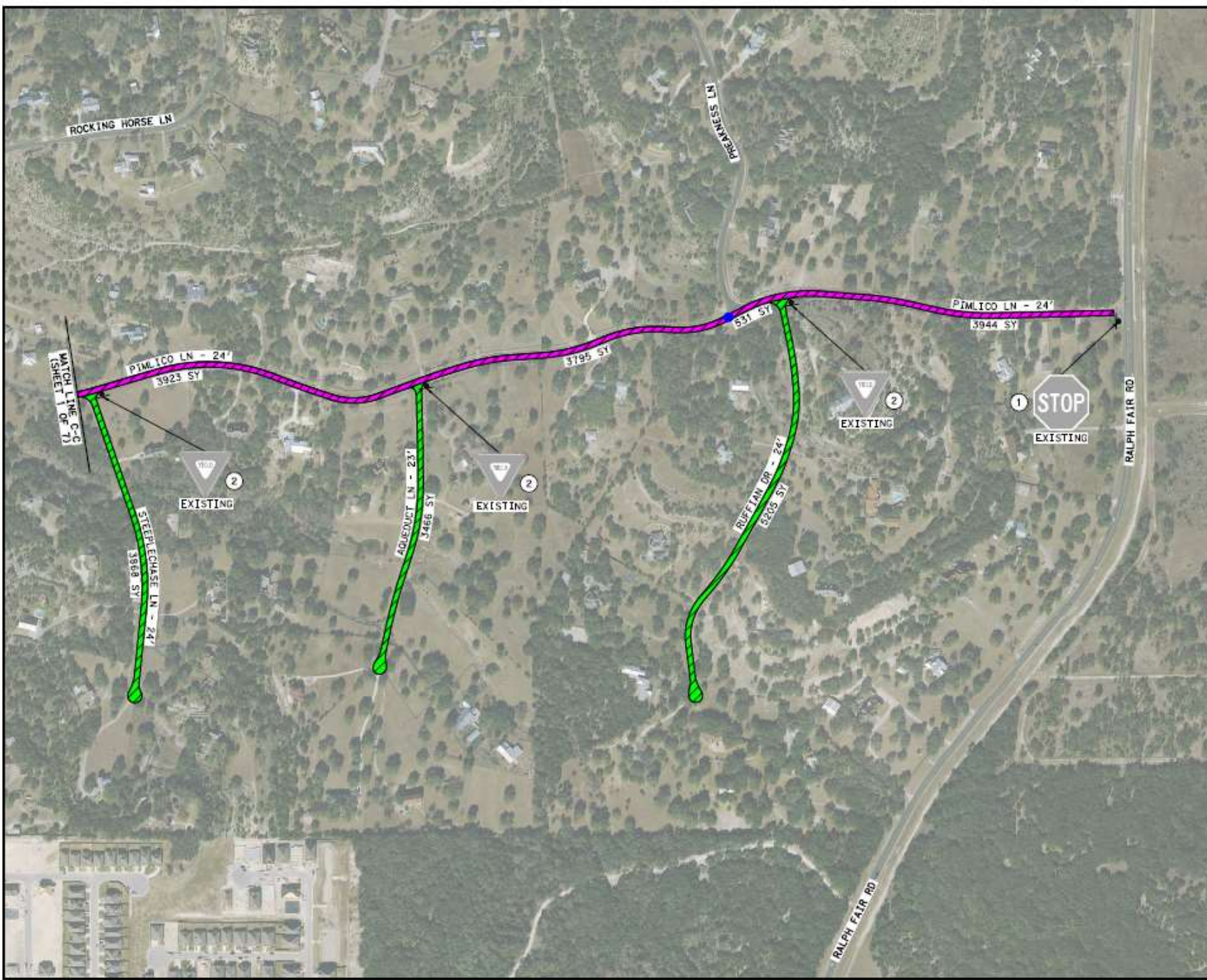
SHEET 1 OF 7

PROJECT NO.		SHEET	
1		4	
STATE	CITY	COUNTY	
TEXAS	SAN ANTONIO	BEXAR, COMAL & KENDALL	
DATE	REV.	APP.	ROADWAY
-	-	-	VARIOUS





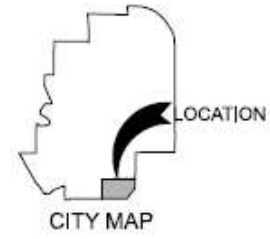




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SCALE: 1"=400'

LEGEND

- FOG SEAL
- FOG SEAL/RAISED PAVEMENT MARKERS
- EXISTING SIGN TO REMAIN PROPOSED 24" STOP BAR
- EXISTING YIELD TO REMAIN
- PROPOSED TY II-II-II RAISED PAVEMENT MARKER LOCATIONS



- NOTES:
1. RPM'S 20' SPACING ON CURVES AND 30' SPACING ON STRAIGHT AWAYS.
  2. FOR SPACING OF CHEVRONS FOLLOW TXDOT STANDARD D & OM(3)-20.
  3. FOR STOP LINE PLACEMENT FOLLOW TXDOT STANDARD PM(4)-20.

**LEGACY**  
ENGINEERING GROUP

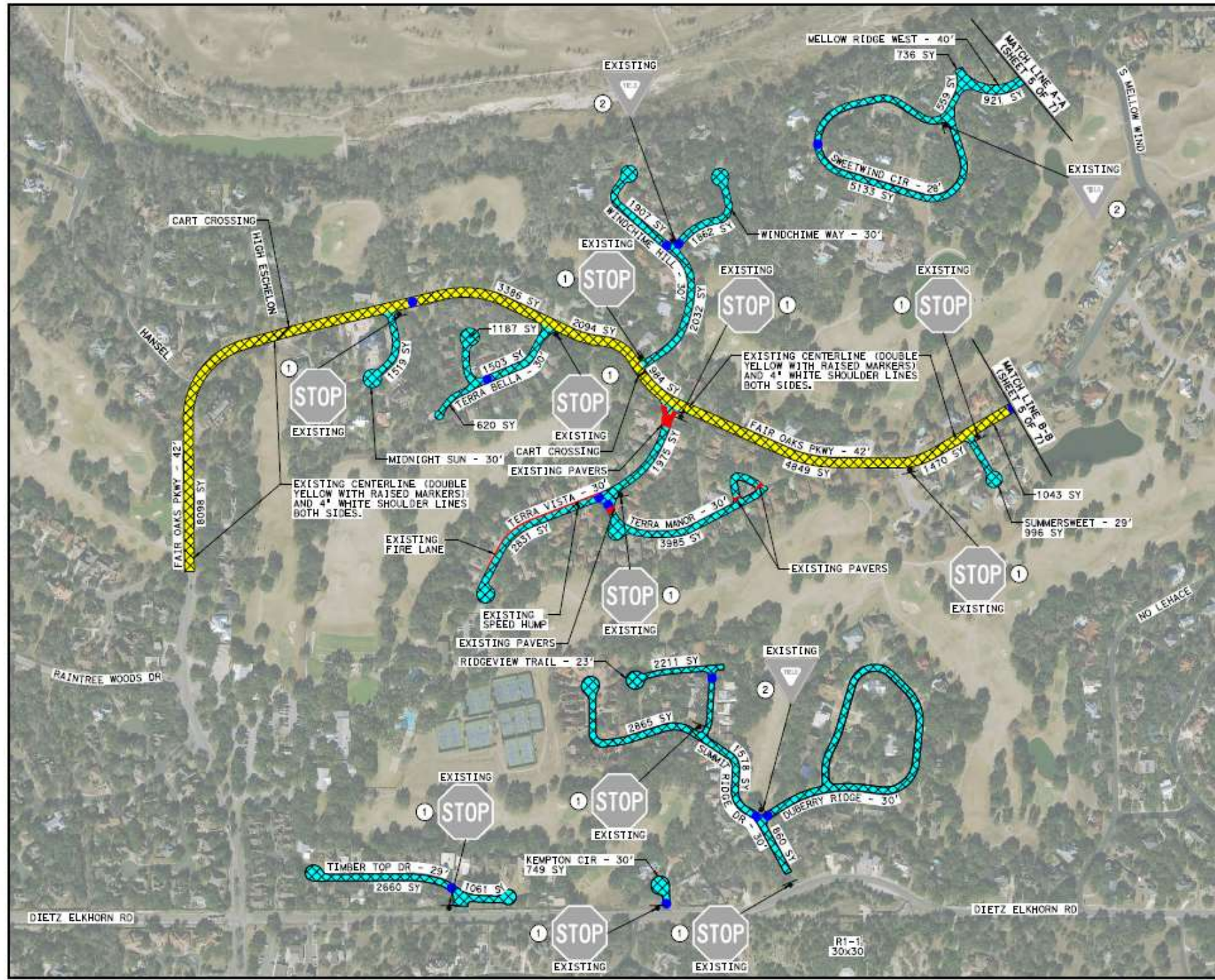
Legacy Engineering Group, P.L.L.C.  
7800 W Interstate 10, Ste. 830, San Antonio, Texas 78230, 210.499.3700  
TSP# Firm Registration No. 20623


**FAIR OAKS RANCH  
PAVEMENT RESTORATION  
(FOG SEAL)**

SHEET 3 OF 7

PROJECT NO.	WEST
STATE	COUNTY
TEXAS	BEXAR, COMAL & KENDALL
DATE	SCALE
-	VARIOUS



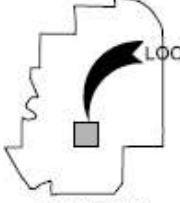




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SCALE: 1"=400'

**LEGEND**

- SLURRY SEAL
- SLURRY SEAL/STRIPE & RAISED PAVEMENT MARKERS
- EXISTING SIGN TO REMAIN PROPOSED 24" STOP BAR
- EXISTING YIELD TO REMAIN
- PROPOSED TY II-B-8 RAISED PAVEMENT MARKER LOCATIONS




LOCATION

**CITY MAP**

**NOTES**

1. RPM'S 20' SPACING ON CURVES AND 30' SPACING ON STRAIGHT AWAYS.
2. FOR SPACING OF CHEVRONS FOLLOW TXDOT STANDARD D & OM(31)-20.
3. FOR STOP LINE PLACEMENT FOLLOW TXDOT STANDARD PM(4)-20.



**LEGACY**  
ENGINEERING GROUP

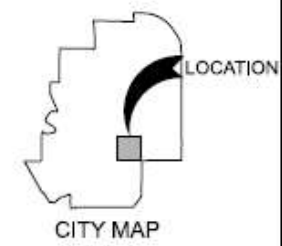
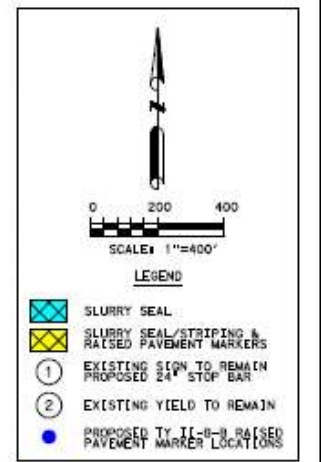
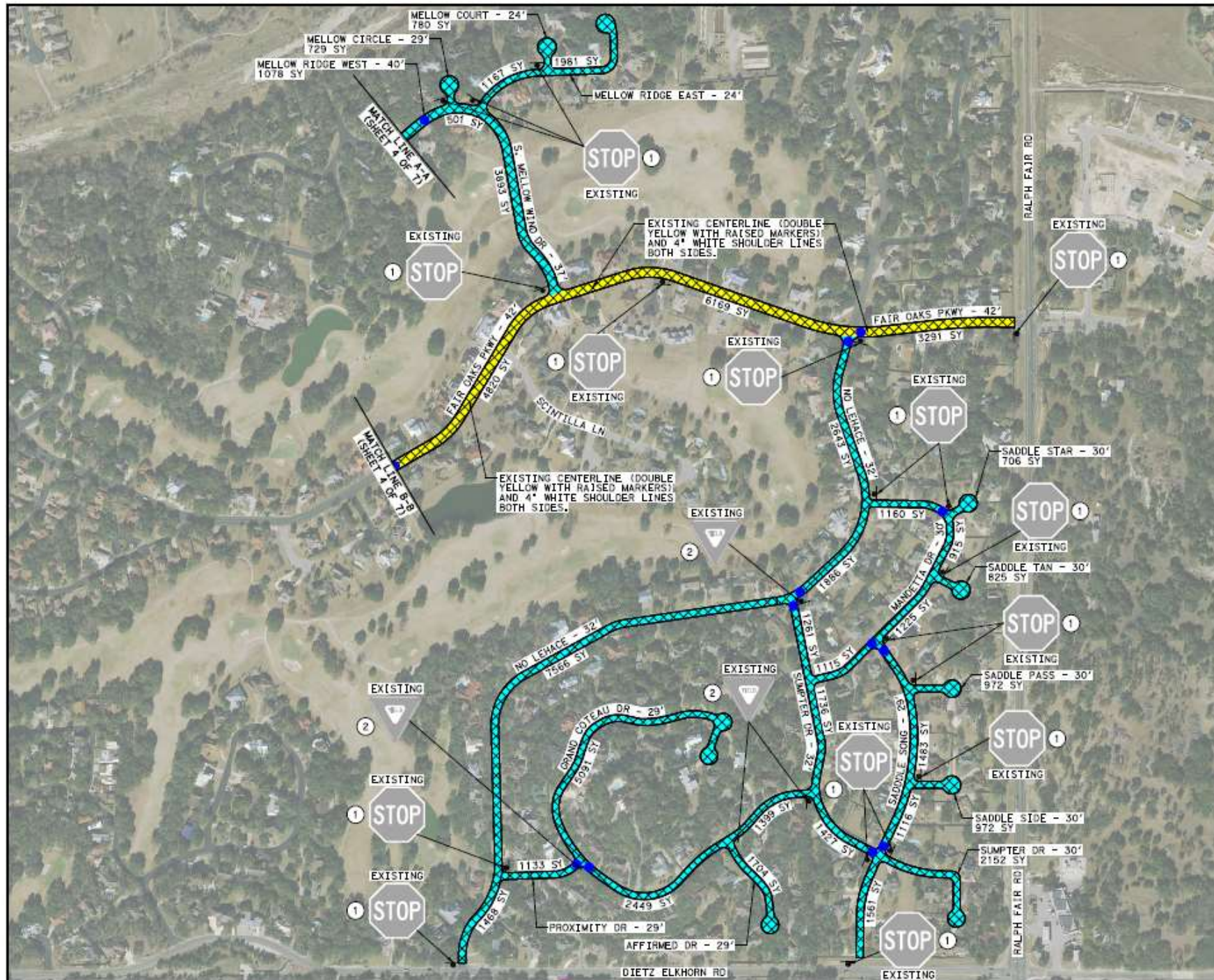
Legacy Engineering Group, P.L.L.C.  
7800 W. Interstate 10, Ste. 630, San Antonio, Texas 78230, 210.493.3700  
TDEC Firm Registration No. 30623

**FAIR OAKS RANCH  
PAVEMENT RESTORATION  
(SLURRY SEAL)**

SHEET 4 OF 7

PROJECT #		SHEET	
STATE	CITY	QUANTITY	
TEXAS	SAT	BEVOR, COMAL & KENDALL	
COUNTY	ROUTE	ROADWAY	
-	-	VARIOUS	





- NOTES**
1. R/W'S 20' SPACING ON CURVES AND 30' SPACING ON STRAIGHT AWAYS.
  2. FOR SPACING OF CHEVRONS FOLLOW TXDOT STANDARD D & CM(31)-20.
  3. FOR STOP LINE PLACEMENT FOLLOW TXDOT STANDARD PW(4)-20.

**LEGACY ENGINEERING GROUP**

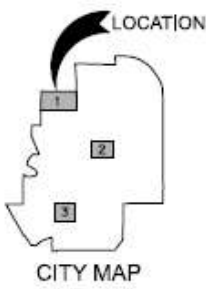
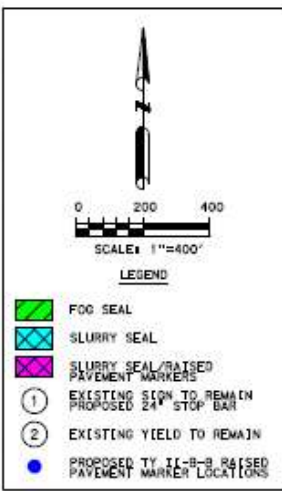
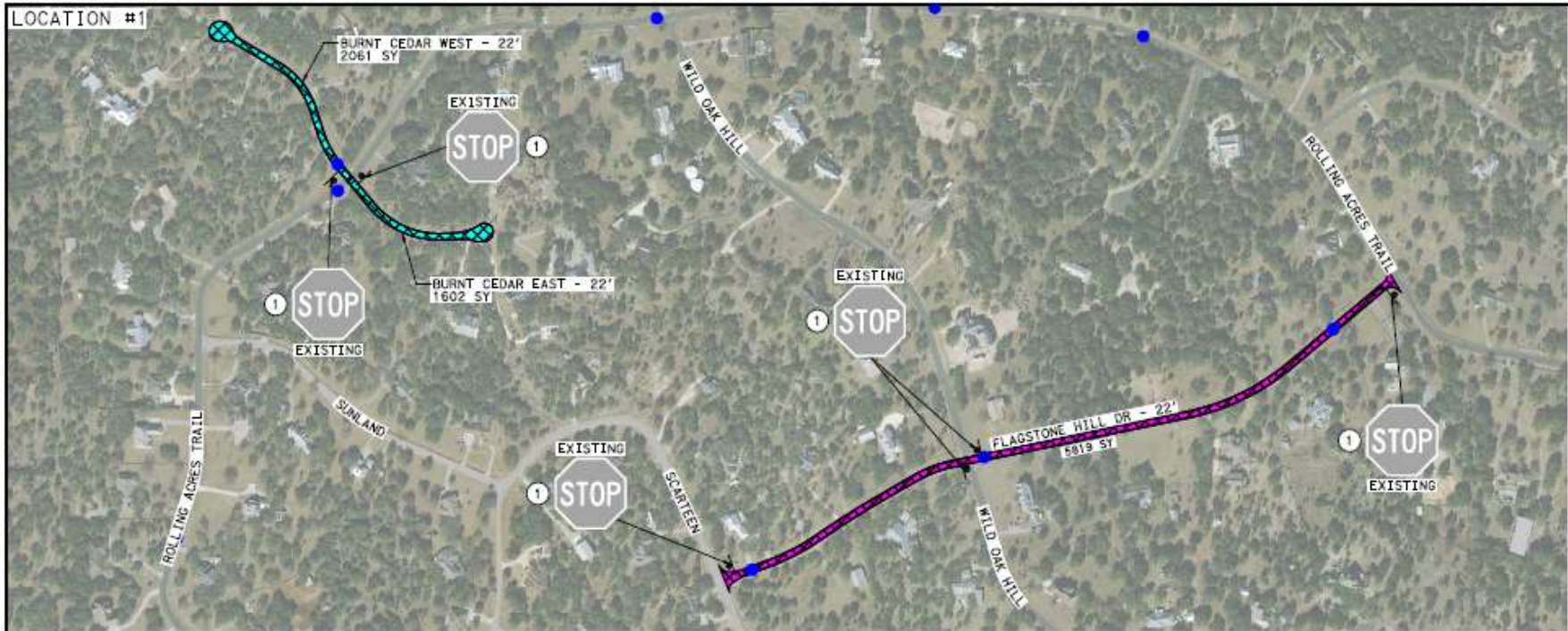
Legacy Engineering Group, P.L.L.C.  
7800 W. Interstate 10, Ste. 600, San Antonio, Texas 78230, 210.483.3700  
TSPC Firm Registration No. 200623

**FAIR OAKS RANCH  
PAVEMENT RESTORATION  
(SLURRY SEAL)**

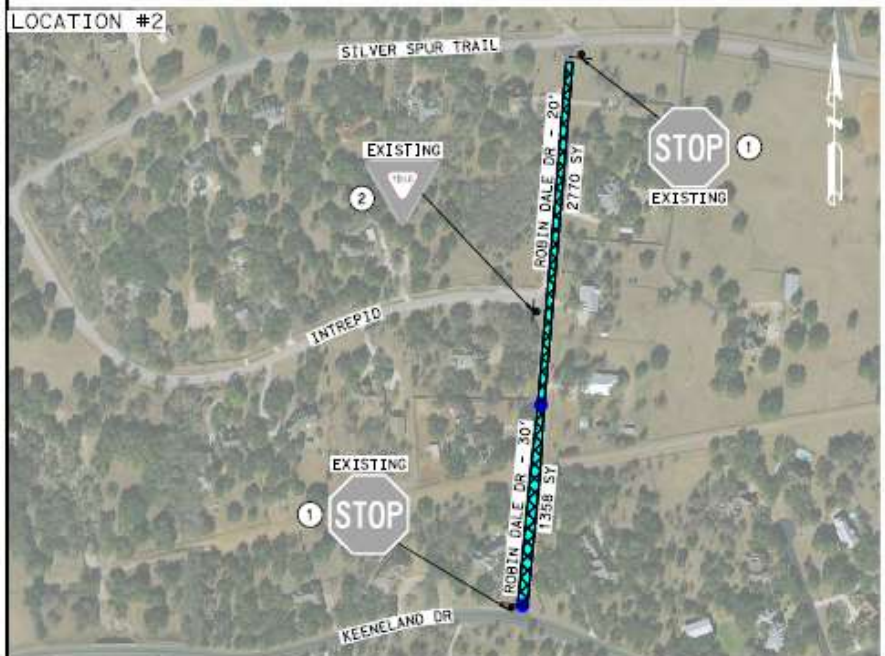
SHEET 5 OF 7

DATE	DESCRIPTION	PROJECT NO.	SHEET
08/24/2023	DESIGN	2023-001	5
08/24/2023	CONSTRUCTION	2023-001	6
08/24/2023	AS-BUILT	2023-001	7
08/24/2023	FINAL	2023-001	8





- NOTES:**
1. RPM'S 20' SPACING ON CURVES AND 30' SPACING ON STRAIGHT AWAYS.
  2. FOR SPACING OF CHEVRONS FOLLOW TXDOT STANDARD D & DM(31)-20.
  3. FOR STOP LINE PLACEMENT FOLLOW TXDOT STANDARD PM(4)-20.



**LEGACY ENGINEERING GROUP**

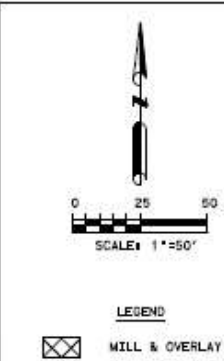
Legacy Engineering Group, PLLC  
7800 W Interstate 10, Ste. 625, San Antonio, Texas 78230, 210.493.3700  
TSP# Firm Registration No. 20623

**FAIR OAKS RANCH  
PAVEMENT RESTORATION  
(FOG & SLURRY SEAL)**

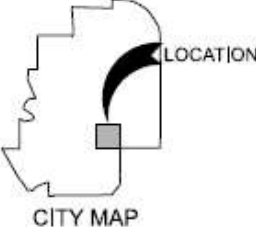
SHEET 6 OF 7

PROJECT NO.	PROJECT NAME	INSET
6		9
STATE	COUNTY	CITY
TEXAS	BEXAR, COMAL, & KENDALL	
CDMT	ADJ	ROADWAY
-	-	VARIOUS





LEGEND  
MILL & OVERLAY



- GENERAL NOTES:
- 1. CONTRACTOR SHALL PROVIDE ACCESS TO ALL RESIDENCES DURING CONSTRUCTION.
  - 2. ALL TEMPORARY TRAFFIC CONTROL DEVICES, ETC. SHALL BE PROVIDED BY THE CONTRACTOR WITHOUT DIRECT PAYMENT, UNLESS OTHERWISE NOTED OR STATED.

**LEGACY**  
ENGINEERING GROUP

Legacy Engineering Group, PLLC  
7800 W Interstate 10, Ste. 800, San Antonio, Texas 78230, 210.458.1700  
TxDOT Firm Registration No. 20602

**FAIR OAKS RANCH**  
**PAVEMENT RESTORATION**  
**(MILL & OVERLAY)**

PROJECT NO.  
10

PROJECT NAME  
FAIR OAKS RANCH

STATE  
TEXAS

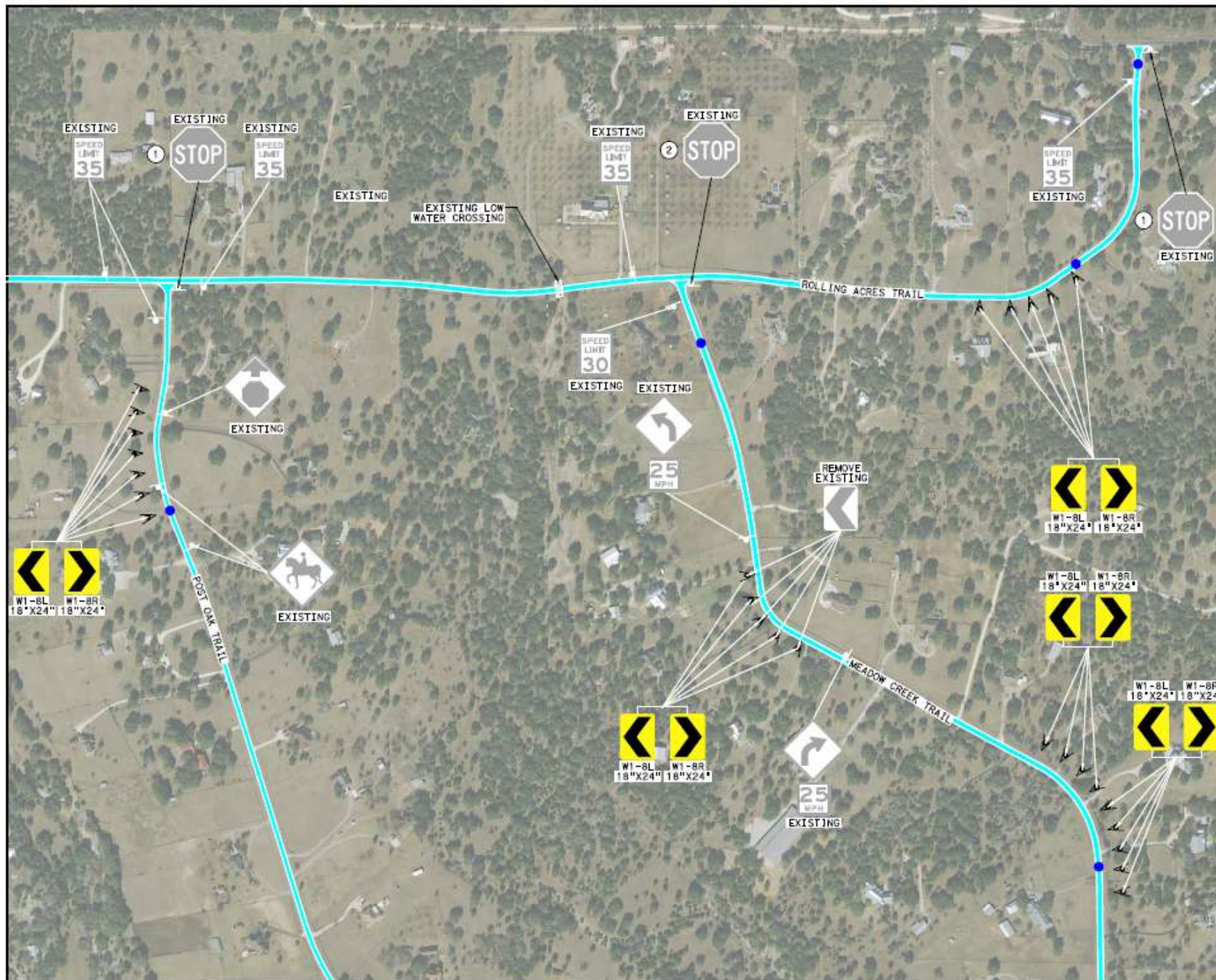
COUNTY  
BEXAR, COMAL & KENDALL

ROUTE  
10

SECTION  
VARIOUS

SHEET 7 OF 7

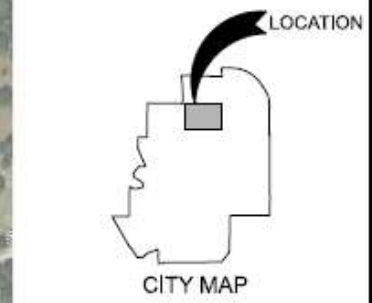




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SCALE: 1"=400'

LEGEND

- EXISTING LOW WATER CROSSING
- PROPOSED RAISED PAVEMENT MARKERS TY 11-A-A
- PROPOSED TY 11-B-B RAISED PAVEMENT MARKER LOCATIONS
- EXISTING SIGN TO REMAIN PROPOSED 24" STOP BAR
- EXISTING STOP SIGN AND STRIPING TO REMAIN
- EXISTING SIGN (WHITE)
- PROPOSED SIGN (BLACK)



- NOTES:
1. RPM'S 20' SPACING ON CURVES AND 30' SPACING ON STRAIGHT AWAYS.
  2. FOR SPACING OF CHEVRONS FOLLOW TXDOT STANDARD D & CM(3)-20.
  3. REMOVE ANY EXISTING SIGNING IN CONFLICT WITH PROPOSED.

**LEGACY ENGINEERING GROUP**

Legacy Engineering Group, PLLC  
7800 W Interstate 10, Ste. 830, San Antonio, Texas 78230, 210.493.1700  
TSP# Firm Registration No. 208523

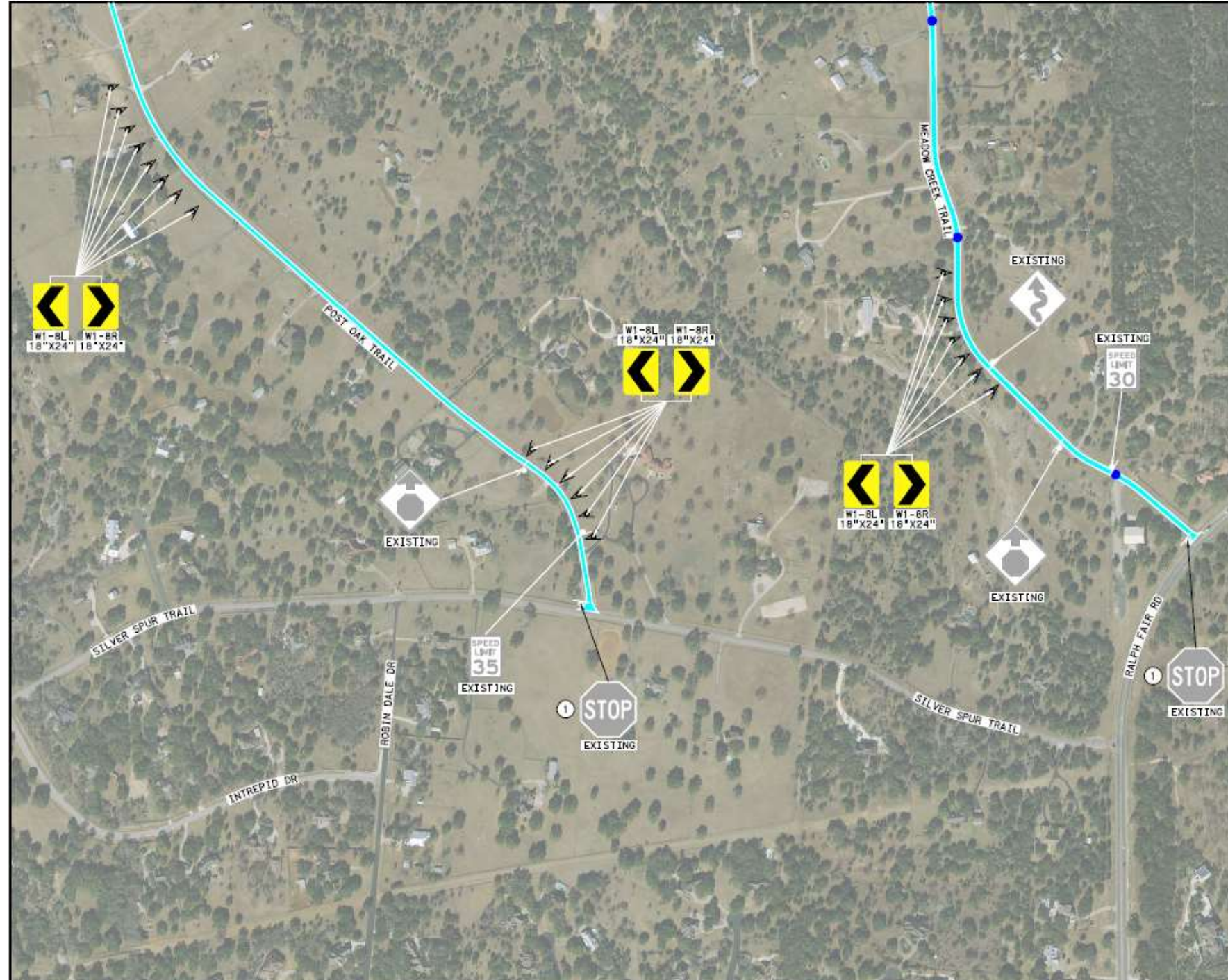
**FAIR OAKS RANCH**

**PROPOSED SIGNING LAYOUT**

SHEET 1 OF 4

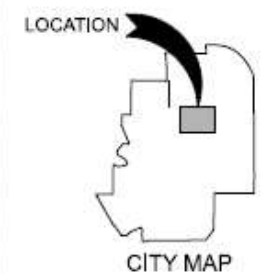
PROJECT NO.		SHEET	
11		11	
STATE	COUNTY	QUANTITY	
TEXAS	SAT	BEXAR, COMAL & KENDALL	
CONTS.	RENTS	ADJ.	ROADWAY
-	-	-	VARIOUS





**LEGEND**

- LOW WATER CROSSING
- PROPOSED RAISED PAVEMENT MARKERS TY 11-A-A
- PROPOSED TY 11-B-B RAISED PAVEMENT MARKER LOCATIONS
- EXISTING SIGN TO REMAIN PROPOSED 24" STOP BAR
- EXISTING STOP SIGN AND STRIPING TO REMAIN
- EXISTING SIGN (WHITE)
- PROPOSED SIGN (BLACK)



- NOTES**
1. RPM'S 20' SPACING ON CURVES AND 30' SPACING ON STRAIGHT AWAYS.
  2. FOR SPACING OF CHEVRONS FOLLOW TxDOT STANDARD D & OM(31)-20.
  3. REMOVE ANY EXISTING SIGNING IN CONFLICT WITH PROPOSED.

**LEGACY ENGINEERING GROUP**

Legacy Engineering Group, PLLC  
 7800 W Interstate 10, Ste. 630, San Antonio, Texas 78230, 210.493.1700  
 TEP# Firm Registration No. 208623

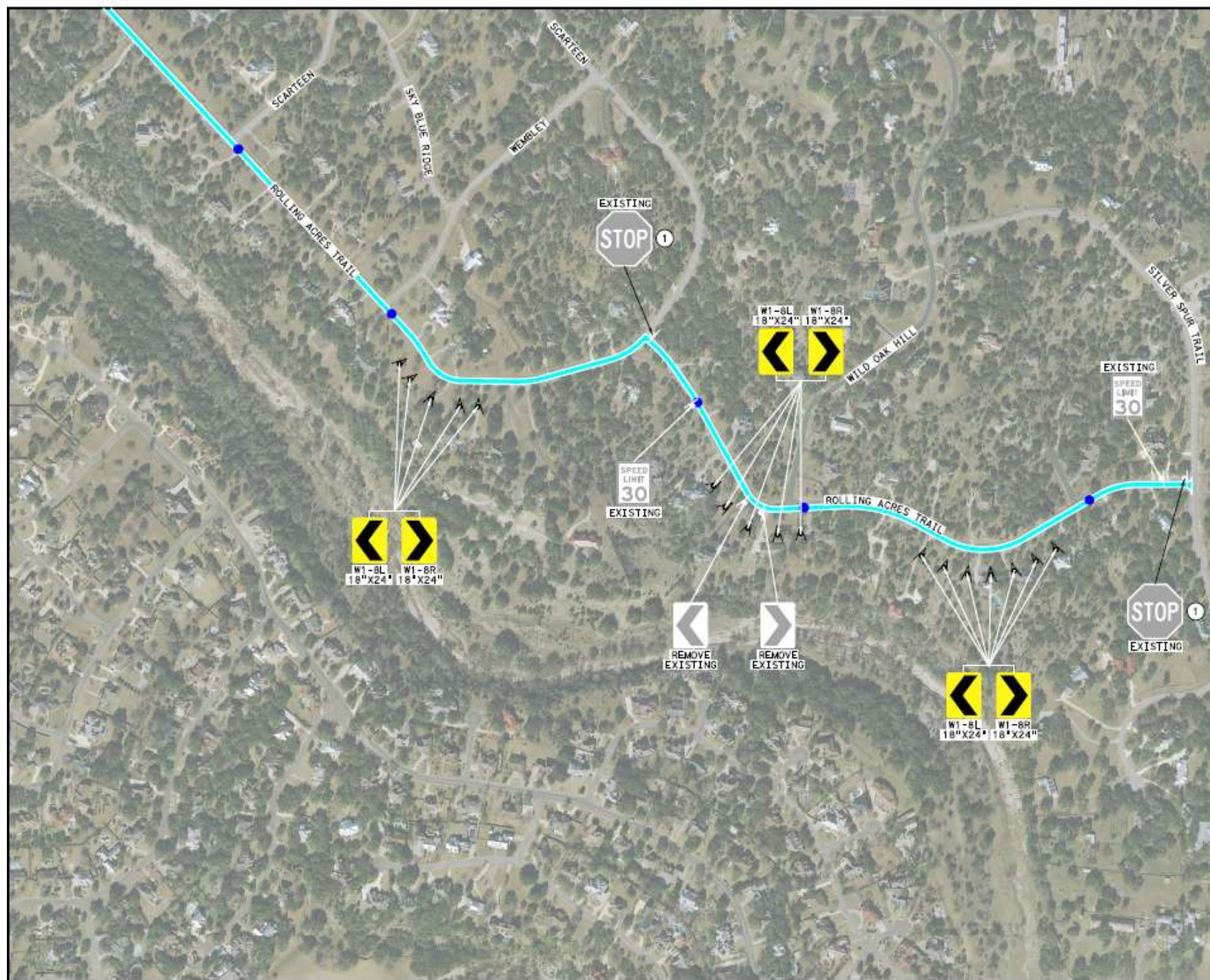
**FAIR OAKS RANCH**

**PROPOSED SIGNING LAYOUT**

SHEET 2 OF 4

PROJECT No.		SHEET	
12		12	
STATE	DEST.	COUNTY	
TEXAS	SAT	BEXAR, COMAL & KENDALL	
CITY	DEST.	ROADWAY	
-	-	VARIOUS	





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SCALE: 1"=400'

**LEGEND**

- LOW WATER CROSSING
- PROPOSED RAISED PAVEMENT MARKERS TY II-A-A
- PROPOSED TY II-B-B RAISED PAVEMENT MARKER LOCATIONS
- EXISTING SIGN TO REMAIN PROPOSED 24" STOP BAR
- EXISTING STOP SIGN AND STRIPING TO REMAIN
- EXISTING SIGN (WHITE)
- PROPOSED SIGN (BLACK)

**LOCATION**

**CITY MAP**

- NOTES:**
1. RHW'S 20' SPACING ON CURVES AND 30' SPACING ON STRAIGHT AWAYS.
  2. FOR SPACING OF CHEVRONS FOLLOW TxDOT STANDARD D & OM(37)-20.
  3. REMOVE ANY EXISTING SIGNING IN CONFLICT WITH PROPOSED.

**LEGACY**  
ENGINEERING GROUP

Legacy Engineering Group, P.L.L.C.  
7600 W. Interstate 30, Ste. 520, San Antonio, Texas 78230, 210.493.3700  
TSP# Firm Registration No. 20623

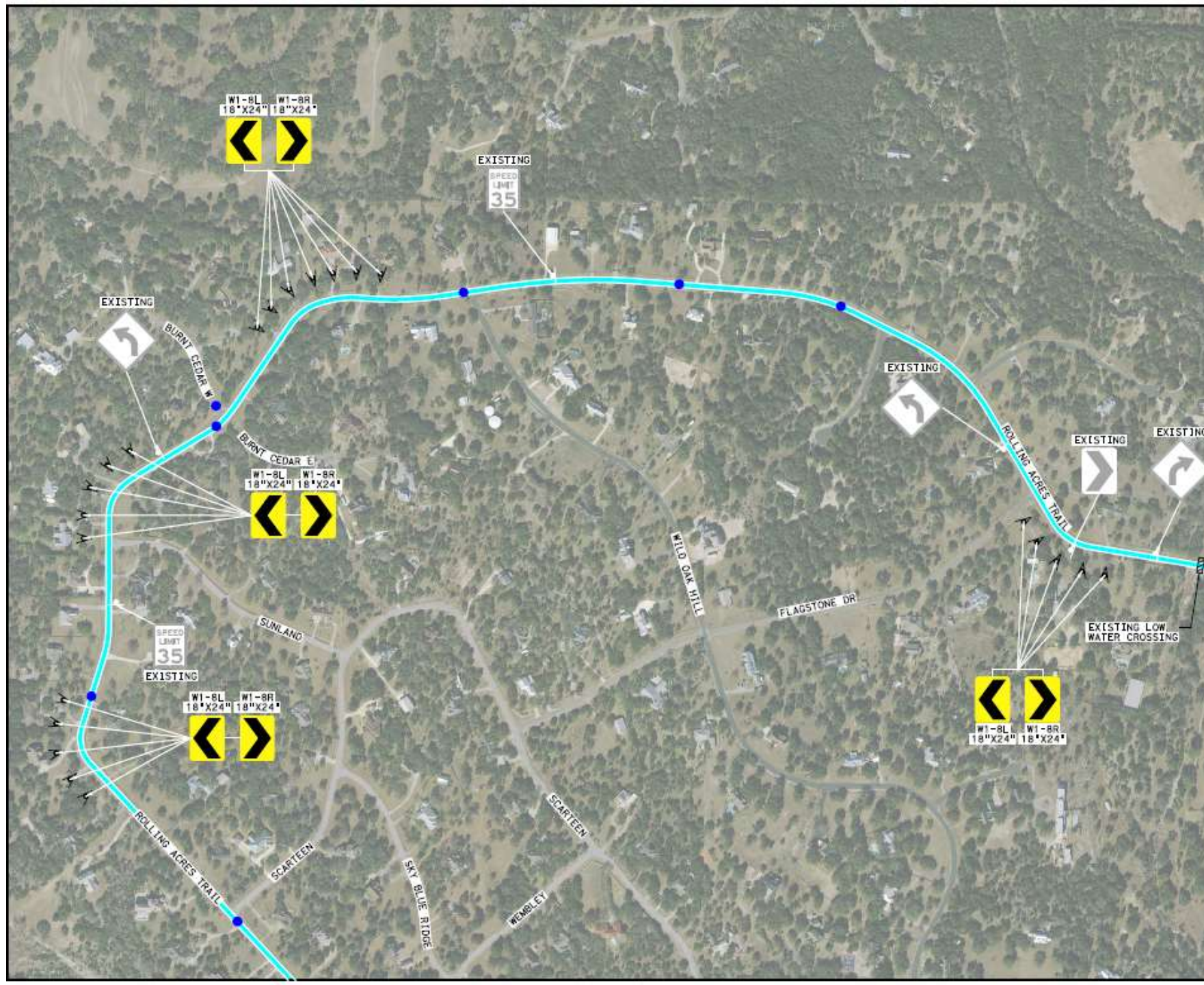
**FAIR OAKS RANCH**


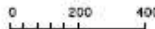
**PROPOSED SIGNING LAYOUT**

SHEET 3 OF 4





PROJECT NO.		SHEET	
13		13	
STATE	COUNTY	CITY	
TEXAS	BAT	BEVIR, COMAL, & KENDALL	
CONTRACT	NO.	ROADWAY	
-	-	VARIOUS	

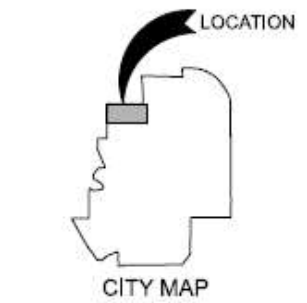





  

  
 SCALE: 1"=400'

**LEGEND**

-  LOW WATER CROSSING
-  PROPOSED RAISED PAVEMENT MARKERS TY II-A-A
-  PROPOSED TY II-B-B RAISED PAVEMENT MARKER LOCATIONS
-  EXISTING SIGN TO REMAIN PROPOSED 24\"/>



- NOTES:**
1. RPM'S 20' SPACING ON CURVES AND 30' SPACING ON STRAIGHT AWAYS.
  2. FOR SPACING OF CHEVRONS FOLLOW TXDOT STANDARD D & CM(3)-20.
  3. REMOVE ANY EXISTING SIGNING IN CONFLICT WITH PROPOSED.


**LEGACY**  
 ENGINEERING GROUP  
Legacy Engineering Group, P.L.L.C.  
 7500 W Interstate 10, Ste. 630, San Antonio, Texas 78230, 210.493.3700  
 TSP# Firm Registration No. 20823

**FAIR OAKS RANCH**  
**PROPOSED SIGNING LAYOUT**

SHEET 4 OF 4

PROJECT #		14	
STATE	DEST.	COUNTY	
TEXAS	SAT	BEXAR, COMAL & KENDALL	
CONTRACT	DEST.	JOB	ROADWAY
-	-	-	VARIOUS



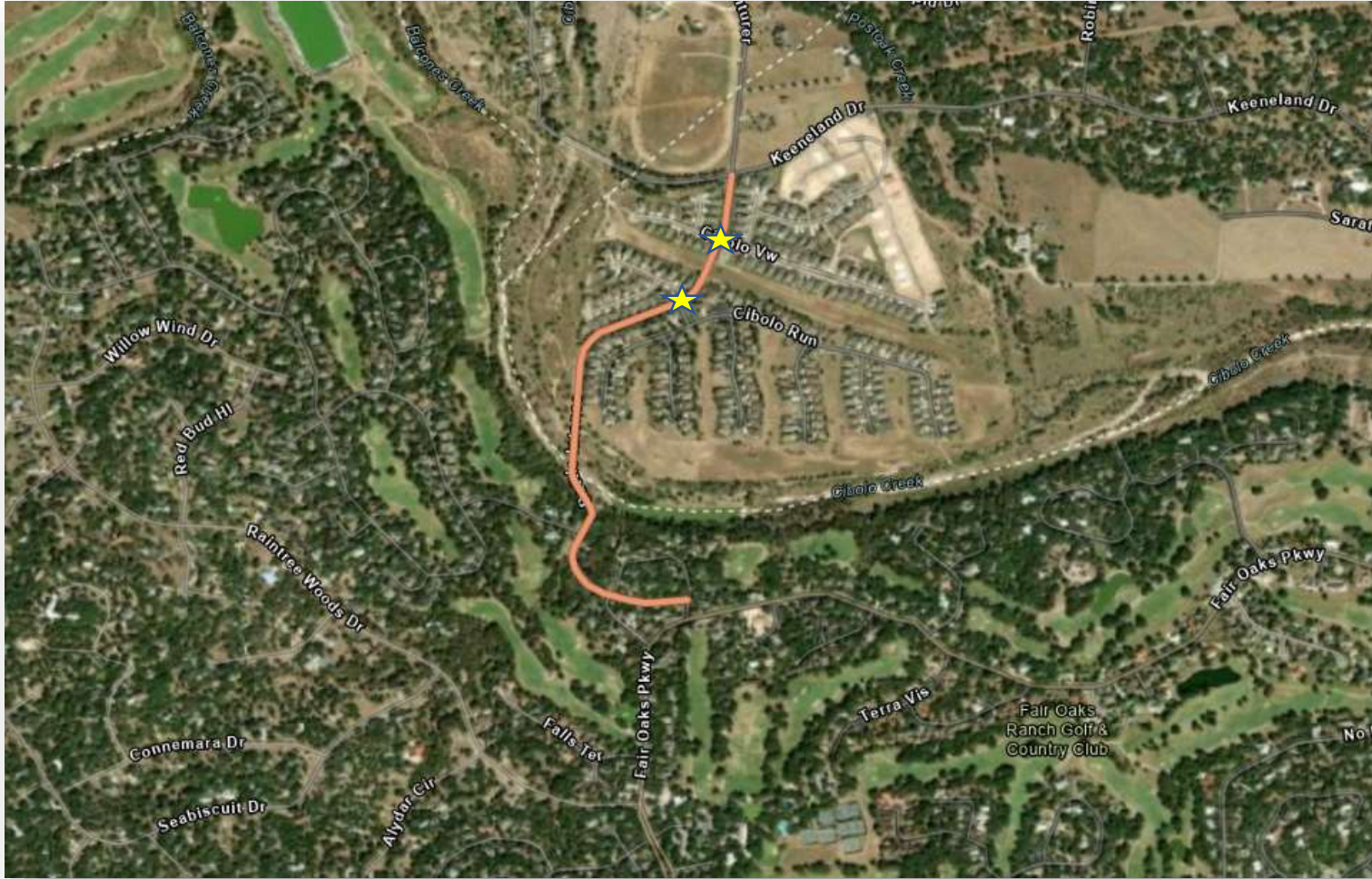




# ANNUAL STREET MAINTENANCE PLAN UPDATE

## SCHOOL BUS STOP SAFETY IMPROVEMENTS

Item #4.

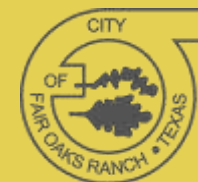


Battle Intense has two School Bus stops:

- Cibolo View
- Cibolo Valley/Cibolo Run

Complaints include:

- Speeding
- Passing stopped school bus

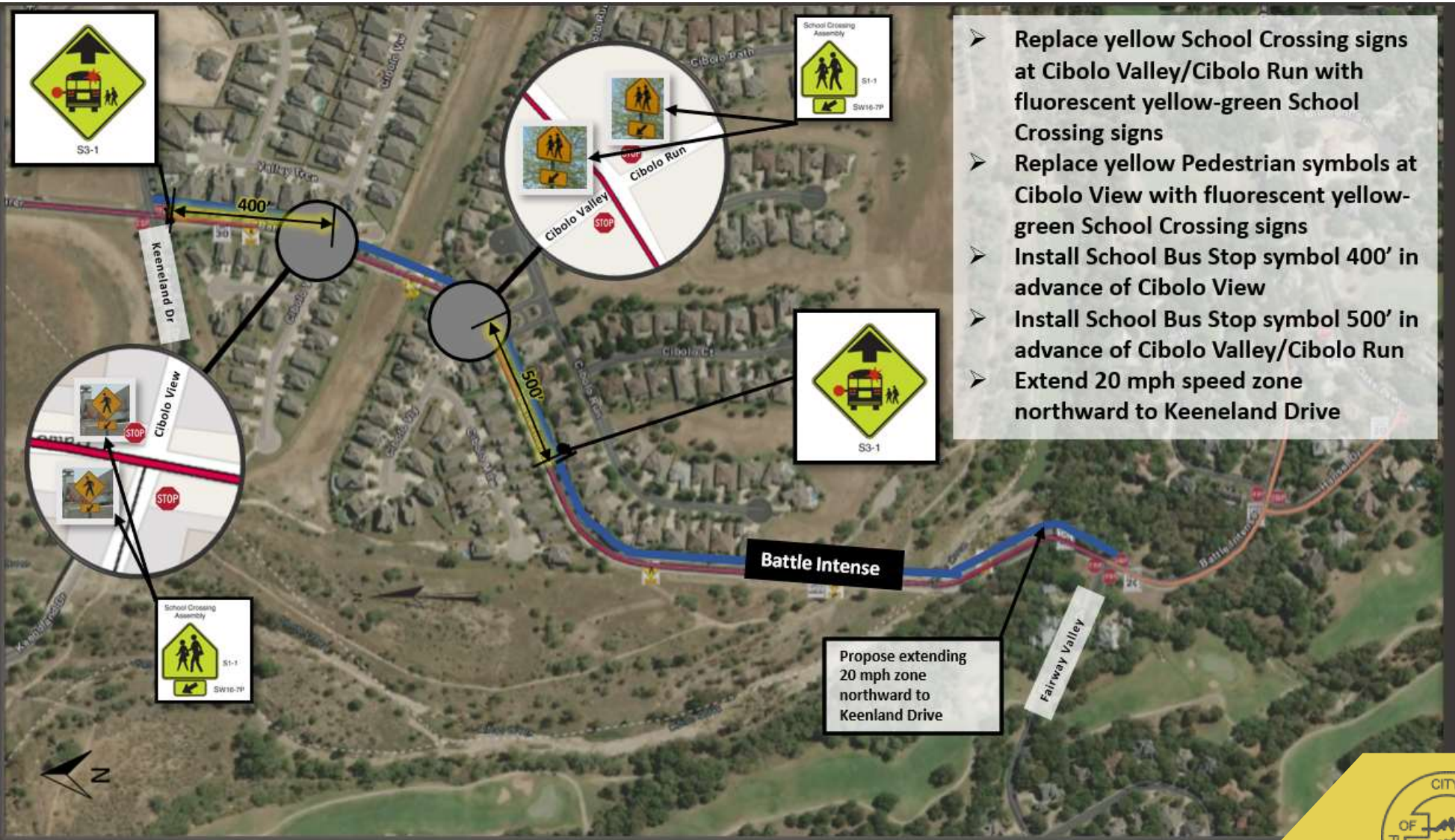





# ANNUAL STREET MAINTENANCE PLAN UPDATE

## SCHOOL BUS STOP SAFETY IMPROVEMENTS


### Speed Zone Revision and Signing




- Replace yellow School Crossing signs at Cibolo Valley/Cibolo Run with fluorescent yellow-green School Crossing signs
- Replace yellow Pedestrian symbols at Cibolo View with fluorescent yellow-green School Crossing signs
- Install School Bus Stop symbol 400' in advance of Cibolo View
- Install School Bus Stop symbol 500' in advance of Cibolo Valley/Cibolo Run
- Extend 20 mph speed zone northward to Keeneland Drive




x 2



x 4



x 2



x 1

Materials Estimate: \$2,000 (covered by contingency)



# QUESTIONS / DISCUSSION

JULIO COLUNGA – ASSISTANT DIRECTOR OF PUBLIC WORKS

MICHAEL GARZA, PE, PTOE, RSP<sub>1</sub> – LEGACY ENGINEERING GROUP (GEC)





# HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) POTENTIAL OPPORTUNITIES AVAILABLE FOR THE CITY OF FAIR OAKS RANCH

MICHAEL GARZA, PE, PTOE, RSP<sub>1</sub> - LEGACY ENGINEERING GROUP (GEC)

MAY 19, 2022





- ✓ Overview of Highway Safety Improvement Program (HSIP)
  - Recent Changes w/HSIP Funding & Participation
  - \$3.6M of Safety Enhancement Funding Available for FY 23
- ✓ Potential Opportunities Available for the City of Fair Oaks Ranch
  1. Ammann Rd Curve Realignment(s) & Shoulder Widening
  2. Potential Targeted / Systemic Safety Enhancements
- ✓ Key Takeaways / Discussion / Next Steps



## What is the Highway Safety Improvement Program (HSIP)

- The HSIP is a federal-aid program, managed by each state, with the purpose to achieve a significant reduction in traffic fatalities and serious injuries on all public roads.
- Projects may be
  - Targeted - supported by qualifying preventable crashes with Safety Improvement Index  $\geq 1.0$
  - Systemic - based on roadway features that may pose known risks for severe crashes





## How are HSIP Projects Selected?

Prior to 2020, all 25 TxDOT Districts competed for the same funding which funded based on the top SIIs for each type of project submitted so the top tier was determined after projects were submitted

### 25 Districts

On System Targeted - Systemic - Off System

Intersection – Run off Road – Curves - Pedestrian – Widening – Grade Separations





## RECENT CHANGES TO HSIP PROGRAM

Each District now has an assigned budget for qualifying projects

- Dedicated funding for off-system
- No longer competing statewide
- Districts accountable to meet funding amounts to reduce fatal and serious injury crashes
- The San Antonio District currently has \$3.6M available for FY 23 for off-system projects

### FY 2022 Programming Projection

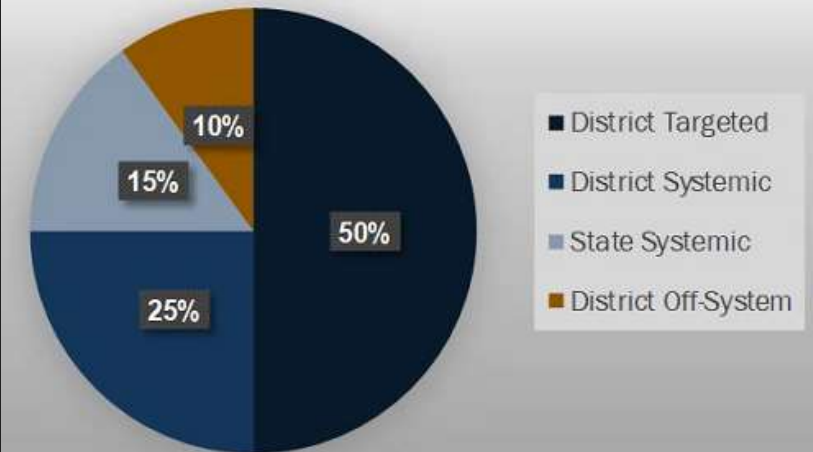
Item #5.

Dollar amount: \$ 160,000,000

% of Overall Funding: 50% 10% 40%  
\$ from Overall Funding: \$ 80,000,000 \$ 16,000,000 \$ 64,000,000

District Name	Total On-System Targeted	Total Off-System Targeted	District Systemic	District Expected Program Total
Abilene	\$ 784,369	\$ 69,398	\$ 2,560,000	\$ 3,413,767
Amarillo	\$ 625,222	\$ 164,008	\$ 2,560,000	\$ 3,349,230
Atlanta	\$ 1,696,308	\$ 184,544	\$ 2,560,000	\$ 4,440,852
Austin	\$ 4,469,574	\$ 1,628,926	\$ 2,560,000	\$ 8,658,500
Beaumont	\$ 4,389,764	\$ 426,352	\$ 2,560,000	\$ 7,376,116
Brownwood	\$ 420,363	\$ 35,451	\$ 2,560,000	\$ 3,015,814
Bryan	\$ 2,593,623	\$ 153,447	\$ 2,560,000	\$ 5,307,070
Childress	\$ 648,032	\$ 23,133	\$ 2,560,000	\$ 3,231,165
Corpus Christi	\$ 1,340,871	\$ 172,116	\$ 2,560,000	\$ 4,072,987
Dallas	\$ 13,813,668	\$ 3,722,970	\$ 2,560,000	\$ 20,096,639
El Paso	\$ 2,109,728	\$ 563,408	\$ 2,560,000	\$ 5,233,136
Ft. Worth	\$ 4,495,399	\$ 925,930	\$ 2,560,000	\$ 7,981,328

### Breakdown of Funding



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## How does Fair Oaks Ranch Qualify For Funding?

**Targeted** submissions require an  $SII \geq 1.0$

- Crashes Analyzed
  - ❖ Fatal Injury Crash (K)
  - ❖ Incapacitating Injury Crash (A)
  - ❖ Non-Incapacitating Injury Crash (B)
- Safety Counter-Measures Established
- Project Estimate Developed
- Safety Improvement Index (SII) Calculated

**Systemic** submissions do not need an SII

but, if available, may be used for prioritization

$$S = \frac{R(C_f F + C_i I)}{Y} - M$$

$$Q = \left( \frac{A_a - A_b}{A_b} \div L \right) S$$

$$B = \frac{S + \frac{1}{2}Q}{1.06} + \sum_{i=2}^L \left[ \frac{(S + \frac{1}{2}Q) + (i-1)Q}{(1.06)^i} \right]$$

$$SII = \frac{B}{C}$$





## How Does HSIP Funding Work?

Federal: 90% of Construction Costs

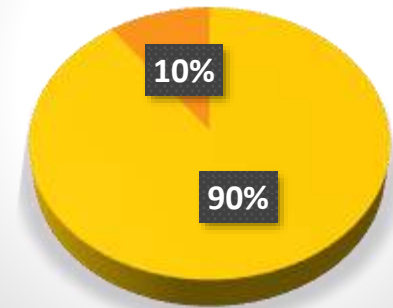
Local: 10% of Construction Costs (+ Engineering)

All costs will be allocated based on 90% federal funding and 10% local government funding\* until the federal funding reaches the maximum obligated amount for the project. The local government will then be responsible for 100% of the overrun costs.

\*Projects that qualify for **G-match** receive 100% federal funding until the federal funding reaches the maximum obligated amount for the project.

### CONSTRUCTION COSTS

FEDERAL LOCAL





## What is G-Match?

Federal: 100% of Construction Costs for certain projects

Local: Engineering

Increased Federal Share for Certain Safety Projects. All projects must conform to the guidelines for HSIP projects (meeting minimum SII if applicable)

Safety Engineering will consider off-system projects a priority for this increased share.

Examples of potentially eligible projects include:

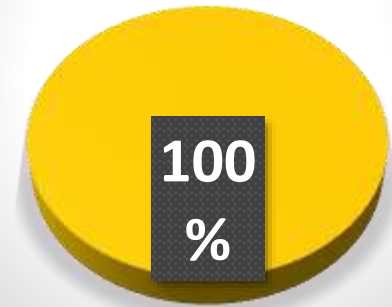
- traffic control signalization
- traffic circles (also known as "roundabouts")
- pavement markings
- installation of traffic signs, traffic lights, guardrails, impact attenuators, or concrete barrier end treatments

The local government may still be responsible for overrun costs.

### CONSTRUCTION COST

Item #5.

FEDERAL LOCAL

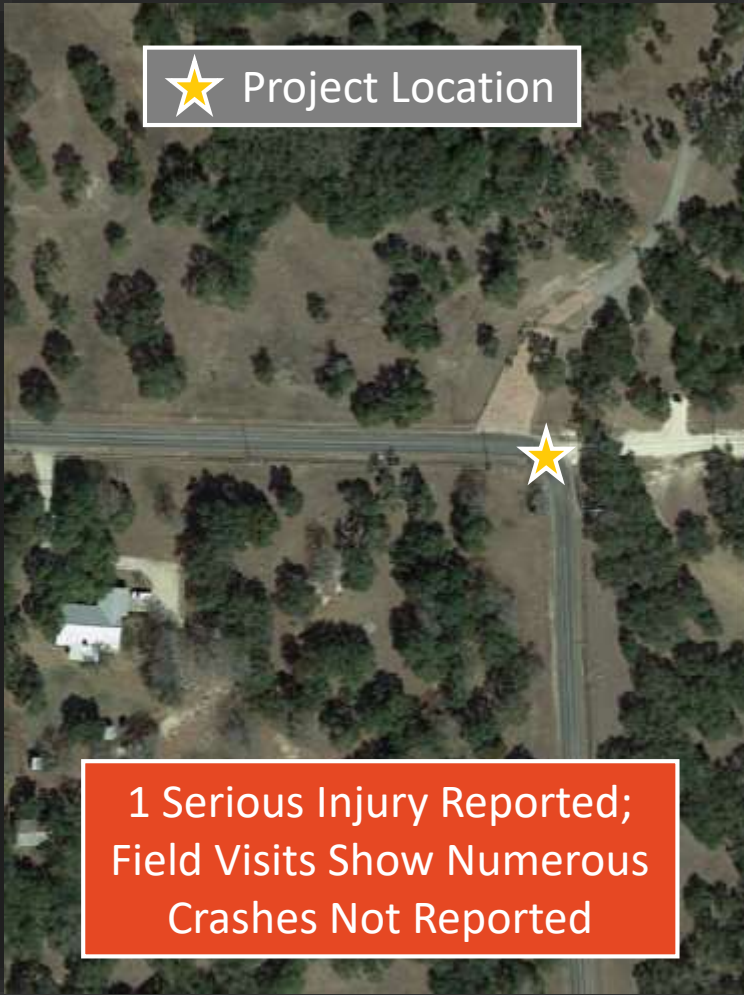






# OPPORTUNITY #1: AMMANN RD REALIGNMENT

Item #5.



★ Project Location

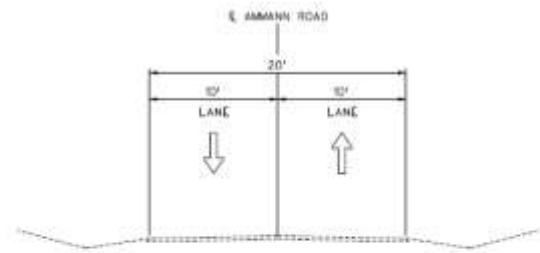
1 Serious Injury Reported;  
Field Visits Show Numerous  
Crashes Not Reported



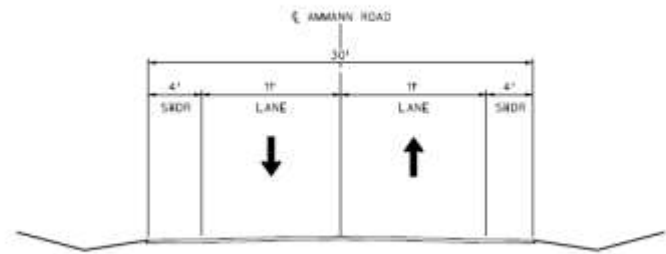


# OPPORTUNITY #1: AMMANN RD REALIGNMENT

Item #5.



EXISTING TYPICAL SECTION



PROPOSED TYPICAL SECTION



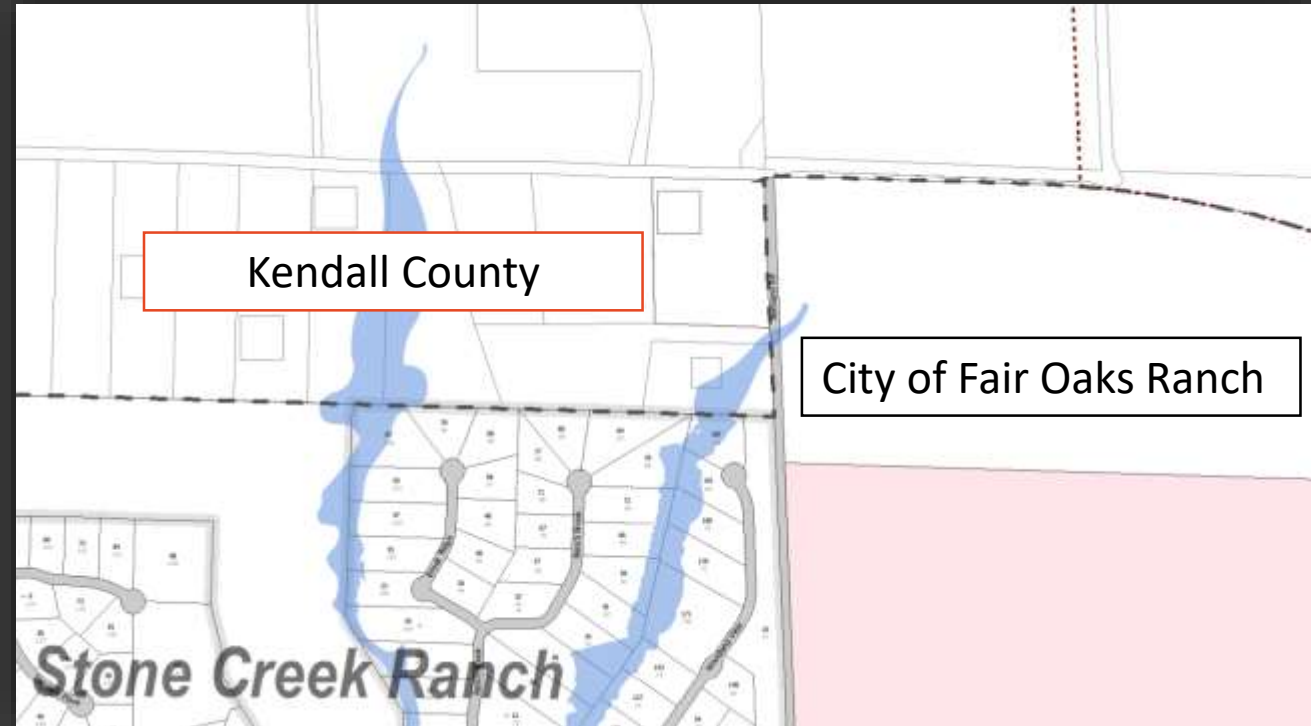


## OPPORTUNITY #1: AMMANN RD REALIGNMENT

Item #5.

### Kendall County Participation

- The project limits include both the City of Fair Oaks Ranch and Kendall County
- Preliminary discussions w/Kendall County point towards project support and funding participation
- Project recommended by KCBFOR Transportation Committee



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## Previous Kendall County Commissioner's Court Meeting Minutes:

*"It is ordered by the Commissioners' Court of Kendall County, Texas, to approve moving forward to the next step to gain information about the Highway Safety Improvement Program (HSIP) Project on Ammann Road (located approximately 3.75 miles east of the intersection of Ammann Road and SH 46)."*

Motion was made by Commissioner Elkins, seconded by Commissioner Chapman, and carried by a vote of 5-0 in March 2020.





**OPPORTUNITY #1:  
AMMANN RD  
REALIGNMENT**

# SAFETY ENHANCEMENTS AT 2 CURVES

Item #5.

Ammann Road



**ADDITION OF 4 FT SHOULDERS**



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## OPPORTUNITY #1: AMMANN RD REALIGNMENT

### Current Ammann Road Project

### Approved City of Fair Oaks Ranch Roadway CIP

- Overall Condition Index (OCI) Score Below 40
  - ❖ In Less Than 3 Years, the Average OCI Will Be Below 30
- Full Depth Reconstruction, Drainage Improvements, & Utility Adjustments
- Addition of 4 ft Shoulders
- **Total Estimated Cost = \$5,532,050**



### Current Roadway CIP Budget

FY 23: \$241k (Engineering)

FY 24: \$241k (Engineering)

FY 25/26: \$4.8M (Construction)



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## OPPORTUNITY #2: GENERAL SYSTEMIC IMPROVEMENTS

\* May qualify for G-Match

### POTENTIAL SYSTEMIC IMPROVEMENTS

- Illumination / Safety Lighting\*
- Rumble Strips on Stop-Controlled Approaches
- Installation of Roadside Flashers or Embedded LEDs for Stop Signs on Controlled Approaches
- "Intersection Ahead" Warning Signs\* Along Uncontrolled Approaches
- Systemically Treat Curves within a Geographical Area or Roadway Type
- Systemically Apply Pedestrian Treatments
- Roadway Widening (increase  $\leq 24'$  to  $28'$ )



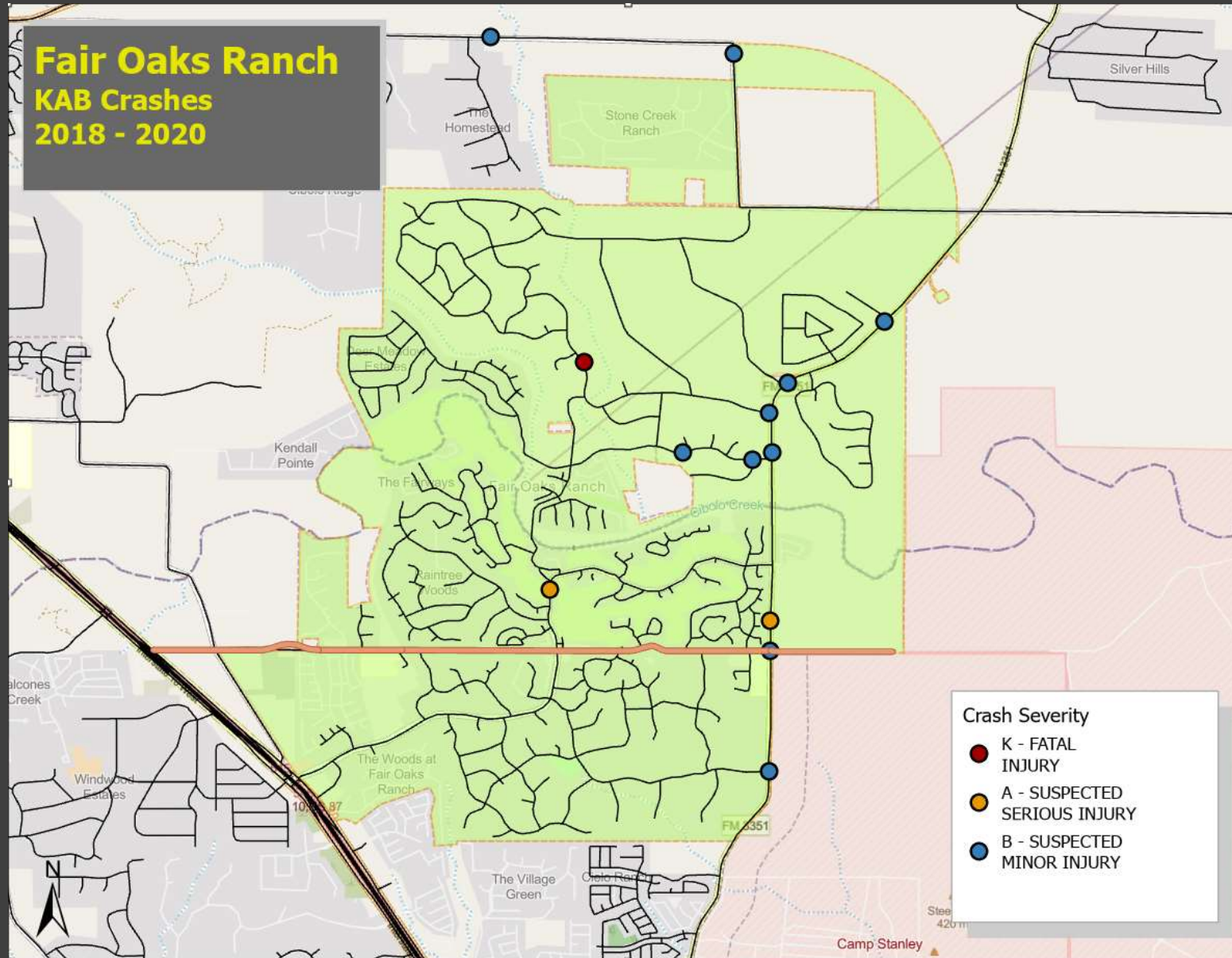




## OPPORTUNITY #2: TARGETED IMPROVEMENTS

Item #5.

### Fair Oaks Ranch KAB Crashes 2018 - 2020



Fair Oaks Ranch Crashes  
for the Years Evaluated  
by the Current HSIP  
Program Call

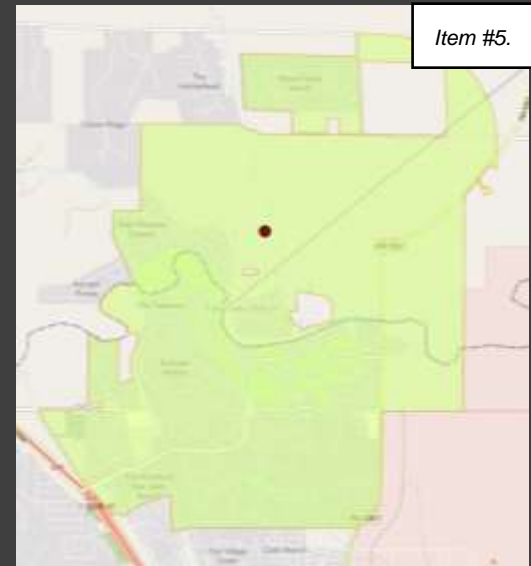


## OPPORTUNITY #2: TARGETED IMPROVEMENT (SILVER SPUR)

10/5/2020 - Fatal Injury

Monday 2:13 PM

- Contributing Factors: Driver inattention; Fatigued or Asleep; Wrong side – not passing
- Manner of Collision: Opposite Direction – both going straight



### FHWA Countermeasures that Work

- Enhanced Delineation for Horizontal Curves
- ~~Lighting~~ **Does Not Apply**
- Local Road Safety Plans
- Longitudinal Rumble Strips and Stripes on Two-Lane Roads
- Road Safety Audit
- SafetyEdge <sup>SM</sup>





**10/5/2020 - Fatal Injury**

**Monday 2:13 PM**

- Contributing Factors: Driver inattention; Fatigued or Asleep; Wrong side – not passing
- Manner of Collision: Opposite Direction – both going straight

**Targeted Countermeasures (Crash Reduction Factor / Service Life)**

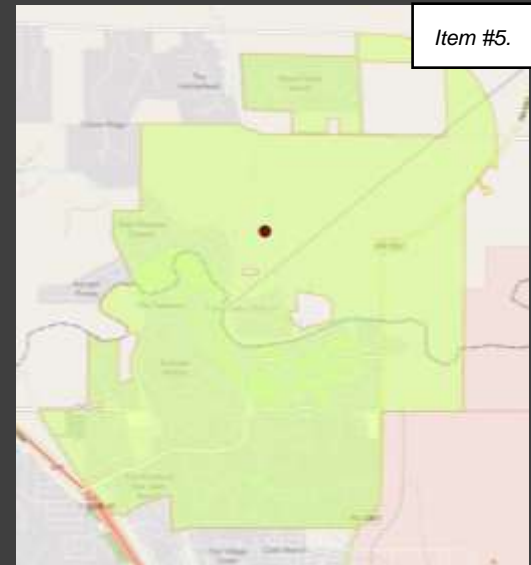
- 502 Widen Lanes (30% /20 Yrs) Up to \$5M\*
- 504 Construct Paved Shoulders 1-4 ft (25% /20 Yrs) Up to \$4M
- 404 Install Center Striping (65%/4 Yrs) Up to \$2.5M
- 543 Profile Centerline Markings\*\* (7%/5 Yrs)
- 137 – Install Chevrons (25%/10 Yrs) Up to \$2.5M

\* Dependent on available HSIP funding and requires 10% LG Cost Participation + Engineering + ROW

\*\*Cannot Submit Standalone Profile Markings

Standalone Striping may qualify for G-match

Each work code was calculated individually; a combination would impact (increase or reduce) the value



**FHWA Countermeasures that Work**

-  Enhanced Delineation for Horizontal Curves
-  ~~Lighting~~ **Does Not Apply**
-  Local Road Safety Plans
-  Longitudinal Rumble Strips and Stripes on Two-Lane Roads
-  Road Safety Audit
-  SafetyEdge <sup>SM</sup>



## POTENTIAL PROJECT COSTS BREAKDOWN

Item #5.

# OPPORTUNITY #1 – AMMANN RD SAFETY ENHANCEMENT REALIGN 2 EXISTING 90° CURVES & PROVIDE 4 LF OUTSIDE SHOULDERS

Description	Total Estimated Cost	Federal Participation		State Participation		Local Participation	
		%	Cost	%	Cost	%	Cost
Engineering @15% (By Local Government)	\$450,000.00	0%	\$0	0%	\$0	100%	\$450,000
Construction Estimated @ \$3M (By State)	\$3,000,000.00	90%	\$2,700,000	0%	\$0	10%	\$300,000
Environmental Direct State Costs (2.5%)	\$75,000	0%	\$0	0%	\$0	100%	\$75,000
Right of Way Direct State Costs (2.5%)	\$75,000	0%	\$0	0%	\$0	100%	\$75,000
Engineering Direct State Costs (2.5%)	\$75,000	0%	\$0	0%	\$0	100%	\$75,000
Utility Direct State Costs (2.5%)	\$75,000	0%	\$0	0%	\$0	100%	\$75,000
Construction Direct State Costs (5%)	\$150,000	90%	\$135,000	0%	\$0	10%	\$15,000
Indirect State Costs (5.33%)	\$159,900	0%	\$0	100%	\$159,900	0%	\$0
<b>TOTAL</b>	<b>\$4,059,900</b>	<b>\$2,835,000</b>		<b>\$159,900</b>		<b>\$1,065,000</b>	

Fair Oaks Ranch Tax-Payers Save 74% on a Project that  
Council has Already Approved in the Roadway CIP



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**OPPORTUNITY #2 – VARIOUS TARGETED/SYSTEMIC SAFETY ENHANCEMENTS**  
**CITY STAFF & GEC WILL REQUIRE ADDITIONAL RESEARCH/ANALYSIS ON  
POTENTIAL PROJECTS THROUGHOUT CITY LIMITS AS WELL AS GENERATING  
HIGH-LEVEL COST-ESTIMATES FOR EACH ONE.**





## KEY TAKEAWAYS

Item #5.

- ✓ The health, safety, and welfare of Fair Oaks Ranch residents is the paramount objective of the Public Works Department; these projects will enhance the safety of the existing roadway network for citizens at a fraction of the cost it would normally take to do so.
- ✓ \$3.6M of funding is available for our community; on certain projects, 100% of construction costs are covered. Only the engineering, environmental, ROW, and administrative charges are the City's responsibility.
- ✓ The current City of Fair Oaks Ranch Roadway CIP will require general debt obligations and/or a voter-approved Bond Program---taking advantage of the HSIP available funding will save our taxpayers millions of dollars.





## NEXT STEPS

Item #5.



Step 1 – Identify projects that may qualify



Step 2 – Approve pursuit of HSIP funding



Step 3 – Prioritize projects



Step 4 – Submit project concept(s)  
and estimate(s) to TxDOT



Step 5 – AFA Agreement  
with TxDOT

The current available funding (\$3.6M) requires a project  
let date of August 2023 or sooner.



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# QUESTIONS / DISCUSSION / DIRECTION

MICHAEL GARZA, PE, PTOE, RSP<sub>1</sub> - LEGACY ENGINEERING GROUP (GEC)





# *Proclamation*

## *The City of Fair Oaks Ranch Office of the Mayor*

**WHEREAS**, public works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of the City of Fair Oaks Ranch; and,

**WHEREAS**, these infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers and employees at all levels of government and the private sector, who are responsible for rebuilding, improving and protecting our nation's transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and,

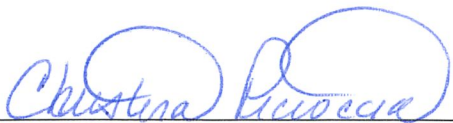
**WHEREAS**, it is in the public interest for the citizens and civic leaders in the City of Fair Oaks Ranch to gain knowledge of and to maintain a progressive interest and understanding of the importance of public works and public works programs in their respective communities; and,

**WHEREAS**, the year 2022 marks the 62<sup>nd</sup> annual National Public Works Week sponsored by the American Public Works Association/Canadian Public Works Association be it now,

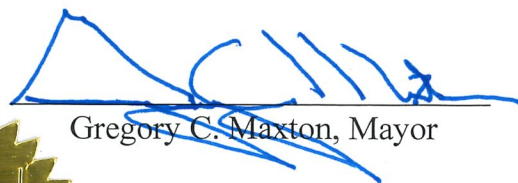
**WHEREAS**, the efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the people's attitude and understanding the importance of the work they perform.

**NOW, THEREFORE**, I, Gregory C. Maxton, Mayor of the City of Fair Oaks Ranch, do hereby designate the week May 15 – 21, 2022 as National Public Works Week; I urge all citizens to join with representatives of the American Public Works Association/Canadian Public Works Association and government agencies in activities, events and ceremonies designed to pay tribute to our public works professionals, engineers, managers and employees and to recognize the substantial contributions they make to protecting our national health, safety, and quality of life.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the seal of the City of Fair Oaks Ranch to be affixed this 13<sup>th</sup> day of May 2022.



Christina Picioccio, City Secretary

Gregory C. Maxton, Mayor

**PROCLAMATION**  
***The City of Fair Oaks Ranch***  
***Office of the Mayor***

**WHEREAS**, the Congress and President of the United States have designated May 15<sup>th</sup> as National Peace Officers Memorial Day, and the week in which it falls as Police Week; and,

**WHEREAS**, the members of the Fair Oaks Ranch Police Department play an essential role in safeguarding the rights and freedoms of the citizens of the City of Fair Oaks Ranch; and,

**WHEREAS**, it is important that all citizens know and understand the problems, duties and responsibilities of their police department, and that members of our police department recognize their duty to serve the people by safeguarding life and property, by protecting them against violence or disorder, and by protecting the innocent against deception and the weak against oppression or intimidation; and,

**WHEREAS**, the police department of the City of Fair Oaks Ranch has grown to be modern and scientific law enforcement agency which unceasingly provides a vital public service.

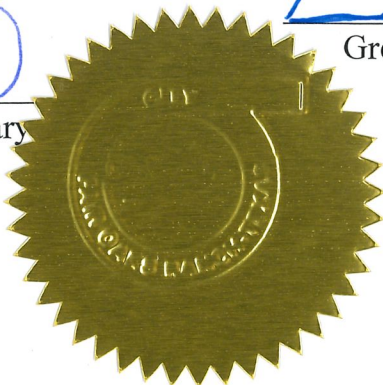
**NOW, THEREFORE**, I, Mayor Gregory C. Maxton call upon all citizens of the City of Fair Oaks Ranch and upon all patriotic, civil and educational organizations to observe the week of May 11, 2022 as Police Week with appropriate ceremonies in which all of our people may join in commemorating police officers, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities and, in doing so, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

**I FURTHER** call upon all citizens of Fair Oaks Ranch to observe May 15<sup>th</sup>, as Peace Officers Memorial Day to honor those peace officers who, through their courageous deeds, have lost their lives or have become disabled in the performance of duty.

**WITNESS MY HAND AND SEAL THIS 13th DAY OF MAY 2022**

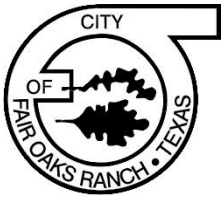


Christina Picioccio, City Secretary



  
Gregory C. Maxton, Mayor





## CITY OF FAIR OAKS RANCH

### CITY COUNCIL REGULAR MEETING

Thursday, May 05, 2022 at 6:30 PM

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

## MINUTES

### OPEN MEETING

1. Roll Call - Declaration of a Quorum

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

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

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

### CITIZENS and GUEST FORUM

3. Citizens to be heard – None.

Mayor Maxton read a letter from Mr. Wes Pieper, resident, regarding the potential tax exemptions or tax freeze for residents 65 years or older and the use of American Rescue Plan Act fund spending.

### PRESENTATIONS

4. Joanna Merrill, IPMA-SCP, Director of Human Resources and Communications, introduced new employee, Kelsey Delgado, Environmental Program Manager.
5. Joanna Merrill, IPMA-SCP, Director of Human Resources and Communications, recognized the Employee of the Quarter for Q2 (January 2022 thru March 2022), Summer Fleming, Interim Director of Finance.
6. Scott Huizenga, Assistant City Manager of Administrative Services, provided to Council a presentation on options for reducing property taxes for qualifying disabled or over age-65 homesteads.
7. Christina Picioccio, TRMC, City Secretary, provided a presentation regarding City Council meeting live streamed video time stamping and how to navigate the feature.

### CONSENT AGENDA

8. **Approval of the April 21, 2022, Regular City Council meeting minutes.**
9. **Approval of Council Member Stroup's absence from the May 19, 2022, and June 16, 2022, Regular City Council Meetings.**
10. **Approval of a Final Plat request from Elkhorn Ridge SA, LLC for Elkhorn Ridge Unit 7 proposing 18 single-family residential lots, generally located north-east of the intersection of Dietz Elkhorn Road and Elkhorn Ridge, City of Fair Oaks Ranch, Texas.**

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

VOTE: 7-0; Motion Passed.

### CONSIDERATION/DISCUSSION ITEMS

11. **Consideration and possible action authorizing the City Manager to sign a Construction Agreement with Aetos Construction, LLC for the Chartwell and Dietz Intersection Project; and approval of the first reading of an Ordinance amending the budget in support of said project.**

MOTION: Made by Council Member Elizondo, seconded by Council Member Stroup, to authorize the City Manager to sign a Construction Agreement with Aetos Construction, LLC in the amount of \$403,164.13 with a 5% contingency in the amount of \$20,158.21, for a total value not to exceed \$423,322.34 and to approve the first reading of an Ordinance amending the FY21-22 Budget.

VOTE: 6-1; Motion Passed. Council Member Muenchow voted Nay.

12. **Consideration and possible action authorizing the City Manager to initiate a request for the City of San Antonio to release a 112 +/- acre portion of their Extraterritorial Jurisdiction (ETJ) to the City of Fair Oaks Ranch.**

MOTION: Made by Council Member Elizondo, seconded by Council Member Stroup, to authorize the City Manager to initiate a request for the City of San Antonio to release a 112 +/- acre portion of their Extraterritorial Jurisdiction (ETJ) to the City of Fair Oaks Ranch.

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

### REPORTS FROM STAFF AND COMMITTEES

13. **Financial Update and Quarterly Investment Report for Quarter 2 of Fiscal Year 2022.**

Scott Huizenga, Assistant City Manager, Administrative Services, provided to Council a Financial Update and Quarterly Investment Report for Quarter 2 of Fiscal Year 2022.

### REQUESTS AND ANNOUNCEMENTS

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

Council Member Stroup reminded all present that Election Day is on Saturday, May 7, 2022.

Mayor Maxton recognized City Secretary, Christina Picioccio and Deputy City Secretary, Amanda Valdez in recognition for Municipal Clerks Week.

15. **Announcements by the City Manager.**

City Manager Maples:

- Recognized the HR and Communications Department for their help in submitting information that resulted in awards for the wastewater team.
- Notified city council that TxDOT had performed a warrant study at the intersection of Ammann Road and FM 3351 and as a result a traffic light will be installed there.



- Thanked staff and Council for their support in the last week during his absence.

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

Council Member Muenchow requested that an ordinance for a disability tax freeze and exemption based on earlier discussions be brought back for council consideration.

Council Member Elizondo requested that staff look at opportunities to use staffing contractors for filling vacant positions and for those options to be presented to Council at a future meeting.

**CONVENE INTO EXECUTIVE SESSION**

City Council convened into Executive Session at 8:40 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:

17. To receive legal advice from Special Counsel and the City Attorney regarding the City's ground water rights.
18. Cause No. 2022CI011978; Boerne Ranch Estates, LLC v. The City of Fair Oaks Ranch.
19. Case No. 22-090-451; Vincent A. Caldarola, MD vs. City of Fair Oaks Ranch, Texas.

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

20. 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 9:15 PM. No action was taken.

**ADJOURNMENT**

Mayor Maxton adjourned the meeting at 9:15 PM.

ATTEST:

\_\_\_\_\_  
Gregory C. Maxton, Mayor

\_\_\_\_\_  
Christina Picioccio, TRMC, City Secretary



**CITY COUNCIL CONSENT ITEM**  
**CITY OF FAIR OAKS RANCH, TEXAS**  
**May 19, 2022**

AGENDA TOPIC: Approval of the second reading of an Ordinance Adopting Fiscal Year 2021-22 Budget Amendment for the Chartwell and Dietz Elkhorn Intersection Project

DATE: May 19, 2022

DEPARTMENT: Finance

PRESENTED BY: Consent Agenda - Tobin E. Maples, City Manager

**INTRODUCTION/BACKGROUND:**

The purpose of this agenda item is to bring forward for consideration and possible action to adopt a budget amendment for Fiscal Year 2021-22. This represents the second reading of the proposed ordinance adopting the budget amendment as discussed below.

The adopted FY 2021-22 budget includes \$175,000 appropriation in the Strategic Action Plan (SAP) Fund associated with the Chartwell and Dietz Elkhorn Intersection Project. On January 20, 2022, two options for the intersection were discussed as part of an update to Council. The preferred option, considered the permanent solution, was to realign Chartwell Lane to create a 4-leg standard intersection with stop signs and crosswalks in each direction to improve pedestrian safety and traffic flow in the vicinity of Fair Oaks Ranch Elementary

Additional funds in the amount of \$298,322 from unassigned fund balance can be used to cover the cost of the construction agreement, 5% contingency, radar feedback signs and other safety enhancements as deemed appropriate.

The first reading of the Ordinance was approved at the May 5, 2022 Council meeting.

**POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:**

The ordinance provides for a total increase of \$298,322 for the FY 2021-22 Adopted Budget. The project supports the City's Strategic Action Plan items for Responsible Growth Management and Reliable and Sustainable Infrastructure and improves traffic and pedestrian safety within the Dietz Elkhorn corridor.

**LONG-TERM FINANCIAL & BUDGETARY IMPACT:**

This ordinance transfers unallocated fund balance from the General Fund to the SAP Fund for appropriation to the project as shown in **Exhibit A**.

**LEGAL ANALYSIS:**

Ordinance approved as to form.



**RECOMMENDATION/PROPOSED MOTION:**

Consent Agenda - I move to approve the second reading of the proposed Budget Amendment Ordinance.

**AN ORDINANCE****AMENDING THE BUDGET OF THE CITY OF FAIR OAKS RANCH, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022**

**WHEREAS**, the budget for the City of Fair Oaks Ranch, Texas for FY 2021- 2022 has heretofore been approved as provided by law and filed with the City Secretary under Ordinance 2021-04; and,

**WHEREAS**, the budget for the City of Fair Oaks Ranch, Texas for FY 2021- 2022 has heretofore been amended as provided by law and filed with the City Secretary under Ordinance 2022-05; and,

**WHEREAS**, the City Manager may move amounts within the same fund but budget amendments between funds must be approved by City Council by ordinance; and,

**WHEREAS**, pursuant to Texas LGC §102.010, budget amendments shall be passed and approved by City Council; and,

**WHEREAS**, staff recommends making the attached budget amendments as shown in **Exhibit A**; and,

**WHEREAS**, the City Council finds the budget amendments as detailed in the attachment are warranted in conjunction with the Chartwell Rd and Dietz Elkhorn Rd intersection project.

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

- PART 1.** That the recitals contained in the preamble hereto are hereby found to be true and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.
- PART 2.** That the City Secretary is hereby directed to file this ordinance as an Amendment to the original budget and the Finance Director is hereby directed to amend the original budget with the amendments listed in the attached Exhibit A.
- PART 3.** It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance be severable, and, if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared invalid by judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance and the remainder of this ordinance shall be enforced as written.
- PART 4.** That it is officially found, determined, and declared that the meeting at which this Ordinance 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 ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.



**PART 5.** This ordinance shall take effect following a second reading on May 19, 2022 and after passage, adoption and publication as may be required by governing law.

**PART 6.** The provisions of this ordinance shall be cumulative of all ordinances not repealed by this ordinance and ordinances governing or regulating the same subject matter as that covered herein.

**PASSED and APPROVED on first reading this 5th day of May 2022.**

**PASSED, APPROVED AND ADOPTED on second reading the 19th day of May 2022.**

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Gregory C. Maxton, Mayor

ATTEST:

APPROVED AS TO FORM:

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Christina Picioccio, TRMC, City Secretary

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

**PROPOSED BUDGET AMENDMENTS  
CITY OF FAIR OAKS RANCH  
FISCAL YEAR 10/1/2021-9/30/2022**

Proposed Increases to Budgeted Expenditures				
Dep't	Acct #	Acct Name	Item	Amount
SAP	02-504-106	Chartwell and Dietz Intersection	Roadway realignment	\$ 298,322
Total Proposed Expenditure Increases				\$ 298,322

[illegible]

Transfers Required Between Funds				
	<u>Acct #</u>	<u>Acct Name</u>	<u>Item</u>	<u>Amount</u>
General Fund	01-690-805	Transfer to SAP Fund	For roadway realignment contract	\$ 298,322
GF Capital Fund	02-400-986	Transfer From General Fund	For roadway realignment contract	\$ (298,322)
Total Net Transfers between Funds				\$ -





**CITY COUNCIL CONSIDERATION ITEM**  
**CITY OF FAIR OAKS RANCH, TEXAS**  
**May 19, 2022**

AGENDA TOPIC: Consideration and possible action approving the first reading of an Ordinance amending ad valorem tax exemptions on residence homesteads

DATE: May 19, 2022

DEPARTMENT: City Council

PRESENTED BY: Tobin E. Maples, City Manager

**INTRODUCTION/BACKGROUND:**

Pursuant to Texas Tax Code Section 11.13, the City Council has the option to offer an ad valorem tax (property tax) exemption on residence homesteads, an exemption to residents aged 65 and over, and an exemption to residents qualifying as disabled under Texas Tax Code Section 11.13 (m)(l) as it currently exists or may be amended.

The City currently offers the following exemptions:

- \$5,000 exemption for residence homestead
- \$20,000 exemption for residents aged 65 and over if the owner is a full-time resident in the homestead.

**POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:**

Staff has presented different scenarios of tax exemptions and their impacts on revenue for the next ten years. By increasing the exemption to residents aged 65 and older, and adopting a new exemption for disabled persons, the tax burden of these residents would be reduced relative to other property owners in the City.

**LONGTERM FINANCIAL & BUDGETARY IMPACT:**

The estimated change in revenues to the City and proportional tax changes to qualifying over-65 and under-65 homesteads within the different scenarios are presented in the attached schedules.

The total revenue change over 10 years of an over-65 homestead exemption at the greater of 5% or \$25,000 is nearly \$1.46 million, of which \$507,000 would be new exemptions. The estimated change to an over-65 homestead would be a \$26 reduction in the first year and rising to \$52 by year 10. The estimated change to a non-qualifying homestead would be an increase of \$15 in the first year increasing to \$31 by year 10.

The total revenue change over 10 years of an over-65 homestead exemption at the greater of 10% or \$50,000 is \$2.90 million, of which \$1.96 million would be new exemptions. The estimated change to an over-65 homestead would be a \$121 reduction in the first year and rising to \$173 by year 10. The estimated change to a non-qualifying homestead would be an increase of \$72 in the first year increasing to \$102 by year 10.

The analyses assume annual property tax growth of 3.5%. The analyses also assume all other exemptions remain the same and property composition are held constant based on 2021 tax roll.

**LEGAL ANALYSIS:**

Ordinance approved as to form.

**RECOMMENDATION/PROPOSED MOTION:**

I move to approve the first reading of an ordinance amending ad valorem tax exemptions as follows:

- Five thousand dollars (\$5,000) exemption for residence homesteads
- An amount equal to the greater of \_\_\_\_ percent (\_\_\_\_%) or \_\_\_\_\_dollars (\$\_\_\_\_\_) exemption for residents aged 65 and over
- An amount equal to the greater of \_\_\_\_ percent (\_\_\_\_%) or \_\_\_\_\_dollars (\$\_\_\_\_\_) exemption for residents qualifying as disabled



## AN ORDINANCE

### AN ORDINANCE OF THE CITY OF FAIR OAKS RANCH PROVIDING FOR AD VALOREM TAX EXEMPTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS.

**WHEREAS**, Section 11.13 (n) of the Texas Tax Code provides that the City Council as the governing body of the City may adopt an exemption from taxation of a portion of the appraised value of a resident's homestead; and

**WHEREAS**, the City Council desires to amend the adopted homestead exemptions pursuant to that provision of the Texas Tax Code for the tax year 2022 and all future years, unless revised.

### **BE IT ORDAINED BY THE CITY COUNCIL OF FAIR OAKS RANCH, TEXAS:**

**SECTION 1. AD VALOREM EXEMPTIONS.** The collection of the City of Fair Oaks Ranch property tax is based on the respective Appraisal Districts' certified appraised tax rolls and the following exemptions are authorized for the 2022 tax year and all years thereafter:

- a. Five Thousand Dollars (\$5,000) of the assessed value of all residence homesteads within the city limits of the City of Fair Oaks Ranch, Texas.
- b. The greater of \_\_\_\_\_ percent (\_\_\_\_%) or \_\_\_\_\_ Dollars (\$\_\_\_\_\_) of the assessed value of all residence homesteads of persons sixty-five (65) years of age or older, within the city limits of the City of Fair Oaks Ranch, Texas.
- c. The greater of \_\_\_\_\_ percent (\_\_\_\_%) or \_\_\_\_\_ Dollars (\$\_\_\_\_\_) of the assessed value of all residence homesteads of qualifying disabled persons, within the city limits of the City of Fair Oaks Ranch, Texas.

**SECTION 2. SEVERABILITY.** If any provision, section, subsection, clause or phrase of this Ordinance or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of City Council in adopting this Ordinance that no portion thereof or regulation contained herein, shall become inoperative or fail by reason of the unconstitutionality of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

**SECTION 3. REPEALER CLAUSE.** The provisions of this Ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that which is covered herein, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This Ordinance shall not be construed to require or allow any act which is prohibited by any other ordinance.

**PASSED on first reading this 19<sup>th</sup> day of May 2022.**

**PASSED, APPROVED, and ADOPTED on second reading this 2<sup>nd</sup> day of June 2022.**

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Greg Maxton, Mayor

ATTEST:

APPROVED AS TO FORM:

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Christina Picioccio, City Secretary

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Denton, Navarro, Rocha, Bernal and Zech,  
City Attorney



**5% or \$25K TAX EXEMPTION-10 year impact table**

	FISCAL YEAR											10 Year Total
	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	
2022 Total Taxable Value Over 65	620,034,102	632,151,742	654,885,762	678,290,702	702,533,815	727,503,265	753,271,704	779,880,224	807,367,754	835,768,320	865,121,512	7,436,774,799
3.5% Growth without new exemption		669,490,477	692,922,643	717,174,936	742,276,059	768,255,721	795,144,671	822,974,734	851,778,850	881,591,110	912,446,799	7,854,055,998
Tax Rate per \$100 valuation	0.351800	0.351800	0.351800	0.351800	0.351800	0.351800	0.351800	0.351800	0.351800	0.351800	0.351800	0.351800
Collection rate	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99
Change in Revenue		(130,175)	(132,609)	(135,564)	(138,555)	(142,077)	(145,983)	(150,242)	(154,832)	(159,754)	(164,992)	(1,454,783)
Current revenue change with \$20K exemption		94,759	94,759	94,759	94,759	94,759	94,759	94,759	94,759	94,759	94,759	947,587
<b>ADDITIONAL CHANGE IN REVENUE</b>		<b>(35,417)</b>	<b>(37,851)</b>	<b>(40,805)</b>	<b>(43,796)</b>	<b>(47,318)</b>	<b>(51,225)</b>	<b>(55,483)</b>	<b>(60,073)</b>	<b>(64,995)</b>	<b>(70,233)</b>	<b>(507,197)</b>
<b>Number of Properties in option</b>	1,359											
<b>Additional Savings Per Property</b>		(26)	(28)	(30)	(32)	(35)	(38)	(41)	(44)	(48)	(52)	(373)
Single family tax paying residences under 65	2,154											
Additional tax burden for these properties if City maintains revenue		15	16	18	19	21	22	24	26	28	31	220
Growth Rate	3.50%											
Budgeted Revenue	9,611,689	9,948,098	10,296,282	10,656,651	11,029,634	11,415,671	11,815,220	12,228,753	12,656,759	13,099,745	13,558,237	
	0	1.3%	1.3%	1.3%	1.3%	1.2%	1.2%	1.2%	1.2%	1.2%	1.2%	
Total Market Value Over 65	665,160,944											
Less Current \$20K Exemption	(26,816,600)											
Less Veteran/HS/Other Exemptions	(18,310,242)											
Total Taxable Value Over 65	620,034,102											
2022 Total Taxable Value	620,034,102											
Remove \$20k Exemption	26,816,600											
3.5% Growth	22,639,775											
Total of New Exemption Value	(37,338,735)											
Taxable Value	632,151,742											

**10% or \$50K TAX EXEMPTION-10 year impact table**

	FISCAL YEAR											
	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	10 Year Total
2022 Total Taxable Value Over 65	620,034,102	595,014,518	617,042,120	639,677,687	662,970,574	686,923,828	711,565,561	736,947,755	763,112,394	790,097,806	817,943,444	7,021,295,687
3.5% Growth without new exemption		669,490,477	692,922,643	717,174,936	742,276,059	768,255,721	795,144,671	822,974,734	851,778,850	881,591,110	912,446,799	7,854,055,998
Tax Rate per \$100 valuation	0.351800	0.351800	0.351800	0.351800	0.351800	0.351800	0.351800	0.351800	0.351800	0.351800	0.351800	0.351800
Collection rate	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99
Change in Revenue		(259,648)	(264,545)	(270,182)	(276,486)	(283,550)	(291,385)	(299,919)	(309,121)	(318,977)	(329,471)	(2,903,284)
Current revenue change with \$20K exemption		94,759	94,759	94,759	94,759	94,759	94,759	94,759	94,759	94,759	94,759	947,587
<b>ADDITIONAL CHANGE IN REVENUE</b>		<b>(164,890)</b>	<b>(169,786)</b>	<b>(175,423)</b>	<b>(181,727)</b>	<b>(188,792)</b>	<b>(196,626)</b>	<b>(205,160)</b>	<b>(214,363)</b>	<b>(224,218)</b>	<b>(234,712)</b>	<b>(1,955,697)</b>
<b>Number of Properties in option</b>	1,359											
<b>Additional Savings Per Property</b>		(121)	(125)	(129)	(134)	(139)	(145)	(151)	(158)	(165)	(173)	(1,439)
Single family tax paying residences under 65	2,154											
Additional tax burden for these properties if City maintains revenue		72	74	76	79	82	85	89	93	97	102	850

Growth Rate	3.50%											
Budgeted Revenue	9,611,689	9,948,098	10,296,282	10,656,651	11,029,634	11,415,671	11,815,220	12,228,753	12,656,759	13,099,745	13,558,237	
	0	2.6%	2.6%	2.5%	2.5%	2.5%	2.5%	2.5%	2.4%	2.4%	2.4%	

Total Market Value Over 65	665,160,944
Less Current \$20K Exemption	(26,816,600)
Less Veteran/HS/Other Exemptions	(18,310,242)
Total Taxable Value Over 65	620,034,102

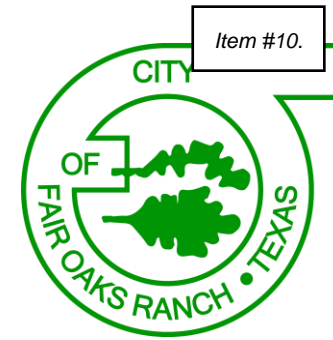
2022 Total Taxable Value	620,034,102
Remove \$20k Exemption	26,816,600
3.5% Growth	22,639,775
Total of New Exemption Value	(74,475,959)
Taxable Value	595,014,518

# Assumptions

- Adjusted average taxable values
- Average revenue growth of 3.5%
- Number of exemptions per 2021 Certified Tax Rolls

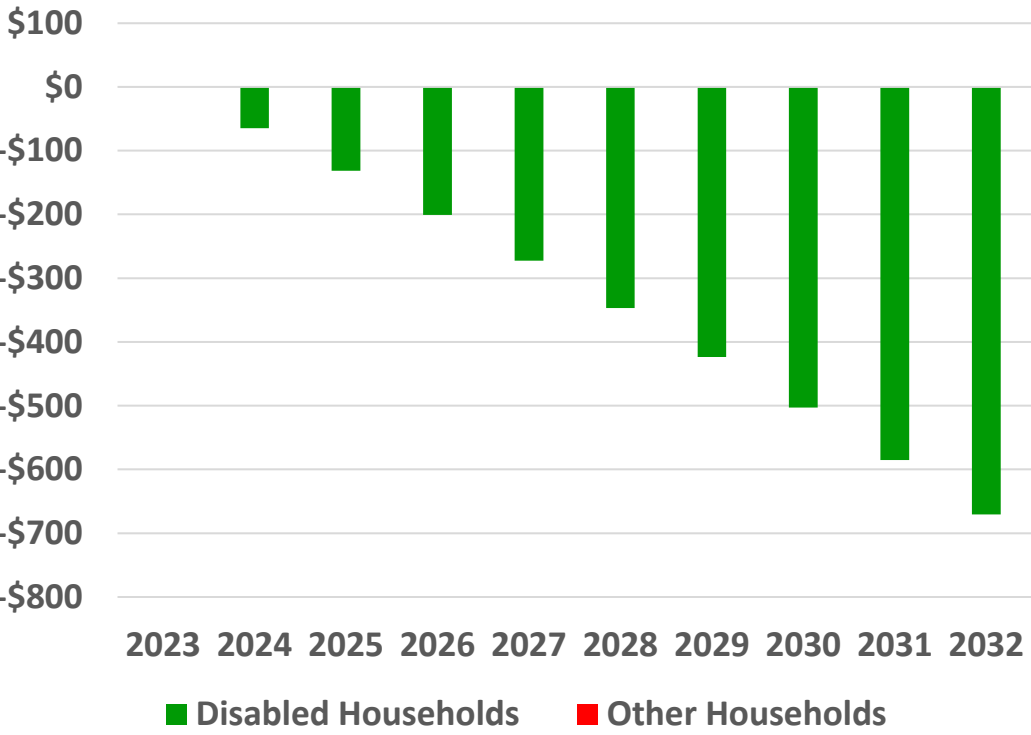




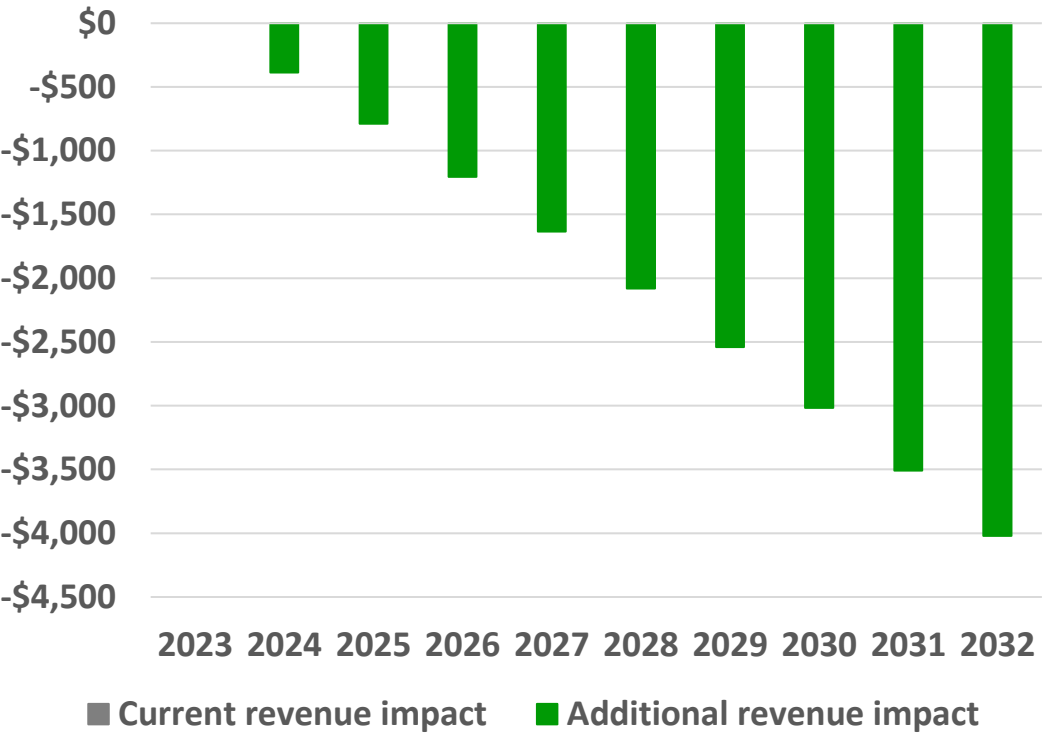


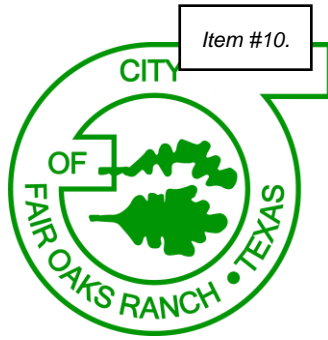
# Disabled person freeze

Change in property tax bill

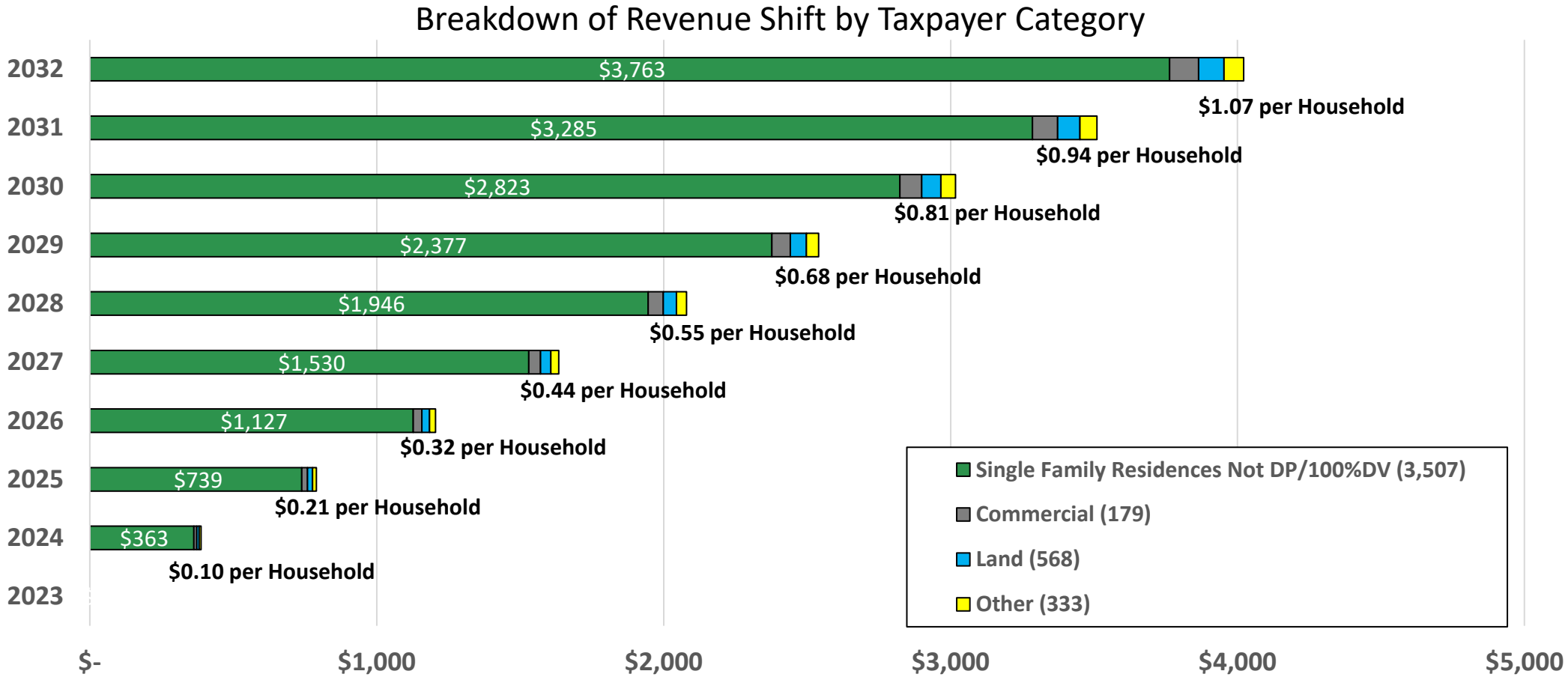


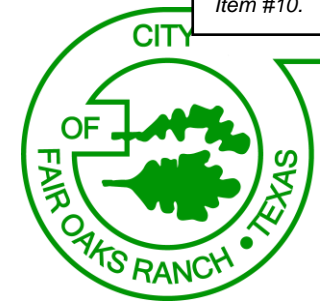
Change in City revenue





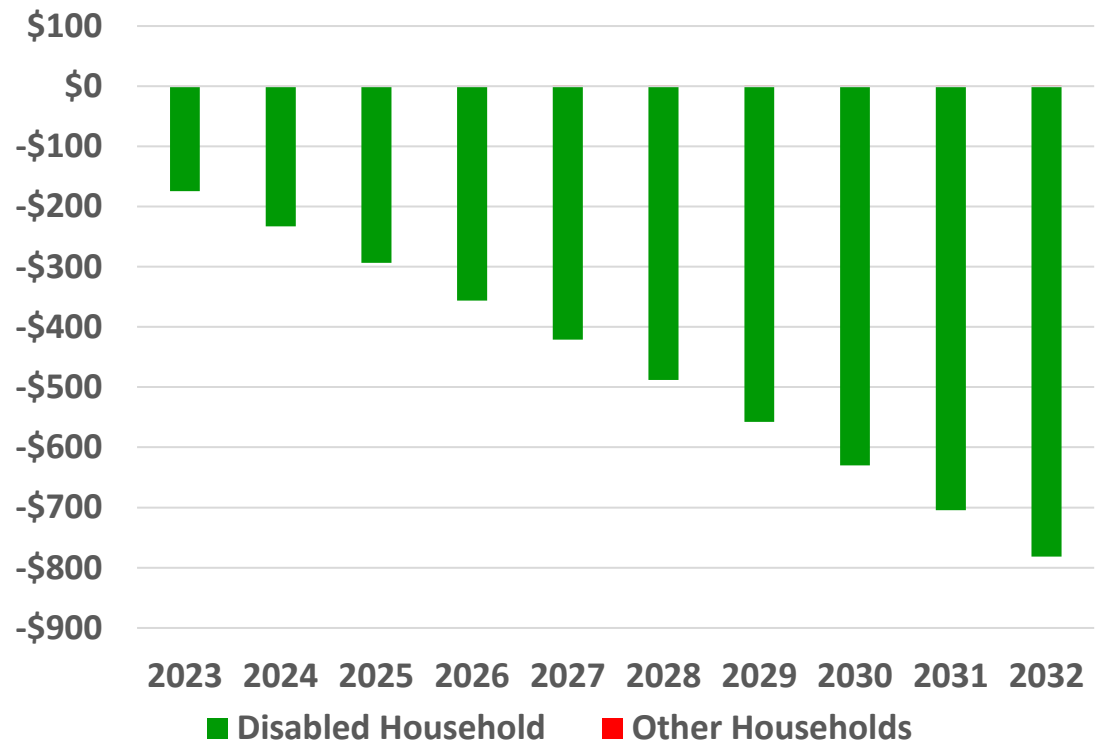
# Effects of a disabled tax freeze shift



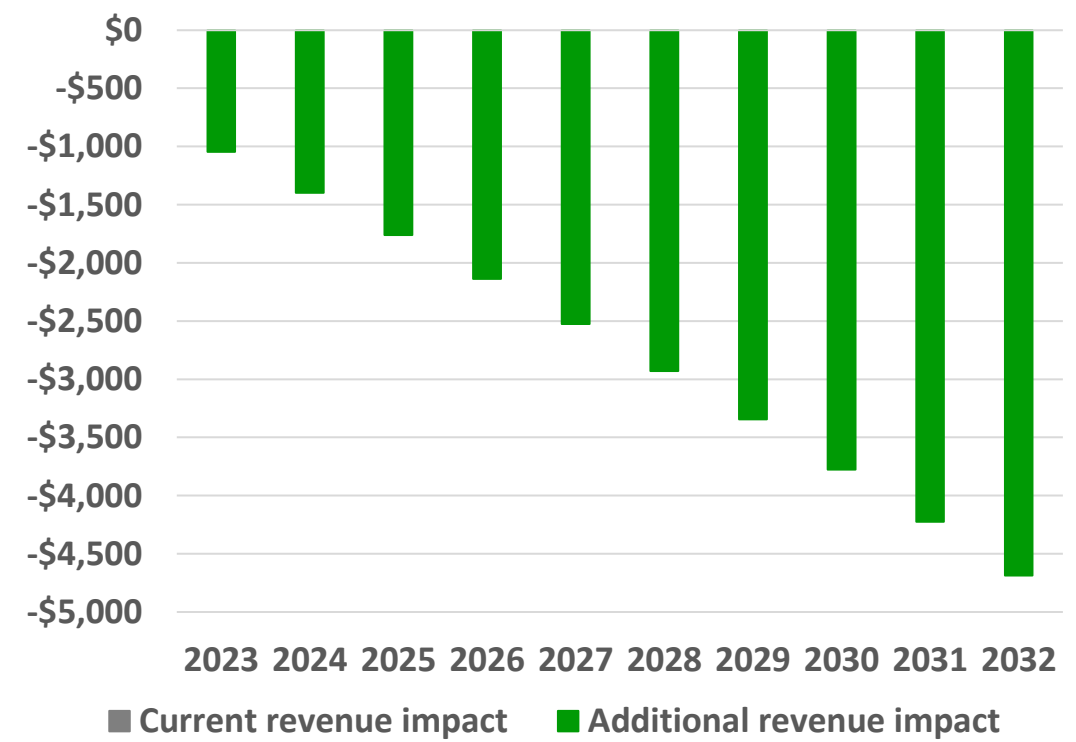


# Disabled Person Freeze with 10% or \$50K Exemption

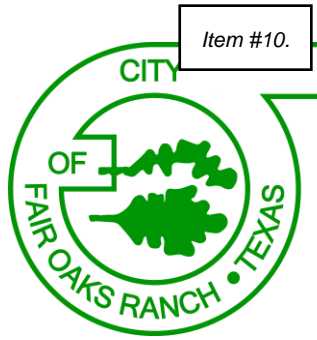
## Change in property tax bill



## Change in City revenue

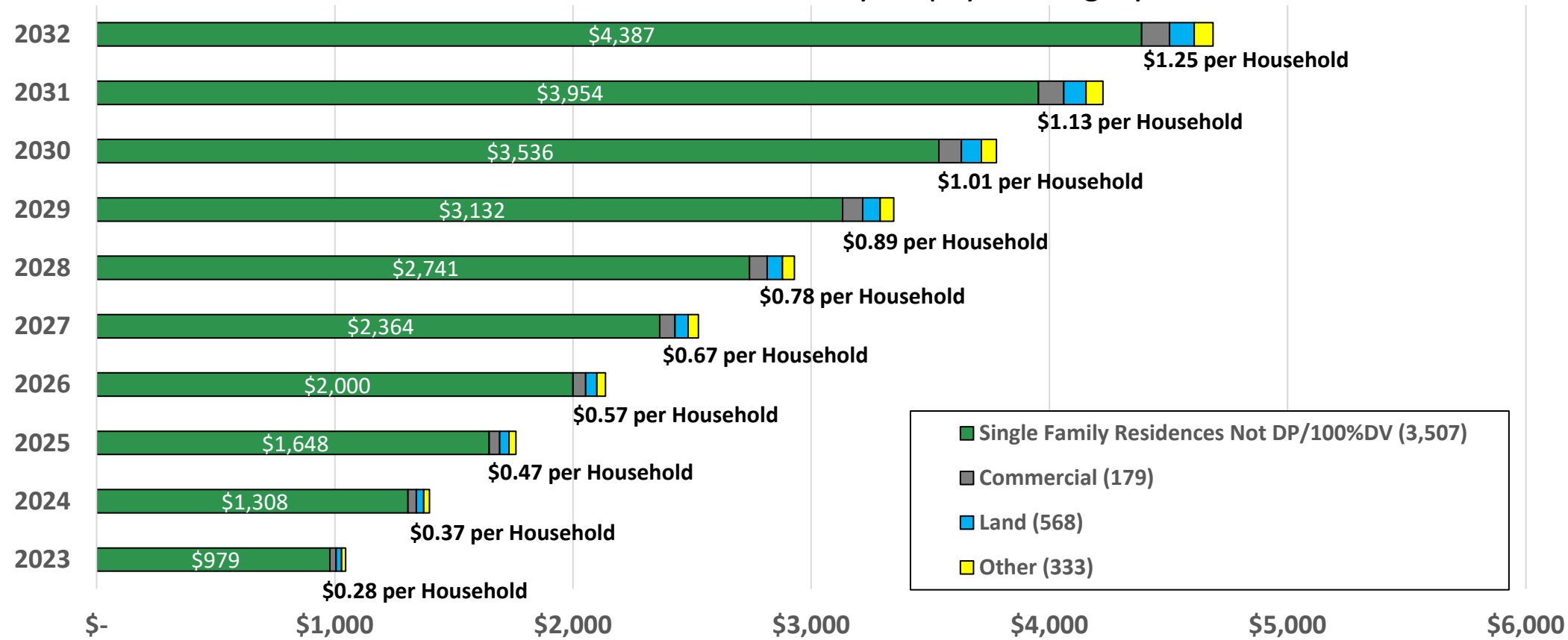


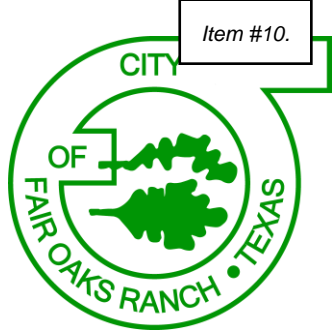




# Effects of a tax freeze + exemption shift

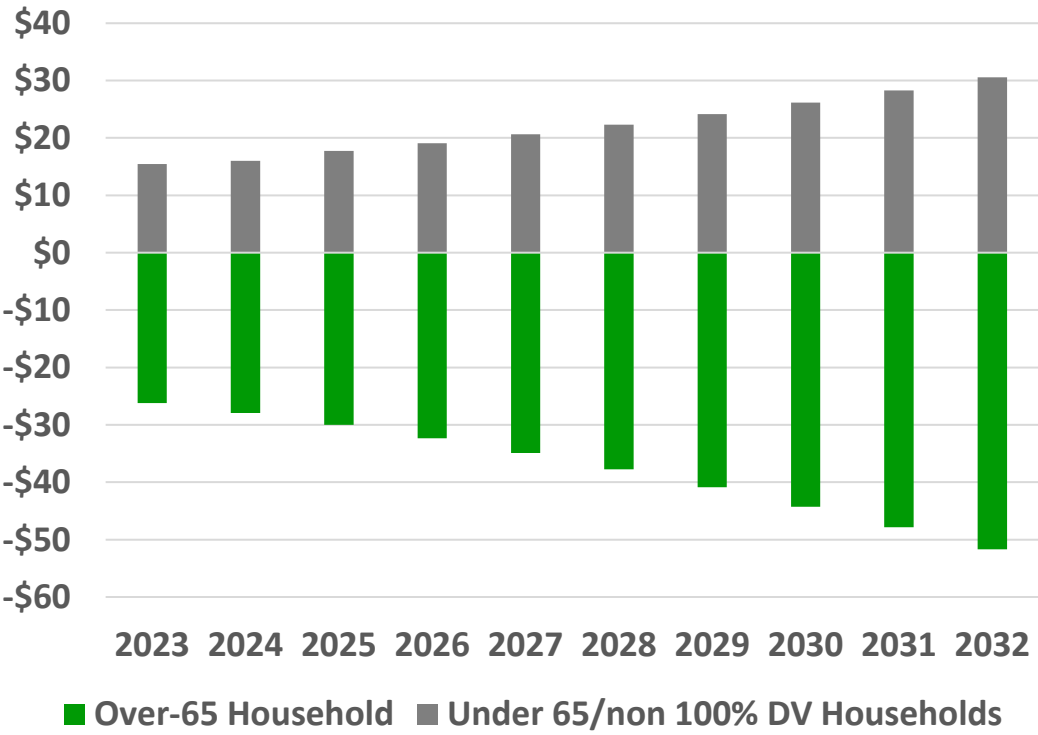
Breakdown of Revenue Shift by Taxpayer Category



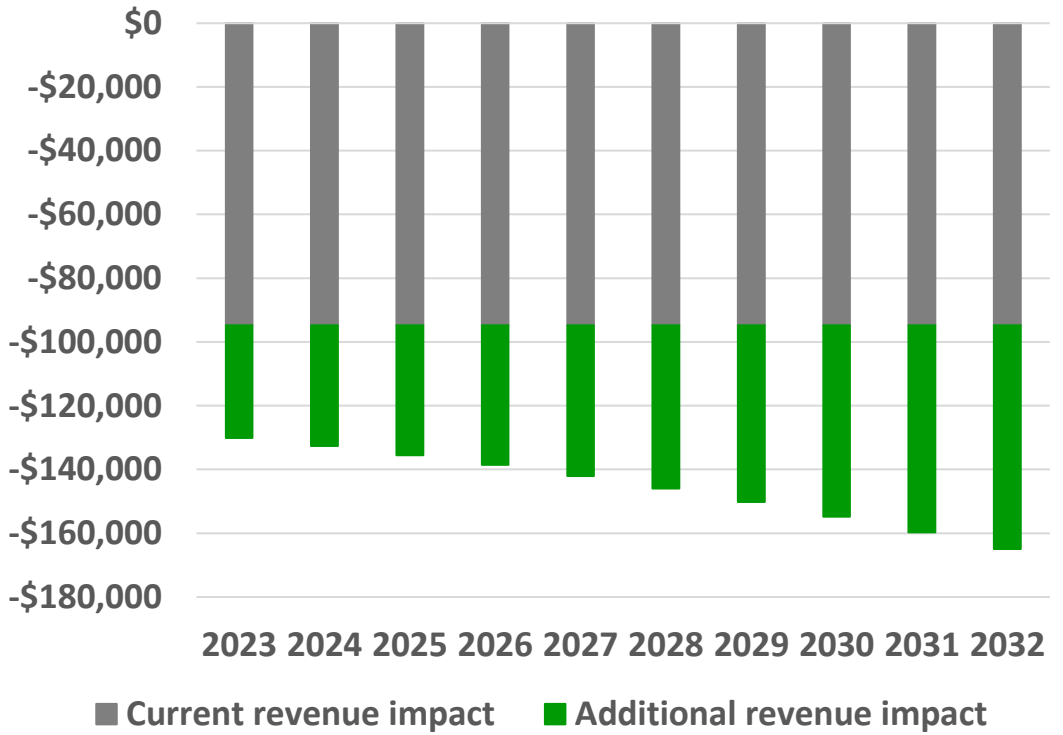


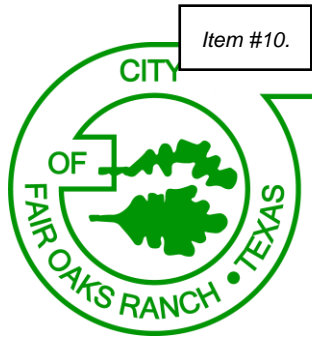
# Over-65 5% or \$25K exemption

Change in property tax bill



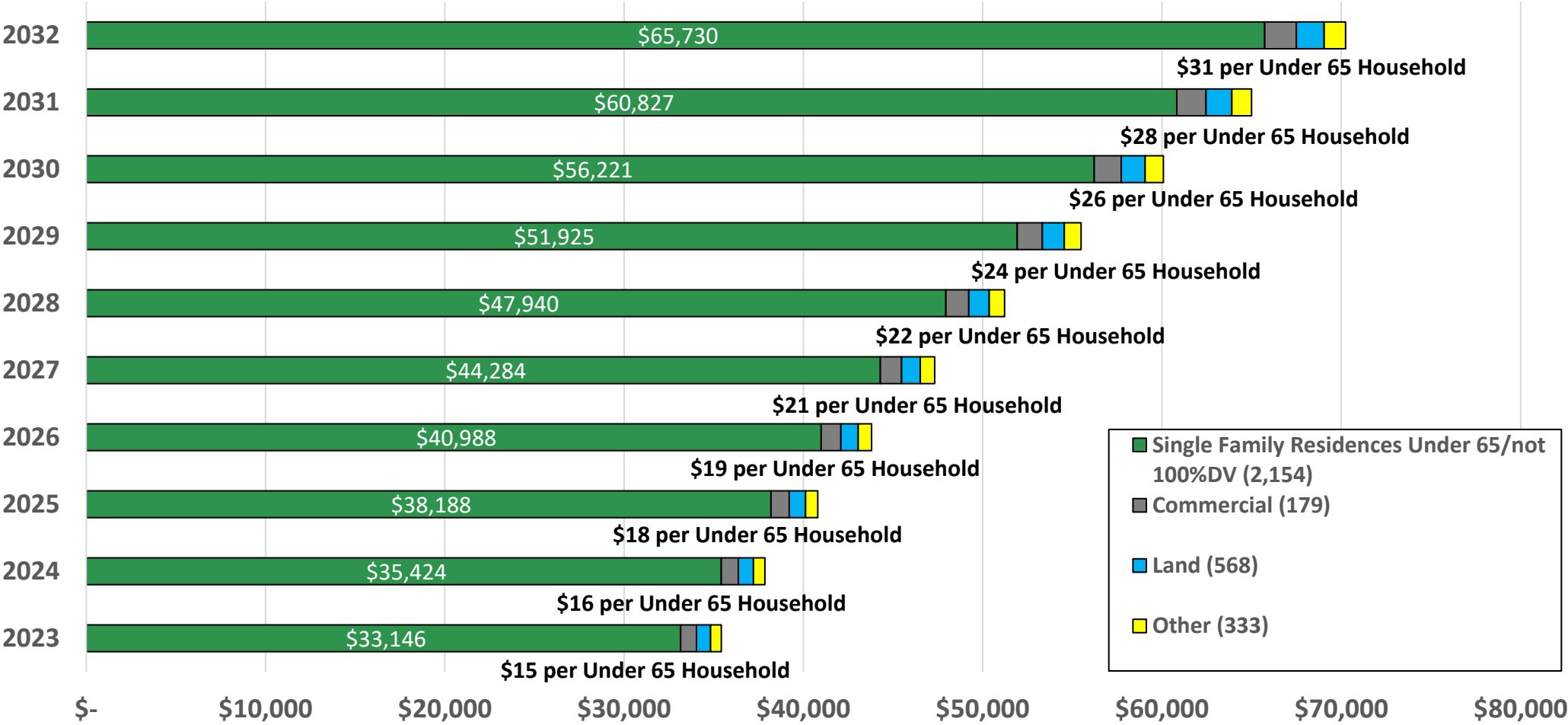
Change in City revenue



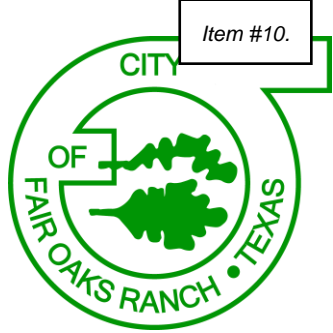


# Effects of a 5% or \$25K shift

Breakdown of Revenue Shift by Taxpayer Category

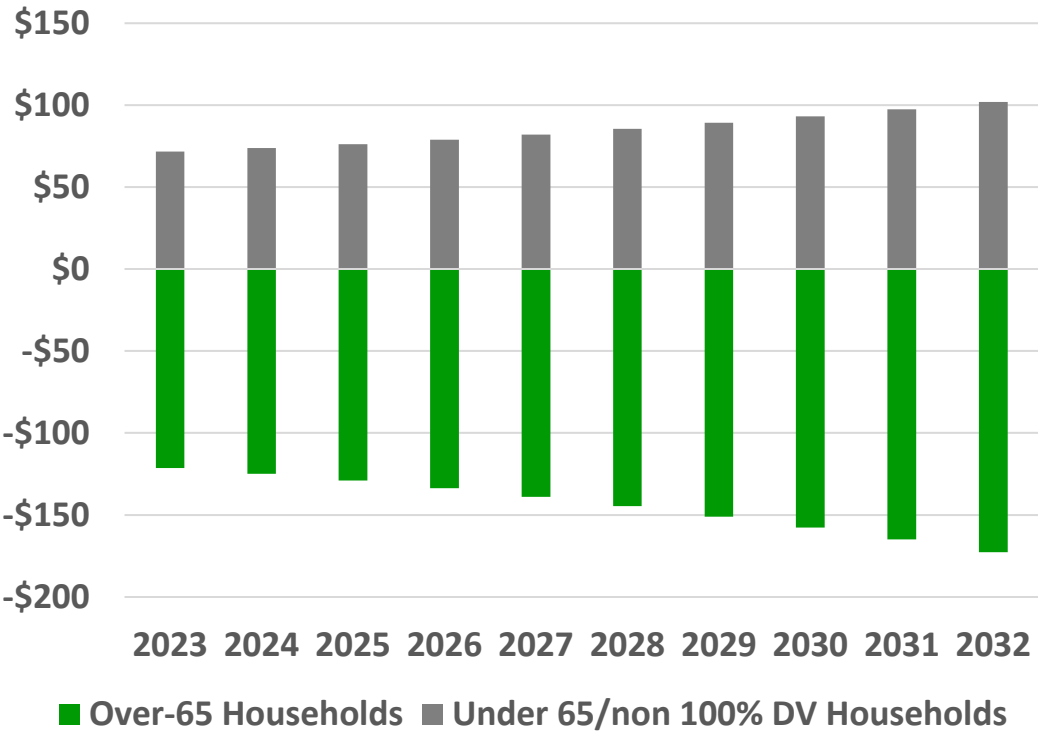




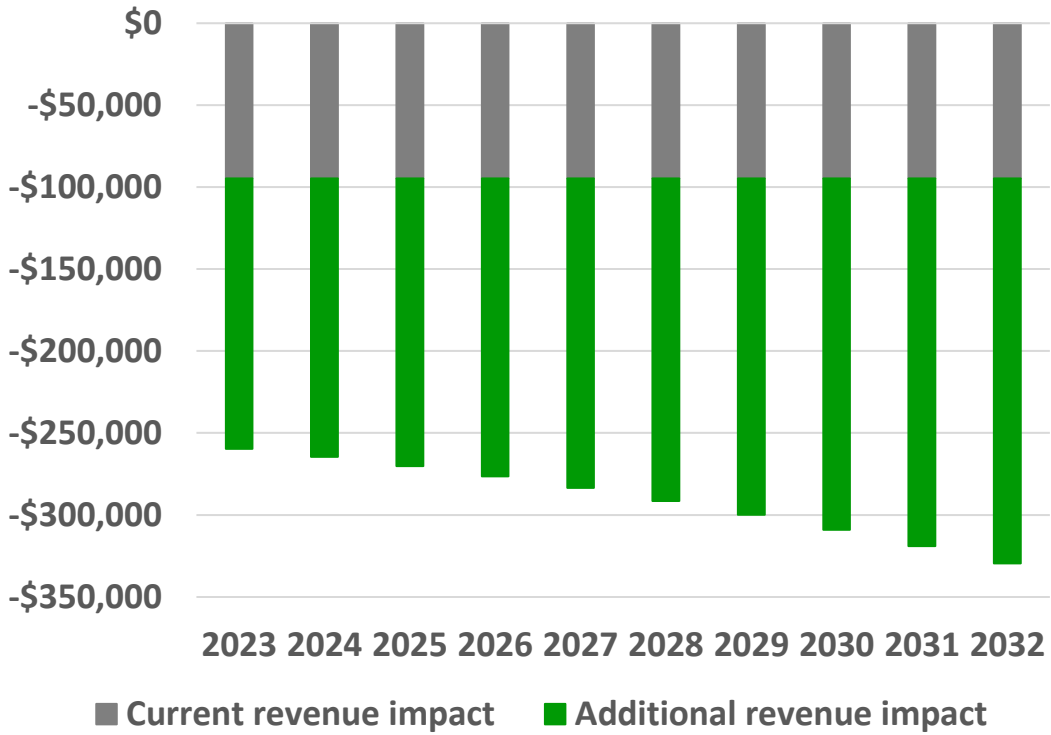


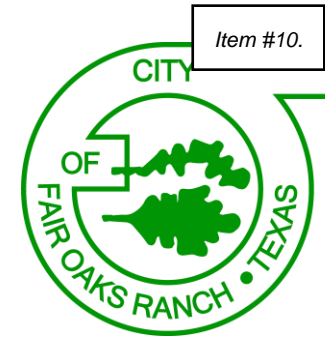
# Over-65 10% or \$50K exemption

Change in property tax bill



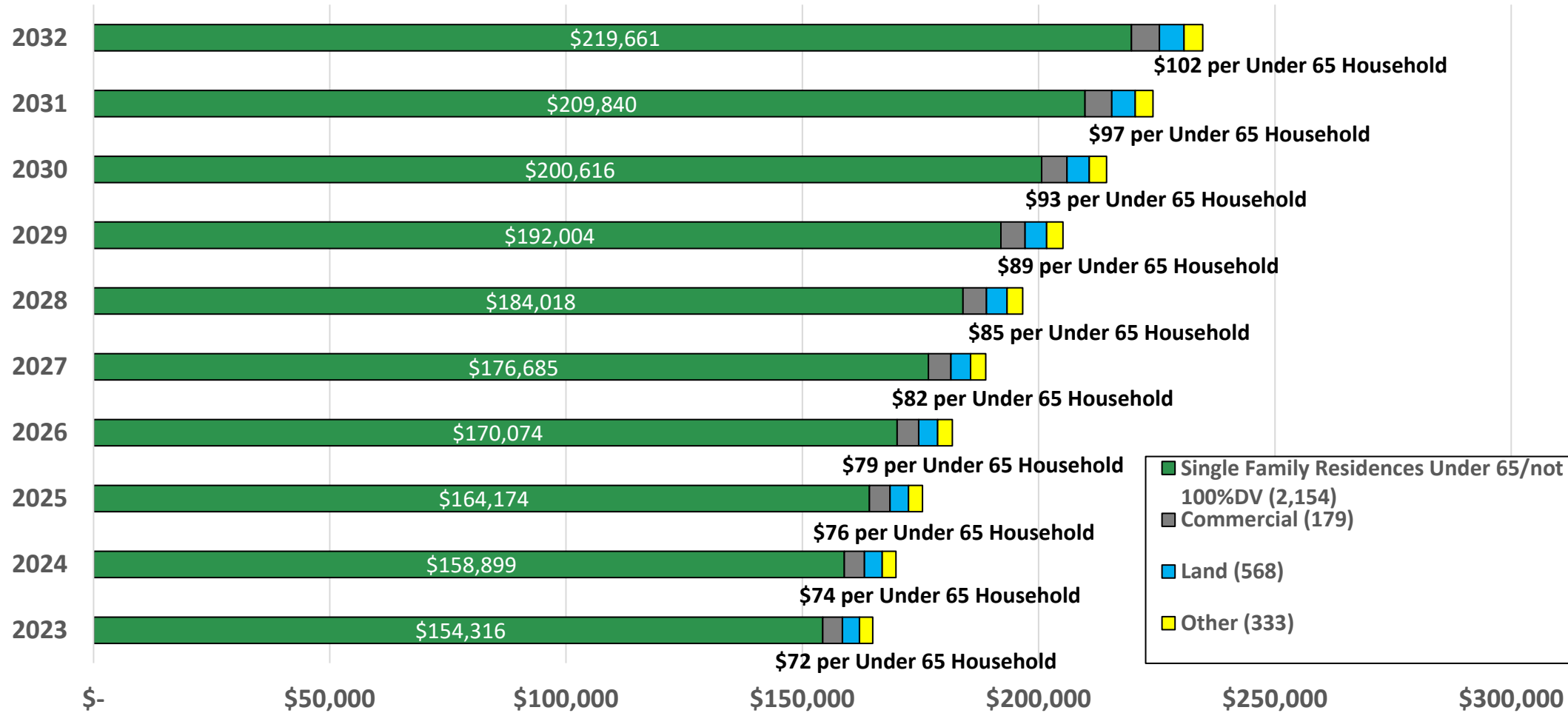
Change in City revenue

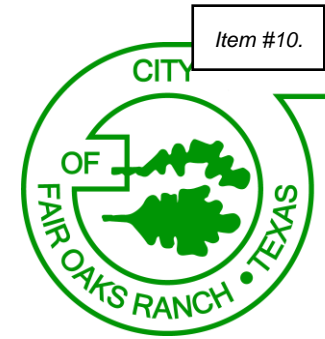




# Effects of a 10% or \$50K shift

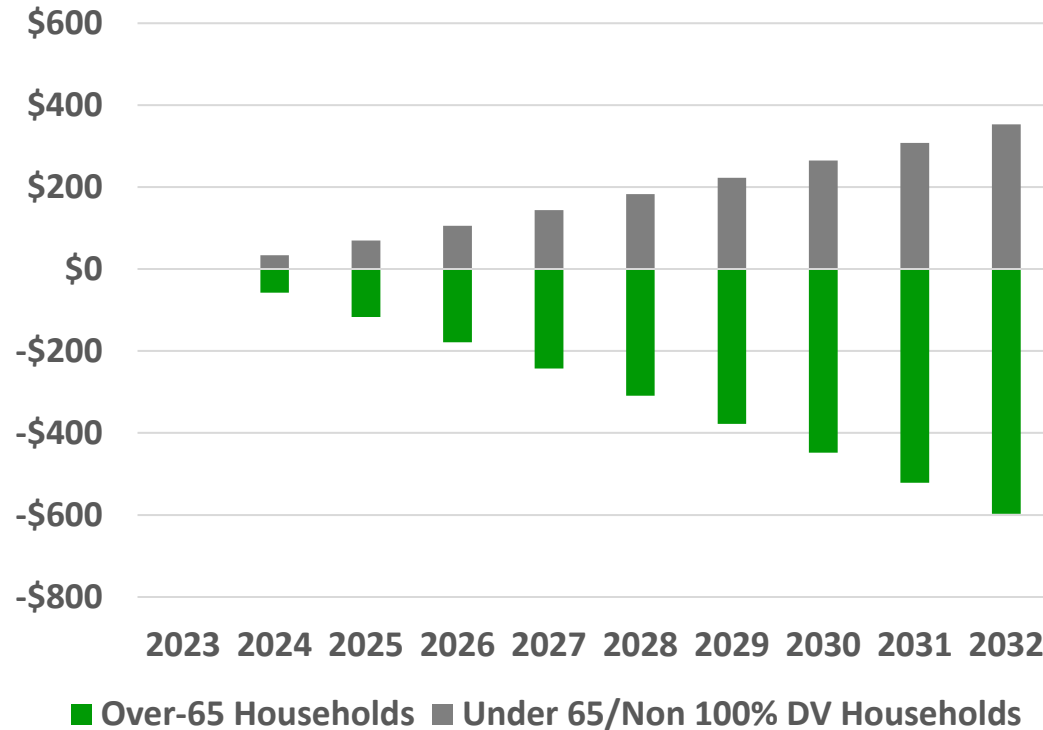
Breakdown of Revenue Shift by Taxpayer Category



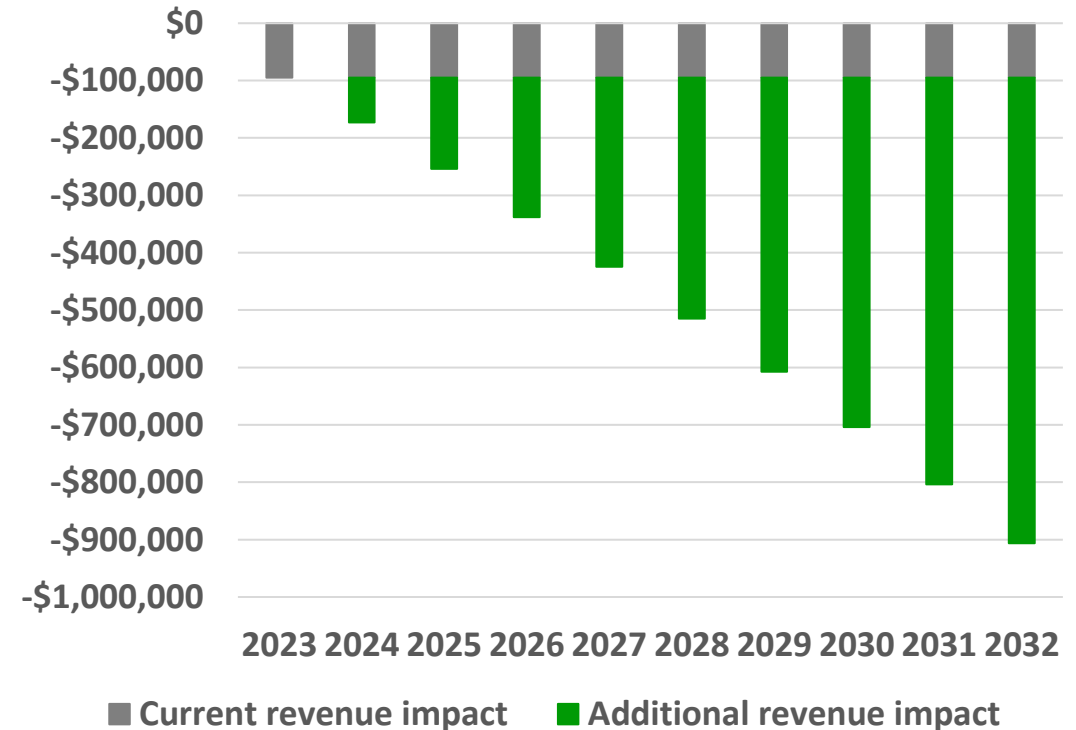


# Over-65 Freeze

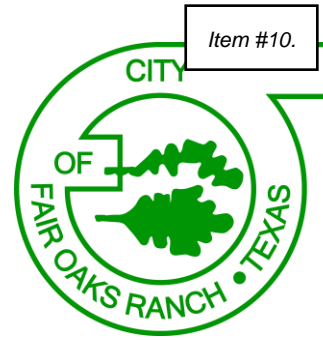
## Change in property tax bill



## Change in City revenue

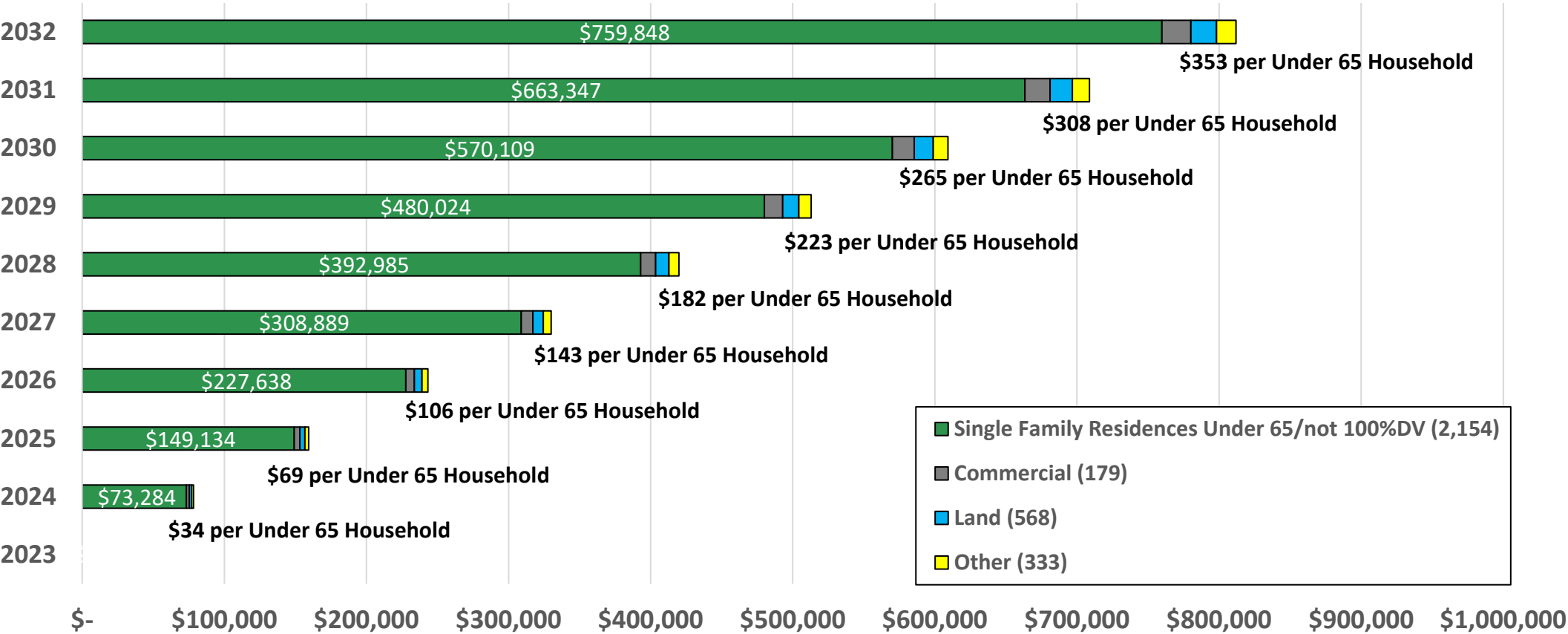


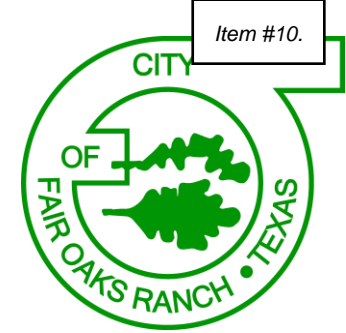




# Effects of a tax freeze shift

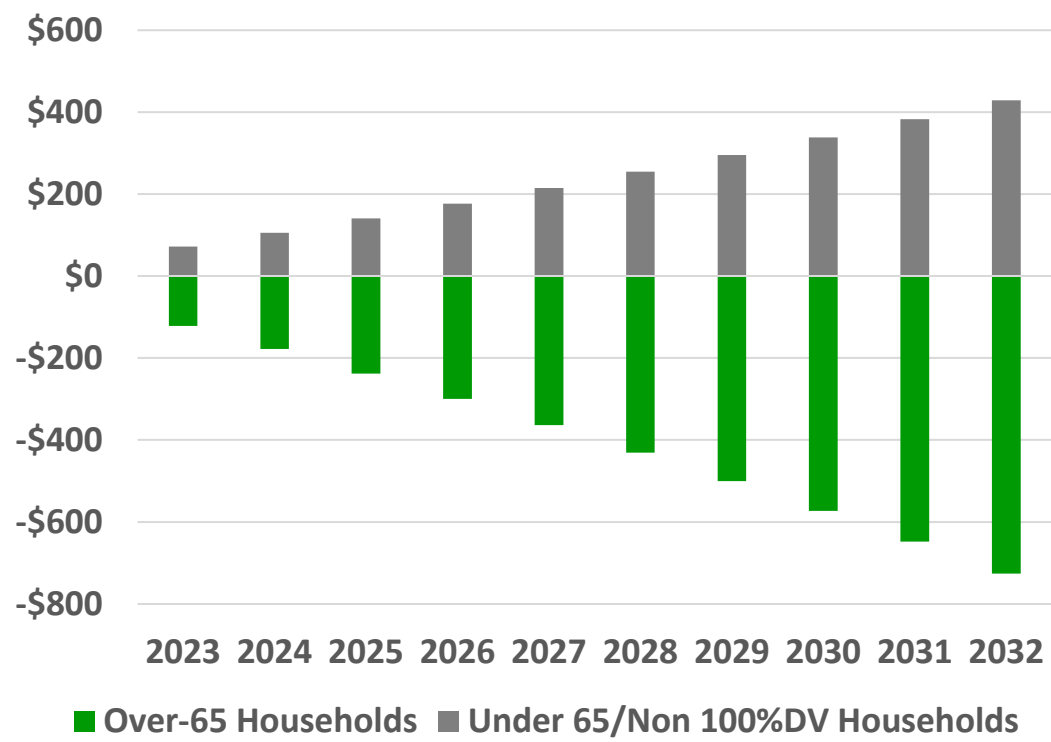
Breakdown of Revenue Shift by Taxpayer Category



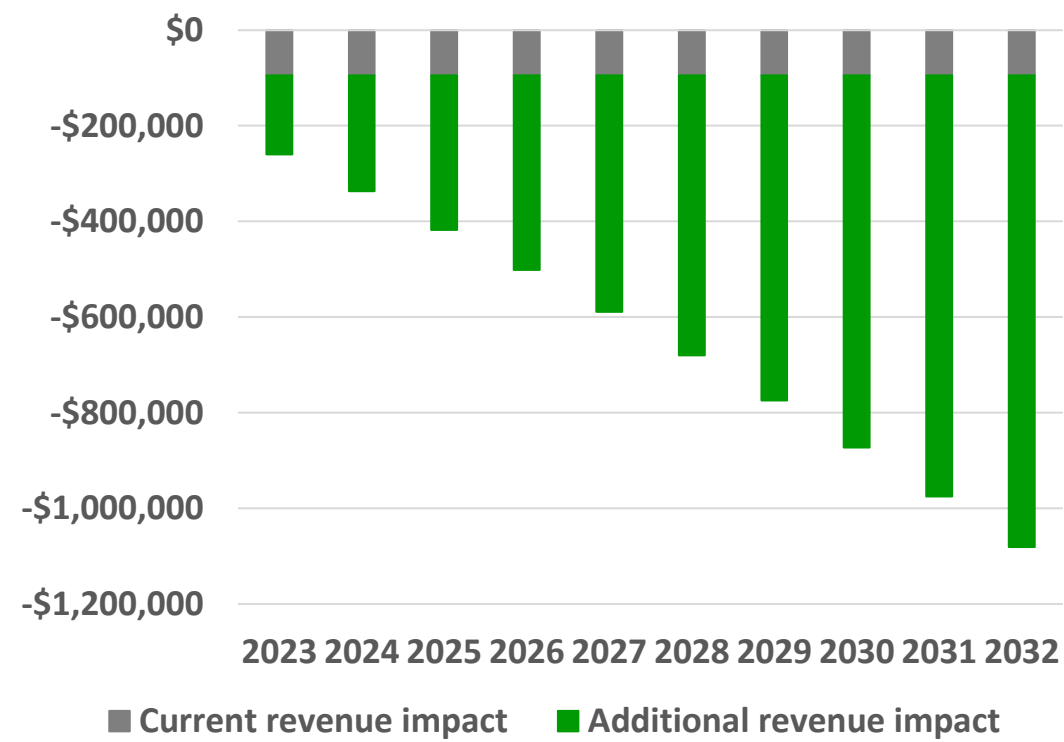


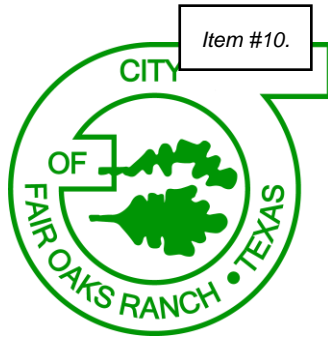
# Over-65 Freeze with 10% or \$50K Exemption

## Change in property tax bill



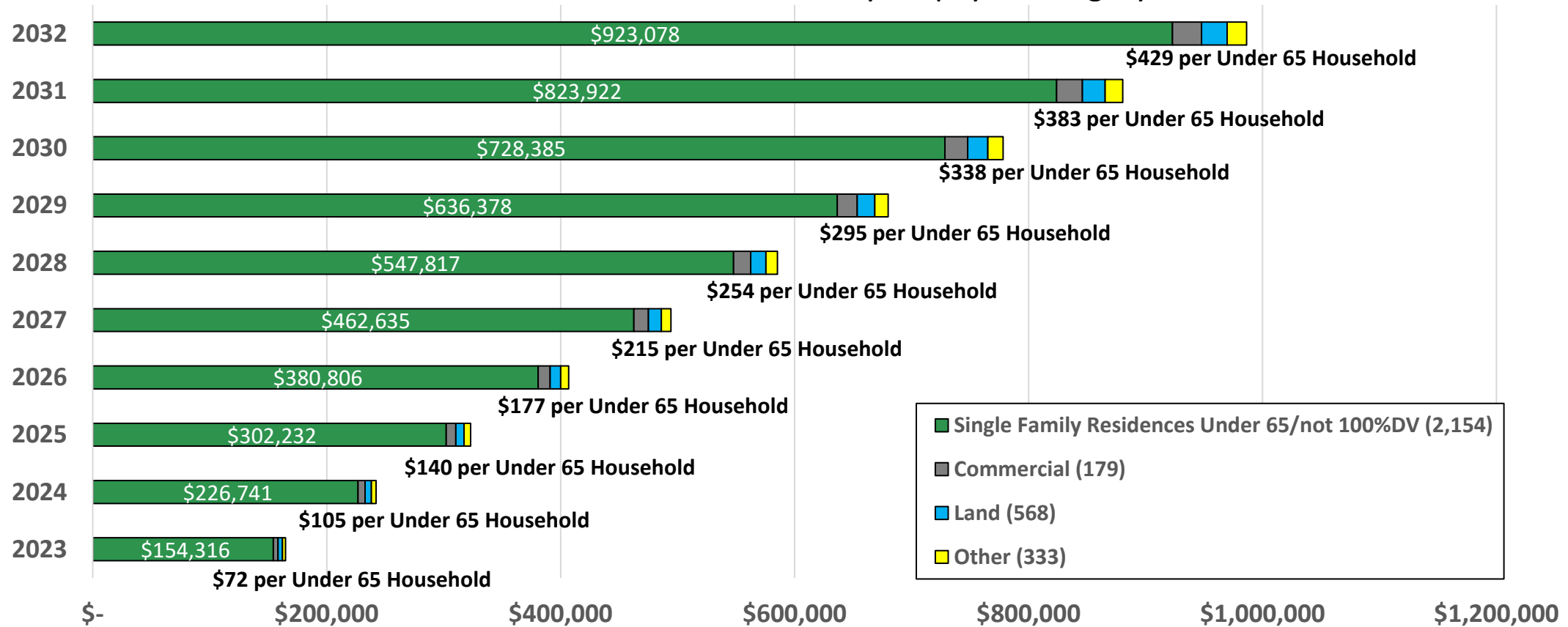
## Change in City revenue



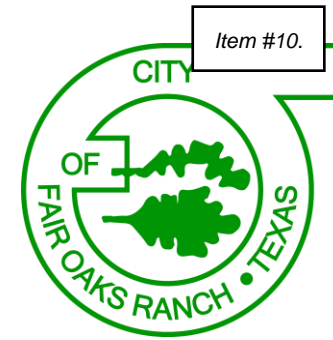


# Effects of a tax freeze with 10% or \$50K exemption shift

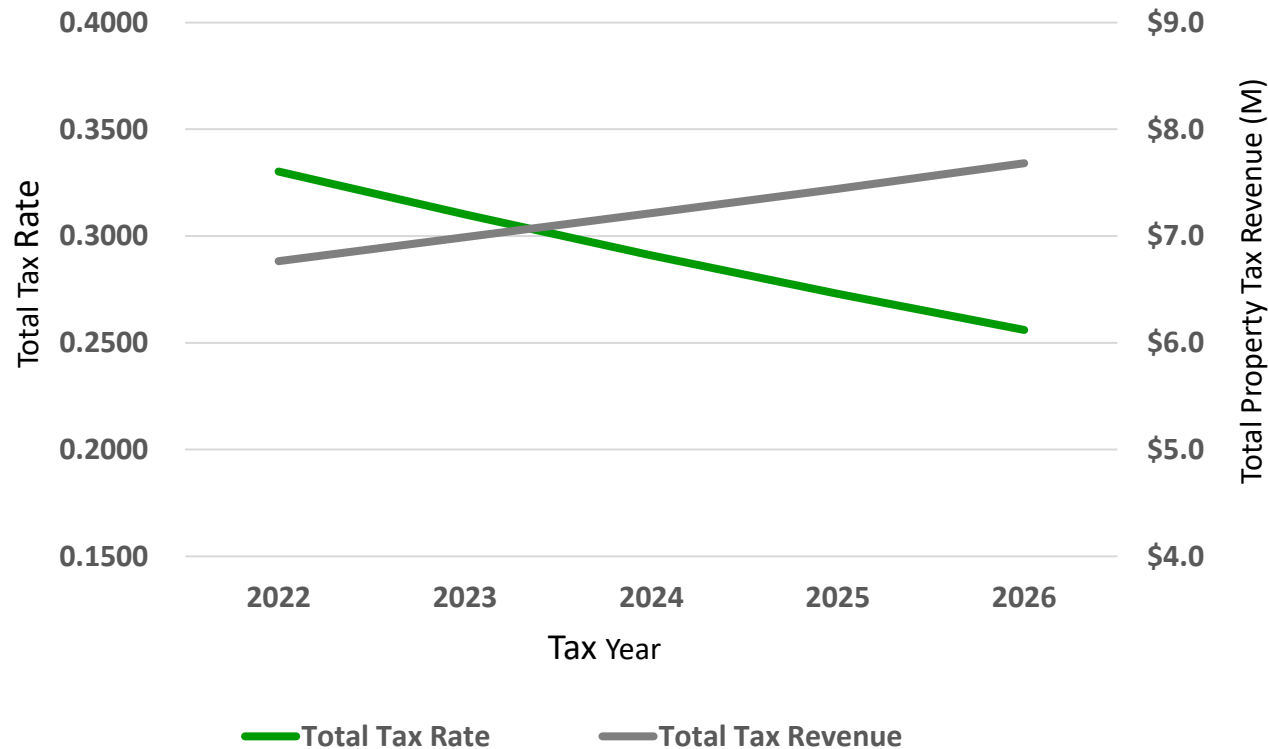
Breakdown of Revenue Shift by Taxpayer Category







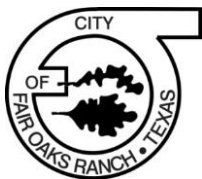
# Projected property tax rate and revenue



## Assumptions:

- 10% increase in Assessed Value with no new properties
- M&O Levy cannot increase by more than 3.5%
- No new bonds issued

Tax Rate *decreases* as Total Taxable Value increases



## CITY COUNCIL CONSIDERATION ITEM

### CITY OF FAIR OAKS RANCH, TEXAS

May 19, 2022

AGENDA TOPIC: Consideration and possible action approving the first reading of an Ordinance adopting a tax freeze for qualifying disabled homesteads and/or individuals over the age of sixty-five (65)

DATE: May 19, 2022

DEPARTMENT: City Council

PRESENTED BY: Tobin E. Maples, City Manager

#### **INTRODUCTION/BACKGROUND:**

Pursuant to Texas Tax Code Section 11.13, the City Council has the option to offer a freeze (tax ceiling) commencing in Tax Year 2022 (FY 2023) for all homesteads within the City that are qualified as disabled and/or residents aged 65 and over.

This tax freeze would set a cap, or ceiling, on the amount of property taxes qualified homeowners will pay annually to the City of Fair Oaks Ranch. The taxes on these homes cannot exceed the ceiling as long as the current resident owns and lives in that home. However, if improvements are made to the home (other than normal repairs or maintenance), the tax ceiling could increase due the new additions.

Once the City enacts a tax freeze, it cannot be repealed in the future per the Texas Constitution.

#### **POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:**

Staff has presented different scenarios of tax freezes and their impacts on revenue for the next ten years. By adopting a freeze to disabled homesteads, and by adopting a freeze for over-65 homesteads, the tax burden of these residents would be reduced relative to other property owners in the City.

#### **LONGTERM FINANCIAL & BUDGETARY IMPACT:**

The estimated change in revenues to the City and proportional tax changes to qualifying disabled and/or over-65 homesteads and non-qualifying homesteads are shown in the attached schedules.

The total revenue change over 10 years of a disabled homestead freeze with current homestead exemptions is \$19,184. The estimated change to a disabled homestead would be a \$65 reduction in the first year and rising to \$670 by year 10. The estimated change to a non-qualifying homestead would be less than one dollar per year.

The total revenue change over 10 years of an over-65 freeze with current homestead exemptions is \$4.8 million, of which \$3.9 million would be the additional change in revenue from the current exemption. The estimated change to an over-65 homestead would be a \$58 reduction in the first year and rising to \$597 by year 10. The estimated change to a non-qualifying homestead would be an increase of \$34 in the first year increasing to \$353 by year 10.

Those impacts would increase if combined with an increase in over-65 exemptions.

The analyses assume annual property tax growth of 3.5%. The analyses also assume current exemptions and property composition are held constant based on 2021 tax roll.

**ANALYSIS:**

Ordinance approved as to form.

**RECOMMENDATION/PROPOSED MOTION:**

*Option 1:*

I move to approve the first reading of an ordinance adopting a limitation on the ad valorem taxation of residence homestead of disabled individuals for tax years commencing in 2022.

*Option 2:*

I move to approve the first reading of an ordinance adopting a limitation on the ad valorem taxation of residence homestead of disabled individuals and individuals over the age of sixty-five (65) years for tax years commencing in 2022.



**AN ORDINANCE****AN ORDINANCE OF THE CITY OF FAIR OAKS RANCH, TEXAS ADOPTING A LIMITATION ON THE AD VALOREM TAXATION OF RESIDENCE HOMESTEAD OF DISABLED INDIVIDUALS FOR TAX YEARS COMMENCING IN 2022; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Texas Constitution has been amended to add a new Section 1-b(h) to Article VIII to provide a limitation on the amount of ad valorem taxes imposed on the residence homestead of disabled individuals and the Texas Legislature has accordingly amended Chapter 11 of the Texas Property Tax Code to add a new Section 11.261 to effectuate the provisions of this constitutional amendment; and,

**WHEREAS**, the City Council of the City of Fair Oaks Ranch, Texas desires to adopt the limitation on such ad valorem taxes in accordance with provisions of Article VIII, Section 1-b(h) of the Texas Constitution and Section 11.261 of the Texas Property Tax Code as amended; and,

**WHEREAS**, the City Council of the City of Fair Oaks Ranch, Texas desires that the tax freeze described herein shall be applied in addition to any applicable tax exemption.

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

**PART 1.** That the total ad valorem taxes imposed by the City of Fair Oaks Ranch, Texas on the residence homestead of qualifying disabled individuals shall not be increased to an amount which exceeds the total amount of ad valorem taxes imposed on that individual's residence homestead in tax year 2022, or the first year that individual qualified that residence homestead for the exemption provided by Section 11.13(c) of the Texas Property Code, whichever year is later. If the individual qualified that residence homestead for the beginning of that year and the residence remains eligible for the exemption for the next year, and if the taxes imposed on the residence homestead in the next year are less than the amount of taxes imposed in that first year, the taxes imposed may not be subsequently increased on the residence homestead above the amount imposed in the year immediately following the first year in which the individual qualified that residence homestead for the exemption. However, if an individual makes improvements to the individual's residence homestead, other than repairs and other than improvements required to comply with governmental requirements, the City may increase the amount of taxes on the homestead in the first year the value of the homestead is increased on the appraisal roll because of the enhancement of value by the improvements. The amount of the tax increase is determined by applying the current tax rate to the difference between the appraised value of the homestead with the improvements and the appraised value it would have had without the improvements. A limitation provided by this ordinance then applies to the increased amount of ad valorem taxes on the residence homestead until more improvements, if any, are made.

**PART 2.** The limitation granted herein shall expire if on January 1 of any tax year, (1) none of the owners of the structure who qualify for the exemption provided by Section 11.13(c) of the

Texas Property Code for a disabled individual and who owned the structure when the limitation provided by this section first took effect is using the structure as a residence homestead; or (2) none of the owners of the structure qualifies for the exemption provided by Section 11.13(c) of the Texas Property Code for a disabled individual. If an individual who qualifies for a limitation on ad valorem taxes under this ordinance dies, the surviving spouse of the individual is entitled to the limitation on the residence homestead of the individual if: (1) the surviving spouse is disabled or is 55 years of age or older when the individual dies; and (2) the residence homestead of the individual is the residence homestead of the surviving spouse on the date that the individual dies; and remains the residence homestead of the surviving spouse.

- PART 3.** The provisions of Section 11.261 of the Texas Property Tax Code applicable to limitations on ad valorem taxes to qualifying disabled individuals shall govern the administration, transfer, expiration, and application of the limitation granted in this ordinance.
- PART 4.** That should any section paragraph, sentence, subdivision, clause, phrase, or provision of this ordinance be adjudged or held unconstitutional. Illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided to be unconstitutional, illegal, or invalid and shall not affect the validity of the remainder of this ordinance or any other provision of the Ordinances of the City of Fair Oaks Ranch.
- PART 5.** That all provisions of the ordinances of the City of Fair Oaks Ranch in conflict with the provisions of this Ordinance be and the same are hereby repealed, and all other provisions of the ordinances of the City of Fair Oaks Ranch not in conflict with the provisions of this Ordinance shall remain in full force and effect.
- PART 6.** That this Ordinance shall take effect immediately from and after its passage and the publication of the caption as the law in such cases provides

**PASSED and APPROVED on first reading this 19<sup>th</sup> day of May 2022.**

**PASSED, APPROVED AND ADOPTED on second reading the 2<sup>nd</sup> day of June 2022.**

\_\_\_\_\_  
Gregory C. Maxton, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Christina Picioccio, TRMC, City Secretary

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

AN ORDINANCE

**AN ORDINANCE OF THE CITY OF FAIR OAKS RANCH, TEXAS ADOPTING A LIMITATION ON THE AD VALOREM TAXATION OF RESIDENCE HOMESTEAD OF DISABLED INDIVIDUALS AND INDIVIDUALS OVER THE AGE OF SIXTY-FIVE (65) YEARS FOR TAX YEARS COMMENCING IN 2022; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Texas Constitution has been amended to add a new Section 1-b(h) to Article VIII to provide a limitation on the amount of ad valorem taxes imposed on the residence homestead of disabled individuals and individuals over the age of sixty-five (65) years and the Texas Legislature has accordingly amended Chapter 11 of the Texas Property Tax Code to add a new Section 11.261 to effectuate the provisions of this constitutional amendment; and,

**WHEREAS**, the City Council of the City of Fair Oaks Ranch, Texas desires to adopt the limitation on such ad valorem taxes in accordance with provisions of Article VIII, Section 1-b(h) of the Texas Constitution and Section 11.261 of the Texas Property Tax Code as amended; and,

**WHEREAS**, the City Council of the City of Fair Oaks Ranch, Texas desires that the tax freeze described herein shall be applied in addition to any applicable tax exemption.

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

**PART 1.** That the total ad valorem taxes imposed by the City of Fair Oaks Ranch, Texas on the residence homestead of qualifying disabled individuals and individuals sixty-five (65) years of age or older shall not be increased to an amount which exceeds the total amount of ad valorem taxes imposed on that individual’s residence homestead in tax year 2022, or the first year that individual qualified that residence homestead for the exemption provided by Section 11.13(c) of the Texas Property Code, whichever year is later. If the individual qualified that residence homestead for the beginning of that year and the residence remains eligible for the exemption for the next year, and if the taxes imposed on the residence homestead in the next year are less than the amount of taxes imposed in that first year, the taxes imposed may not be subsequently increased on the residence homestead above the amount imposed in the year immediately following the first year in which the individual qualified that residence homestead for the exemption. However, if an individual makes improvements to the individual’s residence homestead, other than repairs and other than improvements required to comply with governmental requirements, the City may increase the amount of taxes on the homestead in the first year the value of the homestead is increased on the appraisal roll because of the enhancement of value by the improvements. The amount of the tax increase is determined by applying the current tax rate to the difference between the appraised value of the homestead with the improvements and the appraised value it would have had without the improvements. A limitation provided by this ordinance then applies to the increased amount of ad valorem taxes on the residence homestead until more improvements, if any, are made.

**PART 2.** The limitation granted herein shall expire if on January 1 of any tax year, (1) none of the owners of the structure who qualify for the exemption provided by Section 11.13(c) of the Texas Property Code for a disabled individual or an individual 65 years of age or older and



who owned the structure when the limitation provided by this section first took effect is using the structure as a residence homestead; or (2) none of the owners of the structure qualifies for the exemption provided by Section 11.13(c) of the Texas Property Code for a disabled individual or an individual 65 years of age or older. If an individual who qualifies for a limitation on ad valorem taxes under this ordinance dies, the surviving spouse of the individual is entitled to the limitation on the residence homestead of the individual if: (1) the surviving spouse is disabled or is 55 years of age or older when the individual dies; and (2) the residence homestead of the individual is the residence homestead of the surviving spouse on the date that the individual dies; and remains the residence homestead of the surviving spouse.

**PART 3.** The provisions of Section 11.261 of the Texas Property Tax Code applicable to limitations on ad valorem taxes to qualifying disabled individuals and individuals sixty-five (65) years of age or older shall govern the administration, transfer, expiration, and application of the limitation granted in this ordinance.

**PART 4.** That should any section paragraph, sentence, subdivision, clause, phrase, or provision of this ordinance be adjudged or held unconstitutional. Illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided to be unconstitutional, illegal, or invalid and shall not affect the validity of the remainder of this ordinance or any other provision of the Ordinances of the City of Fair Oaks Ranch.

**PART 5.** That all provisions of the ordinances of the City of Fair Oaks Ranch in conflict with the provisions of this Ordinance be and the same are hereby repealed, and all other provisions of the ordinances of the City of Fair Oaks Ranch not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**PART 6.** That this Ordinance shall take effect immediately from and after its passage and the publication of the caption as the law in such cases provides

**PASSED and APPROVED on first reading this 19<sup>th</sup> day of May 2022.**

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Gregory C. Maxton, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Christina Picioccio, TRMC, City Secretary

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

**DISABLED TAX FREEZE-10 year impact table**

	FISCAL YEAR											10 Year Total
	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	
Ave Taxable Value	511,788	529,701	529,701	529,701	529,701	529,701	529,701	529,701	529,701	529,701	529,701	5,297,006
Taxable Value 3.5% Annual Growth		529,701	548,240	567,429	587,289	607,844	629,118	651,137	673,927	697,515	721,928	6,214,126
Tax Rate per \$100 valuation	0.351800	0.351800	0.351800	0.351800	0.351800	0.351800	0.351800	0.351800	0.351800	0.351800	0.351800	0.351800
Collection rate	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99
<b>TOTAL CHANGE IN REVENUE</b>		-	(388)	(789)	(1,205)	(1,635)	(2,080)	(2,540)	(3,017)	(3,510)	(4,021)	(19,184)
Number of Properties in option	6											
Savings Per Property		-	(65)	(132)	(201)	(272)	(347)	(423)	(503)	(585)	(670)	(3,197)
Number of properties not frozen	3,507											
Additional tax burden for these properties if City maintains revenue		-	0.10	0.21	0.32	0.44	0.55	0.68	0.81	0.94	1.07	5.12

Ave Mkt Value of Known Homesteads	516,788	2022 Taxable Value	511,788
\$5,000 Homestead Exemption	(5,000)	3.5% Growth	17,913
	511,788	Frozen Value	529,701

**DISABLED TAX FREEZE WITH NEW EXEMPTION \$50K -10 year impact table**

	FISCAL YEAR											10 Year Total
	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	
Ave Taxable Value	511,788	479,701	479,701	479,701	479,701	479,701	479,701	479,701	479,701	479,701	479,701	4,797,006
Taxable Value 3.5% Annual Growth		479,701	496,490	513,867	531,853	550,467	569,734	589,674	610,313	631,674	653,783	5,627,556
Tax Rate per \$100 valuation	0.351800	0.351800	0.351800	0.351800	0.351800	0.351800	0.351800	0.351800	0.351800	0.351800	0.351800	0.351800
Collection rate	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99
<b>CHANGE IN REVENUE (FREEZE)</b>		-	(351)	(715)	(1,091)	(1,480)	(1,883)	(2,300)	(2,732)	(3,179)	(3,641)	(17,373)
<b>CHANGE IN REVENUE (50K EXEMPTION)</b>		(1,046)	(1,046)	(1,046)	(1,046)	(1,046)	(1,046)	(1,046)	(1,046)	(1,046)	(1,046)	(10,459)
<b>TOTAL CHANGE IN REVENUE</b>		(1,046)	(1,397)	(1,761)	(2,137)	(2,526)	(2,929)	(3,346)	(3,778)	(4,225)	(4,687)	(27,832)
Number of Properties in option	6											
Savings Per Property		(174)	(233)	(293)	(356)	(421)	(488)	(558)	(630)	(704)	(781)	(4,639)
Number of properties not frozen	3,507											
Additional tax burden for these properties if City maintains revenue		0.28	0.37	0.47	0.57	0.67	0.78	0.89	1.01	1.13	1.25	7.43

Ave Market Value of Known Homesteads	516,788
\$5,000 Homestead Exemption	(5,000)
2022 Taxable Value	511,788

2022 Taxable Value	511,788
3.5% Growth	17,913
Less \$50K Exempt	(50,000)
Frozen Value	479,701



**TAX FREEZE 65+ CURRENT EXEMPTIONS-10 year impact table**

	FISCAL YEAR											10 Year Total
	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	
Total Taxable Value O65	620,034,102	641,735,296	641,735,296	641,735,296	641,735,296	641,735,296	641,735,296	641,735,296	641,735,296	641,735,296	641,735,296	6,417,352,956
Taxable Value 3.5% Annual Growth		641,735,296	664,196,031	687,442,892	711,503,393	736,406,012	762,180,222	788,856,530	816,466,509	845,042,837	874,619,336	7,528,449,057
Tax Rate per \$100 valuation	0.351800	0.351800	0.351800	0.351800	0.351800	0.351800	0.351800	0.351800	0.351800	0.351800	0.351800	0.351800
Collection rate	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99
<b>TOTAL CHANGE IN REVENUE</b>		(94,759)	(173,064)	(254,111)	(337,994)	(424,813)	(514,670)	(607,673)	(703,931)	(803,557)	(906,671)	(4,821,243)
CURRENT change in revenue (\$20K exempt)		(94,759)	(94,759)	(94,759)	(94,759)	(94,759)	(94,759)	(94,759)	(94,759)	(94,759)	(94,759)	(947,587)
<b>NEW CHANGE IN REVENUE FROM FREEZE</b>		-	(78,306)	(159,352)	(243,235)	(330,054)	(419,912)	(512,914)	(609,172)	(708,799)	(811,912)	(3,873,657)
<b>Number of Properties in option</b>	1,359											
<b>Additional Savings Per Property</b>		-	(58)	(117)	(179)	(243)	(309)	(377)	(448)	(522)	(597)	(2,850)
Single family tax paying residences under 65	2,154											
Additional tax burden for these properties if City maintains revenue		-	34	69	106	143	182	223	265	308	353	1,683

Growth Rate	3.50%											
Budgeted Revenue	9,611,689	9,948,098	10,296,282	10,656,651	11,029,634	11,415,671	11,815,220	12,228,753	12,656,759	13,099,745	13,558,237	
		0.0%	0.8%	1.5%	2.2%	2.9%	3.6%	4.2%	4.8%	5.4%	6.0%	

Total Market Value Over 65	665,160,944	2022 Total Taxable Value	620,034,102
Less Current \$20K Exemption	(26,816,600)	3.5% Growth	21,701,194
Less HS/Vet/Other Exemptions	(18,310,242)	Frozen Value	641,735,296
Total Taxable Value Over 65	620,034,102		

**TAX FREEZE 65+ WITH 10% OR \$50K EXEMPTION -10 year impact table**

	FISCAL YEAR											10 Year Total
	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	
Total Taxable Value Over 65	620,034,102	594,075,936	594,075,936	594,075,936	594,075,936	594,075,936	594,075,936	594,075,936	594,075,936	594,075,936	594,075,936	5,940,759,365
Taxable Value 3.5% Annual Growth		594,075,936	614,868,594	636,388,995	658,662,610	681,715,801	705,575,854	730,271,009	755,830,495	782,284,562	809,664,521	6,969,338,378
Tax Rate per \$100 valuation	0.351800	0.351800	0.351800	0.351800	0.351800	0.351800	0.351800	0.351800	0.351800	0.351800	0.351800	0.351800
Collection rate	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99
CHANGE IN REVENUE (FREEZE)		-	(72,490)	(147,518)	(225,171)	(305,542)	(388,726)	(474,822)	(563,931)	(656,159)	(751,615)	(3,585,974)
CHANGE IN REVENUE (NEW EXEMPTION)		(259,648)	(264,545)	(270,182)	(276,486)	(283,550)	(291,385)	(299,919)	(309,121)	(318,977)	(329,471)	(2,903,284)
CURRENT change in revenue with \$20K exemption		94,759	94,759	94,759	94,759	94,759	94,759	94,759	94,759	94,759	94,759	947,587
ADDITIONAL CHANGE IN REVENUE		(164,890)	(242,277)	(322,941)	(406,898)	(494,334)	(585,353)	(679,983)	(778,294)	(880,377)	(986,327)	(5,541,671)
Number of Properties in option	1,359											
Additional Savings Per Property		(121)	(178)	(238)	(299)	(364)	(431)	(500)	(573)	(648)	(726)	(4,078)
Single family tax paying residences under 65	2,154											
Additional tax burden for these properties if City maintains revenue		72	105	140	177	215	254	295	338	383	429	2,408

Growth Rate	3.50%
Budgeted Revenue	9,611,689
	9,948,098
	10,296,282
	10,656,651
	11,029,634
	11,415,671
	11,815,220
	12,228,753
	12,656,759
	13,099,745
	13,558,237
	1.7%
	2.4%
	3.0%
	3.7%
	4.3%
	5.0%
	5.6%
	6.1%
	6.7%
	7.3%

Total Market Value Over 65	665,160,944	2022 Total Taxable Value	620,034,102
Less \$20K Exemption	(26,816,600)	3.5% Growth	21,701,194
Less Veteran/HS/Other Exemptions	(18,310,242)	Remove \$20k Exemption	26,816,600
Total Taxable Value Over 65	620,034,102	Less New 10%/50K Exempt	(74,475,959)
		Frozen Value	594,075,936