



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

Thursday, January 20, 2022 at 6:30 PM  
City Hall Council Chambers, 7286 Dietz Elkhorn, Fair Oaks Ranch

---

**AGENDA**

---

**OPEN MEETING**

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

**CITIZENS and GUEST FORUM**

*To address the Council, please sign the Attendance Roster located on the table at the entrance of the Council Chambers. 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. Recognition of City Secretary, Christina Picioccio, for her achievement of Texas Municipal Clerks Certification.

Joanna Merrill, IPMA-SCP, Director of Human Resources and Communications

5. Police Utilization Study Report.

Tim Moring, Police Chief  
John Schuggs, Matrix Representative

- [6.](#) Annual Street Maintenance Plan Update.

Julio Colunga, Assistant Director of Public Works  
Mike Garza, P.E., PTOE, RSP1, General Engineering Consultant, Legacy Engineering Group

**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.*

- [7.](#) Approval of the January 6, 2022 Regular City Council meeting minutes.

Christina Picioccio, TRMC, City Secretary

- [8.](#) Approval of the second reading of an Ordinance amending the City of Fair Oaks Ranch Code of Ordinances Chapter 1 "General Provisions" by adding a new article entitled "Stormwater Pollution Prevention".

Katherine Schweitzer, P.E., Manager of Engineering Services

- [9.](#) Approval of the second reading of an Ordinance amending the City of Fair Oaks Ranch Code of Ordinances Chapter 12 "Traffic & Vehicles" Article 12.04 "Operation of Golf Carts on Public Streets" by establishing regulations for the operation of recreational off-road vehicles and utility vehicles on city-owned streets and providing additional clarification regarding child safety restraints as defined by the Texas Transportation Code.

Scott Parker, Council Place 5  
Chesley Muenchow, Council Place 6  
Tim Moring, Chief of Police

- [10.](#) Approval of the second reading of an Ordinance amending the City Council Rules of Procedure.

Christina Picioccio, TRMC, City Secretary

- [11.](#) Approval of a Preliminary Plat request from Elkhorn Ridge SA, LLC for Elkhorn Ridge Unit 4 proposing 26 single-family residential lots, generally located north of the intersection of Dietz Elkhorn Road and Elkhorn Ridge, City of Fair Oaks Ranch, Texas

Katherine Schweitzer, P.E., Manager, Engineering Services

- [12.](#) Approval of a request for an extension of time for consideration and possible action regarding the approval of a Preliminary Plat request from Green Land Ventures Ltd., for Stone Creek Ranch Unit 2C proposing 35 single-family residential lots, generally located north-west of the intersection of Rolling Acres Trail and Ammann Road, City of Fair Oaks Ranch, Texas

Katherine Schweitzer, P.E., Manager, Engineering Services

#### **CONSIDERATION/DISCUSSION ITEMS**

- [13.](#) Consideration and possible action approving a Preliminary Plat request from Green Land Ventures Ltd., for Stone Creek Ranch Unit 2C proposing 35 single-family residential lots, generally located north-west of the intersection of Rolling Acres Trail and Ammann Road, City of Fair Oaks Ranch, Texas.

Katherine Schweitzer, P.E., Manager, Engineering Services

- [14.](#) Consideration and possible action approving a Resolution adopting an amendment to the City's Flexible Benefit Plan Section 6.2(c) definition of "medical expenses" and authorizing the City Manager to sign applicable documents.

Joanna Merrill, IPMA-SCP, Director of Human Resources and Communications  
Scott Huizenga, Assistant City Manager, Administrative Services

- [15.](#) Consideration and possible action approving a Resolution approving a Resolution to formalize the Application of Benefit Plan Surplus Funds.

Joanna Merrill, IPMA-SCP, Director of Human Resources and Communications  
Scott Huizenga, Assistant City Manager, Administrative Services

- [16.](#) Consideration and possible action to approve the City's proposed 5-year Drainage Capital Improvement Plan.

Grant Watanabe, P.E., Director of Public Works & Engineering Services  
Julio Colunga, Assistant Director of Public Works  
Mike Persyn, P.E., Water Business Practice Lead, K Frieze & Associates

- [17.](#) Consideration and possible action authorizing the City Manager to execute a contract with Trox to purchase equipment for live streaming public meetings.

Joanna Merrill, IPMA-SCP, Director of Human Resources and Communications

- [18.](#) Consideration and possible action on filling the Planning & Zoning Commission's Place 5 unexpired term.

Christina Picioccio, TRMC, City Secretary

### REPORTS FROM STAFF AND COMMITTEES

19. Update on May 2022 Elections.

Christina Picioccio, TRMC, City Secretary

### REQUESTS AND ANNOUNCEMENTS

20. Announcements and reports by Mayor and Council Members.  
21. Announcements by the City Manager.  
22. 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:

23. To receive legal advice from Special Counsel and the City Attorney regarding the City's ground water rights.  
24. Cause No. 2018-CI-00202; the City of Fair Oaks Ranch, Texas vs. Edward I. Hill, Robert E. Heckendorn, Craig M. Luitjen, Roger Fuentes, Wesley A. Pieper, Esther W. Hicks, William A. McDowell, Yolanda D. Ayala, PG Pfeiffer Ranches LLC, Maureen Pfeiffer Stevenson Family Trust.  
25. Development issues related to the development agreement for Boerne Ranch Estates/The Reserve.

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

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

**RECONVENE INTO OPEN SESSION**

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

**ADJOURNMENT**

---

**Signature of Agenda Approval:** s/Tobin E. Maples

Tobin E. Maples, City Manager

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, January 17, 2022 and remained so posted continuously for at least 72 hours before said meeting was convened.

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





# CITY OF FAIR OAKS RANCH UPDATE ON FY21-22 STREETS PROJECTS

JULIO COLUNGA  
ASSISTANT DIRECTOR OF PUBLIC WORKS  
CITY OF FAIR OAKS RANCH  
JANUARY 20, 2022



# UPDATE ON FY21-22 STREET PROJECTS AGENDA

Item #6.

## Update on FY21-22 Approved Budget

- ❖ \$1M Street Maintenance Plan
- ❖ \$175k Dietz Elkhorn Safety Enhancements





# UPDATE ON FY21-22 STREET PROJECTS

## ANNUAL STREET MAINTENANCE BUDGET

Item #6.

### FY21-22 Street Maintenance Plan Breakdown (\$1M Total)

- \$850,000 Maintenance / Construction Budget
- \$150,000 Roadway Repair & Safety Improvements
  - ❖ Replace Pavement Markings and RPM's
  - ❖ Patching, Level-Ups, Crack Sealing
  - ❖ Signage, Miscellaneous Safety Projects, Contingency



# UPDATE ON FY21-22 STREET PROJECTS

## ANNUAL STREET MAINTENANCE BUDGET

Item #6.

### 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



# UPDATE ON FY21-22 STREET PROJECTS

## ANNUAL STREET MAINTENANCE BUDGET

Item #6.

### Curve Safety Treatments

#### Chevron Signage



Existing Conditions: Meadow Creek Trail



Proposed Conditions: Meadow Creek Trail

➤ **Total of 50 Signs Estimated @ \$800/EA ~ \$40,000**





# UPDATE ON FY21-22 STREET PROJECTS

## ANNUAL STREET MAINTENANCE BUDGET

Item #6.

### 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



➤ **TOTAL RPMS ~ 1,250 RPMS @ \$10/EA ~ \$12,500**





# UPDATE ON FY21-22 STREET PROJECTS

## ANNUAL STREET MAINTENANCE BUDGET

Item #6.

### Deer Meadow Estates

- Install Final Pavement Markings
- Install Final Raised Pavement Markers (RPMs)



# UPDATE ON FY21-22 STREET PROJECTS

## ANNUAL STREET MAINTENANCE BUDGET

Item #6.

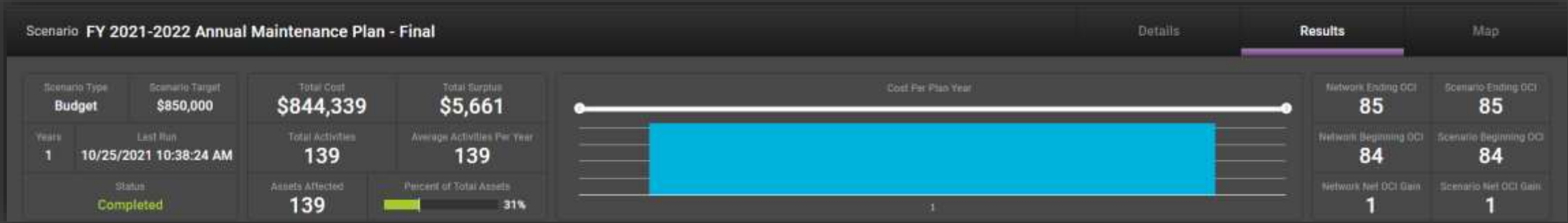
### FY21-22 Street Maintenance Plan (\$850k Total)

FOG Seal (TRMSS) = \$198,128.32

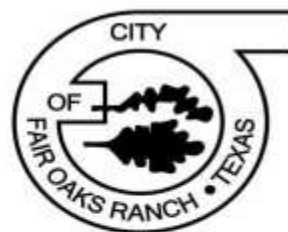
Mill & Overlay = \$9,606.07

Slurry Seal Type 3 (30# SY) = \$636,604.77

**Total Cost = \$844,339.00**







## FAIR OAKS RANCH PAVEMENT RESTORATION

### INDEX OF SHEETS

SHEET NO.	DESCRIPTION
1	TITLE SHEET
2	GENERAL NOTES
3	QUANTITIES
4 - 10	PLAN SHEETS
11	PAVEMENT DETAILS
12 - 14	PAVEMENT MARKING STANDARDS
15 - 26	TCP STANDARDS



LOCATION MAP

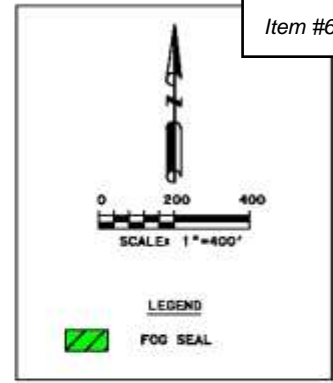
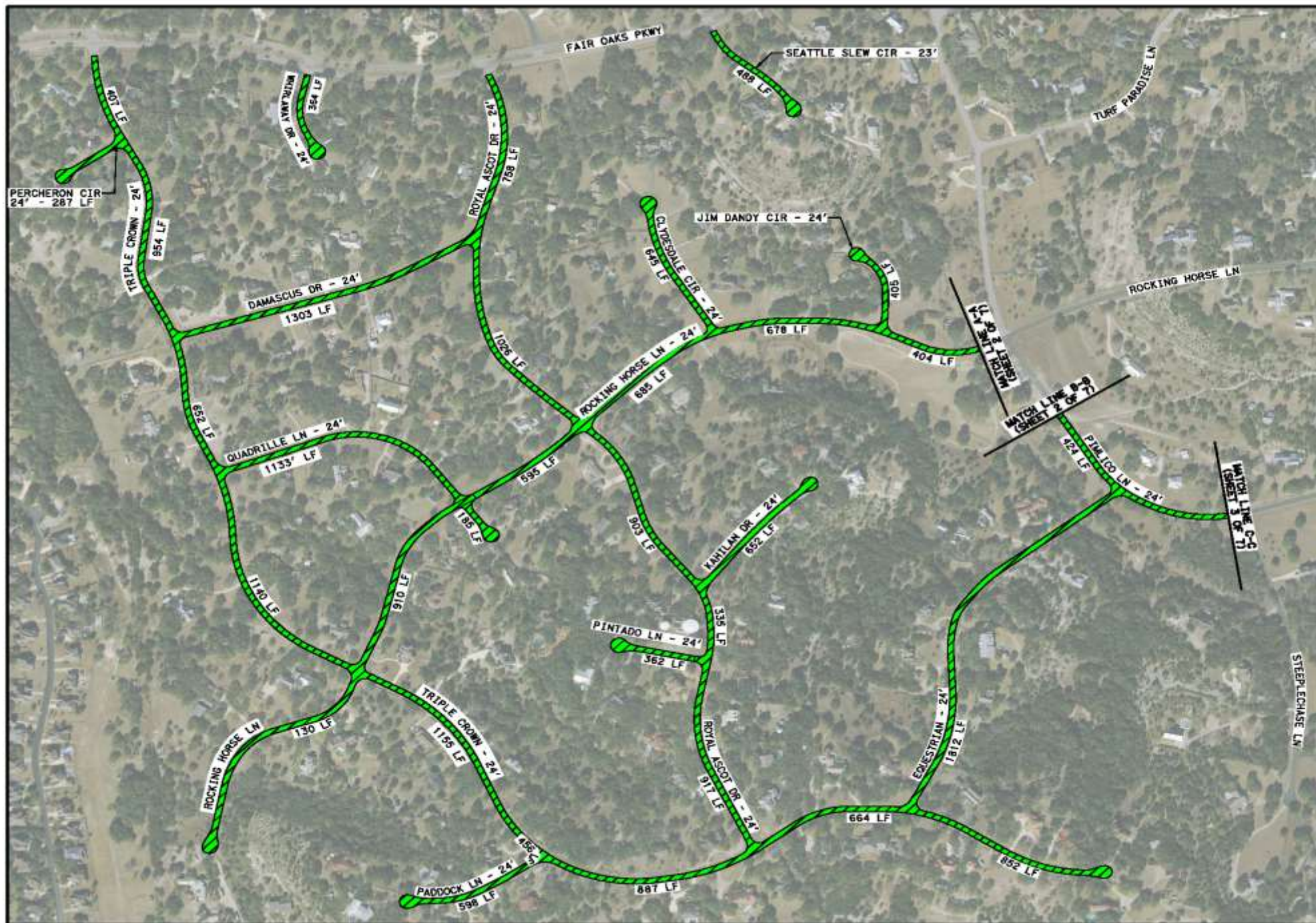


1/12/22

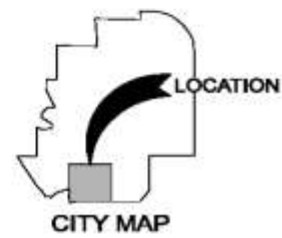


DATE: 1/12/22





LEGEND  
FOG SEAL

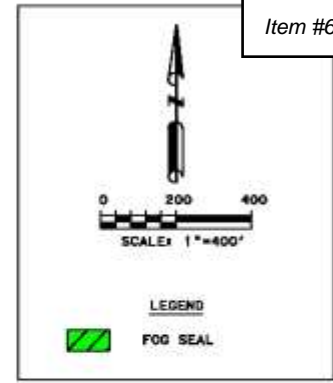
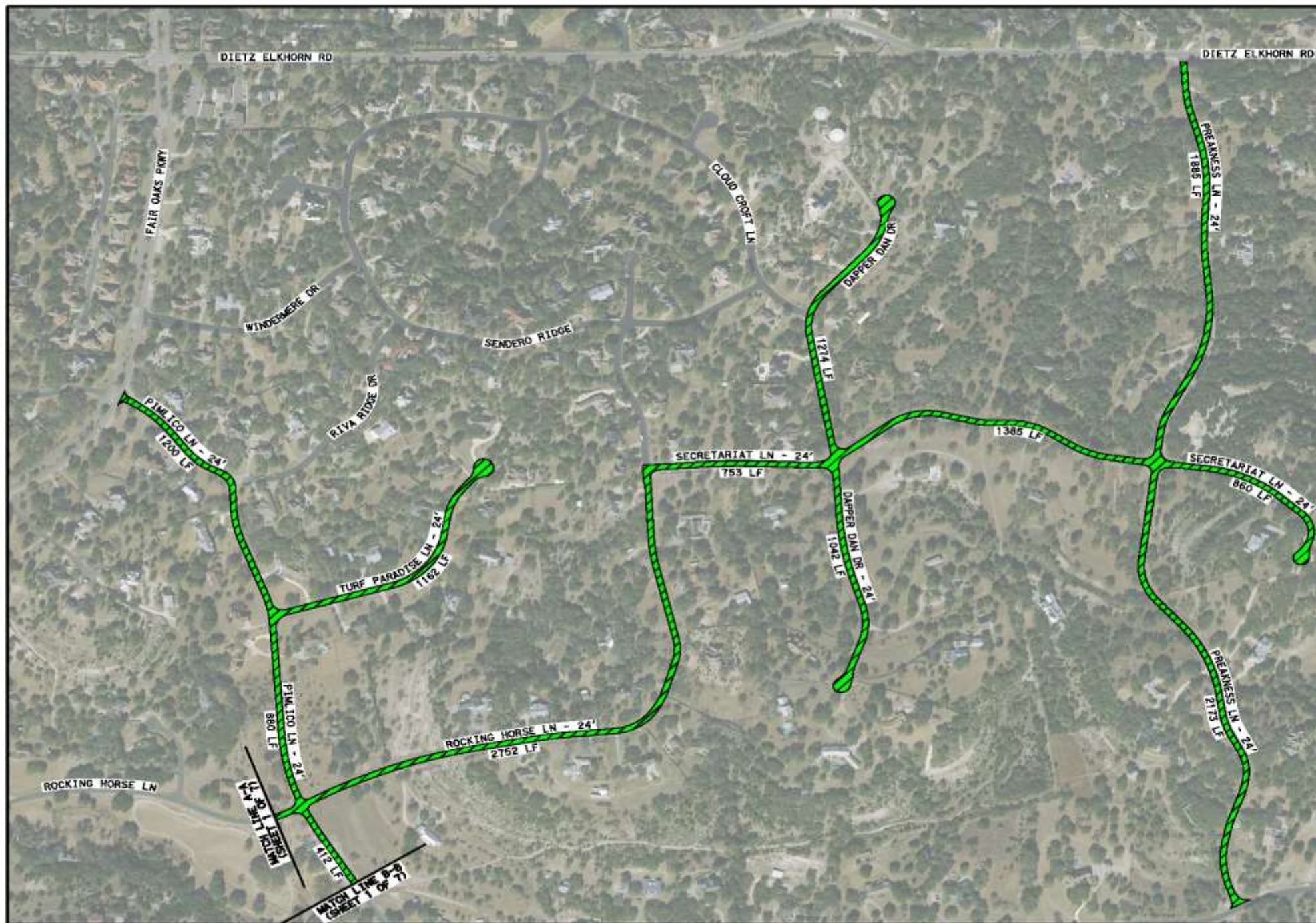


Legacy Engineering Group, PLLC  
7800 W Interstate 35, Ste. 630, San Antonio, Texas 78230, 210.493.8700  
TDP# From Registration No. 70873

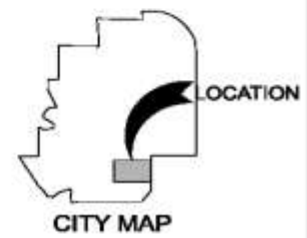
**FAIR OAKS RANCH  
PAVEMENT RESTORATION  
(FOG SEAL)**

SHEET 1 OF 7			
FILE NO. 8	PROJECT NO. -	SHEET 4	
STATE TEXAS	COUNTY BEXAR	COUNTY COMAL	
CONTRACT -	PROJECT -	JOB -	VAR -





**LEGEND**  
 FOG SEAL

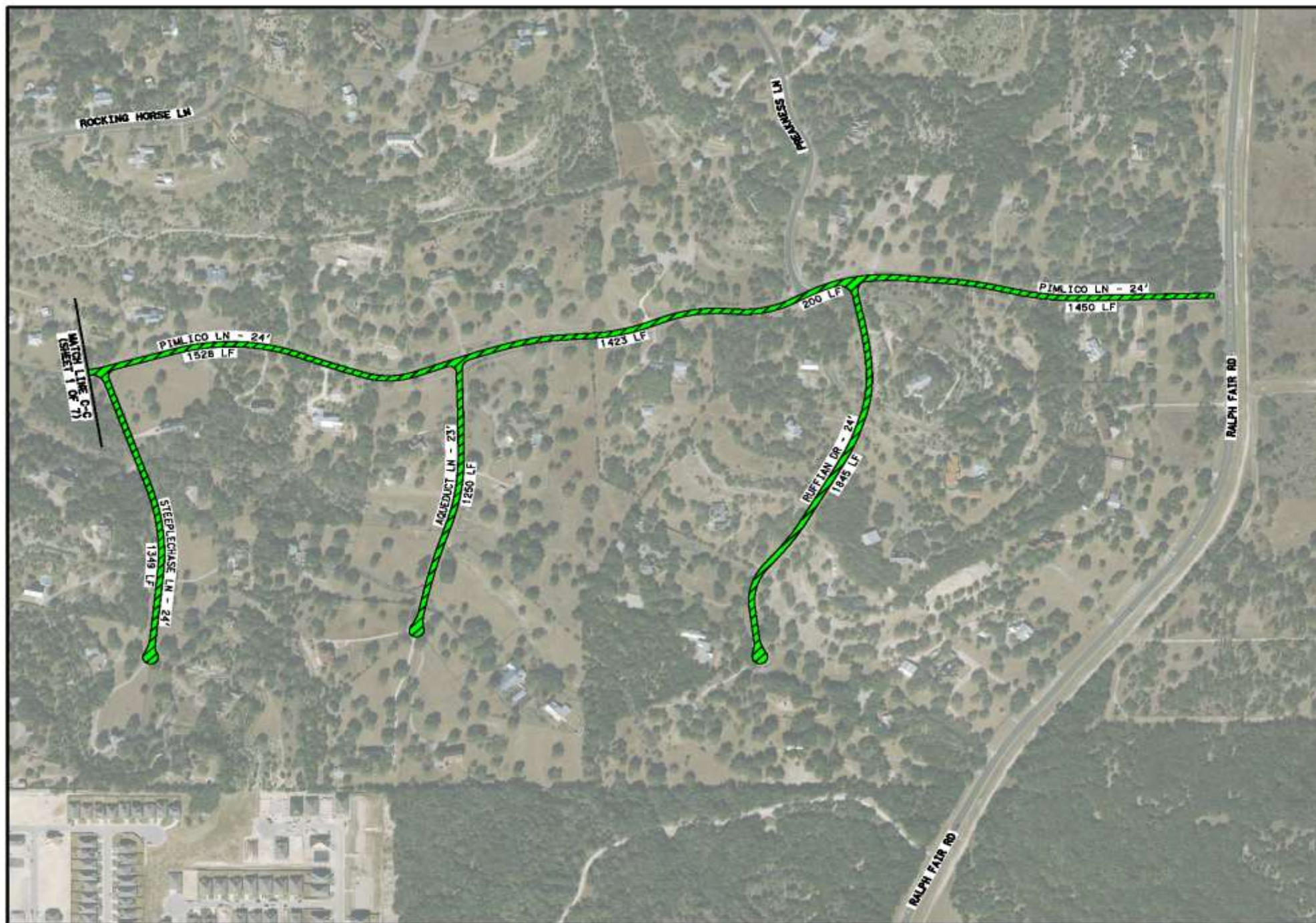
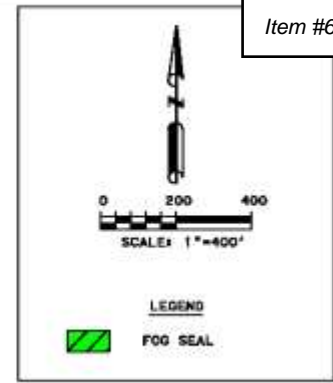


**LEGACY**  
ENGINEERING GROUP  
 Legacy Engineering Group, PLLC  
 7800 W Interstate 35, Ste. 830, San Antonio, Texas 78230, 210-493-8700  
 TSP# Firm Registration No. 206273

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

SHEET NO.		PROJECT NO.		SHEET
8		-		8
STATE	CITY	COUNTY		
TEXAS	SAT	BEXAR, COMAL		
CONT.	SECT.	JOB	NO.	
-	-	-	VAR	



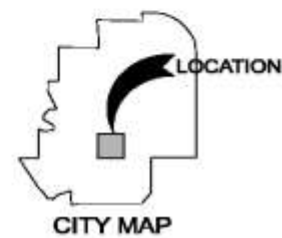
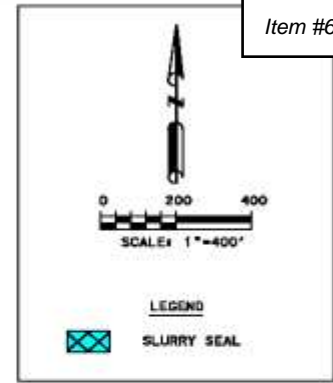
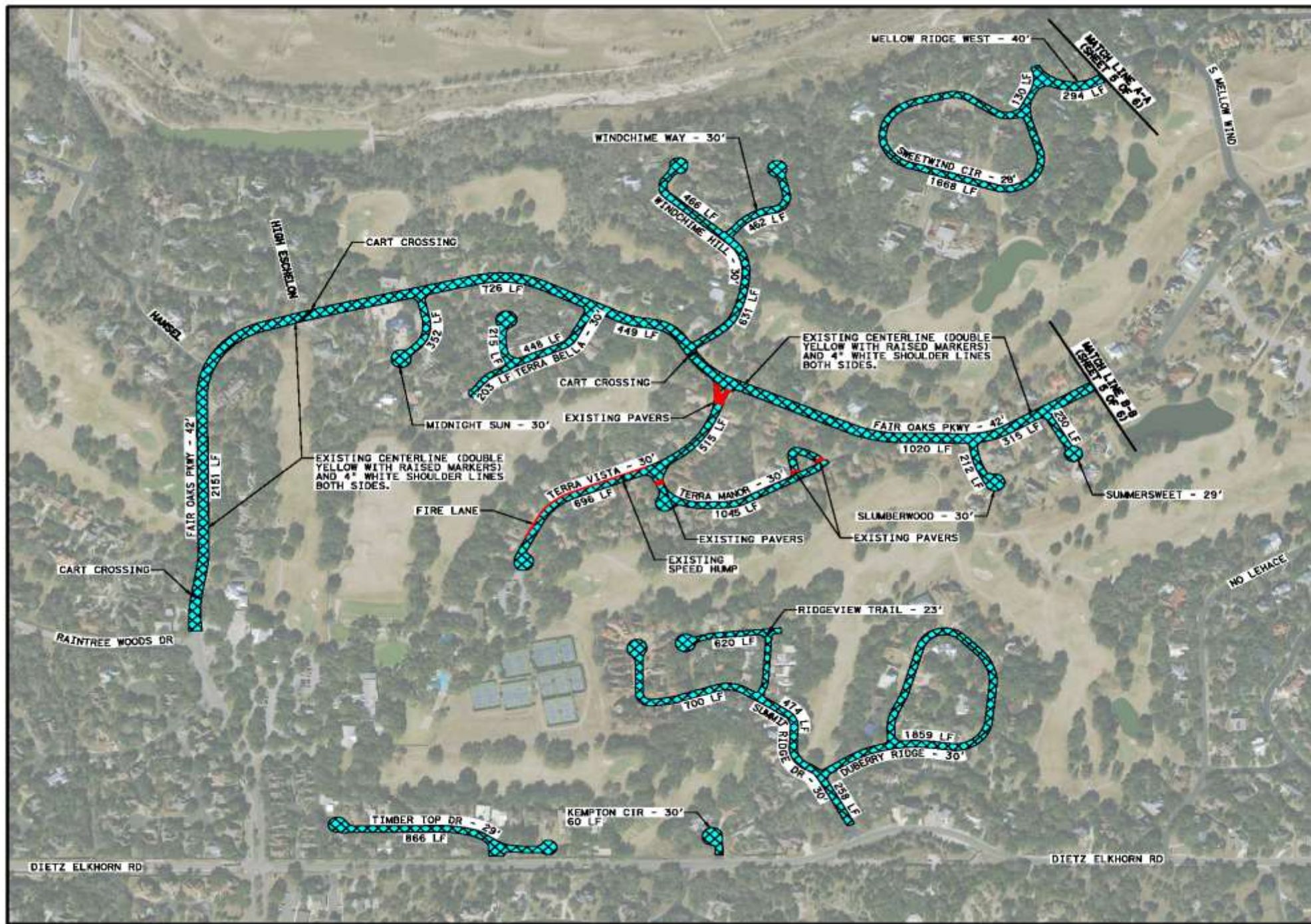


Legacy Engineering Group, PLLC  
7800 W Interstate 30, Ste. 830, San Antonio, Texas 78230, 210-453-3700  
TSP# Firm Registration No. 20023

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

SHEET NO.		PROJECT NO.		SHEET
8		-		8
STATE	DEPT.	COUNTY		
TEXAS	SAT	BEXAR, COMAL		
CONT.	SECT.	JOB	NO.	
-	-	-	VAR	





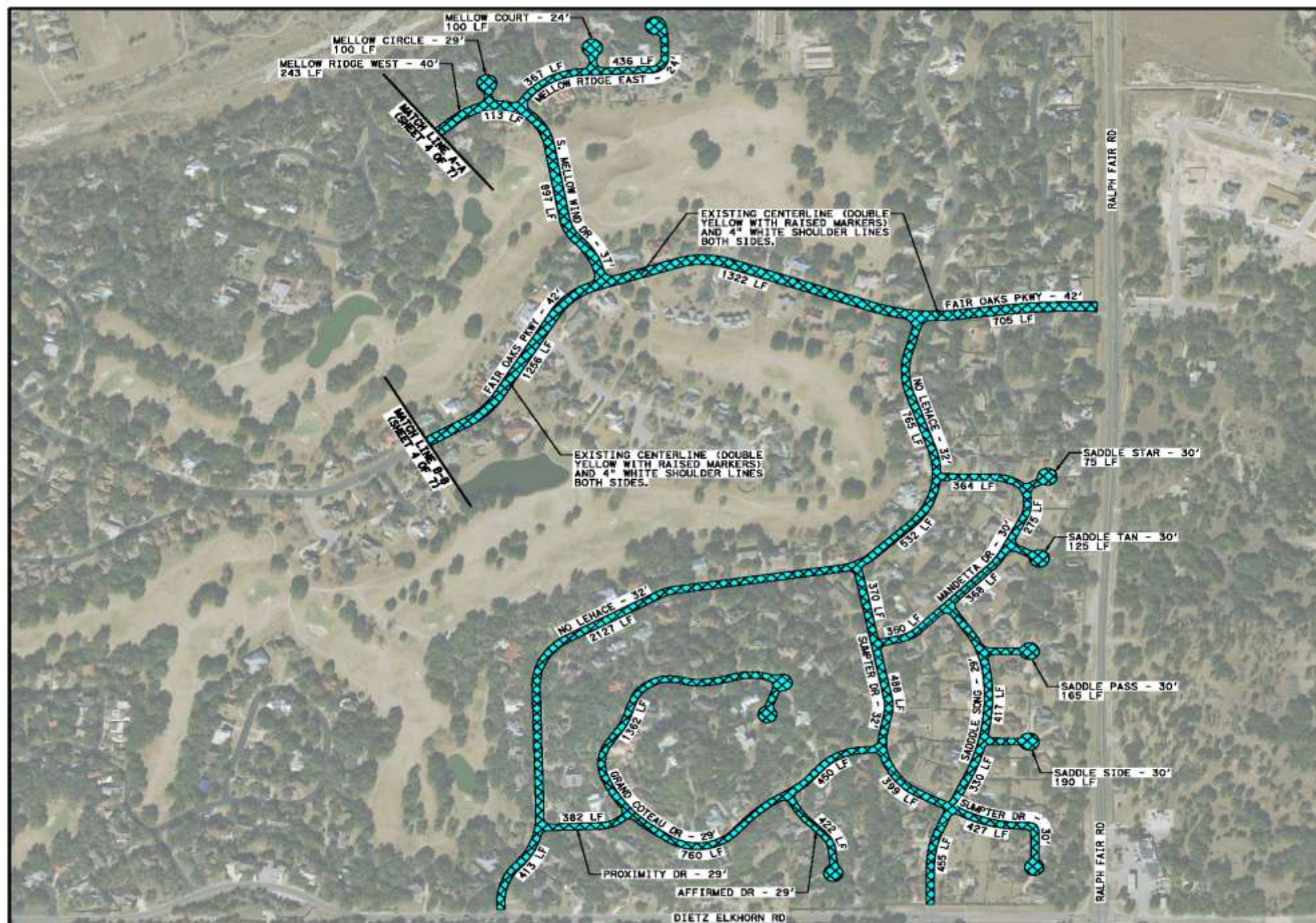
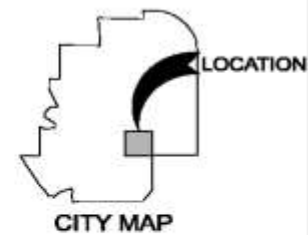
**LEGACY**  
ENGINEERING GROUP  
Legacy Engineering Group, PLLC  
7800 W Interstate 10, Ste. 450, San Antonio, Texas 78240, 210-483-8700  
Texas Professional Registration No. 30823

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

FIG. NO.		PROJECT NO.		SHEET 4 OF 6	
6		-		7	
STATE	COUNTY	COUNTY			
TEXAS	SAT	BEXAR, COMAL			
CONTRACT	SUBJECT	JOB NO.			
-		VAR			

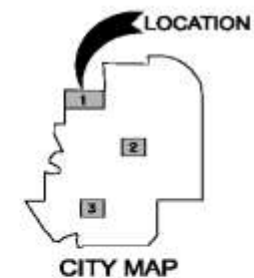
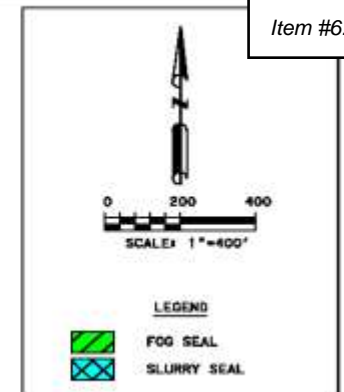
Page 17



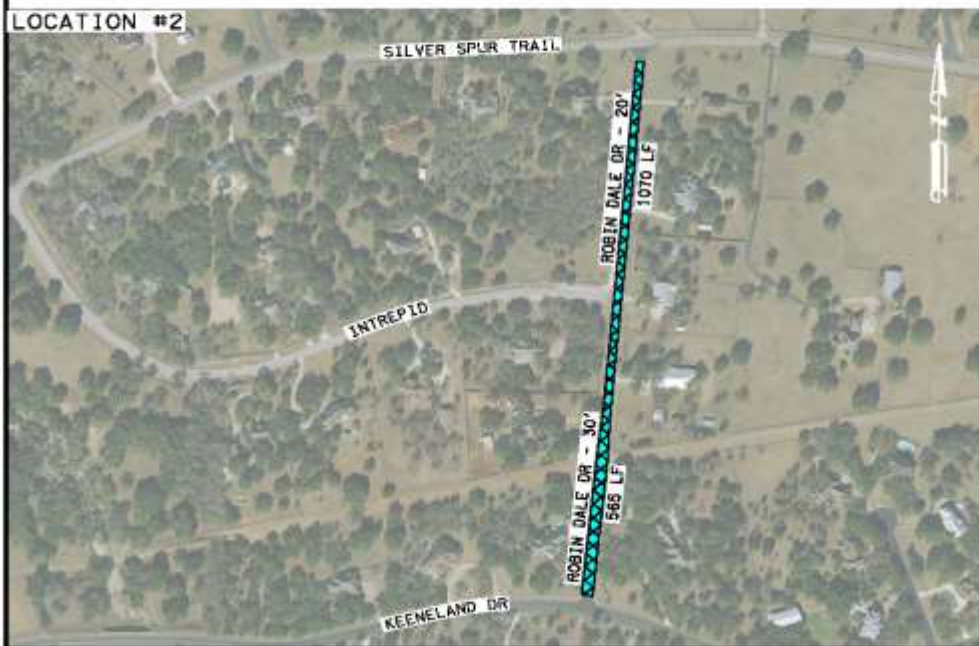




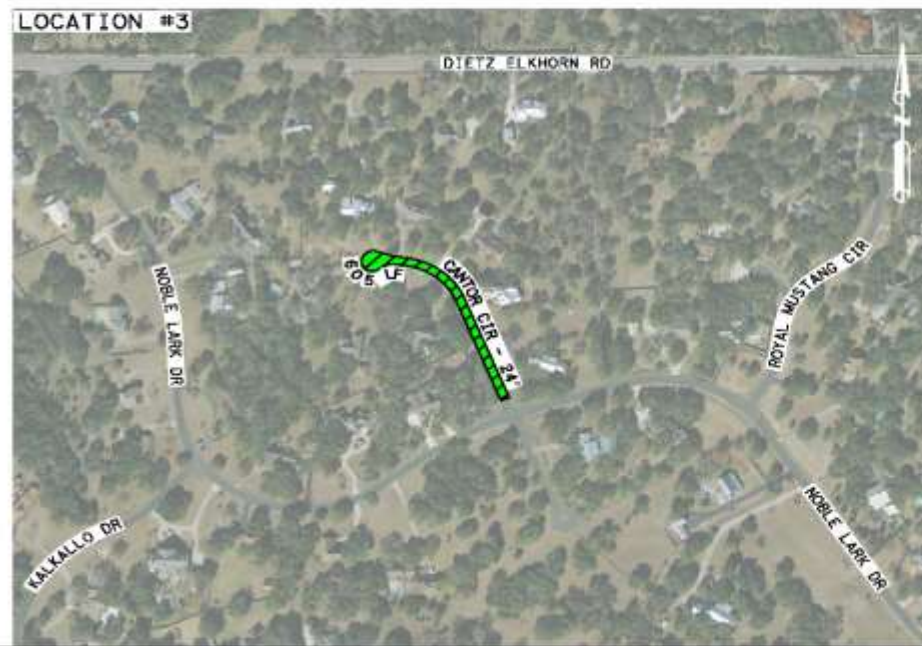
LOCATION #1



LOCATION #2



LOCATION #3



**LEGACY**  
ENGINEERING GROUP

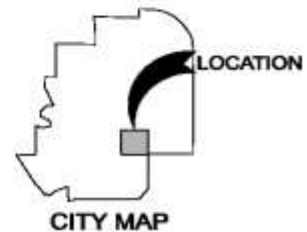
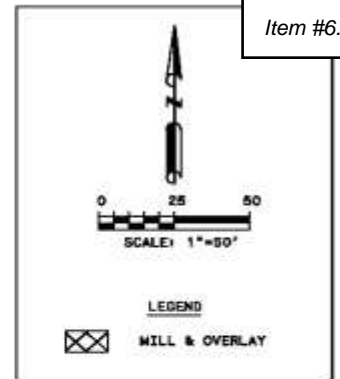
Legacy Engineering Group, PLLC  
7800 W Interstate 35, Ste. 600, San Antonio, Texas 78230, 210.453.3700  
TSP# Firm Registration No. 208219

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

SHEET 6 OF 7

PROJECT NO.		SHEET	
6		6	
STATE	COUNTY		
TEXAS	BEXAR		
CONT.	VAR		





**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, PLLC  
7800 W Interstate 35, Ste. 630, San Antonio, Texas 78230, 210.493.8700  
TDP# Firm Registration No. 20823

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

PROJECT NO.		SHEET	
6		10	
STATE	COUNTY	SHEET	
TEXAS	BEXAR	10	
DATE	BY	DATE	BY



# UPDATE ON FY21-22 STREET PROJECTS

## DIETZ ELKHORN SAFETY ENHANCEMENTS

Item #6.

### Boerne ISD Coordination

- Coordination Meeting Held on 11/30/21
  - Discussed Van Raub ES and Fair Oaks Ranch ES Operations
- New Drone Footage Collected on 12/08/2021
- Coordination Meeting Held on 12/16/21
  - New Drone Footage Presented to BISD Chief Operations Officer and Transportation Director
  - Discussed BISD Bond Program & Potential Intersection Improvements at Chartwell/Saddle Song



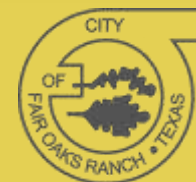
# UPDATE ON FY21-22 STREET PROJECTS

## DIETZ ELKHORN SAFETY ENHANCEMENTS

Item #6.

### Van Raub ES

- Discussed spillback of traffic onto Dietz Elkhorn during afternoon pick-up period
- School personnel will focus on optimizing pick-up operations
- Right-turn lane extension will be reanalyzed in spring





# UPDATE ON FY21-22 STREET PROJECTS

## DIETZ ELKHORN SAFETY ENHANCEMENTS

Item #6.

### Fair Oaks Ranch Elementary School

- Discussed issues with existing crosswalk (that is currently protected by officers)
- Went over potential intersection improvements / realignment



### Chartwell Lane / Saddle Song Intersection Improvements

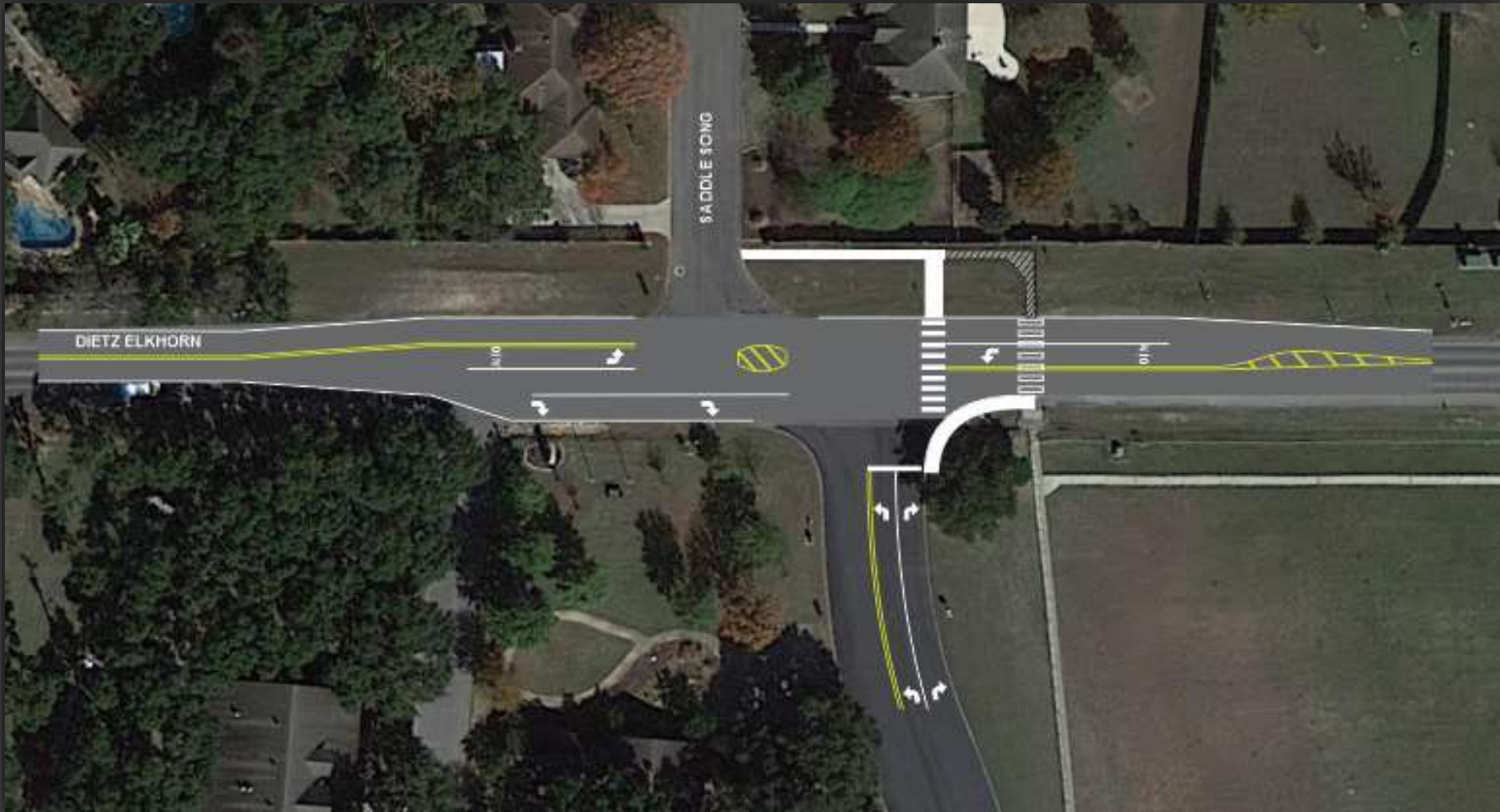
- Realign Crosswalk to Enhance Safety w/Pedestrian Actuated Devices
- Reconfigure Intersection to Include Deceleration Lane
- Coordinate with Boerne ISD at Fair Oaks Ranch Elementary School





# UPDATE ON FY21-22 STREET PROJECTS

## DIETZ ELKHORN SAFETY ENHANCEMENTS



Option A - Preliminary Estimate @ \$125,000



# UPDATE ON FY21-22 STREET PROJECTS

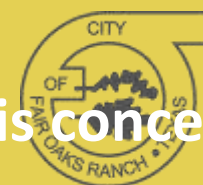
## DIETZ ELKHORN SAFETY ENHANCEMENTS

Item #6.



**Option B - Preliminary Estimate @ \$300,000**

**City staff will meet with impacted neighborhood if Council likes this concept**



Page 26



# UPDATE ON FY21-22 STREET PROJECTS

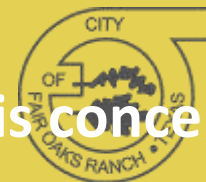
## DIETZ ELKHORN SAFETY ENHANCEMENTS

Item #6.



**Option B - Preliminary Estimate @ \$300,000**

**City staff will meet with impacted neighborhood if Council likes this concept**



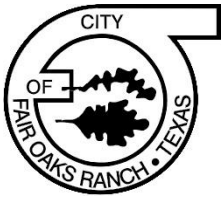
Page 27



# CITY OF FAIR OAKS RANCH UPDATE ON FY21-22 STREETS PROJECTS QUESTIONS/COMMENTS/INPUT FROM COUNCIL







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

Thursday, January 06, 2022 at 6:30 PM

City Hall Council Chambers, 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

### CITIZENS and GUEST FORUM

3. Citizens to be heard - Dayton Hoffman spoke in favor of the UTV Ordinance and asked Council to consider approving it as it would contribute to the uniqueness of Fair Oaks Ranch.

### PRESENTATIONS

5. Joanna Merrill, IPMA-SCP, Director of Human Resources and Communications, recognized Jimmy Washer for his promotion to Maintenance Supervisor.
4. Joanna Merrill, IPMA-SCP, Director of Human Resources and Communications, Presented a 25 years Employee Service Awards to Jimbo Ford, Water/Wastewater Operator II. Mayor Maxton also spoke of his service to the City previously with FairCo.
6. Matthew Schorsch, of Freese and Nichols, presented to City Council an Emergency Response Plan for Utility Systems with the support of Julio Colunga, Assistant Director of Public Works

### CONSENT AGENDA

7. **Approval of the December 7, 2021 Special City Council meeting minutes.**
8. **Approval of the December 14, 2021 Special City Council meeting minutes.**
9. **Approval of the December 16, 2021 Regular City Council meeting minutes.**
10. **Approval of the second reading of an Ordinance amending the Fair Oaks Ranch Code of Ordinances Chapter 3 "Building Regulations".**

*Council Member Koerner asked to move item 8 from the Consent Agenda to Consideration.*

MOTION: Made by Council Member Muenchow, seconded by Council Member Parker, to approve the Consent Agenda. (Items 7, 9, & 10)

VOTE: 7-0; Motion Passed.

**CONSIDERATION/DISCUSSION ITEMS****8. Approval of the December 14, 2021 Special City Council meeting minutes.**

MOTION #1: Made by Council Member Koerner, seconded by Council Member Elizondo, to amend the minutes to correct Laura Koerner's name being listed twice under Roll Call.

VOTE: 7-0; Motion Passed.

MOTION #2: Made by Council Member Bliss, seconded by Council Member Koerner, to approve the December 14, 2021 Special City Council meeting minutes.

VOTE: 7-0; Motion Passed.

**11. Consideration and possible action approving the first reading of an Ordinance amending the City of Fair Oaks Ranch Code of Ordinances Chapter 1 "General Provisions" by adding Article 1.10 entitled "Stormwater Pollution Prevention".**

MOTION: Made by Council Member Koerner, seconded by Council Member Parker, to approve the first reading of an Ordinance amending Chapter 1 "General Provisions" by adding a new article entitled "Stormwater Pollution Prevention".

VOTE: 7-0; Motion Passed.

**12. Consideration and possible approval of the first reading of an Ordinance amending the City of Fair Oaks Ranch Code of Ordinances Chapter 12 "Traffic & Vehicles" Article 12.04 "Operation of Golf Carts on Public Streets" by establishing regulations for the operation of recreational off-road vehicles and utility vehicles on city-owned streets and providing additional clarification regarding child safety restraints as defined by the Texas Transportation Code.**

Police Chief noted the following corrections to the proposed document:

In Sec. 12.04.002 Golf carts & off-highway vehicles permitted and restricted: The person maintains current financial responsibility for the golf cart and/or an off-highway vehicle, as required of other passenger vehicles in Section 601.051 of the Texas Transportation Code.

In Sec. 12.04.004 Liability: Nothing in this Article shall be construed as an assumption of liability by Fair Oaks Ranch for any injuries (including death) to persons, pets or property which may result from the operation of a golf cart and/or an off-highway vehicle ~~by an authorized driver~~

MOTION: Made by Council Member Elizondo, seconded by Council Member Koerner, to approve the first reading of an ordinance amending the City of Fair Oaks Ranch Code of Ordinances Chapter 12 "Traffic & Vehicles" Article 12.04 "Operation of Golf Carts on Public Streets" by establishing regulations for the operation of recreational off-road vehicles and utility vehicles on city-owned streets and providing additional clarification regarding child safety restraints as defined by the Texas Transportation Code.

VOTE: 7-0; Motion Passed.

**13. Consideration and possible action to approve the first reading of an Ordinance amending the City Council Rules of Procedure.**

The following correction was made to Rule 10 Consent Agenda: The City Manager may separately designate items as consent items which shall be placed under Consent Agenda on the agenda and be acted upon by the Council under ~~Rule 27~~ Rule 28.

**MOTION:** Made by Council Member Koerner, seconded by Council Member Elizondo, to approve the first reading of an Ordinance establishing the City Council Rules of Procedure.

**VOTE:** 7-0; Motion Passed.

## REPORTS FROM STAFF AND COMMITTEES

14. **Amanda Valdez, TRMC, Deputy City Secretary , provided to Council a presentation on Important Election Dates for the upcoming May 7, 2022 General Election.**

## REQUESTS AND ANNOUNCEMENTS

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

Council Member Stroup reminded everyone of the Adopt-a Highway event on January 22, 2022 at 8:15 AM.

Council Member Koerner briefed the Council about information from the ESD 4 Meeting. The Fire House on Ralph Fair is nearly completed. All Officers have been hired and there will always be an Officer on duty.

Council Member Parker announced that there will be another event at Spotted Deer offering an opportunity for residents to come and speak to Council Members on January 19, 2022 at 1:00 PM.

Mayor Maxton informed Council that he presented to the Kendall County, Boerne, and Fair Oaks Ranch Transportation Committee based off of the City's Comprehensive Plan. The Mayor also thanked the Police Department for the community engagement during the holidays.

16. **Announcements by the City Manager.**

City Manager, Tobin Maples, reminded everyone that Bulk Pickup begins the week of January 10, 2022. He asked for patience in case there is a delay as there may be a shortage of drivers.

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

N/A

## CONVENE INTO EXECUTIVE SESSION

City Council convened into Executive Session at 8:18 PM regarding:

*Pursuant to Section 551.101 of the Open Meetings Act, Texas Gov't Code, a quorum of the governing body hereby convenes into closed session:*

**Sec. 551.071 (Consultation with Attorney)** the City Council will meet in private consultation with legal counsel to seek the advice of its attorneys about pending or contemplated litigation, a settlement offer, and/or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas conflicts with Chapter 551 of the Government Code; to wit:

18. To receive legal advice from Special Counsel and the City Attorney regarding the City's ground water rights.
20. Development issues related to the development agreement for Boerne Ranch Estates/The Reserve.

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

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

City Council did not convene into Executive Session regarding:

**Sec. 551.071 (Consultation with Attorney)** the City Council will meet in private consultation with legal counsel to seek the advice of its attorneys about pending or contemplated litigation, a settlement offer, and/or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas conflicts with Chapter 551 of the Government Code; to wit:

19. Cause No. 2018-CI-00202; the City of Fair Oaks Ranch, Texas vs. Edward I. Hill, Robert E. Heckendorn, Craig M. Luitjen, Roger Fuentes, Wesley A. Pieper, Esther W. Hicks, William A. McDowell, Yolanda D. Ayala, PG Pfeiffer Ranches LLC, Maureen Pfeiffer Stevenson Family Trust.

**RECONVENE INTO OPEN SESSION**

City Council reconvened into Open Session at 11:08 PM. No action was taken.

**ADJOURNMENT**

Mayor Maxton adjourned the meeting at 11:09 PM.

ATTEST:

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

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



**CITY COUNCIL CONSIDERATION ITEM**  
**CITY OF FAIR OAKS RANCH, TEXAS**  
**January 20, 2022**

**AGENDA TOPIC:** Approval of the second reading of an Ordinance amending the City of Fair Oaks Ranch Code of Ordinances Chapter 1 “General Provisions” by adding a new article entitled “Stormwater Pollution Prevention”

**DATE:** January 20, 2022

**DEPARTMENT:** Public Works and Engineering Services

**PRESENTED BY:** Consent Agenda - Katherine Schweitzer, P.E., Manager of Engineering Services

**INTRODUCTION/BACKGROUND:**

The U.S. Environmental Protection Agency (EPA) issued regulations in 1999 to protect storm water quality in small cities and urbanized areas. In Texas, the Texas Commission on Environmental Quality (TCEQ) was delegated the responsibility for implementing the regulations, commonly called the Phase II Municipal Separate Storm Sewer System (MS4) program. In addition to issuing discharge permits to traditional “point sources,” such as municipal wastewater treatment plants, the TCEQ is also responsible for minimizing pollution from “non-point sources”, such as stormwater runoff from construction sites, industrial facilities or municipal storm sewer systems. The City of Fair Oaks Ranch is one of several hundred cities, counties, and other public entities required to develop and implement programs to protect storm water quality under Phase II MS4 regulations.

The City currently operates under the Texas Pollutant Discharge Elimination System (TPDES) General Permit No. TXR040000 which was issued in 2019. The General Permit requires permittees to develop and implement a stormwater management program (SWMP), including best management practices (BMPs) for each of the five required minimum control measure (MCM) elements (others are optional or not applicable):

- 1) Public Education, Outreach and Involvement
- 2) Illicit Discharge Detection and Elimination
- 3) Construction Site Stormwater Runoff control
- 4) Post Construction Stormwater Management in New Development/Redevelopment
- 5) Pollution Prevention and Good Housekeeping for Municipal Operations

The General Permit also requires traditional small MS4s (such as our City) to review and revise its relevant ordinance(s) or other regulatory mechanisms, or to adopt new ordinance(s) or regulatory mechanisms that provide the permittee with adequate legal authority to control pollutant discharges into its MS4 in order to meet the requirements of the General Permit.

This proposed ordinance establishes requirements for construction site operators to submit a Stormwater Pollution Prevention Plan (SWP3) prior to receiving a building or site development permit, describes plan content requirements in detail, requires the construction site operator to conduct regular inspections, including after storm events, and authorizes city staff to inspect construction sites for the purpose of ensuring compliance. The proposed ordinance also lists

allowable and prohibited (illicit) discharges into the MS4 and provides a schedule of penalties for non-compliance.

Gaining the attention and timely cooperation of some construction site operators to correct stormwater management issues has, at times, been a challenge. Repeated reminders, emails and phone calls over several weeks were often needed to facilitate corrective action. This proposed ordinance not only gives city staff the necessary tools to enforce compliance (i.e. stop-work orders, administrative penalties, etc.) but also places primary responsibility for routine inspection, monitoring, records keeping and plan update on the construction site operator with city staff in an oversight role.

Much of the regulations and definitions in this proposed stormwater pollution prevention ordinance were taken directly from the TCEQ Stormwater General Permit for Construction Activities TXR150000 and General Permit for Texas Pollutant Discharge Elimination System TXR040000.

The City Council passed and approved the first reading of the ordinance amending the City of Fair Oaks Ranch Code of Ordinances Chapter 1 “General Provisions” by adding a new article entitled “Stormwater Pollution Prevention” at their January 6, 2022 meeting.

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

1. Improves the operation of the City’s stormwater collection and conveyance system by controlling construction site runoff
2. Reduces the potential of drainage blockages, backups, flooding and costly cleanup.
3. Improves the water quality of our creeks and tributaries. What goes down the storm sewer drain goes directly into local waters, wetlands, and reservoirs used for drinking water and/or recreation.
4. Reduces environmental and public safety risks related to hazardous pollutants.
5. Enhances and helps implement the City’s stormwater management program

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

N/A

**LEGAL ANALYSIS:**

Approved as to form.

**RECOMMENDATION/PROPOSED MOTION:**

Consent Agenda - I move to approve the second reading of an Ordinance amending Chapter 1 “General Provisions” by adding a new article entitled “Stormwater Pollution Prevention”.

## AN ORDINANCE

**AN ORDINANCE OF THE CITY OF FAIR OAKS RANCH AMENDING CHAPTER 1 “GENERAL PROVISIONS” BY ADDING A NEW ARTICLE ENTITLED “STORMWATER POLLUTION PREVENTION”; PROVIDING FOR SEVERABILITY AND REPEAL CLAUSES; PROVIDING FOR A CIVIL AND/OR CRIMINAL PENALTY NOT EXCEEDING \$2000 PER VIOLATION FOR NONCOMPLIANCE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to the Clean Water Act and Texas Pollution Discharge Elimination System General Permit TXR040000, as it may be amended, the City of Fair Oaks Ranch is required to develop, implement, and enforce a storm water management program designed to reduce the discharge of pollutants into the City’s streets, gutters, ditches, and storm drains, and to the surface waters of the state, and the waters of the United States, to the maximum extent practicable; and

**WHEREAS**, the City of Fair Oaks Ranch recognizes that protecting and improving water quality within the City’s Municipal Separate Storm Sewer System boundaries will contribute to an improved quality of life and the general welfare of the residents of Fair Oaks Ranch; and

**WHEREAS**, the City Council of the City of Fair Oaks Ranch deems it necessary to amend Chapter 1 General Provisions by adding a new article titled Stormwater Pollution Prevention.

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

- PART 1. Chapter 1 “General Provisions” is hereby amended as set forth in the attached Exhibit A.
- PART 2. That the recitals contain 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 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. A penalty provision section is established in Section 1.10.015 of the attached Exhibit “A”.
- PART 6. This ordinance shall take effect immediately from and after its second reading, passage and publication as may be required by governing law.

- PART 7. The repeal or amendment of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue or as affecting any rights of the City of Fair Oaks Ranch under any section or provisions of any ordinances in effect at the time of passage of this ordinance.
- PART 8. 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 the 6th day of January 2022.

**PASSED, APPROVED and ADOPTED** on second reading this the 20th day of January 2022.

---

Gregory C. Maxton, Mayor

ATTEST:

APPROVED AS TO FORM:

---

Christina Picioccio, City Secretary

---

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



## **Exhibit A**

The City's Code of Ordinances Chapter 1 General Provisions is hereby amended by the addition of the following Article:

### **STORMWATER POLLUTION PREVENTION**

#### **Division 1. Generally**

##### **Sec. 001 Policy, purpose, and intent**

- (a) Pursuant to the Clean Water Act and Texas Pollution Discharge Elimination System General Permit TXR040000, as it may be amended, the City of Fair Oaks Ranch is required to develop, implement, and enforce a storm water management program designed to reduce the discharge of pollutants into the City's streets, gutters, ditches, and storm drains, and to the surface waters of the state, and the waters of the United States, to the maximum extent practicable.
- (b) The City of Fair Oaks Ranch recognizes that protecting and improving water quality within the City's Municipal Separate Storm Sewer System boundaries will contribute to an improved quality of life and the general welfare of the residents of Fair Oaks Ranch.

##### **Sec. 002-009 Reserved**

#### **Division 2. Regulations**

##### **Sec. 010 Abbreviations**

The following abbreviations when used in this chapter shall have the designated meanings:

BMP	Best management practices
BOD	Five-day Biochemical oxygen demand
CFR	Code of Federal Regulations
COFOR	City of Fair Oaks Ranch
CWA	Clean Water Act
EPA	United States Environmental Protection Agency
MEP	Maximum extent practicable
Mg/l	Milligrams per liter
MS4	Municipal separate storm sewer system
MSGP	Multi-Sector General Permit
NOI	Notice of intent
NPDES	National Pollution Discharge Elimination System
pH	Measure of acidity and alkalinity

SWP3	Stormwater pollution prevention plan
TCEQ	Texas Commission on Environmental Quality
TPDES	Texas Pollutant Discharge Elimination System

## Sec. 011 Definitions

For the purposes of this Ordinance, the following definitions shall apply unless the context of their usage clearly indicates otherwise:

*Best management practices.* Activities, prohibitions, maintenance procedures, structural controls, local ordinances, and other management practices to prevent or reduce the discharge of pollutants.

*Clean Water Act.* The Federal Water Pollution Control Act, as codified at 33 U.S.C. 1251-1376.

*Common plan of development.* A construction activity that is completed in separate stages or phases or in a combination with other construction activities. A common plan of development is identified by plats, blueprints, marketing plans, contract, building permit applications, a public notice or hearing, zoning requests, or other similar documentation.

*Construction activity (large)(more than 5 acres).* Construction activities including clearing, grading, and excavating that result in land disturbance of five or more acres of land. Large construction activity also includes the disturbance of less than five acres of land area that is part of a common plan of development that will ultimately disturb five acres or more of land.

*Construction activity (small)(more than 1 less than 5 acres).* Construction activities including clearing, grading, and excavating that result in land disturbance of one acre or more but less than five acres of land. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development if the larger common plan will ultimately disturb one acre or more but less than five acres of land.

*Construction site operator.* The person or persons associated with a small or large construction project that is either:

- (1) The person or persons that have operational control over construction plans and specifications including approval of revisions to the extent necessary to meet the requirements and conditions of state and federal law, including TPDES or NPDES permits allowing stormwater discharge; or
- (2) The person or persons that have day-to-day operational control of those activities at a construction site that are necessary to ensure compliance with a stormwater pollution prevention plan for the site.

*Conveyance.* Streets, curbs, gutters, manmade channels and ditches, drains, pipes, and other constructed features designed or used for drainage or flood control or to otherwise transport stormwater runoff.

*Discharge.* The drainage, release, or disposal of pollutants in stormwater and certain non-stormwater from areas where land disturbing activities, construction materials, equipment storage or maintenance, or other industrial activities are located.

Final stabilization. Where the following conditions are met:

- (1) All soil disturbing activities have been completed and a uniform perennial vegetative cover with a density of 70% of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed.
- (2) For individual lots in a residential construction site either:
  - (A) The homebuilder completes final stabilization as specified in subsection (1) above; or
  - (B) The homebuilder establishing temporary stabilization for an individual lot prior to the time of transfer of the ownership of the home to the buyer and informs the homeowner of the need for, and benefits of, final stabilization.
- (3) For construction activities on land used for agricultural purposes (e.g. pipelines across crop or range land), final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to a surface water and areas which are not being returned to their preconstruction agricultural use must meet the final stabilization conditions of subsection (1) above.

Groundwater infiltration. Groundwater that enters the MS4 (including storm sewer and foundation drains) through such means as defective pipes, pipe joints, connections, or manholes.

Illicit connection. Any human-made conveyance connecting an illicit discharge directly to the MS4.

Illicit discharge. Any discharge to the MS4 that is not entirely composed of stormwater, except discharges allowed pursuant to state or federal law, including TPDES or NPDES permits allowing stormwater discharge or a separate authorization.

Industrial activities. Manufacturing, processing, material storage and disposal areas, and similar areas where stormwater can contact industrial pollutants related to the industrial activity at an industrial facility described by the TPDES Multi-Sector General Permit, TXR050000, as it may be amended, or by another TPDES or NPDES permit.

Land disturbance (or soil disturbance). Any activity which involves the physical movement or disturbance of earth material by mechanized means. This includes excavating, filling, stockpiling, clearance of vegetation, grading, compaction of soil, creation of borrow pits, or combination thereof. Land disturbance does not include plowing, seeding, planting, cultivating, or harvesting on a farm, including lands that have been lying fallow as part of a conventional rotational cycle. Land disturbance does not include routine maintenance performed to maintain the original line and grade, hydraulic capacity and purpose of a ditch, channel or other similar stormwater conveyance. Land disturbance does not include routine grading of existing dirt roads, asphalt overlays of existing roads, routine clearing of existing rights-of-way or other similar maintenance activities.

Maximum extent practicable. Established by the Clean Water Act, the technology-based discharge standard for MS4s to reduce pollutants in stormwater discharges by selecting and implementing effective BMPs.



*Municipal separate storm sewer system (MS4).* The conveyance or system of conveyances including roads, streets, catch-basins, curbs, gutters, ditches, manmade channels, or storm drains that are located within the City of Fair Oaks Ranch and that are designed or used for collecting or conveying stormwater; but which are not a combined sewer (sanitary sewer and stormwater) and are not part of the city's sanitary sewer collection system.

*MS4 operator.* For the purpose of this article, the City of Fair Oaks Ranch.

*Point source.* Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

*Pollutants of concern.* Those pollutants identified as a cause of impairment and including biochemical oxygen demand (BOD), and sediment or parameters that address sediment such as total suspended solids, turbidity or siltation.

*Release.* Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into groundwater, subsurface soils, surface soils, the MS4, the surface water of the state, or the waters of the United States.

*Site development permit.* A permit issued by the city for the alteration of the ground for the construction or installation of utilities, streets, sidewalks, structures designed to control erosion and run-off and other grading activities that are not a part of a project that requires a building permit.

*Stormwater management program (SWMP).* A comprehensive program to manage the quality of discharges into and from the City's MS4.

*Stormwater runoff.* Rainfall runoff, snowmelt runoff, and surface runoff and drainage.

*Structural controls.* A pollution prevention practice that requires the construction or use of a device to capture or prevent pollution in stormwater runoff. Structural controls and practices may include but are not limited to: wet ponds, bio-retention, infiltration basins, stormwater wetlands, silt fences, earthen dikes, drainage swales, vegetative lined ditches, vegetative filter strips, sediment traps, check dams, subsurface drains, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins.

*Surface water in the state.* Lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, wetlands, marshes, inlets, canals, the Gulf of Mexico from the mean high water level out 10.36 miles into the Gulf, and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or non-navigable, and including the beds and banks of all watercourses and bodies of surface water, that are wholly or partially inside or bordering the state or subject to the jurisdiction of the state; except that waters in treatment systems which are authorized by state or federal law or permit, and which are created for the purpose of waste treatment are not considered to be water in the state.

*TPDES.* Texas Pollution Discharge Elimination System.

Waters of the United States.

- (1) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
- (2) All interstate waters, including interstate wetlands;
- (3) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds that the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
  - (A) Which are or could be used by interstate or foreign travelers for recreational or other purposes;
  - (B) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
  - (C) Which are used or could be used for industrial purposes by industries in interstate commerce;
- (4) All impoundments of waters otherwise defined as waters of the U.S.;
- (5) Tributaries of waters identified in subsections (1) through (4) of this definition;
- (6) The territorial sea;
- (7) Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in subsections (1) through (6) of this definition; and
- (8) Waste treatment systems, including manmade treatment ponds, lagoons or wetlands designed to meet the requirements of CWA are not waters of the United States.

Wetland. An area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

**Sec. 012 Pollution prevention and erosion control at construction sites**

- (a) All construction site operators, at a minimum, must:
  - (1) As a precondition to receiving a building permit for a small or large construction site, prepare and submit a stormwater pollution prevention plan (SWP3).
  - (2) For projects that do not require a building permit, but will require excavation, fill or grading of more than one acre of land, such as the construction or installation of utilities, new drainageways, streets, or sidewalks, must prepare and submit a SWP3.

- (3) Submission of a SWP3 is not required in order to perform emergency work needed to protect life or property.
- (4) For construction sites that will disturb less than one acre of land, the following provisions apply:
  - (A) No SWP3 need be prepared or submitted.
  - (B) Construction site operators are responsible for retaining all soil and sediment on site and off of adjacent properties and the public right-of-way. This includes dust control and control of vehicle tracking of dirt off site.
  - (C) Soil and sediment that leaves the construction site must be cleaned-up daily.
  - (D) Proper provision for solid waste, construction debris and sanitary waste must be made and maintained.
- (5) The operator of a construction site, required to have a TPDES permit to discharge stormwater shall submit a copy of the Notice of Intent (NOI) to the City at the same time the operator submits the original NOI to the TCEQ. The copy of the NOI may be delivered to the City either in person or by mailing it to: Public Works Director, City of Fair Oaks Ranch, 7286 Dietz Elkhorn, Fair Oaks Ranch, TX 78015.

(b) Stormwater pollution prevention plan (SWP3).

- (1) Prior to commencing large or small construction activity and prior to receiving a building or site development permit from the city, construction site operators that are required by the NPDES or the TPDES to obtain a permit to discharge stormwater must:
  - (A) Develop and submit for review and approval a SWP3 that covers the entire site;
  - (B) Post a signed copy of the NOI at the construction site where it can be readily viewed;
  - (C) Ensure the project specifications allow or provide that adequate BMPs will be developed and modified as necessary to meet the requirements of the SWP3; and
  - (D) Ensure all contractors and sub-contractors are aware of the requirements of the SWP3, that on-site personnel are responsible for the day-to-day implementation of and adherence to the SWP3, and who to contact concerning SWP3 compliance; and
- (2) The SWP3 must:
  - (A) Be completed and initially implemented prior to commencing activities that result in land disturbance;
  - (B) Provide for compliance with the terms and conditions of this article and the NPDES and TPDES for stormwater;
  - (C) Be available at the construction site or readily available at the time of an on-site inspection to TCEQ; the EPA, or city personnel;
  - (D) Be amended whenever there is a change in design, construction, operation, or maintenance that may have a significant effect on the discharge of pollutants or that



was not previously addressed in the SWP3; or because inspections by the site operator, TCEQ, EPA or city indicate the SWP3 is ineffective in eliminating or minimizing pollutants in discharges;

(E) Identify the person or persons responsible for implementation of the plan.

- (c) Issuance of a building permit or site development permit. Before authorizing the issuance of a building permit or a site development permit, the city will review the proposed site plan and SWP3, as well as construction documents, for compliance with this article and the NPDES and TPDES for stormwater.
- (d) City inspection of construction sites. The city building inspector, code compliance officer, city engineer, environmental program manager, and designees are hereby authorized to inspect construction sites for the purpose of ensuring compliance and enforcement of control measures contained in the SWP3s and this article.
- (e) Contents of stormwater pollution prevention plan. The stormwater pollution prevention plan (SWP3) required pursuant to this article, the Clean Water Act, NPDES, and TPDES must include the following information:
  - (1) The SWP3 report must include all the information required from the current General Permit to Discharge Under the Texas Pollutant Discharge Elimination System TXR150000 which includes but is not limited to the following:
    - (A) The nature of the construction activity, potential pollutants and sources;
    - (B) The intended schedule or sequence of major activities that will disturb soils;
    - (C) The number of acres of the entire construction site property and the total number of acres of the site where construction activities will occur, including off-site material storage areas, overburden and stockpiles of dirt, and borrow areas;
    - (D) The soil type and the quality of any existing discharge from the site;
    - (E) A map showing the general location of the site (e.g. a portion of a city or county map);
    - (F) A detailed site map indicating the following:
      - (i) Drainage patterns and approximate slopes anticipated after major grading activities;
      - (ii) Areas where soil disturbance will occur;
      - (iii) Areas which will not be disturbed;
      - (iv) Locations of all major structural controls either planned or in place;
      - (v) Locations where stabilization practices are expected to be used;
      - (vi) Locations of construction support activities including off-site material, waste, borrow or equipment storage areas;
      - (vii) Surface waters (including wetlands) either at, adjacent, or in close proximity to the site; and also indicate whether those water are impaired;

- (viii) Locations where stormwater discharges from the site directly to a surface water body.
  - (ix) Vehicle wash areas
  - (x) Designated points on the site where vehicles will exit onto paved roads (for instance, this applies to construction transition from unstable dirt areas to exterior paved roads)
- (G) The location and description of asphalt plants and concrete plants (if any) providing support to the construction site and that are also authorized under the general permit TXR150000, as it may be amended; and
- (H) The name of receiving waters at or near the site that will be disturbed or that will receive discharges from disturbed areas of the project.
- (2) The following records must be either attached to or referenced in the SWP3 and made readily available upon request to the city, TCEQ or the EPA:
- (A) The dates when major grading activities occur;
  - (B) The dates when construction activities temporarily or permanently cease on a portion of the site; and
  - (C) The dates when stabilization measures are initiated.
- (3) The SWP3s must identify and describe the best management practices (BMPs) that will be used, the general timing or sequence for implementation of such BMPs, and the party responsible for implementation. At a minimum, the description must include erosion and sediment controls designed to retain sediment on site to the maximum extent practicable with due consideration for local topography and rainfall.
- (A) Control measures must be selected, installed, and maintained according to the manufacturer's or designer's specifications.
  - (B) Sediment must be removed from sediment traps and sedimentation ponds no later than the time that design capacity has been reduced by 50%.
  - (C) If sediment escapes the site, accumulations must be removed at a frequency to minimize further negative effects and, whenever feasible, prior to the next rain event.
  - (D) Controls must be specified that limit off-site transport of litter, construction debris and construction materials.
- (4) The SWP3 must describe interim and permanent stabilization practices and a schedule of when the stabilization practices will be implemented. Site plans should ensure that existing vegetation is preserved where it is possible.
- (A) Stabilization practices may include but are not limited to: establishment of temporary vegetation, establishment of permanent vegetation, mulching, geotextiles, sod stabilization, vegetative buffer strips, and protection of existing trees and vegetation.

- (B) Stabilization measures must be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, and except as provided in subsections (i) and (ii) below, must be initiated no more than fourteen (14) days after the construction activity in that portion of the site has temporarily or permanently ceased.
- (i) Where the initiation of stabilization measures is precluded by seasonably arid conditions, drought, excessive rainfall, or other weather or climatic conditions, stabilization measures must be initiated as soon as practicable.
  - (ii) Where construction activity on a portion of the site is temporarily ceased but earth-disturbing activities will be resumed within twenty-one (21) days, temporary stabilization measures do not have to be initiated on that portion of site.
- (5) The SWP3 must include a description of any structural controls that will be used to divert flows away from exposed soils, to limit the contact of runoff with disturbed areas, or to lessen the off-site transport of eroded soils.
- (A) Sediment basins are required, where feasible, for common drainage locations that serve an area with ten or more acres that are disturbed at any one time. Sediment basins may be either temporary or permanent but must be designed to store either the calculated volume of runoff from a 2-year, 24-hour storm, or designed to provide 3,600 cubic feet of storage per acre drained. When calculating the volume of runoff from a 2-year, 24-hour storm event, it is not required to include the flows from off-site areas and flow from on-site areas that are either undisturbed or have already undergone final stabilization, if these flows are diverted around both the disturbed areas of the site and the sediment basin. In determining whether installing a sediment basin is feasible, the permittee may consider factors such as site soils, slope, available area on site, and public safety. Where sediment basins are not feasible, equivalent control measures, which may include a series of smaller sediment basins, must be used. At a minimum, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries and for those side slope boundaries as dictated by individual site conditions of the construction area.
  - (B) Sediment traps and sediment basins may be used to control solids in stormwater runoff for drainage locations serving less than ten (10) acres. At a minimum, silt fences, hay bales, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries (and for those side slope boundaries deemed appropriate as dictated by individual site conditions) of the construction. Alternatively, a sediment basin providing storage for a calculated volume of runoff from these areas for a 2-year, 24-hour storm or 3,600 cubic feet of storage per acre drained may be provided.
- (6) Other controls:
- (A) The SWP3 must describe how off-site vehicle tracking of sediment and the generation of dust will be minimized.

- (B) The SWP3 must include a description of construction and waste materials expected to be stored on site and a description of controls to reduce pollutants from these materials.
  - (C) The SWP3 must include a description of pollutant sources from areas other than construction (including stormwater discharges from dedicated asphalt plants and dedicated concrete plants), and a description of controls and measures that will be implemented at those sites to minimize pollutant discharges.
- (7) The SWP3 must commit to ongoing maintenance to keep all erosion and sediment control and other protective measures identified in the SWP3 in effective operating condition.
- (8) Site inspections:
- (A) The construction site operator shall provide for regular inspections by persons familiar with the SWP3 of the disturbed areas that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, all structural control measures, and locations where vehicles enter or exit the site for evidence of effectiveness and necessary maintenance. Inspections must occur at least once every seven (7) calendar days; and within twenty-four (24) hours of the end of a storm event of 0.5 inches or greater.
  - (B) The construction site operator must inspect all accessible discharge locations to determine if erosion control measures are effective in preventing visually noticeable changes to receiving waters, including persistent cloudy appearance in water color and noticeable accumulation of sediments. Where discharge locations are inaccessible, nearby downstream locations must be inspected to the extent that such inspections are practicable. The frequency for these inspections must be established in the SWP3 with consideration for local rainfall and soil, but must occur at least once during the construction activity if a discharge occurs.
  - (C) The SWP3 must be modified based on the results of inspections, as necessary, to better control pollutants in runoff. Revisions to the SWP3 must be completed within seven calendar days following the inspection. If existing BMPs are modified or if additional BMPs are necessary, an implementation schedule must be described in an amendment to the SWP3 and wherever possible those changes implemented before the next storm event. If implementation before the next anticipated storm event is impracticable, these changes must be implemented as soon as practicable.
  - (D) A report summarizing the scope of the inspection, names and qualifications of personnel making the inspection, the dates of the inspection, and major observations relating to the implementation of the SWP3 must be made and retained as part of the SWP3. Major observations should include:
    - (i) The locations of discharges of sediment or other pollutants from the site;
    - (ii) Locations of BMPs that need to be maintained;
    - (iii) Locations of BMPs that failed to operate as designed or proved inadequate for a particular location;
    - (iv) Locations where additional BMPs are needed; and



(v) Identification and location of the BMPs that are working effectively.

(E) Actions taken as a result of inspections must be described within and retained as an amendment to the SWP3. Reports must identify any incidents of noncompliance. Where a report does not identify any incidents of noncompliance, the report must contain a certification that the facility or site is in compliance with the SWP3 and this permit.

(9) The SWP3 must identify and ensure the implementation of pollution prevention measures for all eligible non-stormwater components of the discharge. This article prohibits, and all SWP3s will be presumed to prohibit:

(A) The discharge from a construction site of any water or other liquid having a pH value lower than 6.0 or higher than 10.5;

(B) The discharge of any type of industrial waste from construction sites;

(C) The deposit of any garbage, rubbish, or yard waste other than at a facility licensed to receive such debris;

(D) The discharge of paint or paintbrush cleaning water or solvents, thinners or turpentine or any combination thereof;

(E) Unused construction materials or used construction materials or debris remaining on the site after construction is completed

(F) The washing of any type of trucks, including, but not limited to, ready-mix trucks or material supply trucks on or around the construction site.

(f) Effective date of coverage. Operators of construction activities eligible for coverage under TXR150000, as it may be amended, are authorized to discharge stormwater associated with construction activity upon issuance by the city of the building permit or site development permit.

(g) Retention of records. The construction site operator must retain a copy of the SWP3 and all reports and actions required by this article and state and federal law, including NPDES, TPDES and general permit No.150000, for a minimum period of three years from the date that final stabilization has been achieved on all portions of the site.

### **Sec. 013 Illicit discharges**

(a) Intent. The intent of this section is to prohibit, detect, and eliminate illicit discharges to the city's MS4.

(b) Allowable non-stormwater discharges. The following non-stormwater sources are not considered illicit discharges to the MS4:

(1) Discharges from firefighting activities (but excluding washing of trucks, run-off water from training activities, test water from fire suppression systems, and similar activities);

(2) Uncontaminated fire hydrant flushings from systems that utilize potable water, surface water, or groundwater that does not contain additional pollutants (but excluding

discharges of hyper chlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life and excluding flushing where recycled wastewater is used);

- (3) Water from the routine external washing of vehicles, the external portion of buildings or structures, and pavement, where detergents and soaps are used and where spills or leaks of toxic or hazardous materials have not occurred (unless spilled materials have been removed; and if local state, or federal regulations are applicable, the materials are removed according to those regulations), and where the purpose is to remove mud, dirt, or dust;
- (4) Uncontaminated water used to control dust;
- (5) Potable water including waterline flushings (but excluding discharges of hyperchlorinated water, unless the water is first dechlorinated, and discharges are not expected to adversely affect aquatic life);
- (6) Uncontaminated air-conditioning condensate;
- (7) Uncontaminated groundwater or spring water, including foundation or footing drains and water from crawl space pumps where flows are not contaminated with industrial materials such as solvents;
- (8) Runoff or return flow from landscape irrigation, lawn irrigation, and other irrigation utilizing potable water, groundwater, or surface water sources;
- (9) Diverted stream flows;
- (10) Uncontaminated groundwater infiltration;
- (11) Uncontaminated pumped groundwater;
- (12) Individual residential vehicle washing;
- (13) Flows from wetlands and riparian habitats;
- (14) Dechlorinated swimming pool discharges; and
- (15) Street wash water.

(c) Prohibited discharges.

- (1) No person shall deposit, release, throw, drain, cause or allow to be deposited, released, thrown, drained, or discharged, or otherwise cause to enter the MS4, or any other drainage device which connects with the MS4, any of the following described materials or substances:
  - (A) Any acidic waste materials (having a pH value lower than 6);
  - (B) Any alkaline waste materials (having a pH value higher than 10.5);
  - (C) Any water or waste containing floating, or insoluble oil;
  - (D) Gasoline, naphtha, fuel oil, mineral oil or other flammable or explosive liquid, solid or gas;

- (E) Any noxious, malodorous, poisonous, or reactive substance which, either singularly or by interaction with other substances, or by its accumulation in the MS4 becomes injurious or potentially injurious to human, plant or animal life, or property; or
  - (F) Any domestic wastewater or industrial wastewater.
- (2) It shall be a defense to prosecution under this section that such person was authorized to commit any act, under a valid permit from the TCEQ or the US EPA, which would otherwise constitute a violation at the time of commission.
  - (3) No person shall place or drop or cause or allow to be placed or dropped, brush cuttings, clippings, or rubbish within the MS4 or on any street in the city in such a manner that the same may be washed by the flow of water into the MS4.
  - (4) No person shall connect a line conveying sanitary sewage, domestic waste, or industrial effluent to the MS4 or allow such a connection to continue.
  - (5) No person shall discharge or release, or allow or permit the discharge or release of any of the following substances in a manner or location by which such substance may enter the city's MS4:
    - (A) Any wash water or wastewater from cleaning of any pavement where a spill, leak, or other release of oil, motor fuel, or other petroleum or hazardous substance has occurred, unless all harmful quantities of such released material have been previously removed or pretreated;
    - (B) Gasoline, motor oil, used oil filters, wax, grease, antifreeze or any other motor vehicle fluids;
    - (C) Any contaminated water or waste from a commercial carwash facility, from any vehicle washing, cleaning, or maintenance area at any new or used automobile or other vehicle dealership, rental agency, body shop, repair shop, maintenance facility, or from any washing, cleaning, or maintenance area of any commercial or public service vehicle, including any truck, bus, or piece of heavy equipment, by any business or public entity;
    - (D) Any contaminated water or waste from commercial establishments including but not limited to gas stations, service stations, and auto repair shops with areas exposed to weather conditions;
    - (E) Material from an oil/water separator or an oil/water interceptor, grit trap or grease trap. Any oil/water separator or interceptor users who are discharging to the MS4 shall notify the city of the existence of such connections to the MS4 within sixty (60) days of the effective date of this article. If such notification is not made during the allocated sixty (60) days, then the detected connections to MS4 of a oil/water separator or interceptor shall be considered an illicit connection and the city reserves the right to terminate such connection immediately, without prior notice;
    - (F) Any release from a petroleum underground storage tank (PUST), or any leachate or runoff from soil contaminated by a leaking PUST, or any discharge of pumped, confined, or partially treated wastewater from the remediation of any such PUST unless release satisfies all of the following criteria:

- (i) Is in compliance with all municipal, state, and federal laws;
- (ii) No discharge contains any harmful quantity of any pollutant; and
- (iii) The discharge shall not have a pH value lower than 6.0 or higher than 10.5;

- (G) Any public or private underground utility manhole, including but not limited to electric power, gas pipeline, cable companies, telephone companies, the collected water, due to rain, surface runoff, cross connection, or illegal discharge;
- (H) Any effluent from a cooling tower, condenser, compressor, emissions scrubber, emissions filter, or the blowdown from a boiler;
- (I) Any type of wastewater from residential, commercial or industrial sources, any domestic sewage or septic tank waste;
- (J) Any runoff or wash down water from any animal pen, kennel, or fowl or livestock containment area;
- (K) Any swimming pool water or filter backwash from a swimming pool or fountain, discharge from a water line if it has been disinfected by super-chlorination, any other chemical has been used in line disinfection, or other means and the total residual chlorine exceeds the Surface Water Quality Standard of the State of Texas .

- (6) No person shall apply used oil or other vehicle fluid to a road or land for dust suppression, weed abatement, or other similar use that introduces used oil contamination into the environment;
- (7) No person shall introduce any type of hazardous waste generated in and around a household including, but not limited to batteries, used paints, solvents, used pesticide, and used toiletries into the MS4;
- (8) No person shall use, dispose of, discard, store, or transport an insecticide, herbicide, or fertilizer, in a manner inconsistent with the proper usage, storage, transport and disposal set out in the labeling in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), such that a harmful quantity of the pesticide, herbicide, or fertilizer may enter the MS4.
- (9) No person shall wash a commercial dumpster, or residual ready-mix concrete from concrete mixing trucks, in an area where it discharges into MS4.

(d) Mandatory reporting and clean-up of any discharge or release.

- (1) The person in charge of any facility, vehicle, or other source of any spilling, leaking, pumping, pouring, emitting, emptying, discharging, escaping, leaching, disposing, or any other release of any of the following quantities of any of the following substances that may enter the MS4, surface water of the state or waters of the U.S., shall immediately notify by telephone the police department concerning the incident:
  - (A) An amount equal to or in excess of a reportable quantity of any hazardous or extremely hazardous substance, as established under 40 CFR parts 302 and 355, respectively;



- (B) An amount of oil that either: (i) violates applicable water quality standards; or (ii) causes a film or sheen upon or discoloration of the surface of the water or an adjoining shoreline or causes a sludge or emulsion to be deposited beneath the surface of the water or upon an adjoining shoreline; or
  - (C) Any harmful quantity of any pollutant.
- (2) Upon receipt of the police incident report, the Public Works department will work with the point of contact to gather the following information:
- (A) The identity or chemical name of the substance released, and whether the substance is an extremely hazardous substance;
  - (B) The exact location of the release, including any known name of the waters involved or threatened and any other environmental media affected;
  - (C) The time and duration (thus far) of the release;
  - (D) An estimate of the quantity and concentration (if known) of the substance released;
  - (E) The source of the release;
  - (F) Any known or anticipated health risks associated with the release and, where appropriate, advice regarding medical attention that may be necessary for exposed individuals;
  - (G) Any precautions that should be taken as a result of the release;
  - (H) Any steps that have been taken to contain and/or clean up the released material and minimize its impacts; and
  - (I) The names and telephone numbers of the person or persons to be contacted for further information.
- (3) Within fifteen (15) days following such reportable release, the responsible person in charge of the facility, vehicle, or other source of the release shall submit, unless waived by the city, a written report containing the information specified above in subsection (2) above as well as the following additional information:
- (A) The ultimate duration, concentrations, and quantity of the release;
  - (B) All actions taken to respond to, contain, and clean up the released substances, and all precautions taken to minimize the impacts;
  - (C) Any known or anticipated acute or chronic health risks associated with the release;
  - (D) The identity of any governmental/private sector representatives responding to the release; and
  - (E) The measures taken or to be taken by the responsible persons to prevent similar future occurrences.
- (4) The notifications required by subsections (2) and (3) shall not relieve the responsible person of any expense, loss, damage, or other liability which may be incurred as a result of

the release, including any liability for damage to the city, to natural resources, or to any other person or property; nor shall such notification relieve the responsible person of any fine, penalty, or other liability which may be imposed pursuant to city ordinance, or state or federal law.

- (5) Any person responsible for any release as described in this subsection shall comply with all state, federal, and local law requiring reporting, cleanup, containment, and any other appropriate remedial action in response to the release.
- (6) Any person responsible for a release described in this subsection shall reimburse the city for any cost incurred by the city in responding to the release.

#### **Sec. 014 Right of entry; inspections; and sampling**

- (a) The city building officials, code compliance officer, city engineer, environmental program manager, and designees are authorized to enter and inspect sites and facilities subject to regulation under this article or discharging stormwater to the city's MS4 to determine if the discharger is complying with all requirements of this article and any state or federal discharge permit, limitation, or requirement.
- (b) Facility operators shall allow such city staff access to all parts of the premises for the purposes of inspection, sampling, records examination, photo recording, and copying of records that must be kept under this article, NPDES, TPDES or TXR150000, as it may be amended, permit to discharge stormwater, including pollution control measures or modifications thereto, self-inspection reports, monitoring records, compliance evaluations, notices of intent, and any other records, reports, or documents related to compliance with this article and with any state or federal stormwater discharge permit.
- (c) City staff shall have the right to set-up on any permitted facility such devices as are necessary in the opinion of the staff to monitor and/or sample the facilities or the site's stormwater discharge.
- (d) Any temporary or permanent obstruction to safe and easy access to the facility or site to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the city staff and shall not be replaced. The costs of clearing such access shall be borne by the operator.
- (e) The City may require, at its reasonable discretion, any discharger to conduct specified sampling, testing, analysis, and other monitoring of its stormwater discharges, and may specify the frequency and parameters of any such required monitoring.
- (f) The City may require, at its reasonable discretion, the discharger to install monitoring equipment at the discharger's expense. The facility's sampling and monitoring equipment shall be always maintained in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow, wastewater and quality shall be calibrated to ensure their accuracy.
- (g) Where a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make necessary arrangements

so that, upon presentation of suitable identification, the city staff will be permitted to enter without delay for the purposes of implementing and enforcing this article.

- (h) The city inspector may seek issuance of a search warrant from any court of competent jurisdiction if the city inspector has been refused access to any part of the premises from which stormwater is discharged, and is able to demonstrate probable cause to believe that there may be a violation of this article or any state or federal discharge permit, limitation or requirement, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the city designed to verify compliance with this article or any order issued hereunder, or to protect the overall public health, safety and welfare of the community.

## **Sec. 015 Schedule of penalties**

### **(a) Administrative penalties and stop-work orders.**

- (1) If the City finds a person in violation with this article, it may order compliance by providing written notice of violation to the responsible person or may issue a stop work order. The notice shall provide a description of the violation, actions required for compliance, and any remediation requirements. If the property must be remediated, the notice must establish a deadline to restore the site. The notice must further advise that, if the violator fails to remediate the site by the deadline, a designated governmental agency or contractor may restore the site at the expense of the violator.
- (2) Notice of violations and assessments of administrative penalties made pursuant to this article shall be hand delivered, sent by courier service or mail to the property owner, site operator, or contractor informing them of the violation and assessment of penalties. Notices sent by regular mail shall be deemed delivered within three business days after their placement with the United State Postal Service.
- (3) The City hereby establishes an administrative penalty in the amount of \$500 for each day a violation exists. The administrative penalty shall be assessed beginning the first day of violation.

### **(b) Appeal of Notice of Violation.**

- (1) An aggrieved person may request an appeal hearing before a hearing officer(s) appointed by the City Manager within fifteen (15) business days after the date on the notice provided in compliance with article. The hearing officer(s) shall evaluate all information offered by the aggrieved person at the hearing. The aggrieved person shall bear the burden of proof to show why, by preponderance of the evidence, the administrative penalty should not be assessed. The hearing officer(s) shall render a decision in writing within three (3) business days of the conclusion of the hearing. Receipt of the decision of the hearing officer(s) by the aggrieved person is presumed on the third business day after the city mails the decision of the hearing officer(s) to the aggrieved person.
- (2) The aggrieved person may appeal the decision from the hearing officer(s) in writing to the City Manager within seven (7) business days from the date the City mails the

decision of the hearing officer(s) to the aggrieved person. In the written appeal, the aggrieved person shall provide the factual basis for the appeal and describe why the decision of the hearing officer(s) is not supported by the evidence. The City Manager shall promptly review the appeal. The decision by the City Manager is final.

(3) If the violation remains uncorrected after 10 calendar days pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, the City or its authorized representatives may enter the regulated property to take the necessary actions to abate the violation and/or restore the property. The City shall provide notice of the cost of abatement with such costs being payable to the City within thirty (30) days. If the charges are not paid as required, the charges shall become a special assessment against the property and shall constitute a lien on the property for the assessment.

- (c) Civil Penalty. Pursuant to Texas Local Government Code, Chapter 54, the City may authorize the filing of a lawsuit seeking injunctive relief and court imposed civil penalties up to five thousand dollars (\$5,000.00) a day for discharges in violation of this article.
- (d) Criminal Penalty. A conviction for a violation of any provision of this Ordinance shall constitute a class C misdemeanor. A person convicted of a violation of any provision of this Ordinance shall be fined an amount not to exceed two thousand dollars (\$2,000.00) per violation. Each violation of this Ordinance shall constitute a separate offense, and each day a violation continues shall be considered a new offense.
- (e) Other remedies. The remedies provided for in this subdivision are cumulative of each other and of any other remedy provided for or allowed by law. In addition to any other remedy allowed by law, the City may seek injunctive relief in any court of proper jurisdiction to restrain or enjoin a violation of any provision of this Ordinance.





## CITY COUNCIL CONSIDERATION ITEM

### CITY OF FAIR OAKS RANCH, TEXAS

January 20, 2022

**AGENDA TOPIC:** Approval of the second reading of an Ordinance amending the City of Fair Oaks Ranch Code of Ordinances Chapter 12 "Traffic & Vehicles" Article 12.04 "Operation of Golf Carts on Public Streets" by establishing regulations for the operation of recreational off-road vehicles and utility vehicles on city-owned streets and providing additional clarification regarding child safety restraints as defined by the Texas Transportation Code.

**DATE:** January 20, 2022

**DEPARTMENT:** City Council and Police Department

**PRESENTED BY:** Consent Agenda - Scott Parker, Council Member, Place 5  
Chesley Muenchow, Council Member, Place 6  
Tim Moring, Chief of Police

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

Our city is a bedroom community which desires to retain that flavor. As a council and staff, we are committed to fulfilling our residents expressed desires to protect our quality of life, provide for public health and safety, and protect existing investment and valued community assets. In November 2017, the city found it to be in the best interest of the citizens to retain the right to operate golf carts on our city streets. In accordance with Texas Transportation Code Chapter 551 Subchapter F, City Council, under Ordinance 2017-12, established golf cart regulations. This ordinance can be found in the city's Code of Ordinances Chapter 12 "Traffic & Vehicles" Article 12.04 "Operation of Golf Carts on Public Streets".

At the October 7, 2021 regular business meeting, Council Members Muenchow and Parker sponsored an agenda item to discuss the possibility of allowing recreational off-road vehicles and utility vehicles on city-owned streets. During the discussion, it was noted that UTV's are the vehicle of choice by many residents in the more rural, equestrian, ranch, and farming areas of the City because unlike golf carts, they are designed for more intensive uses such as farming and ranching. The Texas Transportation Code Chapter 551 defines these types of vehicles as off-highway vehicles. Furthermore, it grants cities the authority to control the operations of said motor vehicles on its streets and to prescribe reasonable and safe restrictions related to the stopping, standing, and parking of said vehicles.

At the December 2, 2021 regular business meeting, Council members Muenchow and Parker volunteered to work with the City Manager and Chief of Police to review the existing golf cart ordinance and frame proposed amendments allowing for the use off-road vehicles and utility vehicles on certain roadways within the City. The proposed ordinance before you amends Chapter 12 Article 12.04 with the inclusion of the following:

- A definition of Recreational Off-Road Vehicles and Utility Vehicles as off-highway vehicles.

- Expanded clarification of the operations of golf carts and off-highway vehicles with child passengers to include legal requirements regarding safety restraints as defined by Texas Transportation Code
- Certain exemptions to off-highway vehicle usage under certain circumstances.

The first reading of the Ordinance was approved at the January 6, 2022 Council meeting with the following corrections:

In Sec. 12.04.002 Golf carts & off-highway vehicles permitted and restricted: The person maintains current financial responsibility for the golf cart and/or an off-highway vehicle, as required of other passenger vehicles in Section 601.051 of the Texas Transportation Code.

In Sec. 12.04.004 Liability: Nothing in this Article shall be construed as an assumption of liability by Fair Oaks Ranch for any injuries (including death) to persons, pets or property which may result from the operation of a golf cart and/or an off-highway vehicle ~~by an authorized driver~~

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

Preservation of quality-of-life characteristics through compliance with state law.

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

None at this time.

**LEGAL ANALYSIS:**

Approved to form.

**RECOMMENDATION/PROPOSED MOTION:**

Consent Agenda - I move to approve the second reading of an ordinance amending the City of Fair Oaks Ranch Code of Ordinances Chapter 12 "Traffic & Vehicles" Article 12.04 "Operation of Golf Carts on Public Streets" by establishing regulations for the operation of recreational off-road vehicles and utility vehicles on city-owned streets and providing additional clarification regarding child safety restraints as defined by the Texas Transportation Code.

**AN ORDINANCE**

**AN ORDINANCE OF THE CITY OF FAIR OAKS RANCH, TEXAS AMENDING THE CITY OF FAIR OAKS RANCH CODE OF ORDINANCES CHAPTER 12 "TRAFFIC & VEHICLES" ARTICLE 12.04 "OPERATION OF GOLF CARTS ON PUBLIC STREETS; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.**

**WHEREAS**, Chapter 551, Subchapter F, of the Texas Transportation Code, to allow for the operation of off-highway vehicles within municipalities under certain conditions; and

**WHEREAS**, the Texas Transportation Code grants to municipalities the authority to control the operations of motor vehicles using its streets and to prescribe reasonable and safe restrictions related to the stopping, standing and parking of vehicles; and

**WHEREAS**, in November 2017 the City Council passed and approved Ordinance 2021-17 regulating the use of golf carts on city-owned streets; and,

**WHEREAS**, the Texas Transportation Code includes recreational off-road vehicles and utility vehicles as off-highway vehicles; and,

**WHEREAS**, the City Council has determined it would be advantageous and beneficial to the citizens of the City of Fair Oaks Ranch, Texas and in the best interest of the public health, safety and welfare of the citizens and the public to establish regulations for the operation of golf carts, recreational off-road vehicles, and utility vehicles.

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

- PART 1.** Chapter 12 "Traffic and Vehicles"; Article 12.04 "Operation of Golf Carts on Public Streets" is hereby amended as set forth in the attached Exhibit A.
- PART 2.** That the recitals contain 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 City Council.
- 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.** Any person, firm, entity, or corporation who violates any provision of this Ordinance, as it exists or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum not exceeding Five Hundred Dollars (\$500.00). Each continuing day's violation under this Ordinance shall constitute a separate offense.
- PART 6.** This ordinance shall take effect immediately from and after its second reading, passage and publication as may be required by governing law.
- PART 7.** The repeal or amendment of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue or as affecting any rights of the City of Fair Oaks Ranch under any section or provisions of any ordinances in effect at the time of passage of this ordinance.
- PART 8.** 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 6th day of January 2022.

**PASSED, APPROVED, and ADOPTED** on second reading this 20<sup>th</sup> day of January 2022.

\_\_\_\_\_  
Greg Maxton, Mayor

ATTEST:

APPROVED AS TO FORM:

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

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

## Exhibit A

Chapter 12 “Traffic and Vehicles” Article 12.04 “Operation of Golf Carts on Public Streets” is hereby amended as follows:

[Deletions shown as strikethrough and additions shown as underscore]

### Article 12.04 Operation of Golf Carts and Off-Highway Vehicles on Public Streets

#### Sec. 12.04.001      Definitions

The following words, terms, and phrases, when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Child Passenger Safety Seat System. An infant or child passenger restraint system that meets the federal standards for crash-tested restraint systems as set by the National Highway Traffic Safety Administration.

**Driver.** The person driving and having physical control over the golf cart.

**Driver’s License.** An authorization issued by a State for the operation of a motor vehicle. The term includes:

- a) a temporary license or instruction permit; and
- b) an occupational license.

**Golf Cart.** A motor vehicle designed by the manufacturer primarily for transporting persons on a golf course.

**Owner.** The person holding title to the golf cart.

Off-Highway Vehicle. For purposes of this ordinance, includes a recreational off-road vehicle and a utility vehicle.

**Parking Area.** Those areas accessible to the public by motor vehicular traffic and which are designated for temporary parking of motor vehicles, usually in places referred to as parking lots.

**Permit.** A certificate/decal of authorization issued to the applicant by the City’s Police Department authorizing the operation of the golf cart for which the permit was issued.

**Permit Holder.** The person to whom a golf cart permit has been issued.

**Public Safety Personnel.** Any employee or officer of a governmental law enforcement agency.

Public Street. A publicly owned or dedicated road, street, drive, or other right-of-way for the use of vehicles within the corporate boundaries of Fair Oaks Ranch.

Recreational Off-Road Vehicle. A motor vehicle that is:

- a) equipped with a seat or seats for the use of:
  - 1. the rider; and
  - 2. a passenger or passengers, if the vehicle is designed by the manufacturer to transport a passenger or passengers;
- b) designed to propel itself with four or more tires in contact with the ground;
- c) designed by the manufacturer for off-highway use by the operator only; and
- d) not designed by the manufacturer primarily for farming or lawn care.
- e) not less than 50 inches wide.

Sidewalk. The portion of a street that is between a curb or lateral line of a roadway and the adjacent property line and intended for pedestrian use.

Slow-Moving-Vehicle-Emblem. A triangular emblem that conforms to standards and specifications adopted by the Director of the Texas Department of Transportation under Section 547.104 of the Texas Transportation Code and is displayed in accordance with Section 547.703 of the Texas Transportation Code.

Texas Transportation Code. The code as it currently exists or may be amended.

Traffic way. Any land way open to the public as a matter of right or custom for moving persons or property from one place to another. The traffic way includes all property, both improved and unimproved, between the property lines of a roadway system.

Utility Vehicle. A motor vehicle that is not a golf cart, as defined above, or lawn mower and is:

- a) equipped with side-by-side seating for the use of the operator and a passenger;
- b) designed to propel itself with at least four tires in contact with the ground;
- c) designed by the manufacturer for off-highway use only; and
- d) designed by the manufacturer primarily for utility work and not for recreational purposes.

Working Days. Monday through Friday, excluding city holidays.

#### **Sec. 12.04.002 Golf carts & off-highway vehicles permitted and restricted**

A person, other than Public Safety Personnel, may operate a golf cart and/or an off-highway vehicle on a public street, parking area and/or traffic way if the person obtains a permit and meets the following requirements:

- a) The maximum speed limit on the public street is thirty-five (35) miles per hour or less;
- b) The person has a valid driver's license;



- c) The person maintains current financial responsibility for the golf cart and/or an off-highway vehicle, as required of other passenger vehicles in Section 601.051 of the Texas Transportation Code;
- d) The person complies with all applicable federal, state and local laws and ordinances;
- e) The golf cart and/or an off-highway vehicle has the following equipment, which must continuously remain in good working and operational order:
  - 1. Two (2) headlamps;
  - 2. Two (2) tail lamps;
  - 3. Side reflectors (two (2) front, amber in color and two (2) rear, red in color);
  - 4. Parking brake (If equipped from manufacturer);
  - 5. Rearview mirror(s), capable of a clear, unobstructed view of at least two hundred feet (200') to the rear;
  - 6. Slow-moving vehicle emblem for golf carts;
  - 7. For Recreational Off-Road Vehicles and Utility Vehicles, a license plate issued by local tax assessor/collectors office as required by the Texas Transportation Code, section 551A.052. This license plate is required for all off-highway vehicle usage within the City except for exemptions provided under Texas Transportation Code, section 551A.057 which reads as follows:
    - b) the production, cultivation, care, harvesting, preserving, drying, processing, canning, storing, handling, shipping, marketing, selling, or use of agricultural products, as defined by Section 52.002, Texas Agriculture Code; or
    - c) utility work performed by a utility:
      - (1) the operator attaches to the back of the vehicle a triangular orange flag that is at least six feet above ground level;
      - (2) the vehicle's headlights and taillights are illuminated;
      - (3) the operation of the vehicle occurs in the daytime; and
      - (4) the operation of the vehicle does not exceed a distance of 25 miles from the point of origin to the destination.
- f) The equipment described herein meets the Texas and Federal Motor Vehicle Safety Standards, as they exist or may be amended; and
- g) While the golf cart and/or an off-highway vehicle is in motion, the driver and every passenger in a golf cart and/or an off-highway vehicle is seated in a seat designed to hold passengers. No person may stand or ride in the lap of the driver and/or other passenger of a golf cart and/or an off-highway vehicle while it is moving.

#### **Sec. 12.04.003 Additional operational regulations for all golf carts & off-highway vehicles**

- a) Except for Public Safety Personnel, golf carts and/or an off-highway vehicles shall not be operated on any sidewalk, pedestrian walkway, jogging path, park trail or any location normally used for pedestrian traffic;
- b) All golf carts and/or an off-highway vehicles are entitled to a full use of a lane on the authorized public streets, parking areas and traffic ways of Fair Oaks Ranch, and no motor vehicle shall be driven in such a manner as to deprive any golf cart and/or an off-highway vehicle of the full use of a lane;

- c) The driver of a golf cart and/or an off-highway vehicle shall not overtake and pass in the same lane occupied by the vehicle being overtaken;
- d) No driver shall operate a golf cart and/or an off-highway vehicle between lanes of traffic or between adjacent lines or rows of vehicles;
- e) The driver of a golf cart and/or an off-highway vehicle operating the golf cart and/or an off-highway vehicle on a public street may only cross a multi-lane federal, county or state route at an intersection controlled by an official traffic control device which stops traffic from all directions. The driver of a golf cart and/or an off-highway vehicle may cross a multi-lane road, other than a federal, state, or county route, if it is required to cross from one portion of a golf course to another portion of the same golf course. If a golf cart crossing path is provided for transition between one section of a golf course to another section of the same golf course across a multi-lane road, the operator shall cross at and within the golf cart crossing path;
- f) The number of occupants in a golf cart and/or an off-highway vehicle shall be limited to the number of persons for whom factory seating is installed and provided on the golf cart and/or an off-highway vehicle;
- g) Children must be properly seated while a golf cart and/or an off-highway vehicle is in motion as noted in items 1 and 2 below, and may not be transported in a reckless or negligent manner:
  - 1. No child younger than eighteen (18) months of age may be transported in a golf cart and/or off-highway vehicle unless restrained in a child passenger safety seat system as defined in this ordinance.
  - 2. No child 18 months of age but less than six (6) years of age may be transported in a golf cart and/or an off-highway vehicle unless restrained by a safety belt restraint.
- h) Golf carts and/or an off-highway vehicle may not be used for the purpose of towing another golf cart and/or an off-highway vehicle, trailer or vehicle of any kind including, without limitation, a person on roller skates, skateboard or bicycle. A person employed by a golf course may tow a golf cart(s) for the purpose relocating the cart(s) from one portion of a golf course to another portion of the same golf course. Towing of a utility trailer, farm and/or landscaping implement, for purposes of property and/or livestock management is exempt from this restriction.

#### **Sec. 12.04.004      Liability**

- a) Nothing in this Article shall be construed as an assumption of liability by Fair Oaks Ranch for any injuries (including death) to persons, pets or property which may result from the operation of a golf cart and/or an off-highway vehicle; and
- b) Owners are fully liable and accountable for the action of any individual that they provide permission to operate and drive said golf cart and/or an off-highway vehicle, both on personal and/or any authorized public streets, parking areas and traffic ways.

#### **Sec. 12.04.005      Permit required**

- (a) No person shall operate, cause to be operated or allow the operation of a golf cart and/or an off-highway vehicle on any authorized public streets, parking areas and traffic ways unless a valid permit has been issued for the golf cart and/or an off-highway vehicle or otherwise allowed by law. A permit is not required for golf carts owned or leased by the golf course and used entirely on the golf course or crossing from one section of a golf course to another section of the same course. A permit is not required for a privately-owned golf cart used entirely on

the golf course or crossing from one section of a golf course to another section of the same course. No golf cart exempted from permitting under this section may be operated on any public streets, parking areas and traffic ways for any other purpose; or if crossing a federal, state, or county roadway is necessary to access the driver's property which traverses both side of the roadway.

- (b) Application for a permit authorizing the operation of a golf cart and/or an off-highway vehicle shall be made by a person who owns leases or otherwise uses a golf cart and/or an off-highway vehicle. Such application shall be made in writing to the City's Police Department on a form designated for that purpose. On such application shall be set forth the following:
  - 1. The name, address, telephone number and state driver's license number, if applicable, of the permit holder;
  - 2. The street address where the golf cart and/or an off-highway vehicle is kept, including the particular suite or apartment number, if applicable;
  - 3. The business name used for the premises where the golf cart and/or an off-highway vehicle is kept, if applicable;
  - 4. The year, make, model, color, vehicle identification number or serial number if no vehicle identification number has been issued to the golf cart and/or an off-highway vehicle, electric or gasoline; and
  - 5. The person(s) and location, designated by the City's Chief of Police, that inspected the golf cart and/or an off-highway vehicle, including a certification by said inspector that the golf cart and/or an off-highway vehicle complies with the requirements of this Ordinance before the issuance of a permit;
- (c) The permit shall be permanently affixed on the left side of the golf cart and/or an off-highway vehicle in such a manner that it is clearly visible from fifty feet (50'). The permit must not be damaged, altered, obstructed, or otherwise made illegible. The permit holder shall apply for replacement permit and pay all applicable cost associated with the issuance and inspection of the golf cart and/or an off-highway vehicle;
- (d) The permit shall only be placed upon the golf cart and/or an off-highway vehicle for which it was issued;
- (e) A permit issued to a golf cart and/or an off-highway vehicle shall become invalid if the golf cart and/or an off-highway vehicle is altered in a manner that fails to comply with any requirement of this Ordinance;
- (f) Permits/Stickers are valid until the ownership transfers. The following fee shall apply:
  - 1. Inspection by Police Department \$20.00 (includes Permit/Sticker);
- (g) The permit holder shall notify the city's Police Department within ten (10) working days if the golf cart and/or an off-highway vehicle transfers ownership or the address of the normal storage location has changed. The information shall be submitted on a form designated by the city's Chief of Police;
- (h) Lost or stolen Permit/Stickers are the responsibility of the Owner. A police report must be filed in the event of a lost or stolen Permit/Sticker. If no record can be found of a previous application, or the receipt of a Permit/Sticker, the City's Chief of Police may direct the applicant to reapply, and also resubmit any and all fees necessary before a replacement Permit/Sticker is issued;



- (i) Any person who operates a golf cart and/or an off-highway vehicle and fails to receive and properly display a City Permit/Sticker will be subject to all applicable state laws, in addition to being in violation of this Ordinance; and
- (j) A permit may be revoked at any time by the city's Chief of Police, or his designee, if there is any evidence that the permit holder cannot safely operate a golf cart and/or an off-highway vehicle on any authorized public streets, parking areas and traffic ways of the City in compliance with this Ordinance.

**Sec. 12.04.006      Public Safety Personnel**

Public Safety Personnel may operate a golf cart and/or an off-highway vehicle on any public street, parking area and traffic way without any further restrictions when the golf cart and/or an off-highway vehicle is used in the performance of his/her duties.



## CITY COUNCIL CONSIDERATION ITEM

### CITY OF FAIR OAKS RANCH, TEXAS

### January 20, 2022

AGENDA TOPIC: Approval of the second reading of an Ordinance amending the City Council Rules of Procedure

DATE: January 20, 2022

DEPARTMENT: City Secretary

PRESENTED BY: Consent Agenda - Christina Picioccio, City Secretary

### **INTRODUCTION/BACKGROUND**

By way of background, in 2013, by resolution, City Council adopted Rules of Procedures for all city council meetings. Subsequent amending Resolutions were adopted in 2015, 2017 and 2021.

In May 2017, voters approved, by election, to adopt the city's Home Rule Charter. Section 3.06.E. of the Charter states, "*City Council shall, except as otherwise provided for in this Charter, create Rules of Procedure for all City Council workshops, regular and special meetings and public hearings by ordinance*".

In September 2018, prior to completing the conversion process from a resolution to an ordinance, a request was made of staff and city council members to review the procedures current at that time and provide the Assistant City Manager with any recommendations. The Assistant City Manager incorporated all council comments and presented for council discussion at the August 15, 2019 council meeting. Council discussed the proposed Rules of Procedures and requested that this topic be brought back as a workshop item at a future meeting.

On February 4, 2021 council voted to amend Part II Rule 4 changing the meeting time of the regular city council meeting held on the first Thursday of each month from 6:30 AM to 6:30 PM. No other changes were made at that time. At the August 5, 2021 city council meeting Council Member Elizondo requested that the City Council Rules and Procedures be brought for council to review and update.

The City Secretary's Office provided council the most recent ordinance passed in February 2021 as well as the proposed "marked-up" 2019 version to receive council recommendations.

This agenda item was originally brought to council for discussion and possible action at the October 7, 2021 council meeting. Due to the nature of the item and the voluminous discussion anticipated, the discussion was postponed and set as a stand-alone workshop.

Council met to discuss at a special meeting held on October 25, 2021, November 16, 2021, and December 14, 2021.

The first reading of this Ordinance was approved by Council on January 6, 2022 with a minor correction made to Rule 10.

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

1. Complies with the requirement of the City Charter, Section 3.06.E in creating a Rules of Procedure for all City Council workshops, regular and special meetings and public hearings by Ordinance.
2. Provided City Council and staff the opportunity to review and recommend enhancements to the current City Council Meeting Rules of Procedures.
3. Provides transparency.

**LONGTERM FINANCIAL & BUDGETARY IMPACT**

N/A

**LEGAL ANALYSIS**

Legal reviewed and approved as to form.

**RECOMMENDATION/PROPOSED MOTION**

Consent Agenda - I move to approve the second reading of an Ordinance amending the City Council Rules of Procedure.



AN ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH  
CREATING AND ESTABLISHING RULES OF PROCEDURE; AND PROVIDING FOR  
SEVERABILITY AND AN EFFECTIVE DATE

**WHEREAS**, Section 3.06.E of the City Charter states, “City Council shall, except as otherwise provided for in this Charter, create Rules of Procedure for all City Council workshops, regular and special meetings and public hearings by ordinance”; and

**WHEREAS**, the City Council has determined that it is in the best interest of the citizens of Fair Oaks Ranch for there to be a broader range of specificity in the manner by which the City Council conducts itself and its business; and,

**WHEREAS**, state law allows for the City Council to adopt rules that govern how it conducts business; and,

**WHEREAS**, the City Council of the City of Fair Oaks Ranch, Texas desires to create and establish Rules of Procedure to better serve the interest of the public.

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

- PART 1.** That the City of Fair Oaks Ranch hereby adopts the Rules of Procedure as set forth in the attached **Exhibit A**
- PART 2.** That the recitals contain 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 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 immediately from and after its passage and publication as may be required by governing law.
- PART 6.** The repeal or amendment of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying,

or altering any penalty accruing or to accrue or as affecting any rights of the City of Fair Oaks Ranch under any section or provisions of any ordinances in effect at the time of passage of this ordinance.

**PART 7.** 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 6th day of January 2022.

**PASSED, APPROVED, and ADOPTED** on second reading this 20<sup>th</sup> day of January 2022.

---

Gregory C. Maxton, Mayor

ATTEST:

APPROVED AS TO FORM:

---

Christina Picioccio, City Secretary

---

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

**EXHIBIT A**

**CITY OF FAIR OAKS RANCH RULES OF PROCEDURE**

## CITY COUNCIL MEETING RULES OF PROCEDURE

### General Provisions

**Rule 1. Scope of Rules.** These rules shall govern the conduct of the Council and shall be interpreted to ensure fair and open deliberations and decision making. In general, these rules shall be interpreted to allow the majority to prevail but preserve the right of the minority to be heard.

**Rule 2. Rulings; Matters Not Covered.** The Presiding Officer, as defined by Rule 15, shall rule, initially, on all questions of procedure. The latest edition of *Robert's Rules of Order*, shall to the extent feasible, govern the proceedings of meetings. The City Secretary or authorized representative shall act as Parliamentarian for Council Meetings.

**Rule 3. Interpretation.** These rules are intended to supplement and shall be interpreted to conform with the statutes of the State of Texas and the ordinances of the City of Fair Oaks Ranch.

### Time and Place of Meetings

**Rule 4. Regular Meetings.** The City Council shall meet in regular session on the first Thursday and third Thursday in each calendar month beginning at 6:30 PM in the Fair Oaks Ranch Council Chambers or other appropriately posted location. The City Council, by a majority vote, may reschedule or cancel any regular meeting in a manner consistent with Open Meetings or other established requirements. The City may broadcast the regular meetings online and such method will be posted with the regular meeting notice for the public.

**Rule 5. Special Meetings.** A special meeting is any meeting, other than a regular meeting, where a quorum of Council Members is present to deliberate public business that the City Council has supervision or control over the topic being deliberated.

- A. Special meetings shall be called at the request of the Mayor or City Manager or at the written request of four Council Members to the City Secretary's office. Said meetings will be held at the time and place as posted on the meeting agenda. The City may broadcast special meetings online and such method will be posted with the special meeting notice for the public.
- B. Each member of the Council, the City Manager, the City Secretary, and the city attorney shall be notified of the special meeting.

**Rule 6. Executive Sessions.** The City Council may meet in executive session in compliance with the Texas Open Meetings Act. The Council will invite any necessary individuals needed for the executive session. A vote, if needed, on a matter discussed in an executive session will be made in an open meeting, and not in executive session.

**Rule 7. Absence of a Quorum.** A regular or specially called meeting cannot be called to order or continued in the absence of a quorum.



## **City Council Agenda and Agenda Packet**

**Rule 8. Agenda.** The Meeting Notice (“Agenda”). The agenda includes the meeting notice. The agenda is approved by the Mayor.

- A. Any member of City Council, outside of a City Council meeting, may place an item on an agenda by submitting a request in writing, to the City Secretary.
- B. At a meeting of City Council, any member of City Council may place an item on an agenda by making a request to place the item on a future agenda. No discussion shall occur at the meeting regarding the placement of the item on a future agenda.
- C. The City Manager may place any item on any City Council agenda.
- D. An item proposed by a Council Member may not be refused or postponed without the Council Member’s consent.

**Rule 9. Agenda Packet.** The agenda packet includes the meeting notice (“Agenda”) and any supporting documentation for agenda items. The City Manager shall supervise the preparation and approve the agenda packets for all meetings of the City Council.

Upon approval, agenda packets will be sent electronically, by the City Secretary’s Office, to Council Members and the City Attorney and, can be picked up at City Hall during normal business hours.

Council Members may provide supportive documents to any agenda items that they own to the City Secretary’s office in accordance with the packet preparation schedule.

**Rule10. Consent Agenda.** The City Manager may separately designate items as consent items which shall be placed under Consent Agenda on the agenda and be acted upon by the Council under Rule 28. At the City Council meeting, an item may be pulled from the Consent Agenda and placed in the appropriate location of agenda at the request of any member of the City Council.

## **Conduct of Meetings**

**Rule 11. Roll Call.** Before proceeding with the business of the Council, the City Secretary determines the presence of a quorum as required by law and these rules by calling the roll of Members present and entering those named in the minutes.

**Rule 12. Presiding Officer.** The Mayor, or in the Mayor's absence or inability to perform, the Mayor Pro Tem, shall be the Presiding Officer at all Council meetings. If both the Mayor and Mayor Pro Tem are absent or unable to perform, the most senior Council Member present shall preside. In the event two or more Members equally possess the greatest seniority, then the eldest person among them shall preside. For this purpose, seniority is measured by current, continuous service on the City Council. The Mayor Pro Tem shall be a Council Member elected by the City Council at the first regular City Council meeting following each regular City election.

**Rule 13. Call to Order.** The Presiding Officer shall call the meeting to order.

**Rule 14. Control of Discussion.** The Presiding Officer shall moderate discussion of the Council on each agenda item to assure full participation in accordance with these rules and Robert's Rules of Order. The Presiding Officer will preserve order and decorum, preventing the impugning of any member's motives or other personal comment not relevant to the orderly conduct of business. All persons present in the meeting room should refrain from abusive, rude or inappropriate conduct.

**Rule 15. Agenda Items.** Each item will be considered in the numerical order as listed on the meeting notice unless otherwise approved by Council as defined in Rule 29. Each agenda item shall be introduced by the Presiding Officer. The standard procedure is as follows for addressing agenda items:

1. Reading of the item by the Presiding Officer. A majority of the Council may require reading ordinances or resolutions by caption.
2. The Presiding Officer will call upon the agenda item owner to present the item.
3. A Council Member may request and receive information, explanations or the opinions of the presenter or City Manager. It is preferred that all such questions of the presenter are conducted prior to any motions, if possible.
4. Ask for citizen comments and/or questions. Comments shall be no more than five minutes per citizen and may be terminated at the discretion of the Presiding Officer. Citizens may ask questions of the presenter and provide comments to the Mayor or any Council Member. Any member of the council may also ask questions of the citizen.
5. If applicable, the Presiding Officer shall ask for a motion; if made, ask if there is a second. If seconded, proceed to the next step. If no motion or second is made, item dies due to lack of motion.
6. Discussion held amongst Council Members on item motion. The Presiding Officer will offer the opportunity for each Council Member to speak once on a motion before allowing a Council Member to speak a second time. The Council Member who made the motion will be afforded the opportunity to speak first in favor of their motion.
8. Unless required by law or a Council Member requests a roll call vote, informal voting (Rule # 24) shall be used.

**Rule 16. Limit on Remarks.** Each Council Member shall limit their relevant remarks to a reasonable length.

Time limits for Council Member comments may be set for specific agenda items, or any single meeting, by a majority vote of the Council Members present. If limits will be set for a specific agenda item, it must be voted on prior to the agenda item motion.

**Rule 17. Presiding Officer's Right to Speak Last.** The Presiding Officer has the right to speak last on any item.

**Rule 18. Closing Motion Discussion.** Discussion shall be closed on any item by the Presiding Officer with the concurrence of a majority of the Council present, or by calling the question by any Council Member so long as all Council Members have been afforded the opportunity to speak at least once.

**Rule 19. Council Member Closing Announcements.** At every Regular Council Meeting Council Members are given the opportunity to provide announcements or reports under the appropriate agenda item.

**Rule 20. Comments Out of Order.** Council Members shall not sign up to speak during Citizens to be Heard. Council Members will refrain from speaking unless recognized by the Presiding Officer.

### **Council Action**

**Rule 22. Motion Required.** All actions requiring a vote shall be moved by a Council Member. A Council Member may make a motion to amend a motion. The amendment must receive a second before it may be discussed and must be voted on prior to voting on the main motion. A motion may be withdrawn or modified by its mover without asking permission. It is considered a motion, if a Council Member formally states, "I move to" or "I so move". Any other comments made by a Council Member regarding a potential motion or consideration of an amendment will not be considered a motion until formally stated.

**Rule 23. Recording Names of Moving Members.** The City Secretary shall record the name of the Council Member making each motion and seconding each motion.

**Rule 24. Call for Vote.** At the conclusion of the discussion or if a Council Member calls the question and is seconded, the Presiding Officer shall call for a vote by voice, show of hands or roll call. The Presiding Officer shall announce the results of the vote.

Roll call votes are called *in order of council places*. If a Member does not wish to vote, they answer *present or abstain*.

**Rule 25. Abstentions.** When abstaining, the member shall state they are abstaining and, if they choose, provide reason as to the abstention. The abstention votes will be recorded in accordance with Robert's Rules.

**Rule 26. Recusals.** If a member has a conflict of interest as defined by the Texas Local Government Code, Chapter 171, the member shall file an affidavit (See Appendix A) stating the nature and extent of the interest, with the City Secretary, in advance of the meeting.

**Rule 27. Separate Consideration.** Except as otherwise required by these rules, each agenda item shall be voted upon separately with the vote recorded by the City Secretary. Motions and votes within an agenda item may be split, as desired by City Council. City Council, by approval of a motion, reserves the right to group agenda items for consideration.

**Rule 28. Action on Consent Agenda.** The Consent Agenda shall be considered as a group, without separate discussion on each item. If any Consent Agenda items are removed, the Presiding Officer shall ask for a motion on the remaining Consent Agenda items.

**Rule 29. Consideration Out of Agenda Order.** At the request of a Council Member and with the consent of the Council any agenda item may be considered out of Agenda order.

**Rule 30. Council Action to Withdraw or Defer.** A Council Member wishing to withdraw or defer an item may make a motion to that effect.



### **Citizen Participation**

**Rule 31. Public Participation during Council Meetings.** Comments and suggestions by the public are highly valued and encouraged during those parts of a meeting designated for public participation. Speakers shall register to speak in advance. If a topic is on the agenda public comments will be heard during the agenda item. If the topic is not on the agenda public comments will be heard during Citizens to be Heard.

When called forth, the speaker wishing to comment shall step to the microphone, and state their name, city of residence, or county of residence if they do not reside in a city. The Presiding Officer shall encourage speakers to keep comments civil and refrain from including abusive, rude, or inappropriate language.

### **Rule 32. Citizens to be Heard**

Citizens to be Heard will be placed on the agenda before the Consent Agenda and Consideration Items.

In accordance with the Open Meetings Act the Council may not discuss or take action on any item which has not been posted on the agenda. The Presiding Officer may refer a matter raised during Citizens to be Heard for investigation, response, or other action by staff. Speakers should limit their comments to five minutes each and direct all remarks to Council.

In lieu of appearing in person public comments may be submitted in writing (hard copy or electronically) to the City Secretary and received by the City Secretary 24 hours in advance of the meeting. The written comment must include the individual's name, city of residence, or county of residence if they do not reside in a city. The submission must clearly identify the requestor's desire for the comment to be presented at the council meeting. Comments must be limited to 750 words. All written comments will be presented during Citizens to be Heard. The Presiding Officer has discretion on how the comments will be presented.

**Rule 33. Total Time Limits.** Total time for public comment on any subject under Council consideration can be limited to a fixed period by the Presiding Officer. A majority vote of the Council may extend the time limitations of this rule.

### **Part VII. Miscellaneous**

**Rule 34. Suspension or Adjustment of Rules.** These rules or any part hereof may be suspended or adjusted for a specific purpose, or any single meeting, by a majority vote of the Council Members present.



## CITY COUNCIL CONSIDERATION ITEM

### CITY OF FAIR OAKS RANCH, TEXAS

#### January 20, 2022

AGENDA TOPIC: Approval of a Preliminary Plat request from Elkhorn Ridge SA, LLC for Elkhorn Ridge Unit 4 proposing 26 single-family residential lots, generally located north of the intersection of Dietz Elkhorn Road and Elkhorn Ridge, City of Fair Oaks Ranch, Texas

DATE: January 20, 2022

DEPARTMENT: Public Works and Engineering Services

PRESENTED BY: Consent Agenda - Katherine Schweitzer, P.E., Manager, Engineering Services

#### **SUMMARY:**

The purpose of this Preliminary Plat is to create 26 residential lots, and one private street (Cheyenne Ridge) that will also be maintained as underground utility easements. The lot sizes range from 0.17 acres to 0.43 acres and the minimum lot width of the lots being platted in this phase is 65 feet except for one lot that is 55 foot wide.

The subdivision is generally located north of the intersection of Dietz Elkhorn Road and Elkhorn Ridge (see attached **Exhibit A: Location Map**). Street access to the subdivision will be provided from Cheyenne Ridge.

#### **BACKGROUND:**

In January 2014, the City of Fair Oaks Ranch entered into a development agreement with Elkhorn Ridge SA, LLC for the development of 311 single family residential lots as part of the Elkhorn Ridge subdivision. The referenced agreement stated the following regarding lot size dimensions: "In general all lots are approximately one hundred twenty feet (120 ft) in depth at a minimum with 148 lots being approximately fifty-five (55 ft) wide, 91 lots being approximately sixty-five (65 ft) wide and 72 lots being approximately eighty feet (80 ft) wide as measured from the front building setback line." The agreement also stated – "Any material changes to the Master Plan shall require the approval of City Council, unless such change results in a reduced density."

The Master Plan (**Exhibit B**) approved as part of the agreement contained the following breakdown that was in conflict with the text of the agreement mentioned above.

	LOT SIZES			
	55' <	55' – 64'	65' – 84'	85' >
UNIT 1	25	28	38	3
UNIT 2	24	13	38	12
UNIT 3	25	19	27	9
UNIT 4	47	4	–	–
TOTAL	121	64	103	24

Source: Development Agreement dated 2014

Attached **Exhibit C** shows the location of the area being platted in relation to the entire Elkhorn Ridge development. **Exhibit D** shows the current status of the development, number and size of lots, lot configuration, recordation data, and construction status (as of November 2021, as provided by the applicant). A detailed breakdown of the development progress of the various units, as provided by the applicant in November 2021, is summarized below in Table 1.

**Table 1: Elkhorn Ridge Development Construction Status**

Status	Constructed	Future
Units	1, 2, 3, 5, 6A, 6B, 9	4, 7, 8
Number of lots	221	71

Based on a comparative analysis of the development agreement and the subdivision progress provided by the applicant, the lot breakdown and status is summarized in the Table 2 below. The last Section U4 will contain 7.356 acres and will be platted with 25 lots of 65 feet lot width except for one lot of 55-foot width. (**Exhibit D**)

**Table 2: Comparative Analysis of the Development Agreement and Updated Master Plan**

Lot Size	Total permitted in the Development Agreement text	Total shown in the map attached to the Development Agreement	Applicant's proposed Master Plan of October 2021	Number of lots platted w/o U4 (the only remaining section to be platted)	Number of lots proposed to be platted in U4	Total number including proposed lots in U4
Min. 55' wide lots	<b>148</b>	185 (0'-64') No min. lot width)	135	134	1	<b>135</b>
Min. 65' wide lots	<b>91</b>	103 (65'-84' wide lots)	113	88	<b>25</b>	<b>113</b>
Min. 80' wide lots	<b>72</b>	24 (min. 85' wide)	44	44	0	<b>44</b>
<b>Total</b>	<b>311</b>	312	292	266	26	<b>292</b>

Based on previous discussions with staff and legal counsel, the proposed plat will meet the terms of the Development Agreement.

**Exhibit G** shows an aerial view of the Elkhorn Ridge development. The street providing access to this subdivision is constructed and has been accepted by the City. The parcel has no heritage trees on site that need mitigation therefore the applicant has prepared a tree mitigation plan to be reviewed by staff.

The Preliminary Plat review is based on the requirements of the Subdivision Regulations contained in Chapter 10 of the Code of Ordinances, which was in effect at the time of the approval

of the Master Plan. Staff has reviewed the Preliminary Plat and relayed review comments to the applicant. The applicant had requested for a 30-day extension of time to address the staff comments. On December 9, 2021, the P & Z recommended approval for the applicant's request for a 30-day extension of time to address the staff comments. The request was approved by the City Council on December 16, 2021.

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

The City of Fair Oaks Ranch's current process requires the Planning and Zoning Commission to consider the Preliminary Plat application and make a recommendation to the City Council. The City Council has the final authority to act on the plat.

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

N/A

**LEGAL ANALYSIS:**

Sec. 212.006 (a) of the Texas Local Government Code titled, Authority Responsible for Approval Generally, states the following:

"The municipal authority responsible for approving plats under this subchapter is the municipal planning commission or, if the municipality has no planning commission, the governing body of the municipality. The governing body by ordinance may require the approval of the governing body in addition to that of the municipal planning commission."

**PLANNING AND ZONING COMMISSION RECOMMENDATION:**

During the January 13, 2022 P&Z meeting, Commissioner Ballí, made a motion to recommend approval of the Preliminary Plat request from Elkhorn Ridge SA, LLC for Elkhorn Ridge Unit 4 proposing 26 single-family residential lots with the following minor conditions:

1. Label two-foot contour interval surveys tied to known reference points or USGS benchmarks. Currently, the contour interval is not two-foot.
2. Applicant to provide proof of USPS approval for Cheyenne Ridge prior to recordation.
3. Applicant to correct the year in the City Council approval and notarization fields.

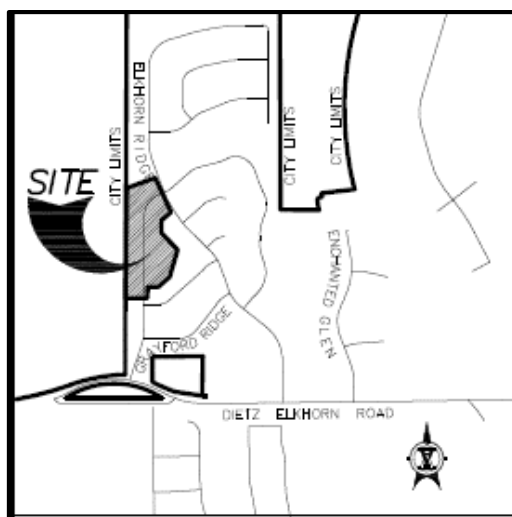
The motion passed unanimously (6-0).

**PROPOSED MOTION:**

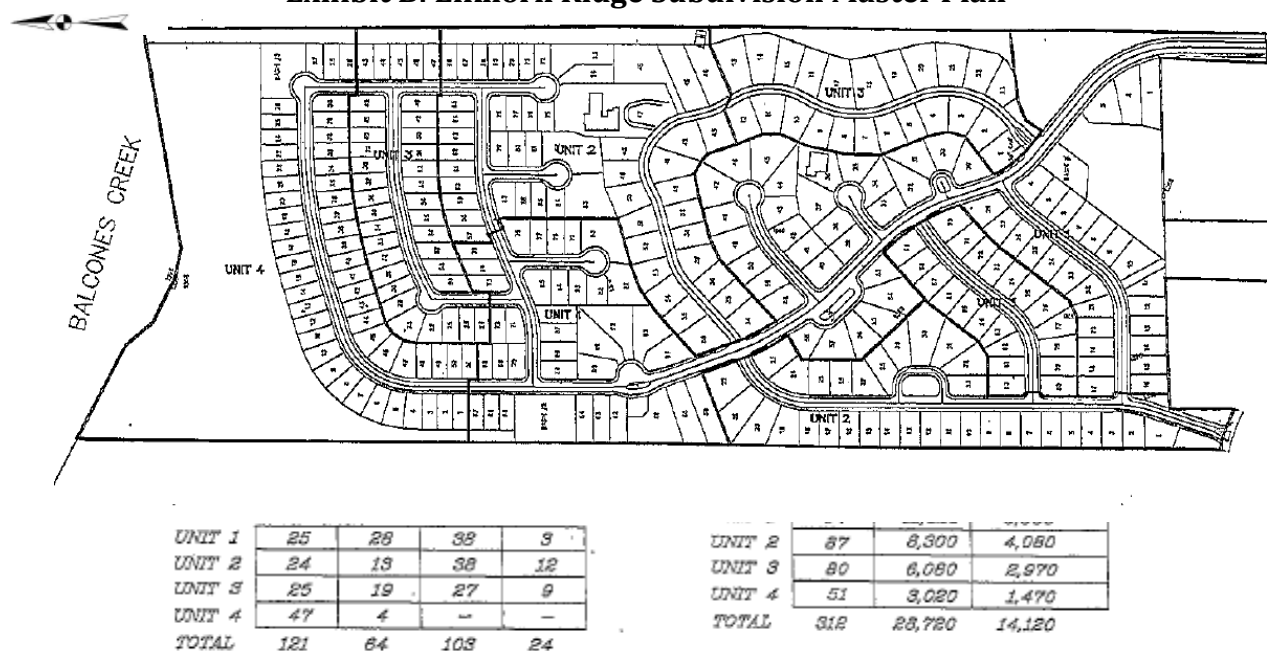
Consent Agenda: (I move to approve the Preliminary Plat of Elkhorn Ridge Unit 4 with the following minor conditions.

1. Label two-foot contour interval surveys tied to known reference points or USGS benchmarks. Currently, the contour interval is not two-foot.
2. Applicant to provide proof of USPS approval for Cheyenne Ridge prior to recordation.
3. Applicant to correct the year in the City Council approval and notarization fields.)



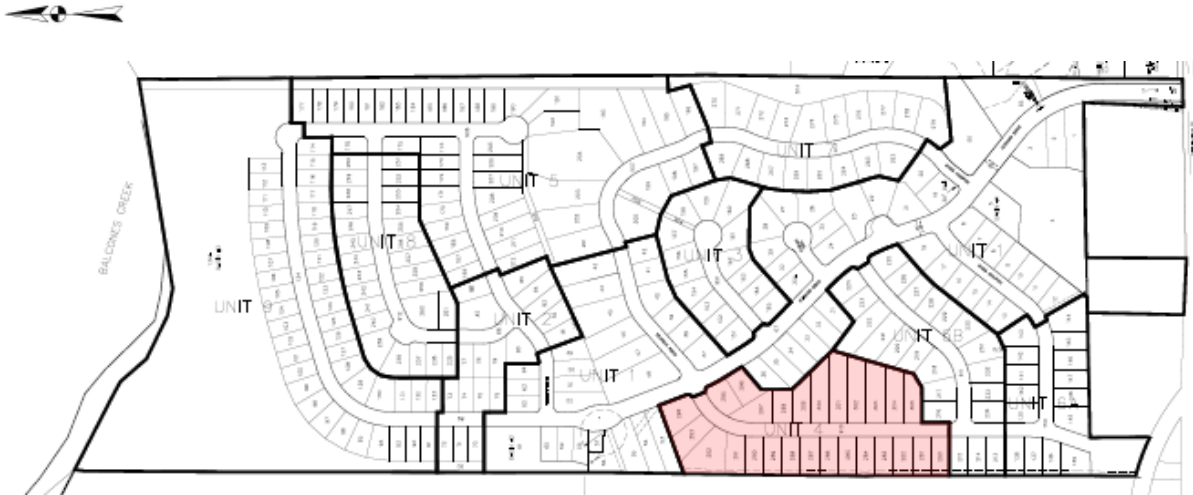
**Exhibit A: Elkhorn Ridge Unit 4 Location Map**

Source: Provided by the applicant

**Exhibit B: Elkhorn Ridge Subdivision Master Plan**

Source: Development Agreement dated 2014

### Exhibit C: Elkhorn Ridge Subdivision Master Plan (Unit 4 Highlighted)

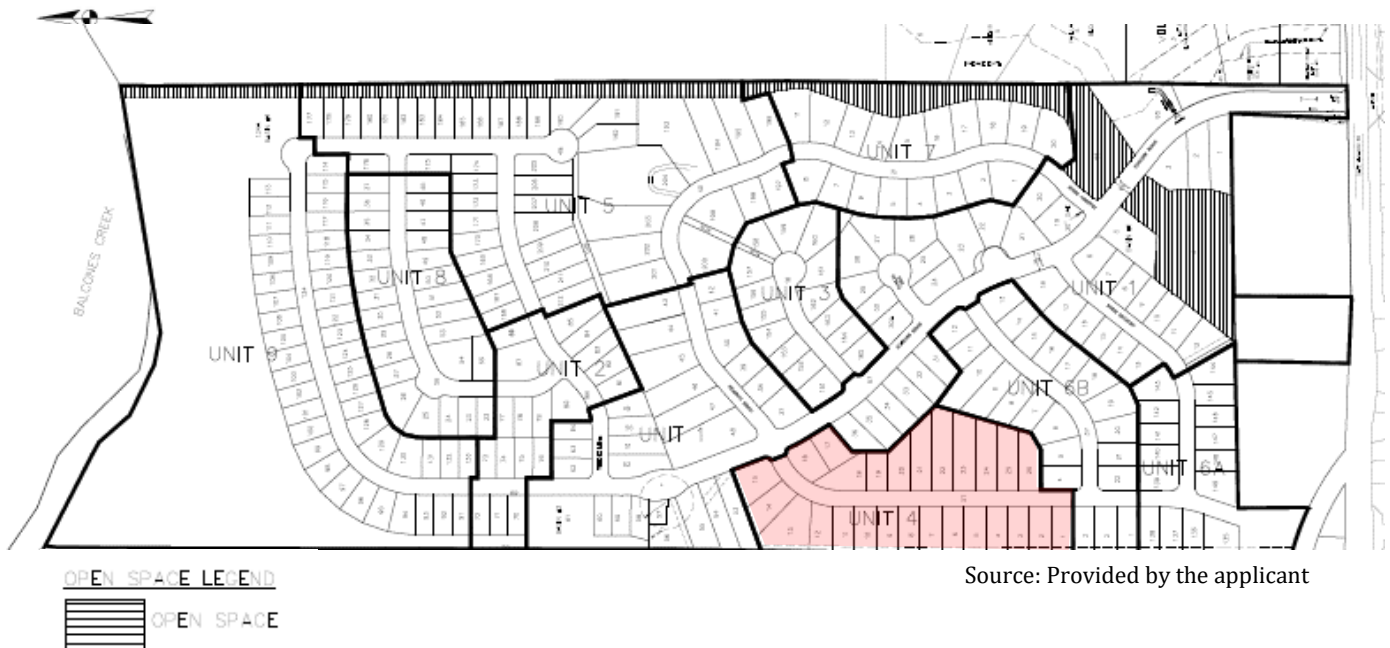


Source: Provided by the applicant

### Exhibit D: Elkhorn Ridge Subdivision - Progress Summary Table Provided by the Applicant (November 2021)

	U 1	U 2	U 3	U 4	U 5	U 6A	U 6B	U 7	U 8	U 9	TOTAL
AREA(AC)	28.72	4.35	3.92	7.356	16.28	4.36	6.00	7.07	5.98	23.90	107.94
55' LOTS	135	11	18	1	35	—	—	—	27	43	
65' LOTS	113	36	—	15	25	15	22	—	—	—	
80' LOTS	44	14	—	—	12	—	—	18	—	—	
TOTAL	292	61	18	15	26	47	15	22	18	27	43
RECORDING DATA	V 9682/P 178	V 9714/P 183	V 20001/P 2218	FUTURE	V 20002/P 621	V 20001/P 1443	V 20002/P 1829	FUTURE	FUTURE	FUTURE	V 20001/P 1845
CONSTRUCTION STATUS	COMPLETED	COMPLETED	COMPLETED	FUTURE	COMPLETED	COMPLETED	COMPLETED	FUTURE	FUTURE	FUTURE	COMPLETED

### Exhibit E: Elkhorn Ridge Subdivision Open Space Plan (Unit 4 Highlighted)



Source: Provided by the applicant

### Exhibit F: Open Space Requirement

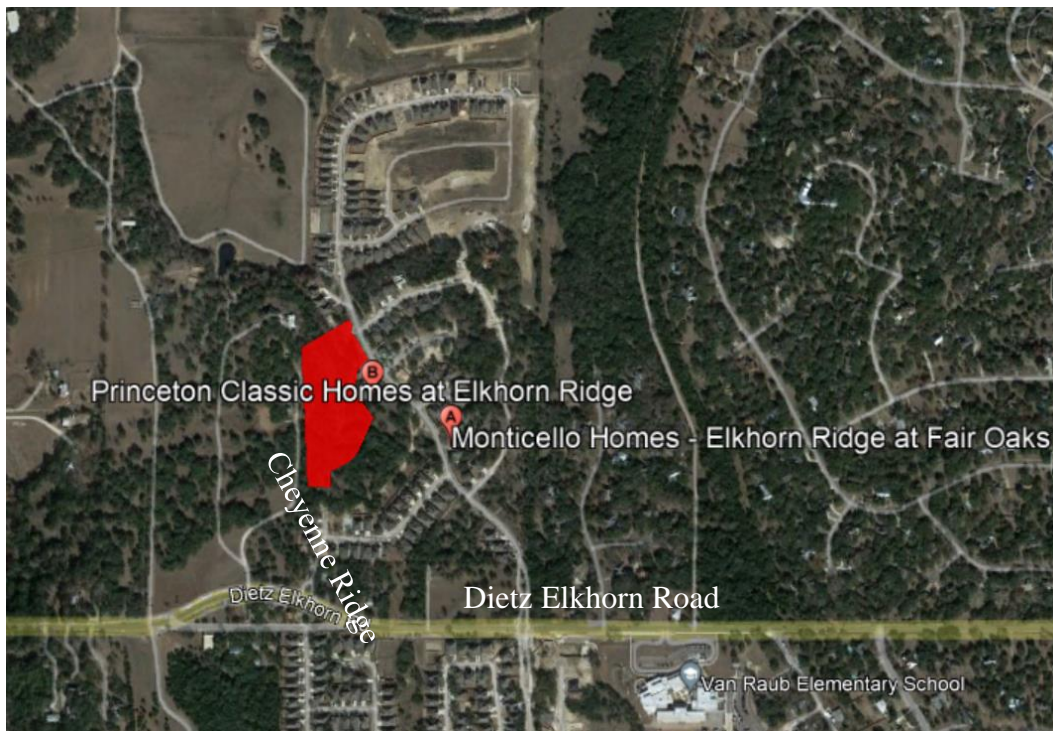
OPEN SPACE REQUIREMENT		
AREA = 292 LOTS/(100 LOTS/AC) = 2.92 AC.		
UNIT NO.	OPEN SPACE AC.	STATUS
1	3.08 <sup>1</sup>	2015
2	0	2017
3	0	2019
4	0	UNKNOWN
5	1.26	2021
6A	0	2020
6B	0	2021
7	1.36	2022
8	0	2022
9	0.43	2019
TOTAL	6.13	

<sup>1</sup> THE OPEN SPACE REQUIRED FOR THE ENTIRE SUBDIVISION WAS PROVIDED WITH UNIT-1.

ALL CURRENT AND FUTURE OPEN SPACE WILL BE DEDICATED TO ELKHORN RIDGE HOA.

Source: Provided by the applicant

### Exhibit G - Elkhorn Ridge Subdivision Aerial View (Unit 4 Highlighted)



**Attachments:**

1. Universal Application
2. S10 Preliminary Plat Specific Application Form
3. Letter of Intent
4. Elkhorn Ridge Unit 4 Subdivision Preliminary Plat
5. Elkhorn Ridge Masterplan
6. Elkhorn Ridge Open Space Exhibit





## City of Fair Oaks Ranch

7286 Dietz Elkhorn Fair Oaks Ranch, TX 78015

PH: (210) 698-0900.FAX: (210) 698-3565. [bcodes@fairoaksranchtx.org](mailto:bcodes@fairoaksranchtx.org) [www.fairoaksranchtx.org](http://www.fairoaksranchtx.org)

### UNIVERSAL APPLICATION (FORM UA)

All applications must be submitted with:

(1) A complete **Universal Application** form (2 pages), and(2) A complete **Specific Application Form** with all materials listed in the checklist for the specific application.

The City staff is available to assist you in person at City Hall or over the phone at (210) 698-0900.

#### DEVELOPMENT INFORMATION

Project Name/Address/Location: Elkhorn Ridge Unit 4 Acreage: 7.356  
 Brief Description of Project: Residential Subdivision  
 Is property platted? ☒ No ☐ Yes Subdivision name: Elkhorn Ridge Unit 4 No. of Lots: 26  
 Recordation #: \_\_\_\_\_ Parcel(s) Tax ID#: 04708-000-0700  
 Existing Use: Single Family Proposed Use: Single Family  
 Current Zoning: Existing Residential One Proposed Zoning: Existing Residential One  
 Occupancy Type: \_\_\_\_\_ Sq. Ft: \_\_\_\_\_ Bed #: \_\_\_\_\_ Bath #: \_\_\_\_\_ Car Garage #: \_\_\_\_\_  
 Water System ☐ Well ☒ Public Flood Zone: ☐ Yes ☒ No Sewer System: ☐ Septic ☒ Public

#### PROPERTY OWNER INFORMATION

Owner: Elkhorn Ridge SA, LLC Contact Name: Lloyd A. Denton, Jr.  
 Address: 11 Lynn Batts Lane, Suite 100 City/State/ZIP: San Antonio, Texas 78218  
 Phone: (210) 828-6131 Email: plats@bitterblue.com

#### APPLICANT INFORMATION

Applicant/Developer: Bitterblue Contact Name: Lloyd A. Denton, Jr.  
 Address: 11 Lynn Batts Lane, Suite 100 City/State/ZIP: San Antonio, Texas 78218  
 Phone: (210) 828-6131 Email: plats@bitterblue.com

#### KEY CONTACT INFORMATION

Name of the Individual: Paul A. Schroeder Contact Name: Vickrey & Associates, LLC  
 Address: 12940 Country Parkway City/State/ZIP: San Antonio, Texas 78216  
 Phone: (210) 349-3271 E-mail: pschroeder@vickreyllc.com

SIGNATURE OF PROPERTY OWNER OR APPLICANT (SIGN AND PRINT OR TYPE NAME)

Signature: [Signature] Date: 11-16-21  
 (Signed letter of authorization required if the application is signed by someone other than the property owner)

#### \*\*\*\*\*OFFICE USE ONLY\*\*\*\*\*

DATE REC'D: 11/03/2021 BY: KGS  
 FEES PAID: \$1950.00 APPROVED BY: \_\_\_\_\_  
 DATE APPROVED: \_\_\_\_\_  
 APPLICATION/PERMIT NO: \_\_\_\_\_ EXP DATE: \_\_\_\_\_

Applications shall be processed based on the City's official submission dates. When a completed application packet has been accepted and reviewed, additional information may be required by staff as a result of the review, therefore it may be necessary to postpone the proposed project and remove it from the scheduled agenda and place it on a future agenda.

**SPECIFIC APPLICATION FORM (S1-S39).** Please check the appropriate type below:**Land Use Policy Related**

(Section 3.9 of the UDC)

- ☐ Annexation\* - Form S1  
☐ Comprehensive Plan Amendment (Text)  
☐ Unified Development Code (UDC) Text Amendment  
☐ Rezoning/ FLUM amendment\* - Form S2  
☐ Special Use Permit\* - Form S3  
☐ Planned Unit Development (PUD)\* - Form S4  
☐ Development Agreement  
☐ Conservation Development Alternative\* (CDA) (Section 4.8) - Form S5

**Subdivision and Property Development Related**

(Section 3.8 of the UDC)

- ☐ Amending Plat\* - Form S6  
☐ Minor Plat\* - Form S7  
☐ Development Plat\* - Form S8  
☐ Concept Plan\*\* - Form S9  
☒ Preliminary Plat\* - Form S10  
☐ Final Plat\* - Form S11  
☐ Replat\* - Form S12  
☐ Construction Plans\* - Form S13  
☐ Vacating Plat  
☐ Plat Extension

**Site Development Related**

(Section 3.9 of the UDC)

- ☐ Vested Rights Verification Letter  
☐ Zoning Verification Letter  
☐ Written Interpretation of the UDC  
☐ Temporary Use Permit\* - Form S14  
☐ Special Exception\* - Form S15  
☐ Site Development Permit\* (Site Plan Review) - Form S16  
☐ Floodplain Development Permit\* - Form S17  
☐ Stormwater Permit\* - Form S18  
☐ Certificate of Design Compliance\* - Form S19

Appeal of an Administrative Decision

- ☐ Zoning ☐ Others

Variance

- ☐ Policy ☐ Judicial\* - Form S20

☐ Sign Special Exception/Appeal to an Administrative Decision

☐ Administrative Exception

☐ Permit for Repair of Non-Conforming Use/Building

☐ Letter of Regulatory Compliance

☐ On-Site Sewage Facility Permit (OSSF)

☐ Certificate of Occupancy (CO)\* - Form S21

☐ Relief from Signage Regulations

☐ Group Living Operation License\* - Form S22

☐ Grading/Clearance Permit - Form S23
**Building Permits Related****Commercial**

- ☐ New/Remodel/Addition\* - Form S24  
☐ Fence\* - Form S25  
☐ Miscellaneous\* - Form S26

**Residential**

- ☐ New Home\* - Form S27  
☐ Remodel/Addition\* - Form S28  
☐ Detached Buildings\* - Form S29

**Others**

- ☐ Solar\* - Form S30  
☐ Swimming Pool\* - Form S31  
☐ Demolition, Drive or Move  
☐ New Lawn/Water\* - Form S32  
☐ Backflow Device/Irrigation Systems - Form S33  
☐ Sign\* (Permanent) - Form S34 A  
☐ Sign\* (Temporary) - Form S34 B  
☐ Appeal of Denial of Sign Permit  
☐ Master/ Common Signage Plan\* - Form S35  
☐ Water Heater or Water Softener\* - Form S36  
☐ Right-of-Way Construction\* - Form S37  
☐ Flatwork\* - Form S38

**Inspections**

- ☐ Mechanical ☐ Electrical  
☐ Plumbing ☐ Building  
☐ Others \_\_\_\_\_

**Water- Wastewater Service**

- ☐ Connect/ Disconnect Form\* - Form S39

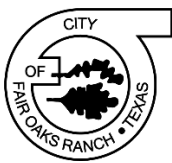
\*These types of applications require additional information as listed in the Specific Application Form. Refer to **Appendix B** of the Administrative Procedures Manual for more information.

\*\* The Concept Plan is required for PUD and CDA, and for Rezoning if included in a previously approved Concept Plan.

**Application Checklist for all Applications**

- ☒ Universal Application Form (Form UA).  
☒ Items listed in the checklist for the Specific Application Form (Form S#) <sup>1</sup>. (Please make sure the boxes are checked)  
☒ Application Processing Fees and other application fees.  
☒ Letter of intent explaining the request in detail and reason for the request.  
☒ Signed Letter of Authorization required if the application is signed by someone other than the property owner.  
☒ Site plan and shapefile drawings (if applicable) for the property  
☒ Location map clearly indicating the site in relation to adjacent streets and other landmarks  
☒ One (1) copy of proof of ownership (recorded property deed or current year tax statements)  
☒ One (1) USB drive containing the general required documents in Adobe PDF format (if required)

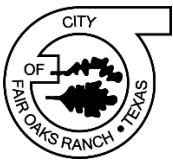
<sup>1</sup>For items that are duplicated in the specific type of application, only one copy is required.

**S10****SPECIFIC APPLICATION FORM - PRELIMINARY PLAT**

## Section 3.8 (4) of the Unified Development Code

The following steps must be completed, and the items must be submitted for the application to be deemed complete and processed:

- ☒ A completed Universal Development Application and checklist signed by the owner/s of the property.
- ☒ Payment of all other applicable fees (see Schedule of Fees).
- ☒ An accurate metes and bounds description of the subject property (or other suitable legal description).
- ☒ Location/vicinity map showing the location and boundaries of the proposed zoning. Indicate scale or not to scale (NTS) and provide north arrow.
- ☒ Tax certificate/s showing that all taxes owing to the State, County, School District, City and/or any other political subdivision have been paid in full to date.
- N/A Pre-Application Conference prior to application submittal.
- N/A Approved copy of a Concept Plan or other approved plats, if applicable.
- N/A Concept plan approval (if required).
- ☒ A title report.
- ☒ Three (3) copies (full size) of complete sets of construction plans (plan views) to verify required easements and reserves, showing existing and proposed configurations if applicable. This includes grading, streets, green spaces, drainage/stormwater systems, gas, electrical, water, wastewater, cable and TV, fiber and all utilities.
- ☒ One (1) copy (11x17) of proposed plat.
- N/A One (1) copy (11x17) of all existing recorded plats pertaining to the preliminary plat.
- N/A Basic engineering information, if deemed necessary by the City.
- ☒ Letter of Certification from each utility provider servicing this area (CPS, PEC, SAWS, Time Warner, Grey Forest, GBRA, Spectrum, etc.) or proof that these have been requested.
- ☒ Letter from USPS and other service providers to ensure the name of the proposed subdivision and streets, or any of the physical features, (such as streets, parks, etc.) must not be so similar to the names of any similar features in the county or in any incorporated town or city therein. Streets, which are a continuation of any existing street, shall take the name of the existing street.
- ☒ Drainage/Stormwater plan, if any grade changes.



- ☒ Tree Plan designating all trees proposed for removal or preservation and describing the measures proposed to protect remaining trees during development as per Unified Development Code Section 8.8.
- ☒ Electronic copies of the required exhibits in "PDF" format and shapefile for property boundary where applicable should be submitted in a USB flash drive or via email.
- ☒ Acknowledgement that the applicant or representative will attend all Planning and Zoning Commission, City Council and applicable meetings where this request is discussed.

Additional Requirements. The City Manager (or designee) may, from time to time, identify additional requirements for a complete application that are not contained within but are consistent with the application contents and standards set forth in the UDC and state statutes.



November 17, 2021

Ms. Katie Schweitzer, PE  
City of Fair Oaks Ranch  
7286 Dietz-Elkhorn  
Fair Oaks Ranch, Texas 78015

Re: Elkhorn Ridge Unit 4  
Preliminary Plat Submittal  
V&A Project No. 2752-012-051

Dear Ms. Schweitzer,

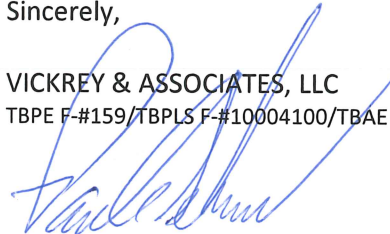
This submittal is to subdivide the following:

Being a **7.356-acre (320,434 square feet)** tract out of the Jose Ramon Arocha Survey No. 171, Abstract No. 24, County Block 4708, City of Fair Oaks Ranch, Bexar County, Texas, said 7.356-acre tract of land also being out of the remainder of a called 26.56-acre tract of land conveyed from Kevin Katzer to Elkhorn Ridge SA, LLC, by Warranty Deed dated November 22, 2013 and recorded in Volume 16450, Page 2034, Official Public Records of Real Property (O.P.R.), Bexar County, Texas, (all records cited herein are recorded in Bexar County, Texas) and out of the remainder of a called 26.04-acre tract conveyed from Kevin B. Katzer, Gerald Rentz, Jr., and Lisa Rentz to Elkhorn Ridge SA, LLC by Warranty Deed dated November 22, 2013 recorded in Volume 16450, Page 2129, O.P.R. of Bexar County, Texas.

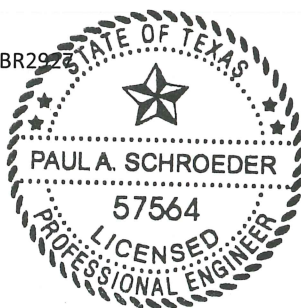
The Elkhorn Ridge Unit 4 subdivision will contain 26 lots.

Sincerely,

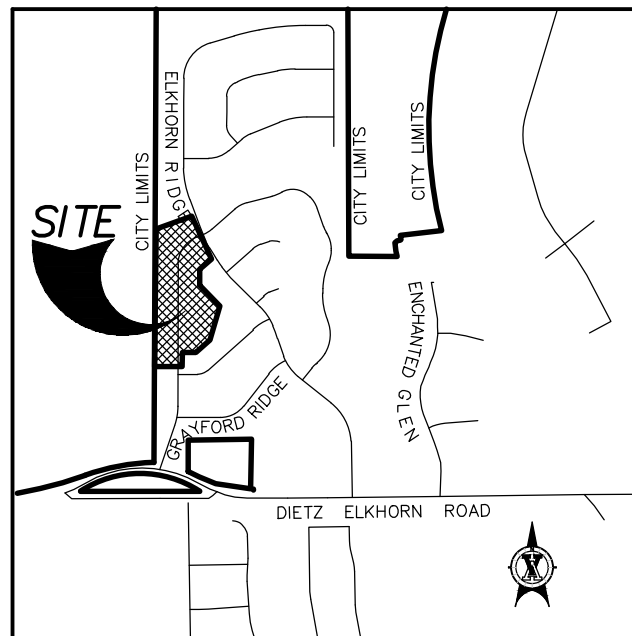
VICKREY & ASSOCIATES, LLC  
TBPE F-#159/TBPLS F-#10004100/TBAE F-#BR2922

  
Paul A. Schroeder, PE, RPLS  
Residential Division Manager

PAS/ksh







**LOCATION MAP**  
NOT TO SCALE

LEGEND	
●	SET 1/2" IRON ROD WITH CAP STAMPED "VICKREY PROP. COR."
○	FOUND 1/2" IRON ROD WITH CAP STAMPED "VICKREY PROP. COR."
♂	FOUND 1/2" IRON ROD
D.P.R.	OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BEXAR COUNTY, TEXAS
740	EXISTING CONTOURS
ESMT	EASEMENT
R.O.W.	RIGHT OF WAY
E	CENTERLINE
EX	EXISTING
VOL.	VOLUME
PG.	PAGE
AC.	ACRES
P	PROPERTY LINE
CB	COUNTY BLOCK

- 1 15' GAS, ELECTRIC, TELEPHONE AND CABLE TV EASEMENT
- 2 CLEAR VISION EASEMENT
- 3 16' ELECTRIC ESM'T DOC.# 20150065617
- 4 10' GAS, ELECTRIC, TELEPHONE AND CABLE TV EASEMENT VOL. 9692, PG. 179-181
- 5 15' GAS, ELECTRIC, TELEPHONE AND CABLE TV EASEMENT VOL. 20002, PG. 1223
- 6 15' DRAINAGE EASEMENT

**CLEAR VISION EASEMENT:**  
CLEAR VISION AREAS MUST BE FREE OF VISUAL OBSTRUCTIONS IN ACCORDANCE WITH THE AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS (AASHTO) POLICY ON GEOMETRIC DESIGN OF HIGHWAYS AND STREETS, OR LATEST REVISION THEREOF.

**ZONING DESIGNATION NOTE:**  
THIS PLAT AREA IS CURRENTLY ZONED AS EXISTING RESIDENTIAL ZONE 1.

**PRIVATE STREET DESIGNATION NOTE:**  
CHEYENNE RIDGE (PARCEL 915) IS A PRIVATE STREET AND IS DESIGNED AS UNDERGROUND PUBLIC WATER AND PUBLIC SANITARY SEWER AND UTILITY EASEMENT.

#### IMPACT FEE PAYMENT DUE : "SAWS"

WATER AND WASTEWATER IMPACT FEES WERE NOT PAID AT THE TIME OF PLATTING FOR THIS PLAT. ALL IMPACT FEES MUST BE PAID PRIOR TO WATER METER SET AND/OR WASTEWATER SERVICE CONNECTION.

#### FIRE FLOW NOTE:

IN AN EFFORT TO MEET THE CITY OF FAIR OAKS RANCH'S FIRE FLOW REQUIREMENTS FOR THE PROPOSED RESIDENTIAL DEVELOPMENT, THE PUBLIC WATER MAIN SYSTEM HAS BEEN DESIGNED FOR A MINIMUM FIRE FLOW DEMAND OF 1500 GPM AT 25 PSI RESIDUAL PRESSURE. THE FIRE FLOW REQUIREMENTS FOR INDIVIDUAL STRUCTURES WILL BE REVIEWED DURING THE BUILDING PERMIT PROCESS IN ACCORDANCE WITH THE PROCEDURES SET FORTH BY THE CITY OF FAIR OAKS RANCH.

#### SAWS DEDICATION NOTE:

THE DEVELOPER DEDICATES THE SANITARY SEWER AND/OR WATER MAINS TO THE SAN ANTONIO WATER SYSTEM UPON COMPLETION BY THE DEVELOPER AND ACCEPTANCE BY THE SAN ANTONIO WATER SYSTEM.

#### WASTEWATER EDU NOTE:

THE NUMBER OF WASTEWATER EQUIVALENT DWELLING UNITS (EDUs) PAID FOR THIS SUBDIVISION PLAT ARE KEPT ON FILE AT THE SAN ANTONIO WATER SYSTEM.

#### SAWS HIGH PRESSURE NOTE:

A PORTION OF THE TRACT IS BELOW THE GROUND ELEVATION OF 1425 FEET WHERE THE STATIC PRESSURE WILL NORMALLY EXCEED 80 PSI. AT ALL SUCH LOCATIONS, THE DEVELOPER OR BUILDER SHALL INSTALL AT EACH LOT, ON THE CUSTOMER'S ASIDE OF THE METER, AN APPROVED TYPE PRESSURE REGULATOR IN CONFORMANCE WITH THE PLUMBING CODE OF THE CITY OF FAIR OAKS RANCH.

#### FLOODPLAIN VERIFICATION:

NO PORTION OF THE FEMA 1% ANNUAL CHANCE (100-YEAR) FLOODPLAIN EXISTS WITHIN THIS PLAT AS VERIFIED BY FEMA MAP 48091C0085F EFFECTIVE DATE AUGUST 28, 2017. FLOODPLAIN INFORMATION IS SUBJECT TO CHANGE AS A RESULT OF FUTURE FEMA MAP REVISIONS AND/OR AMENDMENTS.

STATE OF TEXAS  
COUNTY OF BEXAR

I HEREBY CERTIFY THAT THE ABOVE PLAT CONFORMS TO THE MINIMUM STANDARDS SET FORTH BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND BY: VICKREY & ASSOCIATES, LLC.

**PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT**

VICKREY & ASSOCIATES, LLC.

BY: PAUL A. SCHROEDER, R.P.L.S. \_\_\_\_\_ REGISTERED PROFESSIONAL LAND SURVEYOR

STATE OF TEXAS  
COUNTY OF BEXAR

I HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN THIS PLAT TO THE MATTERS OF STREETS, LOTS AND DRAINAGE LAYOUT, TO THE BEST OF MY KNOWLEDGE THIS PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION ORDINANCE.

VICKREY & ASSOCIATES, LLC.  
BY: PAUL A. SCHROEDER, P.E.

LICENSED PROFESSIONAL ENGINEER

#### UTILITY EASEMENT:

UTILITIES, INCLUDING, WITHOUT LIMITATION, SEWER, WATER, GAS, ELECTRICITY, TELEPHONE, AND CABLE TELEVISION, WITH ALL NECESSARY AND/OR DESIRABLE LINES, LATERALS AND/OR APPURTENANCES THERETO (THE "UTILITIES")

TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS OVER THE ADJACENT LAND TO OR FROM THE EASEMENT FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, OPERATING, MAINTAINING, REPAIRING, AND REMOVING THE UTILITIES; THE RIGHT TO PLACE NEW OR ADDITIONAL UTILITIES IN THE EASEMENT AND TO CHANGE THE SIZE THEREOF; THE RIGHT TO RELOCATE ALONG THE SAME GENERAL DIRECTION OF THE UTILITIES; THE RIGHT TO REMOVE FROM THE EASEMENT ALL TREES AND PARTS THEREOF, OR OTHER OBSTRUCTIONS, WHICH REASONABLY ENDANGER OR MAY REASONABLY INTERFERE WITH THE EFFICIENCY OR OPERATION OF THE UTILITIES; AND THE RIGHT TO PLACE TEMPORARY STRUCTURES FOR USE IN CONSTRUCTING OR REPAIRING THE UTILITIES.

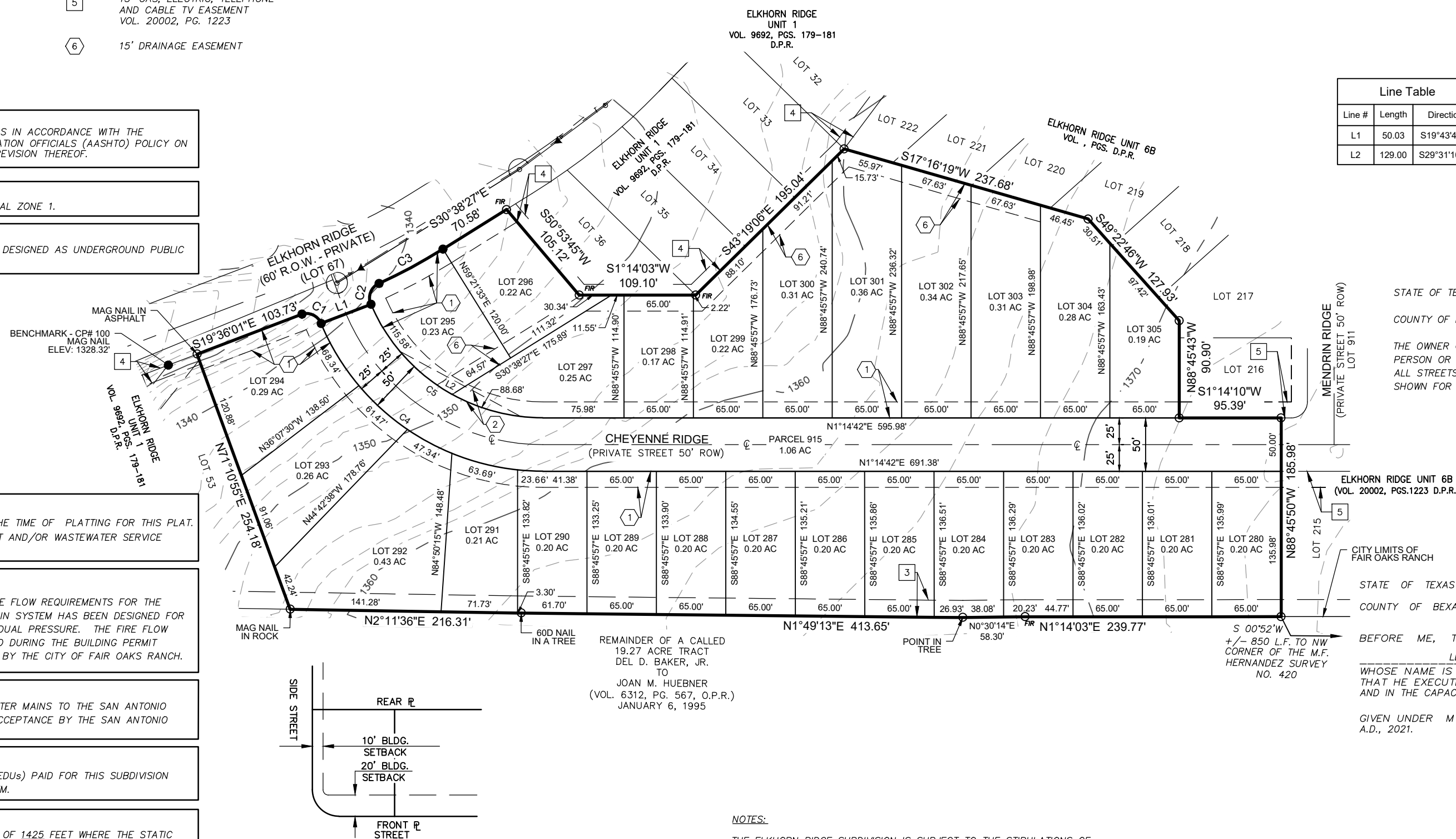
THE PROPERTY OWNER RETAINS THE RIGHT TO USE ALL OR ANY PART OF THE EASEMENT FOR ANY PURPOSE WHICH DOES NOT DAMAGE, DESTROY, INJURE, AND/OR UNREASONABLY INTERFERE WITH THE USE OF THE EASEMENT. HOWEVER, THE EASEMENT SHALL BE KEPT CLEAR OF ALL STRUCTURES OR OTHER IMPROVEMENTS.

THE UTILITY SHALL MAKE COMMERCIALY REASONABLE EFFORTS TO ENSURE THAT DAMAGE TO THE PROPERTY IS MINIMIZED AND THE UTILITY WILL AT ALL TIMES, AFTER DOING ANY WORK IN CONNECTION WITH THE SYSTEM, RESTORE THE PROPERTY TO THE CONDITION IN WHICH THE PROPERTY WAS FOUND BEFORE SUCH WORK WAS UNDERTAKEN TO THE EXTENT THAT SUCH RESTORATION IS REASONABLE IN ACCORDANCE WITH THE UTILITY USUAL AND CUSTOMARY PRACTICES.

THE MAINTENANCE OF THE TURF, GRASSES AND LANDSCAPE VEGETATION WITHIN THE EASEMENT SHALL BE THE DUTY AND RESPONSIBILITY OF THE PROPERTY OWNER.

#### CPS NOTES:

- THE CITY OF SAN ANTONIO AS PART OF ITS ELECTRIC, GAS, WATER, AND WASTEWATER SYSTEMS - CITY PUBLIC SERVICE BOARD (CPS ENERGY) AND SAN ANTONIO WATER SYSTEM (SAWS) - IS HEREBY DEDICATED EASEMENTS AND RIGHTS-OF-WAY FOR UTILITY, TRANSMISSION AND DISTRIBUTION INFRASTRUCTURE AND SERVICE FACILITIES IN THE AREAS DESIGNATED ON THIS PLAT AS "ELECTRIC EASEMENT," "ANCHOR EASEMENT," "SERVICE EASEMENT," "OVERHANG EASEMENT," "UTILITY EASEMENT," "GAS EASEMENT," "TRANSFORMER EASEMENT," "WATER EASEMENT," "SANITARY SEWER EASEMENT," AND/OR RECYCLED WATER EASEMENT FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, RECONSTRUCTING, MAINTAINING, REMOVING, INSPECTING, PATROLLING, AND ERECTING UTILITY INFRASTRUCTURE AND SERVICE FACILITIES FOR THE REASONS DESCRIBED ABOVE. CPS ENERGY AND SAWS SHALL ALSO HAVE THE RIGHT TO RELOCATE SAID INFRASTRUCTURE AND SERVICE FACILITIES WITHIN EASEMENT AND RIGHT-OF-WAY AREAS, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS OVER GRANTOR'S ADJACENT LANDS FOR THE PURPOSE OF ACCESSING SUCH INFRASTRUCTURE AND SERVICE FACILITIES AND THE RIGHT TO REMOVE FROM SAID LANDS ALL TREES OR PARTS THEREOF, OR OTHER OBSTRUCTIONS WHICH ENDANGER OR MAY INTERFERE WITH THE EFFICIENCY OF WATER, SEWER, GAS, AND/OR ELECTRIC INFRASTRUCTURE AND SERVICE FACILITIES, NO BUILDINGS, STRUCTURES, CONCRETE SLABS, OR WALLS WILL BE PLACED WITHIN EASEMENT AREAS WITHOUT AN ENCROACHMENT AGREEMENT WITH THE RESPECTIVE UTILITY.
- ANY CPS ENERGY OR SAWS MONETARY LOSS RESULTING FROM MODIFICATIONS REQUIRED OF CPS ENERGY OR SAWS INFRASTRUCTURE AND SERVICE FACILITIES, LOCATED WITHIN SAID EASEMENTS, DUE TO GRADE CHANGES OR GROUND ELEVATION ALTERATIONS SHALL BE CHARGED TO THE PERSON OR PERSONS DEEMED RESPONSIBLE FOR SAID GRADE CHANGES OR GROUND ELEVATION ALTERATIONS.
- THIS PLAT DOES NOT AMEND, ALTER, RELEASE OR OTHERWISE AFFECT ANY EXISTING ELECTRIC, GAS, WATER, SEWER, DRAINAGE, TELEPHONE, CABLE TV EASEMENTS OR ANY OTHER EASEMENTS FOR UTILITIES UNLESS THE CHANGES TO SUCH EASEMENTS ARE DESCRIBED HEREON.
- CONCRETE DRIVEWAY APPROACHES ARE ALLOWED WITHIN THE FIVE (5) AND TEN (10) FOOT WIDE ELECTRIC AND GAS EASEMENTS WHEN LOTS ARE SERVED ONLY BY UNDERGROUND ELECTRIC AND GAS FACILITIES.
- ROOF OVERHANGS ARE ALLOWED WITHIN THE FIVE (5) AND TEN (10) FOOT WIDE ELECTRIC AND GAS EASEMENTS WHEN ONLY UNDERGROUND ELECTRIC AND GAS FACILITIES ARE PROPOSED OR EXISTING WITHIN THOSE FIVE (5) AND TEN (10) FOOT WIDE EASEMENTS.



#### TYPICAL CORNER LOT BUILDING SETBACKS

NOTE: ALL LOTS HAVE A MINIMUM BUILDING SETBACK OF 20' ALONG THE FRONT, AS SHOWN ABOVE, AND SUBDIVISION DEED RESTRICTIONS.

#### NOTES:

THE ELKHORN RIDGE SUBDIVISION IS SUBJECT TO THE STIPULATIONS OF THE DEVELOPMENT AGREEMENT EFFECTIVE 01/17/2014, DOC #20200223623 RECORDED ON 09/23/2020 IN THE PUBLIC RECORDS OF BEXAR COUNTY AND SUBSEQUENT AGREEMENT APPROVED BY THE CITY. ALL REQUIREMENTS IN THE DEVELOPMENT AGREEMENT WILL BE COMPLIED WITH.

#### EASEMENT NOTES

ALL PROPERTIES DESIGNATED AS EASEMENTS SHALL OR MAY BE UTILIZED FOR THE FOLLOWING PURPOSES:

#### DRAINAGE EASEMENT:

DRAINAGE, WATER DIVERSION, AND SANITARY CONTROL, INCLUDING WITHOUT LIMITATION, WALLS, BEDS, EMBANKMENTS, SPILLWAYS, APPURTENANCES, AND OTHER ENGINEERED DEVICES (THE "DRAINAGE SYSTEM") TOGETHER WITH RIGHT OF INGRESS AND EGRESS OVER THE ADJACENT LAND TO OR FROM THE EASEMENT FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, OPERATING, MAINTAINING, REPAIRING, AND REMOVING THE DRAINAGE SYSTEM; THE RIGHT TO CHANGE THE SIZE THEREOF; THE RIGHT TO RELOCATE ALONG THE SAME GENERAL DIRECTION OF THE DRAINAGE SYSTEM; THE RIGHT TO CREATE AND/OR DREDGE A STREAM COURSE, REFILL, OR DIG OUT SUCH STREAM COURSE, ESTABLISH OR CHANGE STREAM EMBANKMENTS WITHIN THE EASEMENT, INSTALL STORM SEWER SYSTEMS, CULVERTS, WATER GAPS, AND PROTECTING RAILS; THE RIGHT TO REMOVE FROM THE EASEMENT ALL TREES AND PARTS THEREOF, OR OTHER OBSTRUCTIONS, WHICH REASONABLY ENDANGER OR MAY REASONABLY INTERFERE WITH THE EFFICIENCY OF THE DRAINAGE SYSTEM; AND THE RIGHT TO PLACE TEMPORARY STRUCTURES FOR USE IN CONSTRUCTING OR REPAIRING THE DRAINAGE SYSTEM.

WITH RESPECT TO THE DRAINAGE SYSTEM, IT IS EXPRESSLY AGREED AND UNDERSTOOD BY ALL PARTIES HERETO, THAT THE INTENTION IS TO IMPROVE CONDITIONS OF SANITATION AND WATER DRAINAGE CONTROL ON THE PROPERTY FOR THE BENEFIT OF THE PROPERTY, ADJACENT PROPERTY, AND THE COMMUNITY, BUT THE CITY DOES NOT GUARANTEE OR WARRANT THAT SUCH CONTROL WORK WILL BE EFFECTIVE, NOR DOES THE CITY ASSUME ANY ADDITIONAL LIABILITY WHATSOEVER FOR THE EFFECTS OF FLOOD, STANDING WATER, OR DRAINAGE ON OR TO THE PROPERTY, OR ANY OTHER PROPERTY OR PERSONS THAT MIGHT BE AFFECTED BY SAID STREAM, WASH, OR GULLY IN ITS NATURAL STATE OR AS CHANGED BY THE CITY.

- THE PROPERTY OWNER RETAINS THE RIGHT TO USE ALL OR ANY PART OF THE EASEMENT FOR ANY PURPOSE WHICH DOES NOT DAMAGE, DESTROY, INJURE, AND/OR UNREASONABLY INTERFERE WITH THE USE OF THE EASEMENT. HOWEVER, THE EASEMENT SHALL BE KEPT CLEAR OF ALL STRUCTURES OR OTHER IMPROVEMENTS.
- THE UTILITY PROVIDER SHALL MAKE COMMERCIALY REASONABLE EFFORTS TO ENSURE THAT DAMAGE TO THE PROPERTY IS MINIMIZED AND THE CITY WILL AT ALL TIMES, AFTER DOING ANY WORK IN CONNECTION WITH THE SYSTEM, RESTORE THE PROPERTY TO THE CONDITION IN WHICH THE PROPERTY WAS FOUND BEFORE SUCH WORK WAS UNDERTAKEN TO THE EXTENT THAT SUCH RESTORATION IS REASONABLE IN ACCORDANCE WITH THE CITY USUAL AND CUSTOMARY PRACTICES.
- THE MAINTENANCE OF THE TURF, GRASSES AND LANDSCAPE VEGETATION WITHIN THE EASEMENT SHALL BE THE DUTY AND RESPONSIBILITY OF THE PROPERTY OWNER.

SHEET 1 OF 1

REVISED ON: 12/02/2021

JOB No. 2752-008

DATE OF PREPARATION: 03/02/2021

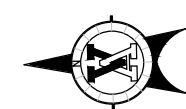
R:\2752-012\Engineering\DWG\2752-shp

#### PRELIMINARY

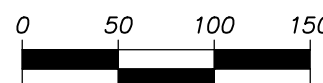
### SUBDIVISION PLAT ESTABLISHING ELKHORN RIDGE UNIT 4 SAWS PLAT #

BEING A 7.356-ACRE (320.434 SQUARE FEET) TRACT OUT OF THE JOSE RAMON AROCHA SURVEY NO. 171, ABSTRACT NO. 24, COUNTY BLOCK 4708, CITY OF FAIR OAKS RANCH, BEXAR COUNTY, TEXAS, SAID 7.356-ACRE TRACT OF LAND ALSO BEING OUT OF THE REMAINDER OF A CALLED 28.56-ACRE TRACT OF LAND CONVEYED FROM KEVIN KATZER TO ELKHORN RIDGE SA, LLC, BY WARRANTY DEED DATED NOVEMBER 22, 2013 AND RECORDED IN VOLUME 16450, PAGE 2034, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY (O.P.R.), BEXAR COUNTY, TEXAS, (ALL RECORDS CITED HEREIN ARE RECORDED IN BEXAR COUNTY, TEXAS) AND OUT OF THE REMAINDER OF A CALLED 26.04-ACRE TRACT CONVEYED FROM KEVIN B. KATZER, GERALD RENTZ, JR., AND LISA RENTZ TO ELKHORN RIDGE SA, LLC BY WARRANTY DEED DATED NOVEMBER 22, 2013 RECORDED IN VOLUME 16450, PAGE 2129, O.P.R. OF BEXAR COUNTY, TEXAS.

REASON FOR PRELIMINARY PLAT:  
TO CREATE 26 RESIDENTIAL LOTS AND 1 PRIVATE STREET CONTAINING 7.356 ACRES



SCALE: 1"=100'



### VICKREY & ASSOCIATES, LLC. CONSULTING ENGINEERS

12940 Country Parkway San Antonio, Texas 78216-2004  
Telephone: (210) 349-3271  
TBPE Firm Registration No.: F-159  
TBPLS Firm Registration No.: 10004100

Line Table		
Line #	Length	Direction
L1	50.03	S19°43'40"E
L2	129.00	S29°31'10"W

CURVE TABLE						
CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD
C1	88°13'48"	15.00'	23.10'	14.54'	N24°30'56"E	20.88'
C2	88°29'57"	15.00'	23.17'	14.61'	N67°35'20"W	20.93'
C3	7°18'04"	530.00'	67.54'	33.81'	S26°59'24"E	67.49'
C4	67°21'15"	225.00'	264.50'	149.93'	S34°55'20"W	249.53'
C5	66°52'33"	175.00'	204.26'	115.56'	S34°40'59"W	192.86'

STATE OF TEXAS

COUNTY OF BEXAR

THE OWNER OF THE LAND SHOWN ON THIS PLAT AND WHOSE NAME IS SUBSCRIBED HERETO, AND IN PERSON OR THROUGH A DULY AUTHORIZED AGENT DEDICATES TO THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINS, EASEMENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

OWNER: ELKHORN RIDGE SA, LLC  
LLOYD A. DENTON, JR., PRESIDENT  
11 LYNN BATTIS LANE, STE. 100  
SAN ANTONIO TEXAS 78218

STATE OF TEXAS

COUNTY OF BEXAR

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED \_\_\_\_\_, LLOYD A. DENTON, JR., KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

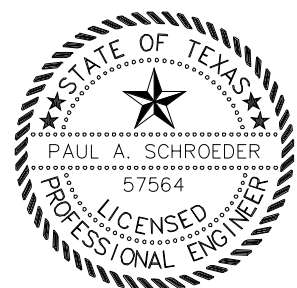
GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D., 2021.

NOTARY PUBLIC  
STATE OF TEXAS

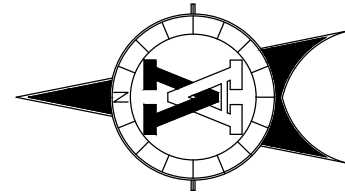
THIS PRELIMINARY PLAT OF ELKHORN RIDGE UNIT 4 HAS BEEN SUBMITTED TO AND CONSIDERED BY THE CITY COUNCIL OF FAIR OAKS RANCH, TEXAS AND IS HEREBY APPROVED BY SUCH COUNCIL DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 2021

BY \_\_\_\_\_ MAYOR

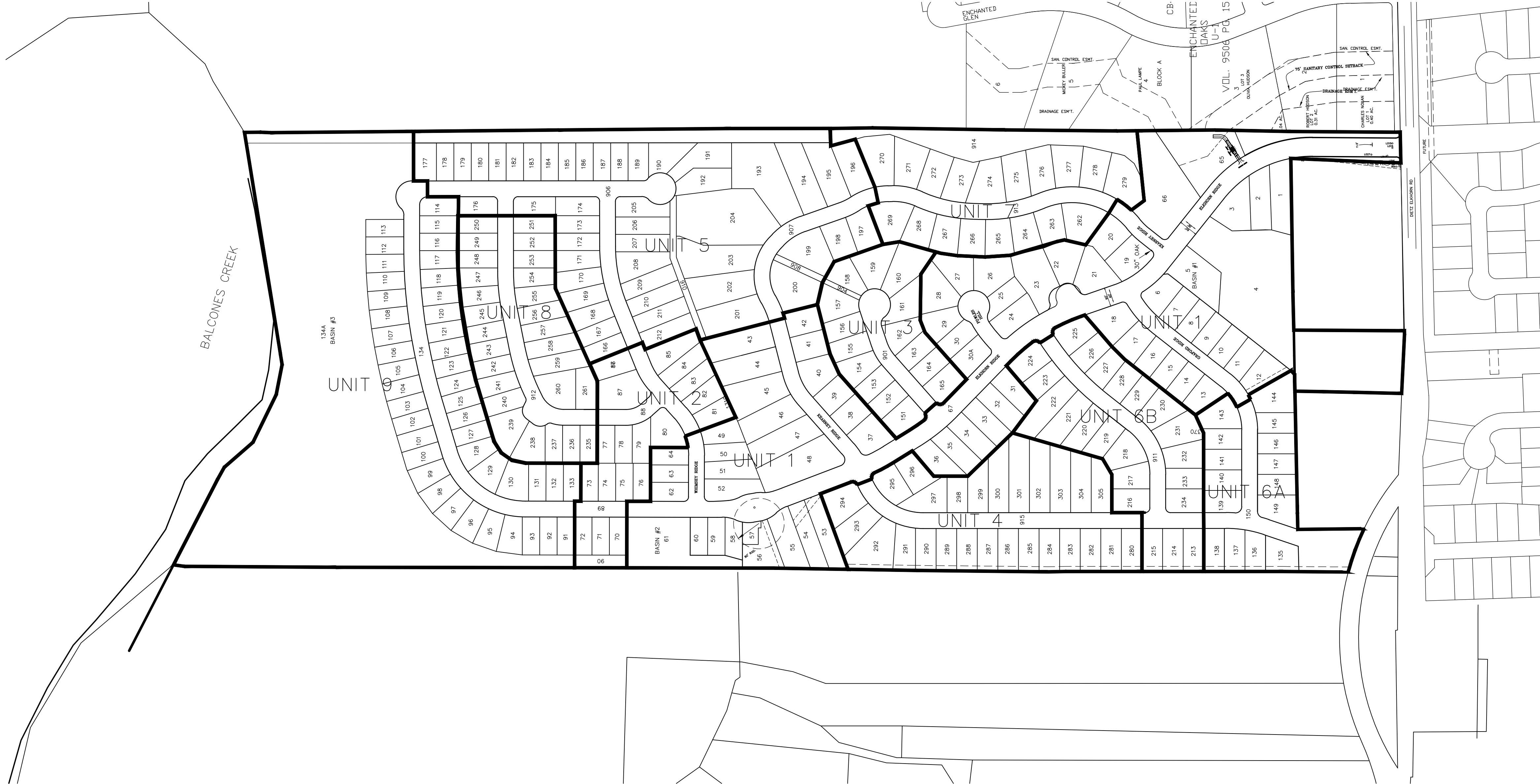
BY \_\_\_\_\_ CITY SECRETARY





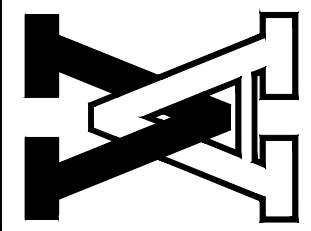


SCALE: 1"=200'



		U 1	U 2	U 3	U 4	U 5	U 6A	U 6B	U 7	U 8	U 9	TOTAL
AREA(AC)		28.72	4.35	3.92	7.356	16.28	4.36	6.00	7.07	5.98	23.90	107.94
55' LOTS	135	11	18	—	1	35	—	—	—	27	43	
65' LOTS	113	36	—	15	25	—	15	22	—	—	—	
80' LOTS	44	14	—	—	—	12	—	—	18	—	—	
TOTAL	292	61	18	15	26	47	15	22	18	27	43	
RECORDING DATA		V.9692/P.179	V.9714/P.123	V.20001/P.2218	FUTURE	V.20002/P.621	V.20001/P.1443	V.20002/P.1223	PRELIMINARY APPROVED	PRELIMINARY APPROVED	V.20001/P.1245	
CONSTRUCTION STATUS		COMPLETED	COMPLETED	COMPLETED	FUTURE	COMPLETE	COMPLETED	COMPLETE	FUTURE	FUTURE	COMPLETED	
TOTAL ROAD = 13,450 L.F.												

VICKREY & ASSOCIATES, LLC.  
CONSULTING ENGINEERS  
CIVIL • ENVIRONMENTAL • SURVEY  
12940 Country Parkway San Antonio, TX 78216  
Telephone: (210) 349-3271  
Firm Registration No: F-159



ELKHORN RIDGE  
A MASTER PLAN

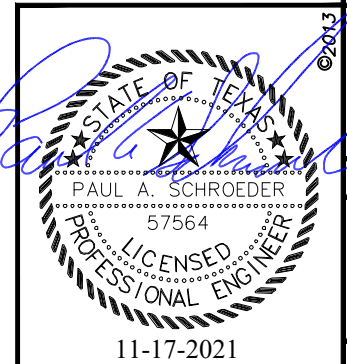
ELKHORN RIDGE  
MASTER PLAN

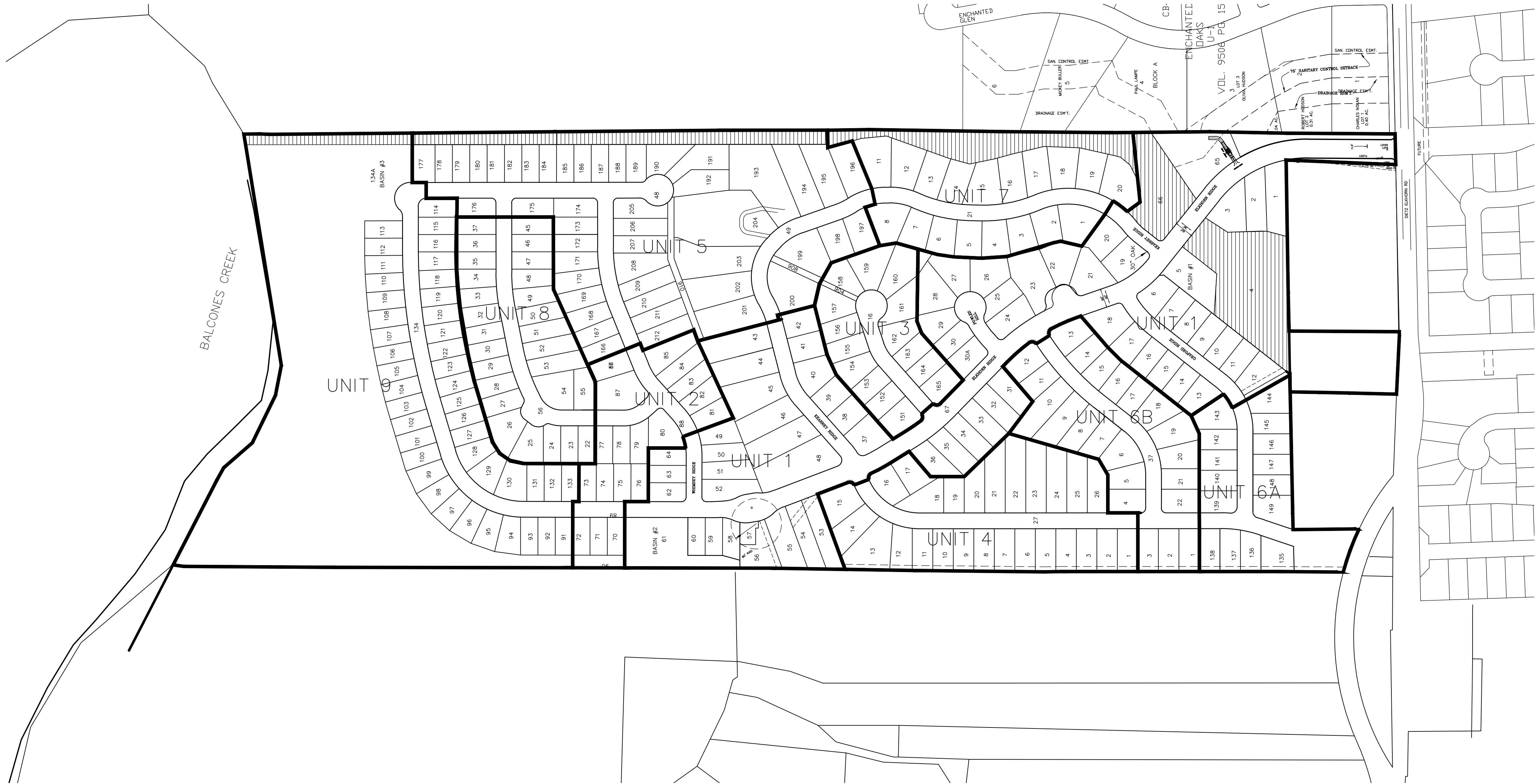
DATE: AUGUST 2021

Vertical Scale 1"=N/A  
Horizontal Scale 1"=200'  
0 100' 200' 300'

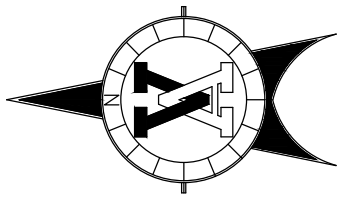
SHEET 1 OF 1

PROJ NO. 2752-011

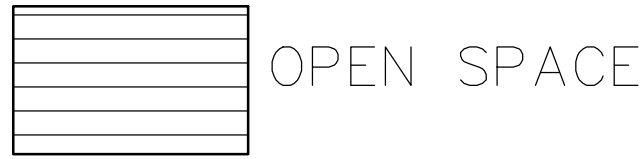




SCALE: 1"=200'



OPEN SPACE LEGEND



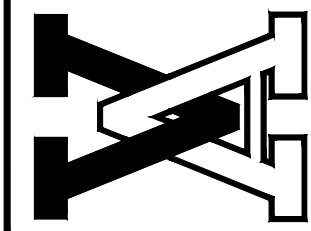
OPEN SPACE REQUIREMENT		
AREA = 292 LOTS/(100 LOTS/AC) = 2.92 AC.		
UNIT NO.	OPEN SPACE AC.	STATUS
1	3.08*	2015
2	0	2017
3	0	2019
4	0	UNKNOWN
5	1.26	2021
6A	0	2020
6B	0	2021
7	1.36	2022
8	0	2022
9	0.43	2019
TOTAL	6.13	

\* THE OPEN SPACE REQUIRED FOR THE ENTIRE SUBDIVISION WAS PROVIDED WITH UNIT-1.

ALL CURRENT AND FUTURE OPEN SPACE WILL BE DEDICATED TO ELKHORN RIDGE HOA.

ELKHORN RIDGE  
OPEN SPACE PLAN

PREPARED FOR:



VICKREY & ASSOCIATES, INC.  
CONSULTING ENGINEERS  
CIVIL • ENVIRONMENTAL • SURVEY  
12940 Country Parkway San Antonio, TX 78216  
Tel: 210.486.1100  
Fax: 210.486.1101  
E: info@vickrey.com  
Registration No. F-149  
TBPLS Firm Registration No.: 10004100

REVISIONS

NO.	DESC.
1	
2	
3	
4	
Δ	DESC.

DATE: AUGUST 2021

Vertical Scale 1"=N/A  
Horizontal Scale 1"=200'  
0 100' 200' 300'

SHEET OF

PROJ NO. 2752-011



## CITY COUNCIL CONSIDERATION ITEM

### CITY OF FAIR OAKS RANCH, TEXAS

January 20, 2022

AGENDA TOPIC: Approval of a request for an extension of time for consideration and possible action regarding the approval of a Preliminary Plat request from Green Land Ventures Ltd., for Stone Creek Ranch Unit 2C proposing 35 single-family residential lots, generally located north-west of the intersection of Rolling Acres Trail and Ammann Road, City of Fair Oaks Ranch, Texas

DATE: January 20, 2022

DEPARTMENT: Public Works and Engineering Services

PRESENTED BY: Consent Agenda - Katherine Schweitzer, P.E., Manager, Engineering Services

**The applicant has requested for an extension of time to address all staff comments. If the extension is approved, no action is needed on the next item on the agenda.**

#### **SUMMARY:**

The purpose of this Preliminary Plat is to create 35, one-acre, residential lots, and one private street. The subdivision is generally located north-west of the intersection of Rolling Acres Trail and Ammann Road. Street access to the subdivision will be provided from Ranch Heights. For details, please refer to the staff report included in this packet for the Preliminary Plat approval request.

Staff has reviewed the Preliminary Plat and relayed review comments to the applicant. The applicant has requested for a 30-day extension of time to address the staff comments. If the extension is not approved, staff recommends that this plat be denied due to outstanding items.

#### **POLICY ANALYSIS:**

The City of Fair Oaks Ranch's current process requires the Planning and Zoning Commission to consider the Preliminary Plat application and make a recommendation to the City Council. The City Council has the final authority to act on the plat.

#### **LEGAL ANALYSIS:**

Sec. 212.009 (b-2) of the Texas Local Government Code titled, Approval Procedure: Initial Approval, states that - "...the parties may extend the 30-day period described by those subsections for a period not to exceed 30 days if:

- (1) the applicant requests the extension in writing to the municipal authority responsible for approving plats or the governing body of the municipality, as applicable; and
- (2) the municipal authority or governing body, as applicable, approves the extension request."



**PLANNING & ZONING COMMISSION RECOMMENDED:**

During their January 13, 2022 meeting the Planning & Zoning Commission recommended approval of the 30-day extension of time for the approval of the Preliminary Plat for Stone Creek Ranch Unit 2C.

The motion passed unanimously (6-0).

**PROPOSED MOTION:**

Consent Agenda: I move to recommend approval of request of extension of time for consideration and possible action regarding the approval of a Preliminary Plat request from Green Land Ventures Ltd., for Stone Creek Ranch Unit 2C.



## CITY COUNCIL CONSIDERATION ITEM

### CITY OF FAIR OAKS RANCH, TEXAS

January 20, 2022

AGENDA TOPIC: Consideration and possible action approving a Preliminary Plat request from Green Land Ventures Ltd., for Stone Creek Ranch Unit 2C proposing 35 single-family residential lots, generally located north-west of the intersection of Rolling Acres Trail and Ammann Road, City of Fair Oaks Ranch, Texas

DATE: January 20, 2022

DEPARTMENT: Public Works and Engineering Services

PRESENTED BY: Katherine Schweitzer, P.E., Manager, Engineering Services

**The applicant has requested for an extension of time to address all staff comments. If the extension is approved, no action is needed on this item on the agenda.**

#### **SUMMARY:**

The purpose of this Preliminary Plat is to create 35 residential lots, and one private street which would be a continuation of Ranch Heights. The lots are approximately one acre in size.

The subdivision is generally located north-west of the intersection of Rolling Acres Trail and Ammann Road (see attached **Exhibit A: Location Map**). Street access to the subdivision will be provided from Ranch Heights.

#### **BACKGROUND:**

Unit 2C is one of the two remaining sections that was not platted as part of the existing Stone Creek Ranch Development. The subject parcel area is zoned Existing Residential 2 (R2).

There is an existing water service agreement between the City and the Green Land Ventures dated 2008 that restricted the number of units in the development to 230 single-family residential units.

Residential zone was assigned to areas that were covered under a development agreement or were subject to deed restrictions, staff has requested the applicant to confirm if there were such restrictions on this tract.

A Master Plan of the entire Stone Creek Ranch development provided by the applicant is given as **Exhibit B. Exhibit C** shows an aerial view of the Stone Creek Ranch development. The street providing access to this subdivision is constructed and has been accepted by the City. The parcel has protected trees on site that need mitigation. The applicant has prepared a tree mitigation plan (Tree Plan) that will need to be approved prior to a approval of the Preliminary Plat.

The Preliminary Plat review is based on the requirements of the Subdivision Regulations contained in Chapter 10 of the Code of Ordinances, which was in effect at the time of the approval of the service agreement. Staff has reviewed the Preliminary Plat and relayed review comments to the applicant. The applicant has requested for a 30-day extension of time to address the staff comments.

The outstanding comments area included in the attachments.

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

The City of Fair Oaks Ranch's current process requires the Planning and Zoning Commission to consider the Preliminary Plat application and make a recommendation to the City Council. The City Council has the final authority to act on the plat.

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

N/A

**LEGAL ANALYSIS:**

Sec. 212.006 (a) of the Texas Local Government Code titled, Authority Responsible for Approval Generally, states the following:

"The municipal authority responsible for approving plats under this subchapter is the municipal planning commission or, if the municipality has no planning commission, the governing body of the municipality. The governing body by ordinance may require the approval of the governing body in addition to that of the municipal planning commission."

Sec. 212.009 (b-2) of the Texas Local Government Code titled, Approval Procedure: Initial Approval, states that - "...the parties may extend the 30-day period described by those subsections for a period not to exceed 30 days if:

- (1) the applicant requests the extension in writing to the municipal authority responsible for approving plats or the governing body of the municipality, as applicable; and
- (2) the municipal authority or governing body, as applicable, approves the extension request."

During their January 13, 2022 meeting the Planning & Zoning Commission recommended approval of the 30-day extension of time for the approval of the Preliminary Plat for Stone Creek Ranch Unit 2C.

The motion passed unanimously (6-0).

**PROPOSED MOTION:**

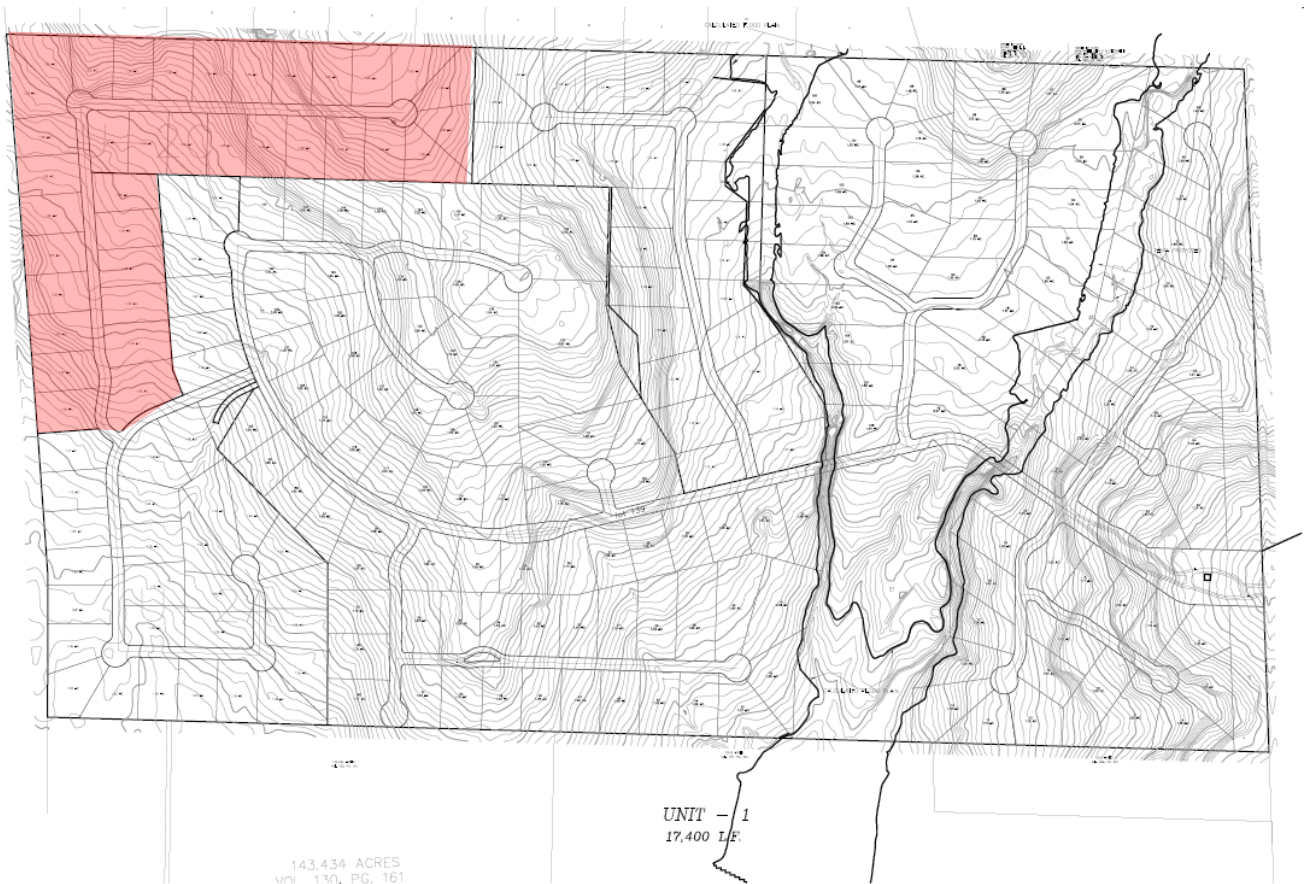
I move to deny the Preliminary Plat of Stone Creek Ranch Unit 2C due to the number of outstanding comments.

### Exhibit A: Stone Creek Ranch Unit 2C Location Map

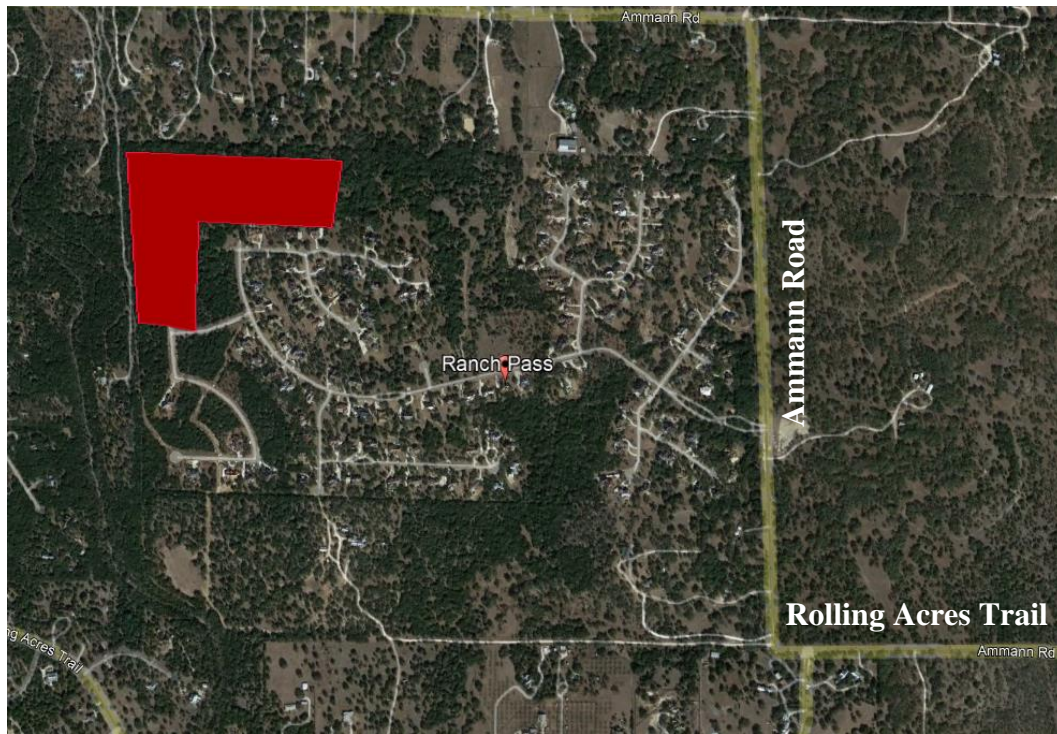


Source: Provided by the applicant

### Exhibit B: Stone Creek Ranch Subdivision Master Plan (Unit 2C Highlighted)



Source: Provided by the applicant

**Exhibit C: Stone Creek Ranch Subdivision Aerial View (Unit 2C Highlighted)****Attachments:**

1. Universal Application
2. S10 Preliminary Plat Specific Application Form
3. Stone Creek Ranch Unit 2C Subdivision Preliminary Plat
4. Stone Creek Ranch Masterplan
5. Time Extension Request
6. Outstanding Comments





## City of Fair Oaks Ranch

Attachment #1 Item #13.

7286 Dietz Elkhorn Fair Oaks Ranch, TX 78015

PH: (210) 698-0900.FAX: (210) 698-3565. [bcodes@fairoaksranchtx.org](mailto:bcodes@fairoaksranchtx.org) [www.fairoaksranchtx.org](http://www.fairoaksranchtx.org)

### UNIVERSAL APPLICATION (FORM UA)

All applications must be submitted with:

- (1) A complete **Universal Application** form (2 pages), and
  - (2) A complete **Specific Application Form** with all materials listed in the checklist for the specific application.
- The City staff is available to assist you in person at City Hall or over the phone at (210) 698-0900.

#### DEVELOPMENT INFORMATION

Project Name/Address/Location: Stone Creek Ranch Unit 2C Acreage: 40.37  
Brief Description of Project: Low density single family residential subdivision  
Is property platted? ☒ No ☐ Yes Subdivision name: Stone Creek Ranch Unit 2C No. of Lots: 35  
Recordation #: Vol. 1076, Pg. 555, KCOPR Parcel(s) Tax ID#: 14325  
Existing Use: undeveloped - range Proposed Use: Single family residential  
Current Zoning: R2 Proposed Zoning: R2  
Occupancy Type: Single Family detached Sq. Ft: Varies Bed #: Varies Bath #: Varies Car Garage #: Varies  
Water System ☐ Well ☒ Public Flood Zone: ☐ Yes ☒ No Sewer System: ☒ Septic ☐ Public

#### PROPERTY OWNER INFORMATION

Owner: Green Land Ventures, LTD Contact Name: Jeff Hutzler, PE  
Address: 916 E. Blanco, Suite 100 City/State/ZIP: Boerne, TX 78006  
Phone: 210-287-1568 Email: jeff@hutzlercivil.com

#### APPLICANT INFORMATION

Applicant/Developer: same as owner Contact Name: \_\_\_\_\_  
Address: \_\_\_\_\_ City/State/ZIP: \_\_\_\_\_  
Phone: \_\_\_\_\_ Email: \_\_\_\_\_

#### KEY CONTACT INFORMATION

Name of the Individual: Darren McAfee, PE Contact Name: JONES|CARTER  
Address: 4350 Lockhill Selma Rd. Suite 100 City/State/ZIP: San Antonio, TX 78249  
Phone: (210) 494-5511 E-mail: dmcafee@jonescarter.com

SIGNATURE OF PROPERTY OWNER OR APPLICANT (SIGN AND PRINT OR TYPE NAME)

Signature: [Signature] Date: 12/02/21  
(Signed letter of authorization required if the application is signed by someone other than the property owner)

#### \*\*\*\*\*OFFICE USE ONLY\*\*\*\*\*

DATE REC'D: \_\_\_\_\_ BY: \_\_\_\_\_  
FEES PAID: \_\_\_\_\_ APPROVED BY: \_\_\_\_\_  
DATE APPROVED: \_\_\_\_\_  
APPLICATION/PERMIT NO: \_\_\_\_\_ EXP DATE: \_\_\_\_\_

Applications shall be processed based on the City's official submission dates. When a completed application packet has been accepted and reviewed, additional information may be required by staff as a result of the review, therefore it may be necessary to postpone the proposed project and remove it from the scheduled agenda and place it on a future agenda.

**SPECIFIC APPLICATION FORM (S1-S39).** Please check the appropriate type below:**Land Use Policy Related**

(Section 3.9 of the UDC)

- ☐ Annexation\* - Form S1
- ☐ Comprehensive Plan Amendment (Text)
- ☐ Unified Development Code (UDC) Text Amendment
- ☐ Rezoning/ FLUM amendment\* - Form S2
- ☐ Special Use Permit\* - Form S3
- ☐ Planned Unit Development (PUD)\* - Form S4
- ☐ Development Agreement
- ☐ Conservation Development Alternative\* (CDA) (Section 4.8) - Form S5

**Subdivision and Property Development Related**

(Section 3.8 of the UDC)

- ☐ Amending Plat\* - Form S6
- ☐ Minor Plat\* - Form S7
- ☐ Development Plat\* - Form S8
- ☐ Concept Plan\*\* - Form S9
- ☒ Preliminary Plat\* - Form S10
- ☐ Final Plat\* - Form S11
- ☐ Replat\* - Form S12
- ☐ Construction Plans\* - Form S13
- ☐ Vacating Plat
- ☐ Plat Extension

**Site Development Related**

(Section 3.9 of the UDC)

- ☐ Vested Rights Verification Letter
- ☐ Zoning Verification Letter
- ☐ Written Interpretation of the UDC
- ☐ Temporary Use Permit\* - Form S14
- ☐ Special Exception\* - Form S15
- ☐ Site Development Permit\* (Site Plan Review) - Form S16
- ☐ Floodplain Development Permit\* - Form S17
- ☐ Stormwater Permit\* - Form S18
- ☐ Certificate of Design Compliance\* - Form S19
- Appeal of an Administrative Decision
- ☐ Zoning ☐ Others
- Variance
- ☐ Policy ☐ Judicial\* - Form S20
- ☐ Sign Special Exception/Appeal to an Administrative Decision
- ☐ Administrative Exception
- ☐ Permit for Repair of Non-Conforming Use/Building
- ☐ Letter of Regulatory Compliance
- ☐ On-Site Sewage Facility Permit (OSSF)
- ☐ Certificate of Occupancy (CO)\* - Form S21
- ☐ Relief from Signage Regulations
- ☐ Group Living Operation License\* - Form S22
- ☐ Grading/Clearance Permit - Form S23

**Building Permits Related****Commercial**

- ☐ New/Remodel/Addition\* - Form S24
- ☐ Fence\* - Form S25
- ☐ Miscellaneous\* - Form S26

**Residential**

- ☐ New Home\* - Form S27
- ☐ Remodel/Addition\* - Form S28
- ☐ Detached Buildings\* - Form S29

**Others**

- ☐ Solar\* - Form S30
- ☐ Swimming Pool\* - Form S31
- ☐ Demolition, Drive or Move
- ☐ New Lawn/Water\* - Form S32
- ☐ Backflow Device/Irrigation Systems - Form S33
- ☐ Sign\* (Permanent) - Form S34 A
- ☐ Sign\* (Temporary) - Form S34 B
- ☐ Appeal of Denial of Sign Permit
- ☐ Master/ Common Signage Plan\* - Form S35
- ☐ Water Heater or Water Softener\* - Form S36
- ☐ Right-of-Way Construction\* - Form S37
- ☐ Flatwork\* - Form S38
- Inspections**
- ☐ Mechanical ☐ Electrical
- ☐ Plumbing ☐ Building
- ☐ Others \_\_\_\_\_
- Water- Wastewater Service**
- ☐ Connect/ Disconnect Form\* - Form S39

\*These types of applications require additional information as listed in the Specific Application Form. Refer to **Appendix B** of the Administrative Procedures Manual for more information.

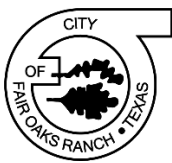
\*\* The Concept Plan is required for PUD and CDA, and for Rezoning if included in a previously approved Concept Plan.

**Application Checklist for all Applications**

- ☒ Universal Application Form (Form UA).
- ☒ Items listed in the checklist for the Specific Application Form (Form S#) <sup>1</sup>. (Please make sure the boxes are checked)
- ☒ Application Processing Fees and other application fees.
- ☒ Letter of intent explaining the request in detail and reason for the request.
- ☒ Signed Letter of Authorization required if the application is signed by someone other than the property owner.
- ☒ Site plan and shapefile drawings (if applicable) for the property
- ☒ Location map clearly indicating the site in relation to adjacent streets and other landmarks
- ☒ One (1) copy of proof of ownership (recorded property deed or current year tax statements)
- ☒ One (1) USB drive containing the general required documents in Adobe PDF format (if required)

<sup>1</sup>For items that are duplicated in the specific type of application, only one copy is required.





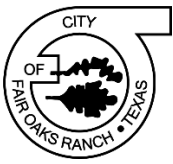
# S10

## SPECIFIC APPLICATION FORM - PRELIMINARY PLAT

### Section 3.8 (4) of the Unified Development Code

The following steps must be completed, and the items must be submitted for the application to be deemed complete and processed:

- ☒ A completed Universal Development Application and checklist signed by the owner/s of the property.
- ☒ Payment of all other applicable fees (see Schedule of Fees).
- ☒ An accurate metes and bounds description of the subject property (or other suitable legal description).
- ☒ Location/vicinity map showing the location and boundaries of the proposed zoning. Indicate scale or not to scale (NTS) and provide north arrow.
- ☒ Tax certificate/s showing that all taxes owing to the State, County, School District, City and/or any other political subdivision have been paid in full to date.
- ☒ Pre-Application Conference prior to application submittal.
- ☐ Approved copy of a Concept Plan or other approved plats, if applicable.
- ☐ Concept plan approval (if required).
- ☒ A title report.
- ☐ Three (3) copies (full size) of complete sets of construction plans (plan views) to be submitted after Preliminary Plat approval and prior to submittal of a Final Plat application.
- ☒ One (1) copy (11x17) of proposed plat.
- ☐ One (1) copy (11x17) of all existing recorded plats pertaining to the preliminary plat.
- ☐ Basic engineering information, if deemed necessary by the City.
- ☒ Letter of Certification from each utility provider servicing this area (CPS, PEC, SAWS, Time Warner, Grey Forest, GBRA, Spectrum, etc.) or proof that these have been requested.
- ☐ Letter from USPS and other service providers to ensure the name of the proposed subdivision and streets, or any of the physical features, (such as streets, parks, etc.) must not be so similar to the names of any similar features in the county or in any incorporated town or city therein. Streets, which are a continuation of any existing street, shall take the name of the existing street.
- ☒ Drainage/Stormwater plan, if any grade changes.



## City of Fair Oaks Ranch

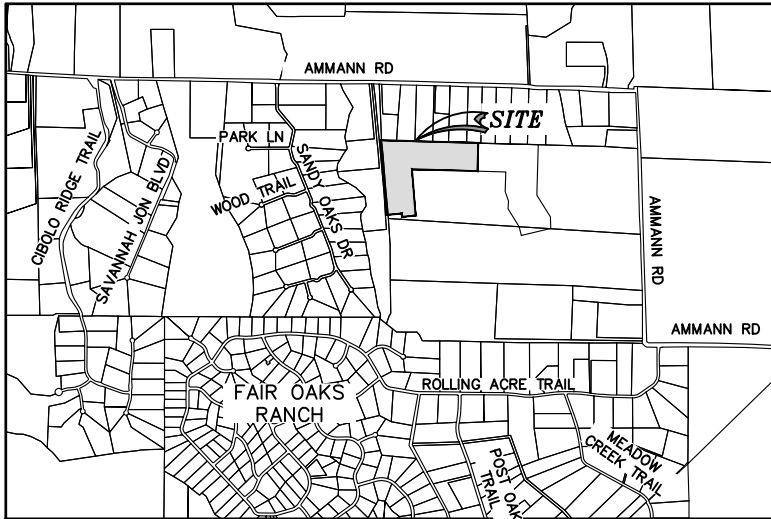
Item #13.

7286 Dietz Elkhorn Fair Oaks Ranch, TX 78015

PH: (210) 698-0900 FAX: (210) 698-3565 [bcodes@fairoaksranchtx.org](mailto:bcodes@fairoaksranchtx.org) [www.fairoaksranchtx.org](http://www.fairoaksranchtx.org)

- ☒ Tree Plan designating all trees proposed for removal or preservation and describing the measures proposed to protect remaining trees during development as per Unified Development Code Section 8.8. Tree Plan needs to be approved prior to Preliminary Plat approval.
- ☒ Electronic copies of the required exhibits in "PDF" format and shapefile for property boundary where applicable should be submitted in a USB flash drive or via email.
- ☐ Acknowledgement that the applicant or representative will attend all Planning and Zoning Commission, City Council and applicable meetings where this request is discussed.

Additional Requirements. The City Manager (or designee) may, from time to time, identify additional requirements for a complete application that are not contained within but are consistent with the application contents and standards set forth in the UDC and state statutes.



LOCATION MAP  
NOT-TO-SCALE

LEGEND

- KCDR ----- KENDALL COUNTY DEED RECORDS
- KCOPR ----- KENDALL COUNTY OFFICIAL PUBLIC RECORDS
- KCPR ----- KENDALL COUNTY PLAT RECORDS
- KCDPR ----- KENDALL COUNTY DEED PLAT RECORDS
- BSL ----- BUILDING SETBACK LINE
- CVE ----- CLEAR VISION EASEMENT
- EGTC ----- ELECTRIC, GAS, TELEPHONE, & CABLE TV EASEMENT
- ESMT ----- EASEMENT
- DE ----- DRAINAGE EASEMENT
- (LOT) ----- OVERALL DIMENSION
- ε ----- CENTER LINE
- Ac ----- ACRE
- CB ----- COUNTY BLOCK
- VOL. ----- VOLUME
- PG. ----- PAGE
- R.O.W. ----- RIGHT-OF-WAY
- V.N.A.E. ----- VEHICLE NON-ACCESS EASEMENT

IMPACT FEE PAYMENT NOTE

ASSESSMENT AND COLLECTION OF THE CITY OF FAIR OAS RANCH WATER AND WASTEWATER UTILITIES IMPACT FEES SHALL BE THE AMOUNT SET FORTH IN CITY ORDINANCE CHAPTER 10: ARTICLE 10.02.

CLEAR VISION EASEMENT NOTE:

CLEAR VISION EASEMENTS MUST BE FREE OF VISUAL OBSTRUCTIONS, E.G. STRUCTURES, WALLS, FENCES, AND VEGETATION, WHICH ARE HIGHER THAN THREE (3) FEET AND LOWER THAN EIGHT (8) FEET ABOVE THE PAVEMENT.

UTILITY EASEMENT:

UTILITIES, INCLUDING, WITHOUT LIMITATION, SEWER, WATER, GAS, ELECTRICITY, TELEPHONE, AND CABLE TELEVISION, WITH ALL NECESSARY AND/OR DESIRABLE LINES, LATERALS AND/OR APPURTENANCES THERETO (THE UTILITIES)

TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS OVER THE ADJACENT LAND TO OR FROM THE EASEMENT FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, OPERATING, MAINTAINING, REPAIRING, AND REMOVING THE UTILITIES. THE RIGHT TO PLACE NEW OR ADDITIONAL UTILITIES IN THE EASEMENT AND TO CHANGE THE SIZE THEREOF; THE RIGHT TO RELOCATE ALONG THE SAME GENERAL DIRECTION OF THE UTILITIES. THE RIGHT TO REMOVE FROM THE EASEMENT ALL TREES AND PARTS THEREOF, OR OTHER OBSTRUCTIONS, WHICH REASONABLE ENDANGER OR MAY REASONABLE INTERFERE WITH THE EFFICIENCY OR OPERATION OF THE UTILITIES; AND THE RIGHT TO PLACE TEMPORARY STRUCTURES FOR USE IN CONSTRUCTING OR REPAIRING THE UTILITIES.

1. THE PROPERTY OWNER RETAINS THE RIGHT TO USE ALL OR ANY PART OF THE EASEMENT FOR ANY PURPOSE WHICH DOES NOT DAMAGE, DESTROY, INJURE, AND/OR UNREASONABLE INTERFERE WITH THE USE OF THE EASEMENT. HOWEVER THE EASEMENT SHALL BE KEPT CLEAR OF ALL STRUCTURES OR OTHER IMPROVEMENTS.
2. THE UTILITY SHALL MAKE COMMERCIALY REASONABLE EFFORTS TO ENSURE THAT DAMAGE TO THE PROPERTY IS MINIMIZED AND THE UTILITY WILL AT ALL TIMES AFTER DOING ANY WORK IN CONNECTION WITH THE SYSTEM. RESTORE THE PROPERTY TO THE CONDITION IS WHICH THE PROPERTY WAS FOUND BEFORE SUCH WORK WAS UNDERTAKEN TO THE EXTENT THAT SUCH RESTORATIONS IS REASONABLE IN ACCORDANCE WITH THE UTILITY USUAL AND CUSTOMARY PRACTICES.
3. THE MAINTENANCE OF THE TURF, GRASSES AND LANDSCAPE VEGETATION WITHIN THE EASEMENT SHALL BE THE DUTY AND RESPONSIBILITY OF THE PROPERTY OWNER.

STATE OF TEXAS  
COUNTY OF KENDALL

I HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN THIS PLAT TO THE MATTERS OF STREETS, LOTS AND DRAINAGE LAYOUT. TO THE BEST OF MY KNOWLEDGE THIS PLAT CONFORMS TO ALL REQUIREMENTS OF THE UNIFIED DEVELOPMENT CODE, EXCEPT FOR THOSE VARIANCES GRANTED BY THE SAN ANTONIO PLANNING COMMISSION.

LICENSED PROFESSIONAL ENGINEER

SWORN TO AND SUBSCRIBED BEFORE ME THIS THE \_\_\_\_ DAY OF \_\_\_\_

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

STATE OF TEXAS  
COUNTY OF KENDALL

I HEREBY CERTIFY THAT THE ABOVE PLAT CONFORMS TO THE MINIMUM STANDARDS SET FORTH BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND BY JONES & CARTER, INC.

REGISTERED PROFESSIONAL LAND SURVEYOR

SWORN TO AND SUBSCRIBED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

GENERAL NOTES

1. ALL EXTERIOR BOUNDARY LINES OF THIS SUBDIVISION WHICH ARE COMMON WITH THE ORIGINAL SURVEY BOUNDARY ARE MONUMENTED ON THE GROUND WITH 1/2" DIAMETER IRON RODS (UNLESS OTHERWISE NOTED).
2. THE OWNER(S) HEREBY CERTIFY THAT ALL BOUNDARY CORNERS OF THE LOTS LOCATED WITHIN THIS SUBDIVISION WILL BE MONUMENTED ON THE GROUND WITH 1/2" IRON RODS (OR OTHER STABLE MATERIAL) PRIOR TO LOT SALES.
3. THE BEARINGS, DISTANCES, AREAS AND COORDINATES SHOWN HEREON ARE TEXAS STATE PLANE COORDINATE SYSTEM GRID, SOUTH CENTRAL ZONE (FIPS 4204), AS ESTABLISHED BY GLOBAL POSITIONING SYSTEM. THE GRID TO SURFACE SCALE FACTOR FOR ALL DISTANCES IS 1.000178.
4. ALL ELEVATIONS SHOWN HEREON ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD'88).
5. THE SETBACKS IMPOSED ON THIS PLAT ARE IMPOSED BY THE PROPERTY OWNER OR KENDALL COUNTY AND ARE NOT SUBJECT TO ENFORCEMENT BY THE CITY OF FAIR OAKS RANCH.

DRAINAGE NOTES:

DRAINAGE, WATER DIVERSION, AND SANITARY CONTROL, INCLUDING WITHOUT LIMITATION, WALLS, BEDS, EMBANKMENTS, SPILLWAYS, APPURTENANCES, AND OTHER ENGINEERED DEVICES.

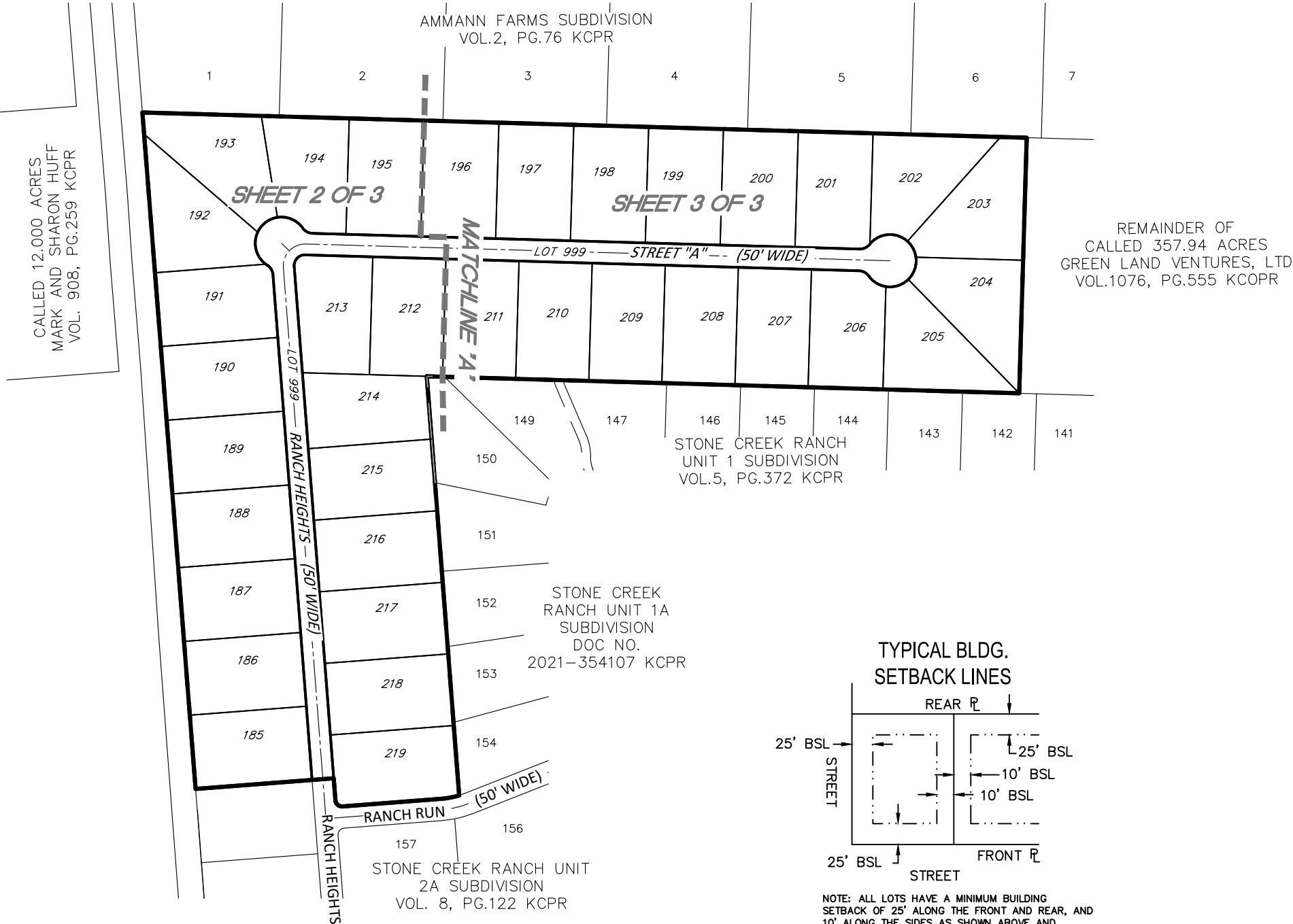
(THE "DRAINAGE SYSTEM")

TOGETHER WITH RIGHT OF INGRESS AND EGRESS OVER THE ADJACENT LAND TO OR FROM THE EASEMENT FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, OPERATION, MAINTAINING, REPAIRING, AND REMOVING THE DRAINAGE SYSTEM: THE RIGHT OF CHANGE THE SIZE THEREOF: THE RIGHT TO CREATE AND/OR DREDGE A STREAM COURSE, REFILL OR DIG OUT SUCH STREAM COURSE. ESTABLISH OR CHANGE STREAM, CULVERTS, WATER GAPS, AND PROTECTING RAILS. THE RIGHT TO REMOVE FROM THE EASEMENT ALL TREES AND PARTS MAY REASONABLY INTERFERE WITH THE EFFICIENCY OF THE DRAINAGE SYSTEM, AND THE RIGHT TO PLACE TEMPORARY STRUCTURES FOR USE IN CONSTRUCTING OR REPAIRING THE DRAINAGE SYSTEM.

WITH RESPECT TO THE DRAINAGE SYSTEM, IT IS EXPRESSLY AGREED AND UNDERSTOOD BY ALL PARTIES HERETO, THAT THE INTENTION IS TO IMPROVE CONDITIONS OF SANITATION AND WATER DRAINAGE CONTROL ON THE PROPERTY FOR THE BENEFIT OF THE PROPERTY, ADJACENT PROPERTY AND THE COMMUNITY, BUT THE CITY DOES NOT GUARANTEE OR WARRANT THAT SUCH CONTROL WORK WILL BE EFFECTIVE, NOR DOES THE CITY ASSUME ANY ADDITIONAL LIABILITY WHATSOEVER FOR THE EFFECTS OF FLOOD, STANDING WATER, OR DRAINAGE ON OR THE PROPERTY, OR ANY OTHER PROPERTY OR PERSONS THAT MIGHT BE AFFECTED BY SAID STREAM, WASH, OR GULLY IN ITS NATURAL STATE OR AS CHANGED BY THE CITY.

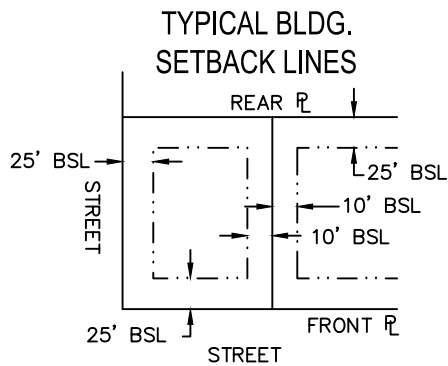
1. THE PROPERTY OWNER RETAINS THE RIGHT TO USE ALL OR ANY PART OF THE EASEMENT FOR ANY PURPOSE WHICH DOES NOT DAMAGE, DESTROY, INJURE, AND/OR UNREASONABLY INTERFERE WITH THE USE OF THE EASEMENT. HOWEVER THE EASEMENT SHALL BE KEPT CLEAR OF ALL STRUCTURES OR OTHER IMPROVEMENTS.
2. THE UTILITY SHALL MAKE COMMERCIALY EFFORTS TO ENSURE THAT DAMAGE TO THE PROPERTY IS MINIMIZED AND THE UTILITY WILL AT ALL TIMES AFTER DOING ANY WORK IN CONNECTION WITH THE SYSTEM. RESTORE THE PROPERTY THE CONDITION IN WHICH THE PROPERTY WAS FOUND BEFORE SUCH WORK WAS UNDERTAKEN TO THE EXTENT THAT SUCH RESTORATION IS REASONABLE IN ACCORDANCE WITH THE UTILITY USUAL AND CUSTOMARY PRACTICES.
3. THE MAINTENANCE OF THE TURF, GRASSES AND LANDSCAPE VEGETATION WITHIN THE EASEMENT SHALL BE THE DUTY AND RESPONSIBILITY OF THE PROPERTY OWNER.

INDEX MAP



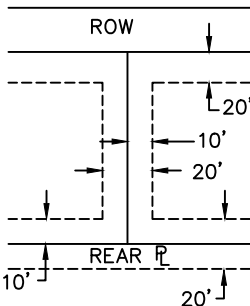
LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 04°24'16" W	50.97'
L2	N 46°23'07" W	24.77'

CURVE TABLE						
CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH	TANGENT
C1	15.00'	23.56'	90°00'27"	N49°24'37"W	21.21'	15.00'
C2	175.00'	40.33'	13°12'12"	S78°59'04"W	40.24'	20.25'
C3	25.00'	41.91'	96°03'27"	S43°36'53"W	37.17'	27.79'
C4	50.00'	83.83'	96°03'27"	S43°36'53"W	74.35'	55.59'
C5	30.00'	27.40'	52°19'48"	N30°34'44"W	26.46'	14.74'
C6	60.00'	210.19'	200°43'04"	N43°36'53"E	118.04'	328.24'
C7	30.00'	27.40'	52°19'48"	S62°11'29"E	26.46'	14.74'
C8	30.00'	27.40'	52°19'48"	N65°28'43"E	26.46'	14.74'
C9	60.00'	298.10'	284°39'37"	S1°38'37"W	73.33'	46.32'
C10	30.00'	27.40'	52°19'48"	N62°11'29"W	26.46'	14.74'



NOTE: ALL LOTS HAVE A MINIMUM BUILDING SETBACK OF 25' ALONG THE FRONT AND REAR, AND 10' ALONG THE SIDES AS SHOWN ABOVE, AND SPECIFIC BUILDING SETBACKS REFERRED TO IN THE SUBDIVISION DEED RESTRICTIONS.

TYPICAL UTILITY EASEMENTS



AN EASEMENT IS GRANTED TO THE OWNERS OF THE WATER, ELECTRIC, TELEPHONE AND CABLE T.V. UTILITIES BEING 20 FEET ALONG THE FRONT AND SIDE LINES FRONTING ON STREETS OF EACH LOT AND 10 FEET ALONG THE SIDE AND BACK LOT LINES SUBJECT TO SPECIFIC EASEMENTS DESIGNATED ON PLAT.

THIS PROJECT WILL CONSIST OF 35 RESIDENTIAL LOTS AND 1 LOT FOR A PRIVATE STREET.

LOT 999 IS A PRIVATE ROAD AND UTILITY EASEMENT ALSO, THERE WILL BE NO INHABITABLE STRUCTURES ALLOWED IN THIS LOT.

THE LOTS SHOWN ON THIS PLAT ARE SUBJECT TO ADDITIONAL EASEMENTS AND RESTRICTIONS AS RECORDED FOR THIS UNIT IN THE PUBLIC RECORDS OF KENDALL COUNTY, TEXAS.

FOR SPECIFIC BUILDING SETBACKS REFER TO THE SUBDIVISION DEED RESTRICTIONS.

EACH BUILDER WILL BE REQUIRED TO PLANT TWO TREES PER LOT WITH A CALIPER OF AT LEAST 2 1/2".

SUBDIVISION PLAT ESTABLISHING  
STONE CREEK RANCH UNIT 2C

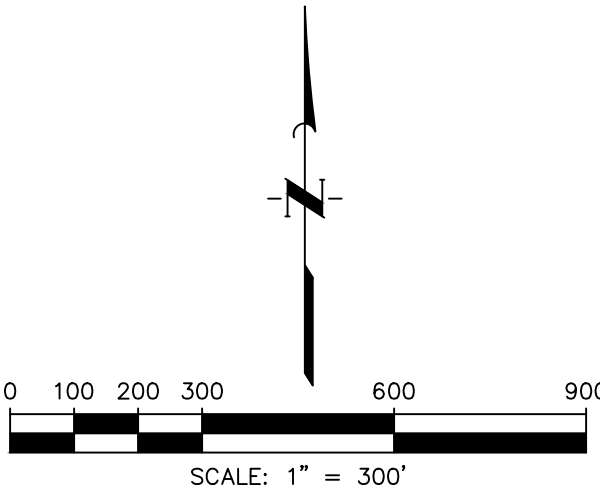
BEING A TOTAL OF 40.369 ACRES OF LAND OUT OF THE WM. D. LUSK SURVEY NO. 211, ABSTRACT NO. 306 KENDALL COUNTY, TEXAS; CONTAINING A PORTION OF THAT CERTAIN CALLED 357.94 ACRE TRACT DESCRIBED IN INSTRUMENT TO GREEN LAND VENTURES, LTD. RECORDED IN VOLUME 1076, PAGE 555 OF THE KENDALL COUNTY OFFICIAL PUBLIC RECORDS.



JONES & CARTER

Texas Board of Professional Engineers Registration No. F-439  
Texas Board of Professional Land Surveying Registration No. 100461-05  
4350 Lockhill-Selma Road, Suite 100 • San Antonio, Texas 78249 • 210.494.5511

DATE OF PRINT: November 2, 2021



STATE OF TEXAS  
COUNTY OF KENDALL

THE OWNER OF LAND SHOWN ON THIS PLAT, IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, DEDICATES TO THE USE OF THE PUBLIC, EXCEPT AREAS IDENTIFIED AS PRIVATE OR PART OF AN ENCLAVE OR PLANNED UNIT DEVELOPMENT, FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

OWNER/DEVELOPER: GREEN LAND VENTURES, LTD  
DANA GREEN PRESIDENT  
916 E. BLANCO, SUITE 100  
BOERNE, TEXAS 78006

STATE OF TEXAS  
COUNTY OF KENDALL

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED DANA GREEN KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED. GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS

\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20 \_\_\_\_

NOTARY PUBLIC, KENDALL COUNTY, TEXAS

THIS PLAT OF STONE CREEK RANCH UNIT 2C, HAS BEEN SUBMITTED TO AND CONSIDERED BY THE CITY COUNCIL OF FAIR OAKS RANCH, TEXAS AND IS HERE BY APPROVED BY SUCH COUNCIL DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_ A.D., 20 \_\_\_\_

MAYOR

CITY SECRETARY

STATE OF TEXAS  
COUNTY OF KENDALL

I, \_\_\_\_\_ COUNTY CLERK OF SAID COUNTY, DO HEREBY CERTIFY

THAT THIS PLAT WAS FILED FOR RECORD IN MY OFFICE, ON THE \_\_\_\_ DAY OF \_\_\_\_

A.D. \_\_\_\_ AT \_\_\_\_ M AND DULY RECORDED THE \_\_\_\_ DAY OF \_\_\_\_

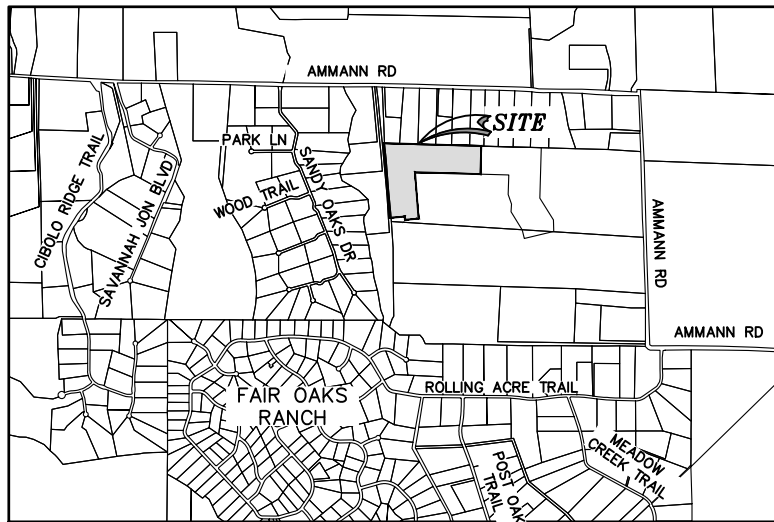
A.D. \_\_\_\_ AT \_\_\_\_ M IN THE RECORDS OF \_\_\_\_ OF SAID COUNTY, IN

BOOK DOCUMENT NO. \_\_\_\_ IN TESTIMONY WHEREOF, WITNESS MY HAND AND

OFFICIAL SEAL OF OFFICE THIS \_\_\_\_ DAY OF \_\_\_\_\_ A.D. \_\_\_\_

COUNTY CLERK, KENDALL COUNTY, TEXAS





LOCATION MAP

NOT-TO-SCALE

LEGEND

- KCDR ..... KENDALL COUNTY DEED RECORDS  
KCOPR ..... KENDALL COUNTY OFFICIAL PUBLIC RECORDS  
KCPR ..... KENDALL COUNTY PLAT RECORDS  
KCDPR ..... KENDALL COUNTY DEED PLAT RECORDS  
BSL ..... BUILDING SETBACK LINE  
CVE ..... CLEAR VISION EASEMENT  
EGTC ..... ELECTRIC, GAS, TELEPHONE, & CABLE TV EASEMENT  
ESMT ..... EASEMENT  
DE ..... DRAINAGE EASEMENT  
(LOT) ..... OVERALL DIMENSION  
CL ..... CENTER LINE  
AC ..... ACRE  
CB ..... COUNTY BLOCK  
VOL ..... VOLUME  
PG ..... PAGE  
R.O.W. .... RIGHT-OF-WAY  
V.N.A.E. .... VEHICLE NON-ACCESS EASEMENT

IMPACT FEE PAYMENT NOTE

ASSESSMENT AND COLLECTION OF THE CITY OF FAIR OAS RANCH WATER AND WASTEWATER UTILITIES IMPACT FEES SHALL BE THE AMOUNT SET FORTH IN CITY ORDINANCE CHAPTER 10: ARTICLE 10.02.

UTILITY EASEMENT:

UTILITIES, INCLUDING, WITHOUT LIMITATION, SEWER, WATER, GAS, ELECTRICITY, TELEPHONE, AND CABLE TELEVISION, WITH ALL NECESSARY AND/OR DESIRABLE LINES, LATERALS AND/OR APPURTENANCES THERETO (THE UTILITIES)

TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS OVER THE ADJACENT LAND TO OR FROM THE EASEMENT FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, OPERATING, MAINTAINING, REPAIRING, AND REMOVING THE UTILITIES. THE RIGHT TO PLACE NEW OR ADDITIONAL UTILITIES IN THE EASEMENT AND TO CHANGE THE SIZE THEREOF; THE RIGHT TO RELOCATE ALONG THE SAME GENERAL DIRECTION OF THE UTILITIES; THE RIGHT TO REMOVE FROM THE EASEMENT ALL TREES AND PARTS THEREOF, OR OTHER OBSTRUCTIONS, WHICH REASONABLE ENDANGER OR MAY REASONABLE INTERFERE WITH THE EFFICIENCY OR OPERATION OF THE UTILITIES; AND THE RIGHT TO PLACE TEMPORARY STRUCTURES FOR USE IN CONSTRUCTING OR REPAIRING THE UTILITIES.

1. THE PROPERTY OWNER RETAINS THE RIGHT TO USE ALL OR ANY PART OF THE EASEMENT FOR ANY PURPOSE WHICH DOES NOT DAMAGE, DESTROY, INJURE, AND/OR UNREASONABLE INTERFERE WITH THE USE OF THE EASEMENT. HOWEVER THE EASEMENT SHALL BE KEPT CLEAR OF ALL STRUCTURES OR OTHER IMPROVEMENTS.
2. THE UTILITY SHALL MAKE COMMERCIALY REASONABLE EFFORTS TO ENSURE THAT DAMAGE TO THE PROPERTY IS MINIMIZED AND THE UTILITY WILL AT ALL TIMES AFTER DOING ANY WORK IN CONNECTION WITH THE SYSTEM. RESTORE THE PROPERTY TO THE CONDITION IS WHICH THE PROPERTY WAS FOUND BEFORE SUCH WORK WAS UNDERTAKEN TO THE EXTENT THAT SUCH RESTORATIONS IS REASONABLE IN ACCORDANCE WITH THE UTILITY USUAL AND CUSTOMARY PRACTICES.
3. THE MAINTENANCE OF THE TURF, GRASSES AND LANDSCAPE VEGETATION WITHIN THE EASEMENT SHALL BE THE DUTY AND RESPONSIBILITY OF THE PROPERTY OWNER.

STATE OF TEXAS  
COUNTY OF KENDALL

I HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN THIS PLAT TO THE MATTERS OF STREETS, LOTS AND DRAINAGE LAYOUT. TO THE BEST OF MY KNOWLEDGE THIS PLAT CONFORMS TO ALL REQUIREMENTS OF THE UNIFIED DEVELOPMENT CODE, EXCEPT FOR THOSE VARIANCES GRANTED BY THE SAN ANTONIO PLANNING COMMISSION.

LICENSED PROFESSIONAL ENGINEER

SWORN TO AND SUBSCRIBED BEFORE ME THIS THE \_\_\_\_ DAY OF \_\_\_\_\_

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

STATE OF TEXAS  
COUNTY OF KENDALL

I HEREBY CERTIFY THAT THE ABOVE PLAT CONFORMS TO THE MINIMUM STANDARDS SET FORTH BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND BY JONES & CARTER, INC.

REGISTERED PROFESSIONAL LAND SURVEYOR

SWORN TO AND SUBSCRIBED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS



SUBDIVISION PLAT ESTABLISHING  
STONE CREEK RANCH UNIT 2C

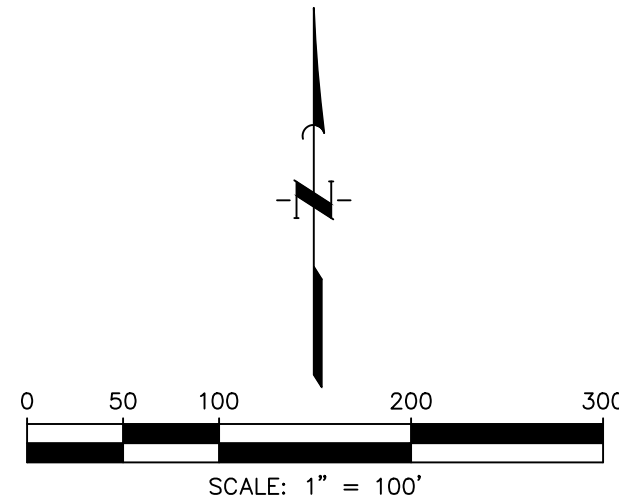
BEING A TOTAL OF 40.369 ACRES OF LAND OUT OF THE WM. D. LUSK SURVEY NO. 211, ABSTRACT NO. 306 KENDALL COUNTY, TEXAS; CONTAINING A PORTION OF THAT CERTAIN CALLED 357.94 ACRE TRACT DESCRIBED IN INSTRUMENT TO GREEN LAND VENTURES, LTD. RECORDED IN VOLUME 1076, PAGE 555 OF THE KENDALL COUNTY OFFICIAL PUBLIC RECORDS.



JONES & CARTER

Texas Board of Professional Engineers Registration No. F-439  
Texas Board of Professional Land Surveying Registration No. 100461-05  
4350 Lockhill-Selma Road, Suite 100 • San Antonio, Texas 78249 • 210.494.5511

DATE OF PRINT: November 2, 2021



STATE OF TEXAS  
COUNTY OF KENDALL

THE OWNER OF LAND SHOWN ON THIS PLAT, IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, DEDICATES TO THE USE OF THE PUBLIC, EXCEPT AREAS IDENTIFIED AS PRIVATE OR PART OF AN ENCLAVE OR PLANNED UNIT DEVELOPMENT, FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

OWNER/DEVELOPER: GREEN LAND VENTURES, LTD  
DANA GREEN PRESIDENT  
916 E. BLANCO, SUITE 100  
BOERNE, TEXAS 78006

STATE OF TEXAS  
COUNTY OF KENDALL

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED DANA GREEN KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED. GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS

DAY OF \_\_\_\_\_ A.D. 20 \_\_\_\_

NOTARY PUBLIC, KENDALL COUNTY, TEXAS

THIS PLAT OF STONE CREEK RANCH UNIT 2C, HAS BEEN SUBMITTED TO AND CONSIDERED BY THE CITY COUNCIL OF FAIR OAKS RANCH, TEXAS AND IS HERE BY APPROVED BY SUCH COUNCIL DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_ A.D., 20 \_\_\_\_

MAYOR

CITY SECRETARY

STATE OF TEXAS  
COUNTY OF KENDALL

I, \_\_\_\_\_ COUNTY CLERK OF SAID COUNTY, DO HEREBY CERTIFY

THAT THIS PLAT WAS FILED FOR RECORD IN MY OFFICE, ON THE \_\_\_\_ DAY OF \_\_\_\_\_

A.D. \_\_\_\_ AT \_\_\_\_ M AND DULY RECORDED THE \_\_\_\_ DAY OF \_\_\_\_\_

A.D. \_\_\_\_ AT \_\_\_\_ M IN THE RECORDS OF \_\_\_\_\_ OF SAID COUNTY, IN

BOOK DOCUMENT NO. \_\_\_\_\_ IN TESTIMONY WHEREOF, WITNESS MY HAND AND

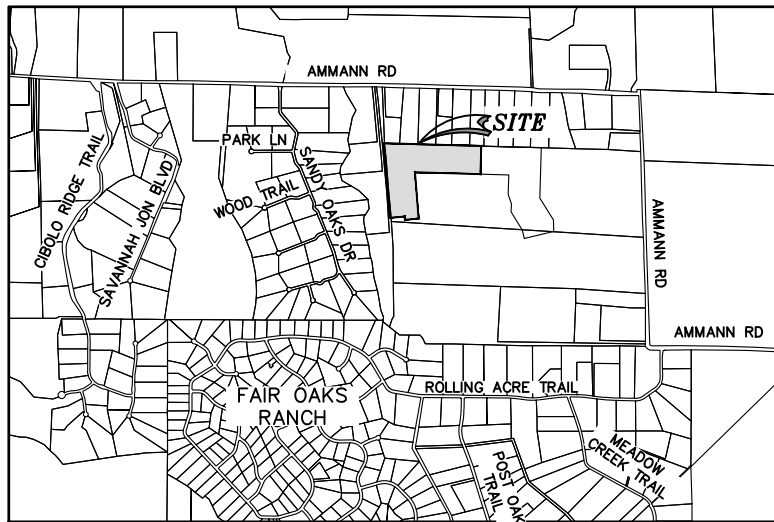
OFFICIAL SEAL OF OFFICE THIS \_\_\_\_ DAY OF \_\_\_\_\_ A.D. \_\_\_\_

COUNTY CLERK, KENDALL COUNTY, TEXAS

SHEET 2 OF 3

Civil Job No. 16205-0012-00

File: K:\16502\16502-0012-00 Stone Creek Ranch Unit 2C\2 Design Phase\CAD\Plot\16502-0012-00 Plat 2C.dwg



LOCATION MAP  
NOT-TO-SCALE

LEGEND

- KCDR ..... KENDALL COUNTY DEED RECORDS
- KCOPR ..... KENDALL COUNTY OFFICIAL PUBLIC RECORDS
- KCPR ..... KENDALL COUNTY PLAT RECORDS
- KCDPR ..... KENDALL COUNTY DEED PLAT RECORDS
- BSL ..... BUILDING SETBACK LINE
- CVE ..... CLEAR VISION EASEMENT
- EGTC ..... ELECTRIC, GAS, TELEPHONE, & CABLE TV EASEMENT
- ESMT ..... EASEMENT
- DE ..... DRAINAGE EASEMENT
- (LOT) ..... OVERALL DIMENSION
- ε ..... CENTER LINE
- Ac ..... ACRE
- CB ..... COUNTY BLOCK
- VOL ..... VOLUME
- PG ..... PAGE
- R.O.W. .... RIGHT-OF-WAY
- V.N.A.E. .... VEHICLE NON-ACCESS EASEMENT

IMPACT FEE PAYMENT NOTE

ASSESSMENT AND COLLECTION OF THE CITY OF FAIR OAS RANCH WATER AND WASTEWATER UTILITIES IMPACT FEES SHALL BE THE AMOUNT SET FORTH IN CITY ORDINANCE CHAPTER 10: ARTICLE 10.02.

UTILITY EASEMENT:

UTILITIES, INCLUDING, WITHOUT LIMITATION, SEWER, WATER, GAS, ELECTRICITY, TELEPHONE, AND CABLE TELEVISION, WITH ALL NECESSARY AND/OR DESIRABLE LINES, LATERALS AND/OR APPURTENANCES THERETO (THE UTILITIES)

TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS OVER THE ADJACENT LAND TO OR FROM THE EASEMENT FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, OPERATING, MAINTAINING, REPAIRING, AND REMOVING THE UTILITIES. THE RIGHT TO PLACE NEW OR ADDITIONAL UTILITIES IN THE EASEMENT AND TO CHANGE THE SIZE THEREOF; THE RIGHT TO RELOCATE ALONG THE SAME GENERAL DIRECTION OF THE UTILITIES. THE RIGHT TO REMOVE FROM THE EASEMENT ALL TREES AND PARTS THEREOF, OR OTHER OBSTRUCTIONS, WHICH REASONABLE ENDANGER OR MAY REASONABLE INTERFERE WITH THE EFFICIENCY OR OPERATION OF THE UTILITIES; AND THE RIGHT TO PLACE TEMPORARY STRUCTURES FOR USE IN CONSTRUCTING OR REPAIRING THE UTILITIES.

1. THE PROPERTY OWNER RETAINS THE RIGHT TO USE ALL OR ANY PART OF THE EASEMENT FOR ANY PURPOSE WHICH DOES NOT DAMAGE, DESTROY, INJURE, AND/OR UNREASONABLE INTERFERE WITH THE USE OF THE EASEMENT. HOWEVER THE EASEMENT SHALL BE KEPT CLEAR OF ALL STRUCTURES OR OTHER IMPROVEMENTS.
2. THE UTILITY SHALL MAKE COMMERCIALY REASONABLE EFFORTS TO ENSURE THAT DAMAGE TO THE PROPERTY IS MINIMIZED AND THE UTILITY WILL AT ALL TIMES AFTER DOING ANY WORK IN CONNECTION WITH THE SYSTEM. RESTORE THE PROPERTY TO THE CONDITION IS WHICH THE PROPERTY WAS FOUND BEFORE SUCH WORK WAS UNDERTAKEN TO THE EXTENT THAT SUCH RESTORATIONS IS REASONABLE IN ACCORDANCE WITH THE UTILITY USUAL AND CUSTOMARY PRACTICES.
3. THE MAINTENANCE OF THE TURF, GRASSES AND LANDSCAPE VEGETATION WITHIN THE EASEMENT SHALL BE THE DUTY AND RESPONSIBILITY OF THE PROPERTY OWNER.

STATE OF TEXAS  
COUNTY OF KENDALL

I HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN THIS PLAT TO THE MATTERS OF STREETS, LOTS AND DRAINAGE LAYOUT. TO THE BEST OF MY KNOWLEDGE THIS PLAT CONFORMS TO ALL REQUIREMENTS OF THE UNIFIED DEVELOPMENT CODE, EXCEPT FOR THOSE VARIANCES GRANTED BY THE SAN ANTONIO PLANNING COMMISSION.

LICENSED PROFESSIONAL ENGINEER

SWORN TO AND SUBSCRIBED BEFORE ME THIS THE \_\_\_\_ DAY OF \_\_\_\_\_

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

STATE OF TEXAS  
COUNTY OF KENDALL

I HEREBY CERTIFY THAT THE ABOVE PLAT CONFORMS TO THE MINIMUM STANDARDS SET FORTH BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND BY JONES & CARTER, INC.

REGISTERED PROFESSIONAL LAND SURVEYOR

SWORN TO AND SUBSCRIBED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MATCHLINE "A" - SEE SHEET 2 OF 3

N: 13,831,573.42  
E: 2,082,249.14

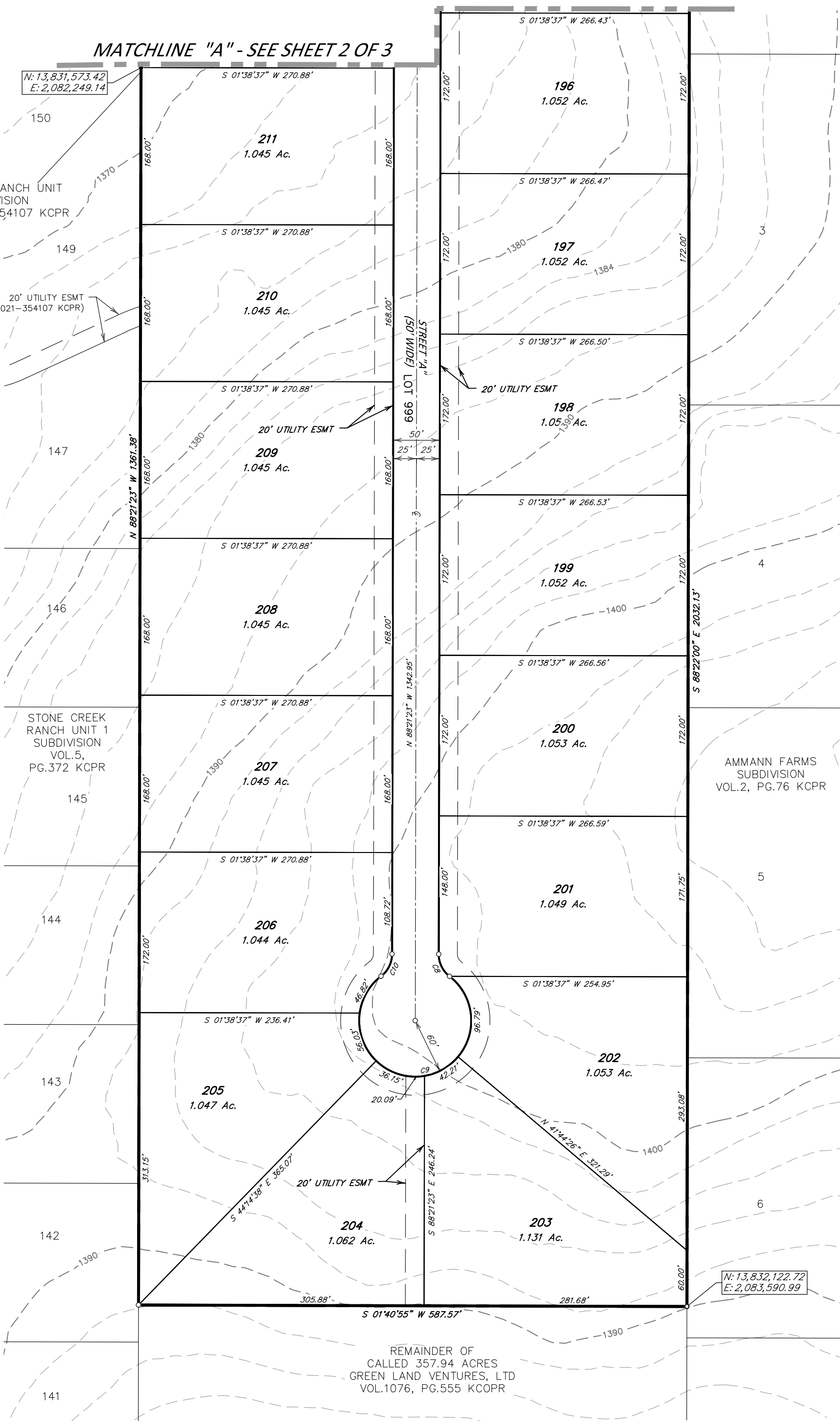
STONE CREEK RANCH UNIT  
1A SUBDIVISION  
DOC NO. 2021-354107 KCPR

20' UTILITY ESMT  
(DOC NO. 2021-354107 KCPR)

STONE CREEK RANCH UNIT 1  
SUBDIVISION  
VOL.5,  
PG.372 KCPR

REMAINDER OF  
CALLED 357.94 ACRES  
GREEN LAND VENTURES, LTD  
VOL.1076, PG.555 KCOPR

MATCHLINE "A" - SEE SHEET 2 OF 3



SUBDIVISION PLAT ESTABLISHING  
STONE CREEK RANCH UNIT 2C

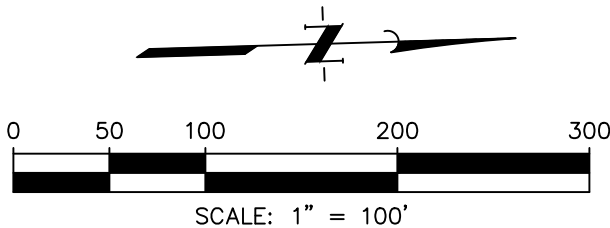
BEING A TOTAL OF 40.369 ACRES OF LAND OUT OF THE WM. D. LUSK SURVEY NO. 211, ABSTRACT NO. 306 KENDALL COUNTY, TEXAS; CONTAINING A PORTION OF THAT CERTAIN CALLED 357.94 ACRE TRACT DESCRIBED IN INSTRUMENT TO GREEN LAND VENTURES, LTD. RECORDED IN VOLUME 1076, PAGE 555 OF THE KENDALL COUNTY OFFICIAL PUBLIC RECORDS.



JONES & CARTER

Texas Board of Professional Engineers Registration No. F-439  
Texas Board of Professional Land Surveying Registration No. 100461-05  
4350 Lockhill-Selma Road, Suite 100 • San Antonio, Texas 78249 • 210.494.5511

DATE OF PRINT: November 2, 2021



STATE OF TEXAS  
COUNTY OF KENDALL

THE OWNER OF LAND SHOWN ON THIS PLAT, IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, DEDICATES TO THE USE OF THE PUBLIC, EXCEPT AREAS IDENTIFIED AS PRIVATE OR PART OF AN ENCLAVE OR PLANNED UNIT DEVELOPMENT, FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

OWNER/DEVELOPER: GREEN LAND VENTURES, LTD  
DANA GREEN PRESIDENT  
916 E. BLANCO, SUITE 100  
BOERNE, TEXAS 78006

STATE OF TEXAS  
COUNTY OF KENDALL

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED DANA GREEN KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED. GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS

DAY OF \_\_\_\_\_ A.D. 20 \_\_\_\_

NOTARY PUBLIC, KENDALL COUNTY, TEXAS

THIS PLAT OF STONE CREEK RANCH UNIT 2C, HAS BEEN SUBMITTED TO AND CONSIDERED BY THE CITY COUNCIL OF FAIR OAKS RANCH, TEXAS AND IS HERE BY APPROVED BY SUCH COUNCIL DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_ A.D., 20 \_\_\_\_

MAYOR

CITY SECRETARY

STATE OF TEXAS  
COUNTY OF KENDALL

I, \_\_\_\_\_ COUNTY CLERK OF SAID COUNTY, DO HEREBY CERTIFY

THAT THIS PLAT WAS FILED FOR RECORD IN MY OFFICE, ON THE \_\_\_\_ DAY OF \_\_\_\_\_

A.D. \_\_\_\_ AT \_\_\_\_ M AND DULY RECORDED THE \_\_\_\_ DAY OF \_\_\_\_\_

A.D. \_\_\_\_ AT \_\_\_\_ M IN THE RECORDS OF \_\_\_\_\_ OF SAID COUNTY, IN

BOOK DOCUMENT NO. \_\_\_\_\_ IN TESTIMONY WHEREOF, WITNESS MY HAND AND

OFFICIAL SEAL OF OFFICE THIS \_\_\_\_ DAY OF \_\_\_\_\_ A.D. \_\_\_\_

COUNTY CLERK, KENDALL COUNTY, TEXAS





REVISIONS

NO.	DATE	DESCRIPTION	APPROV.
1			
2			
3			
4			
5			
6			

**ALAMO**  
CONSULTING ENGINEERING  
& SURVEYING, INC.

4365 EAST EVANS, SAN ANTONIO, TX. 78261  
PHONE: (210)828-0691 FAX: (210)481-0832

STONE CREEK RANCH

MASTER PLAN

JOB NO: 115200

SCALE: 1" = 200'

DRAWN: RW

DESIGNED: PAS

FILE: 115200.dwg

PAGE

Page 104



**JONES | CARTER**

4350 Lockhill Selma Rd., Suite 100

San Antonio, Texas 78249-2166

Tel: 210.494.5511

Fax: 210.494.5519

[www.jonescarter.com](http://www.jonescarter.com)**Attachment #5**

January 5, 2022


Ms. Katherine Schweitzer, P.E.  
Manager of Engineering Services  
City of Fair Oaks Ranch  
7286 Dietz Elkhorn  
Fair Oaks Ranch, Texas 78015

RE: Stone Creek Ranch Unit 2C  
Time Extension Request

Dear Ms. Schweitzer,

This letter serves as a request for a time extension for the Stone Creek Unit 2C Preliminary Plat on behalf of Green Land Ventures, LTD. It is requested that this plat not be considered on the January 13<sup>th</sup> Planning and Zoning Commission Agenda in order to address staff comments prior to consideration by the Planning and Zoning Commission in February.

Sincerely,



Jeffrey J. Hutzler, PE  
Green Land Ventures, LTD

## Attachment #6



Public Works ▪ 7286 Dietz Elkhorn ▪ Fair Oaks Ranch TX, 78015 ▪ (210) 698-0900

January 5, 2022

Darren McAfee, P. E.  
JONES/CARTER  
4350 Lockhill Selma Rd. Suite 100  
San Antonio, TX 78249

RE: Preliminary Plat of Stone Creek Ranch Unit 2C- Plat Review

Mr. McAfee,

The Preliminary Plat submittal for Stone Creek Ranch Unit 2C was received by city staff on December 8, 2021. Based on the review, the following items need to be addressed.

1. Staff has concerns regarding the provision of only one means of ingress and egress for the entire development that encompasses over 240 lots. In this regard, staff also recommends that the existing unpaved gated access from Ammann Road be designated as an access easement and be improved to provide emergency access.
2. Connect Sections 2C and 2B that are not yet platted by joining the cul-de-sacs. This will provide two means of access to 60+ lots being platted in these sections and will be in conformance with Article II, Procedures that states - *"Where streets in an adjoining subdivision dead-end at the property line of the new subdivision, the said streets shall be continued through the new subdivision, either on a straight line, or a curve, as provided elsewhere herein. Where no adjacent connections are platted, the streets in the new subdivision must be the reasonable projections of streets in the adjacent subdivided tracts. All streets in new subdivisions shall be platted so that a continuation of said streets may be made in other subdivisions in the future."*
3. Provide an outside roadway diameter of eighty (80) feet and a street right-of-way diameter of one hundred (100) feet for the turnarounds.
4. Provide a copy of the approved Development Agreement, if one exists, to ensure compliance. The subject parcel is zoned Existing Residential 2 (R2). The Unified Development Code (UDC) requires that all lot, building, landscaping and other standards will be controlled by the applicable deed restrictions in these neighborhoods.
5. Provide a copy of the approved Master Plan and Open Space Plan, if these were approved.
6. Provide a letter of intent as required with the Universal Application.
7. Submit proof that the owner's agent listed on the plat is the authorized representative.
8. The Universal Application indicates that there is a recordation number for this plat. Please clarify.
9. Use different line types for the various items listed in the legends. Currently the same line type is used for all the items.
10. Remove Building Setback Line (BSL) from the legend.
11. Clarify the maintenance responsibility of all the streets. Indicate if they are public or private



in the plat notes.

12. Indicate if streets are designed as underground utility easements.
13. Show all bearings that match the metes and bounds and title report on the index map (sheet 1).
14. Designate a street name for all streets.
15. Remove the term lot from a street.
16. Add signatures and license numbers of the engineer and the surveyor.
17. Provide a copy of the subdivision deed restrictions referenced in the plat notes.
18. Remove tree planting requirement as marked-up.
19. Add floodplain information to the plat notes.
20. Add the reason for the Preliminary Plat in the title block.
21. Correct the title to "Preliminary Plat" as marked up.
22. Add plat revision date.
23. Show two-foot contour interval surveys tied to known reference points or USGS benchmarks.
24. The bearings on the metes and bounds do not match the title commitment document.
25. Mark all block corners of streets and alleys with a ½-inch iron rod two (2) feet long, or with an appropriate concrete marker.
26. Show accurate location of subdivision in reference to the real estate records of the county, showing a tie to a well-established point for plats inside the City limits or to a survey corner.
27. Provide volume and page for all easements, including the vehicle non access easement, as listed in the legend.
28. Correct the plat note (General Notes #5) to remove the county reference as marked up.
29. Indicate zoning designation on the plat.
30. Show city limits on the keymap.

Please submit a revised submittal packet addressing the above comments. A response letter that explains how each comment is addressed is also required.

Please note that removal of protected trees needs to be approved by staff and removal of Heritage trees need to be approved by the P & Z and CC, prior to Preliminary Plat approval.

Sincerely,

Katie Schweitzer, P.E.,  
Manager of Engineering Services

cc: (via email)  
Tobin Maples, AICP, City Manager  
Carole Vanzant, Assistant City Manager  
Grant Watanabe, Director of Public Works & Engineering Services  
Sandy Gorski, Public Works Admin. Assistant



**CITY COUNCIL CONSIDERATION ITEM**  
**CITY OF FAIR OAKS RANCH, TEXAS**  
**January 20, 2022**

**AGENDA TOPIC:** Consideration and possible action approving a Resolution adopting an amendment to the City's Flexible Benefit Plan Section 6.2(c) definition of "medical expenses" and authorizing the City Manager to sign applicable documents.

**DATE:** January 20, 2022

**DEPARTMENTS:** Human Resources & Communications & Finance

**PRESENTED BY:** Joanna Merrill, IPMA-SCP, Director of Human Resources & Communications  
 Scott Huizenga, Assistant City Manager, Administrative Services

**INTRODUCTION/BACKGROUND:**

The City of Fair Oaks Ranch offers its employees a Section 125 Flexible Benefit Plan through its health insurance provider, United Healthcare.

The Internal Revenue Service (IRS) issued Announcement 2021-7 (**Exhibit A**) on March 26, 2021 notifying participants in health flexible spending plans that purchases for certain personal protective equipment (PPE) for the purpose of preventing the spread of COVID-19 will be treated as amounts paid by medical care, under §213(d) of the Internal Revenue Code.

Additionally, the announcement states group health plans, including health flexible spending plans, under the terms of which expenses for COVID-19 PPE were previously not reimbursable has now been amended pursuant to the announcement to provide for reimbursements of expenses incurred for COVID-19 PPE on or after January 1, 2020.

Furthermore, the amendment adding PPE as a reimbursable expense can be retroactive if the plan has been operated consistent with its terms and the amendment is adopted no later than the last day of the first calendar year beginning after the end of the plan year in which the change is effective. Since the City's Health Flexible Spending Account has been in operation since October 1, 2020, and we are requesting the adopting of this amendment prior to December 31, 2022 our plan falls within these parameters and can therefore be retroactive.

The City's health services provider, United Healthcare, notified us on November 4, 2021 that they had amended our Section 125 Flexible Benefit Plan to reflect the addition of PPE as a reimbursable expense in response to IRS Announcement 2021-7. Accordingly, United Healthcare recommends the City of Fair Oaks Ranch adopt, by Resolution, an amendment to the Plan's Section 6.2(c) definition of "medical expenses" to include personal protective equipment.

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

- 1.) Fulfills United Healthcare's recommendation to formally adopt an amendment issued by the IRS in Announcement 2021-7 to the City's Benefit Plan.
- 2.) Adoption of this amendment will also allow participants in the City's Health Flexible Benefits Plan to submit reimbursements for PPE.

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

There will be no impact on the budget.

**LEGAL ANALYSIS:**

None

**RECOMMENDATION/PROPOSED MOTION:**

I move to approve a Resolution adopting the provisions of the Internal Revenue Service Announcement 2021-7 and to authorize the City Manager to take all actions as deemed necessary to effectuate this Resolution.

## Exhibit A

## Amounts Paid for Certain Personal Protective Equipment Treated as Medical Expenses

## Announcement 2021-7

This announcement notifies taxpayers that amounts paid for personal protective equipment, such as masks, hand sanitizer and sanitizing wipes, for the primary purpose of preventing the spread of the Coronavirus Disease 2019 (COVID-19 PPE) are treated as amounts paid for medical care under § 213(d) of the Internal Revenue Code (Code). Therefore, amounts paid by an individual taxpayer for COVID-19 PPE for use by the taxpayer, the taxpayer's spouse, or the taxpayer's dependent(s) that are not compensated for by insurance or otherwise are deductible under § 213(a) provided that the taxpayer's total medical expenses exceed 7.5 percent of adjusted gross income.

Because these amounts are expenses for medical care under § 213(d) of the Code, the amounts are also eligible to be paid or reimbursed under health flexible spending arrangements (health FSAs), Archer medical savings accounts (Archer MSAs), health reimbursement arrangements (HRAs), or health savings accounts (HSAs). However, if an amount is paid or reimbursed under a health FSA, Archer MSA, HRA, HSA or any other health plan, it is not deductible under § 213.

Group health plans, including health FSAs and HRAs, under the terms of which expenses for COVID-19 PPE may not be reimbursed, may be amended pursuant to this announcement to provide for reimbursements of expenses for COVID-19 PPE incurred for any period beginning on or after January 1, 2020, and such an amendment will not

be treated as causing a failure of any reimbursement to be excludable from income under § 105(b) or as causing a § 125 cafeteria plan to fail to meet the requirements of § 125. Group health plans may be amended pursuant to this announcement if the amendment is adopted not later than the last day of the first calendar year beginning after the end of the plan year in which the amendment is effective, no amendment with retroactive effect is adopted after December 31, 2022, and the plan is operated consistent with the terms of the amendment, including during the period beginning on the effective date of the amendment through the date the amendment is adopted.

#### DRAFTING INFORMATION

The principal author of this announcement is Amy S. Wei of the Office of Associate Chief Counsel (Income Tax and Accounting). For further information concerning this announcement, contact Ms. Wei at (202) 317-7011 (not a toll-free call).



**A RESOLUTION**

**A RESOLUTION OF THE CITY OF FAIR OAKS RANCH, TEXAS ADOPTING AN AMENDMENT TO THE CITY'S FLEXIBLE BENEFIT PLAN ARTICLE VI "HEALTH FLEXIBLE SPENDING ACCOUNT" SECTION 6.2(c) DEFINITION OF "MEDICAL EXPENSES" IN ACCORDANCE WITH THE IRS ANNOUNCEMENT 2021-7 AND AUTHORIZING THE CITY MANAGER TO EXECUTE DOCUMENTS REQUIRED BY THE PLAN SERVICE PROVIDER**

**WHEREAS**, the City of Fair Oaks Ranch, Texas (the "City") offers a Section 125 Flexible Benefit Plan (the "Plan") to its employees; and,

**WHEREAS**, the Plan's employer, administrator and sponsor is the City of Fair Oaks Ranch; and,

**WHEREAS**, the Internal Revenue Service issued Announcement 2021-7 notifying Health Flexible Spending Account participants that purchases for personal protective equipment for the purpose of preventing the spread of COVID-19 are treated as amounts paid for medical care under §231(d) of the Internal Revenue code; and,

**WHEREAS**, Article VI "Health Flexible Spending Account" of the Plan provides for the definition of "Medical Expenses"; and,

**WHEREAS**, the Plan's Service Provider, United Healthcare, recommends the City of Fair Oaks Ranch adopt, by Resolution, the amended Plan's definition of "Medical Expenses" in accordance with the provisions of the IRS Announcement 2021-7; and,

**WHEREAS**, the City Council of Fair Oaks Ranch, Texas finds it to be in the public interest to adopt the provisions of the IRS Announcement 2021-7 and authorizes the City Manager to execute documents required by the Plan service provider.

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

**SECTION 1.** The City Council hereby adopts the amendment to the City's Flexible Benefit Plan Section 6.2(c) definition of "medical expenses" in accordance with the IRS Announcement 2021-7.

**SECTION 2.** The City Council hereby authorizes the City Manager to execute documents required by the Plan service provider.

**PASSED, APPROVED, AND ADOPTED** on this 20<sup>th</sup> day of January, 2022

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

ATTEST:

APPROVED AS TO FORM:

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

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



**CITY COUNCIL CONSIDERATION ITEM**  
**CITY OF FAIR OAKS RANCH, TEXAS**  
**January 20, 2022**

AGENDA TOPIC: Consideration and possible action approving a Resolution to formalize the Application of Benefit Plan Surplus funds.

DATE: January 20, 2022

DEPARTMENTS: Human Resources & Communications & Finance

PRESENTED BY: Joanna Merrill, IPMA-SCP, Director of Human Resources & Communications  
 Scott Huizenga, Assistant City Manager, Administrative Services

**INTRODUCTION/BACKGROUND:**

The City of Fair Oaks Ranch offers its employees a Section 125 Flexible Benefit Plan through its health insurance provider, United Healthcare. One of the benefits offered under the Section 125 Flexible Benefit Plan is a Health Flexible Spending Account (FSA).

Council adopted the Employee Benefit Trust in September 2020 to provide a tax exemption for certain premiums paid on group health, accident, and life insurance policies. An FSA allows employees who participate to elect an annual contribution amount for the plan year. This election amount is fully funded by the City at the start of the plan year and placed into the Employee Benefit Trust. The City then recoups these funds from employees through bi-weekly payroll deductions. Since the accounts must be fully funded at the start of the plan year the City could potentially incur the expense and not be able to recoup all of the funds from an employee's election due to separation from the City. Conversely, the opposite may also occur. The City could potentially see a surplus due to an employee's forfeiture of unused funds over the allotted annual carryover amount.

Carryover within the Employee Benefit Trust refers to election funds that an employee did not use during the plan year. Currently up to \$500 of an employees unused election funds can be carried over into the next plan year. Any funds not eligible for carryover are forfeited by the employee and remain in the Employee Benefit Trust. The resolution adopting the Employee Benefit Trust designated all members of the City Council to be Trustees of said Trust. As such, staff is seeking direction from Council regarding the application of benefit plan surplus.

Article VI Section 7.2 of the Benefit Plan states any surplus or "forfeited" amounts credited to the benefit plan surplus must be accounted for after the close of the Plan Year, which coincides with the City's fiscal year. The plan further designates that forfeited funds may be used only in specific ways.

A preliminary review by the city auditor prompted staff to request Council formalize a process for the application of Benefit Plan surplus or "forfeitures" pursuant to Internal Revenue code §1.125 and the provisions referenced in Article VI Section 7.2 of the Benefit Plan. As Trustees of the aforementioned Trust, Council can opt for one of the following processes:

- 1.) To defray expenses of administering the benefit plan under which the FSA program is offered

- 2.) Return funds to employees on a reasonable and uniform basis per Treasury regulations
- 3.) Revert funds back to the City

Staff recommends that council adopt option three (3) to revert surplus “forfeited” funds back to the City.

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

- 1.) The City incurs administrative expenses in its General Fund.
- 2.) Treasury regulations do not define what is reasonable and uniform in option two (2).
- 3.) It provides formalized allocation of FSA surplus or “forfeitures” to recover administrative expenses in the General Fund.

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

There will be no impact on the budget.

**LEGAL ANALYSIS:**

None

**RECOMMENDATION/PROPOSED MOTION:**

I move to approve a resolution formalizing the allocation of surplus or “forfeited” funds under Article VI Section 7.2 of the Benefit Plan “Application of Benefit Plan Surplus” to revert back to the City in accordance with Benefit Plan and IRS guidelines and to authorize the City Manager to execute applicable documents.

A RESOLUTION

**A RESOLUTION OF THE CITY OF FAIR OAKS RANCH, TEXAS ADOPTING THE ALLOCATION OF SURPLUS OR “FORFEITED” FUNDS UNDER ARTICLE VI SECTION 7.2 OF THE FLEXIBLE BENEFIT PLAN “APPLICATION OF BENEFIT PLAN SURPLUS” TO REVERT BACK TO THE CITY AND AUTHORIZING THE CITY MANAGER TO EXECUTE APPLICABLE DOCUMENTS.**

**WHEREAS**, the City of Fair Oaks Ranch, Texas (the “City”) offers a Section 125 Flexible Benefit Plan (the “Plan”) to its employees; and,

**WHEREAS**, the Plan’s employer, administrator and sponsor is the City of Fair Oaks Ranch; and,

**WHEREAS**, the Employee Benefit Trust designates all members of City Council as Trustees; and,

**WHEREAS**, Article VI, Section 7.2 of the Plan entitled “Health Flexible Spending Account” provides for the “Application of Benefit Plan Surplus”; and,

**WHEREAS**, the city recommends the allocation of surplus or “forfeited” funds under Section 7.2 of the Plan to revert back to the City; and,

**WHEREAS**, the City Council of Fair Oaks Ranch, Texas finds it to be in the public interest to adopt the formalization of allocating surplus or “forfeited” funds under the Benefit Plan to revert back to the City; and,

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

**SECTION 1.** The City Council hereby adopts the formalization allocating surplus or “forfeited” funds under Article VI Section 7.2 of the Plan to revert back to the City in accordance with Plan and IRS guidelines.

**SECTION 2.** The City Council hereby authorizes the City Manager to execute applicable documents to effectuate this Resolution.

**PASSED, APPROVED, AND ADOPTED** on this 20<sup>th</sup> day of January, 2022.

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

ATTEST:

APPROVED AS TO FORM:

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

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



## CITY COUNCIL CONSIDERATION ITEM

### CITY OF FAIR OAKS RANCH, TEXAS

January 20, 2022

AGENDA TOPIC: Consideration and possible action to approve the City's proposed 5-year Drainage Capital Improvement Plan, and

DATE: January 20, 2022

DEPARTMENT: Public Works

PRESENTED BY: Grant Watanabe, P.E., Director of Public Works & Engineering Services  
Julio Colunga, Assistant Director of Public Works  
Mike Persyn, P.E., Water Business Practice Lead, K Frieese & Associates

### **INTRODUCTION/BACKGROUND:**

During 2017 and 2018, the City initiated several foundational studies including a Master Drainage Plan. This plan identified 46 areas in the City that need some level of stormwater drainage system improvement that totaled around \$10.4 million, including engineering, land acquisition, and construction. At that time, the City was not prepared to fund drainage upgrades, and certainly not something in multi-millions. To address this risk, Council programmed funding in the FY2019-2020 budget for professional services to evaluate the creation of a stormwater utility as a funding source. Ultimately, the City Council determined that a stormwater utility was not the right fit for Fair Oaks Ranch and directed staff to look for other options such as funding projects through the general fund and/or debt issuance.

In June 2021, a review of the Master Drainage Plan and project prioritization efforts were included as part of the general fund budget and Strategic Action Plan workshop. A few months later, a total of seven priority projects were included in the adopted FY2021-2022 budget (primarily design phase services). The FY2021-2022 budget also funded two additional FTEs to allow the city to start an in-house drainage maintenance program. An update on these efforts will be provided in today's presentation.

The primary objective of today's presentation is to build upon past efforts to develop and approve a 5-year Drainage CIP Plan. Since development of the Master Drainage Plan, the city has identified additional locations needing some level of drainage improvement, expanding the list to approximately 70 areas. To complicate matters, many of these areas and/or likely solutions are located on private property, within gated communities, or within TxDOT ROW. The city currently does not have maintenance responsibility in these areas and has included this as a discussion item in the presentation. The projects proposed in the 5-year plan represent those that the city currently does have maintenance responsibility for and "must-do", "should-do", and would be "nice-to-do" in the FY2022-27 timeframe.

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

A long-term Capital Improvement Plan is essential for the proper planning, budgeting and execution of drainage improvement projects. The plan enables the City to forecast and prioritize capital construction and maintenance needs, allows time to effectively plan for large projects, and provides a level of certainty for the future.



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

The 5-year CIP plan provides estimates of funding needed. Projects still need to be budgeted for and any associated PSAs or Construction Agreements still require Council approval before being awarded.

**LEGAL ANALYSIS:**

Not applicable at this time.

**RECOMMENDATION/PROPOSED MOTION:**

I move to approve the proposed FY2022-27 Drainage Capital Improvement Plan.

Or

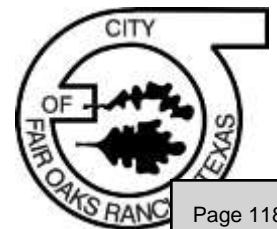
I move to direct staff to bring the FY2022-27 Drainage Capital Improvement Plan back to Council for further consideration subject to the following:

- Insert directive here
- " " "
- Etc.

# City of Fair Oaks Ranch

## 5-YEAR DRAINAGE CIP PRESENTATION

JANUARY 20, 2021



# Agenda



Item #16.

- Master Plan Overview
- Update on FY22 projects
- In-house Maintenance Program
- Proposed 5-Year Drainage CIP
- Discussion/Challenges
- Recommendations



# Master Plan Overview

- Completed in 2018
- Stakeholder Committee
  - 5 workshops
  - 2 surveys
- 60 initial projects narrowed to 46 projects prioritized by stakeholders
- Master Plan approved by council
  - Drainage policy (UDC)
  - Capital Improvement Projects identified
- \$10.40M (2018 dollars) – Public + Private
  - \$7.42M Construction
  - \$2.98M Engineering, Land, Contingencies

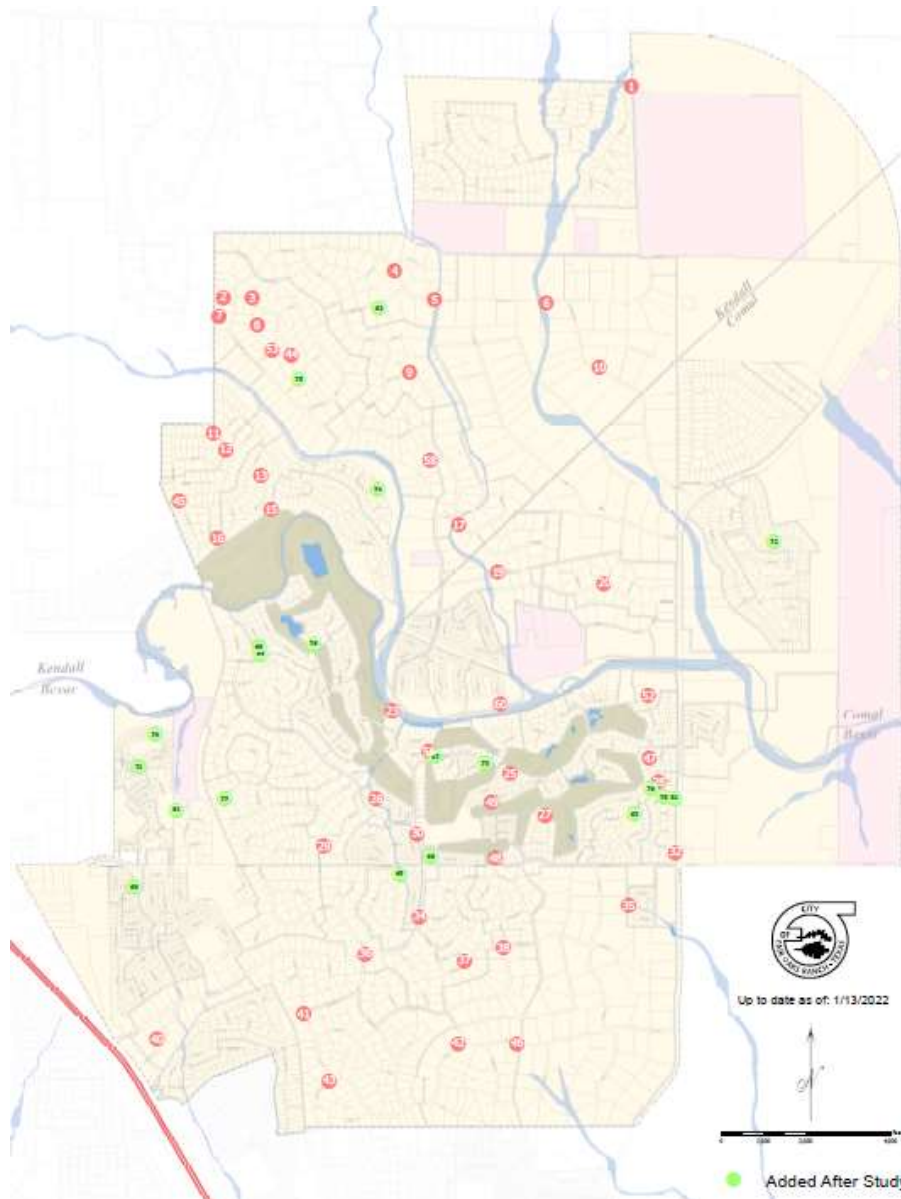


# Updates Since Master Plan

- 24 new issues have been identified
  - Each assessed and scored by city staff
  - All considered in development of in-house maintenance program and proposed 5-Yr CIP
- New Issues will continue to be identified
  - Maintenance will address some issues
  - Some issues may result in future updates (additions/subtractions) to CIP
- 5-Yr Roads CIP Approved in Nov '21
  - Some identified drainage issues will be addressed in conjunction w/Street Improvements
    - Ammann Rd Low Water Crossing
    - Rolling Acres Trail Low Water Crossing



# Additional Drainage Issues



- Identified in Drainage Master Plan
- Added after Study

# FY 22 Project Update

Project No	FY 22 Budget	Phase
5 – 7820 Rolling Acres Trail	\$85,000	Design
17 – 7840 Silver Spur Trail	\$95,000	Design
34 – 2910 Tivoli Way	\$50,000	Design
25 – 7715 Fair Oaks Parkway	\$40,000	Design
36 – 8410 Noble Lark <sup>1</sup>	\$0	Monitor
32 – 29314 Sumpter Drive <sup>2</sup>	\$0	Monitor (TxDOT)
37 – 7967 Turf Paradise Lane	\$40,000	Design
30 – 7900 Fair Oaks Parkway <sup>3</sup>	\$10,000	Study
61 – 8013 Rocking Horse Lane <sup>4</sup>	\$75,000	Design/Construction
Total	\$395,000	

<sup>1</sup> Project 36 completed by staff (monitor)

<sup>2</sup> TxDOT project would address issue (monitor timing) **TxDOT project delayed - Project to be considered for near term CIP**

<sup>3</sup> Project 30 completed by staff (verify no adverse impacts)

<sup>4</sup> New project

# In-House Maintenance Plan

- Non-complex drainage issues requiring little to no engineering other than shooting grades
- Primarily regrading, cleaning out ditches/culverts, hydromulching, erosion mat installation within ROW
- Projects also included in 5-yr CIP in case needed improvements exceed in-house capabilities
  - 42 – 7740 Pimlico Lane
  - 46 - 7644 Pimlico Lane
  - 37 - 7967 Turf Paradise Lane
  - 10 - 31520 Meadow Creek Trail
  - 58 - 8037 Rock Oak Circle
  - 59 - 31020 Silver Spur
  - 4 - 8040 Rolling Acres Trail
  - 63 - 8045 Flagstone Hill
  - 2 - 8472 Rolling Acres Trail
  - 3 - 31872 Sunland
  - 53 – 32030 Scarteen
  - 44 – 31988 Scarteen
  - 75 – 8523 Wembley

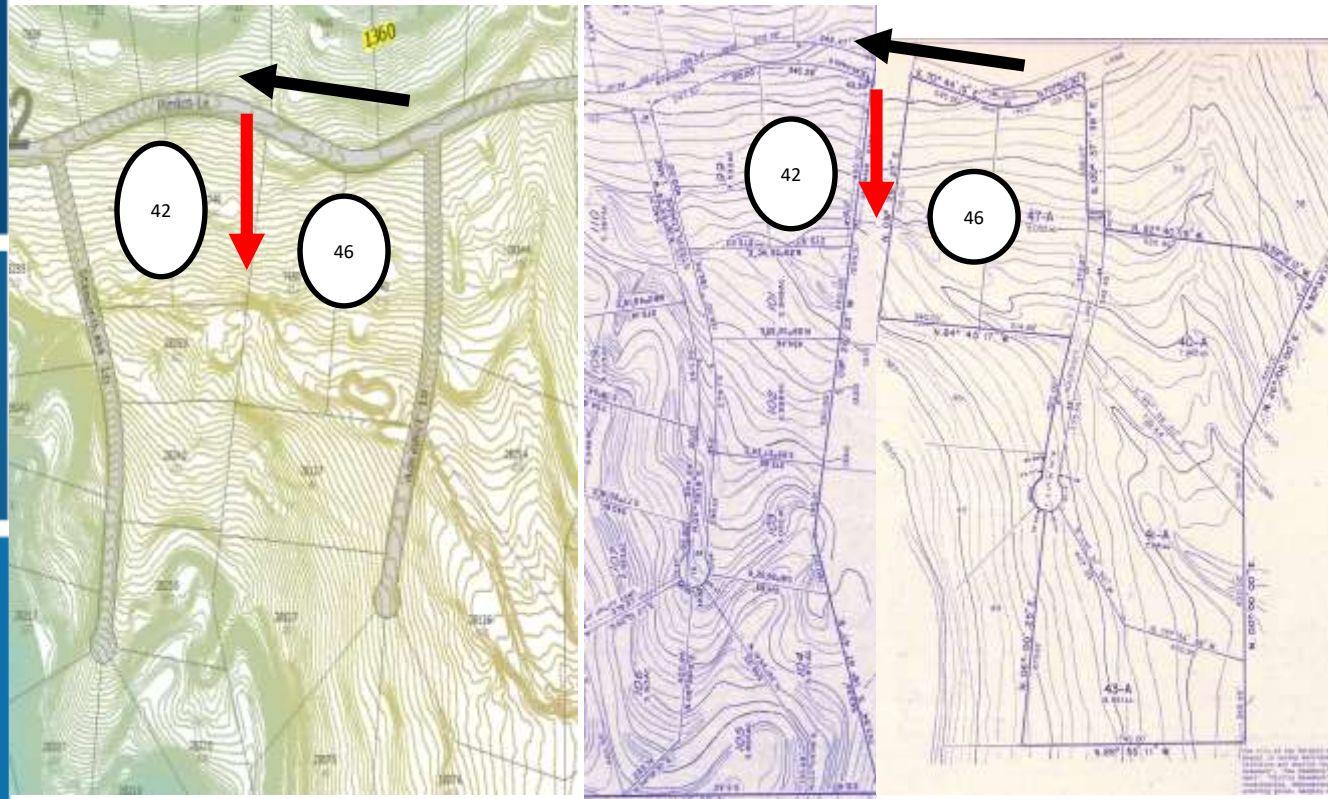
# Consideration of Plat Notes

- Some Plat Notes specify maintenance responsibility for drainage easements, below are examples:
  - No Plat Note (older plats do not show easements which was common practice at that time)
  - The maintenance of the turf, grass and landscape vegetation within the easement shall be the duty and responsibility of the property owner.
  - The easement area of each lot and all improvements within it shall be maintained by the owner of the lot except for those improvements for which an authority or utility company is responsible.
  - The maintenance of easements shall be the responsibility of lot owners and not the responsibility of the City of Fair Oaks Ranch.
  - The maintenance of easements shall be the responsibility of lot owners and the responsibility of the City of Fair Oaks Ranch.

**Location:**

42 – 7740 Pimlico Ln

46 – 7644 Pimlico Ln



↑ Black Arrow is work within ROW.

↑ Red arrow is private property.

**Issue:** Large amount of water sheet flows over the road and through these properties. Flow from this area meets up with flow from Park and creates the head waters of the Salado Creek

**Plat Note:**

42 & 46 - No Plat Note dedicating ownership. No easements plated.

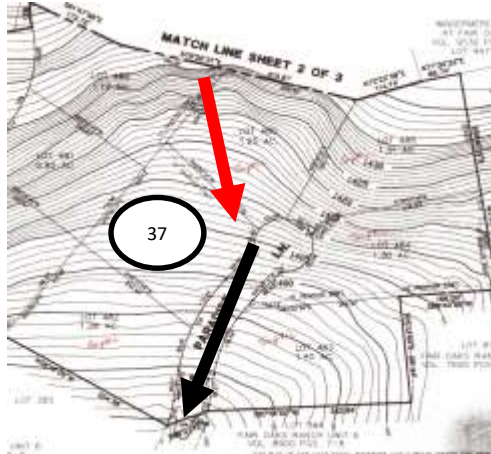
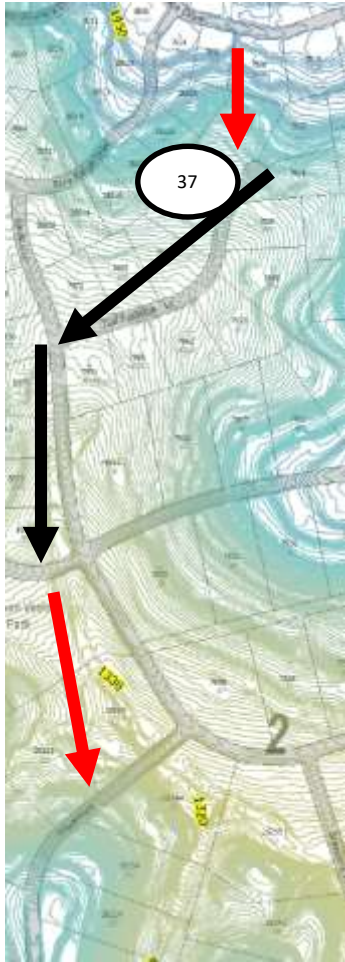
**In house drainage plan:**

Regrade right of way (ROW) and clean out ditch and culverts.



**Location:**

37 - 7967 Turf Paradise Lane



**Issue:** Large amount of water sheet flows over through these properties. Erosion issues in ROW. During heavy rains sheet flow will cross over Pimlico and start till fill ditch and culvert. Flow from this area heads towards park and further down creates the head waters of the Salado Creek

**Plat Note:**

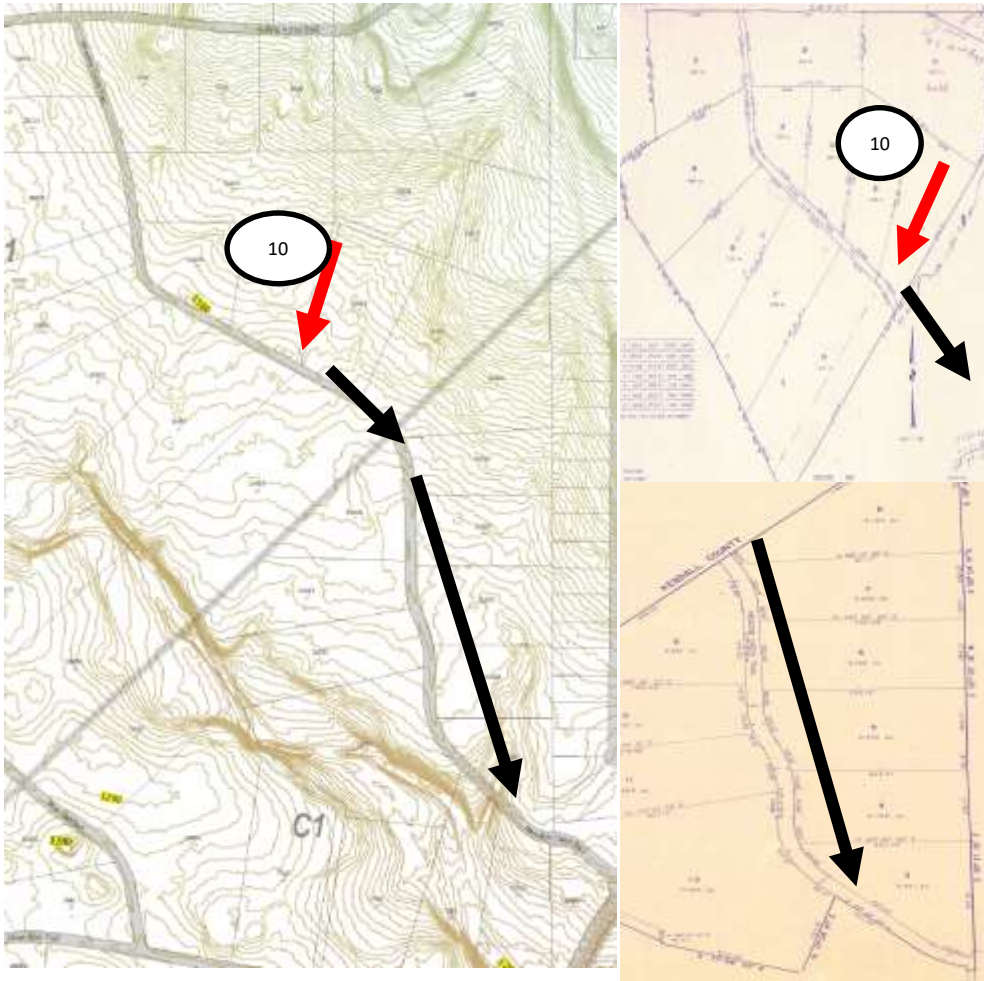
37 -The maintenance of easements shall be the responsibility of lot owners and the responsibility of the City of Fair Oaks Ranch. No Plat Note or easement shown on older plat.

**In house drainage plan:**

regrade right of way (ROW) and clean out ditch and culverts.

**Location:**

10 - 31520 Meadow Creek Trail



**Issue:** Large amount of ponding occurs in low area between dwelling and road. Drainage does not pass road efficiently.

**Plat Note:**

10 - No Plat Note and no drainage easements platted.

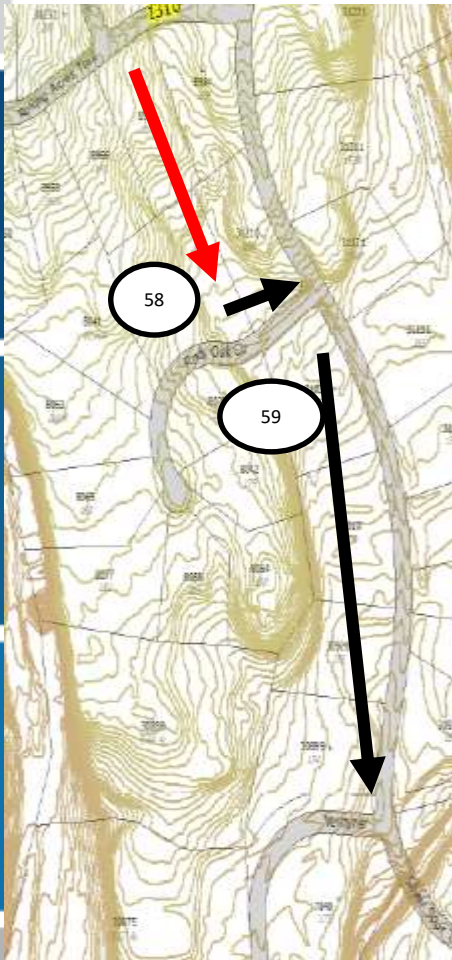
**In house drainage plan:**

Regrade right of way (ROW) and clean out ditch and culverts.

## Location:

58 - 8037 Rock Oak Circle

59 - 31020 Silver Spur



**Issue:** Drainage flows from the back of properties to the front and is not contained in the platted drainage easement. Ponding occurs at the front of this lot and ROW. Debris crosses the road and creates issue 59.

## Plat Note:

59 - No Plat Note and no drainage easements platted.

58 -The maintenance of easements shall be the responsibility of lot owners and the responsibility of the City of Fair Oaks Ranch.

## In house drainage plan:

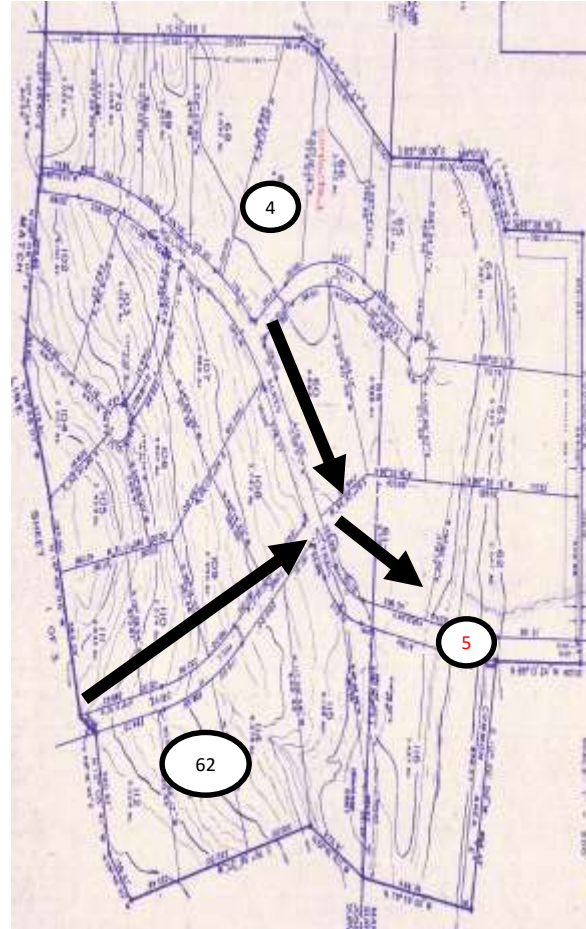
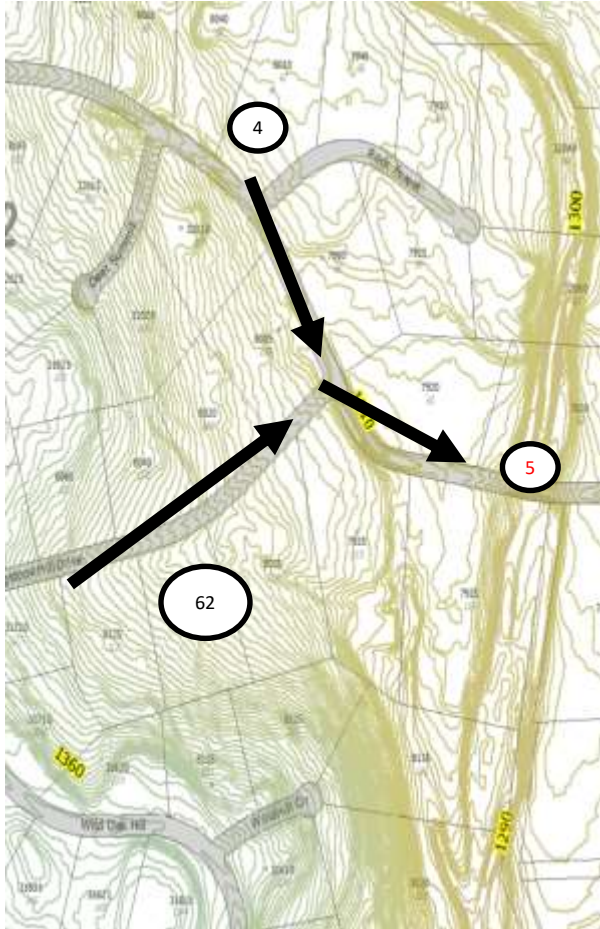
regrade right of way (ROW) and clean out ditch and culverts. Homeowner may be required to correct driveway.



## Location:

4 - 8040 Rolling Acres Trail

62 - 8045 Flagstone Hill



**Issue:** Large amount of water sheet flows over properties. ROW needs to be regraded and positive flow achieved. Flow from this area heads towards Post Oak Creek. 5 is the low water crossing being addressed in CIP

## Plat Note:

4, 63 & 5 – No Plat Note and no drainage easements platted.

**In house drainage plan:** regrade right of way (ROW) and clean out ditch and culverts. CIP will address issue 5.

Item #16.

## Location:

2 - 8472 Rolling Acres Trail

3 - 31872 Sunland

7 - 8524 Rolling Acres Trail

8 - 31789 Sunland

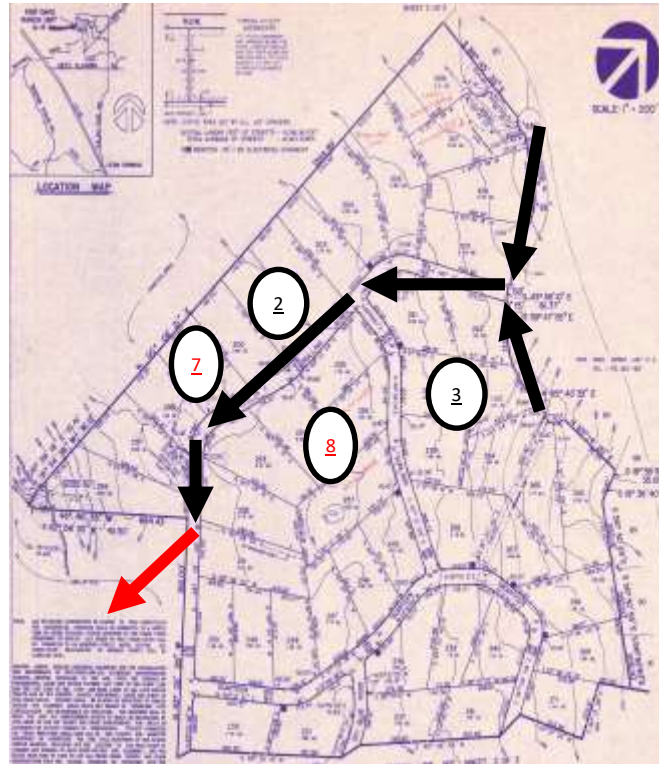
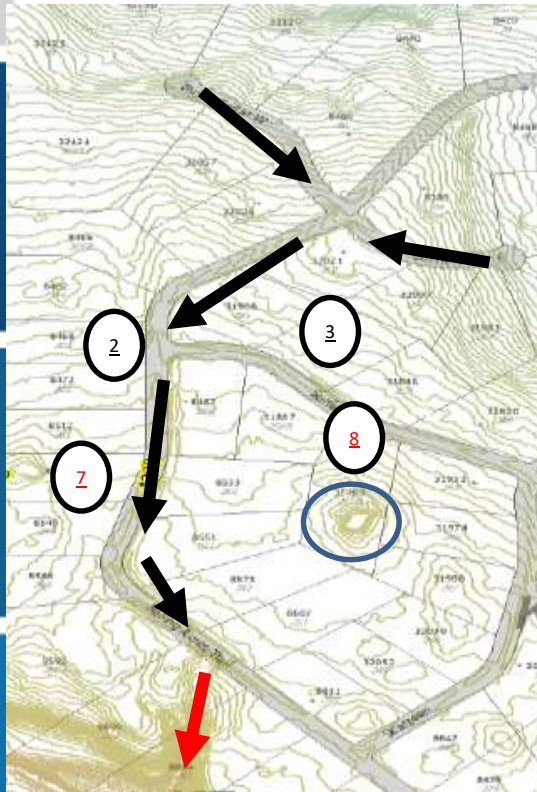
**Issue:** Large amounts of Item #16.

from North of the city flows through property towards Rolling Acres Trail. Drainage backs up in culverts. 8 has a natural recharge zone takes a large amount of runoff. 7 filled in Recharge zone which now cause a back up in the area. Flow is trying to move toward the Cibolo Creek.

## Plat Note:

2,3 & 7 - No Note. 8 - re-plat - The maintenance of the turf, grass and landscape vegetation within the easement shall be the duty and responsibility of the property owner.

**In house drainage plan:** regrade right of way (ROW) and clean out ditch and culverts.



Natural Drainage Feature



## Location:

53 – 32030 Scarteen

44 – 31988 Scarteen

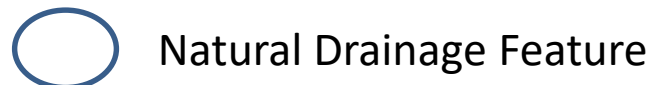
75 – 8523 Wembley

**Issue:** Sheet flow from Blue Ridge runs towards 44 and 53. Drainage in the area of 44 and 53 is trying to make its way to the natural recharge zone causing issue 8. Sheet flow from Sky Blue Ridge and Wembley head towards issue 75. Driveway with no culvert created issue.

## Plat Note:

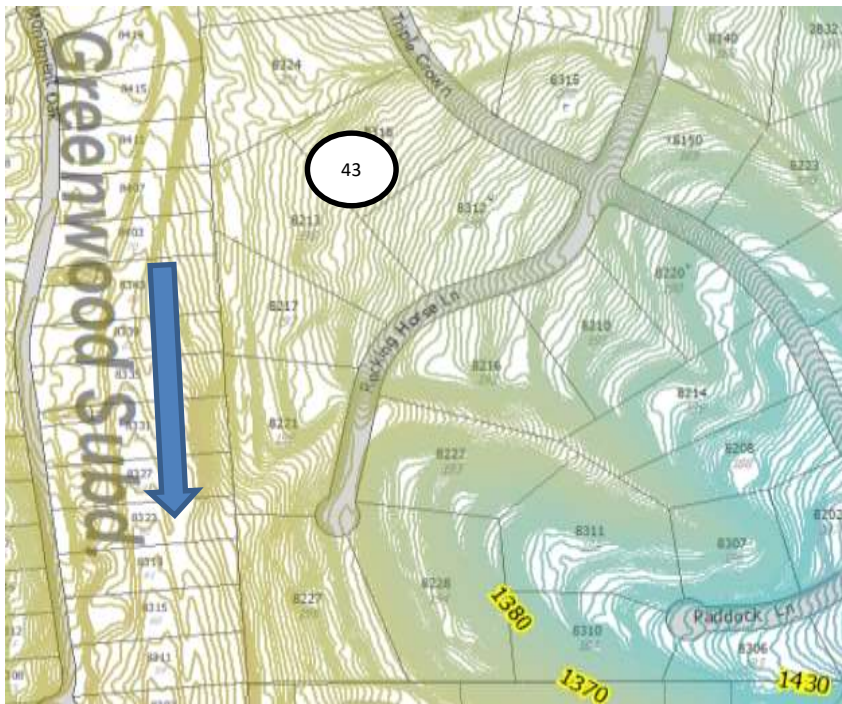
53, 44, & 75 – No Plat Note

**In house drainage plan:** regrade right of way (ROW) and clean out ditch and culverts. Homeowner may be required to correct driveway.



**Location:**

43 – 8312 Triple Crown



**Issue:** Sheet flow from Triple Crown and northern properties runs south to large drainage easement located in the woods. Drainage easement is located behind the properties on Rocking horse and Triple Crown. Flow brings debris onto property.

**Plat Note:**

43 - No Plat Note

**In house drainage plan:**

Maintenance staff is limited on addressing this issue in house due to no easement platted. Flow from this area eventually creates the low water crossing located of I-10 and Old Fredericksburg Road outside of the city.



Blue arrow shows flow of water



# Technical Challenges

- Cleaning and regauging ditches/channels to original profile may help but not solve drainage issue due to growth in impervious surface
- Many drainage areas cross private property before discharging into creeks/tributaries
  - Older plats do not show drainage easements as they were not required during that time.
  - Responsibility for maintaining drainage easements vary by plat but primarily falls on the property owner
  - Coordination necessary to minimize impacts to downstream properties
- May discover culverts need future replacement (failed, undersized, nonexistent) to make appreciable drainage improvement

# Program Start Challenges

---

- Challenges filling maintenance positions due to competition in current labor market
- High turnover in maintenance department and need to train new personnel delays program start
- Limited staff focused on other priorities (crack sealing in preparation for upcoming road maintenance, mowing in the spring, etc.)
- May need to pursue contract services initially followed by staff maintaining (similar to road maintenance program)



# CIP Development Approach

- “Must Do” Projects
  - Low Water Crossings
    - Impacts to Emergency Vehicle Access
    - Frequent Road Closures
  - Public Infrastructure at Risk
    - Culvert/Roadway Failure
    - Utilities at Risk (i.e. Lift Station near eroding channel)
- “Should Do” Projects
  - Flows from Public ROW impacting private property and solution is contained with public ROW
  - Low Water Crossings with Lower Closure Frequency
  - Undersized Culverts Resulting in Overtopping of Roadway
- “Nice to Do” Projects
  - Flows from public ROW impacting private property and solution requires private property owner coordination/cooperation
  - Private Property Issues
  - Maintenance Related Issues

# 5-Year CIP “Must Do”

- 12 Projects
  - Low Water Crossings are Focus within this category
  - Total Cost = \$7.68M
    - Project 5 – 7820 Rolling Acres Trail (Design FY 22)
    - Project 17 – 7840 Silver Spur Trail (Design FY 22)
    - Project 36 – 8410 Noble Lark (Staff to Monitor)
    - Project 1 – Ammann Road Low Water Crossing (Roads CIP)
    - Project 6 – 7420 Rolling Acres Trail (Roads CIP)
    - Project 23 – 8402 Battle Intense
    - Project 37 – 7967 Turf Paradise Lane
    - Project 2 – 8472 Rolling Acres Trail
    - Project 4 – 8040 Rolling Acres Trail
    - Project 42 – 7740 Pimlico Lane
    - Project 35 – 28907 Chartwell Lane
    - Project 15 – 8622 Delta Dawn

# Project 5 – 7820 Rolling Acres Trail

- Low water crossing (Road Closure gate deploys during large storm events.
- Bridge/Culvert Upgrades needed
- Emergency access is a concern during rain events.
- Align with Roads CIP project
- Criticality Score: 47
- Total Project Cost
  - \$685,000



Project 5	
Item	Score
Estimated Cost	2
Source/Destination	15
Public Infrastructure at Risk	15
Number of Houses Impacted	0
Erosion Issue	0
Green Infrastructure Applicable	0
City Priority	15
<b>Total Score</b>	<b>47</b>

# Project 17 – 7840 Silver Spur Trail

- Runoff collects from the north side of the city and passes this point before passing under Keeneland and then to the Cibolo Creek. Post Oak Creek LWC
- Structural Design; Bridge/Culvert upgrades
- Criticality Score: 47
- Total Project Cost
  - \$690,000



Project 17	
Item	Score
Estimated Cost	2
Source/Destination	15
Public Infrastructure at Risk	15
Number of Houses Impacted	0
Erosion Issue	0
Green Infrastructure Applicable	0
City Priority	15
<b>Total Score</b>	<b>47</b>



# Project 36 – 8410 Noble Lark Dr

- Runoff flows in a channel next to the right-of-way and has caused erosion in this area.
- Project has been completed by city staff – Staff to monitor
- Criticality Score: 42
- Total Project Cost
  - \$223,066 (if needed)



Project 36	
Item	Score
Estimated Cost	6
Source/Destination	15
Public Infrastructure at Risk	15
Number of Houses Impacted	1
Erosion Issue	2.5
Green Infrastructure Applicable	2.5
City Priority	0
<b>Total Score</b>	<b>42</b>

# Project 1 – Ammann Rd LWC

- This project will replace the current road with an elevated concrete bridge above the flood stage.
- Structural design/bridge
- Align with Roads CIP project
- Criticality Score: 26
- Total Project Cost
  - \$1,321,000



Project 1	
Item	Score
Estimated Cost	2
Source/Destination	9
Public Infrastructure at Risk	15
Number of Houses Impacted	0
Erosion Issue	0
Green Infrastructure Applicable	0
City Priority	0
<b>Total Score</b>	<b>26</b>

# Project 6 – 7420 Rolling Acres Trail

- Low water crossing (Road Closure gate deploys during large storm events).
- Bridge/Culvert Upgrades needed
- Emergency access is a concern during rain events.
- Align with Roads CIP project
- Criticality Score: 17
- Total Project Cost
  - \$759,566



Project 6	
Item	Score
Estimated Cost	2
Source/Destination	15
Public Infrastructure at Risk	15
Number of Houses Impacted	0
Erosion Issue	0
Green Infrastructure Applicable	0
City Priority	-15
<b>Total Score</b>	<b>17</b>



# Project 23 – 8402 Battle Intense

- Battle Intense is often shut down during large rain events. Debris collects and damages this low water crossing.
- Structural Design / Bridge, raise road elevation
- Criticality Score: 17
- Total Project Cost
  - \$3,097,162



Project 23	
Item	Score
Estimated Cost	2
Source/Destination	15
Public Infrastructure at Risk	15
Number of Houses Impacted	0
Erosion Issue	0
Green Infrastructure Applicable	0
City Priority	-15
<b>Total Score</b>	<b>17</b>



# Project 37 – 7967 Turf Paradise Lane

- Large amount of runoff sheet flows down the street and across properties.
- Channel Improvements needed
- In-house maintenance w/CIP placeholder
- Criticality Score: 40
- Total Project Cost
  - \$311,787



Project 37	
Item	Score
Estimated Cost	10
Source/Destination	15
Public Infrastructure at Risk	6
Number of Houses Impacted	4
Erosion Issue	2.5
Green Infrastructure Applicable	2.5
City Priority	0
<b>Total Score</b>	<b>40</b>

# Project 2 – 8472 Rolling Acres Trail

- Drainage backs up in existing culverts that pass under driveway causing large amounts of runoff to flow across property toward Cibolo Creek.
- In-house maintenance w/CIP placeholder
- Criticality Score: 29
- Total Project Cost
  - \$221,162



Project 2	
Item	Score
Estimated Cost	6
Source/Destination	15
Public Infrastructure at Risk	0
Number of Houses Impacted	3
Erosion Issue	2.5
Green Infrastructure Applicable	2.5
City Priority	0
<b>Total Score</b>	<b>29</b>

# Project 4 – 8040 Rolling Acres Trail

- Drainage does not have positive flow in one direction as it crosses Rolling Acres Trail.
- Regrading/Earthwork/Channel Construction
- In-house maintenance w/CIP placeholder
- Criticality Score: 28
- Total Project Cost
  - \$221,162



Project 4	
Item	Score
Estimated Cost	6
Source/Destination	15
Public Infrastructure at Risk	6
Number of Houses Impacted	1
Erosion Issue	0
Green Infrastructure Applicable	0
City Priority	0
<b>Total Score</b>	<b>28</b>



# Project 42 – 7740 Pimlico Lane

- Large amount of runoff through the HOA park and towards the Salado Creek.
- Channel and stormdrain piping improvements
- In-house maintenance w/CIP placeholder
- Criticality Score: 27.5
- Total Project Cost
  - \$88,465



Project 42	
Item	Score
Estimated Cost	10
Source/Destination	9
Public Infrastructure at Risk	6
Number of Houses Impacted	0
Erosion Issue	0
Green Infrastructure Applicable	2.5
City Priority	0
<b>Total Score</b>	<b>27.5</b>



# Project 35 – 28907 Chartwell Lane

- Channel experiences erosive velocities.
- Erosion Control / Channel Improvements
- Criticality Score: 29.5
- Priority: 2
- Total Project Cost
  - \$794,000



Project 35	
Item	Score
Estimated Cost	2
Source/Destination	6
Public Infrastructure at Risk	15
Number of Houses Impacted	4
Erosion Issue	0
Green Infrastructure Applicable	2.5
City Priority	0
<b>Total Score</b>	<b>29.5</b>



# Project 15 – 8622 Delta Dawn

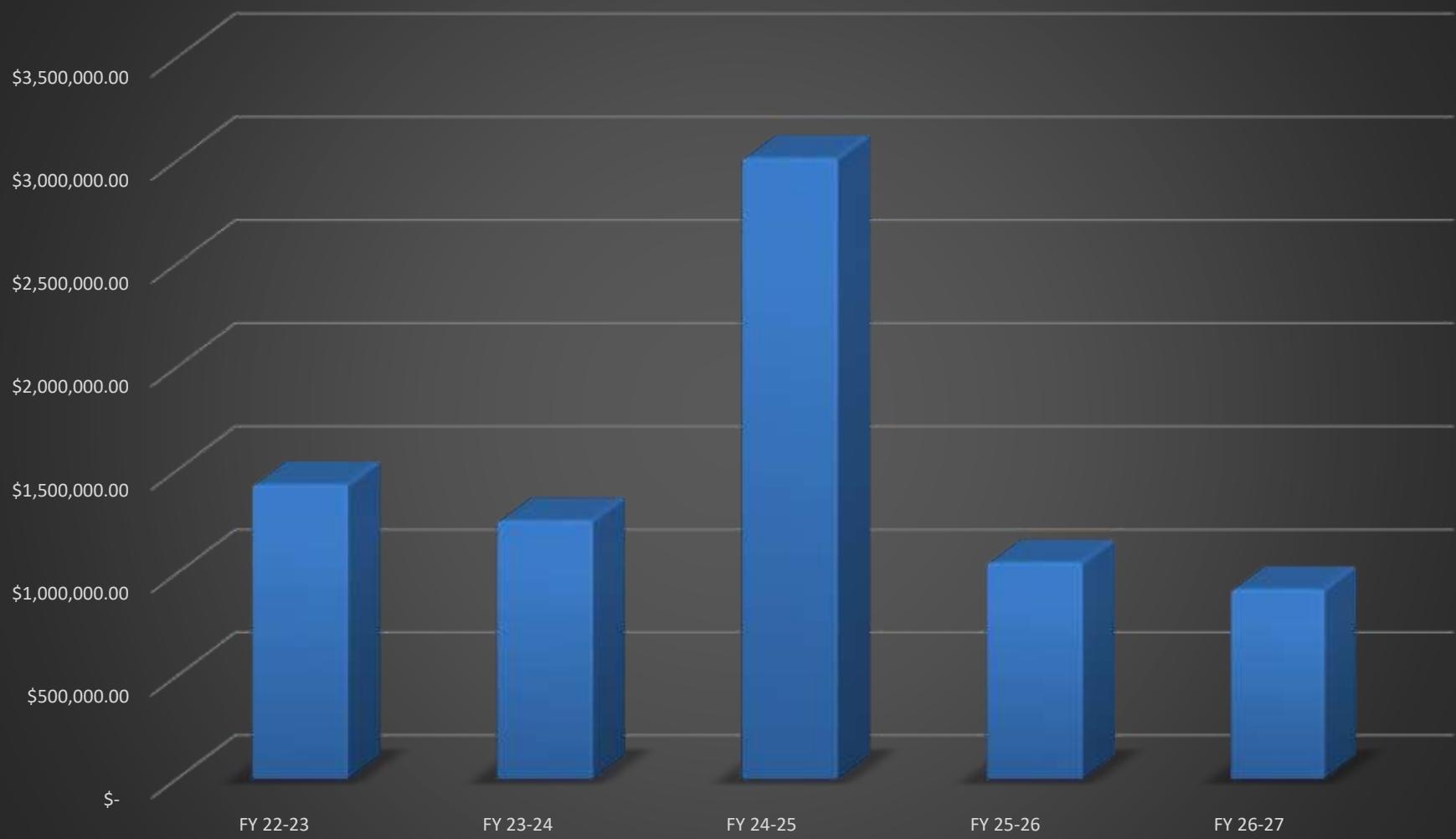
- Erosion is a concern caused by runoff coming from Jodphur near city's sewer lift station
- Erosion Control / Channel Improvements
  - Reinforce channel using erosion control mats or concrete rip rap
  - Widen channel to reduce velocities
- Criticality Score: 29.5
- Total Project Cost
  - \$221,162



Project 15	
Item	Score
Estimated Cost	6
Source/Destination	6
Public Infrastructure at Risk	15
Number of Houses Impacted	0
Erosion Issue	2.5
Green Infrastructure Applicable	0
City Priority	0
<b>Total Score</b>	<b>29.5</b>

# 5-Year CIP “Must Do”

PROPOSED SPENDING PER FY



■ "Must Do" Project Spend per FY

# 5-Year CIP “Should Do”

- 10 Projects
  - Most projects are resolving flows from ROW impacting private properties when issue can be resolved within ROW.
  - Total Cost = \$1.58M
    - Project 34 – 29010 Tivoli Way (Design FY 22)
    - Project 32 – 29314 Sumpter Drive
    - Project 41 – 8426 Triple Crown
    - Project 85 – 7202 Saddle Tan (Project Combined with Project 32)
    - Project 44 – 31988 Scarteen
    - Project 46 – 7644 Pimlico Lane
    - Project 53 – 32030 Scarteen
    - Project 43 – 8312 Triple Crown
    - Project 63 – 8045 Flagstone Hill
    - Project 58 – 8037 Rock Oak Circle



# Project 34 – 29010 Tivoli Way

- Large amount of runoff from Windermere crosses Fair Oaks Parkway and is intercepted by homes.
- Additional Analysis required
- Criticality Score: 45.5
- Total Project Cost
  - \$500,000



Project 34	
Item	Score
Estimated Cost	10
Source/Destination	15
Public Infrastructure at Risk	15
Number of Houses Impacted	3
Erosion Issue	0
Green Infrastructure Applicable	2.5
City Priority	0
<b>Total Score</b>	<b>45.5</b>



# Project 32 – 29314 Sumpter Drive

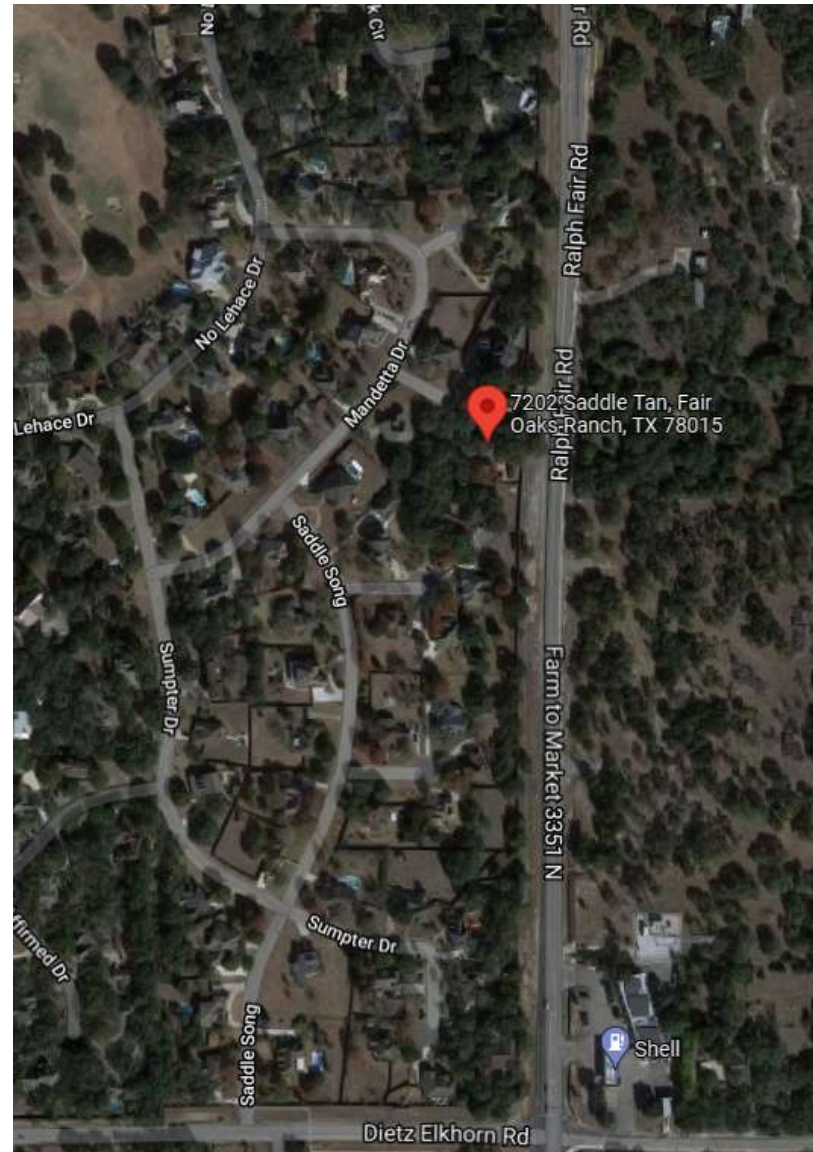
- Runoff flows from Nooner's Store and is intercepted by the homes across Ralph Fair Road. Severe slope accelerates runoff towards homes.
- TxDOT road widening and drainage improvements projected 10+ years out
- TxDOT coordination and Municipal Maintenance Agreement (MMA) required
- Criticality Score: 40.5
- Total Project Cost
  - \$221,162



Project 32	
Item	Score
Estimated Cost	6
Source/Destination	15
Public Infrastructure at Risk	15
Number of Houses Impacted	2
Erosion Issue	0
Green Infrastructure Applicable	2.5
City Priority	0
<b>Total Score</b>	<b>40.5</b>

# Project 85 – 7202 Saddle Tan

- Project is being combined with Project 32. Along Ralph Fair Rd corridor.
- TxDOT road widening and drainage improvements projected 10+ years out
- TxDOT coordination and Municipal Maintenance Agreement (MMA) required
- Total Project Cost
  - No Cost Estimate developed





# Project 41 – 8426 Triple Crown

- Large amount of runoff flows down right-of-way and through a platted easement. Culvert is undersized and becomes obstructed and eventually backs up.
- Channel Improvements needed
- Criticality Score: 22
- Total Project Cost
  - \$201,923



Project 41	
Item	Score
Estimated Cost	6
Source/Destination	15
Public Infrastructure at Risk	0
Number of Houses Impacted	1
Erosion Issue	0
Green Infrastructure Applicable	0
City Priority	0
<b>Total Score</b>	<b>22</b>





# Project 44 – 31988 Scarteen

- Runoff from Sky Blue Ridge runs down road and heads in direction of home.
- Channel Improvements / Regrading needed
- In-house maintenance w/CIP placeholder
- Criticality Score: 28.5
- Total Project Cost
  - \$85,821



Project 44	
Item	Score
Estimated Cost	10
Source/Destination	15
Public Infrastructure at Risk	0
Number of Houses Impacted	1
Erosion Issue	0
Green Infrastructure Applicable	2.5
City Priority	0
<b>Total Score</b>	<b>28.5</b>

# Project 46 – 7644 Pimlico Lane

- Large amount of runoff flows over the road and through property towards Salado Creek.
- In-house maintenance w/CIP placeholder
- Criticality Score: 28.5
- Total Project Cost
  - \$85,821



Project 46	
Item	Score
Estimated Cost	10
Source/Destination	15
Public Infrastructure at Risk	0
Number of Houses Impacted	1
Erosion Issue	0
Green Infrastructure Applicable	2.5
City Priority	0
<b>Total Score</b>	<b>28.5</b>



# Project 53 – 32030 Scarteen

- City installed berms and swales which have eroded and silted over time. Flooding occurs in driveway and has come close to entering the home.
- Channel Improvements needed
- In-house maintenance w/CIP placeholder
- Criticality Score: 24.5
- Total Project Cost
  - \$221,162



Project 53	
Item	Score
Estimated Cost	6
Source/Destination	15
Public Infrastructure at Risk	0
Number of Houses Impacted	1
Erosion Issue	2.5
Green Infrastructure Applicable	0
City Priority	0
<b>Total Score</b>	<b>24.5</b>





# Project 43 – 8312 Triple Crown

- Large amount of runoff moves down Rocking Horse Lane towards the south of the city.
- Additional analysis required
  - Potential to construct a culvert and channel to catch flows before reaching private property
- Criticality Score: 22
- Total Project Cost
  - \$221,162



Project 43	
Item	Score
Estimated Cost	6
Source/Destination	15
Public Infrastructure at Risk	0
Number of Houses Impacted	1
Erosion Issue	0
Green Infrastructure Applicable	0
City Priority	0
<b>Total Score</b>	<b>22</b>





# Project 63 – 8045 Flagstone Hill

- Water does not have a clear flow path along the street and makes it way through nearby yard.
- Regrading / Culvert Installation needed
- In-house maintenance w/CIP placeholder
- Total Project Cost
  - No Cost Estimate developed



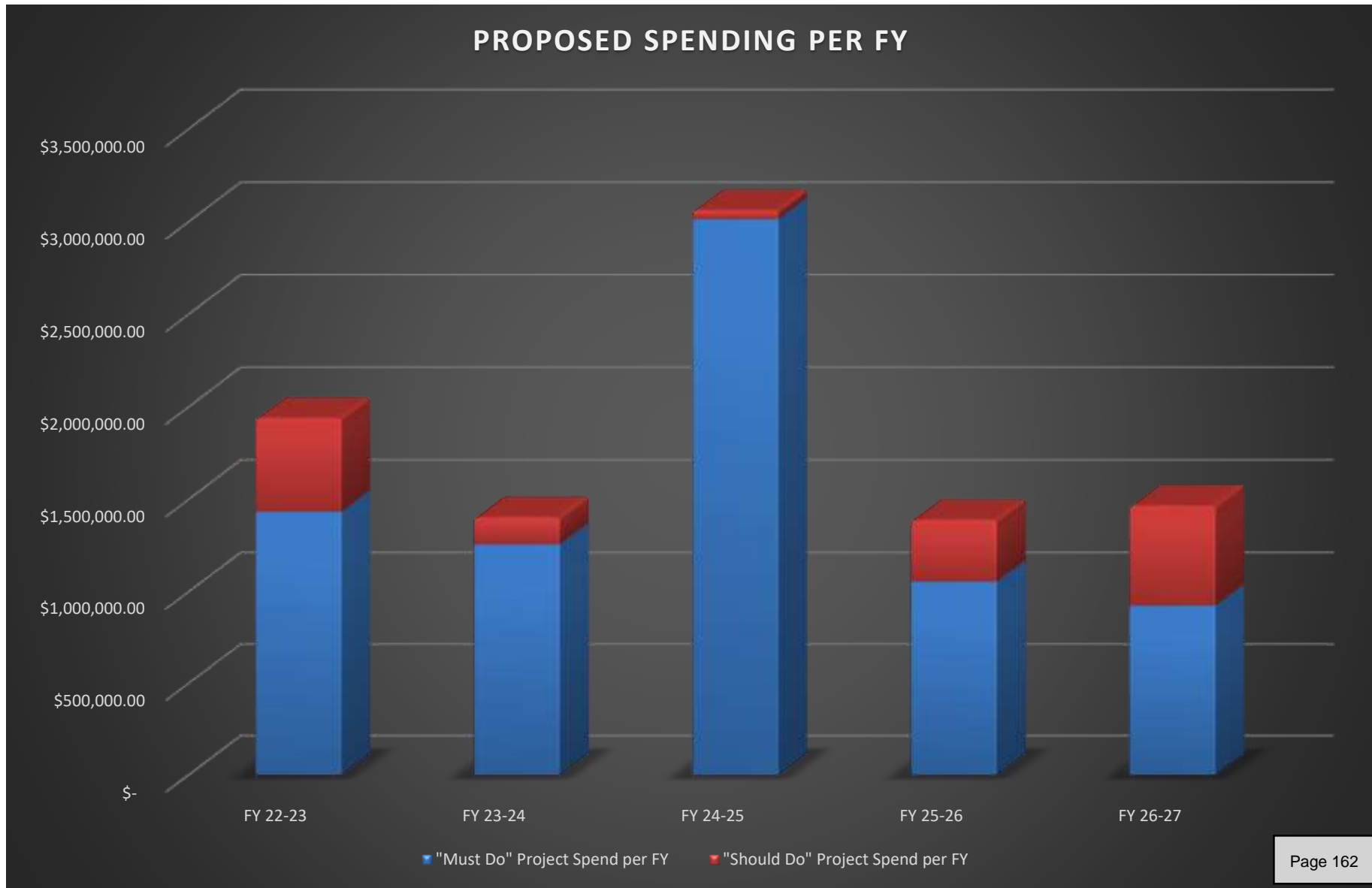
# Project 58 – 8037 Rock Oak Circle

- Water flows between two lots, ponds on property and erodes channel in ROW
- Channel regrading and maintenance
- In-house maintenance w/CIP placeholder
- Criticality Score: 11
- Total Project Cost
  - \$88,465



Project 58	
Item	Score
Estimated Cost	10
Source/Destination	0
Public Infrastructure at Risk	0
Number of Houses Impacted	1
Erosion Issue	0
Green Infrastructure Applicable	0
City Priority	0
<b>Total Score</b>	<b>11</b>

# 5-Year CIP “Should Do”



# “Nice to Do”

- 47 Locations
  - These projects address Maintenance Related Issues
    - Low spots in roadways where ponding occurs
    - Incorporate into future annual road maintenance plan
  - Other locations included in this category require maintenance and/or improvements on private property or within gated communities
    - Majority of drainage issues cannot be resolved within the city’s ROW and will require HOA/property owner coordination and cooperation.
    - Education of existence, purpose and importance of maintaining drainage easements may help tackle issues

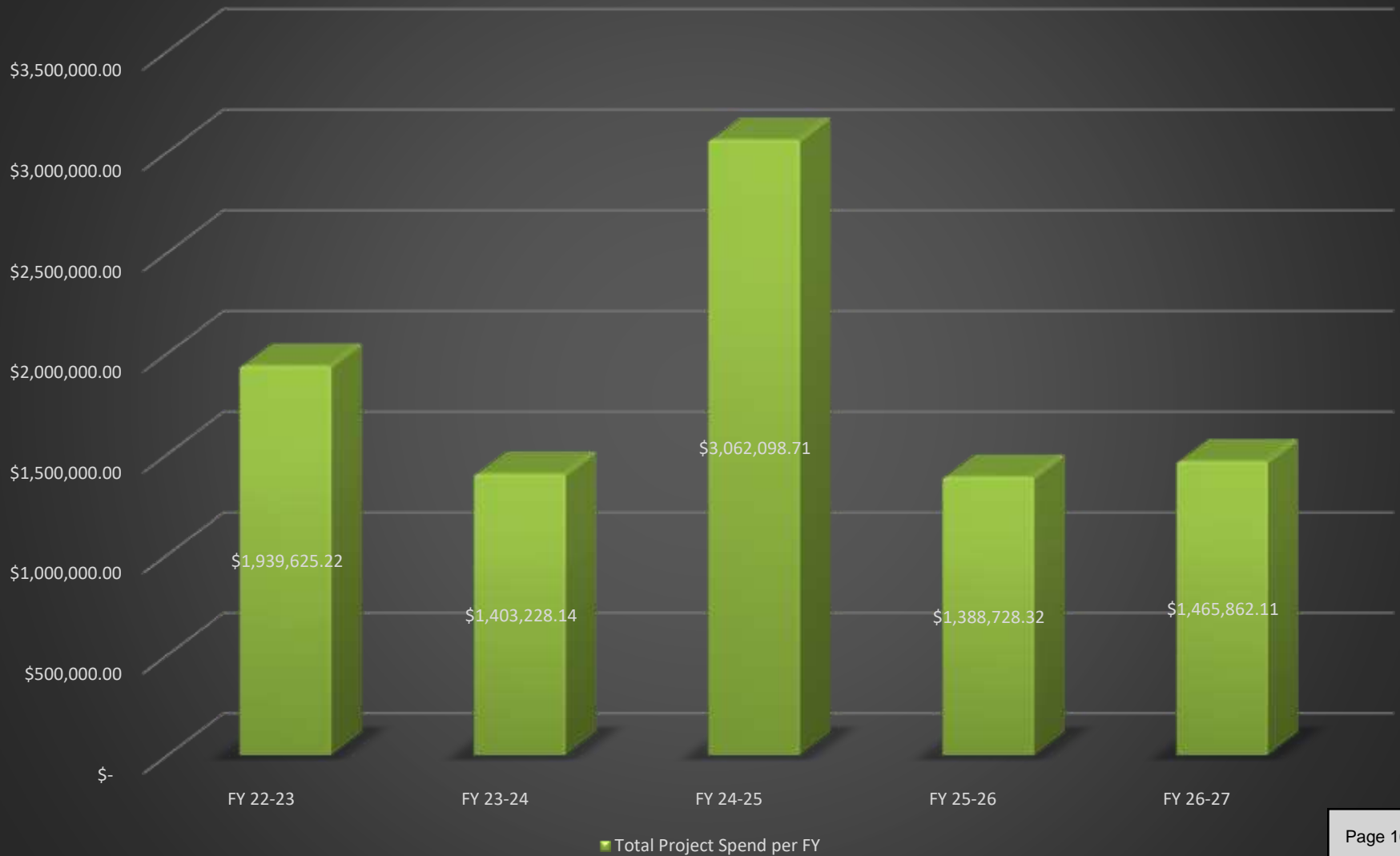


# 5-Year CIP Overview

Project Type	Cost
Must Do (12 Projects)	\$7.68 M
Should Do (10 Projects)	\$1.58 M
Total (22 Projects)	\$9.26 M

# 5-Year CIP Spending

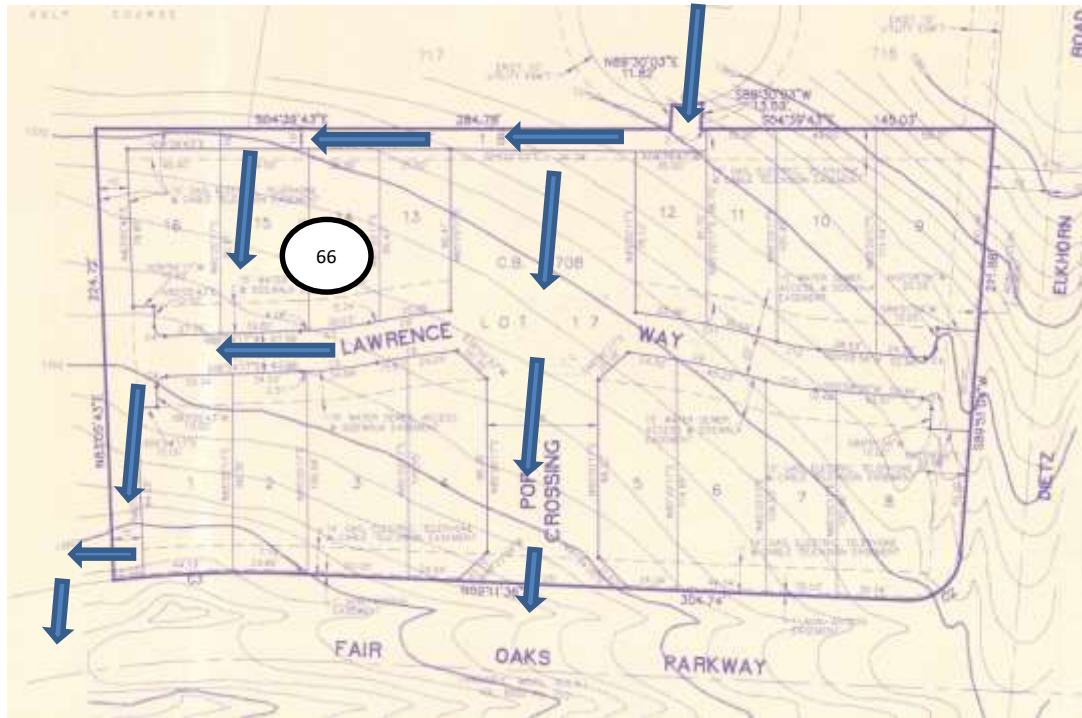
PROPOSED SPENDING PER FY



# Discussion/Challenges

- City lacks authority to conduct maintenance or make drainage improvements on private property
  - In general, plat notes either state the property owner is responsible for maintaining drainage easements or lacks a plat note
  - In few instances, plat notes state the City shares responsibility for drainage easement maintenance with the property owner
- Obtaining authority needs careful consideration
  - Requires written consent and waiver of liability, often from many property owners if drainage easements cross property lines
  - Some property owners have purposely filled in easements, or built gardens, sheds, fences or other obstructions in easements
  - May requires reimbursement of city's costs or cost-sharing arrangement

# Private Gated Communities



## NOTE:

1. ALL EASEMENTS SHALL BE DEEMED TO HAVE BEEN DEDICATED FOR THE USE OF ALL VEHICLES AND/OR PERSONNEL OF THE UTILITY COMPANIES AS SHOWN AND/OR ALL VEHICLES AND PERSONNEL OF THE CITY OF FAIR OAKS RANCH WHEN ON OFFICIAL BUSINESS WITHOUT LIABILITY TO THE CITY, AND THE CITY OF FAIR OAKS RANCH MAY ORDER REMOVAL AT ANYTIME ALL OBSTRUCTIONS OF ANY TYPE IN THE EASEMENTS, THE COST OF REMOVAL TO BE BORNE BY THE OWNER.

2. THE MAINTENANCE OF EASEMENTS SHALL BE THE RESPONSIBILITY OF LOT OWNERS AND NOT THE RESPONSIBILITY OF THE CITY OF FAIR OAKS RANCH.

3. THE LOTS SHOWN ON THIS PLAT ARE SUBJECT TO ADDITIONAL EASEMENTS, BLDG. SETBACKS AND RESTRICTIONS AS RECORDED FOR THIS UNIT IN THE PUBLIC RECORDS OF BEXAR COUNTY, TEXAS.

4. LOT 18 IS TO BE USED AS A CART PATH EASEMENT, ALSO IS A UTILITY EASEMENT FOR WATER, ELECTRIC, SANITARY SEWER, TELEPHONE, CABLE TELEVISION AND DRAINAGE.

5. LOT 17 IS A COMMON AREA WHICH INCLUDES PRIVATE STREETS, CONTROLLED ENTRY GATE AND PARKING AREAS, AS WELL AS AN EASEMENT FOR WATER, SANITARY SEWER AND DRAINAGE.

6. CPS METERS SHALL BE RESTRICTED TO THE REAR OF THE BUILDINGS.

## Issue

Water flows from city ROW into a platted drainage easement. Due to easement obstructions, drainage does not flow properly. Water has entered homes in the past.

## Plat note:

66 - The maintenance of easements shall be the responsibility of lot owners and not the responsibility of the City of Fair Oaks Ranch.



# Private Gated Communities



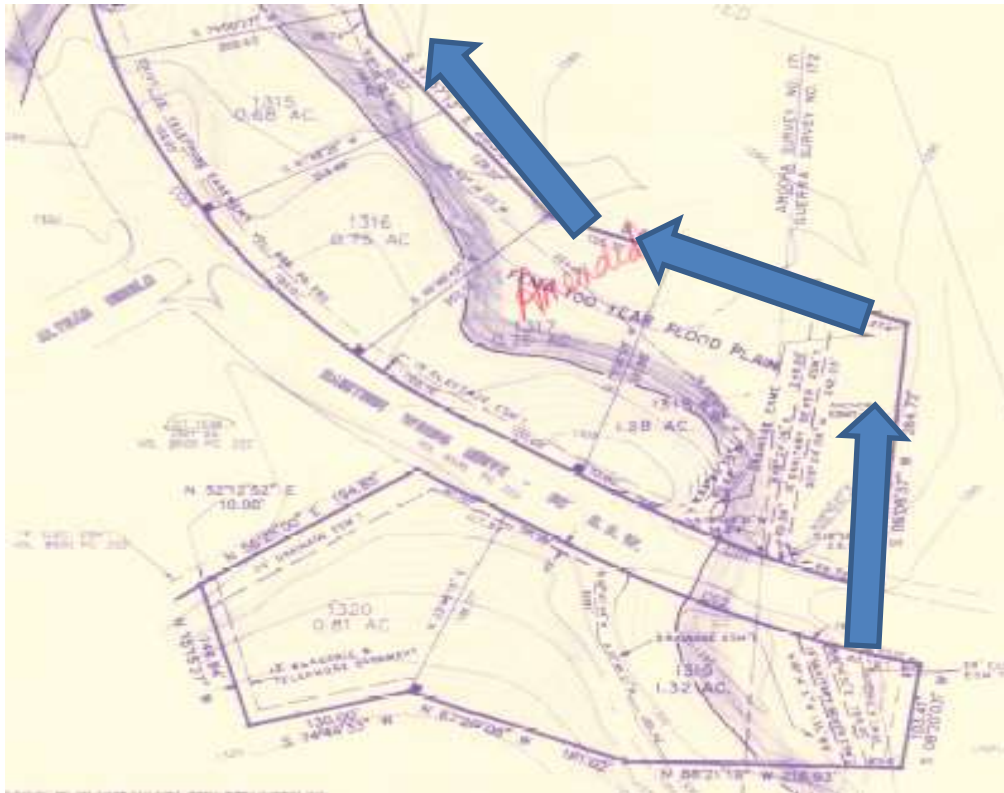
**Issue:** Large amount of water run off flows in from Raintree woods.

**Plat note:**

26 - The maintenance of easements shall be the responsibility of lot owners and not the responsibility of the City of Fair Oaks Ranch.

(Dark area is 100 yr. Flood Plain)

# Private Gated Communities



**NOTE:**

ALL EASEMENTS SHALL BE DEEMED TO HAVE BEEN DEDICATED FOR THE USE OF ALL VEHICLES AND/OR PERSONNEL OF THE UTILITY COMPANIES AS SHOWN AND/OR ALL VEHICLES AND PERSONNEL OF THE CITY OF FAIR OAKS RANCH WHEN ON OFFICIAL BUSINESS WITHOUT LIABILITY TO THE CITY, AND THE CITY OF FAIR OAKS RANCH MAY ORDER REMOVAL AT ANYTIME ALL OBSTRUCTIONS OF ANY TYPE IN THE EASEMENTS, THE COST OF REMOVAL TO BE BORNE BY THE OWNER.

THE MAINTENANCE OF EASEMENTS SHALL BE THE RESPONSIBILITY OF LOT OWNERS AND THE RESPONSIBILITY OF THE CITY OF FAIR OAKS RANCH.

THE LOTS SHOWN ON THIS PLAT ARE SUBJECT TO ADDITIONAL EASEMENTS AND RESTRICTIONS AS RECORDED FOR THIS UNIT IN THE PUBLIC RECORDS OF BEXAR COUNTY, TEXAS.

**Issue:** Large amount of water runs through property where 100-year flood plain is located. Erosion issues in some areas. Flow runs into the falls which is a gated community with the sole ownership responsibility. Upstream maintenance could have negative impact as flow makes its way to Cibolo creek.

**Plat Note:** The maintenance of easements shall be the responsibility of lot owners and the responsibility of the City of Fair Oaks Ranch.

Determination on how the city may assist private gated communities would be based on the plat note, legal determination, and risk.

# Recommendations

---

- Current Action
  - Approve proposed 5-Yr Drainage CIP plan
- Future Action
  - Develop strategy to address drainage issues on private property or in gated communities requiring HOA/Owner coordination and cooperation (potential retreat item)
  - Establish Bond Advisory Committee
  - Revisit 5-Yr Drainage CIP annually

Project #	Score	Address	Public / Private	Phase	Estimated Budget	PRIOR	FY22	FY23	FY24	FY25	FY26	FY27	FUTURE	Criticality	Comments
						2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025-2026	2026-2027			
TOTALS						\$ -	\$ 315,000	\$ 1,645,000	\$ -	\$ -	\$ -	\$ 223,066	\$ -		
Current Projects (Approved 2021-2022 Budget)															
5	47	7820 Rolling Acres Trail	Public ROW	Design	\$ 185,000	\$ -	\$ 85,000	\$ 100,000	\$ -	\$ -	\$ -	\$ -		Must / LWC Impacting Emergency Vehicle Access	
				Construction	\$ 500,000	\$ -	\$ -	\$ 500,000	\$ -	\$ -	\$ -	\$ -			
17	47	7840 Silver Spur Trail	Public ROW	Design	\$ 190,000	\$ -	\$ 95,000	\$ 95,000	\$ -	\$ -	\$ -	\$ -		Must / LWC Impacting Emergency Vehicle Access	
				Construction	\$ 500,000	\$ -	\$ -	\$ 500,000	\$ -	\$ -	\$ -	\$ -			
34	45.5	29010 Tivoli Way	Public ROW / Private Easement	Design	\$ 100,000	\$ -	\$ 50,000	\$ 50,000	\$ -	\$ -	\$ -	\$ -		Should / Flows from public ROW impacting private property & Solution will be contained with ROW	
				Construction	\$ 400,000	\$ -	\$ -	\$ 400,000	\$ -	\$ -	\$ -	\$ -			
36	42	8410 Noble Lark Dr	Public ROW	Design	\$ 63,733	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 63,733		Must / Risk to public infrastructure	Project Completed by CFOR Staff - Staff to Monitor. Improvements may not be needed.
				Construction	\$ 159,333	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 159,333			
30	31	7900 Fair Oaks Pkwy	Public ROW	Study	\$ 10,000	\$ -	\$ 10,000	\$ -	\$ -	\$ -	\$ -	\$ -		Must / Solution constructed without verification of no adverse impact downstream	Study to confirm if issue resolved or new issue created downstream
				Construction	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -			
61	49	8013 Rocking Horse Lane	Public ROW	Design	\$ 15,000	\$ -	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -		Must / Risk to public infrastructure	
				Construction	\$ 60,000	\$ -	\$ 60,000	\$ -	\$ -	\$ -	\$ -	\$ -			
5 Year CIP Projects (FY 23-FY 27)															
Project #	Score	Address	Public / Private	Phase	Estimated Budget	FY21 2020-2021	FY22 2021-2022	FY23 2022-2023	FY24 2023-2024	FY25 2024-2025	FY26 2025-2026	FY27 2026-2027	FUTURE	Criticality	Comments
TOTALS					\$ 9,375,866	\$ -	\$ -	\$ 294,625	\$ 1,403,228	\$ 3,062,099	\$ 1,388,728	\$ 1,242,796	\$ -		
32	40.5	29314 Sumpter Drive	Public ROW	Design	\$ 61,829	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 61,829	\$ -	\$ -	Should / Flows from public ROW impacting private property & solution will be contained with ROW	
				Construction	\$ 159,333	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 159,333	\$ -		
1	26	Ammann Road Low Water Crossing	Public ROW	Design	\$ 110,550	\$ -	\$ -	\$ 55,275	\$ 55,275	\$ -	\$ -	\$ -	\$ -	Must / Low Water Crossing	Drainage improvements will be included with planned roadway project
				Construction	\$ 1,013,784	\$ -	\$ -	\$ -	\$ -	\$ 506,892	\$ 506,892	\$ -	\$ -		
6	17	7420 Rolling Acres Trail	Public ROW	Design	\$ 207,738	\$ -	\$ -	\$ 103,869	\$ 103,869	\$ -	\$ -	\$ -	\$ -	Must / Risk to public infrastructure	Drainage improvements will be included with planned roadway project
				Construction	\$ 551,828	\$ -	\$ -	\$ -	\$ -	\$ 275,914	\$ 275,914	\$ -	\$ -		
23	17	8402 Battle Intense	Public ROW	Design	\$ 865,855	\$ -	\$ -	\$ -	\$ 865,855	\$ -	\$ -	\$ -	\$ -	Must / LWC & Risk to public Infrastructure	
				Construction	\$ 2,231,307	\$ -	\$ -	\$ -	\$ -	\$ 2,231,307	\$ -	\$ -	\$ -		
41	22	8426 Triple Crown	Public ROW	Design	\$ 56,450	\$ -	\$ -	\$ 56,450	\$ -	\$ -	\$ -	\$ -	\$ -	Should / Culvert undersized for design storm	
				Construction	\$ 145,473	\$ -	\$ -	\$ -	\$ 145,473	\$ -	\$ -	\$ -	\$ -		
85		7202 Saddle Tan	Public ROW	Design	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	Should / Flows from public ROW impacting private property & solution will be contained with ROW	Solution to Project 32 should be coordinated with solution to this project.
				Construction	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
37	40	7967 Turf Paradise Lane	Public ROW	Design	\$ 79,031	\$ -	\$ -	\$ 79,031	\$ -	\$ -	\$ -	\$ -	\$ -	Must / Risk to public infrastructure	In-house maintenance planned to see if issue can be resolved.
				Construction	\$ 232,757	\$ -	\$ -	\$ -	\$ 232,757	\$ -	\$ -	\$ -	\$ -		
2	29	8472 Rolling Acres Trail	Public ROW	Design	\$ 61,829	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 61,829	\$ -	\$ -	Must / Risk to public infrastructure	In-house maintenance planned to see if issue can be resolved.
				Construction	\$ 159,333	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 159,333	\$ -		
44	28.5	31988 Scarteen	Public ROW	Design	\$ 23,993	\$ -	\$ -	\$ -	\$ -	\$ 23,993	\$ -	\$ -	\$ -	Should / Flows from public ROW impacting private property & solution will be contained with ROW	In-house maintenance planned to see if issue can be resolved.
				Construction	\$ 61,829	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 61,829	\$ -	\$ -		
46	28.5	7644 Pimlico Lane	Public ROW	Design	\$ 23,993	\$ -	\$ -	\$ -	\$ -	\$ 23,993	\$ -	\$ -	\$ -	Should / Flows from public ROW impacting private property & solution will be contained with ROW	In-house maintenance planned to see if issue can be resolved.
				Construction	\$ 61,829	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 61,829	\$ -	\$ -		
4	28	8040 Rolling Acres Trail	Public ROW	Design	\$ 61,829	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 61,829	\$ -	\$ -	Must / Risk to public infrastructure	In-house maintenance planned to see if issue can be resolved.
				Construction	\$ 159,333	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 159,333	\$ -		
42	27.5	7740 Pimlico Lane	Public ROW	Design	\$ 24,732	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 24,732	\$ -	\$ -	Must / Risk to public infrastructure	In-house maintenance planned to see if issue can be resolved.
				Construction	\$ 63,733	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 63,733	\$ -		
53	24.5	32030 Scarteen	Public ROW	Design	\$ 61,829	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 61,829	\$ -	\$ -	Should / Flows from public ROW impacting private property & solution will be contained with ROW	In-house maintenance planned to see if issue can be resolved.
				Construction	\$ 159,333	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 159,333	\$ -		
43	22	8312 Triple Crown	Public ROW	Design	\$ 61,829	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 61,829	\$ -	\$ -	Should / Flows from public ROW impacting private property & solution will be contained with ROW	In-house maintenance planned to see if issue can be resolved.
				Construction	\$ 159,333	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 159,333	\$ -		
63	21	8045 Flagstone Hill	Public ROW	Design	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	Should / Flows from public ROW impacting private property & solution will be contained with ROW	In-house maintenance planned to see if issue can be resolved.
				Construction	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
35	29.5	28907 Chartwell Lane	Shared Easement	Design	\$ 56,451	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 61,829	\$ -	\$ -	Must / Risk to public infrastructure	
				Construction	\$ 145,473	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 159,333	\$ -		
15	29.5	8622 Delta Dawn	Private Easement	Design	\$ 56,451	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 61,829	\$ -	\$ -	Must / Risk to public infrastructure (Lift Station)	Staff will need to consider coordination with party responsible for easement maintenance to coordinate possible solutions.
				Construction	\$ 145,473	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 159,333	\$ -		
58	11	8037 Rock Oak Circle	Public ROW / Shared Easement	Design	\$ 23,993	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 24,732	\$ -	\$ -	Should / Flows from public ROW impacting private property & solution will be contained with ROW	In-house maintenance planned to see if issue can be resolved.
				Construction	\$ 61,829	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 63,733	\$ -		
Potential Future Projects (Beyond FY 27)															
25	42	7715 Fair Oaks Parkway	Private Easement	Design	\$ 78,835	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 78,835	Nice / Flows from public ROW impacting private property & solution may require property owner coordination	
				Construction	\$ 197,088	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 197,088		
26	21	47 Falls Terrace	Private Easement	Design	\$ 23,993	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 26,278	Nice / Private Property Issue	
				Construction	\$ 61,829	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 65,696		
48	31	28207 Kempton Circle	Private Easement	Design	\$ 22,581	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 26,278	Nice / Flows from public ROW impacting private property & solution may require property owner coordination	
				Construction	\$ 58,190	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 65,696		
29	30	8531 Alydar Circle	Private Easement	Design	\$ 56,451	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 65,696	Nice / Flows from public ROW impacting private property & solution may require property owner coordination	
				Construction	\$ 145,473	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 164,240		
16	29.5	30817 Man O War	Private Easement	Design	\$ 22,581	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 26,278	Nice / Flows from public ROW impacting private property & solution may require property owner coordination	
				Construction	\$ 58,190	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 65,696		
8	28.5	31789 Sunland	Private Easement	Design	\$ 28,226	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 26,278	Nice / Flows from public ROW impacting private property & solution may require property owner coordination	
				Construction	\$ 58,190	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 65,696		
38	28.5	7626 Rocking Horse Ln	Shared Easement	Design	\$ 22,581	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 26,278	Nice / Flows from public ROW impacting private property & solution may require property owner coordination	
				Construction	\$ 58,190	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 65,696		
9	27	31521 Silver Spur Trail	Private Easement	Design	\$ 22,581	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 26,278	Nice / Flows from public ROW impacting private property & solution may require property owner coordination	
				Construction	\$ 58,190	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 65,696		
45	27	8816 Jodphur	Private Easement	Design	\$ 22,581	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 26,278	Must / Solution constructed needs to be verified	
				Construction	\$ 58,190	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 65,696		
56	26	29707 High Eschelon	Private Easement	Design	\$ 23,276	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 26,278	Nice / Flows from public ROW impacting private property & solution may require property owner coordination	
				Construction	\$ 59,982	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 65,696		
52	24.5	29755 No Le Hace	Shared Easement	Design	\$ 58,190	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 65,696	Nice / Flows from public ROW impacting private property & solution may require property owner coordination	City added to channel wall. Verify if this issue still exists (no evidence of silting seen during site visits)
				Construction	\$ 149,954	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 164,240		
27	22	29358 Duberry Ridge	Private Easement	Design	\$ 58,190	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 65,696	Nice / Flows from public ROW impacting private property & solution may require property owner coordination	
				Construction	\$ 149,954	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 164,240		
28	17.5	29534 No Le Hace Drive	Private Easement	Design	\$ 23,993	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 26,278	Nice / Private Property Issue	
				Construction	\$ 61,829	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 65,696		



Project #	Score	Address	Public / Private	Phase	Estimated Budget	PRIOR	FY22	FY23	FY24	FY25	FY26	FY27	FUTURE	Criticality	Comments
						2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025-2026	2026-2027			
				TOTALS		\$ -	\$ 315,000	\$ 1,645,000	\$ -	\$ -	\$ -	\$ 223,066	\$ -		
49	17	7754 Terra Manor	Private Easement	Design	\$ 23,993	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 26,278	Nice / Private Property Issue	
				Construction	\$ 61,829	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 65,696		
10	14	31520 Meadow Creek Trail	No Easement	Design	\$ 59,982	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 65,696	Nice / Private Property Issue	In-house maintenance planned to see if issue can be resolved.
				Construction	\$ 154,573	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 164,240		
3	19.5	31872 Sunland	No Easement	Design	\$ 23,993	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 26,278	Nice / Private Property Issue	In-house maintenance planned to see if issue can be resolved.
				Construction	\$ 61,829	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 65,696		
11	6.5	Jodphur near Furtoso Way	Private Easement	Design	\$ 70,345	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 77,047	Nice / Private Property Issue	
				Construction	\$ 628,628	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 667,947		
40	16	28337 Leslie Pfeiffer Dr.	Private Easement	Design	\$ 23,993	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 26,278	Nice / Maintenance Related Issue	
				Construction	\$ 61,829	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 65,696		
60	15	Cibolo Trails Common Area	Private Easement	Design	\$ 59,982	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 65,696	Nice / Private Property Issue	
				Construction	\$ 154,573	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 164,240		
12	14.5	31104 Furtoso Way	Private Easement	Design	\$ 59,982	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 65,696	Nice / Private Property Issue	
				Construction	\$ 154,573	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 164,240		
19	12	7660 Intrepid Drive	Private Easement	Design	\$ 59,982	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 65,696	Nice / Private Property Issue	
				Construction	\$ 154,573	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 164,240		
7	9.5	8524 Rolling Acres Trail	Private Easement	Design	\$ 59,982	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 65,696	Nice / Private Property Issue	
				Construction	\$ 154,573	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 164,240		
13	7	8609 Delta Dawn Lane	Private Easement	Design	\$ 59,982	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 65,696	Nice / Private Property Issue	
				Construction	\$ 154,573	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 164,240		
47	7	29636 No Le Hace	Private Easement	Design	\$ 59,982	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 65,696	Nice / Private Property Issue	
				Construction	\$ 154,573	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 164,240		
20	7	30621 Sweetridge Circle	Private Easement	Design	\$ 59,982	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 65,696	Nice / Private Property Issue	
				Construction	\$ 154,573	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 164,240		
62	12.5	29253 Enchanted Glen	Private Easement	Design	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	Nice / Private Property Issue	
				Construction	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
64	19.5	29423 Sumpter	Private Easement	Design	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	Nice / Private Property Issue	
				Construction	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
65	10	29915 Fairway Vista	Private Easement	Design	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	Nice / Private Property Issue	
				Construction	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
66	8.5	8132 Pimlico	Private Easement	Design	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	Nice / Private Property Issue	
				Construction	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
67	13	The Crossings	Private Easement	Design	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	Nice / Private Property Issue	
				Construction	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
68	27.5	7775 Fair Oaks Parkway	Private Easement	Design	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	Nice / Flows from public ROW impacting private property & solution may require property owner coordination	
				Construction	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
69	6	28982 Fairs Gate	Private Easement	Design	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	Nice / Flows from public ROW impacting private property & solution may require property owner coordination	Gated community - no easement or agreement to maintain infrastructure
				Construction	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
70	25	30203 Fair Way Ash	Private Easement	Design	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	Nice / Flows from public ROW impacting private property & solution may require property owner coordination	
				Construction	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
71	6	29744 Elkhorn Ridge	Private Easement	Design	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	Nice / Private Property Issue	Gated community - no easement or agreement to maintain infrastructure
				Construction	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
72	10	8942 Whimsey Ridge	Private Easement	Design	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	Nice / Private Property Issue	Gated community - no easement or agreement to maintain infrastructure
				Construction	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
73	6	30539 Setterfeld Circle	Private Easement	Design	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	Nice / Private Property Issue	Gated community - no easement or agreement to maintain infrastructure
				Construction	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
74	9.5	29646 Terra Bella	Private Easement	Design	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	Nice / Private Property Issue	HOA - no easement or agreement to maintain infrastructure
				Construction	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
75	25	8209 Lammterra Cir	Private Easement	Design	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	Nice / Flows from public ROW impacting private property & solution may require property owner coordination	
				Construction	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
76	23.5	8523 Wimbley	Public ROW	Design	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	Nice / Flows from public ROW impacting private property & solution may require property owner coordination	In-house maintenance planned to see if issue can be resolved.
				Construction	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
77	23.5	8635 Fairway Green Drive	Private Easement	Design	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	Nice / Flows from public ROW impacting private property & solution may require property owner coordination	Similar issues to other projects where flows from golf course causing issues?
				Construction	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
78	10	8754 Avator Circle	Private Easement	Design	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	Nice / Private Property Issue	
				Construction	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
79	25	29310 Mandetta	Public ROW	Design	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	Nice / Maintenance Related Issue	
				Construction	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
80	21	29526 No Le Hace	Private Easement	Design	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	Nice / Private Property Issue	Related to issue Project 28. Same easement
				Construction	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
81	25	30711 Kenneland Drive	Public ROW	Design	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	Nice / Maintenance Related Issue	
				Construction	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
82	2	8456 Rolling Acres Trail	Private Easement	Design	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	Nice / Private Property Issue	
				Construction	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
83	25	30406 Fair Way Run	Public ROW	Design	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	Nice / Maintenance Related Issue	
				Construction	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
84	10	8722 Raintree Woods Drive	Private Easement	Design	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	Nice / Private Property Issue	
				Construction	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
	5 Year CIP Projects (FY 23 - FY 27)					\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,653,913		
	Projects for future consideration														

Notes:  
1. Timing of projects in FY23 to FY27 to be evaluated each year and is subject to change based on funding, project readiness, etc.  
2. Budgets shown for projects in FY23 to FY27 are estimates and subject to change.

\$ -



## CITY COUNCIL CONSIDERATION ITEM

### CITY OF FAIR OAKS RANCH, TEXAS

January 20, 2022

AGENDA TOPIC: Consideration and possible action authorizing the City Manager to execute a contract with Troxell Communications to purchase equipment for live streaming public meetings.

DATE: January 20, 2022

DEPARTMENT: Human Resources & Communications

PRESENTED BY: Joanna Merrill, IPMA-SCP

### **INTRODUCTION/BACKGROUND:**

Council approved for staff to move forward with researching a non-interactive method for livestreaming all public meetings that would be directed and managed by staff. Since that time a variety of options have been presented to Council for its consideration, and staff was instructed to continue its search.

Staff then sought and received a quote from Troxell Communications, also known as Trox. Trox has been in business for nearly 40 years and is one of the nation's leading end-to-end providers for education technology and collaborative solutions. Their primary goal is to empower their clients to confidently purchase, implement, use, and manage technology to address their specific challenges. Trox provided staff with the most cost-efficient solution encompassing the guidance received from Council to accommodate the City's livestreaming program as it stands to-date.

With assistance from the City Council, staff also received guidance from a resident who is also an experienced broadcast journalist. This local team reviewed all of the quotes the City received and confirmed that the Trox proposal has the essential components needed to livestream public meetings and court proceedings based on the guidelines requested by council. They were able to verify that the prices were within the current industry standards.

The Trox solution will provide the needed audio upgrades and video equipment needed to livestream public meetings and court proceedings in the Police Department Training Room, but it is important to note that there will still be some additional costs for the following:

- IT will need to install a license on our storage area network (SAN) to point to Amazon S3 GovCloud in order to expand our onsite storage to retain the videos for 90 days per page 5 of the recently adopted Records Management Ordinance 2021-06.
  - No additional cost to install the license.
- Purchase additional storage with Amazon S3 GovCloud
  - Estimated additional \$30/year.
- Purchase additional storage with Unitrends Backup Cloud
  - Estimated additional \$3,000/ year.
    - The above estimated cost for this may change in future years if the retention period for videos ever increases beyond 90 days.

Based on the quote received from Troxell Communications and the additional estimated costs provided by our IT Manager, staff recommends that the City Council authorize the City Manager to execute a contract with Troxell Communications.

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

- Will address opportunities to create an easily accessible and transparent option for citizens to view local government public meetings
- Will provide an opportunity to display professionalism and technological advancement in meeting service expectations
- Will create a new service to enhance communications within our City.

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

If the record retention period is ever increased beyond the current 90-day requirement the annual costs may increase at that time.

**LEGAL ANALYSIS:**

No legal analysis needed at this time.

**RECOMMENDATION/PROPOSED MOTION:**

I move to approve authorizing the City Manager to execute an agreement with Troxell Communications to purchase equipment for live streaming public meetings.

## city of Fair Oaks Ranch

Contact: Joanna Merrill  
Email: Jmerrill@fairoaksranchtx.org  
7286 Dietz Elkhorn Rd.  
Boerne, Texas, 78015

## Trenton Brackley

Email: trenton.brackley@trox.com  
20770 HWY 281 N-Ste 108 #427  
SAN ANTONIO, TX, 78258

Terms: Net 30      FOB: Destination      Customer #:      Expires: 2/11/2022

Item	Description	List Price	Sell Price	Qty	Ext.Price
1	<b>SPR SEN508710</b> Digital wireless headmic set SENNHEISER	\$899.00	\$704.71	12	\$8,456.52
2	<b>SNN SEN508879</b> ACTIVE ANTENNA SPLITTER FOR USE WITH EVOLUTION WIRELESS DIGITAL SYSTEMS (DUAL 1; SENNHEISER	\$699.00	\$574.98	3	\$1,724.94
3	<b>SNN SEN508863</b> ADP UHF (470 - 1075 MHZ) SENNHEISER	\$349.00	\$288.08	2	\$576.16
4	<b>SNN SEN508862</b> EW-D CHARGING SET. INCLUDES (1) L 70 USB CHARGERS AND (2) BA 70 RECHARGEABLE BAT SENNHEISER	\$179.00	\$144.05	6	\$864.30
5	<b>SNN SEN508873</b> ANTENNA BOOSTER FOR USE WITH EVOLUTION WIRELESS DIGITAL SYSTEMS,+10 DB GAIN, BNC SENNHEISER	\$249.00	\$191.95	1	\$191.95
6	<b>LTU LTULC200</b> MEDIA PROCESSOR LUMENS	\$4,359.00	\$2,481.58	1	\$2,481.58
7	<b>LTU LTUVCB30UW</b> USB 3.0 HDMI OUTPUT-12X OPT ZOOM-WHT-108 LUMENS	\$1,339.00	\$775.29	2	\$1,550.58
8	<b>CHF CHFCMA440</b> CEILING MOUNT KIT LCD SUSPENDED 81X24IN CHIEF	\$158.00	\$66.32	2	\$132.64
9	<b>LWC ITXDLHD50C</b> DIGITALINX HDMI CATX TX/RX SET INTELIX	\$188.38	\$100.26	3	\$300.78
10	<b>Installation</b> Labor and misc materials	\$0.00	\$13,999.00	1	\$13,999.00
11	<b>Custom podium mic Holder</b> Mic stand for podium	\$0.00	\$35.29	1	\$35.29



Item	Description	List Price	Sell Price	Qty	Ext.Price
12	<b>BIA BIAEXIN</b> TESIRA 4 CHAN MIC/LINE IN EXPANDR POE+ BIAMP	\$1,398.00	\$834.68	1	\$834.68

Taxable Amount

**Subtotal**

**\$31,148.42**

**\$31,148.42**

**@ 0 % Tax**

**\$0.00**

**Total**

**\$31,148.42**

**Thank You,**

X



**TRENTON BRACKLEY**

Account Executive

O: 210-497-3144 C:

20770 HWY 281 N-Ste 108 #427

SAN ANTONIO, TX, 78258

[Website](#) | [Product Catalog](#)

[Twitter](#) [Facebook](#) [LinkedIn](#)

Trox: Formerly Troxell-CDI



## CITY COUNCIL CONSIDERATION ITEM

### CITY OF FAIR OAKS RANCH, TEXAS

January 20, 2022

AGENDA TOPIC: Consideration and possible action on filling the Planning & Zoning Commission's Place 5 unexpired term

START DATE: January 20, 2022

DEPARTMENT: City Secretary

PRESENTED BY: Christina Picioccio, TRMC, City Secretary

### **INTRODUCTION/BACKGROUND:**

Section 3.04 (d) of the City Charter provides the Mayor shall appoint, upon nomination by majority vote of the City Council, the members of citizen advisory boards and commissions.

- On March 19, 2018, under Resolution 2018-06, the City Council appointed Douglas Leonard to serve on the P&Z Commission as Commissioner, Place 5.
- On September 17, 2020, under Resolution 2020-19, Commissioner Leonard was re-appointed to serve October 1, 2020 through September 30, 2023.
- On December 29, 2021, the City received notification of Commissioner Leonard's resignation from the Commission.

Section 2.1 of the Commission's Rules of Procedure states, "*The Planning and Zoning Commission was established, under Ordinance 2018-03, and members serve at the will of the City Council. Appointments/reappointments to the Planning and Zoning Commission shall be made annually based on the term expiration and expressed interest of members to continue to serve, or at such other times as may be authorized by State Law. Terms shall coincide with the city's fiscal year (October 1 through September 30). Appointments to fill unexpired terms will be made on an as need basis.*"

Tonight's agenda item is to receive guidance from the City Council on how staff is to proceed with the unexpired term:

- Appoint to fill the unexpired term
  - City Council to appoint directly; or
  - City Council to perform the standardized appointment process (interviews)
- Leave the unexpired term unfilled until October 2022.

Note: There are no open applications on file in the City Secretary's office and all candidates interviewed in September 2021 were placed on a city committee, board, or commission.

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

1. Complies with Section 2.1 of the Planning and Zoning Commission's Rules of Procedure relative to a filling a Commissioner's unexpired term.
2. Provides the City Council with two options on addressing the unexpired term.

**LONGTERM FINANCIAL & BUDGETARY IMPACT:**

None.

**LEGAL ANALYSIS:**

N/A

**RECOMMENDATION/PROPOSED MOTION:**

Two potential motions:

- A. I move to fill Place 5 P&Z Commissioner's unexpired term *by direct appointment or by utilizing the city's standardized appointment process.*
- B. I move to leave Place 5 P&Z Commissioner's unexpired term unfilled until October 1, 2022.