



CITY OF FAIR OAKS RANCH CITY COUNCIL REGULAR MEETING

Thursday, January 19, 2023 at 6:30 PM

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

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

AGENDA

OPEN MEETING

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

CITIZENS and GUEST FORUM

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

3. Citizens to be heard.

PRESENTATIONS

4. Presentation of Purple Heart City Street Signs.

Joanna Merrill, IPMA-SCP, Director of Human Resources and Communications
Julio Colunga, Assistant Director of Public Works

5. Proclamation honoring Chief Bob Hardenstine with the Leon Springs Fire Department for his 45-years of service to our City and the Leon Springs area as Fire Chief.

Laura Koerner, City Council Member Place 4

6. Introduction of the newly appointed Chief of the Leon Springs Fire Department, Chief Craig Ramon.

Laura Koerner, City Council Member Place 4

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 5, 2023 Regular City Council meeting minutes.

Christina Picioccio, TRMC, City Secretary

CONSIDERATION/DISCUSSION ITEMS

- [8.](#) Consideration and possible action to take from the table the Resolution and its amendment relating to the approval of allocating portions of the fund balance of the general fund and authorizing the Director of Finance to carry forward continuing appropriations to FY 2022-23.

Rosie G. Vela, Director of Finance

- [9.](#) Consideration and possible action accepting grant on behalf of the Fair Oaks Ranch Police Department from the Office of the Governor for ballistic shields.

John A. Ojeda, Lieutenant

REPORTS FROM STAFF AND COMMITTEES

10. Civic Center Update.

Tobin E. Maples, AICP, City Manager

- [11.](#) Post Oak Trail Project Update.

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

REQUESTS AND ANNOUNCEMENTS

12. Announcements and reports by Mayor and Council Members.
13. Announcements by the City Manager.
14. Requests by Mayor and Council Members that items be placed on a future City Council agenda.

CONVENE INTO EXECUTIVE SESSION

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

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

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

Sec. 551.072 (Deliberation regarding real property)

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

Sec. 551.074 (Personnel Matters)

18. The City Council will convene in closed session pursuant to Texas Government Code Section 551.074, personnel, to deliberate the duties and performance of the City Manager, Tobin Maples. City Manager Maples may request the deliberation be conducted in open session.

RECONVENE INTO OPEN SESSION

Discussion and possible action on items discussed in Executive Session.

ADJOURNMENT

Signature of Agenda Approval: s/Gregory C. Maxton

Gregory C. Maxton, Mayor

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

As per Texas Government Code 551.045, said Notice was posted by 6:30 PM, January 16, 2023 and remained so posted continuously for at least 72 hours before said meeting was convened.

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

Purple Heart City

History, Signage, and Dedication



Fair Oaks Ranch Purple Heart City



Item #4.

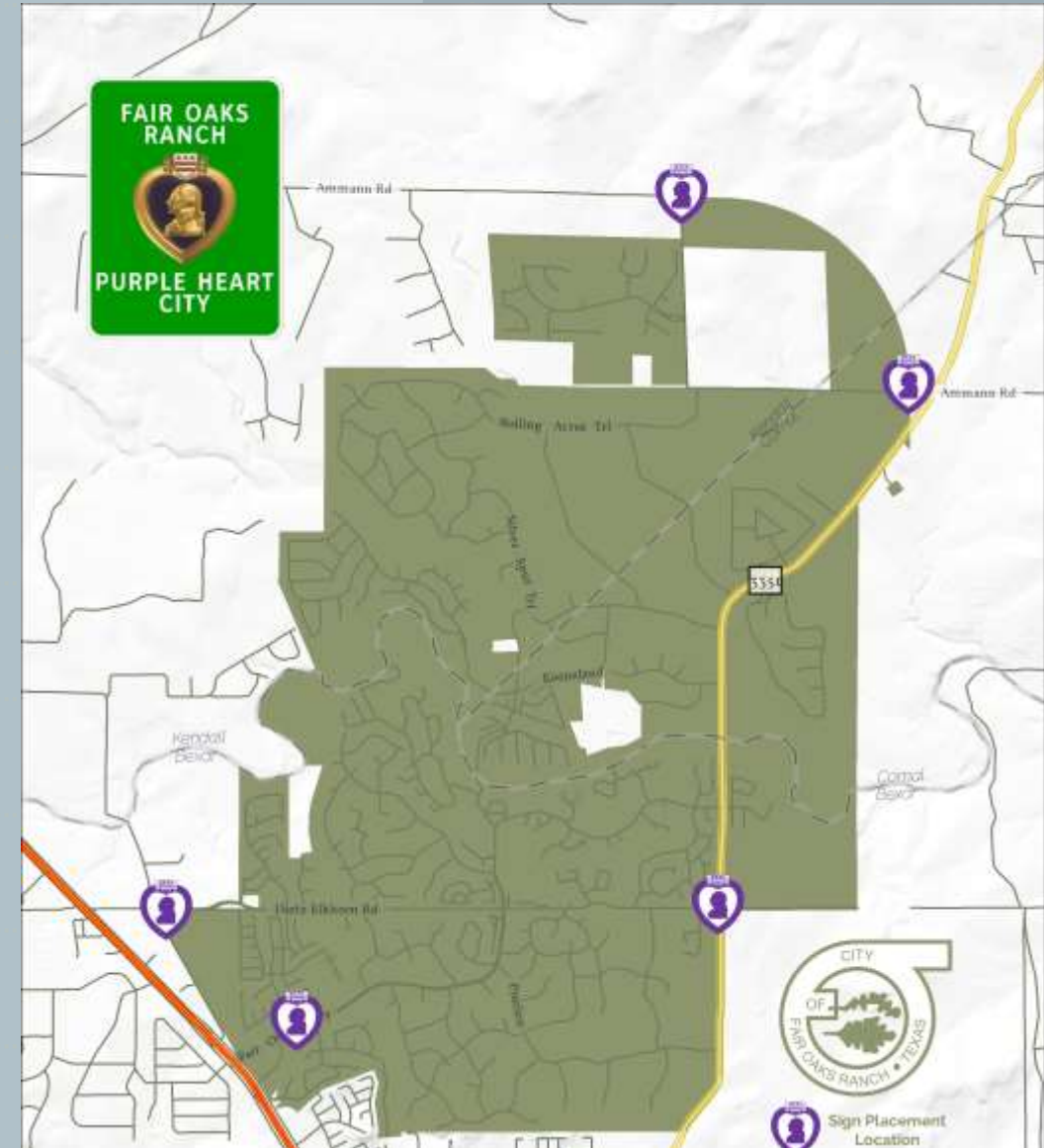


Fair Oaks Ranch Mayor Cheryl Landman reads a proclamation to the Alamo Chapter 1836 of the Military Order of the Purple Heart members on March 17, declaring Fair Oaks Ranch a Purple Heart City.

Star photo by Carline Schwartz

Signage Locations

- ❖ **Located on “Collector” roads as designated by the Transportation CIP**
- ❖ **5 Designated Areas:**
 - * Dietz Elkhorn @ Old Fredericksburg Rd.
 - * Dietz Elkhorn @ Ralph Fair Rd.
 - * Ralph Fair Rd. @ Amman Rd.
 - * Fair Oaks Parkway near Leslie Pfeiffer
 - * Northeast Corner of Ammann Rd.



Proposed Timelines & Marketing & Media

Order Signage

- Completed

Social Media & Press Notifications

- Campaign began Jan. 11th

Placement of Signs

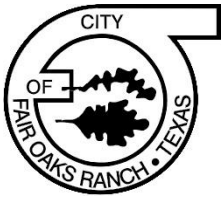
- Jan. 9th – 13th

Sign Unveiling Event

- Located in front of City Hall
- January 20th @ 10:00am
- All are Welcome

Questions





CITY OF FAIR OAKS RANCH CITY COUNCIL REGULAR MEETING

Thursday, January 05, 2023 at 6:30 PM

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

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

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 6:32 PM.

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

CITIZENS and GUEST FORUM

3. Citizens to be heard - None

CONSENT AGENDA

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

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

VOTE: 7-0; Motion Passed.

CONSIDERATION/DISCUSSION ITEMS

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

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

VOTE: 7-0; Motion Passed as recorded:

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

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

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

VOTE: 7-0; Motion Passed.

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

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

VOTE: 7-0; Motion Passed.

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

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

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

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

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

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

WORKSHOP

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

REPORTS FROM STAFF AND COMMITTEES

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

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

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

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

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

12. Announcements by the City Manager.

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

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

None.

CONVENE INTO EXECUTIVE SESSION

City Council did not convene into Executive Session regarding:

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

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

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

Sec. 551.072 (Deliberation regarding real property)

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

RECONVENE INTO OPEN SESSION

N/A

ADJOURNMENT

Mayor Maxton adjourned the meeting at 7:40 PM.

ATTEST:

Gregory C. Maxton, Mayor

Christina Picioccio, TRMC, City Secretary



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
January 19, 2023

AGENDA TOPIC: Consideration and possible action to take from the table the Resolution and its amendment relating to the approval of allocating portions of the fund balance of the general fund and authorizing the Director of Finance to carry forward continuing appropriations to FY 2022-23.

DATE: January 19, 2023

DEPARTMENT: Finance

PRESENTED BY: Rosie G. Vela, Director of Finance

INTRODUCTION/BACKGROUND:

At the January 5, 2023 Council meeting, a resolution was brought forth for Council consideration allocating portions of fund balance of the general fund and authorizing the Director of Finance to carry forward continuing appropriations to FY 2022-23. The resolution included transferring a remaining unassigned general fund balance of \$774,394 to the Strategic Projects Fund 02 for future capital projects. Council modified the resolution but decided to table this item to review after modifications have been made (today's meeting).

The resolution has been revised to leave general fund unassigned fund balance in the general fund unassigned category until further Council action. This resolution is to formally document the affirmation of fund balance allocations in the General Fund for the Fiscal Year Ended September 30, 2022, and carryover encumbrances and continuing appropriations into the next fiscal year.

After all categories of fund balance have been allocated pursuant to GASB 54, and the assigned operating reserve has been funded to comply with City policy, the annual financial report for FY 2021-22 projects a remaining balance in the General Fund unassigned category of \$774,394. The final unassigned fund balance may differ after the financial statement audit is accepted by City Council.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

The resolution furthers compliance with Governmental Accounting Standards, citizen transparency and best practices in financial management. The carryover of continuing appropriations is necessary when appropriation and encumbrance balances from a fiscal year that has ended remain unspent. These amounts are required to be carried forward into the next fiscal year to facilitate the completion of projects, contracts, or activities for which the funds were originally awarded.

LONGTERM FINANCIAL & BUDGETARY IMPACT:

The fiscal impact is an increase in appropriations for Fiscal Year 2022-23 in the amount of \$357,803 for encumbrances and \$3,435,283 in continuing appropriations for strategic and capital projects.

LEGAL ANALYSIS:

Resolution approved as to form by City Attorney.

RECOMMENDATION/PROPOSED MOTION:

I move to take from the table the Resolution and its amendment relating to the approval of allocating portions of the fund balance of the general fund and authorizing the Director of Finance to carry forward continuing appropriations to FY 2022-23.

A RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS ALLOCATING PORTIONS OF FUND BALANCE OF THE GENERAL FUND AND AUTHORIZING THE DIRECTOR OF FINANCE TO CARRY FORWARD CONTINUING APPROPRIATIONS TO FY 2022-23.

WHEREAS, on August 18, 2011, the City Council of the City of the City of Fair Oaks Ranch, Texas (City Council) approved Resolution 2011-12 adopting the Governmental Accounting Standards Board's Statement 54 ("GASB 54"); and,

WHEREAS, pursuant to GASB 54, nonspendable fund balance is the portion of fund balance that cannot be spent because it is either not in a spendable form or is legally or contractually required to be maintained intact; and,

WHEREAS, all of the City's General Fund nonspendable balance has been allocated pursuant to GASB 54; and,

WHEREAS, pursuant to GASB 54, restricted fund balances have constraints that are either externally imposed by creditors, grantors, contributors, or laws, or externally imposed by constitutional provisions; and,

WHEREAS, all of the City's General Fund restricted balances have been allocated pursuant to GASB 54; and,

WHEREAS, pursuant to GASB 54, committed fund balance is the portion of the fund balance that is constrained to specific purposes by City Council, and that only City Council can unconstrain; and,

WHEREAS, the City has no General Fund balances meeting the definition of "committed" as defined by GASB 54; and,

WHEREAS, pursuant to GASB 54, assigned fund balances are the portion of General Fund balance that the City (Council or authorized administrator) designates for specific purposes; and,

WHEREAS, after all other categories of General Fund balances have been allocated, the annual financial report for fiscal year ending September 30, 2022, reports a remaining balance in the General Fund unassigned category of \$774,394; and,

WHEREAS, the final unassigned balance may differ after the financial audit is accepted by City Council; and,

WHEREAS, pursuant to GASB 54, City Council desires for any remaining unassigned balance after all other required allocations are made, to remain unassigned until further action is taken.

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

SECTION 1. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council of the City of Fair Oaks Ranch, Texas and made a part of this Resolution for all purposes as findings of fact.

- SECTION 2.** That after all required fund balance allocations are made, any remaining unassigned General Fund balance is to be remain unassigned until further Council action is taken.
- SECTION 3.** That the Director of Finance is hereby authorized to carry forward continuing appropriations to FY 2022-23.
- SECTION 4.** All resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.
- SECTION 5.** It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.
- SECTION 6.** This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED, APPROVED, and ADOPTED on this 19th day of January 2023.

Gregory C. Maxton, Mayor

ATTEST:

APPROVED AS TO FORM:

Christina Picioccio, TRMC, City Secretary

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

Encumbrances

Fund	Account Number	PO#	Department	Amount	Description
01 - General Fund	01-630-803	21-00036	Public Safety	69,790	Police Interceptor - 2 units
01 - General Fund	01-630-803	21-00036	Public Safety	40,694	Police Command Vehicle
01 - General Fund	01-630-201	21-00021	Public Safety	1,573	Training ammunition
01 - General Fund	01-642-254	21-00038	Public Works	4,856	Golf Cart Crossing Marking
01 - General Fund	01-642-254	21-00039	Public Works	49,945	Pavement Striping and Marking
01 - General Fund	01-640-803	21-00040	Public Works	51,924	Ford F250
05 - Utility Fund	05-501-152	21-00039	Water	87,098	Dump Truck Model MV607
05 - Utility Fund	05-502-152	21-00040	Wastewater	51,924	Ford F250
Total Encumbrance Carryover				<u>357,803</u>	

Transfers

Fund	Account Number	Department	Amount	Description
01 - General Fund	01-400-984	Transfer In	162,408	Transfer from Equipment Replacement Fund
31 - Equipment Replacement Fund	31-500-123	Transfer Out	(162,408)	Transfer to the General Fund
05 - Utility Fund	05-401-989	Transfer In	139,022	Transfer from Equipment Replacement Fund
30 - Equipment Replacement Fund	30-500-988	Transfer Out	(139,022)	Transfer to the Utility Fund
Total Transfer Carryover			<u>-</u>	

Continuing Appropriations

Fund	Account Number	Department	Amount	Description
02 - SAP Fund	02-504-103	Administration	632,819	City Hall Renovation
02 - SAP Fund	02-504-106	Public Works	120,929	Chartwell & Dietz Rd Intersection
02 - SAP Fund	02-504-107	Public Works	70,738	Rolling Acres Trail #5 Drainage Project
02 - SAP Fund	02-504-108	Public Works	82,159	Silver Spur Trail #17 Drainage Project
02 - SAP Fund	02-504-110	Public Works	10,000	Fair Oaks Pkwy #30 Drainage Project
02 - SAP Fund	02-504-111	Public Works	26,572	Tivoli Way #34 Drainage Project
02 - SAP Fund	02-504-112	Public Works	40,000	Turf Paradise #37 Drainage Project
02 - SAP Fund	02-504-113	Public Works	75,000	Rockinghorse Lane #61 Drainage Project
02 - SAP Fund	02-504-114	Public Works	147,969	Bond Development Program
02 - SAP Fund	02-505-102	Public Safety	36,932	Fire Services Program Review
02 - SAP Fund	02-506-102	Human Resources & Communications	3,034	Employee Handbook Project
02 - SAP Fund	02-506-105	Human Resources & Communications	42,139	Communications & Marketing Strategy
02 - SAP Fund	02-506-106	City Secretary	4,259	Records Management
02 - SAP Fund	02-506-109	City Secretary	26,100	City Records Digitization
02 - SAP Fund	02-506-112	Information Technology	30,000	PIA Request Software
02 - SAP Fund	02-506-113	Public Works	15,000	City Fleet Fuel Station
22 - Water CIP Fund	22-504-101	Water CIP	176,313	Elevated Storage Tank
22 - Water CIP Fund	22-504-103	Water CIP	202,152	Creek Crossings West Waterline
22 - Water CIP Fund	22-504-102	Water CIP	353,802	Plant 2 HydroTank and Variable Drives
22 - Water CIP Fund	22-504-108	Water CIP	65,370	Willow Wind/Red Bud Hill
22 - Water CIP Fund	22-504-109	Water CIP	41,920	Old Frederickburg Rd
22 - Water CIP Fund	22-504-110	Water CIP	61,754	Rolling Acres Trail
22 - Water CIP Fund	22-505-100	Water CIP	4,649	Water Rate Study
25 - Wastewater CIP Fund	25-504-102	Wastewater CIP	1,095,497	Solids Handling
25 - Wastewater CIP Fund	25-504-103	Wastewater CIP	65,527	Future WW Treatment Plant
25 - Wastewater CIP Fund	25-505-100	Wastewater CIP	4,649	Wastewater Rate Study
Total Continuing Appropriations			<u>3,435,283</u>	



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
January 19, 2023

AGENDA TOPIC: Consideration and possible action accepting grant on behalf of the Fair Oaks Ranch Police Dept. from the Office of the Governor for ballistic shields.

START/END DATE: January 19, 2023

DEPARTMENT: Police Department

PRESENTED BY: John A. Ojeda, Lieutenant

INTRODUCTION/BACKGROUND:

In November 2022, the Office of the Governor disseminated a grant bulletin to all Law Enforcement agencies in Texas advising they had projected funds for bullet-resistant shield grant program for FY2023. These funds were made available in the aftermath of the Robb Elementary shooting. Upon verifying the department's qualification for receiving the grant, police department staff coordinated with procurement and vendors to determine pricing and completed the application before the deadline established by the Governor's office. This Project would allow the Fair Oaks Ranch Police Department to outfit every patrol vehicle with ballistic shields that may be deployed during an emergency and further provide an additional means of protection for both the officers and civilians.

On January 9, 2023, the Fair Oaks Ranch Police Department received notice from the Governor's office that our application had been accepted and the department was awarded \$61,750.00 to purchase ballistic shields for our patrol division.

If accepted by City Council, the Fair Oaks Ranch Police Department will utilize the funds to equip every patrol vehicle with a ballistic shield to provide additional level of safety for our Officers and residents.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

- This grant award will help supplement the department's current budget by allowing the purchase of needed equipment earlier than anticipated and not cause additional expenditures from the general fund.

LONGTERM FINANCIAL & BUDGETARY IMPACT:

- There is no budgetary impact for the costs of the shields and only minimal impact to department's training budget to conduct training for officers on proper use of said equipment.

LEGAL ANALYSIS:

N/A

RECOMMENDATION/PROPOSED MOTION:

I move to approve the City's acceptance of a Grant award to purchase equipment for the Police Department in the amount of \$61,750.00.



Office of the Governor, Public Safety Office Criminal Justice Division Funding Announcement: ***Bullet-Resistant Shield Grant Program, FY2023***

Purpose

The purpose of this announcement is to solicit applications from law enforcement agencies to equip peace officers with bullet-resistant shields.

Available Funding

State funds for these projects are authorized by a Budget Execution Order proposed by the Legislative Budget Board and ratified by Governor Abbott on June 28, 2022, pursuant to Texas Government Code, Section 317.002 and Section 317.005(b). All awards are subject to the availability of appropriated funds and any modifications or additional requirements that may be imposed by law. The Public Safety Office (PSO) expects to make available \$50M for FY2023.

Eligible Organizations

Applications may be submitted by independent school districts, institutions of higher education, units of local government, the Texas Department of Public Safety and other educational institutions that operate law enforcement agencies employing peace officers under Article 2.12, Texas Code of Criminal Procedure.

All applications submitted by local law enforcement agencies/offices must be submitted by a unit of government affiliated with the agency, including an authorizing resolution from that unit of government. For example, police departments must apply under their municipal government, and community supervision and corrections departments, district attorneys, and judicial districts must apply through their affiliated county government (or one of the counties, in the case of agencies that serve more than one county).

Application Process

Applicants must access the PSO's eGrants grant management website at <https://eGrants.gov.texas.gov> to register and apply for funding. For more instructions and information, see *eGrants User Guide to Creating an Application*, available [here](#).

Key Dates

Action	Date
Funding Announcement Release	08/17/2022
Online System Opening Date	08/17/2022
Final Date to Submit and Certify an Application	09/19/2022 at 5:00PM CST
Earliest Project Start Date	09/01/2022

Project Period

Projects must begin on or after 09/01/2022 and may not exceed a 12-month project period.

Funding Levels

Minimum: None

Maximum: None

Match Requirement: None

Standards

Grantees must comply with standards applicable to this fund source cited in the Texas Grant Management Standards ([TxGMS](#)), [Federal Uniform Grant Guidance](#), and all statutes, requirements, and guidelines applicable to this funding.

Eligible Activities and Costs

Funds may only be used for obtaining bullet-resistant shields compliant with the National Institute of Justice (NIJ) Level III, III+, or IV.

Applicants are encouraged to consider the reasonable cost of their request. PSO will evaluate applications based on the number of frontline peace officers and the average cost per shield.

Program-Specific Requirements

Eligible officers. Grant funds may only be used to equip peace officers (as defined by Article 2.12, Texas Code of Criminal Procedure) directly employed by a law enforcement agency operated by the applicant.

PSO will prioritize the equipping of certain types of officers in the following order:

- 1) Peace officers directly employed by school districts;
- 2) Peace officers contracted by school districts; and
- 3) Other peace officers that may respond to school safety emergencies.

Active Shooter Policy. All eligible organizations that apply for grant funds will ensure its law enforcement agency adopts a Critical Incidents In-Progress (Active Shooter) policy implementing, at a minimum, protocols for assessing an active threat or violent encounter and immediately responding in order to stop the killing, stop the dying, and provide rapid casualty evacuation. The policy should include procedures that address:

- Concepts and Principles

Funding Announcement: Bullet-Resistant Shield Grant Program, FY2023

- Community/First Responder Agency Notifications
- Mutual Aid Implementation
- Solo Officer Deployment
- Officer Team Deployment
- Follow-On Responders (Rescue Task Force)
- Incident Command - Unified Command Considerations
- Incident Debriefing
- Training

ALERT Training. All officers provided with a grant-funded ballistic shield must have either attended 16 hours of ALERT (Advanced Law Enforcement Rapid Response Training) training within the last 24 months or commit to attend within the next 24 months. ALERT's upcoming course schedule can be found here: <https://alerrt.org/Upcoming>.

Note: Funding is available through the Public Safety Office to offset travel expenditures associated with attending ALERT Training. Please refer to the [ALERT Travel Assistance Funding Announcement](#) for more information on how to apply for these funds.

Eligibility Requirements

1. Local units of governments must comply with the Cybersecurity Training requirements described in Section 772.012 and Section 2054.5191 of the Texas Government Code. Local governments determined to not be in compliance with the cybersecurity requirements required by Section 2054.5191 of the Texas Government Code are ineligible for OOG grant funds until the second anniversary of the date the local government is determined ineligible. Government entities must annually certify their compliance with the training requirements using the [Cybersecurity Training Certification for State and Local Governments](#). A copy of the Training Certification must be uploaded to your eGrants application. For more information or to access available training programs, visit the Texas Department of Information Resources [Statewide Cybersecurity Awareness Training](#) page.
2. Entities receiving funds from PSO must be located in a county that has an average of 90% or above on both adult and juvenile dispositions entered into the computerized criminal history database maintained by the Texas Department of Public Safety (DPS) as directed in the Texas Code of Criminal Procedure, Chapter 66. The disposition completeness percentage is defined as the percentage of arrest charges a county reports to DPS for which a disposition has been subsequently reported and entered into the computerized criminal history system.

Counties applying for grant awards from the Office of the Governor must commit that the county will report at least 90% of convictions within five business days to the Criminal Justice Information System at the Department of Public Safety.

3. Eligible applicants operating a law enforcement agency must be current on reporting complete UCR data and the Texas specific reporting mandated by 411.042 TGC, to the Texas Department of Public Safety (DPS) for inclusion in the annual Crime in Texas (CIT) publication. To be considered eligible for funding, applicants must have submitted a full twelve months of accurate data to DPS for the most recent calendar year by the deadline(s) established by DPS. Due to the importance of timely reporting, applicants are required to submit complete and accurate UCR data, as well as the Texas-

Funding Announcement: Bullet-Resistant Shield Grant Program, FY2023

mandated reporting, on a no less than monthly basis and respond promptly to requests from DPS related to the data submitted.

4. Local units of government, including cities, counties and other general purpose political subdivisions, as appropriate, and institutions of higher education that operate a law enforcement agency, must comply with all aspects of the programs and procedures utilized by the U.S. Department of Homeland Security (“DHS”) to: (1) notify DHS of all information requested by DHS related to illegal aliens in Agency’s custody; and (2) detain such illegal aliens in accordance with requests by DHS. Additionally, counties and municipalities may NOT have in effect, purport to have in effect, or make themselves subject to or bound by, any law, rule, policy, or practice (written or unwritten) that would: (1) require or authorize the public disclosure of federal law enforcement information in order to conceal, harbor, or shield from detection fugitives from justice or aliens illegally in the United States; or (2) impede federal officers from exercising authority under 8 U.S.C. § 1226(a), § 1226(c), § 1231(a), § 1357(a), § 1366(1), or § 1366(3). Lastly, eligible applicants must comply with all provisions, policies, and penalties found in Chapter 752, Subchapter C of the Texas Government Code.

Each local unit of government, and institution of higher education that operates a law enforcement agency, must download, complete and then upload into eGrants the [CEO/Law Enforcement Certifications and Assurances Form](#) certifying compliance with federal and state immigration enforcement requirements. This Form is required for each application submitted to OOG and is active until August 31, 2023 or the end of the grant period, whichever is later.

5. In accordance with Texas Government Code, Section 420.034, any facility or entity that collects evidence for sexual assault or other sex offenses or investigates or prosecutes a sexual assault or other sex offense for which evidence has been collected, must participate in the statewide electronic tracking system developed and implemented by the Texas Department of Public Safety. Visit DPS’s [Sexual Assault Evidence Tracking Program](#) website for more information or to set up an account to begin participating.
6. Eligible applicants must be registered in the federal System for Award Management (SAM) database and have an UEI (Unique Entity ID) number assigned to its agency (to get registered in the SAM database and request an UEI number, go to <https://sam.gov/>).

Failure to comply with program eligibility requirements may cause funds to be withheld and/or suspension or termination of grant funds.

Prohibitions

Grant funds may not be used to support the unallowable costs listed in the [Guide to Grants](#) or any of the following unallowable costs:

1. Any costs ancillary to the purchase of eligible ballistic shields, such as policy development, training costs, and staff; and
2. Any other prohibition imposed by federal, state or local law or regulation.

Selection Process

Application Screening: The Office of the Governor will screen all applications to ensure that they meet the requirements included in the funding announcement.

Peer/Merit Review: The Office of the Governor will review applications to understand the overall demand for the program and for significant variations in costs per item. After this review, the Office of the Governor will determine if all eligible applications can be funded based on funds available, if there are cost-effectiveness benefits to normalizing or setting limits on the range of costs, and if other fair-share cuts may allow for broader distribution and a higher number of projects while still remaining effective.

Final Decisions: The Office of the Governor will consider these factors and make all final funding decisions. Other factors may include cost effectiveness, overall funds availability, or state government priorities and strategies, legislative directives, need, geographic distribution, or other relevant factors.

The Office of the Governor may not fund all applications or may only award part of the amount requested. In the event that funding requests exceed available funds, the Office of the Governor may revise projects to address a more limited focus.

Contact Information

For more information, contact the eGrants help desk at eGrants@gov.texas.gov or (512) 463-1919.



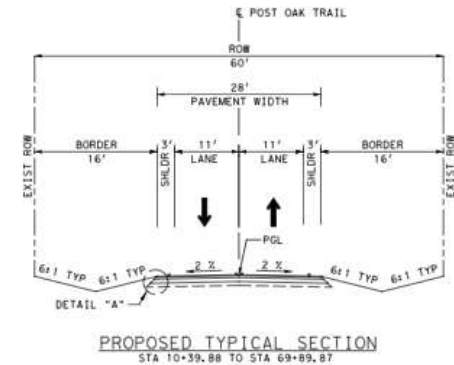
Post Oak Trail Safety Improvements Project

Scope: Approved by TxDOT's Highway Safety Improvement Program (HSIP), this project will reconstruct Post Oak Trail and provide wider lanes and paved shoulders (approx. 3') to improve traffic safety

Budget: \$3,278,762 – Design and Construction (includes \$2.56M in grant funding from federal and state sources)

Design Firm: Halff Associates, Inc. San Antonio, TX

Construction Firm: TBD



Project limits (blue highlight) and proposed typical section

Justification and Impacts

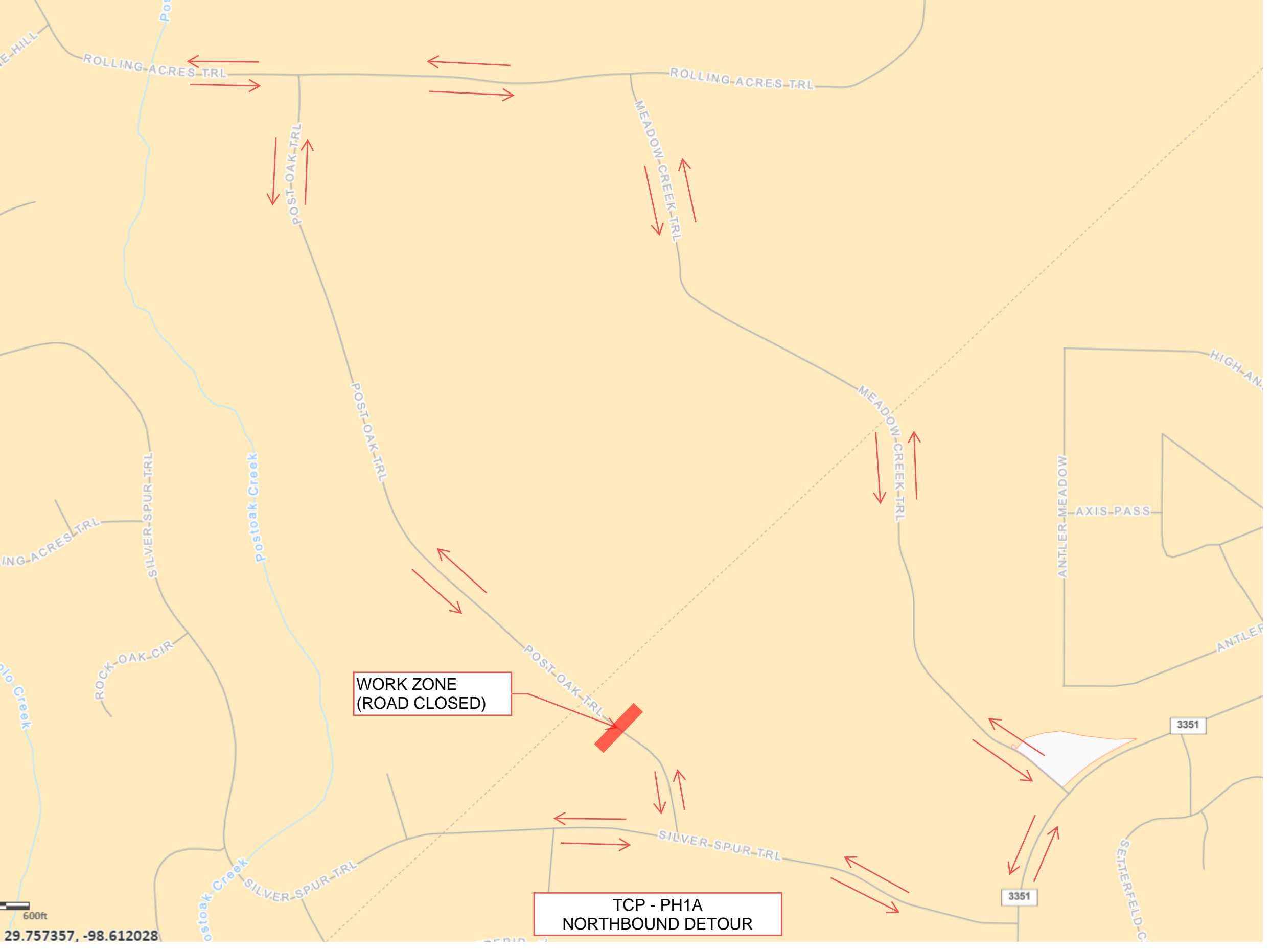
- Existing roadway has narrow lanes, no shoulders and is in poor condition which increases risk of traffic fatality or serious injury. This project will make systemic improvements to reduce these risks, including centerline and edge line striping
- Due to road widening, all driveways and mailboxes will be adjusted or replaced as part of the project
- During construction, the traffic control plan will have 3 phases:
 - 1) Road closure for culvert replacement (3 locations)
 - 2) Closure of northbound lane
 - 3) Closure of southbound lane

Construction Project Timeline (subject to change)

Oct 2022– Design started
Feb 2023 – Open House #1 w/Post Oak Trl residents
Mar 2023 – Design complete, submitted to TxDOT
July 2023 – TxDOT bid advertisement and award
Sept 2023 – Open House #2 w/Post Oak Trl residents
Oct 2023 - Construction start
Summer '24 – Construction complete

% Completed: 20% (currently in design phase)

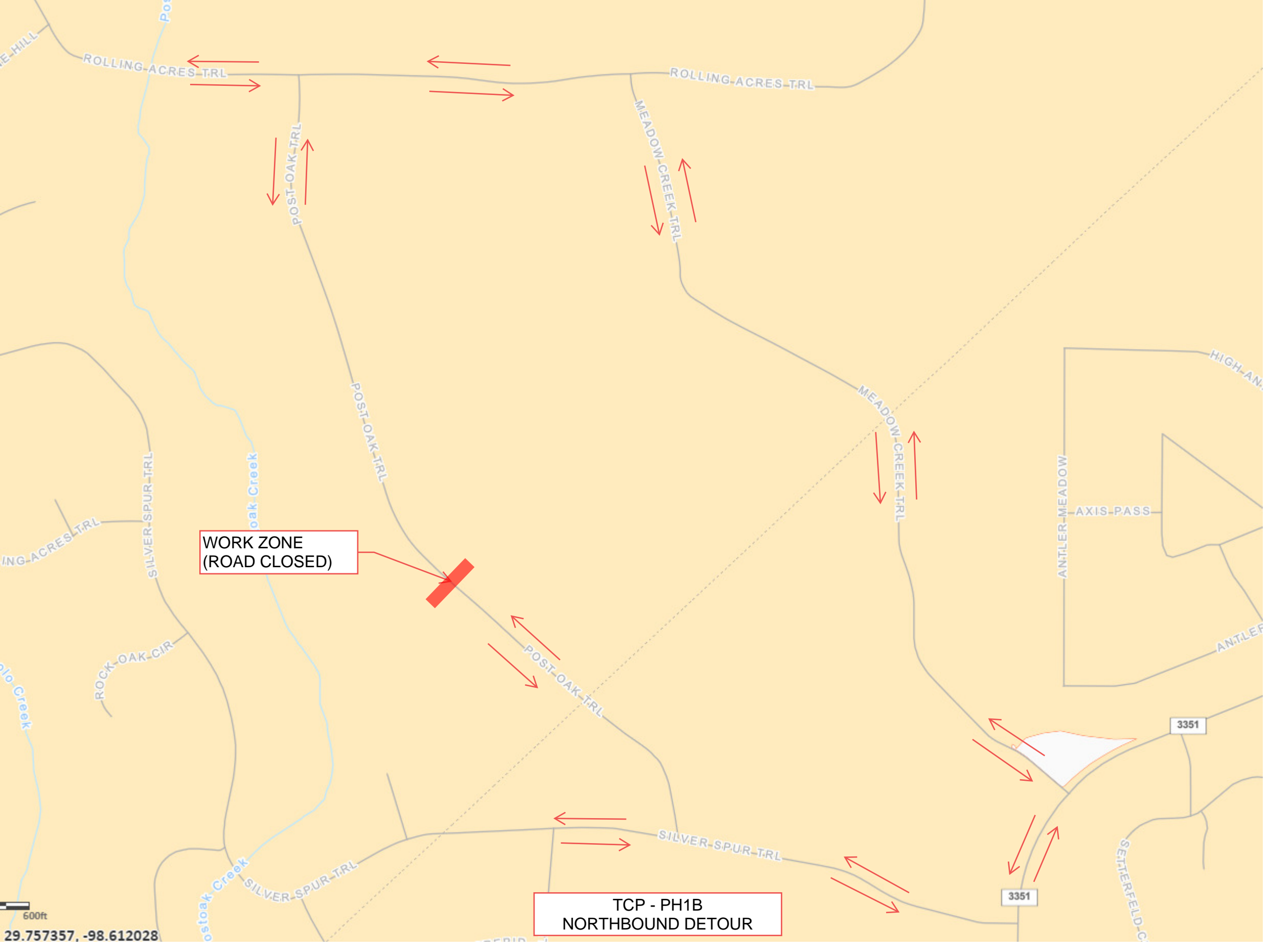
Status Update: Consultant to submit 60% design plans on Jan 27th, Open House #1 being scheduled for early Feb



WORK ZONE
(ROAD CLOSED)

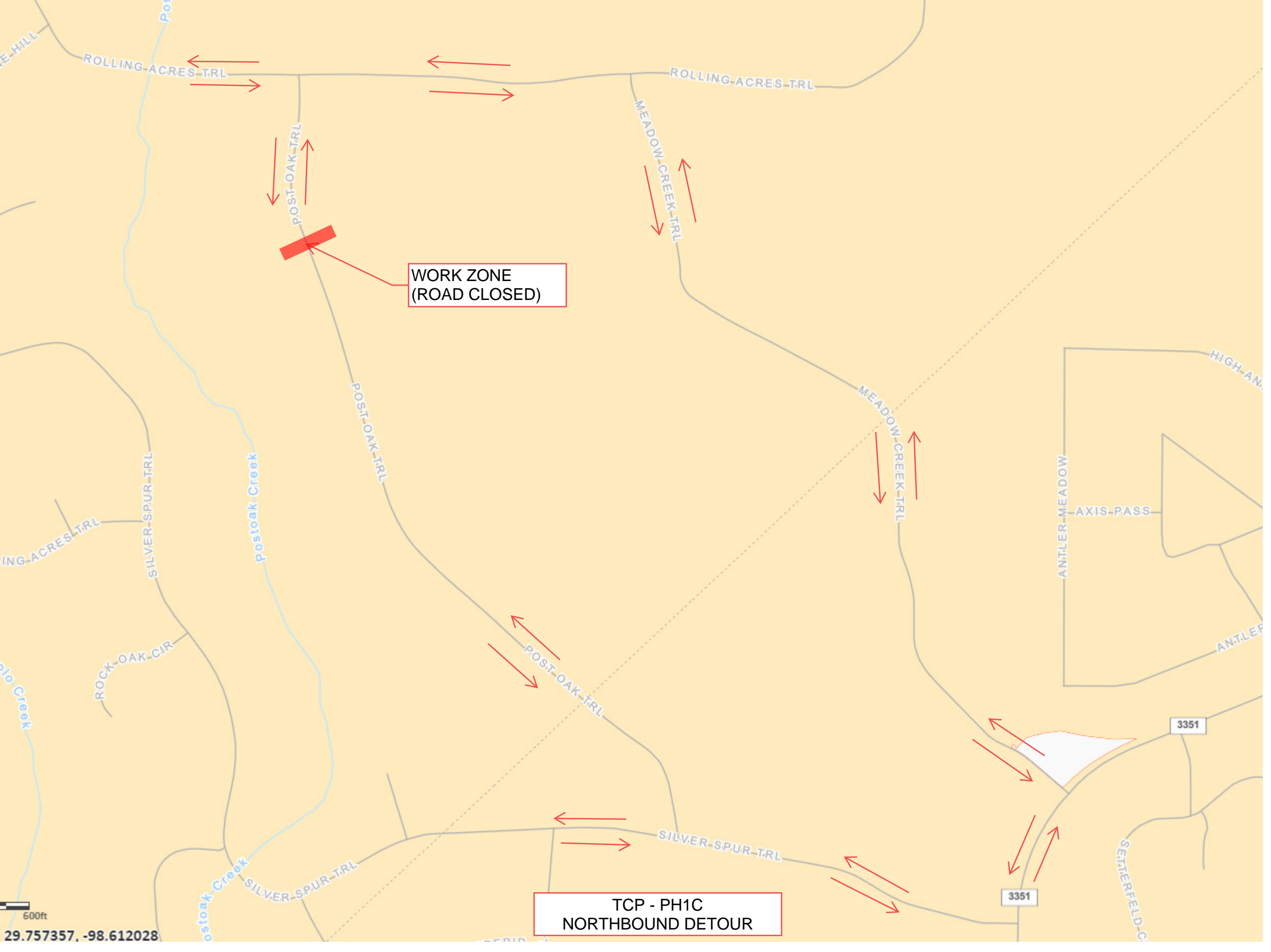
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NORTHBOUND DETOUR

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WORK ZONE
(ROAD CLOSED)

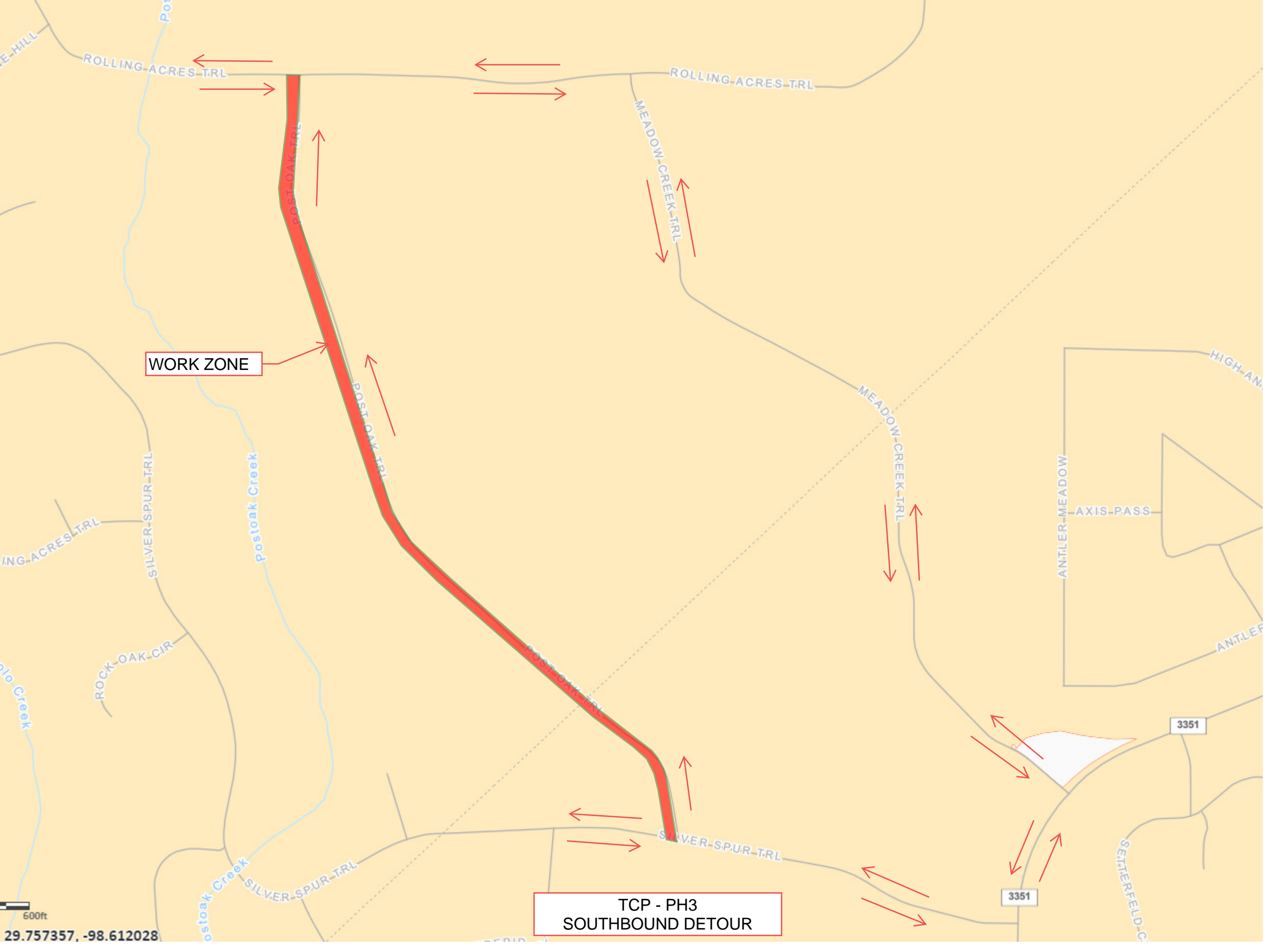
TCP - PH1B
NORTHBOUND DETOUR



WORK ZONE
(ROAD CLOSED)

TCP - PH1C
NORTHBOUND DETOUR





WORK ZONE

TCP - PH3
SOUTHBOUND DETOUR