



CITY OF FAIR OAKS RANCH CITY COUNCIL REGULAR MEETING

Thursday, February 02, 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

PRESENTATIONS

3. Introduction of new hires: Jeffrey W. McCulloch, Utility Technician; Eddie D. Merrill, Police Officer; John E. Esquivel, Police Officer; Zachary M. Zepeda, Police Officer.

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

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.

4. Citizens to be heard.

CONSENT AGENDA

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

5. Approval of the January 19, 2023 Regular City Council meeting minutes.

Christina Picioccio, TRMC, City Secretary

6. Approval of Council Member Bliss's absence from the January 19, 2023 and February 2, 2023 regular city council meetings.

Christina Picioccio, TRMC, City Secretary

7. Approval of a Resolution ordering a General Election to be held May 6, 2023, for the election of Council Member Places 2 and 6; to approve a Joint Election Agreement with Kendall County election and to authorize the City Manager to sign the agreement.

Christina Picioccio, TRMC, City Secretary

CONSIDERATION/DISCUSSION ITEMS

- [8.](#) Consideration and possible action approving ratifying the City Manager's execution of a Building Inspector Services Agreement.

Katie Schweitzer, Manager of Engineering Services

- [9.](#) Discussion and possible action to pursue the opportunity to receive local government relief for disabled veteran exemptions from the state under Local Government Code Section 140.011.

Laura Koerner, Council Member Place 4

WORKSHOP

- [10.](#) Tree Preservation Workshop.

Emily Stroup, City Council Member Place 1
Kelsey Delgado, Environmental Program Manager

- [11.](#) Transportation Town Hall Workshop.

Gregory C. Maxton, Mayor

REPORTS FROM STAFF AND COMMITTEES

- [12.](#) Update to City Council regarding the upcoming State of the City Event.

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

- [13.](#) Police Department 2022 Annual Report.

Tim Moring, Chief of Police

REQUESTS AND ANNOUNCEMENTS

14. Announcements and reports by Mayor and Council Members.

15. Announcements by the City Manager.

16. 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:

17. To receive legal advice from Special Counsel and the City Attorney regarding the City's ground water rights.
18. Discussion related to possible terms and conditions necessary to resolve disputes that have been the subject of ongoing litigation with the development commonly known as Boerne Ranch Estates, LLC.
19. Case No. 22-090-451; Vincent A. Caldarola, MD vs. City of Fair Oaks Ranch, Texas.

Sec. 551.072 (Deliberation regarding real property)

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

RECONVENE INTO OPEN SESSION

Discussion and possible action on items discussed in Executive Session.

ADJOURNMENT

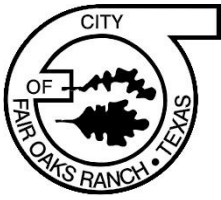
Signature of Agenda Approval: s/Gregory C. Maxton

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 30, 2023 and remained so posted continuously for at least 72 hours before said meeting was convened.

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



CITY OF FAIR OAKS RANCH
CITY COUNCIL 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>

MINUTES

OPEN MEETING

1. Roll Call - Declaration of a Quorum

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

Council Absent: Council Member Bliss

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

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

CITIZENS and GUEST FORUM

3. Citizens to be heard - None

PRESENTATIONS

4. Joanna Merrill, IPMA-SCP, Director of Human Resources and Communications, provided to Council a presentation regarding the Purple Heart City designation and Purple Heart Street Signs. She invited everyone to attend the official unveiling at City Hall on Friday, January 20, 2023 at 10:00 AM.
5. Laura Koerner, City Council Member Place 4, presented a Proclamation honoring and thanking Chief Hardenstine for his 45-years of service to our City and the Leon Springs area as Fire Chief of the Leon Springs Fire Department.
6. Laura Koerner, City Council Member Place 4, introduced the newly appointed Chief of the Leon Springs Fire Department, Chief Craig Ramon.

CONSENT AGENDA

7. **Approval of the January 5, 2023 Regular City Council meeting minutes.**

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

VOTE: 6-0; Motion Passed.

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.**

MOTION: Made by Council Member Elizondo, seconded by Council Member Koerner, to take from the table a motion and its amendment related to the approval of a Resolution 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.

VOTE: 6-0; Motion Passed.

MOTION TO AMEND: Made by Council Member Muenchow, seconded by Council Member Koerner, to strike out the words specifically “allocating portions of the General Fund Balance” and leaving in “approve a Resolution authorizing the Finance Director to carry forward continuing appropriations for year-end encumbrances, contractual commitments, and capital projects”.

VOTE TO AMEND: 6-0; Motion Passed.

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

VOTE: 6-0; Motion Passed.

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.**

MOTION: Made by Council Member Parker, seconded by Council Member Stroup, to approve the City’s acceptance of a Grant award to purchase equipment for the Police Department in the amount of \$61,750.00.

VOTE: 6-0; Motion Passed.

REPORTS FROM STAFF AND COMMITTEES**10. Civic Center Update.**

Tobin E. Maples, AICP, City Manager, notified Council that Grant Watanabe, P.E., Director of Public Works & Engineering Services, will lead efforts on this project moving forward. Expected actions from Council in the future will be to approve a design contract to develop a full set of plans so that the City can go out for bids, and for an extension of the grant application from the MDD or possibly enhancing the application.

11. Post Oak Trail Project Update.

Grant Watanabe, P.E., Director of Public Works & Engineering Services, provided to Council an update regarding the Post Oak Trail Project. Mr. Watanabe described the project and impacts to the residents.

REQUESTS AND ANNOUNCEMENTS**12. Announcements and reports by Mayor and Council Members.**

Council Member Stroup informed Council that she attended an informative and beneficial seminar at the San Antonio Botanical Gardens earlier that day with Kelsey Delgado, Environmental Project Manager, regarding tree preservation and oak wilt. Council Member Stroup and Ms. Delgado will provide information from the seminar at the next regular City Council Meeting.

Mayor Maxton informed everyone that Bulk Trash Pickup is going well and Sectors 1 and 2 have been completed. The Transportation Townhall Meeting has been scheduled for January 24, 2023 at 6:30 PM at the Spring Creek United Methodist Church and encouraged residents to attend and provide feedback. The State of the City Address is scheduled for February 15, 2023 at the Country Club beginning at 6:00 PM. The Mayor asked residents to look out for information and details from City Staff within the next week on purchasing tickets when available. Mayor Maxton asked residents to consider serving as poll workers in the upcoming City Election. More information will be posted on the City Website within the next week.

13. Announcements by the City Manager.

None.

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

None

CONVENE INTO EXECUTIVE SESSION

Pursuant to Section 551.101 of the Open Meetings Act, Texas Gov't Code, a quorum of the governing body convened into closed session at 7:24 PM regarding:

Sec. 551.072 (Deliberation regarding real property)

17. The City Council met 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. 551.072 (Deliberation regarding real property)

18. The City Council convened 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.

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:

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.

RECONVENE INTO OPEN SESSION

City Council reconvened into Open Session at 8:59 PM. No action was taken.

ADJOURNMENT

Mayor Maxton adjourned the meeting at 8:59 PM.

ATTEST:

Gregory C. Maxton, Mayor

Christina Picioccio, TRMC, City Secretary



CITY COUNCIL CONSENT ITEM
CITY OF FAIR OAKS RANCH, TEXAS
February 2, 2023

AGENDA TOPIC: Approval of Council Member Bliss's absence from the January 19, 2023 and February 2, 2023 regular city council meetings

DATE: February 2, 2023

DEPARTMENT: City Council

PRESENTED BY: Consent Agenda – Presented by Christina Picioccio, TRMC, City Secretary

INTRODUCTION/BACKGROUND:

Council member Bliss missed the 1/19/23 regular council meeting and will miss the 2/2/23 meeting due to a family issue.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

Complies with Section 3.09 of the Home Rule Charter.

LONG-TERM FINANCIAL & BUDGETARY IMPACT:

N/A

LEGAL ANALYSIS:

N/A

RECOMMENDATION/PROPOSED MOTION:

Consent Agenda – I move to approve Council Member Bliss's absence from the January 19, 2023 and February 2, 2023 regular city council meetings.



CITY COUNCIL CONSENT ITEM
CITY OF FAIR OAKS RANCH, TEXAS
February 2, 2023

AGENDA TOPIC: Approval of a Resolution ordering a General Election to be held May 6, 2023, for the election of Council Member Places 2 and 6; to approve a Joint Election Agreement with Kendall County election and to authorize the City Manager to sign the agreement.

DATE: February 2, 2023

DEPARTMENT: City Secretary

PRESENTED BY: Consent Agenda – Christina Picioccio, TRMC, City Secretary

INTRODUCTION/BACKGROUND:

The Texas Election Code requires City Council to order the election no later than the 78th day (February 17, 2023) before Election Day, May 6, 2023. This year Council Places 2 and 6 are up for reelection. The City Secretary presented to Council at the January 5, 2023 council meeting staff's plans to hold the city election in the Public Safety Training Room and to contract with Kendall County. Council accepted staff's recommendation and directed staff to proceed as planned and to contract with Kendall County to run our city elections.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

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

LONGTERM FINANCIAL & BUDGETARY IMPACT:

The total election cost (\$49,146.20) will be divided among three entities: City of Fair Oaks Ranch, City of Boerne, and Boerne ISD. Should any entity cancel their election the remaining entities will pick up those costs. The estimated cost provided by Kendall County for the City's share of the election is \$16,577.87. The FY 2022-23 Adopted Budget for Elections is \$7,000.00. This estimate was derived from the 2022 election estimate provided by Kendall County. The 2022 election was shared by 8 entities, including Kendall County. The difference of approximately \$10,000 will be absorbed through identified savings in the General Fund or through a future budget amendment if savings are not identified.

LEGAL ANALYSIS:

Approved as to form.

RECOMMENDATION/PROPOSED MOTION:

Consent Agenda - I move to approve a Resolution ordering a General Election to be held May 6, 2023 for the election of the Council Member Places 2 and 6; to approve a Joint Election Agreement with Kendall County election and to authorize the City Manager to sign the agreement.

A RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS, CALLING FOR A GENERAL ELECTION TO BE HELD ON MAY 06, 2023 FOR THE ELECTION OF CERTAIN CITY OFFICERS; PROVIDING PROCEDURES AND DEADLINES FOR THE FILING OF CANDIDATE APPLICATIONS TO BE PLACED ON THE BALLOT; FOR THE LOCATION AND TIME FOR EARLY VOTING; AUTHORIZING CONTRACTS WITH THE ELECTION ADMINISTRATOR OF KENDALL COUNTY, TEXAS TO CONDUCT THE ELECTIONS; AUTHORIZING THE ELECTIONS TO BE HELD AS A JOINT ELECTION; AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS IN CONNECTION THEREWITH ON BEHALF OF THE CITY OF FAIR OAKS RANCH; AND FOR NOTICE OF SAID ELECTIONS TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the laws of the State of Texas provide that on May 6, 2023, there shall be a general election for municipal officers; and,

WHEREAS, the City of Fair Oaks Ranch is a Home Rule municipality located in Bexar County, Comal County and Kendall County, adopted as authorized by Article XI, Section 5, of the Texas Constitution; and

WHEREAS, Section 4.01 of the City's Charter requires the City of Fair Oaks Ranch to conduct an election for city officers annually on an authorized uniform election date; and

WHEREAS, pursuant to Chapter 3 of the Texas Election Code, the City Council of the City of Fair Oaks Ranch, Texas hereby calls for the above general election for municipal officers and hereby sets forth the procedures and requirements for the conduct of said election as prescribed by the Texas Election Code; and

WHEREAS, pursuant to Chapter 271 of the Texas Election Code, the City will contract with the Kendall County Elections Administrator to conduct this election.

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

SECTION 1. The City of Fair Oaks Ranch hereby orders a Municipal General Election to be held on May 6, 2023, an authorized uniform election date, for the purpose of:

- a. Electing Council Members for Places 2 and 6.
 - i. The Council Member elected to Places 2 and 6, shall serve a term of 3 years, with their terms terminating in 2026, or when their successors are duly elected;
 - ii. That at said election each of the aforementioned named City Council positions shall be voted upon separately and that the candidate receiving the majority votes for each said City Council position shall be elected to that office;
 - iii. That qualified persons desiring to be candidates in the aforementioned City Council Places shall file applications for candidacy with the City Secretary beginning at 8 AM on the 18th day of January and not later than 5:00 PM on the 17th day of February, 2023.

SECTION 2. All qualified voters of the City of Fair Oaks Ranch shall be entitled to vote in said election.

SECTION 3. Early voting in said elections shall be conducted during the early voting period designated as April 24 through May 2, 2023. The Kendall County Election Administrator is hereby charged with the duty of conducting early voting in said election, as required by law. Applications for ballot by mail shall be mailed to:

Staci L. Decker, REO, Elections Administrator elections@co.kendall.tx.us
 Kendall County Elections Office Number: 830-331-8701
 221 Fawn Valley Dr., STE 100
 Boerne, TX 78006
<https://www.co.kendall.tx.us/page/Elections>

SECTION 4. The main early polling place for the holding of said election shall be at the Kendall County Courthouse Annex, 221 Fawn Valley, Boerne, Texas 78006 on the following dates and times; and the entire City of Fair Oaks Ranch, Texas, for the purpose of holding said election shall be and constitute one Municipal election precinct.

Mon. April 24 – Fri. April 28.....8:00 AM to 6:00 PM
 Sat. April 29 10:00 AM to 4:00 PM
 Sun. May 1 Closed
 Mon. May 2 – Tue. May 37:00 AM to 7:00 PM

SECTION 5. The polling place on Election Day shall be open from 7:00 AM to 7:00 PM. The election day polling place by personal appearance shall be at the Kendall County Courthouse Annex, 221 Fawn Valley, Boerne, Texas 78006 and the City of Fair Oaks Ranch Police Station, Public Safety Training Room, 7286 Dietz Elkhorn, Fair Oaks Ranch, TX 78015.

SECTION 6. Pursuant to Section 61.012, Texas Election Code, as amended, the City shall provide at least one accessible voting system in each polling place used in the election. Such voting system shall comply with Texas and federal laws establishing the requirement for voting systems that permit voters with physical disabilities to cast a secret ballot. Touch screen machines may be used for early voting and Election Day voting by personal appearance. Certain early voting may be conducted by mail. The Elections Administrator shall also utilize a Central Counting Station (the “**Station**”) as provided by Section 127.001, et seq., Texas Election Code, as amended. Kendall County Election Administrator Staci L. Decker, serving as the Elections Official Manager and Presiding Judge of the Stations, will appoint the Election Judges and Station Clerks for each Station location, and will establish a written plan for the orderly operation of the Station locations in accordance with the provisions of the Texas Election Code. The Elections Administrator will appoint the Tabulation Supervisors which will also serve as the Programmers for the Stations. Lastly, the Elections Administrator will publish notice and conduct testing on the automatic tabulation equipment

relating to the Stations and conduct instruction for the officials and clerks for the Stations in accordance with the provisions of the Texas Election Code. Voting by Mail ballot and Provisional Voting shall be done on paper ballot.

- SECTION 7.** The City Secretary shall serve as the election officer of the May 6, 2023, General Election of the City of Fair Oaks Ranch as required and authorized by law.
- SECTION 8.** The City Secretary is hereby authorized and directed to post notice of said election, in both English and Spanish, on a bulletin board used for posting notices of the City Council meetings of the City of Fair Oaks Ranch at 7286 Dietz Elkhorn, City of Fair Oaks Ranch, Texas (the polling places for the holding of said election) not later than the twenty-first (21) day before Election Day. Said notice shall remain posted through the end of Election Day.
- SECTION 9.** The City Secretary is further authorized and directed to cause notice of said election to be published in a newspaper of general circulation in the City of Fair Oaks Ranch at least once, not earlier than the thirtieth (30th) day nor later than the tenth (10th) day before Election Day.
- SECTION 10.** The City Secretary shall send a copy of the notice of said election to the County Clerk and Voter Registrar of Bexar, Comal, and Kendall County no later than the 60th day before Election Day.
- SECTION 11.** The Council authorizes the City Manager to negotiate and enter into one or more joint election agreements with other governmental organizations in accordance with the provisions of the Texas Election Code in such form as shall be approved by the City Manager, or his/her designee, and the City Attorney.
- SECTION 12.** The Council authorizes the City Manager to negotiate and enter into contracts with the Elections Administrator to conduct the elections in accordance with the provisions of the Texas Election Code in such form as shall be approved by the City Manager and the City Attorney.
- SECTION 13.** 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 14.** 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 15.** 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 16. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

APPROVED on this the 2nd day of February 2023.

ATTEST:

Christina Picioccio, City Secretary

Gregory C. Maxton, Mayor

APPROVED AS TO FORM:

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



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
February 2, 2023

AGENDA TOPIC: Consideration and possible action ratifying the City Manager's execution of a Building Inspector Services Agreement

DATE: February 2, 2023

DEPARTMENT: Building Codes

PRESENTED BY: Katie Schweitzer, Manager of Engineering Services

INTRODUCTION/BACKGROUND:

On January 23, 2023, the City Manager entered into a Building Inspector Services Agreement with James Earl IV, a state licensed plumbing inspector and International Code Council Certified Residential Building Inspector, to conduct plan reviews and inspect new and existing construction. The attached Agreement was executed under emergency conditions due to the following:

1. the City's on-staff building inspector is on unplanned medical leave; and,
2. the contracted building inspectors currently do not have a state plumbing inspection license; and,
3. the unfilled vacancy in the Building Official position.

The City Code of Ordinances and the attached Building Inspector Services Agreement are the governing documents that guide the functions of the contracted building inspector. The Inspector reports directly to the City's Building Official or designee. The agreement includes:

1. An effective period of January 23, 2023-September 30, 2023; and to be renewed, if deemed advisable, annually.
2. Either party with or without cause may terminate the Agreement with a 90-day notice.
3. Will be covered for General Liability through the City's insurance provider while serving in the capacity as a Building Inspector.

Executing said agreement with James Earl IV ensures continued effective operations of the building codes department. Accordingly, this agenda item is to ratify the City Manager's execution of the attached Building Inspector Services Agreement.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

- Receiving City Council approval by ratifying an executed agreement by the City Manager.
- By maintaining an agreement with a state licensed plumbing inspector, the city can continue maintaining the general health, safety, and welfare of its citizens in a timely manner.

LONGTERM FINANCIAL & BUDGETARY IMPACT:

No budgetary impact as funding is in the Building Codes FY 2022-23 Professional Services line (01-641-300) budget.

LEGAL ANALYSIS:

The City's legal team has reviewed and approved the agreement.

RECOMMENDATION/PROPOSED MOTION:

I move to approve the ratification of the City Manager's execution of the Building Inspector Services Agreement with Jim Earl IV.

BUILDING INSPECTOR SERVICES AGREEMENT

This Services Agreement is made and entered into by and between James Earl IV ("BUILDING INSPECTOR"), and the City Fair Oaks Ranch ("CITY"). Building Inspector and City are each a "Party" and are together referred to as the "Parties"

WHEREAS, the CITY is responsible for enforcing applicable laws, regulations, ordinances and orders in the city limits of Fair Oaks Ranch to protect the public health, safety and welfare; and,

WHEREAS, the BUILDING INSPECTOR is agreeable to providing the services of a Professional Building Inspector to inspect construction for which building permits were issued within the city as needed and be responsible for enforcing applicable rules in accordance with the International Building Codes; and National Electric Code,

WHEREAS, the Parties agree that fair and reasonable compensation from the CITY for provision of such services will be given to the BUILDING INSPECTOR.

NOW, THEREFORE, in consideration of the mutual covenants and agreement stated herein, the parties agree as follows:

ARTICLE I. PURPOSE

- 1.01 The purpose of this Agreement is to acquire contracted personnel to provide building inspections within the incorporated area of the City of Fair Oaks Ranch.

ARTICLE II DEFINITIONS

- 2.01 For purposes of this agreement, the following terms shall have the meanings set forth below:
- a) **BUILDING INSPECTOR.** The person who has been contracted by the City of Fair Oaks Ranch to perform building inspections.
 - b) **BUILDING INSPECTION.** The examination of any construction for which a permit is required to ensure the building complies with the requirements of the locally adopted Building Codes.
 - c) **BUILDING CODE.** The 2021 edition of the International Building Code as well as the 2020 National Electric Code as adopted by the city, and any future adopted editions of the afore mentioned Building Code.
 - d) **INSPECTION REPORT.** A handwritten or computer-generated document detailing any deficiencies found during a building inspection. The inspection report may also include corrective action information as well as building code violation references.
 - e) **CITY BUILDING OFFICIAL.** The officer or other designated authority charged with the administration and enforcement of the locally adopted codes, or a duly authorized representative of the City.
 - f) **OWNER'S AGENT.** The architect, engineer, contractor, manager, or other person who has the owner's consent to act on his/her behalf regarding the construction, maintenance and code compliance of a commercial establishment or public building.

- g) **CERTIFICATE OF OCCUPANCY.** A certificate or document issued by the City, indicating the building, structure, or occupied area within a structure, has been inspected and is found to be in compliance with locally adopted codes and state laws.
- h) **BUILDING AND/OR CONSTRUCTION PLANS.** A set of documents that defines the requirements and activities for a building and/or construction project.
- i) **PLAN REVIEW.** The analysis of submitted building and/or construction plans according to the City of Fair Oaks Ranch adopted ordinances.
- j) **PLAN REVIEW REPORT.** A handwritten or computer-generated document detailing any deficiencies found during a building and/or construction plan review. The plan review report may also include corrective action information as well as building code violation references.

ARTICLE III. TERM

- 3.01 The term of this Agreement shall be for the period beginning January 23, 2023, and ending September 30, 2023, unless earlier terminated.
- 3.02 **TERMINATION:** Either Party may terminate this Agreement, with or without cause, by giving the other Party 90 days written notice of its intention to do so. The Notice shall be delivered by mail or in person to the other Party. In such event, the Agreement will terminate 90 days following receipt of such notice with no further obligation on either Party, provided that all amounts due and owing to BUILDING INSPECTOR by CITY be timely paid.
- 3.03 **RENEWAL, EXTENSION:** On or before May 1 of ending agreement year, CITY shall notify BUILDING INSPECTOR whether CITY desires to continue this Agreement for one year or any term of less than one year. By written agreement executed at any time before the expiration date stated herein or such subsequent expiration date as agreed to by the Parties, the Parties may renew this Agreement for a one-year term or extend the term of the Agreement for any period of less than 12 months. On an annual basis it is the city's intent to execute a Building Inspector Services Agreement that coincides with the city's fiscal year beginning October 1 and ending September 30 each year.
- 3.04 The BUILDING INSPECTOR agrees and understands that the CITY is a governmental entity that has projected costs for this Agreement and the CITY expects to pay all obligations of this Agreement from projected revenue sources, but all obligations of the CITY are subject to annual appropriation by the CITY in future years. In the event the CITY does not appropriate funds in any fiscal year for payments due under this Agreement, then this Agreement shall terminate with the CITY providing written notice of any non-appropriation to the BUILDING INSPECTOR as soon as reasonably practical.

ARTICLE IV. BUILDING INSPECTOR'S RESPONSIBILITIES

- 4.01 Perform building inspections as requested to ensure compliance with all adopted Building Codes and building related ordinances. Although there is no guarantee minimum or maximum, it is estimated that up to 225 building inspections may be requested by the city each year.
- 4.02 Provide digital inspection copies of all Building Inspection reports to the city within 24 hours of inspection.
- 4.03 Provide and maintain own office space, furnishings, equipment, appropriate clothing (ex. hard hat, steel-toed shoes), and supplies, as necessary, to perform the applicable services at the cost to the individual and not the CITY.
- 4.04 Report to the Building Official in all matters regarding this agreement.

- 4.05 By the 10th of the following month services performed, submit to the building codes department monthly invoices of inspections performed. Invoices should include each inspection type, date of inspection, hours spent on inspection, and cost of inspection performed.
- 4.06 Perform plan reviews as requested to ensure compliance with all adopted Building Codes and building related ordinances.

ARTICLE IV. CITY'S RESPONSIBILITIES

- 5.01 Pay the BUILDING INSPECTOR the sum of:
 - a) \$200 per each first-time Final inspection
 - b) \$200 per each first-time Framing inspection (includes Electrical and Mechanical)
 - c) \$100 for all other building inspections including re-inspections.
 - d) \$75 per hour for plan review
- 5.02 CITY shall remit payment within 30 days of receipt of BUILDING INSPECTOR'S invoice.
- 5.03 The Building Official will be responsible for administering this agreement.
- 5.04 Provide BUILDING INSPECTOR with business cards as necessary.
- 5.05 Provide BUILDING INSPECTOR with identification badge.
- 5.6 Provide BUILDING INSPECTOR with removable magnetic city identification sign
- 5.06 Provide BUILDING INSPECTOR with general liability insurance on a per occurrence basis with limits of liability not less than \$1,000,000 for each occurrence and for fire damage. For Bodily Injury and Property Damage, coverage shall be no less than \$1,000,000. As a minimum, coverage for Premises, Operations, Products and Completed Operations shall be \$2,000,000. This coverage shall protect the public or any person from injury or property damages sustained by reason of the BUILDING INSPECTOR. The general aggregate shall be no less than \$2,000,000. Current Certificate of Insurance shall be attached as Exhibit of this Agreement.

ARTICLE V. MISCELLANEOUS PROVISIONS

- 6.01 In the performance of service by the BUILDING INSPECTOR to the CITY under the terms of this Agreement, it is mutually understood and agreed that the BUILDING INSPECTOR at all times shall be an independent contractor. Nothing herein shall be construed as giving a degree of control on the part of the CITY that creates an employer-employee relationship between the CITY and the BUILDING INSPECTOR.
- 6.02 This Agreement does not create an employment relationship, partnership, or joint venture between the BUILDING INSPECTOR and the CITY.
- 6.03 This is the sole and only agreement between the Parties concerning the subject matter set out herein. No other agreement, statement or promise made by any party or any officer, agent, or employee of any Party, which is not set out herein, shall be binding or enforceable against either Party.
- 6.04 No amendment, modification or alteration to this Agreement shall be binding unless it is set out in writing, approved by the Parties and signed by the Parties or their duly authorized representative.

- 6.05 All notices by the Parties shall be deemed given when either delivered in person or deposited in the U.S. Mail, postage prepaid, certified mail, return receipt requested, addressed to the appropriate party at the following addresses:


If to CITY: City Manager's Office
City of Fair Oaks Ranch
7286 Dietz Elkhorn
Fair Oaks Ranch, TX 78015

If to BUILDING INSPECTOR: *James Earl IV*
415 Skyview Drive
Boerne, TX 78006

- 6.06 If any provision of this Agreement is determined to be invalid or unenforceable by a court of competent jurisdiction, this Agreement shall be reformed to the extent necessary to make the offending provision valid and enforceable, or if the offending provision cannot be modified so as to be made valid and enforceable, the invalidity or unenforceability of such provision shall not affect the remaining terms of this Agreement.
- 6.07 This Agreement shall be construed in accordance with the laws of the State of Texas. Exclusive venue for any legal action arising from this Agreement shall be in Kendall County, Texas.

EXECUTED IN DUPLICATE THIS 23rd DAY OF January, 2023


(James Earl IV)
BUILDING INSPECTOR


TOBIN E. MAPLES
CITY MANAGER



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
February 2, 2023

AGENDA TOPIC: Discussion and possible action to pursue the opportunity to receive local government relief for disabled veteran exemptions from the state under Local Government Code Section 140.011.

DATE: February 2, 2023

DEPARTMENT: City Finance

PRESENTED BY: Councilwoman Laura Koerner

INTRODUCTION/BACKGROUND:

During the 84th Legislative Session, the Local Governments Disproportionately Affected by Property Tax Relief for Disabled Veterans program was created under HB 7 and became effective September 1, 2015. "To serve the state purpose of ensuring that the cost of providing ad valorem tax relief to disabled veterans is shared equitably among the residents of this state, a local government is entitled to a disabled veteran assistance payment from the state for each fiscal year that the local government is a qualified local government. A local government is a qualified local government for a fiscal year if the amount of lost ad valorem tax revenue calculated under Subsection (c) for that fiscal year is equal to or greater than two percent of the local government's general fund revenue for that fiscal year." (HB 7)

This program is managed by the Texas Comptroller's Office. Details on the program can be found at: <https://comptroller.texas.gov/taxes/property-tax/exemptions/local-gov-relief.php>

A city adjacent to a United States military installation or a county in which a United States military installation is wholly or partly located may be entitled to a disabled veteran assistance payment from the state under Local Government Code Section 140.011. In addition, a city or county must have lost property tax revenue from the 100 percent or totally disabled veteran residence homestead exemption under Tax Code Section 11.131 in an amount equal to or greater than 2 percent of the local government's general fund revenue for the fiscal year.

I believe our city may qualify for this assistance payment.

For reference, the following local governments received payment in 2022:

| Entity | 2022 Requested Amount | 2022 Actual Payment |
|------------------------------|------------------------|---|
| Bell County | \$7,649,236.00 | \$3,625,249.27 |
| City of Copperas Cove | \$1,370,618.54 | \$ 649,585.64 |
| City of Killeen | \$5,755,659.46 | \$2,727,814.95 |
| City of Schertz | \$1,894,703.99 | \$ 897,968.67 |
| Coryell County | \$1,264,688.29 | \$ 599,381.47 |
| | \$17,934,906.28 | \$8,500,000 (FY 22 Appropriation) |

The urgency of this agenda item is driven by the 2023 deadline for submission for this past fiscal year. The completed application and supporting documentation must be received by the Comptroller's Property Tax Assistance Division no earlier than Feb. 1 and not later than April 1 of the year following the end of a fiscal year for which the applicant is seeking payment.

The purpose of this agenda item is to ask Council's consideration to approve pursuing this assistance payment from the State Comptroller's Office, including having city staff assess the City's eligibility and presenting an update to Council, and, if applicable and approved by Council, submitting an application to Texas Comptrollers office by the FY2022 submission deadline.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

1. Application and reception of these state funds will help the City support and provide services to the growing number of 100% disabled veterans and their surviving spouses who reside in our city due to its proximity to nearby military installations and do so without a disproportionate negative impact to the City's budget.
2. Supports Strategic Action Plan 1.4 Develop a Sustainable Financing Strategies Aligned with Service Delivery Expectations.

LONG-TERM FINANCIAL & BUDGETARY IMPACT:

If eligible, this assistance payment from the state will provide additional revenue to offset some of the loss of ad valorem tax revenue from 100% disabled veteran tax exemptions.

LEGAL ANALYSIS:

N/A

RECOMMENDATION/PROPOSED MOTION:

I move to have the City pursue the opportunity to receive local government relief for disabled veteran exemptions from the state under Local Government Code Section 140.011.

Local Governments Disproportionately Affected by Disabled Veterans Exemption

GENERAL INSTRUCTIONS: A city adjacent to a United States military installation and a county in which a United States military installation is wholly or partly located may be entitled to a disabled veteran assistance payment from the state under Local Government Code Section 140.011 if the city or county is a qualified local government for a fiscal year. A local government is qualified for a fiscal year if lost property tax revenue from the 100 percent or totally disabled veteran residence homestead exemption under Tax Code Section 11.131 is equal to or greater than 2 percent of the local government's general fund revenue for that fiscal year. You must read and comply with Local Government Code Section 140.011 and Comptroller Rule 9.4321 through 9.4327, regarding Local Government Relief for Disabled Veterans Exemption.

WHERE TO FILE: Applications and supporting documentation must be submitted to the Property Tax Assistance Division (PTAD) of the Comptroller's office. You may submit an application, supporting documentation and information requested by the Comptroller's Office only by the following methods:

Email ptad.dvttl@cpa.texas.gov

If the email size is larger than 35 megabytes (MB), email ptad.dvttl@cpa.texas.gov to request assistance.

OR

Certified mail at: **Texas Comptroller
Property Tax Assistance Division
Post Office Box 13528
Austin, Texas 78711-3528**

APPLICATION DEADLINE: Applications are only accepted from Feb. 1 through April 1 each year. An application will be rejected if it is submitted before Feb. 1 of the first year following the end of a fiscal year for which the applicant is seeking a payment pursuant to Comptroller Rule 9.4325. A qualified local government must submit a completed application for a fiscal year not later than April 1 of the first year following the end of a fiscal year. A local government is not entitled to a payment if a completed application is not submitted by the April 1 deadline. If a completed application is submitted electronically, PTAD must receive it no later than 11:59 p.m. on April 1. If a completed application is submitted by certified mail, the application must be postmarked no later than April 1. An application will be rejected if a completed application is not submitted by the April 1 deadline pursuant to Comptroller Rule 9.4325.

COMPLETED APPLICATIONS: An applicant must submit a completed application by the application deadline of April 1. An application is not considered complete until: 1) all documentation listed below is submitted, and 2) any required information requested by the Comptroller's Office after the initial submission of the application is provided by the applicant within 14 calendar days of the Comptroller's Office request.

REQUIRED DOCUMENTATION: Each application must include the following:

- Documentation certified by a city, county or independent auditor that substantiates the amount of each allowable revenue source deposited in the dedicated general operating fund for the fiscal year for which the local government is applying for the disabled veteran assistance payment;
- Documentation that substantiates the adopted property tax rate for the tax year in which the applicable fiscal year begins;
- Documentation that substantiates the exemption amount which is the total appraised value of all property located in the local government that is granted an exemption under Tax Code Section 11.131 for the tax year in which the applicable fiscal year begins;
- Independent audit or a comprehensive annual financial report covering the applicable fiscal year;
- If a city applicant, a map showing that the applicant city is adjacent to a United States military installation; and
- If a county applicant, a map showing that a United States military installation is located wholly or partly in the applicant county.

Submitted documentation must be highlighted for easy identification of the specific general fund revenue sources, the adopted property tax rate and the exemption amount.

STEP 1: Local Government Information

Name of Local Government

State Identification Number

Place an "x" or check mark to indicate the type of map the applicant is attaching to this application:

☐ Map of applicant city which shows the location of a United States military installation adjacent to the city applicant

☐ Map of applicant county which shows the location of a United States military installation wholly or partly in the county applicant

STEP 2: Contact Information

Contact Name

Title

Mailing Address

City, State, ZIP Code

Email Address*

Phone Number

* An email address of a member of the public could be confidential under Government Code Section 552.137; however, by including the email address on this form, you are affirmatively consenting to its release under the Public Information Act.

STEP 3: Fiscal Year of Application

- a. The applicant is applying for a disabled veteran assistance payment for the local government fiscal year: _____
- b. Fiscal year beginning date: _____ Fiscal year ending date: _____
- c. The property tax year (calendar year) in which the above fiscal year cited in subsection (a) of this step begins: _____

STEP 4: General Fund Revenue

Calculate the total general fund revenue for the fiscal year cited in Step 3(a) by adding the amounts of the allowable revenue sources generated by the local government during that fiscal year and deposited in the dedicated general operating fund of the local government during that fiscal year.

You must submit documentation to verify each revenue amount you enter. Be sure to indicate the title of the document and applicable page(s) that substantiate the revenue amount for each source and to highlight in the document itself the specific revenue amount. At a minimum, you must submit either an independent audit or a comprehensive annual financial report covering the fiscal year for which you are requesting payment; however, you must submit additional documentation certified by a city, county or independent auditor if these documents do not substantiate each revenue amount you enter.

| General Fund Revenue Sources | Amount Deposited in Dedicated General Operating Fund During Applicable Fiscal Year | Title of Document Verifying Amount and Applicable Page(s) |
|---|--|---|
| Property taxes | | |
| Sales and use taxes | | |
| Franchise taxes, fees or assessments charged for use of the local government's right-of-way | | |
| Building and development fees (including permit and inspection fees) | | |
| Court fines and fees | | |
| Other fees, assessments and charges | | |
| Interest earned by the local government | | |
| Total general fund revenue for applicable fiscal year | | |

Step 5: Property Tax Rate and Exemption Amount

Provide in each box below as indicated the following numbers: the adopted property tax rate, the exemption amount (the total appraised value of property granted an exemption under Tax Code Section 11.131) and the calculated lost property tax revenue. To determine the lost property tax revenue number, multiply the exemption amount by the adopted property tax rate.

You must submit documentation that substantiates these numbers. Acceptable documentation could include (but is not limited to): the local government measure that adopted the property tax rate or the minutes of the meeting in which the tax rate was adopted if the tax rate is specifically cited; and for the exemption amount, a letter from the chief appraiser(s) who appraise(s) the property certifying the value.

| Lost Property Tax Revenue Calculation | Required Item | Title of Document Verifying the Number and Applicable Page(s) |
|---|----------------------------|---|
| Adopted property tax rate for the property tax year cited in Step 3(c). | /per \$100 of value | |
| Exemption amount (total appraised value of property granted an exemption under Tax Code Section 11.131) for the property tax year cited in Step 3(c). The appraised value of a residence homestead is the market value with the 10 percent appraisal cap applied. | | |
| Lost property tax revenue (exemption amount multiplied by the tax rate; be sure to divide the tax rate by 100 before multiplying) | | |

Step 6: Qualification for Payment

If the lost property tax revenue for a fiscal year is equal to or greater than two percent of the local government's general fund revenue for the applicable fiscal year, then a local government is qualified for that fiscal year and entitled to a disabled veteran assistance payment.

- a. Calculate two percent of the amount of total general fund revenue determined in Step 4 _____.
- b. Lost property tax revenue as calculated in Step 5 _____ is equal to or greater than _____.
(Insert amount from subsection (a) of this step)

If the lost property tax revenue is NOT equal to or greater than two percent of the general fund revenue, **STOP**. The local government does not qualify for payment for the fiscal year. Please do not submit an application if you do not qualify.

Step 7: Disabled Veteran Assistance Payment Amount

The disabled veteran assistance payment for a qualified local government is calculated by subtracting one percent of the local government's general fund revenue for the applicable fiscal year from the lost property tax revenue.

- a. Calculate one percent of the amount of total general fund revenue determined in Step 4 _____.
- b. Calculate the payment.

| | | |
|--------|-------|--|
| | _____ | Lost property tax revenue as calculated in Step 5. |
| MINUS | _____ | One percent of the total general fund revenue calculated in subsection (a) of this step. |
| EQUALS | _____ | Disabled veteran assistance payment requested amount. |

STEP 8: Signature

By signing this application, you certify that the information provided in this application is true and correct.

print
here ➔

Name of local government official authorized to bind the local government

Title

sign
here ➔

Signature of local government official

Date

If you make a false statement on this form, you could be found guilty of a Class A misdemeanor or a state jail felony under Penal Code, Section 37.10.

For Comptroller Use Only:
☐

APPROVED

☐

DISAPPROVED

Property Tax Assistance Division Staff

Date



CITY COUNCIL WORKSHOP

CITY OF FAIR OAKS RANCH, TEXAS

February 2, 2023

AGENDA TOPIC: Tree Preservation Workshop

DATE: February 2, 2023

DEPARTMENT: Public Works Department

PRESENTED BY: Emily Stroup, City Council Member Place 1
Kelsey Delgado, Environmental Program Manager

INTRODUCTION/BACKGROUND:

In November 2022, a resident voiced concerns regarding tree removal on a neighboring property. Currently, there is no city ordinance that disallows the removal of trees on existing residential lots. To further explore this topic, a future agenda item was requested by Council. This workshop presentation was developed in response to that request and to gauge Council's interest in changing or expanding our current tree maintenance and preservation ordinances.

The goal of this workshop is to review the city's current tree regulations, understand what other municipalities have adopted and discuss potential updates to our ordinances and the associated impacts of implementation that could further protect existing trees within Fair Oaks Ranch.

Additionally, updating our ordinances to formally place the ownership and maintenance of public trees on the city is one step towards being designated as a Tree City. Tree City USA® is an Arbor Day Foundation program that recognizes cities and towns across the U.S. that are committed to maintaining and protecting our urban forests.

Staff is seeking Council guidance in a future tree ordinance update, if any. However, no Council action is requested as part of this workshop.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

- Protects mature trees within Fair Oaks Ranch and helps maintain the rural hill country aesthetic the city is known for.
- Helps obtain Tree City USA® designation for the city from the Arbor Day Foundation.

LONG-TERM FINANCIAL & BUDGETARY IMPACT:

NA

LEGAL ANALYSIS:

NA

RECOMMENDATION/PROPOSED MOTION:

NA

Fair Oaks Ranch Tree Preservation WorkShop



Purpose

- Review our current Tree Ordinances
- Overview of what other municipalities have adopted
- Discuss possible Tree Ordinance updates

Fair Oaks Ranch

Current Tree Ordinances



Unified Development Code:

8.8 Tree and Habitat Protection

Purpose: *Conserve, protect and enhance trees to preserve the overall quality and environment of Fair Oaks Ranch.*

Applies to: New residential and nonresidential **development or redevelopment.**

Does not apply to private property

Exemptions to Tree Removal

Permitting: Trees located within 10 ft of building footprint; locations for onsite sewage facilities; areas required for site access

Preservation Exemptions: Trees located in the Right-of-Way, Trees located in easements

Tree Plans/ Heritage Plans

Tree Plans are required for new construction which identifies location, species, and size of trees with a **trunk circumference of ~28 inches** or larger on site. It shall designate all trees proposed for removal and describe protection measures for remaining trees.

Diameter:
~9 inches or more

Diameter:
~24 inches or more

Heritage Plans are required for all trees on site that have a **trunk circumference of ~75 inches** or more

Unified Development Code:

8.8 Tree and Habitat Protection

It is unlawful to remove or destroy any trees with a **Trunk Circumference (TC)** of 28 inches or more located on property pursuing new development, a plat, or infrastructure improvements within the city limits or ETJ without submitting a **Tree Plan** to City Staff.

Removal/Mitigation for Protected Trees:

Developers are encouraged to preserve trees wherever possible.

Protected trees (circumference of 28 in. or more) must be mitigated as a 1:1 TC

example: Two 30 TC trees are to be removed; site total = 60 TC inches removed.

Six trees with a TC of 10 inches each must be planted.

A **Heritage Plan** is required to be reviewed and approved by the Planning and Zoning Commission and City Council prior to any construction activity that is likely to endanger a Heritage Tree, TC 75 inches or larger.

Removal/Mitigation for Protected Trees

Heritage trees may not be removed unless:

Tree is sick/diseased; Tree is within the footprint of exempted areas; or if removal is approved by City Council after P&Z Consideration

Heritage Tree mitigation must additionally follow 1:1 TC ratio



Public & Private Property

Article 1.07 Div. 2: Tree Maintenance

- Oak Tree trimming is disallowed between February 1st thru June 31st
- All wounds shall be painted after trimming, cutting, or pruning
- Any oak wilt treatment performed in the city limits must be reported to the City
- Red Oaks are prohibited as new plantings
- All contractors performing tree maintenance within the city limits must register
- Registration is good for 1 year after issuance
- All contractors must abide by the Oak Wilt Ordinance



Overview of what Other Municipalities Have Adopted



Boerne

Tree Preservation Ordinance



Unified Development Code:

Chapter 8.3 Tree Preservation

Applies to **all existing and new development** of residential, industrial, commercial, and institutionally zoned property, land clearing, trenching or excavating, etc.

Tree Preservation

Preservation requires a **percentage of total trees** on property to be saved based on zoning

| Zone | Standard & Legacy | Heritage |
|---|-------------------|----------|
| Commercial & Multi-family | 40% | **100% |
| Single-family & Residential | *35% | **100% |
| *excludes the land used to install infrastructure **Heritage Trees removed for installing infrastructure must be mitigated | | |

Mitigation

- If minimum tree preservation requirements are not met, trees shall be planted (based on trunk circumference inches) until preservation percentage is met
- If all or a portion of replacement trees will not be planted, a fee may be paid to the Tree Restoration

| Tree Classification | Tree Diameter Removed (DBH) | Tree Planting: Aggregate TC in inches of trees removed | Mitigation Fee per inch (TC) of tree removed |
|---------------------|-----------------------------|--|--|
| Standard | 8.0"-11.9" | 1:1 | \$50 |
| Legacy | 12.0"-23.9" | 1.5:1 | \$100 |
| Heritage | >24.0" | 3:1 | \$200 |

Tree Species Exceptions: Hackberry, Sugarberry, Chinese Tallow, Eastern Red Cedar, Ashe Juniper < 10" DBH, Chinaberry, Mesquite, Huisache and Ligustrum

Tree Preservation



UDC: Chapter 8.3 Tree Preservation & Code of Ordinances Chapter 2 & 16

Item #10.

Public

It is unlawful for anyone to intentionally uproot, damage or remove any tree, shrub or planting on public land

General maintenance and upkeep of public lands is the responsibility of the City

Oak Wilt

Oak Tree Trimming prohibited between February 1st thru July 1st

Wounds must be painted immediately

Verified infected Red Oak Trees must be removed by the property owner.

Red Oaks are prohibited as new plantings



Bulverde

Tree Preservation Ordinance



Article 17.06 Tree Preservation

Applies to all land within the city Limits and ETJ. *Does not apply to **platted lots for single family residence*** (Builders subject to requirements during construction phase); ***single-family residences on unplatted parcels larger than 4 acres.***

Tree Removal

Tree Permit required prior to any tree removal

No **Historic Trees** shall be removed*

No **Majestic Trees** shall be removed without an application to be approved by City Council*; trees removed must be mitigated at a 3:1 ratio

Total Tree Removal from site may not be more than 60% of total caliper width of all Protected, Specimen, Majestic or Historic Trees

All tree removal shall be replaced

**Unless tree meets certain removal exceptions*

Tree Replacement

| Tree Type | Single Trunk Caliper | Replacement |
|-----------|--|--------------------------|
| Protected | 6 inches or more | 5x caliper inch removed |
| Specimen | Greater than 24" or 50% of state champion specimen in Big Tree Registry, whichever is less | 10x caliper inch removed |
| Majestic | Greater than 36" or 75% of state champion specimen in Big Tree Registry, whichever is less | 15x caliper inch removed |
| Historic | A tree of notable historic interest or value. Designation by City Council or County Commissioner's Court | 15x caliper inch removed |



Bellaire

Tree Preservation Ordinance



Chapter 9 Article XI. - Trees

Applies to **construction related instances** which requires a Tree Deposition Permit such as new construction, remodeling, demolition or lot clearing

Tree Permit / Replacement

Tree permits are required for the removal of trees over 4-inch diameter

Trees removed may not need to be replaced UNLESS remaining trees on site do not meet the minimum lot requirement:

| | Front Yard | Back Yard |
|----------------------------|------------|-----------|
| Lots \leq 80 ft in width | 3 | 2 |
| Lots \leq 60ft in width | 2 | 1 |
| Lots $>$ 59 ft in width | 1 | 1 |

Institutional Property

Trees on **existing** institution property may only be removed if:

- trunk size is below a 4 inch diameter
- Species is considered “undesirable”



West University Place

Tree Preservation Ordinance



Chapter 82 - URBAN FOREST PRESERVATION AND ENHANCEMENT

Public

Maintenance and Ownership, and inventory responsibility of trees in public spaces is the Forestry Department

Funds donated to the West University Tree Fund is used to plant trees within the city limits

Application for Tree Removal

For pre-development or construction activities:

- Trees with a diameter of 10 inches or more.

For all other instances:

- Trees with a diameter of 12 inches or more
- Trees located in a front yard, side street yard (of corner lots), or in a ROW that is 10 inches or larger

Replacement Trees must be at least 2 diameter inches. If 10 diameter inches removed, at least one 4-inch tree (or 100 gallon tree) is required to be planted

Tree Replacement

Tree inches removed from site shall be replaced with the same amount of tree diameter inches

If replacement cannot be reasonably planted on site, the new planting can be placed or maintained within 1,000 feet offsite **OR** a monetary donation can be made to the West University Tree Trust

Current Rate: \$250 per diameter inch and \$2,000 per 4-inch tree

Suggested Tree Ordinance Updates



Public Property

Any lands owned by the City such as Parkways, Rights-of-Ways, City Campus, etc.

Adopt an ordinance that protects trees on Public Lands

The City is seeking Tree City USA acknowledgement from the Arbor Day Foundation

One of the 4 criteria needed to qualify is a Public Tree Ordinance

Ordinance Requirements:

- Assigns Authority over Public Trees
- Provides clear guidance for the planting, maintaining and/or removal of trees in public spaces
- Must be effective 24/7 – not triggered by landscaping or development processes



Private Property

Residential or Commercial land of any acreage.

Adopt an ordinance that protects trees on already developed land

Require a Tree Preservation Plan for the removal of trees on private lands

Implement a permit process to remove any Protected Tree (28in circumference/ 9in diameter)

Disallow the removal of any Heritage Tree (75in circumference/ 24in diameter) without P&Z and City Council Approval

Permit shall require mitigation of all circumference inches removed in a 1:1 TC ratio

Trees planted for mitigation shall be planted on site; if unable to replant on site, trees may be planted at a different location with city approval

Exceptions:

- *Trees located within 10 ft of building footprint (new or existing)*
- *Trees located within the footprint of a permitted project*
- *Diseased or Dead Trees*
- *Exempted Tree Species - Hackberry, Chinaberry and Ligustrum or Ashe Juniper and Mesquite under 48 diameter inches*

Penalties & Enforcement

For unauthorized removal / destruction of trees with a 9-inch diameter or above on public or private land

The City has the right of inspection for properties removing trees

Actions deemed as violations to Proposed Ordinance:

- Tree removal without a Permit
- Tree removal inconsistent with Permit
- Violation by Act of Omission

Penalties:

Fine may be issued for the unauthorized removal of trees;
Property Owners may have the opportunity to remedy the fine cost by mitigating at a 1:1 TC ratio

OR

Property Owners may submit a request for appeal

other options up for discussion

Other Topics for Discussion

Create an Oak Wilt Fund

- Property Owners with confirmed oak wilt on their property could receive a rebate from the city for treatment
 - Oak Wilt must be confirmed and treated by a Certified Arborist
 - Proof of Treatment must be provided to receive rebate
- Allows Property Owners to be proactive in treating Oak Wilt. Provides some financial relief if cost of treatment is out of budget
- Fund would be established through City Ordinance, but amount available for rebates would be included in the Annual Fiscal Budget

Donation in lieu of Replanting

- If unreasonable to replant trees on site, a donation can be made to the City for any tree with a diameter of 12 inches (~37in circumference) or less; these funds would go toward helping treat oak wilt

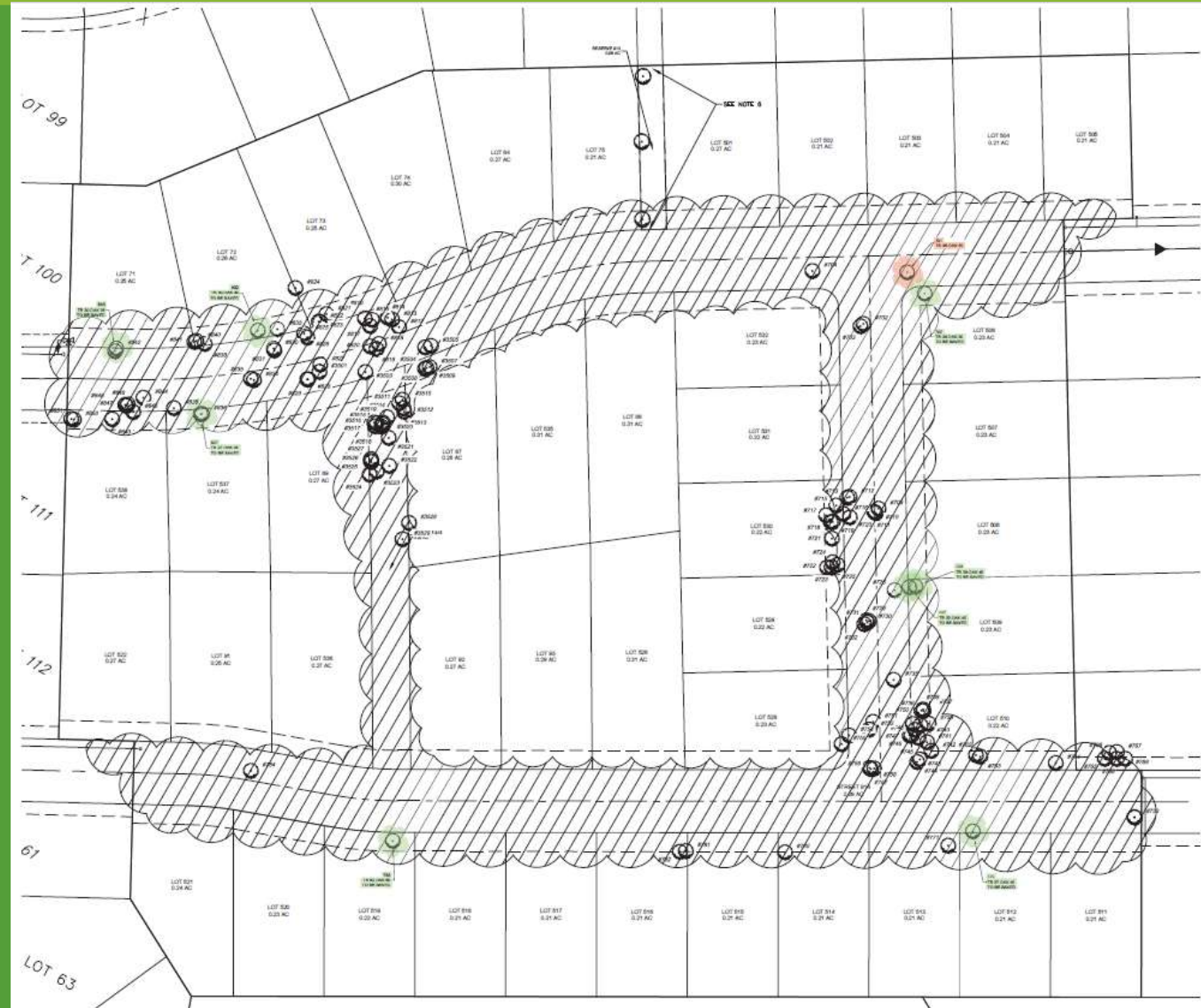
Need for additional Man-Power

- Many cities who have similar tree ordinances have staff dedicated to Urban Forestry.
- An additional position may need to be created to fulfill the added responsibility

Topics for Discussion

Possible Impact to Property Owners

Currently, only infrastructure development is required to provide Tree Preservation Plans. By passing a private property ordinance, each lot with trees that meet the criteria would need to submit a Tree Plan for review by city staff and/or by Council prior to any building or lot preparation to commence.

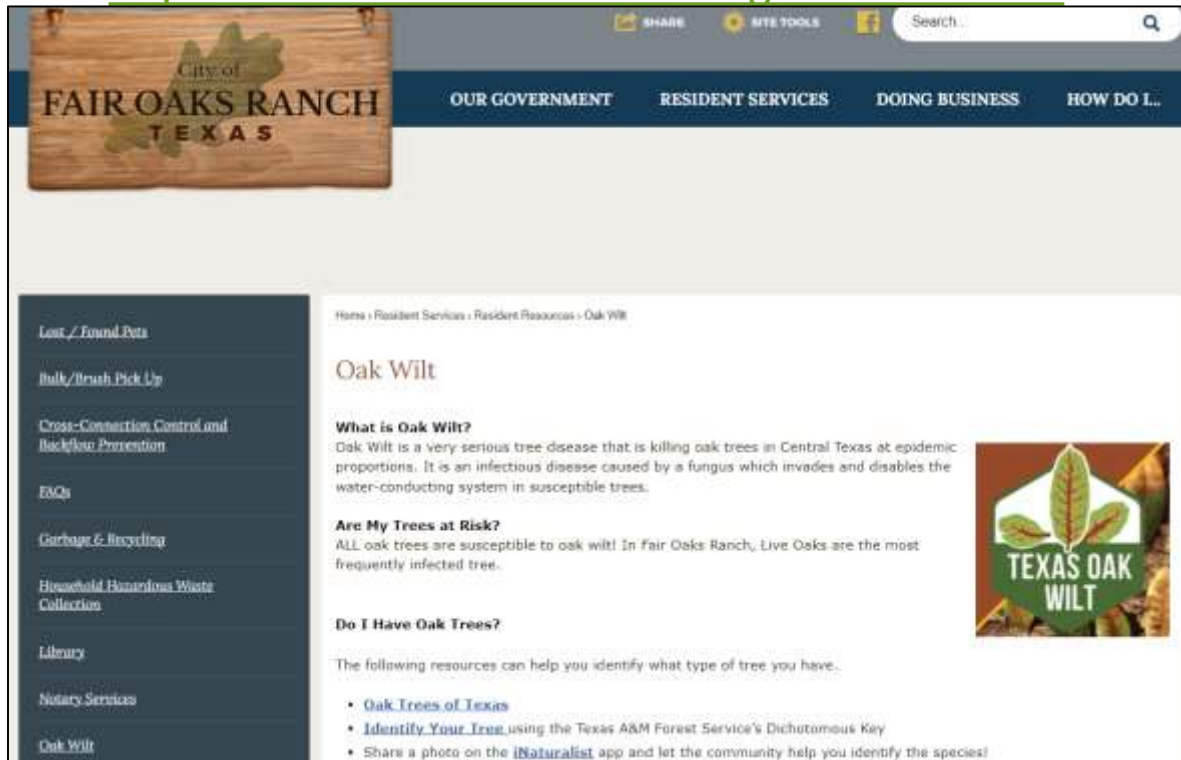


Oak Wilt Information & Resources

For more information regarding Oak Wilt or to see the update Oak Wilt Map for Fair Oaks Ranch:

Resident Services / Oak Wilt

<https://www.fairoaksranchtx.org/163/Oak-Wilt>



Texas A&M Forest Services has additional information and resources: <https://texasoakwilt.org/>

Texas Oak Wilt Suppression Program

Texas A&M Forest Services also offers Cost-Share Assistance for landowners to help minimize the spread of Oak Wilt.

More information can be found at:

Get Help / Oak Wilt Cost-Share Assistance

<https://texasoakwilt.org/getting-help/oak-wilt-cost-share>

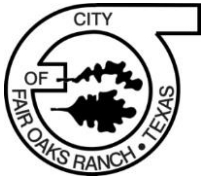
Questions?
Thoughts?
Suggestions?

Back Up Slides

Sentinel Landscape

Supporting the Camp Bullis Sentinel Landscape designation helps sustain the military mission by promoting compatible land use around the JBSA training area.

- Aid in protecting existing, mature trees. Helps protect the natural landscape
- *Supports the goals of Sentinel Landscape by implementing ordinances relative to water conservation, outdoor lighting, open space dedication, and **tree and habitat protection.***



CITY COUNCIL WORKSHOP
CITY OF FAIR OAKS RANCH, TEXAS
February 2, 2023

AGENDA TOPIC: Transportation Town Hall Workshop
DATE: February 2, 2023
DEPARTMENT: City Council
PRESENTED BY: Gregory C. Maxton, Mayor

INTRODUCTION/BACKGROUND:

City Council will lead a workshop to discuss findings from the January 24, 2023, Town Hall meeting.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

- Provides an opportunity to hear and articulate the diverse perspectives that represent our community.
- Provides an opportunity to consult with the citizenry to establish citizen driven initiatives.
- Provides an opportunity to articulate City Council expectations, maximize opportunities for success, and engaged through a value-add stakeholder process.

LONG-TERM FINANCIAL & BUDGETARY IMPACT:

TBD

LEGAL ANALYSIS:

NA

RECOMMENDATION/PROPOSED MOTION:

Provide insight and direction to staff.



STATE

of the

CITY

UPDATE TO COUNCIL
FEBRUARY 2, 2023





Event Details

Hosted by
The City of Fair Oaks Ranch
Mayor & City Council



What:

*State of the City Presentation
Catered Meal
Cash Bar*

When:

*Wednesday
February 15th, 2023
6:00pm*

Where:

*Fair Oaks Ranch Golf
& Country Club*

Tentative Order of Events



Welcome & Presentation of Colors

Presented by members of the Fair Oaks Ranch Police Department



Introduction

Presented by the Mayor Pro Tem, Laura Koerner



Recognitions & Acknowledgment

Presented by the City Manager and any interested Councilmembers



State of the City Presentation

Presented by Mayor Greg Maxton



Closing Remarks

Conducted by Master of Ceremonies, Scott Huizenga, Asst. City Manager

Contact Us:

Tickets are on sale at City Hall now for \$10 each which reserves a seat at the event and includes fully catered meal.

City Hall - (Portable Building)

Address : 7286 Dietz Elkhorn - City Hall

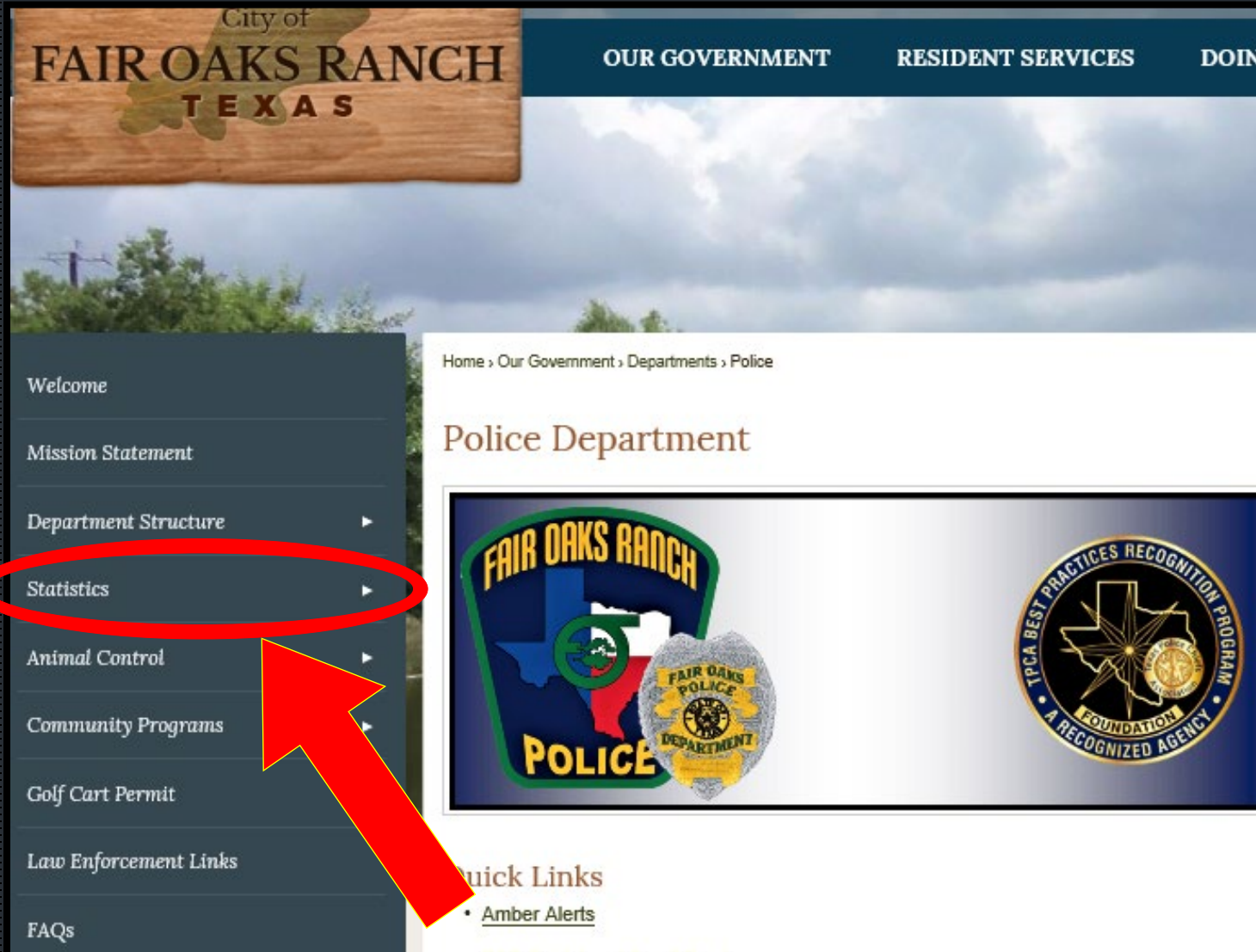
Phone : 210-698-0900



FAIR OAKS RANCH POLICE DEPT. ANNUAL REPORT - 2022



WHERE TO FIND DEPT. REPORTS



- THE ANNUAL REPORT CAN BE FOUND ON CITY WEBSITE UNDER THE “STATISTICS” TAB OF THE POLICE DEPARTMENT’S WEBPAGE.

CALLS FOR SERVICE

W/ OTHER ASSISTANCE CALLS

| | <u>2021</u> | <u>2022</u> | |
|---------------------|-------------|-------------|---------|
| CALLS FOR SERVICE | 3,955 | 4,031 | ▲ 1.9 % |
| ASSIST OTHER AGENCY | 98 | 85 | ▼ 13 % |
| ASSIST EMS | 490 | 442 | ▼ 10 % |
| ASSIST LSVFD | 132 | 102 | ▼ 23 % |
| ACCIDENTS | 92 | 101 | ▲ 10 % |
| DISTURBANCES | 118 | 126 | ▲ 7 % |
| ALARMS | 407 | 436 | ▲ 7 % |
| SUSPICIOUS ACTIVITY | 299 | 313 | ▲ 5 % |
| MISC. ACTIVITY | 127 | 89 | ▼ 30 % |
| ASSIST PUBLIC | 418 | 414 | ▼ 1 % |

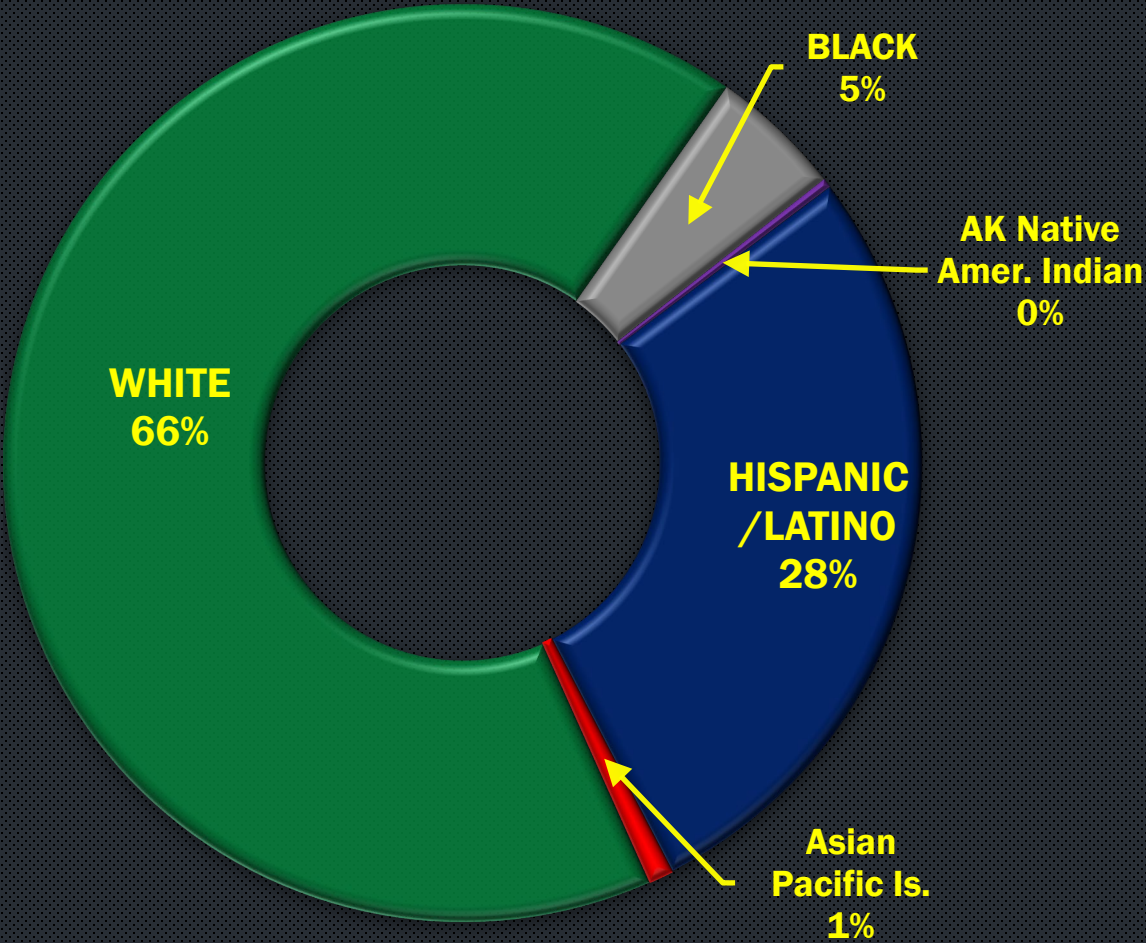
INCIDENTS/OFFENSES

| | <u>2021</u> | <u>2022</u> | |
|--------------------------|-------------|-------------|--------|
| AGGRAVATED ASSAULTS | 3 | 3 | → 0% |
| SEXUAL OFFENSES | 5 | 10 | ▲ 100% |
| ASSAULTS | 18 | 20 | ▲ 11% |
| MISSING PERSONS | 2 | 0 | ▼ 100% |
| RUN-A-WAYS | 3 | 0 | ▼ 100% |
| BURGLARY | 8 | 42 | ▲ 425% |
| LARCENY/THEFT | 116 | 111 | ▼ 4% |
| OTHER | 129 | 161 | ▲ 25% |
| INDIVIDUALS ARRESTED | 199 | 289 | ▲ 45% |
| OFFENSES CHARGED TO IND. | 278 | 411 | ▲ 48% |
| FELONY CHARGES | 46 | 50 | ▲ 9% |
| MISDEMEANOR CHARGES | 232 | 361 | ▲ 56% |

TRAFFIC ENFORCEMENT

| | <u>2021</u> | <u>2022</u> | |
|---------------------------|-------------|-------------|-------|
| INDIVIDUALS STOPPED | 4,026 | 4,708 | ▲ 17% |
| CITATIONS | 1,487 | 1,643 | ▲ 11% |
| WARNINGS | 3,763 | 4,599 | ▲ 22% |
| CITATIONS — RESIDENTS | 185 | 186 | ▲ 1% |
| CITATIONS - NON-RESIDENTS | 1,067 | 1,153 | ▲ 8% |

RACIAL PROFILING DATA

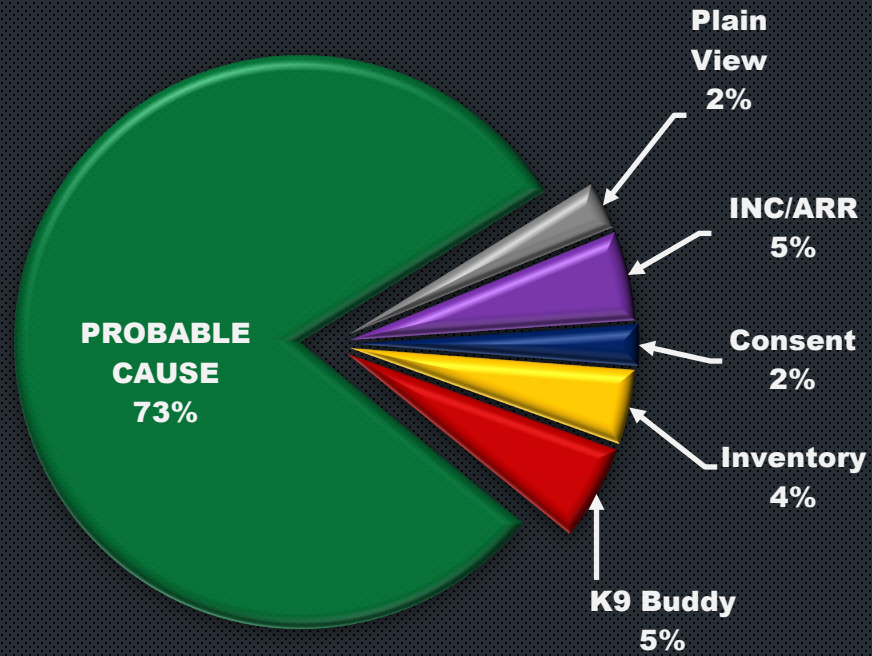


| | <u>CITATION</u> | <u>WARNING</u> | <u>TOTAL</u> |
|--------|-----------------|----------------|--------------|
| FEMALE | 358 | 1,130 | 1,488 |
| MALE | 981 | 2,239 | 3,220 |

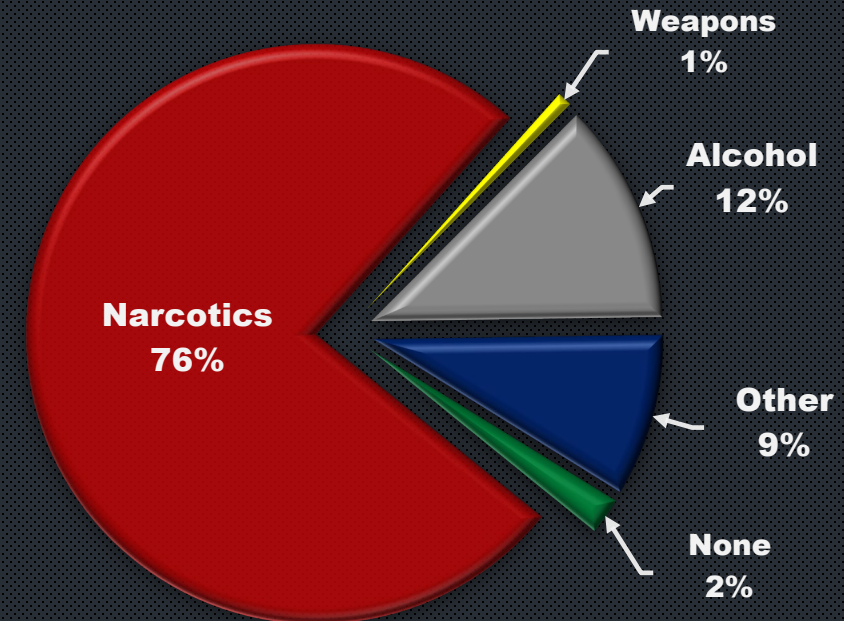
| | <u>CITATION</u> | <u>WARNING</u> |
|------------------------|-----------------|----------------|
| WHITE | 763 | 2,341 |
| HISPANIC/LATINO | 493 | 797 |
| BLACK | 42 | 171 |
| AK NATIVE/AMER. INDIAN | 2 | 14 |
| ASIAN/PACIFIC IS. | 12 | 30 |

RACIAL PROFILING/SEARCH DATA

Item #13.



| | <u>YES</u> | <u>No</u> |
|-------------------|------------|-----------|
| RACE KNOWN? | 20 | 4,688 |
| SEARCH CONDUCTED? | 246 | 4,462 |



MISC. CALLS FOR SERVICE

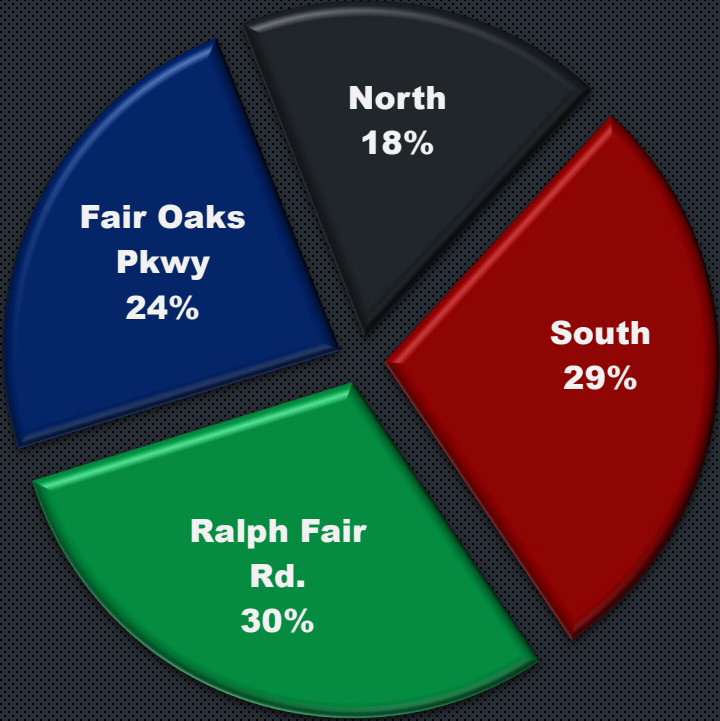
| | <u>2021</u> | <u>2022</u> | |
|---------------------|-------------|-------------|--------|
| ACCIDENTS | 92 | 101 | ▲ 10% |
| ALARMS | 407 | 436 | ▲ 7% |
| CITY ORD. VIOLATION | 38 | 47 | ▲ 23% |
| HOME WATCHES | 5,038 | 10,916 | ▲ 117% |
| ANIMAL CALLS | 1,097 | 643 | ▼ 41% |
| DEER CALLS | 691 | 354 | ▼ |
| ALL OTHER | 344 | 289 | ▼ |

MISC. CALLS FOR SERVICE

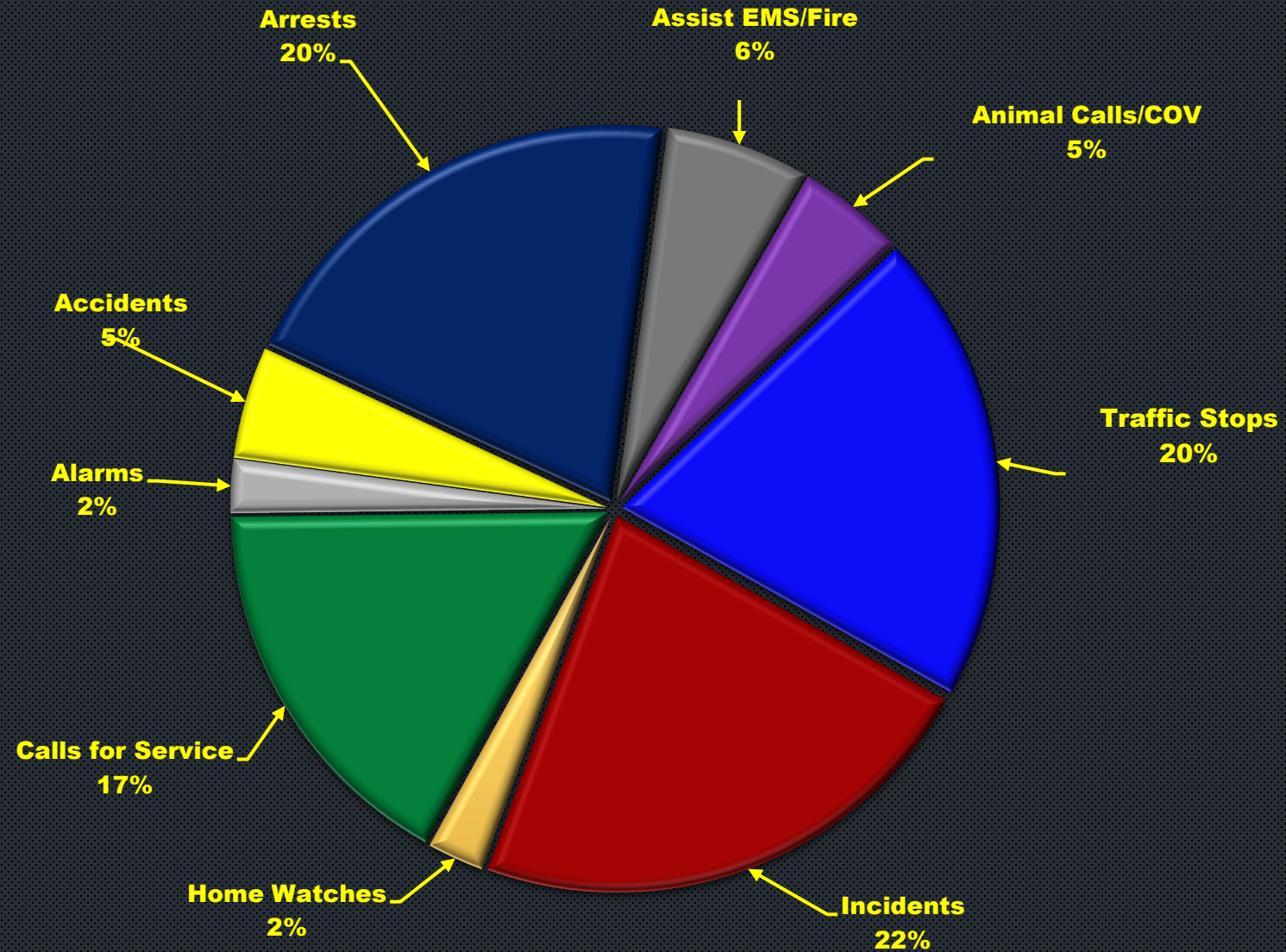
VEHICLE ACCIDENTS BY LOCATION

| <u>CITY ORDINANCES</u> | <u>2021</u> | <u>2022</u> |
|------------------------|-------------|-------------|
| FIREWORKS | 19 | 22 |
| SOLICITORS | 5 | 12 |
| OTHER | 15 | 13 |

| <u>ADMINISTRATIVE</u> | <u>2021</u> | <u>2022</u> |
|-------------------------|-------------|-------------|
| GOLF CART PERMITS | 143 | 149 |
| PUBLIC INFORMATION REQ. | 256 | 232 |
| PET REGISTRATIONS | 163 | 101 |



AVERAGE TIME SPENT - PER CALL TYPE





COMMUNITY PROGRAMS



Item #13.





SCHOOL RESOURCE PROGRAM



Item #13.

OFFICER EVAN DOWNEY
VAN RAUB ELEMENTARY



OFFICER IRIS SOLIS
FAIR OAKS RANCH ELEMENTARY





OFFICER NEWS



Item #13.

- IN 2022, OFFICERS LACEY GONZALEZ, NATHAN DOMENECH, SGT. PAUL ZEPEDA AND LT. JOHN OJEDA RECEIVED SERVICE AWARDS.



5 YEARS



10 YEARS



15 YEARS



OFFICER AWARDS



Item #13.

- IN 2022, SGT. RICHARD GONZALEZ AND OFFICER MATTHEW DREXLER WERE AWARDED THE DEPARTMENT'S LIFE SAVING AWARD.



- IN 2022, OFFICER LACEY GONZALEZ WAS SELECTED AS THE CITY OF FAIR OAKS RANCH EMPLOYEE OF THE YEAR.



- ADDITIONALLY IN 2022, 4 OFFICERS RECEIVED LETTERS OF COMMENDATION FOR OUTSTANDING OR EXCEPTIONAL SERVICE TO THE CITY.



QUESTIONS?

Fair Oaks Ranch, TX PD

Jan 1, 2022 - Dec 31, 2022

Texas TCOLE SB1187 Racial Profiling Report (2022)

PLEASE NOTE: This report is based on the format provided by the Texas Commission on Law Enforcement (TCOLE), current as of Dec. 14, 2022.

| 01.Total Traffic Stops | | | |
|-----------------------------------|------------------------|----------------|--------------|
| | | | 4,708 |
| | | | 4,708 |
| 02. Location of Stop | | | |
| CITY STREET | 85.94% | | 4,046 |
| COUNTY ROAD | 0.06% | | 3 |
| PRIVATE PROPERTY OR OTHER | 0.72% | | 34 |
| STATE HIGHWAY | 13.28% | | 625 |
| Total | 100.00% | | 4,708 |
| 03. Was Race Known Prior to Stop? | | | |
| N | 99.58% | | 4,688 |
| Y | 0.42% | | 20 |
| Total | 100.00% | | 4,708 |
| 04. Race or Ethnicity | | | |
| ALASKA NATIVE/AMERICAN INDIAN | 0.34% | | 16 |
| ASIAN/PACIFIC ISLANDER | 0.89% | | 42 |
| BLACK | 4.65% | | 219 |
| HISPANIC/LATINO | 27.70% | | 1,304 |
| WHITE | 66.42% | | 3,127 |
| Total | 100.00% | | 4,708 |
| 05. Gender | | | |
| FEMALE | ASIAN/PACIFIC ISLANDER | 1.01% | 15 |
| | BLACK | 4.44% | 66 |
| | HISPANIC/LATINO | 17.07% | 254 |
| | WHITE | 77.49% | 1,153 |
| | | 100.00% | 1,488 |

Fair Oaks Ranch, TX PD

Jan 1, 2022 - Dec 31, 2022

Texas TCOLE SB1187 Racial Profiling Report (2022)

PLEASE NOTE: This report is based on the format provided by the Texas Commission on Law Enforcement (TCOLE), current as of Dec. 14, 2022.

| 05. Gender | | | |
|---------------------------|-------------------------------|---------|-------|
| MALE | ALASKA NATIVE/AMERICAN INDIAN | 0.50% | 16 |
| | ASIAN/PACIFIC ISLANDER | 0.84% | 27 |
| | BLACK | 4.75% | 153 |
| | HISPANIC/LATINO | 32.61% | 1,050 |
| | WHITE | 61.30% | 1,974 |
| | | 100.00% | 3,220 |
| Total | | | 4,708 |
| 06. Reason for Stop? | | | |
| MOVING TRAFFIC VIOLATION | ALASKA NATIVE/AMERICAN INDIAN | 0.24% | 8 |
| | ASIAN/PACIFIC ISLANDER | 0.97% | 32 |
| | BLACK | 4.07% | 134 |
| | HISPANIC/LATINO | 22.24% | 732 |
| | WHITE | 72.47% | 2,385 |
| | | 100.00% | 3,291 |
| PRE EXISTING KNOWLEDGE | HISPANIC/LATINO | 10.53% | 2 |
| | WHITE | 89.47% | 17 |
| | | 100.00% | 19 |
| VEHICLE TRAFFIC VIOLATION | ALASKA NATIVE/AMERICAN INDIAN | 0.48% | 6 |
| | ASIAN/PACIFIC ISLANDER | 0.80% | 10 |
| | BLACK | 6.18% | 77 |
| | HISPANIC/LATINO | 40.64% | 506 |
| | WHITE | 51.89% | 646 |
| | | 100.00% | 1,245 |
| VIOLATION OF LAW | ALASKA NATIVE/AMERICAN INDIAN | 1.31% | 2 |

Fair Oaks Ranch, TX PD

Jan 1, 2022 - Dec 31, 2022

Texas TCOLE SB1187 Racial Profiling Report (2022)

PLEASE NOTE: This report is based on the format provided by the Texas Commission on Law Enforcement (TCOLE), current as of Dec. 14, 2022.

| 06. Reason for Stop? | | | |
|-----------------------------|-------------------------------|---------|-------|
| VIOLATION OF LAW | BLACK | 5.23% | 8 |
| | HISPANIC/LATINO | 41.83% | 64 |
| | WHITE | 51.63% | 79 |
| | | 100.00% | 153 |
| Total | | | 4,708 |
| 07. Was a Search Conducted? | | | |
| N | ALASKA NATIVE/AMERICAN INDIAN | 0.36% | 16 |
| | ASIAN/PACIFIC ISLANDER | 0.94% | 42 |
| | BLACK | 4.39% | 196 |
| | HISPANIC/LATINO | 26.78% | 1,195 |
| | WHITE | 67.53% | 3,013 |
| | | 100.00% | 4,462 |
| Y | BLACK | 9.35% | 23 |
| | HISPANIC/LATINO | 44.31% | 109 |
| | WHITE | 46.34% | 114 |
| | | 100.00% | 246 |
| Total | | | 4,708 |
| 08. Reason for Search? | | | |
| CONSENT | HISPANIC/LATINO | 33.33% | 2 |
| | WHITE | 66.67% | 4 |
| | | 100.00% | 6 |
| CONTRABAND IN PLAIN VIEW | HISPANIC/LATINO | 42.86% | 3 |
| | WHITE | 57.14% | 4 |
| | | 100.00% | 7 |
| INCIDENT TO ARREST | HISPANIC/LATINO | 46.15% | 6 |

Fair Oaks Ranch, TX PD

Jan 1, 2022 - Dec 31, 2022

Texas TCOLE SB1187 Racial Profiling Report (2022)

PLEASE NOTE: This report is based on the format provided by the Texas Commission on Law Enforcement (TCOLE), current as of Dec. 14, 2022.

| 08. Reason for Search? | | | |
|------------------------|-------------------------------|---------|-------|
| INCIDENT TO ARREST | WHITE | 53.85% | 7 |
| | | 100.00% | 13 |
| INVENTORY | HISPANIC/LATINO | 18.18% | 2 |
| | WHITE | 81.82% | 9 |
| | | 100.00% | 11 |
| NO SEARCH | ALASKA NATIVE/AMERICAN INDIAN | 0.36% | 16 |
| | ASIAN/PACIFIC ISLANDER | 0.94% | 42 |
| | BLACK | 4.39% | 196 |
| | HISPANIC/LATINO | 26.78% | 1,195 |
| | WHITE | 67.53% | 3,013 |
| | | 100.00% | 4,462 |
| PROBABLE CAUSE | BLACK | 11.00% | 23 |
| | HISPANIC/LATINO | 45.93% | 96 |
| | WHITE | 43.06% | 90 |
| | | 100.00% | 209 |
| Total | | | 4,708 |

| 09. Was Contraband Discovered? | | | |
|--------------------------------|-----------------|---------|-----|
| N | HISPANIC/LATINO | 44.44% | 12 |
| | WHITE | 55.56% | 15 |
| | | 100.00% | 27 |
| Y | BLACK | 10.50% | 23 |
| | HISPANIC/LATINO | 44.29% | 97 |
| | WHITE | 45.21% | 99 |
| | | 100.00% | 219 |

Fair Oaks Ranch, TX PD

Jan 1, 2022 - Dec 31, 2022

Texas TCOLE SB1187 Racial Profiling Report (2022)

PLEASE NOTE: This report is based on the format provided by the Texas Commission on Law Enforcement (TCOLE), current as of Dec. 14, 2022.

| 09. Was Contraband Discovered? | | | |
|--------------------------------|-------------------------------|---------|-----|
| Total | | | 246 |
| 10. Description of Contraband | | | |
| ALCOHOL | BLACK | 3.33% | 1 |
| | HISPANIC/LATINO | 26.67% | 8 |
| | WHITE | 70.00% | 21 |
| | | 100.00% | 30 |
| CURRENCY | HISPANIC/LATINO | 50.00% | 1 |
| | WHITE | 50.00% | 1 |
| | | 100.00% | 2 |
| DRUGS | BLACK | 11.89% | 22 |
| | HISPANIC/LATINO | 48.11% | 89 |
| | WHITE | 40.00% | 74 |
| | | 100.00% | 185 |
| OTHER | BLACK | 4.35% | 1 |
| | HISPANIC/LATINO | 21.74% | 5 |
| | WHITE | 73.91% | 16 |
| | | 100.00% | 22 |
| WEAPONS | HISPANIC/LATINO | 50.00% | 1 |
| | WHITE | 50.00% | 1 |
| | | 100.00% | 2 |
| Total | | | 241 |
| 11. Result of the Stop | | | |
| CITATION | ALASKA NATIVE/AMERICAN INDIAN | 0.15% | 2 |
| | ASIAN/PACIFIC ISLANDER | 0.91% | 12 |
| | BLACK | 3.20% | 42 |

Fair Oaks Ranch, TX PD

Jan 1, 2022 - Dec 31, 2022

Texas TCOLE SB1187 Racial Profiling Report (2022)

PLEASE NOTE: This report is based on the format provided by the Texas Commission on Law Enforcement (TCOLE), current as of Dec. 14, 2022.

| 11. Result of the Stop | | | |
|----------------------------|-------------------------------|---------|-------|
| CITATION | HISPANIC/LATINO | 37.58% | 493 |
| | WHITE | 58.16% | 763 |
| | | 100.00% | 1,312 |
| CITATION AND ARREST | BLACK | 14.81% | 4 |
| | HISPANIC/LATINO | 37.04% | 10 |
| | WHITE | 48.15% | 13 |
| | | 100.00% | 27 |
| WRITTEN WARNING | ALASKA NATIVE/AMERICAN INDIAN | 0.42% | 14 |
| | ASIAN/PACIFIC ISLANDER | 0.89% | 30 |
| | BLACK | 5.10% | 171 |
| | HISPANIC/LATINO | 23.77% | 797 |
| | WHITE | 69.82% | 2,341 |
| | | 100.00% | 3,353 |
| WRITTEN WARNING AND ARREST | BLACK | 12.50% | 2 |
| | HISPANIC/LATINO | 25.00% | 4 |
| | WHITE | 62.50% | 10 |
| | | 100.00% | 16 |
| Total | | | 4,708 |
| 12. Arrest Based On | | | |
| OUTSTANDING WARRANT | BLACK | 7.14% | 1 |
| | HISPANIC/LATINO | 64.29% | 9 |
| | WHITE | 28.57% | 4 |
| | | 100.00% | 14 |
| VIOLATION OF PENAL CODE | BLACK | 17.24% | 5 |
| | HISPANIC/LATINO | 17.24% | 5 |
| | WHITE | 65.52% | 19 |

Fair Oaks Ranch, TX PD

Jan 1, 2022 - Dec 31, 2022

Texas TCOLE SB1187 Racial Profiling Report (2022)

PLEASE NOTE: This report is based on the format provided by the Texas Commission on Law Enforcement (TCOLE), current as of Dec. 14, 2022.

| 12. Arrest Based On | | | |
|-------------------------------------|-------------------------------|---------|-------|
| | | 100.00% | 29 |
| Total | | | 43 |
| 13. Was Physical Force Used? | | | |
| N | ALASKA NATIVE/AMERICAN INDIAN | 0.34% | 16 |
| | ASIAN/PACIFIC ISLANDER | 0.89% | 42 |
| | BLACK | 4.66% | 219 |
| | HISPANIC/LATINO | 27.68% | 1,302 |
| | WHITE | 66.43% | 3,125 |
| | | 100.00% | 4,704 |
| Y | HISPANIC/LATINO | 50.00% | 2 |
| | WHITE | 50.00% | 2 |
| | | 100.00% | 4 |
| Total | | | 4,708 |
| Was Arrest Due to Contraband Found? | | | |
| N | BLACK | 10.71% | 3 |
| | HISPANIC/LATINO | 32.14% | 9 |
| | WHITE | 57.14% | 16 |
| | | 100.00% | 28 |
| Y | BLACK | 20.00% | 3 |
| | HISPANIC/LATINO | 33.33% | 5 |
| | WHITE | 46.67% | 7 |
| | | 100.00% | 15 |
| Total | | | 43 |