

CITY OF FAIR OAKS RANCH
CITY COUNCIL REGULAR MEETING

Thursday, March 17, 2022 at 6:30 PM

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

AGENDA

OPEN MEETING

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

CITIZENS and GUEST FORUM

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

3. Citizens to be heard.

PRESENTATIONS

CONSENT AGENDA

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

4. Approval of the March 3, 2022 Special City Council meeting minutes.

Christina Picioccio, TRMC, City Secretary

5. Approval of the March 3, 2022 Regular City Council meeting minutes.

Christina Picioccio, TRMC, City Secretary

6. Approval of the second reading of an Ordinance adopting Fiscal Year 2021-22 Budget Amendments.

Scott Huizenga, Assistant City Manager, Administrative Services

7. Approval of a Resolution adopting the Rules of Procedure of the Fair Oaks Ranch Zoning Board of Adjustment.

Christina Picioccio, TRMC, City Secretary

8. Approval of Stone Creek Ranch Unit 2C Tree Plan.

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

9. Approval of a Preliminary Plat request from Green Land Ventures Ltd., for Stone Creek Ranch Unit 2C proposing 54 single-family residential lots, generally located north-west of the intersection of Rolling Acres Trail and Ammann Road, City of Fair Oaks Ranch, Texas.

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

10. Approval of Council Member Bliss' absence from the May 19, 2022 Regular City Council Meeting.

Christina Picioccio, TRMC, City Secretary

CONSIDERATION/DISCUSSION ITEMS

11. Consideration and possible action approving a First Amendment to the Memorandum of Understanding between the City of Fair Oaks Ranch and Fair Oaks Ranch Homeowners Association to include additional annual FORHA community events and authorizing the City Manager to execute the Amendment

Carole Vanzant, CPM, TRMC, Assistant City Manager, Public Works & Engineering Services

12. Discussion and possible action regarding the draft City Council Code of Ethics Ordinance.

Carole Vanzant, CPM, TRMC, Assistant City Manager, Public Works & Engineering Services

13. Discussion and possible action on the Civic Center Project.

Laura Koerner, Council Member, Place 4

REPORTS FROM STAFF AND COUNCIL

14. Presentation of the Popular Annual Financial Report for the fiscal year ended September 30, 2021.

Scott Huizenga, Assistant City Manager, Administrative Services

REQUESTS AND ANNOUNCEMENTS

15. Announcements and reports by Mayor and Council Members.
16. Announcements by the City Manager.
17. 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:

18. To receive legal advice from Special Counsel and the City Attorney regarding the City's ground water rights.
19. Cause No. 2022CI011978; Boerne Ranch Estates, LLC v. The City of Fair Oaks Ranch.

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

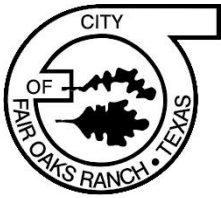
Signature of Agenda Approval: s/Tobin E. Maples

Tobin E. Maples, City Manager

I, Christina Picioccio, TRMC, City Secretary, certify that the above Notice of Meeting was posted on the outside bulletin board at the Fair Oaks Ranch City Hall, 7286 Dietz Elkhorn, Fair Oaks Ranch, Texas, and on the City's website www.fairoaksranchtx.org, 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, March 14, 2022 and remained so posted continuously for at least 72 hours before said meeting was convened.

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



CITY OF FAIR OAKS RANCH
CITY COUNCIL SPECIAL MEETING

Thursday, March 03, 2022 at 3:30 PM

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

MINUTES

OPEN MEETING

1. Roll Call - Declaration of a Quorum

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

Council Absent: Council Member Stroup and Muenchow

With a quorum present, the meeting was called to order at 3:30 PM.

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

CITIZENS and GUEST FORUM

3. Citizens to be heard – No citizens signed up to be heard.

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 convened into closed session at 3:32 PM:

Sec. 551.074 (Personnel Matters)

4. To conduct interviews, individually, of applicants for vacancies on the Planning & Zoning Commission and the Zoning Board of Adjustment for the City of Fair Oaks Ranch.

RECONVENE INTO OPEN SESSION

City Council reconvened into Open Session at 5:31 PM. No action was taken.

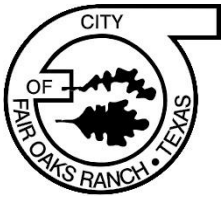
ADJOURNMENT

Mayor Maxton adjourned the meeting at 5:32 PM.

ATTEST:

 Gregory C. Maxton, Mayor

 Christina Picioccio, TRMC, City Secretary



CITY OF FAIR OAKS RANCH
CITY COUNCIL REGULAR MEETING

Thursday, March 03, 2022 at 6:30 PM

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

MINUTES

OPEN MEETING

1. Roll Call - Declaration of a Quorum

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

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

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

CITIZENS and GUEST FORUM

3. Citizens to be heard – There were no citizens to be heard.

PRESENTATIONS

4. Joanna Merrill, IPMA-SCP, Director of Human Resources and Communications, presented a 10-Year Service Award to Brandon Garrettson, Wastewater Supervisor.
5. Joanna Merrill, IPMA-SCP, Director of Human Resources and Communications, recognized Jennifer Hudson, HR/Communications Specialist for receiving the International Public Management Association for Human Resources Certified Professional (IPMA-CP) designation
6. Joanna Merrill, IPMS-SCP, Director of Human Resources and Communications, introduced new employees: Kenneth Neesham, Maintenance Technician; Hunter Hickman, Maintenance Technician; Eloy Contreras III, Maintenance Technician and Ricardo Bautista, Court Administrator.
7. Joanna Merrill, IPMS-SCP, Director of Human Resources and Communications, recognized Employee of the Quarter - Q1 recipient, Maria J. Pinedo, Court Clerk.
8. Joanna Merrill, IPMS-SCP, Director of Human Resources and Communications, presented the Government Finance Officers Association (GFOA) Certificate of Achievement for Excellence in Financial Reporting for the Fiscal Year Ended September 30, 2020 and recognized the Finance Department for this achievement.
9. Joanna Merrill, IPMS-SCP, Director of Human Resources and Communications, presented a Recognition of the Government Finance Officers Association Distinguished Budget Presentation Award for the FY 2021 budget and recognized the Finance Department for receiving the award.

10. Craig Glendenning presented to City Council, on behalf of the developers for Fair Oaks Meadows, a proposed design for Boerne Ranch Estates and expressed willingness to begin further discussions with the City.
11. Angie Flores, Senior Manager and Mary Zambrano, Consultant, from Raftelis, presented to Council a Utility Rate Study Report and recommendations from the Rate Advisory Panel.

CONSENT AGENDA

12. **Approval of the February 17, 2022 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. (Council Member Roy Elizondo was not present to vote)

CONSIDERATION/DISCUSSION ITEMS

13. **Presentation of the Certificate of Unopposed Candidates and consideration and possible action approving a Resolution declaring unopposed candidates, in the May 7, 2022 General Election, elected to office and to cancel said General Election.**

MOTION: Made by Council Member Bliss, seconded by Council Member Stroup, to accept the Certificate of Unopposed Candidates and to approve a Resolution declaring the unopposed candidates in the May 7, 2022 General Election, elected to office and to cancel said General Election.

VOTE: 7-0; Motion Passed.

14. **Consideration and possible action authorizing the City Manager to execute a Guaranteed Maximum Price Amendment to the Construction Manager at Risk Agreement between the City of Fair Oaks Ranch and Waterman Construction, LLC for City Hall Renovation construction services.**

MOTION: Made by Council Member Elizondo, seconded by Council Member Koerner, to authorize the City Manager to execute a GMP Amendment in the amount of \$952,945.00 between the City of Fair Oaks Ranch and Waterman Construction, LLC for construction services subject to City Council approval of a budget amendment.

VOTE: 7-0; Motion Passed.

15. **Consideration and possible action approving the first reading of an Ordinance adopting Fiscal Year 2021-22 Budget Amendments for the City Hall Renovation project.**

MOTION: Made by Council Member Koerner, seconded by Council Member Elizondo, to approve the first reading of an Ordinance Adopting Fiscal Year 2021-22 Budget Amendments for the City Hall Renovation project.

VOTE: 7-0; Motion Passed.

16. Consideration and possible action authorizing the City Manager to sign a Professional Services Agreement for a Wastewater Treatment Plant Engineering Feasibility Study.

MOTION: Made by Council Member Elizondo, seconded by Council Member Bliss, to authorize the City Manager to sign a Professional Services Agreement with Garver LLC for a Wastewater Treatment Plant Engineering Feasibility Study, in the amount of \$251,931.00.

VOTE: 7-0; Motion Passed.

17. Consideration and possible action approving a request to create a flag shaped rear lot and a rear lot with a depth greater than five times the lot frontage on the street located northwest of the intersection of Rolling Acres Trail and Ammann Rd.

MOTION: Made by Council Member Koerner, seconded by Council Member Muenchow, to recommend approval of the request as follows:

- a. Creation of a flag shaped rear lot
- b. Creation of a rear lot with a depth (3000') that is greater than five times the lot frontage on the street (70').

VOTE: 7-0; Motion Passed.

18. Consideration and possible action approving a Law Enforcement & Patrol Agreement between the City of Fair Oaks Ranch and Elkhorn Ridge Homeowners Association Inc.

MOTION: Made by Council Member Parker, seconded by Council Member Stroup, to approve the agreement between the City of Fair Oaks Ranch and Elkhorn Ridge Homeowners Association Inc. for police services within the gated community of Elkhorn Ridge.

VOTE: 7-0; Motion Passed.

19. Consideration and possible action approving a Law Enforcement & Patrol Agreement between the City of Fair Oaks Ranch and SA Front Gate Homeowners Association.

MOTION: Made by Council Member Muenchow, seconded by Council Member Bliss, to approve the agreement between the City of Fair Oaks Ranch and SA Front Gate Homeowners Association for police services within the gated community of Front Gate.

VOTE: 7-0; Motion Passed.

20. Consideration and possible action approving a Resolution to appoint a member to fill the Planning & Zoning Commission's Place 5 unexpired term.

MOTION: Made by Council Member Bliss, seconded by Council Member Elizondo, to appoint Burney Martin to fill the unexpired term for Place 5 on the Planning & Zoning Commission.

VOTE: 6-0; Motion Passed. Council Member Stroup abstained due to her not being present at the interviews.

21. Consideration and possible action approving a Resolution to appoint members to fill the open Zoning Board of Adjustment Place 1 and Alternate Places 6 and 7.

MOTION: Made by Council Member Koerner, seconded by Council Member Elizondo, to appoint Michael Rey to fill Place 1 of the Zoning Board of Adjustment, to appoint Roderick Terrell to fill Alternate Place 6 of the Zoning Board of Adjustment, and to appoint Jonathan Lisenby to fill Alternate Place 7 of the Zoning Board of Adjustment.

VOTE: 6-0; Motion Passed. Council Member Stroup abstained due to her not being present at the interviews.

REPORTS FROM STAFF AND COUNCIL

22. Joanna Merrill, IPMA-SCP, Director of Human Resources and Communications, provided an update to Council regarding the status of FY 2021 State of the City event.

REQUESTS AND ANNOUNCEMENTS

23. Announcements and reports by Mayor and Council Members.

Council Member Koerner wanted to highlight the autism awareness fundraiser by the Leon Springs Fire Department by selling t-shirts and let everyone know that the person to contact was Diana Fairhurst.

Council Member Stroup let all present know of a March 8, 2022 blood drive from 8 AM – 3 PM at Fair Oaks Ranch Elementary in the parking lot along Chartwell. She also announced an easter egg hunt sponsored by FORHA at Vestal Park for children of various ages on April 3, 2022 from 2 PM – 4 PM.

24. Announcements by the City Manager.

City Manager, Tobin Maples, gave his time to Director of Public Works & Engineering Services, Grant Watanabe, to share news with the Council. Mr. Watanabe announced that the Fair Oaks Ranch Wastewater Treatment Plant was the recipient of the Municipal Wastewater Treatment Plant of the Year Award by the Water Environment Association of Texas. He also announced that Bill Champion was the recipient of Outstanding Municipal Operator of the Year Award for demonstrating outstanding professionalism. Both will be recognized in San Antonio on April 6, 2022 as part of the Texas Water Conference.

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

Council Member Bliss asked for an item to approve her absence for the second Council meeting in May.

Council Member Koerner asked for an agenda item for an update on the Civic Center.

CONVENE INTO EXECUTIVE SESSION

City Council convened into Executive Session at 11:04 PM regarding:

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

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

27. Cause No. 2022CI01978; Boerne Ranch Estates, LLC v. The City of Fair Oaks Ranch.

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:

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

Sec. 551.072 (Deliberation regarding real property)

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

RECONVENE INTO OPEN SESSION

City Council reconvened into Open Session at 11:33 PM. No action was taken.

ADJOURNMENT

Mayor Maxton adjourned the meeting at 11:34 PM.

ATTEST:

Gregory C. Maxton, Mayor

Christina Picioccio, City Secretary



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
March 17, 2022

AGENDA TOPIC: Approval of the second reading of an Ordinance Adopting Fiscal Year 2021-22 Budget Amendments for the City Hall Renovation project

DATE: March 17, 2022

DEPARTMENT: Finance

PRESENTED BY: Consent Agenda - Scott Huizenga, Assistant City Manager, Administrative Services

INTRODUCTION/BACKGROUND:

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

The adopted FY 2021-22 budget includes certain appropriations in the General Fund associated with the City Hall Renovation project. These appropriations include department-specific furniture in the Minor Equipment accounts totaling \$16,800 and costs for a second portable trailer in the Shared Department Facility Contracts account totaling \$67,100. This budget amendment would transfer these budgets to the SAP Fund for the City Hall Renovation project.

Additionally, the SAP Fund has unallocated fund balance from prior years project savings totaling \$187,675. This ordinance appropriates the unallocated fund balance to the City Hall Renovation project.

The first reading of the Ordinance was approved at the March 3, 2022 Council meeting.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

The ordinance provides for a total increase of up to \$187,675 from the FY 2021-22 Adopted Budget. The City Hall Renovation project will provide for long-term efficiencies in accommodating all current staff in City Hall while reducing the need and costs of providing temporary space. The SAP Fund has sufficient resources to accommodate this budget amendment.

LONG-TERM FINANCIAL & BUDGETARY IMPACT:

This ordinance has no impact on the General Fund. As proposed, the ordinance consolidates City Hall-related appropriations in the SAP Fund for the City Hall Renovation project.

The ordinance increases appropriations in the SAP Fund by \$271,575, of which 83,900 is transferred from the General Fund, and \$187,675 is from Unallocated Fund Balance. **Exhibit A** provides the line-item detail of the transfer.

The total maximum budget authorization as proposed is \$971,575, as shown in **Exhibit B**.

LEGAL ANALYSIS:

Ordinance approved as to form.

RECOMMENDATION/PROPOSED MOTION:

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

EXHIBIT A

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

Proposed Increases to Budgeted Expenditures

<u>Dep't</u>	<u>Acct #</u>	<u>Acct Name</u>	<u>Item</u>	<u>Amount</u>
SAP	02-509-303	Personal Property	Dep't specific furniture for renovation	\$ 16,800
SAP	02-504-103	City Hall Renovation	Construction costs utilizing 2nd portable budget	\$ 67,100
SAP	02-504-103	City Hall Renovation	Construction costs utilizing unallocated fund balance	\$ 187,675
Total Proposed Expenditure Increases				\$ 271,575

Proposed Decreases to Budgeted Expenditures

	<u>Acct #</u>	<u>Acct Name</u>	<u>Reason for Budget Surplus</u>	<u>Amount</u>
Administration	01-611-201	Minor Equipment	Dep't specific furniture for renovation	\$ 4,250
Human Resources	01-613-201	Minor Equipment	Dep't specific furniture for renovation	\$ 5,750
Finance	01-614-201	Minor Equipment	Dep't specific furniture for renovation	\$ 1,000
Information Tech	01-615-201	Minor Equipment	Dep't specific furniture for renovation	\$ 3,500
Building Codes	01-641-201	Minor Equipment	Dep't specific furniture for renovation	\$ 1,800
Engineering	01-642-201	Minor Equipment	Dep't specific furniture for renovation	\$ 500
Shared	01-690-700	Facility Contracts	2nd portable during renovation	\$ 67,100
Total Proposed Revenue Increases/Expenditure Decreases				\$ 83,900

Transfers Required Between Funds

	<u>Acct #</u>	<u>Acct Name</u>	<u>Item</u>	<u>Amount</u>
General Fund	01-690-805	Transfer to SAP Fund	City Hall Renovation construction	\$ 83,900
SAP Fund	02-400-986	Transfer From General Fund	City Hall Renovation construction	\$ (83,900)
Total Net Transfers between Funds				\$ -

Exhibit B - Total City Hall Renovation Funding

Account	Account Name	Amount
02-504-103	City Hall Renovation	\$ 400,000
02-506-107	IT Infrastructure Improvements	40,000
02-509-303	Personal Property	260,000
	General Fund Transfer	83,900
	SAP Unallocated Fund Balance	187,675
		<u>971,575</u>



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
March 17, 2022

AGENDA TOPIC: Approval of a Resolution adopting the Rules of Procedure of the Fair Oaks Ranch Zoning Board of Adjustment

DATE: March 17, 2022

DEPARTMENT: City Secretary

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

INTRODUCTION/BACKGROUND:

At the May 2, 2019 City Council Regular meeting, Council adopted a Unified Development Code (UDC), that established the Zoning Board of Adjustment (ZBOA). In accordance with Section 211.008 (e), Board of Adjustment, of the Local Government Code "The board by majority vote shall adopt rules in accordance with any ordinance adopted under this subchapter and with the approval of the governing body".

Due to the 72 hour meeting posting requirements, this Resolution approving the ZBOA Rules of Procedure "**Exhibit A in Attachment A**" is provided to you in advance of the ZBOA meeting in which they will review, modify and we anticipate recommend approval to council. As the ZBOA is scheduled to meet again on March 28, 2022 to conduct their first meeting to hold a public hearing to receive public testimony, and consider a variance request, staff is advancing this draft (or modified draft to be provided at the council meeting) to seek Council approval of the Resolution (**Attachment A**).

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

Complies with Local Government Section 211.008 and the Fair Oaks Ranch Unified Development Code.

LONG-TERM FINANCIAL & BUDGETARY IMPACT:

Not applicable

LEGAL ANALYSIS:

Approved as to form.

RECOMMENDATION/PROPOSED MOTION:

Consent Agenda - I move to approve a Resolution adopting the Rules of Procedure of the Fair Oaks Ranch Zoning Board of Adjustment.

A RESOLUTION

A RESOLUTION OF THE CITY OF FAIR OAKS RANCH ADOPTING THE RULES OF PROCEDURE OF THE FAIR OAKS RANCH ZONING BOARD OF ADJUSTMENT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Fair Oaks Ranch City Council, under Ordinance 2019-03, adopted a Unified Development Code (UDC); and,

WHEREAS, Section 2.3 of the UDC established the Zoning Board of Adjustments; and

WHEREAS, Local Government Code 211.08 (e), states that The Zoning Board of Adjustment, by majority vote is tasked with adopting Rules of Procedure. These rules must then be approved by the governing body; and

WHEREAS, on March 14, 2022 the Zoning Board of Adjustments recommended approval of the Rules of Procedure; and,

WHEREAS, the City Council deems it is necessary to adopt these Rules of Procedures as necessary.

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

- Section 1. The Fair Oaks Ranch Zoning Board of Adjustment Rules of Procedure shall be adopted as set forth in the attached, as “**Exhibit A**”.
- Section 2. That the recitals contained in the preamble hereto are hereby found to be true and such recitals are hereby made a part of this Resolution for all purposes and are adopted as part of the judgment and findings of the Council.
- Section 3. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Resolution be severable, and, if any phrase, clause, sentence, paragraph, or section of this Resolution shall be declared invalid by judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Resolution and the remainder of this Resolution shall be enforced as written
- Section 4. That 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, as amended, Texas Government Code.
- Section 5. This Resolution shall take effect immediately.
- Section 6. The repeal or amendment of any Resolution or part of Resolutions effectuated by the enactment of this Resolution shall not be construed as abandoning any action now pending under or by virtue of such Resolution or as discontinuing, abating, modifying, or altering any penalty, accruing or to accrue or as affecting any rights of the City of Fair Oaks Ranch under any section or provisions of any Resolutions in effect at the time of passage of this Resolution.

Section 7. The provisions of this Resolution shall be cumulative of all Resolutions not repealed by this Resolution and Resolutions governing or regulating the same subject matter as that covered herein.

PASSED, APPROVED and ADOPTED on this 17th day of March, 2022.

Gregory C. Maxton, Mayor

ATTEST:

APPROVED AS TO FORM:

Christina Picioccio, TRMC, City Secretary

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

DRAFT
CITY OF FAIR OAKS RANCH
ZONING BOARD OF ADJUSTMENT (ZBOA)
MEETING RULES OF PROCEDURE

General Provisions

Rule 1. Scope of Rules.

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

Rule 2. Rulings; Matters Not Covered.

The Presiding Officer, as defined by Rule 8, shall rule, initially, on all questions of procedure. The latest edition of *Robert's Rules of Order*, shall to the extent feasible, govern the proceedings of meetings. The City Secretary or authorized representative shall act as Parliamentarian for ZBOA Meetings.

Rule 3. Interpretation.

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

Creation and Membership

Rule 4.

- a. The Zoning Board of Adjustment (ZBOA) is a sovereign board established by the City Council pursuant to Subchapter A of Chapter 211 of the Texas Local Government Code. The ZBOA derives its authority from state law, as well as the City's Unified Development Code (UDC).
- b. ZBOA members are appointed by the City Council. The ZBOA shall consist of five (5) members who shall be appointed by majority vote of the City Council. ZBOA members shall serve for a term of two (2) years and are subject to removal for cause, as found by the City of Fair Oaks Ranch City Council, on a written charge after a public hearing. A vacancy on the ZBOA shall be filled for the unexpired term.
- c. City Council by majority vote, shall appoint two (2) individuals as alternate ZBOA members to serve in the absence of one (1) or more regular members when requested to do so by the City Manager or his/her designee. An alternate member serves for the same period as a regular member and is subject to removal in the same manner as a regular member. A vacancy among the alternate members is filled in the same manner as a vacancy among the regular members.
- d. Staff should develop orientation sessions at the beginning of new terms of office for new and alternate members. If a seat becomes vacant and a new ZBOA member(s) are appointed to complete unexpired terms, the new member(s) should also attend an orientation session.

- e. All ZBOA members, inclusive of alternate members, are encouraged to attend every called meeting of the ZBOA. If necessary, the Presiding Officer will invite an alternate member(s) to serve prior to taking Roll Call (Rule 11).

Time and Place of Meetings

Rule 5. Meetings.

- a. The ZBOA will meet on as need basis to hear appeals filed in a timely manner. An appeal to the ZBOA of a matter falling under their purview must be made not later than the 20th day after the date the decision is made by the city's administrative official.
- b. All meetings shall be held in full compliance with the provision of state law, city ordinances, and these rules of procedure. The City may broadcast the regular meetings online and such method will be posted with the regular meeting notice for the public.
- c. Each case before the ZBOA must be heard by at least 75 percent of the members (4 of 5).
- d. The concurring vote of four (4) of the five (5) members of the ZBOA is necessary to:
 - a. reverse an order, requirement, decision, or determination of an administrative official; or
 - b. authorize a variation from the terms of a zoning regulation.

Rule 6. Meeting Minutes

- a. Minutes, paper, and voice recordings, of all ZBOA meetings shall be kept by the City Secretary or his/her designee and are subject to amendment and ratification by the ZBOA at a called meeting.
- b. The minutes of the ZBOA's proceeding shall be "record minutes" showing the overall vote, or if absent or failing to vote, shall reflect that fact.
- c. The Chairperson or Vice-chairperson, in the absence of the Chairperson, will sign minutes approved by the ZBOA.

Officers

Rule 7.

- a. The ZBOA shall select from among its members in their first meeting of the fiscal year following new appointments, a Chairperson and Vice-chairperson to serve for a period of one (1) year.
- b. If a vacancy of either position exists, a majority of the remaining members who are present and voting shall appoint an existing ZBOA member to complete the unexpired term.
- c. In the absence of both the Chairperson and Vice-chairperson, the ZBOA shall elect an Acting Chairperson.
- d. Alternate members serving in the absence of a regular member shall have the same authority as a regular member, inclusive of voting on officer vacancies. Alternate members cannot serve as an officer.

Officer Duties

Rule 8. Presiding Officer and Control of the Discussion

- a. The Chairperson, or in the Chairpersons absence or inability to perform, the Vice-chairperson, shall be the Presiding Officer at all ZBOA meetings. If both the Chairperson and Vice-chairperson are absent or unable to perform, an Acting Chairperson shall be selected according to Rule 7.
- b. The Presiding Officer shall moderate discussion of the ZBOA on each agenda item to assure full participation in accordance with these rules and Robert's Rules of Order. The Presiding Officer will preserve order and decorum, preventing the impugning of any member's motives or other personal comment not relevant to the orderly conduct of business. All persons present in the meeting room should refrain from abusive, rude, or inappropriate conduct.

ZBOA Agenda and Agenda Packet

Rule 9. Agenda

The agenda serves as the "official" meeting notice. The agenda is approved by the City Manager or his/her designee.

Rule 10. Agenda Packet.

- a. The agenda packet includes the meeting notice ("Agenda") and any supporting documentation for agenda items.
- b. The City Manager or his/her designee shall supervise the preparation and approve the agenda packets for all meetings of the ZBOA.
- c. Upon approval, agenda packets will be sent electronically, by the City Secretary's Office, to ZBOA Members, the City Attorney, the City Manager, and his/her designees. Agenda packets can be picked up by ZBOA members at City Hall during normal business hours.

Conduct of Meetings

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

Rule 12. Call to Order.

The Presiding Officer shall call the meeting to order.

Rule 13. Limit on Remarks.

Each ZBOA Member shall limit their relevant remarks to a reasonable length. Time limits for ZBOA Member comments may be set for specific agenda items, or any single meeting, by a majority vote of the ZBOA Members present. If limits will be set for a specific agenda item, it must be voted on prior to the agenda item motion.

Rule 14. Presiding Officer's Right to Speak Last.

The Presiding Officer has the right to speak last on any item.

Rule 15. Total Time Limits.

Ideally, a maximum thirty (30) minute presentation including rebuttal by the applicant should be dedicated to each agenda item. Time for public comment on any subject under ZBOA consideration should not be limited to a fixed period, but the Presiding Officer has discretion to limit additional public participation if no new information is forthcoming.

Rule 16. Public Participation during ZBOA Meetings.

- a. Comments and suggestions by the public are highly valued and encouraged during those parts of a meeting designated for public participation. Speakers are encouraged to register in advance to speak on an agenda item.
- b. When called forth, the speaker wishing to comment shall step to the microphone, and state their name, city of residence, or county of residence if they do not reside in a city.
- c. The Presiding Officer shall encourage speakers to keep comments civil and refrain from including abusive, rude, or inappropriate language.

Rule 17. Agenda Items. Each item will be considered in the numerical order as listed on the meeting notice unless otherwise approved per Rule 23. Each agenda item shall be introduced by the Presiding Officer. The standard procedure is as follows for addressing agenda items:

- a. Reading of the item by the Presiding Officer.
- b. Presiding Officer calls on the City Manager or his/her designee to present the item. A ZBOA Member may request and receive information, explanations, or the opinions of the presenter. It is preferred that all such questions of the presenter are conducted prior to any motions, if possible.
- c. Presiding Officer calls on the Applicant or his/her designee to present their item. A ZBOA Member may request and receive information, explanations, or the opinions of the presenter. It is preferred that all such questions of the presenter are conducted prior to any motions, if possible.
- d. Presiding Officer opens the Public Hearing.
 - a. Call for comments from organized groups and individuals favoring the issue of the public hearing; individual comments should not exceed five (5) minutes.
 - b. Call for comments from organized groups and individuals in opposition to the issue of the public hearing; individual comments should not exceed five (5) minutes.
 - c. Call for the rebuttal by the applicant.
 - d. Questioning by the ZBOA of the applicant and audience members who addressed the ZBOA. The time used to answer ZBOA questions will not deduct from the thirty (30) minute allotment.
- e. Presiding Officer Closes the Public Hearing

Rule 18. Motion Required. All actions requiring a vote shall be moved by a ZBOA Member. A ZBOA Member may make a motion to amend a motion. The amendment must receive a second before it may be discussed and must be voted on prior to voting on the main motion. A motion

may be withdrawn or modified by its mover without asking permission. It is considered a motion, if a ZBOA Member formally states, "I move to" or "I so move". Any other comments made by a ZBOA Member regarding a potential motion or consideration of an amendment will not be considered a motion until formally stated.

Rule 19. Recording Names of Moving Members. The City Secretary shall record the name of the ZBOA Member making each motion and seconding each motion.

Rule 20. Closing Motion Discussion. Discussion shall be closed on any item by the Presiding Officer with the concurrence of a majority of the ZBOA present, or by calling the question by any ZBOA Member so long as all ZBOA Members have been afforded the opportunity to speak at least once.

Rule 21. Call for Vote. At the conclusion of the discussion or if a ZBOA Member calls the question and is seconded, the Presiding Officer shall call for a roll call vote so that the record reflects each members vote. The Presiding Officer shall announce the results of the vote.

Rule 22. Separate Consideration. Except as otherwise required by these rules, each agenda item shall be voted upon separately with the vote recorded by the City Secretary. Motions and votes within an agenda item may be split, as desired by City ZBOA.

Rule 23. Consideration Out of Agenda Order. At the request of a ZBOA Member and with the consent of the Presiding Officer ZBOA, any agenda item may be considered out of Agenda order.



PLANNING & ZONING CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
March 17, 2022

AGENDA TOPIC: Approval of the Stone Creek Ranch Unit 2C Tree Plan
 DATE: March 17, 2022
 DEPARTMENT: Public Works and Engineering Services
 PRESENTED BY: Consent Agenda - Katherine Schweitzer, P.E., Manager of Engineering Services

INTRODUCTION/BACKGROUND:

On February 7, 2022, a preliminary plat establishing Stone Creek Ranch Unit 2C was submitted to the Public Works Department by Jones & Carter Inc. This preliminary plat consists of 63.276 acres of residential development.

Regarding the submission of a preliminary plat, currently vested under the City's previous subdivision ordinance, Article II, Section 1 (C, 13) of said ordinance states, "The submittal shall conform to the requirements of Article III, Section 6 of this ordinance." This section contains a requirement by the Tree and Habitat Protection which states: "City Council approval is required prior to removal of any tree which is twenty-four inches (24") caliper in size or larger (heritage tree). The tree caliper is to be measured at 4-1/2 feet above the ground."

The submitted Tree Plan shows the following heritage trees:

- Tree #8158 – 27" Oak – To Be Removed
- Tree #8171 – 24" Oak – To Be Removed
- Tree #8182 – 24" Oak – To Be Removed
- Tree #8191 – 25" Oak – To Be Removed
- Tree #8195 – 27" Oak – To Be Removed
- Tree #8198 – 32" Oak – To Be Removed
- Tree #8219 – 28" Oak – To Be Removed
- Tree #8232 – 24" Oak – To Be Removed

To mitigate, twenty-four (24) trees with a caliper of at least two and one half - inches (2.5") will be planted. The applicant has been informed that the heritage trees will require City Council approval prior to removal.

During their March 10, 2022, meeting the Planning and Zoning Commission recommended approval of the Stone Creek Ranch Unit 2C Tree Plan. The motion passed unanimously with a vote of 6-0.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

Article III Section 6(A) of the previous subdivision ordinance states:

"It shall be unlawful for any person to remove, destroy, or cause the removal or destruction of any tree which is nine - inches (9") caliper in size or larger (protected tree) and which is located on an undeveloped tract of land within the city limits or extraterritorial jurisdiction (ETJ) without

submitting a Tree Removal and Preservation Plan with the preliminary plat. City Council approval is required prior to removal of any tree which is twenty-four inches (24") caliper in size or larger (heritage tree). The tree caliper is to be measured at 4-1/2 feet above the ground."

Furthermore, item "D" of the same section states:

"The Public Works Department shall review and recommend approval of the Plan if:

1. The tree(s) is located within ten feet of the perimeter of, the proposed building footprint, the area over a septic tank, areas necessary for site access, or within areas designated for the construction or installation of public facilities such as streets or utilities; or
2. The application demonstrates that the denial of the request for tree removal will affect a hardship prohibiting the development of the property in otherwise compliance with the regulations of the City of Fair Oaks Ranch; and
3. The application demonstrates that three (3) trees with a caliper of at least two and one half - inches (2.5") will be planted on the site or at another approved location for each tree removed that has a caliper of twenty-four - inches (24") or larger (heritage tree)."

Staff has reviewed the Stone Creek Ranch Unit 2C Tree Plan (**Exhibit A**) and recommends approval based on conformance with the City's previous subdivision ordinance Article III, Section 6.

LONGTERM FINANCIAL & BUDGETARY IMPACT:

None

LEGAL ANALYSIS:

Not Applicable

PROPOSED MOTION:

Staff has reviewed the Stone Creek Ranch Unit 2C Tree Plan and recommends approval based on conformance with the City's previous subdivision ordinance Article III, Section 6.

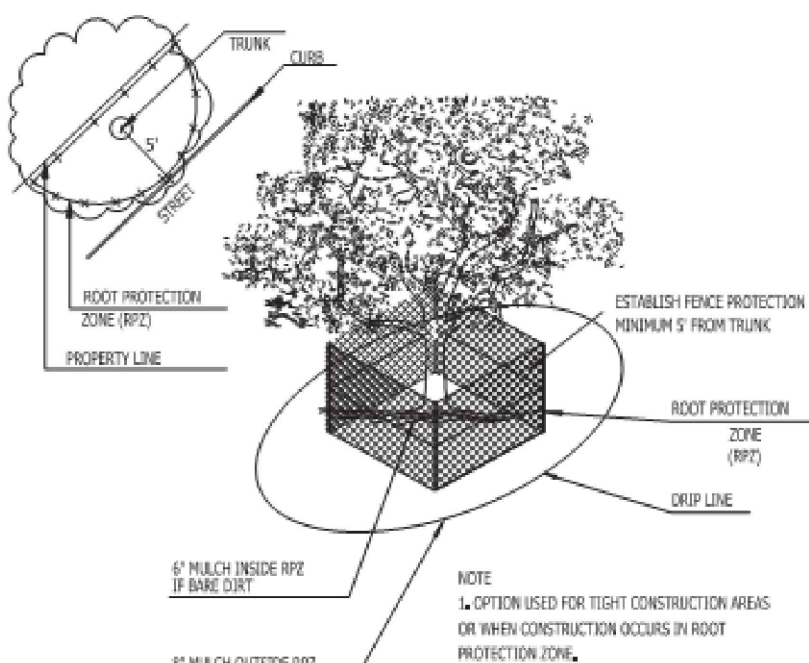
Consent Agenda - I move to approve the Stone Creek Ranch Unit 2C Tree Plan.

EXISTING TREE TABLE				
TAG#	SIZE (IN)	SPECIES	CLASSIFICATION	STATUS
8001	8	OAK	Not Protected	Remove
8002	11	OAK	Protected	Remove
8003	9	OAK	Protected	Remove
8004	8	OAK	Not Protected	Remove
8005	8	OAK	Not Protected	Remove
8006	8	OAK	Not Protected	Remove
8007	7	OAK	Not Protected	Remove
8008	8	OAK	Not Protected	Remove
8009	6	OAK	Not Protected	Remove
8010	6	OAK	Not Protected	Remove
8011	6	OAK	Not Protected	Remove
8012	10	OAK	Protected	Remove
8013	7	ELM	Not Protected	Remove
8014	8	OAK	Not Protected	Remove
8015	9	OAK	Protected	Remove
8016	8	OAK	Not Protected	Remove
8017	6	ELM	Not Protected	Remove
8018	6	OAK	Not Protected	Dead
8019	16	CDR	Protected	Remove
8020	15	CDR	Protected	Remove
8021	9	ELM	Protected	Remove
8022	10	OAK	Protected	Remove
8023	9	OAK	Protected	Remove
8024	7	OAK	Not Protected	Remove
8025	11	OAK	Protected	Remove
8026	9	OAK	Protected	Remove
8027	10	OAK	Protected	Remove
8028	16	OAK	Protected	Remove
8029	12	OAK	Protected	Remove
8030	17	OAK	Protected	Remove
8031	16	CDR	Protected	Remove
8032	6	OAK	Not Protected	Remove
8033	10	OAK	Protected	Remove
8034	10	OAK	Protected	Remove
8035	10	OAK	Protected	Remove
8036	14	OAK	Protected	Remove
8037	6	OAK	Not Protected	Remove
8038	8	OAK	Not Protected	Remove
8039	11	OAK	Protected	Remove
8040	14	OAK	Protected	Remove
8041	16	OAK	Protected	Remove
8042	10	OAK	Protected	Remove
8043	12	OAK	Protected	Remove
8044	15	OAK	Protected	Remove
8045	15	CDR	Protected	Remove
8046	17	OAK	Protected	Remove
8047	20	OAK	Protected	Dead
8048	15	CDR	Protected	Remove
8049	12	OAK	Protected	Remove
8050	8	OAK	Not Protected	Remove
8051	12	OAK	Protected	Remove
8052	8	OAK	Not Protected	Remove
8053	12	ELM	Protected	Remove
8054	9	OAK	Protected	Remove
8055	7	OAK	Not Protected	Remove
8056	10	ELM	Protected	Remove
8057	9	ELM	Protected	Remove
8058	12	OAK	Protected	Remove
8059	6	OAK	Not Protected	Remove
8060	6	ELM	Not Protected	Remove
8061	6	ELM	Not Protected	Remove
8062	6	ELM	Not Protected	Remove
8063	8	ELM	Not Protected	Remove
8064	16	OAK	Protected	Remove
8065	6	OAK	Not Protected	Remove
8066	6	OAK	Not Protected	Remove
8067	8	OAK	Not Protected	Remove
8068	7	OAK	Not Protected	Remove
8069	12	ELM	Protected	Remove
8070	6	ELM	Not Protected	Remove
8071	10	ELM	Protected	Remove
8072	11	ELM	Protected	Remove
8073	9	ELM	Protected	Remove
8074	8	ELM	Not Protected	Remove
8075	8	ELM	Not Protected	Remove
8076	9	OAK	Protected	Remove
8077	17	OAK	Protected	Remove
8078	11	OAK	Protected	Remove
8079	14	OAK	Protected	Remove
8080	14	OAK	Protected	Remove
8081	10	OAK	Protected	Remove
8082	6	OAK	Not Protected	Remove
8083	8	OAK	Not Protected	Remove
8084	8	OAK	Not Protected	Remove
8085	9	OAK	Protected	Remove
8086	10	OAK	Protected	Remove
8087	6	OAK	Not Protected	Remove
8088	15	OAK	Protected	Remove
8089	12	OAK	Protected	Remove
8090	7	ELM	Not Protected	Remove
8091	12	OAK	Protected	Remove
8092	15	OAK	Protected	Remove
8093	7	OAK	Not Protected	Remove
8094	7	OAK	Not Protected	Remove
8095	7	OAK	Not Protected	Remove
8096	6	OAK	Not Protected	Remove
8097	10	OAK	Protected	Remove
8098	7	OAK	Not Protected	Remove
8099	9	OAK	Protected	Remove
8100	10	OAK	Protected	Remove
8101	8	OAK	Not Protected	Remove
8102	8	OAK	Not Protected	Remove
8103	9	OAK	Protected	Remove
8104	11	OAK	Protected	Remove
8105	9	ELM	Protected	Remove
8106	8	ELM	Not Protected	Remove
8107	14	OAK	Protected	Dead
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8109	9	OAK	Protected	Dead
8110	6	OAK	Not Protected	Remove
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8112	10	OAK	Protected	Remove
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8116	11	ELM	Protected	Remove
8117	10	ELM	Protected	Remove
8118	13	ELM	Protected	Remove
8119	11	OAK	Protected	Remove
8120	12	OAK	Protected	Remove
8121	14	OAK	Protected	Remove
8122	6	OAK	Not Protected	Remove
8123	10	OAK	Protected	Remove
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8127	6	OAK	Not Protected	Remove

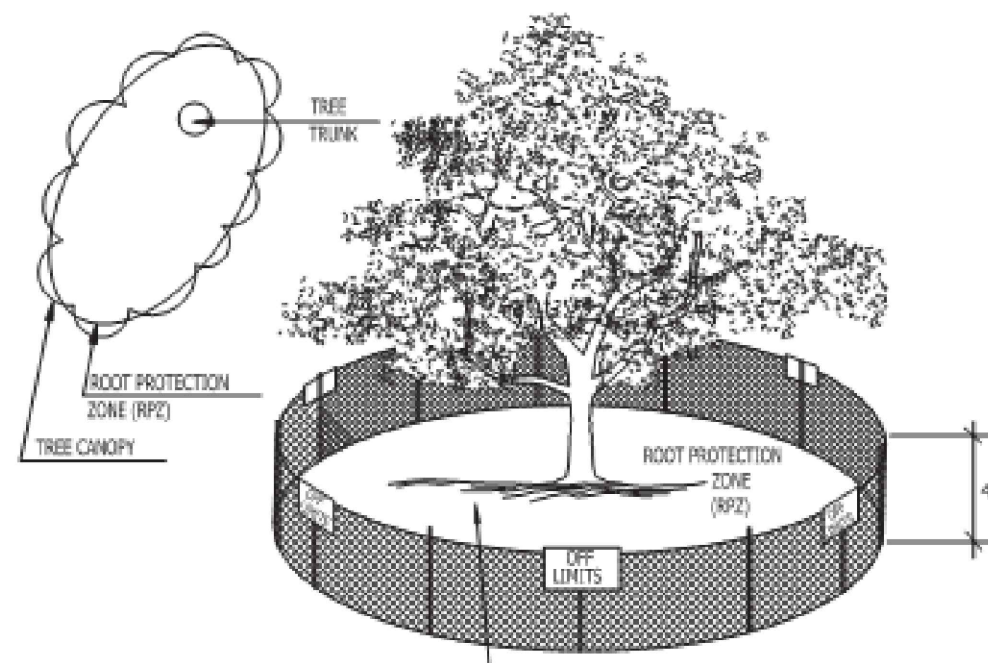
EXISTING TREE TABLE				
TAG#	SIZE (IN)	SPECIES	CLASSIFICATION	STATUS
8128	9	OAK	Protected	Remove
8129	10	OAK	Protected	Remove
8130	12	OAK	Protected	Remove
8131	7	OAK	Not Protected	Remove
8132	10	OAK	Protected	Remove
8133	9	OAK	Protected	Remove
8134	12	OAK	Protected	Remove
8135	15	OAK	Protected	Remove
8136	12	OAK	Protected	Remove
8137	11	OAK	Protected	Remove
8138	12	OAK	Protected	Remove
8139	10	OAK	Protected	Remove
8140	12	OAK	Protected	Remove
8141	9	OAK	Protected	Remove
8142	4	OAK	Not Protected	Remove
8143	7	OAK	Not Protected	Remove
8144	8	OAK	Not Protected	Remove
8145	8	OAK	Not Protected	Remove
8146	10	OAK	Protected	Remove
8147	7	OAK	Not Protected	Remove
8148	10	OAK	Protected	Remove
8149	10	OAK	Protected	Remove
8150	8	OAK	Not Protected	Remove
8151	9	OAK	Protected	Remove
8152	8	OAK	Not Protected	Remove
8153	8	OAK	Not Protected	Remove
8154	10	OAK	Protected	Remove
8155	17	OAK	Protected	Remove
8156	19	OAK	Protected	Remove
8157	20	OAK	Protected	Remove
8158	27	OAK	Heritage	Remove
8159	20	OAK	Protected	Remove
8160	23	OAK	Protected	Remove
8161	11	OAK	Protected	Remove
8162	18	OAK	Protected	Remove
8163	12	OAK	Protected	Remove
8164	23	OAK	Protected	Remove
8165	10	OAK	Protected	Remove
8166	22	OAK	Protected	Remove
8167	14	ELM	Protected	Remove
8168	15	ELM	Protected	Remove
8169	10	ELM	Protected	Remove
8170	15	ELM	Protected	Remove
8171	24	OAK	Heritage	Remove
8172	15	ELM	Protected	Remove
8173	9	OAK	Protected	Remove
8174	9	OAK	Protected	Remove
8175	9	OAK	Protected	Remove
8176	7	OAK	Not Protected	Remove
8177	9	OAK	Protected	Remove
8178	10	OAK	Protected	Remove
8179	15	OAK	Protected	Remove
8180	8	OAK	Not Protected	Remove
8181	12	OAK	Protected	Remove
8182	24	OAK	Heritage	Remove
8183	11	OAK	Protected	Remove
8184	11	OAK	Protected	Remove
8185	6	OAK	Not Protected	Remove
8186	15	OAK	Protected	Remove
8187	13	OAK	Protected	Remove
8188	16	OAK	Protected	Remove
8189	22	OAK	Protected	Remove
8190	22	OAK	Protected	Remove
8191	25	OAK	Heritage	Remove
8192	15	OAK	Protected	Remove
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8194	14	OAK	Protected	Remove
8195	27	OAK	Heritage	Remove
8196	21	OAK	Protected	Remove
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8198	32	OAK	Heritage	Remove
8199	7	ELM	Not Protected	Remove
8200	21	OAK	Protected	Remove
8201	21	ELM	Protected	Remove
8202	8	OAK	Not Protected	Remove
8203	8	OAK	Not Protected	Remove
8204	15	ELM	Protected	Remove
8205	15	ELM	Protected	Remove
8206	7	OAK	Not Protected	Remove
8207	8	OAK	Not Protected	Remove
8208	12	OAK	Protected	Remove
8209	10	OAK	Protected	Remove
8210	12	OAK	Protected	Remove
8211	12	OAK	Protected	Remove
8212	8	OAK	Not Protected	Remove
8213	9	OAK	Protected	Remove
8214	15	OAK	Protected	Remove
8215	13	OAK	Protected	Remove
8216	8	OAK	Not Protected	Remove
8217	6	OAK	Not Protected	Remove
8218	6	OAK	Not Protected	Remove
8219	28	OAK	Heritage	Remove
8220	15	OAK	Protected	Remove
8221	12	OAK	Protected	Remove
8222	22	OAK	Protected	Remove
8223	14	OAK	Protected	Remove
8224	15	OAK	Protected	Remove
8225	10	OAK	Protected	Remove
8226	10	OAK	Protected	Remove
8227	17	OAK	Protected	Remove
8228	22	OAK	Protected	Remove
8229	17	OAK	Protected	Remove
8230	20	OAK	Protected	Remove
8231	23	OAK	Protected	Remove
8232	24	OAK	Heritage	Remove
8233	13	OAK	Protected	Remove
8234	13	OAK	Protected	Remove
8235	13	OAK	Protected	Remove
8236	13	OAK	Protected	Remove
8237	23	OAK	Protected	Remove
8238	17	ELM	Protected	Remove
8239	22	OAK	Protected	Remove
8240	16	ELM	Protected	Remove
8241	12	OAK	Protected	Remove
8242	12	OAK	Protected	Remove
8243	20	OAK	Protected	Remove
8244	12	OAK	Protected	Remove
8245	10	OAK	Protected	Remove
8246	11	OAK	Protected	Remove
8247	18	OAK	Protected	Remove
8248	19	OAK	Protected	Remove
8249	22	OAK	Protected	Remove
8250	20	OAK	Protected	Remove
8251	21	OAK	Protected	Remove
8252	12	OAK	Protected	Remove
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8255	10	OAK	Protected	Remove

NOTES:

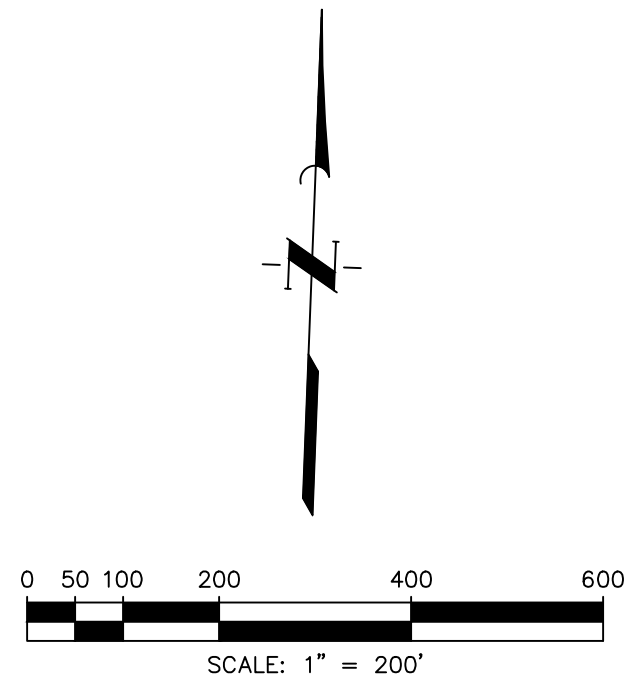
- 1) ALL TREE REMOVAL WILL BE PERFORMED IN COMPLIANCE WITH THE CITY'S TREE MAINTENANCE ORDINANCE.
- 2) TREE REMOVAL SHALL ADHERE TO THE CITY OF FAIR OAKS RANCH "OAK WILT ORDINANCE" FOUND IN ARTICLE 1.07 (TREES AND SHRUBS), DIVISION 2 TITLED OAK WILT CONTROL. FOR EACH TREE GREATER THAN 24" TO BE REMOVED: 3 TREES WITH A CALIPER OF AT LEAST 2-1/2" EACH SHALL BE PLANTED.
- 3) ANY TREE REMOVAL SHALL BE APPROVED BY THE CITY OF FAIR OAKS RANCH. THERE ARE 8 HERITAGE TREES (8 TO BE REMOVED, 0 TO BE SAVED).
- 4) TREE(S) TO BE PLANTED TO MITIGATE TREES INCLUDE:(24) 2-1/2" CALIPER TREES TO BE PLANTED IN THE PARK/OPEN SPACE LOT 19. MITIGATION TREES SHALL BE LIVE OAK OR MONTERREY OAK.
- 5) A PRECONSTRUCTION "TREE WALK" IS REQUIRED PRIOR TO THE REMOVAL OF ANY TREE.
- 6) NO WORK SHALL BEGIN WHERE TREE PROTECTION FENCING HAS NOT BEEN COMPLETED AND APPROVED. TREE PROTECTION FENCING SHALL BE INSTALLED, MAINTAINED, AND REPAIRED BY THE CONTRACTOR DURING CONSTRUCTION. THE FENCING WILL BE A MINIMUM OF 4' HEIGHT.
- 7) ALL ROOTS LARGER THAN ONE-INCH IN DIAMETER ARE TO BE CUT CLEANLY AND OAK WOUNDS PAINTED WITHIN 30 MINUTES.
- 8) EXPOSED ROOTS SHALL BE COVERED AT THE END OF THE WORK DAY USING TECHNIQUES SUCH AS COVERING WITH SOIL, MULCH, OR WET BURLAP.
- 9) NO EQUIPMENT, VEHICLES, OR MATERIALS SHALL BE OPERATED OR STORED WITHIN THE ROOT PROTECTION ZONE. NO CLEAN-OUT AREAS WILL BE CONSTRUCTED SO THAT THE MATERIAL WILL BE IN OR MIGRATE TO THE ROOT PROTECTION ZONE.
- 10) NO GRADE CHANGE MORE THAN 3" IS ALLOWED WITHIN THE ROOT PROTECTION ZONE.
- 11) ROOTS OR BRANCHES IN CONFLICT WITH CONSTRUCTION SHALL BE CUT CLEANLY ACCORDING TO PROPER PRUNING METHODS. ALL OAK WOUNDS SHALL BE OAINED WITHIN 30 MINUTES TO PREVENT OAK WILT INFECTION.
- 12) TREES WHICH ARE DAMAGED OR LOST DUE TO THE CONTRACTOR'S NEGLIGENCE DURING CONSTRUCTION SHALL BE MITIGATED.
- 13) TREES MUST BE MAINTAINED IN GOOD HEALTH THROUGHOUT THE CONSTRUCTION PROCESS. MAINTENANCE MAY INCLUDE WATERING THE ROOT PROTECTION ZONE AND/OR WASHING FOLIAGE.
- 14) NO WIRES, NAILS, OR OTHER MATERIALS MAY BE ATTACHED TO PROTECTED TREES.



FENCE PROTECTION DETAILS

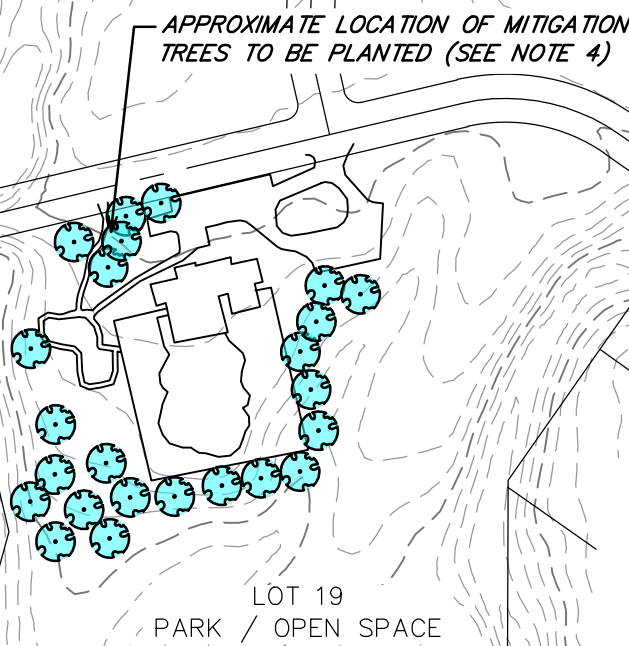


FENCE PROTECTION DETAILS



LEGEND

- ROW & EASEMENTS TO BE CLEARED
- HERITAGE TREE TO BE REMOVED
- HERITAGE TREE TO BE PRESERVED
- MITIGATION TREE TO BE PLANTED



NO.	DATE	REVISIONS	APP.
GREEN LAND VENTURES, LTD			
STONE CREEK RANCH UNIT 2C			
TREE PLAN			
SCALE:	AS SHOWN	DGN. BY:	DM
DATE:	FEBRUARY 2022	DWN. BY:	JS/CG
JOB NO.	16502-0012-00	DWG. NO.	NONE
SUBMITTED:		SURV. BY:	JONES & CARTER INC.
		F.B. NO.	NONE
SHEET NO. 1 OF 1			



PLANNING & ZONING CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
March 17, 2022

AGENDA TOPIC: Approval of a Preliminary Plat request from Green Land Ventures Ltd., for Stone Creek Ranch Unit 2C proposing 54 single-family residential lots, generally located north-west of the intersection of Rolling Acres Trail and Ammann Road, City of Fair Oaks Ranch, Texas.

DATE: March 17, 2022

DEPARTMENT: Public Works and Engineering Services

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

SUMMARY:

The purpose of this Preliminary Plat is to create 54 residential lots, and one private street which would be a continuation of Ranch Heights. The lots are approximately one acre in size. The subdivision is generally located north-west of the intersection of Rolling Acres Trail and Ammann Road (see attached **Exhibit A: Location Map**). Street access to the subdivision will be provided from Ranch Heights.

A different configuration of this plat with 35 lots and less acreage was proposed previously, and was placed on the agenda of January 13, 2022 P & Z meeting. The applicant's requested extension of time was approved by the P & Z and City Council. Subsequently, the applicant proposed a new configuration with 54 lots and the applicant withdrew the previous request.

BACKGROUND:

Unit 1 (including subsequent amending plats), 1A, and Unit 2A have been recorded. Unit 2C is one of the two remaining sections to be platted. The subject parcel area is zoned Existing Residential 2 (R2).

There is an existing water service agreement between the City and the Green Land Ventures dated 2008 that restricts the number of units in the development to 230 single-family residential units. The open space provided in the overall Stone Creek Ranch exceeds the minimum requirements of the applicable old subdivision regulations.

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

The Preliminary Plat review is based on the requirements of the Subdivision Regulations contained in Chapter 10 of the Code of Ordinances, which was in effect at the time of the approval of the service agreement. Staff has reviewed the Preliminary Plat and relayed review comment to the applicant. All comments have been addressed except for two minor conditions.

During their March 10, 2022, meeting the Planning & Zoning Commission recommended approval of the Preliminary Plat request from Green Land Ventures Ltd. for Stone Creek Ranch Unit 2C proposing 54 single-family residential lots with the following condition:

1. Remove reference to San Antonio Planning Commission and Unified Development Code from the plat note above the engineer's seal. The proposed plat is governed by old subdivision regulations.
2. On the preliminary plat, add drainage reserves where concentrated drainage features are to be located and crossing multiple property lines, update acreage accordingly.

The motion was passed unanimously (6-0).

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

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

LONG-TERM FINANCIAL & BUDGETARY IMPACT:

N/A

LEGAL ANALYSIS:

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

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

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

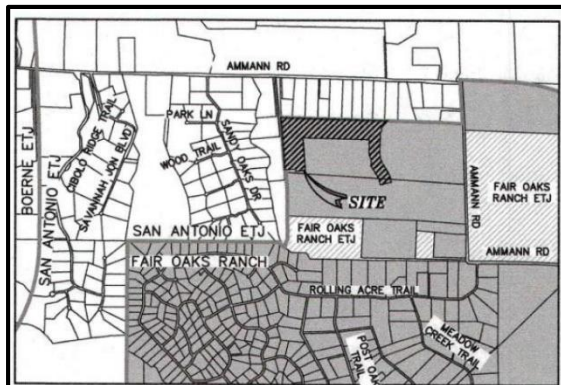
- (1) the applicant requests the extension in writing to the municipal authority responsible for approving plats or the governing body of the municipality, as applicable; and
- (2) the municipal authority or governing body, as applicable, approves the extension request."

PROPOSED MOTION:

Consent Agenda: I move to approve the Preliminary Plat request from Green Land Ventures Ltd for Stone Creek Ranch Unit 2C proposing 54 single-family residential lots with the following conditions.

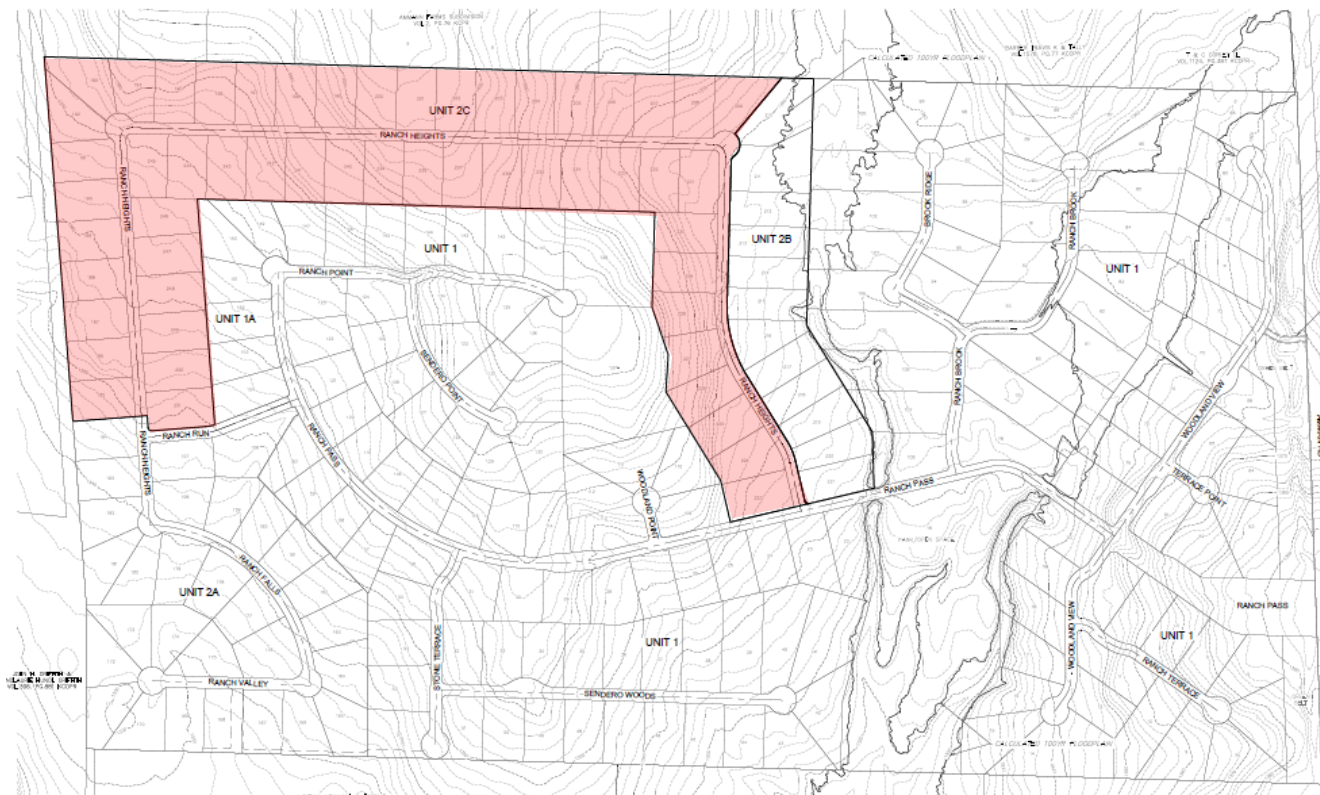
1. Remove reference to San Antonio Planning Commission and Unified Development Code from the plat note above the engineer's seal. The proposed plat is governed by old subdivision regulations.
2. On the preliminary plat, add drainage reserves where concentrated drainage features are to be located and crossing multiple property lines, update acreage accordingly.

Exhibit A: Stone Creek Ranch Unit 2C Location Map

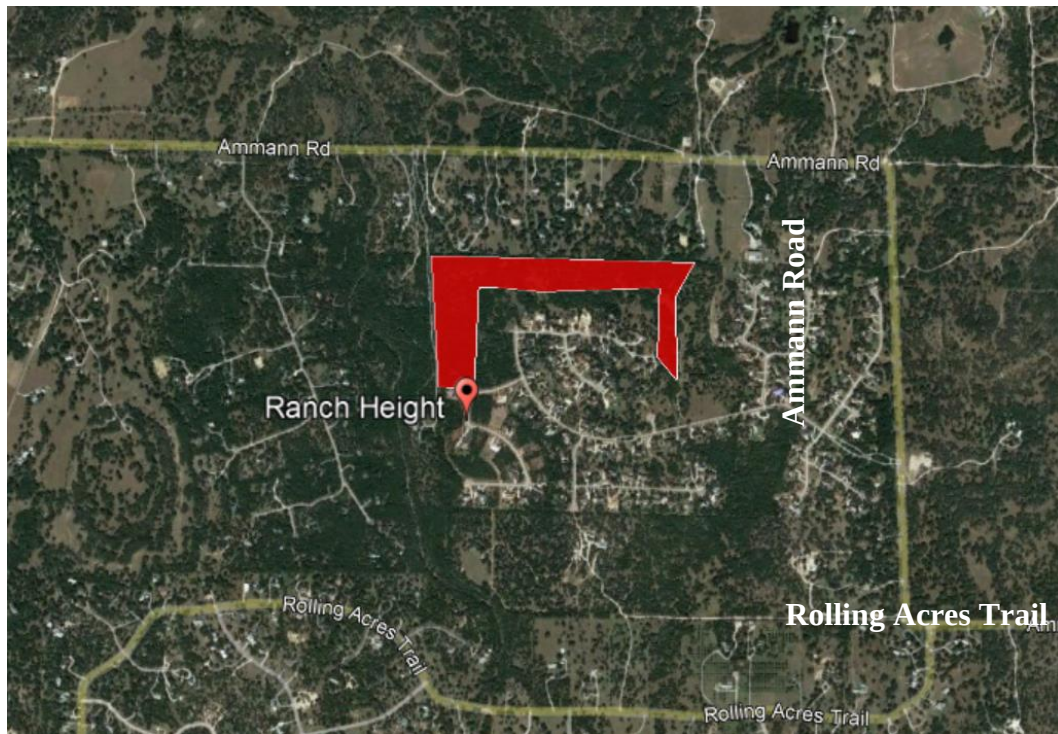


Source: Provided by the applicant

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



Source: Provided by the applicant

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

1. Universal Application
2. S10 Preliminary Plat Specific Application Form
3. Letter of Intent
4. Stone Creek Ranch Unit 2C Subdivision Preliminary Plat
5. Stone Creek Ranch Masterplan



City of Fair Oaks Ranch

7286 Dietz Elkhorn Fair Oaks Ranch, TX 78015

PH: (210) 698-0900. FAX: (210) 698-3565. bcodes@fairoaksranchtx.org www.fairoaksranchtx.org

UNIVERSAL APPLICATION (FORM UA)

All applications must be submitted with:

(1) A complete **Universal Application** form (2 pages), and

(2) A complete **Specific Application Form** with all materials listed in the checklist for the specific application.

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

DEVELOPMENT INFORMATION

Project Name/Address/Location: Stone Creek Ranch Unit 2C Acreage: 63.276
 Brief Description of Project: Low density single family residential subdivision
 Is property platted? ☒ No ☐ Yes Subdivision name: Stone Creek Ranch Unit 2C No. of Lots: 54
 Recordation #: _____ Parcel(s) Tax ID#: 14325
 Existing Use: undeveloped - range Proposed Use: Single family residential
 Current Zoning: R2 Proposed Zoning: R2
 Occupancy Type: Single Family detached Sq. Ft: Varies Bed #: Varies Bath #: Varies Car Garage #: Varies
 Water System ☐ Well ☒ Public Flood Zone: ☐ Yes ☒ No Sewer System: ☒ Septic ☐ Public

PROPERTY OWNER INFORMATION

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

APPLICANT INFORMATION

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

KEY CONTACT INFORMATION

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

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

Signature: _____ Date: 01/24/22
 (Signed letter of authorization required if the application is signed by someone other than the property owner)

*****OFFICE USE ONLY*****

DATE REC'D: 2/7/2022 BY: Katie Schweitzer
 FEES PAID: \$3,350 APPROVED BY: _____
 DATE APPROVED: _____
 APPLICATION/PERMIT NO: _____ EXP DATE: _____

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

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

(Section 3.9 of the UDC)

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

Subdivision and Property Development Related

(Section 3.8 of the UDC)

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

Site Development Related

(Section 3.9 of the UDC)

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

Appeal of an Administrative Decision

- ☐ Zoning ☐ Others

Variance

- ☐ Policy ☐ Judicial* - Form S20

☐ Sign Special Exception/Appeal to an Administrative Decision

☐ Administrative Exception

☐ Permit for Repair of Non-Conforming Use/Building

☐ Letter of Regulatory Compliance

☐ On-Site Sewage Facility Permit (OSSF)

☐ Certificate of Occupancy (CO)* - Form S21

☐ Relief from Signage Regulations

☐ Group Living Operation License* - Form S22

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

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

Residential

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

Others

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

Inspections

- ☐ Mechanical ☐ Electrical
☐ Plumbing ☐ Building
☐ Others _____

Water- Wastewater Service

- ☐ Connect/ Disconnect Form* - Form S39

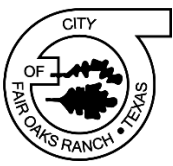
*These types of applications require additional information as listed in the Specific Application Form. Refer to **Appendix B** of the Administrative Procedures Manual for more information.

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

Application Checklist for all Applications

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

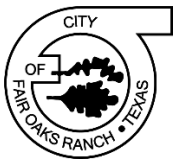
¹For items that are duplicated in the specific type of application, only one copy is required.

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

Section 3.8 (4) of the Unified Development Code

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

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



7286 Dietz Elkhorn Fair Oaks Ranch, TX 78015

PH: (210) 698-0900 FAX: (210) 698-3565 bcodes@fairoaksranchtx.org www.fairoaksranchtx.org

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

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



4350 Lockhill Selma Rd., Suite 100
San Antonio, Texas 78249-2166
Tel: 210.494.5511
Fax: 210.494.5519
www.jonescarter.com

January 24, 2022

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

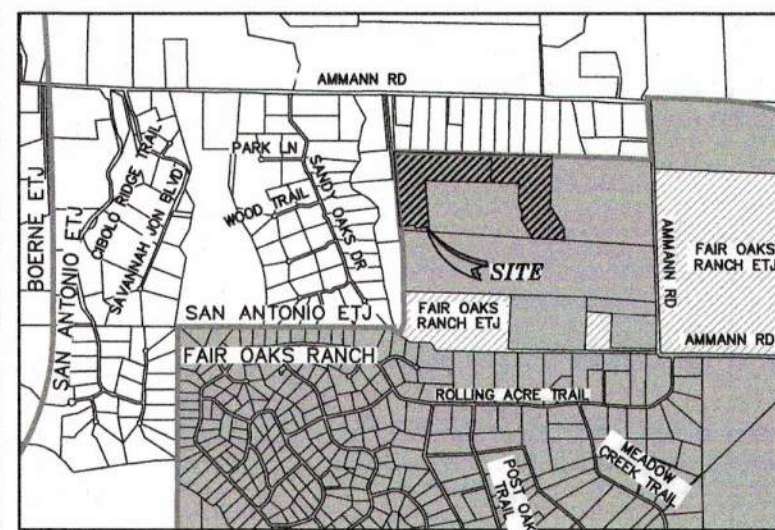
RE: Stone Creek Ranch Unit 2C
Preliminary Plat Submittal.

Dear Ms. Schweitzer,

This submittal package is being provided for the review of the Stone Creek Ranch Unit 2C Preliminary Plat in order to subdivide a 63.276 acre tract of land within the city limits of Fair Oaks Ranch. The subdivision will create 54 single family residential lots and 1 private street lot.

Sincerely,

Darren J. McAfee, PE
Jones & Carter, Inc.
4350 Lockhill Selma Rd. Ste 100
San Antonio TX, 78249



LOCATION MAP

NOT-TO-SCALE

LEGEND

KCDR	KENDALL COUNTY DEED RECORDS
KCOPR	KENDALL COUNTY OFFICIAL PUBLIC RECORDS
KCPR	KENDALL COUNTY PLAT RECORDS
KCDPR	KENDALL COUNTY DEED PLAT RECORDS
CVE	CLEAR VISION EASEMENT
EGTC	ELECTRIC, GAS, TELEPHONE, & CABLE TV EASEMENT
ESMT	EASEMENT
DE	DRAINAGE EASEMENT
LOT	OVERALL DIMENSION
CL	CENTER LINE
Ac.	ACRE
CB	COUNTY BLOCK
VOL.	VOLUME
PG.	PAGE
R.O.W.	RIGHT-OF-WAY
○	1/2" IRON ROD

IMPACT FEE PAYMENT NOTE

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

CLEAR VISION EASEMENT NOTE:

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

UTILITY EASEMENT:

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

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

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

STATE OF TEXAS
COUNTY OF KENDALL

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

Darren J. McAfee 2/15/2022
LICENSED PROFESSIONAL ENGINEER
DARREN J. MCAFFEE, PE
LICENSE NUMBER 137808

STATE OF TEXAS
COUNTY OF KENDALL

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

Troy A. Trobaugh 2-15-22
REGISTERED PROFESSIONAL LAND SURVEYOR
TROY A. TROBAUGH, RPLS
LICENSE NUMBER 6241

GENERAL NOTES

1. ALL EXTERIOR BOUNDARY LINES OF THIS SUBDIVISION WHICH ARE COMMON WITH THE ORIGINAL SURVEY BOUNDARY ARE MONUMENTED ON THE GROUND WITH 1/2" DIAMETER IRON RODS (UNLESS OTHERWISE NOTED).
2. THE OWNER(S) HEREBY CERTIFY THAT ALL BOUNDARY CORNERS OF THE LOTS LOCATED WITHIN THIS SUBDIVISION WILL BE MONUMENTED ON THE GROUND WITH 1/2" IRON RODS (OR OTHER STABLE MATERIAL) PRIOR TO LOT SALES.
3. THE BEARINGS, DISTANCES, AREAS AND COORDINATES SHOWN HEREON ARE TEXAS STATE PLANE COORDINATE SYSTEM GRID, SOUTH CENTRAL ZONE (FIPS 4204), AS ESTABLISHED BY GLOBAL POSITIONING SYSTEM. THE GRID TO SURFACE SCALE FACTOR FOR ALL DISTANCES IS 1.000178.
4. ALL ELEVATIONS SHOWN HEREON ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD'88).
5. THE SETBACKS SHOWN ON THIS PLAT ARE IMPOSED BY THE DEED RESTRICTION AND ARE NOT SUBJECT TO ENFORCEMENT BY THE CITY OF FAIR OAKS RANCH.
6. PRIVATE STREETS & EASEMENTS: THE PRIVATE STREET (LOT 999) IS AN EGTC, DRAINAGE, WATER, AND UNDERGROUND UTILITY EASEMENT.
7. THE MAINTENANCE OF ALL PRIVATE STREETS, DRAINAGE EASEMENTS AND EASEMENTS OF ANY NATURE WITHIN THIS SUBDIVISION SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNERS, OR THE PROPERTY OWNERS' ASSOCIATION, OR ITS SUCCESSORS OR ASSIGNEES AND NOT THE RESPONSIBILITY OF THE CITY OF FAIR OAKS RANCH OR KENDALL COUNTY.
8. FLOODPLAIN VERIFICATION: NO PORTION OF THE FEMA 1% ANNUAL CHANCE (100-YEAR) FLOODPLAIN EXISTS WITHIN THIS PLAT AS VERIFIED BY FEMA MAP PANEL: 48259C0420F, EFFECTIVE DATE DECEMBER 17, 2010. FLOODPLAIN INFORMATION IS SUBJECT TO CHANGE AS A RESULT OF FUTURE FEMA MAP REVISIONS AND/OR AMENDMENTS.
9. THE AREA WITHIN THIS PLAT IS ZONED EXISTING RESIDENTIAL 2 (R2).

DRAINAGE NOTES:

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

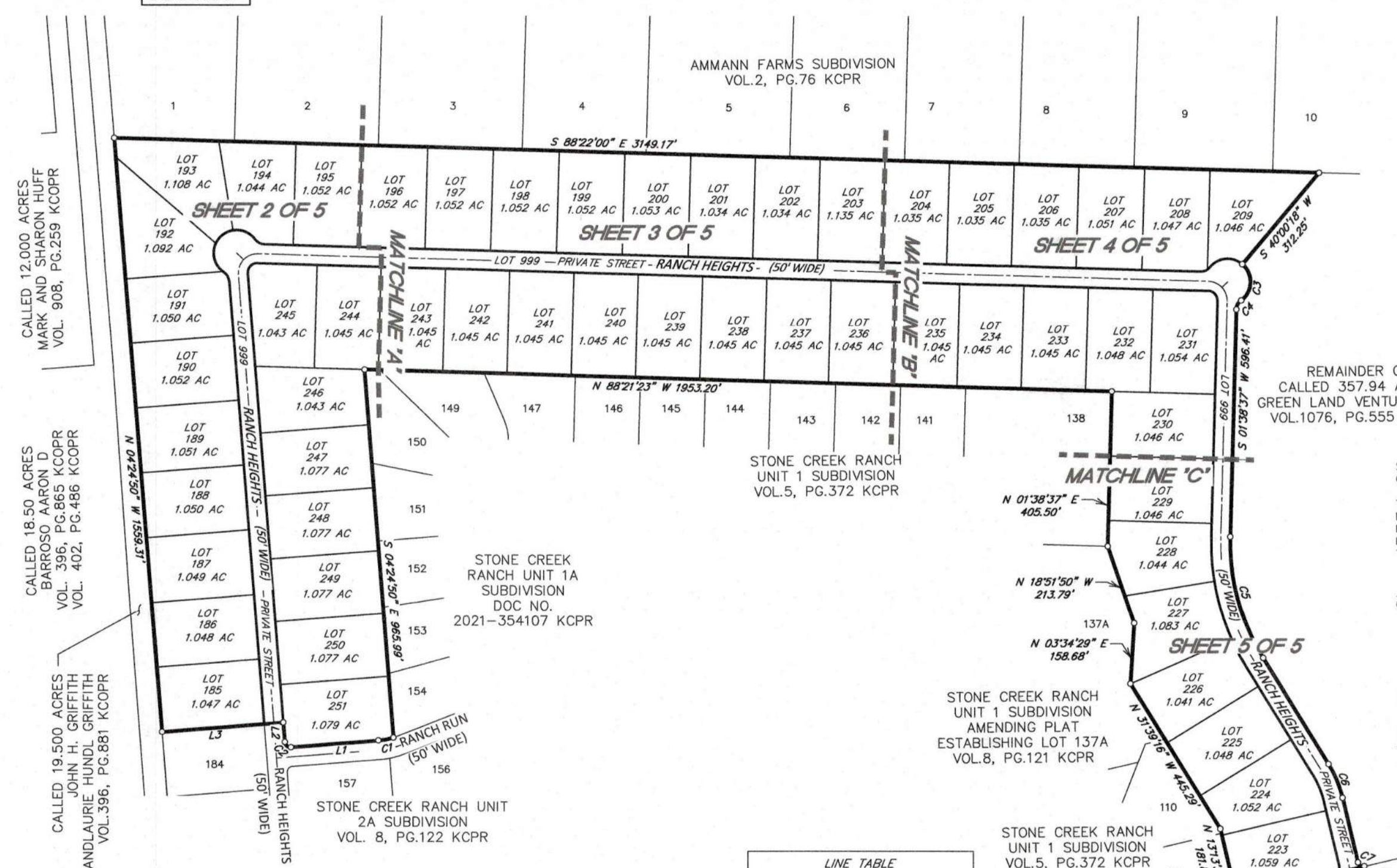
(THE "DRAINAGE SYSTEM")

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

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

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

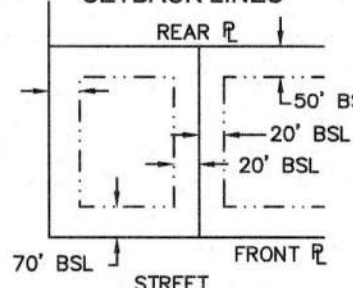
INDEX MAP



CURVE TABLE					
CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	175.00'	40.33'	13°12'12"	S78°59'04"W	40.24'
C2	15.00'	23.56'	90°00'00"	N49°24'37"W	21.21'
C3	60.00'	108.88'	103°58'07"	S1°59'22"W	94.54'
C4	30.00'	27.40'	52°19'48"	S27°48'31"W	26.46'
C5	575.00'	334.17'	33°17'53"	S15°00'20"E	329.48'
C6	300.00'	96.49'	18°25'44"	S22°26'24"E	96.08'
C7	14.00'	21.99'	90°00'00"	S58°13'32"E	19.80'
C8	14.00'	21.99'	90°00'00"	S31°46'28"W	19.80'
C9	50.00'	83.83'	96°03'27"	S43°36'53"W	74.35'
C10	25.00'	41.91'	96°03'27"	N43°36'53"E	37.17'
C11	30.00'	27.39'	52°18'36"	S30°34'08"E	26.45'
C12	60.00'	210.20'	200°43'15"	N43°36'53"E	118.04'
C13	30.00'	27.40'	52°19'48"	N62°11'29"W	26.46'
C14	50.00'	78.54'	90°00'00"	N43°21'23"W	70.71'
C15	25.00'	39.27'	90°00'00"	S43°21'23"E	35.36'
C16	30.00'	18.17'	34°42'18"	S74°17'28"W	17.89'
C17	60.00'	94.97'	90°41'30"	S84°39'33"W	85.36'
C18	600.00'	348.70'	33°17'53"	N15°00'20"W	343.81'
C19	625.00'	363.23'	33°17'53"	N15°00'20"W	358.14'
C20	275.00'	88.45'	18°25'44"	N22°26'24"W	88.07'
C21	250.00'	80.41'	18°25'44"	N22°26'24"W	80.07'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 85°35'10" W	229.26'
L2	N 04°24'50" W	50.97'
L3	S 85°35'10" W	318.16'
L4	N 46°22'51" W	24.76'
L5	N 46°38'37" E	20.71'

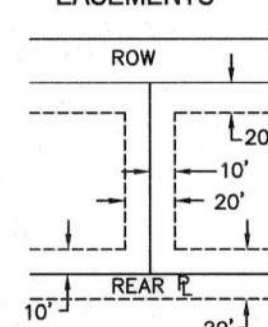
TYPICAL BLDG. SETBACK LINES



NOTE: ALL LOTS HAVE A MINIMUM BUILDING SETBACKS AS SHOWN ABOVE AND IN THE SUBDIVISION DEED RESTRICTIONS.

DATE	REVISION
2/15/22	REVISED PER COMMENTS

TYPICAL UTILITY EASEMENTS



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

PRELIMINARY PLAT ESTABLISHING STONE CREEK RANCH UNIT 2C

BEING A TOTAL OF 63.276 ACRES OF LAND OUT OF THE WM. D. LUSK SURVEY NO. 211, ABSTRACT NO. 306 KENDALL COUNTY, TEXAS; CONTAINING A PORTION OF THAT CERTAIN CALLED 357.94 ACRE TRACT DESCRIBED IN INSTRUMENT TO GREEN LAND VENTURES, LTD. RECORDED IN VOLUME 1076, PAGE 555 OF THE KENDALL COUNTY OFFICIAL PUBLIC RECORDS.

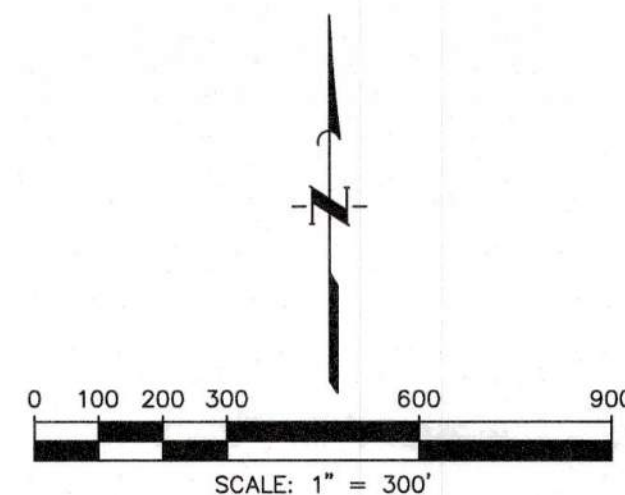
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JONES & CARTER

Texas Board of Professional Engineers Registration No. F-439
Texas Board of Professional Land Surveying Registration No. 100461-05
4850 Lockhill-Selma Road, Suite 100 • San Antonio, Texas 78249 • 210.494.5511

DATE OF PRINT: February 15, 2022



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

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MAYOR

CITY SECRETARY

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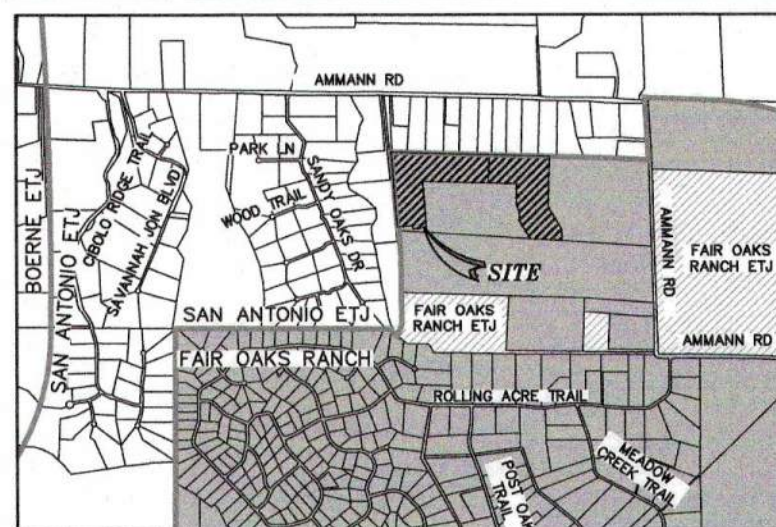
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COUNTY CLERK, KENDALL COUNTY, TEXAS

SHEET 1 OF 5



LOCATION MAP

NOT-TO SCALE

LEGEND

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Darren J. McAfee 2/15/2022
LICENSED PROFESSIONAL ENGINEER
DARREN J. MCAFEE, PE
LICENSE NUMBER 137808

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TROY A. TROBAUGH, RPLS
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20' ELECTRIC UTILITY ESMT
DOC#00202206, KCOPR

15' ELECTRIC UTILITY ESMT
DOC#00221743, KCOPR



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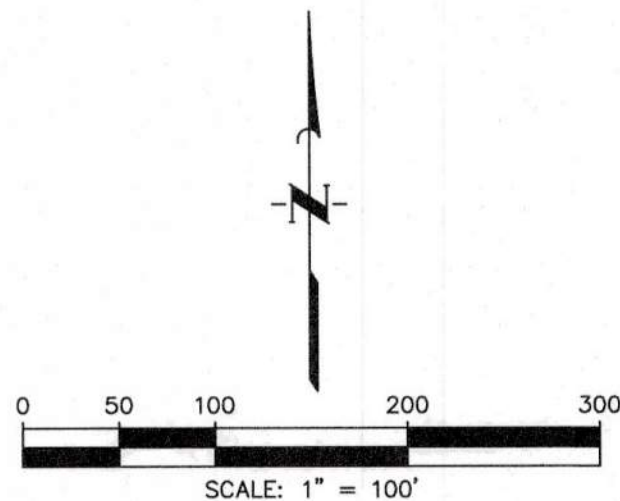
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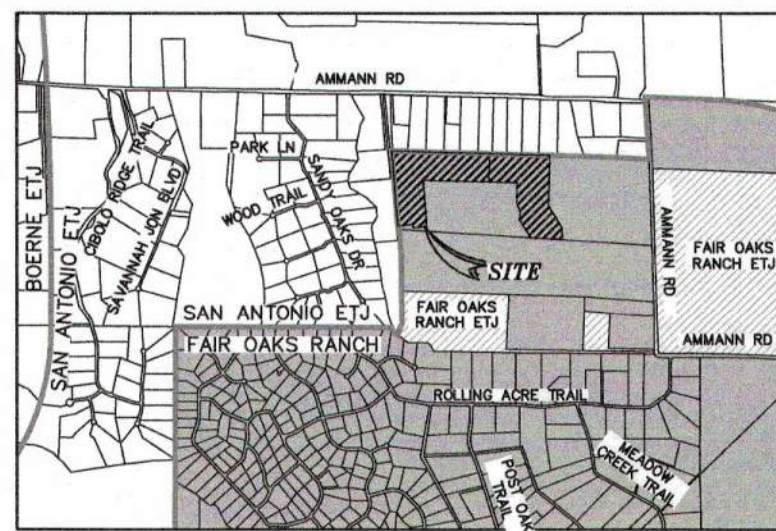
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COUNTY CLERK, KENDALL COUNTY, TEXAS

SHEET 2 OF 5



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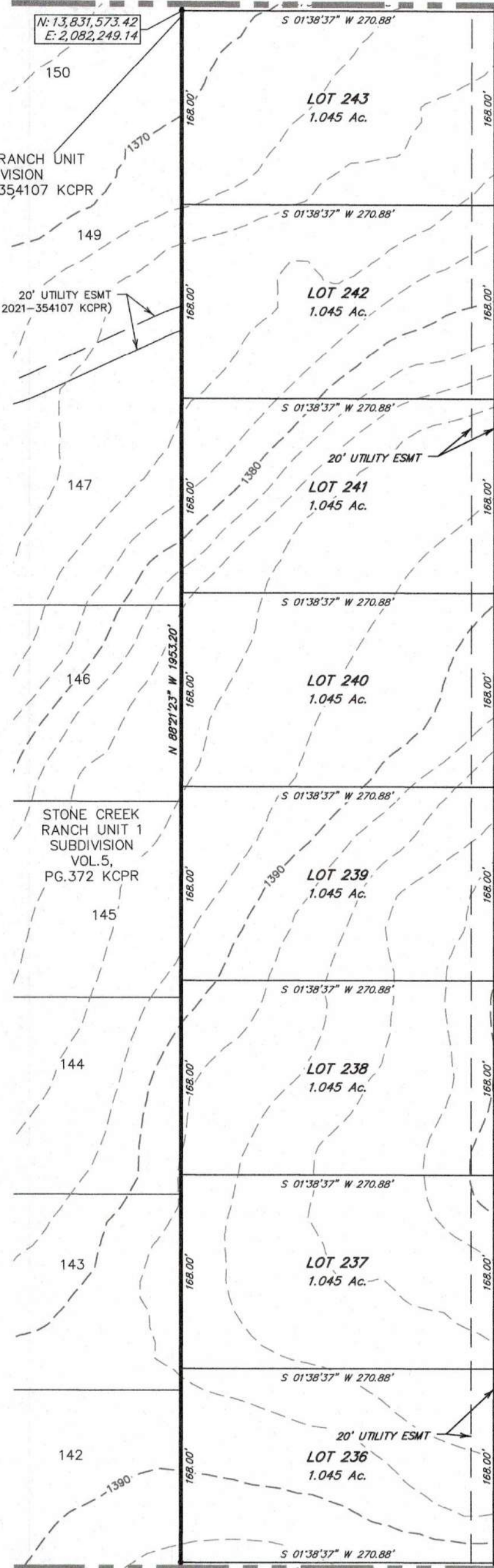
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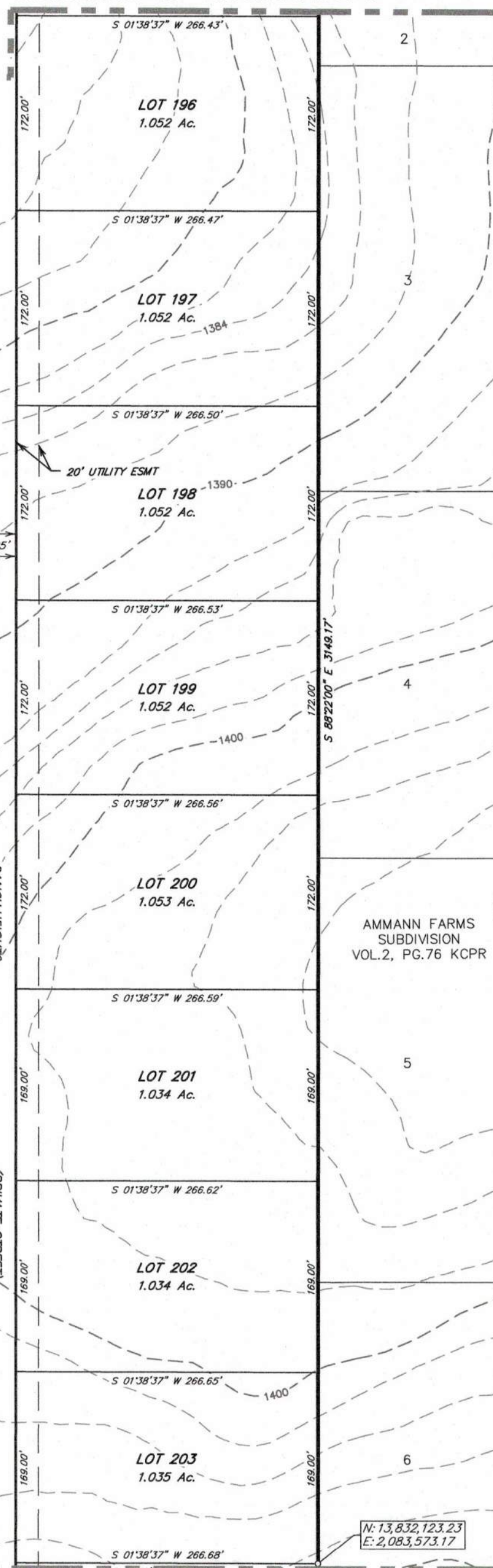
STONE CREEK RANCH UNIT
1A SUBDIVISION
DOC NO. 2021-354107 KCPR

MATCHLINE "A" - SEE SHEET 2 OF 5



MATCHLINE "B" - SEE SHEET 4 OF 5

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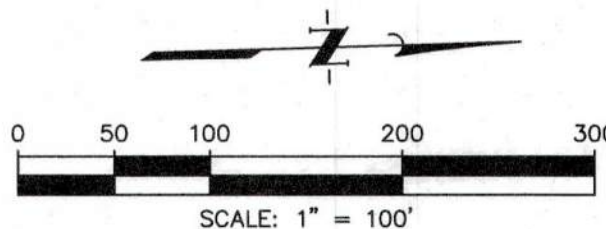
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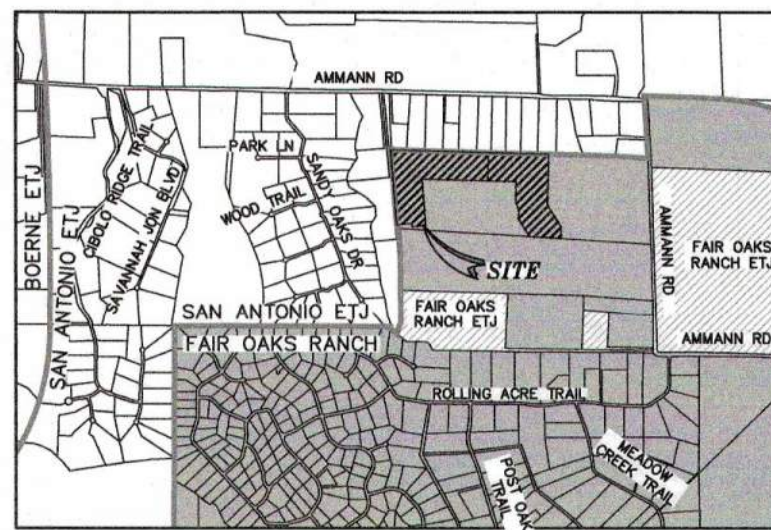
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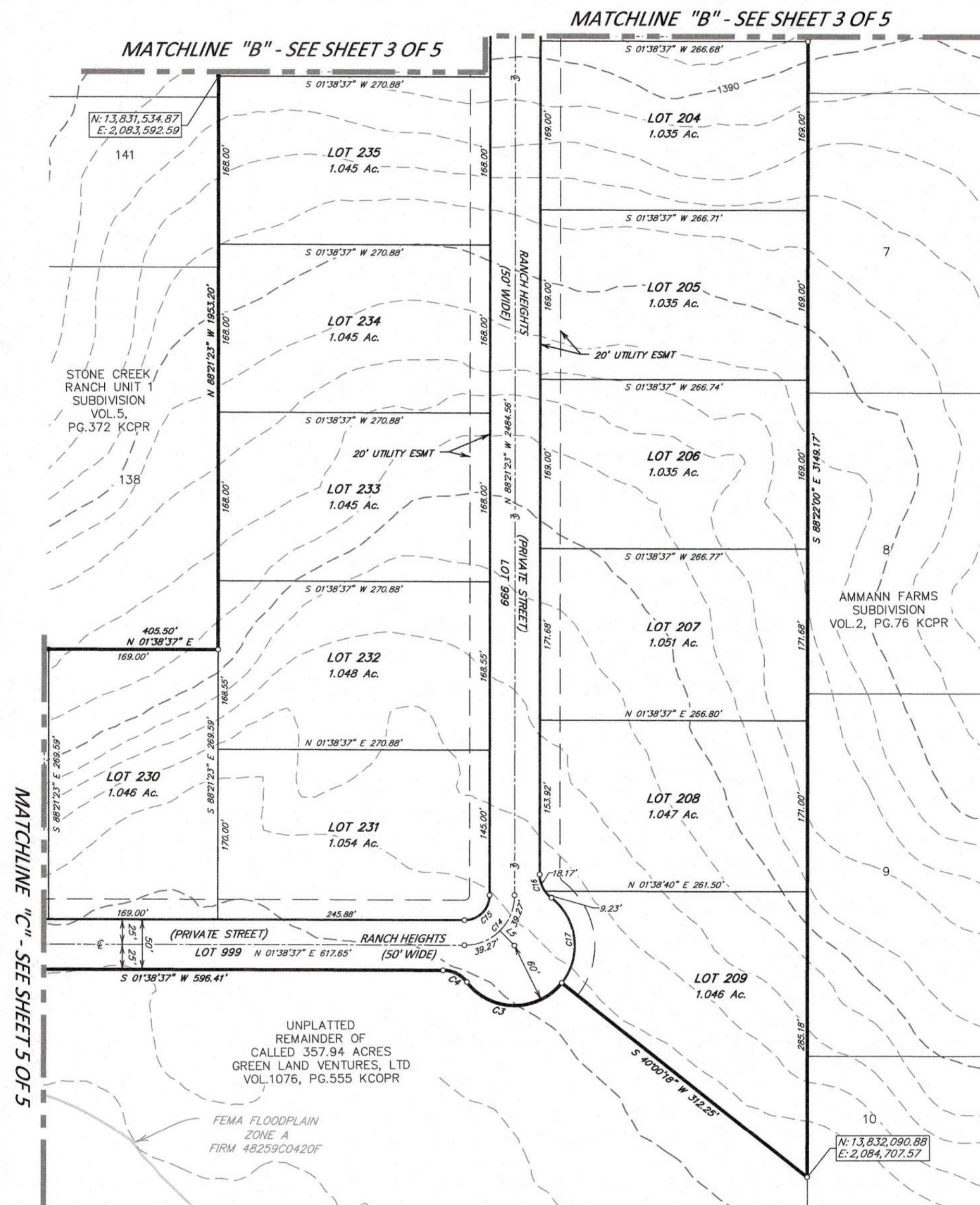
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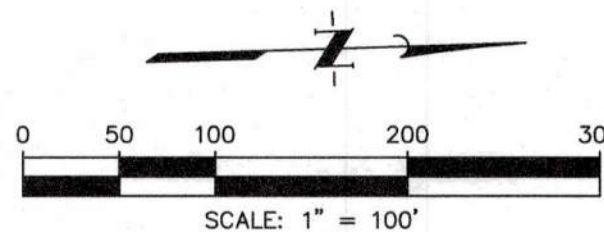
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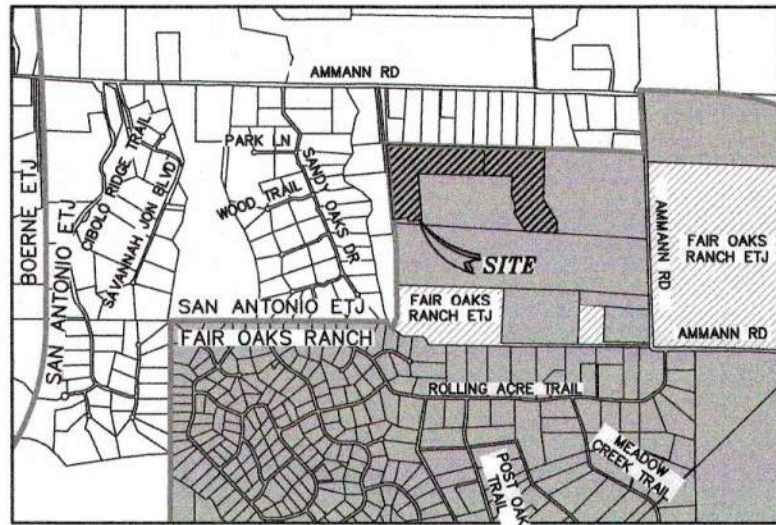
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SHEET 4 OF 5

Civil Job No. 16205-0012-00

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



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CVE	CLEAR VISION EASEMENT
EGTC	ELECTRIC, GAS, TELEPHONE, & CABLE TV EASEMENT
ESMT	EASEMENT
DE	DRAINAGE EASEMENT
LOT	OVERALL DIMENSION
CL	CENTER LINE
Ac.	ACRE
CB	COUNTY BLOCK
VOL.	VOLUME
PG.	PAGE
R.O.W.	RIGHT-OF-WAY
○	1/2" IRON ROD

IMPACT FEE PAYMENT NOTE

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

UTILITY EASEMENT:

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

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

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

STATE OF TEXAS
COUNTY OF KENDALL

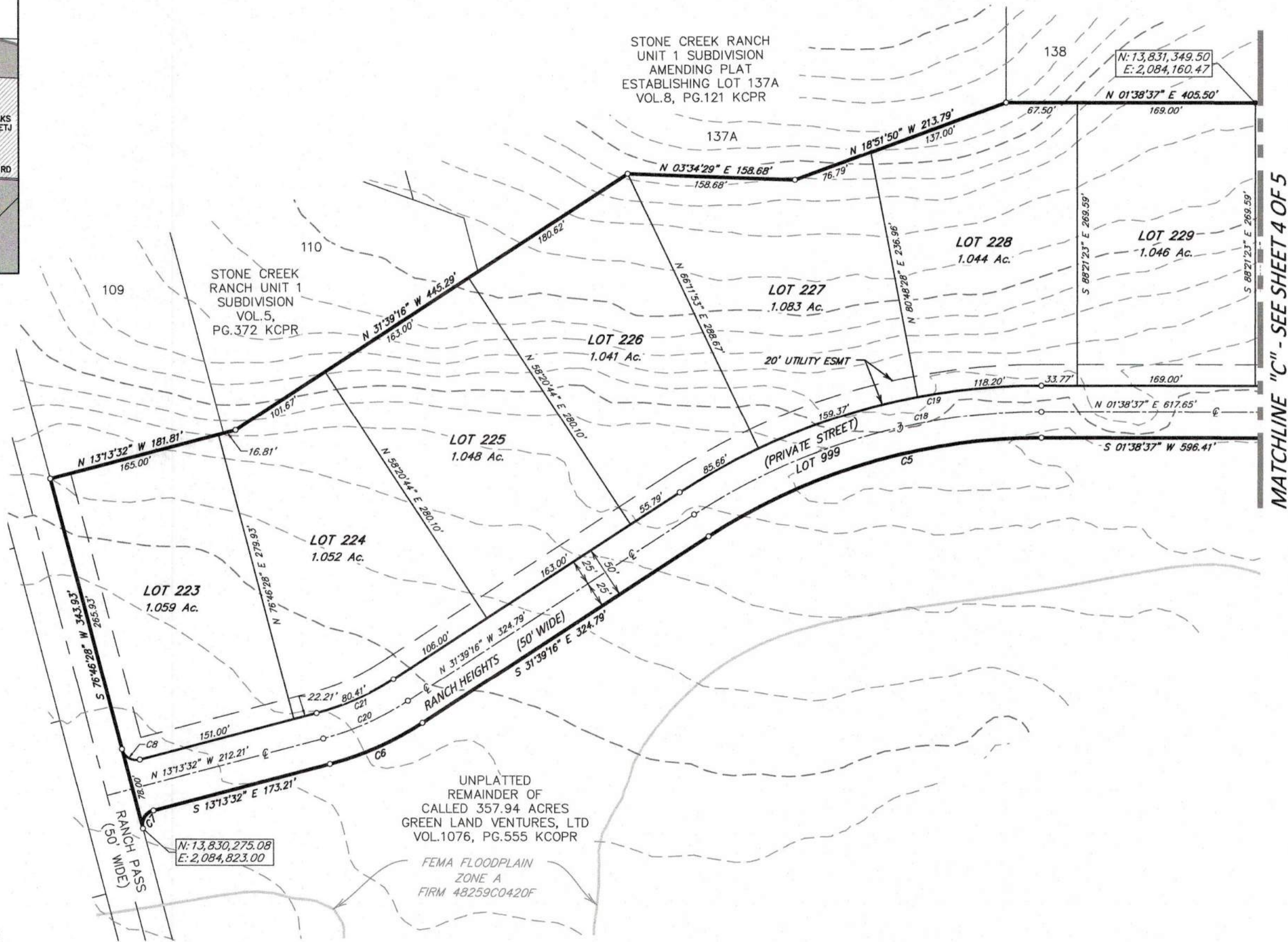
I HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN THIS PLAT TO THE MATTERS OF STREETS, LOTS AND DRAINAGE LAYOUT. TO THE BEST OF MY KNOWLEDGE THIS PLAT CONFORMS TO ALL REQUIREMENTS OF THE UNIFIED DEVELOPMENT CODE, EXCEPT FOR THOSE VARIANCES GRANTED BY THE SAN ANTONIO PLANNING COMMISSION.

Darren J. McAfee 2/15/2022
LICENSED PROFESSIONAL ENGINEER
DARREN J. MCAFEE, PE
LICENSE NUMBER 137808

STATE OF TEXAS
COUNTY OF KENDALL

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

Troy A. Trobaugh 2-15-22
REGISTERED PROFESSIONAL LAND SURVEYOR
TROY A. TROBAUGH, RPLS
LICENSE NUMBER 6241



MATCHLINE "C" - SEE SHEET 4 OF 5

PRELIMINARY PLAT ESTABLISHING
STONE CREEK RANCH UNIT 2C

BEING A TOTAL OF 63.276 ACRES OF LAND OUT OF THE WM. D. LUSK SURVEY NO. 211, ABSTRACT NO. 306 KENDALL COUNTY, TEXAS; CONTAINING A PORTION OF THAT CERTAIN CALLED 357.94 ACRE TRACT DESCRIBED IN INSTRUMENT TO GREEN LAND VENTURES, LTD. RECORDED IN VOLUME 1076, PAGE 555 OF THE KENDALL COUNTY OFFICIAL PUBLIC RECORDS.

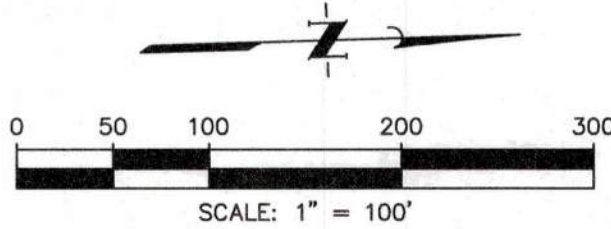
REASON FOR PRELIMINARY PLAT: TO SUBDIVIDE 63.276 ACRES OF LAND TO CREATE 54 SINGLE FAMILY RESIDENTIAL LOTS AND 1 PRIVATE STREET LOT



JONES & CARTER

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

DATE OF PRINT: February 15, 2022



STATE OF TEXAS
COUNTY OF KENDALL

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

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

STATE OF TEXAS
COUNTY OF KENDALL

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

DAY OF _____ A.D. 20__

NOTARY PUBLIC, KENDALL COUNTY, TEXAS

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

MAYOR

CITY SECRETARY

STATE OF TEXAS
COUNTY OF KENDALL

I, _____ COUNTY CLERK OF SAID COUNTY, DO HEREBY CERTIFY

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

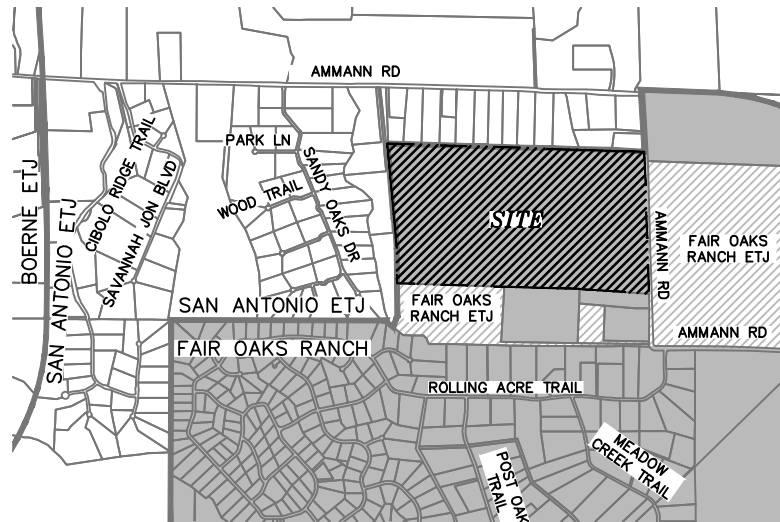
A.D. _____ AT _____ M AND DULY RECORDED THE _____ DAY OF _____

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

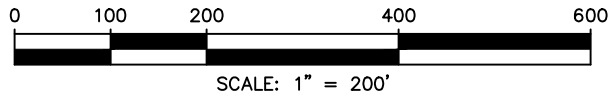
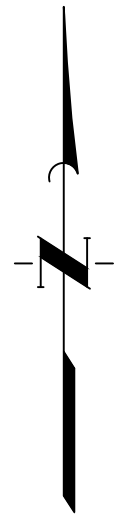
BOOK DOCUMENT NO. _____ IN TESTIMONY WHEREOF, WITNESS MY HAND AND

OFFICIAL SEAL OF OFFICE THIS _____ DAY OF _____ A.D. _____

COUNTY CLERK, KENDALL COUNTY, TEXAS



LOCATION MAP
NOT-TO-SCALE



NO.	DATE	REVISIONS	APP.

GREEN LAND VENTURES, LTD

STONE CREEK RANCH
MASTER PLAN

JONES CARTER
Texas Board of Professional Engineers Registration No. F-439
4350 Lockhill-Selma Road, Suite 100 • San Antonio, Texas 78249 • 210.494.5511

SCALE: AS SHOWN	DGN. BY: DM
DATE: FEBRUARY 2022	DWN. BY: JS/CG
JOB NO. 16502-0012-00	DWG. NO. NONE
SUBMITTED:	SURV. BY: JONES & CARTER INC.
	F.B. NO. NONE

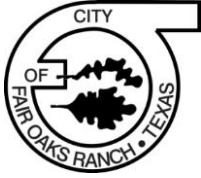
SHEET NO.
1
OF 1

JOHN H. GRIFFITH &
ANDLAURIE HUNDL GRIFFITH
VOL.596, PG.881 KCOPR

HAMILTON JEFFREY L & FAWN S
VOL.1696, PG.1131 KCOPR

DECHERT THOMAS C
VOL.1672, PG.98 KCOPR

DECHERT THOMAS C & TERRIE J
VOL.986, PG.221 KCOPR



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
March 17, 2022

AGENDA TOPIC: Approval of Council Member Bliss' absence from the May 19, 2022 Regular City Council Meeting.

DATE: March 17, 2022

DEPARTMENT: City Council

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

INTRODUCTION/BACKGROUND:

Council Member Bliss' absence from the May 19, 2022, City Council meetings is due to personal reasons.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

Complies with Section 3.09 of the Home Rule Charter.

LONG-TERM FINANCIAL & BUDGETARY IMPACT:

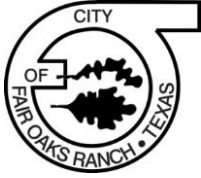
N/A

LEGAL ANALYSIS:

N/A

RECOMMENDATION/PROPOSED MOTION:

Consent Agenda - I move to approve Council Member Bliss' absence from the May 19, 2022 City Council Meeting.



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
March 17, 2022

AGENDA TOPIC: Consideration and possible action approving a First Amendment to the Memorandum of Understanding between the City of Fair Oaks Ranch and Fair Oaks Ranch Homeowners Association to include additional annual FORHA community events and authorizing the City Manager to execute the Amendment

DATE: March 17, 2022

DEPARTMENT: Public Works

PRESENTED BY: Carole H. Vanzant, Assistant City Manager, Public Works & Engineering Services

INTRODUCTION/BACKGROUND:

During the past few years, the Fair Oaks Ranch Homeowners Association (FORHA) and members of the community have approached the City with a desire to establish an annual event to honor veterans and kick-off the holiday season. On October 21, 2021, the City Council approved a Memorandum of Understanding between the City and FORHA detailing the scope, roles, and responsibilities for an annual Peace Tree Lighting starting on Veteran's Day and ending New Year's Day.

As the event lighting ceremony was widely attended and welcomed, the FORHA Communications Committee presented a proposal to the FORHA Board to consider expanding community FORHA events. The proposal noted the use of the city's Peace Tree at the Fair Oaks Parkway Fire Station. At FORHA's February 8, 2022 Board Meeting, the Board approved advancing to the City the following additional FORHA event days for their consideration:

- Memorial Day
- July 4th
- Patriot's Day

On February 9th the FORHA liaison discussed with the city the proposed new events and requested a proposal be advanced to City Council for their consideration and action. With the limited involvement of city resources, the staff finds no budgetary impact or hardship with the proposal.

Tonight's agenda item, if City Council desires to accept FORHA's proposal, is to review and consider an amended MOU solidifying the additional FORHA events.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

1. Addresses the interest of FORHA and its members.
2. Enhances community engagement and camaraderie.

LONGTERM FINANCIAL & BUDGETARY IMPACT:

Minimal to no impact.

LEGAL ANALYSIS:

N/A

RECOMMENDATION/PROPOSED MOTION:

I move to approve the First Amendment to the Memorandum of Understanding between the City and FORHA to include additional annual FORHA community events and to authorize the City Manager to execute the Amendment.

**FIRST AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE
CITY OF FAIR OAKS RANCH AND THE FAIR OAKS RANCH HOMEOWNERS'**

THE STATE OF TEXAS §
COUNTIES OF BEXAR, COMAL, AND KENDALL §

This FIRST AMENDMENT to the Memorandum of Understanding (this “First Amendment”) is entered into effective as of March 17, 2022 (the “Effective Date”), by and between the City of Fair Oaks Ranch (“CITY”), acting by and through its governing body, and the Fair Oaks Ranch Homeowner’s Association (“FORHA”), acting by and through its governing body.

RECITALS

WHEREAS, this First Amendment amends the Memorandum of Understanding (“MOU”) between the CITY and FORHA dated October 22, 2021; and,

WHEREAS, the MOU authorized FORHA to use city property to conduct an annual event leading to peace and good will into the holiday season starting with Veterans Day and ending New Year's Day annually, and;

WHEREAS, FORHA now desires to expand community celebrations to include Memorial Day, 4th of July and Patriots Day, annually; and,

WHEREAS, a portion of the community celebrations will be utilizing city property.

NOW, THEREFORE, the CITY and FORHA in consideration of the mutual covenants and agreements do mutually agree as follows:

AMENDMENTS TO THE SCOPE

CITY authorizes FORHA to enter onto the subject property owned and controlled (Fair Oaks Parkway Fire Station) by the CITY for placement of event decorations and lights on the Peace Tree. The following FORHA events will be in celebration of Memorial Day, July 4th, and Patriot's Day as scheduled by FORHA. These events may include but not limited to the following activities:

Specific Event-Related Tasks

- Memorial Day
 - Lighting the base of the Peace Tree Friday prior to Memorial Day ending Tuesday immediately following Memorial Day.
 - Placement of wreath or ribbons on the Peace Tree Friday prior to Memorial Day ending Tuesday immediately following Memorial Day.
- July 4th
 - Lighting the base of the of Peace Tree July 3rd ending July 5th
 - Placement of wreath or ribbons on the Peace Tree July 3rd ending July 5th.
- Patriot's Day
 - Lighting the base of the Peace Tree September 10th ending September 12th
 - Placement of wreath or ribbons on the Peace Tree September 10th ending September 12th.

ROLES AND RESPONSIBILITIES

FORHA shall be responsible for:

- Providing a FORHA liaison to work with the CITY to coordinate events.
- For budgetary purposes scheduling of events with the CITY no later than June 30th annually.
- Event advertising through FORHA-e.g., Social Media-Nextdoor, Facebook, newspaper, etc.
- Install and take down the wreath and lights from the Peace Tree.
- In coordination with CITY staff, conduct a periodic review of this First Amendment to determine if modifications are warranted.

CITY shall be responsible for:

- Providing a CITY liaison to work with FORHA to coordinate events.
- Providing electricity to light the Peace Tree during events as stipulated in the section titled, "Amendments to the Scope".
- Event advertisement through CITY-e.g., Social Media-Nextdoor, Facebook, etc.

TERM

The term of this First Amendment will be indefinite from the effective date hereof. It may be terminated and/or modified by (i) by the mutual agreement and consent of both CITY and FORHA; by either party, upon the failure of the other party to fulfill its obligations as set forth in this First Amendment; (ii) by the CITY, at will and without cause by providing FORHA written notice six (6) months prior to date of termination. Any oral or written representations or modifications concerning this Understanding shall be of no force and effect excepting a subsequent modification in writing by both parties.

CITY retains control and supervision over the use of its property at all times and does not waive any rights regarding the lawful administration of police powers within its jurisdiction, inclusive of this event. A police officer of the CITY responding to a call for service or investigating suspicious activity during the event shall maintain complete discretion in the manner and means by which they conduct police activity on a daily basis and as they would on any properties within Fair Oaks Ranch. Nothing herein may be read to imply that any FORHA has the right to limit lawful discretionary police activity during this event, without first obtaining written permission from the CITY or pursuant to a lawful order of a court of competent jurisdiction.

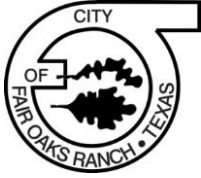
APPROVED:

President of Fair Oaks Homeowners Association, Inc.

Date

City Manager, City of Fair Oaks Ranch, Texas

Date



CITY COUNCIL CONSIDERATION ITEM

CITY OF FAIR OAKS RANCH, TEXAS

March 17, 2022

AGENDA TOPIC: Discussion and possible action regarding the draft City Council Code of Ethics Ordinance.

DATE: March 17, 2022

DEPARTMENT: City Council

PRESENTED BY: Carole Vanzant, CPM, TRMC, Assistant City Manager

INTRODUCTION/BACKGROUND:

The Fair Oaks Ranch City Council has from time to time discussed the need to develop a Code of Conduct and Ethics for the Mayor and City Council members. While there is some guidance regarding conduct contained within the City Charter, the scope of that guidance is limited. Legal counsel advised that having a Code of Conduct for elected officials is considered a best practice and, in fact, many of the other cities they represent have adopted Codes of Conduct and Ethics.

City Charter Section 3.11.B5 states the City Council shall adopt by ordinance rules of procedures to be followed relative to hearings for forfeitures of office and prohibitions. In discussions with the City Attorney, a determination was made to define procedural rules for City Council hearings for ethics violations and city charter forfeitures and prohibitions as the first step in creating a Code of Ethics.

Below is a timeline of past events:

- November 19, 2020 - City Council approved an ordinance establishing procedural rules for City Council Hearings for Code of Ethics Violations and City Charter Forfeitures and Prohibitions. Staff was directed to prepare a “draft” Code of Ethics ordinance for future consideration.
- December 3, 2020 - City Council established a Citizens Code of Conduct Advisory Committee to establish a common set of values and conduct for the City Council.
- February 2021 – Mayor Manitzas, Assistant City Manager Vanzant, and the City Attorney’s office began drafting a Code of Ethics ordinance.
- September 16, 2021 - Citizen’s Code of Conduct Advisory Committee Chairperson presented City Council with a draft Code of Conduct.
- October 25, 2021 – City Council “*expressed wanting to see a draft Ethics document before reviewing the draft Code of Conduct*”. Staff was directed to finalize the “draft” Code of Ethics ordinance and present it to Council early 2022.

Exhibit A attached is a draft Code of Ethics ordinance along with a copy of the previously adopted Ethics Hearing Rules of Procedures.

The purpose of this agenda item is to discuss and frame next steps on advancing consideration of the draft Code of Ethics ordinance. Next steps may include but are not limited to the following:

1. City Council reviews, discusses, and adopts a Code of Ethics ordinance.
2. City Council appoints an advisory committee to review, discuss, and recommend the draft Code of Ethics Ordinance.
3. Other(s) as determined by City Council.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

1. With adoption and adherence to a Code of Ethics, the citizens of Fair Oaks Ranch can rely upon open, accessible, and transparent conduct of business and adherence to applicable laws.
2. An enforceable Code of Ethics helps prevent conflicts of interest, promotes serving public interest over personal interests, and helps avoid undue influence and the appearance of impropriety.
3. Adherence to a Code of Ethics promotes professionalism and courtesy in conducting city business as prescribed in the City Charter under the Council-Manager form of government.
4. Promotes a culture of ethics that is aligned with the City's mission, vision, and core values.

LONG-TERM FINANCIAL & BUDGETARY IMPACT:

N/A

LEGAL ANALYSIS:

Assisted in the creation of the Code of Ethics and performed a final review as to form.

RECOMMENDATION/PROPOSED MOTION:

I move to (insert motion here).

AN ORDINANCE

OF THE CITY OF FAIR OAKS RANCH, TEXAS, AMENDING THE FAIR OAKS RANCH CODE OF ORDINANCES CHAPTER 1 ARTICLE 1.10 ETHICS BY ESTABLISHING A CODE OF ETHICS FOR ALL CITY-ELECTED OFFICIALS; PROVIDING FOR REPEALING, SAVINGS, AND SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Council has determined that it is in the best interest of the city to require all elected officials of the city to be independent, impartial, and responsible to the citizens of the city; and,

WHEREAS, the City Council has determined that no city-elected official should have any interest, direct or indirect, nor engage in any business transaction or professional activity, nor incur any obligation of any nature, which conflicts with the proper discharge of his or her duties in the public interest; and,

WHEREAS, in November 2020 the City Council passed and approved the Code of Ethics Rules and Procedures on City Council Hearings for Code of Ethics violations and City Charter forfeitures and prohibitions and Administrative Provisions; and,

WHEREAS, the City of Fair Oaks Ranch Ethics provisions is codified in the Fair Oaks Ranch Code of Ordinances in Chapter 1 Article 1.10; and,

WHEREAS, the City Council deems it is in the best interest and welfare of the City to preserve the integrity and nonpartisan nature of City government by Division Code of Ethics in the city's Code of Ordinances Chapter 1, Article 1.10 Ethics.

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

- PART 1.** That the City Council hereby amends the Fair Oaks Ranch Code of Ordinances Chapter 1, Article 1.10 Code of Ethics by establishing Division 2 Code of Ethics as set forth in the attached **Exhibit A**.
- PART 2.** That the recitals contained in the preamble hereto are hereby found to be true and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.
- PART 3.** It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance be severable, and, if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared invalid by judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance and the remainder of this ordinance shall be enforced as written.
- PART 4.** That it is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

PART 5. This ordinance shall take effect immediately from and after its second reading and passage.

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

PART 7. The provisions of this ordinance shall be cumulative of all ordinances not repealed by this ordinance and ordinances governing or regulating the same subject matter as that covered herein.

PASSED AND APPROVED on the first reading on xxth day of xxxx, 2022.

PASSED, APPROVED, AND ADOPTED on the second reading, this xxth day of xxxx, 2022.

Greg Maxton, Mayor

ATTEST:

APPROVED AS TO FORM:

Christina Picioccio, City Secretary

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

Exhibit A

Chapter 1 General Provisions of the Code of Ordinance Article 1.10 Code of Ethics is hereby amended by the addition of the following Division:

DIVISION 2. CODE OF ETHICS**I. DECLARATION OF POLICY****Sec. 1.10.021 Statement of purpose.**

It is essential in a democratic system that the public has confidence in the integrity, independence, and impartiality of those who act on their behalf in government. Such confidence depends not only on the ethical conduct of those who exercise official power, but on the availability of aid or redress to all persons on equal terms and on the accessibility and dissemination of information relating to public affairs.

For the purpose of promoting confidence in the government of the City and thereby enhancing the City's ability to function effectively, this Code of Ethics is adopted. The Code of Ethics establishes standards of ethical conduct, disclosure requirements, and enforcement mechanisms relating to City officials whose actions affect public faith in city government. By prohibiting conduct incompatible with the City's best interests and minimizing the risk of any appearance of impropriety, this Code of Ethics furthers the legitimate interests of democracy.

Public service is a public trust. All city officials are stewards of the public trust. They have a responsibility to the citizens of the city to enforce the City Charter and the associated ordinances and codes. To ensure and enhance public confidence in city government, each city official must not only adhere to the principles of ethical conduct set forth in this Code and technical compliance therewith, but they must scrupulously always avoid the appearance of impropriety. This section shall not be used for the basis of an ethics complaint.

Sec. 1.10.022. Definitions.

As used in this Division, the following words and phrases have the meaning ascribed to them, unless the context requires otherwise, or more specific definitions set forth elsewhere in this code apply:

- (a) *Acceptance*. A written or verbal indication that someone agrees; "Acceptance" of an offer of subsequent employment or business opportunities includes legally binding contracts and all informal understandings that the parties expect to be carried out. An agreement, either by express act or by implication from conduct to the terms of an offer so that a binding contract is formed.
- (b) *Affiliated*. Entities are "affiliated" if one is the parent or subsidiary of the other or if they are subsidiaries of the same parent entities.
- (c) *Affinity*. Relationship by "affinity" (by marriage) is defined in V.T.C.A., Government Code §§ 573.024 and 573.025.
- (d) *Before the City*. Representation or appearance "before the City" means before the City Council; before a board, committee, or other city entity; or before a city official.

- (e) *Benefit*. "Benefit" means anything reasonably regarded as pecuniary gain or pecuniary advantage, including a benefit to any other person in whose welfare the beneficiary has a direct and substantial interest.
- (f) *Business days*. "Business days" means the days of the week, Monday through Friday, on which the administrative offices of the city are open for business.
- (g) *Candidate*. "Candidate" means a person who knowingly and willingly takes affirmative action for the purpose of gaining nomination or election to public office or for the purpose of satisfying financial obligations incurred by the person in connection with the campaign for nomination or election. Examples of affirmative action include:
 - 1. The filing of a campaign treasurer appointment, except that the filing does not constitute candidacy or an announcement of candidacy for purposes of automatic resignation provisions of Article XVI, Section 65, or Article XI, Section 11, of the Texas Constitution.
 - 2. The filing of an application for a place on a ballot.
 - 3. The making of a public announcement of a definite intent to run for public office in a particular election, regardless of whether the specific office is mentioned in the announcement.
 - 4. Before a public announcement of intent, the making of a statement of definite intent to run for public office and the soliciting of support by letter or other mode of communication.
 - 5. The soliciting or accepting of a campaign contribution or the making of a campaign expenditure.
- (h) *City*. "City" means the City of Fair Oaks Ranch
- (i) *City Official*. See definition of "Official" in this Section.
- (j) *Code of Ethics*. "Code of Ethics," "Ethics Code," or "this code" means the city's Code of Ethics, its amendment(s), and/or enhanced definitions.
- (k) *Complainant*. "Complainant" means an individual who has filed a sworn complaint with the City Secretary as provided in Section 1.10.004 (Complaints).
- (l) *Confidential government information*. "Confidential government information" includes all information held by the city that may be excepted from disclosure to the general public under the Texas Public Information Act and any information distributed during a closed portion of a meeting held to the public pursuant to the Texas Open Meetings Act.
- (m) *Consanguinity*. Relationship by "consanguinity" (by blood) is defined in V.T.C.A., Government Code §§ 573.022 and 573.023.
- (n) *Discretionary contract*. "Discretionary contract" means any contract other than those which by law must be awarded on a low or high qualified bid basis. Discretionary contracts do not include those contracts subject to V.T.C.A., Local Government Code § 252.022(a)(7) or those contracts not involving an exercise of judgment or choice.
- (o) *Economic interest*. "Economic interest" includes, but is not limited to, legal or equitable property interests in land, chattels, and intangibles, and contractual rights having more than de minimis value. Service by a city official as a participant in an educational, religious, charitable, fraternal, or civic organization does not create for that city official an economic interest in the property of the organization.
- (p) *Entity*. "Entity" means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, unincorporated association, joint-

venture, or any other entity recognized by law, including non-profits.

- (q) *Ethics Law.* As used herein, Ethics law refers to Section 3.10 Prohibitions of the City Charter, any adopted Code of Ethics for the City, and Local Government Code Chapters 171 and 176.
- (r) *Ethical Violation.* "Ethical violation" includes violations of any of those enactments set forth in 1.10.001(q).
- (s) *Former city official.* A "former city official" is an official whose Council term terminates on or after the effective date of this code.
- (t) *Gift.* "Gift" means a voluntary transfer of property (including the payment of money) or the conferral of a benefit having pecuniary value (such as the rendition of services or the forbearance of collection on a debt) unless consideration of equal or greater value is received by the donor.
- (u) *Indirect ownership.* A person "indirectly owns" an equity interest in an entity where the interest is held through a series of entities, some of which own interests in others.
- (v) *Intentionally.* A person acts intentionally, or with intent, with respect to the nature of his or her conduct or to a result of his or her conduct when it is his conscious objective or desire to engage in the conduct or cause the result.
- (w) *Knowingly.* A person acts knowingly, or with knowledge, with respect to the nature of his or her conduct or to circumstances surrounding his or her conduct when he or she is aware of the nature of his or her conduct or that the circumstances exist. A person acts knowingly, or with knowledge, with respect to a result of his or her conduct when he or she is aware that his or her conduct is reasonably certain to cause the result.
- (x) *Official.* The term "official" or "city official" includes the mayor and members of the City Council.
- (y) *Official action.* "Official action" includes any affirmative act (including the making of a recommendation) within the scope of, or in violation of, an official's duties
- (z) *Official Information.* "Official information" includes information gathered or created by or on behalf of the City, in the conduct of city business, and under the power and authority of the City as a political subdivision of the State of Texas.
- (aa) *Ownership.* Ownership of an interest in a mutual or common investment fund that holds securities or other assets does not constitute direct or indirect ownership of such securities or other assets unless the person in question participates in the management of the fund. Ownership of stock in a publicly traded corporation does not constitute ownership for purposes of this code if the official owns less than ten (10) percent of the voting stock or shares of the entity and the value of the stock is less than fifteen thousand dollars (\$15,000.00).
- (bb) *Partner.* Someone who engages in an activity or undertaking with another; "partner" includes partners in general partnerships, limited partnerships, and joint ventures. One who shares or takes part with another especially in a venture with shared benefits and shared risks.
- (cc) *Recklessly.* A person acts recklessly, or is reckless, with respect to circumstances surrounding his or her conduct or the result of his or her conduct when he or she is aware of but consciously disregards a substantial and unjustifiable risk that the circumstances exist, or the result will occur. The risk must be of such a nature and degree that its disregard constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the actor's standpoint.

- (dd) *Representation.* "Representation" is a presentation of fact—either by words or by conduct—made to induce someone to act. "Representation" does not include appearance as a witness in litigation or other official proceedings.
- (ee) *Respondent.* An individual identified in a sworn complaint to have allegedly violated the Ethics Code of the City.
- (ff) *Solicitation.* "Solicitation" of subsequent employment or business opportunities includes all forms of proposals and negotiations relating thereto.

II. PRESENT CITY OFFICIALS

Sec. 1.10.023. Conflicts of interest.

- (a) *General rule.* To avoid the appearance and risk of impropriety, a city official shall not take any official action that he or she knows is likely to affect the economic interests of:
 1. The official;
 2. His or her parent, child, spouse, or other family member within the second degree of consanguinity or affinity;
 3. His or her outside client;
 4. A member of his or her household;
 5. The outside employer of the official or of his or her parent, child (unless the child is a minor), spouse, or member of the household (unless member of household is a minor);
 6. An entity in which the official knows that any of the persons listed in subsections (a)(1) or (a)(2) holds an economic interest as that term is defined in section 1.10.022;
 7. An entity which the official knows is an affiliated or partner of an entity in which any of the persons listed in subsections (a)(1) or (a)(2) holds an economic interest as defined in section 1.10.022;
 8.
 - a. An entity for which the city official serves as an officer or director or in any other policy making position; or
 - b. A non-profit board to which the official is appointed by the City Council or city management to represent the best interests of the City, if the action by the city official as a member of the board is related to an item pertaining to the City, and the city official would be involved in the negotiation, development, or implementation of that item on behalf of the City; or
 9. A person or entity with whom, within the past twelve (12) months:
 - a. The official, or his or her spouse, directly or indirectly has:
 1. Solicited an offer of employment for which the application is still pending;
 2. Received an offer of employment which has not been rejected; or
 3. Accepted an offer of employment; or
 - b. The official, or his or her spouse, directly or indirectly engaged in negotiations pertaining to business opportunities, where such negotiations are pending or not terminated.
- (b) *Recusal and disclosure.* A city official whose conduct would otherwise violate subsection (a) must recuse himself or herself. From the time that the conflict is, or should have been

recognized, he or she shall:

1. Immediately refrain from further participation in the matter, including discussions with any persons likely to consider the matter; and
2. Promptly file an affidavit as prescribed by LGC 171 with the City Secretary.

(c) *Definitions.* For purposes of this Section:

1. An action is likely to affect an economic interest if it is likely to influence that interest that is distinguishable from its effect on members of the public in general or a substantial segment thereof; and
2. The term client includes any business, financial or professional relationship to which a duty of care, confidence, trust, or privilege applies.

Sec. 1.10.024. Unfair advancement of private interests.

- (a) *General rule.* A city official may not use his or her official position to unfairly advance or impede private interests, or to grant or secure, or attempt to grant or secure, for any person (including himself or herself) any form of special consideration, treatment, exemption, or advantage beyond that which is lawfully available to other persons. A city official who represents to a person that he or she may provide an advantage to that person based on the official's position on Council violates this rule.
- (b) *Special rules.* The following special rules apply in addition to the general rule:
1. *Acquisition of interest in impending matters.* A city official shall not acquire an interest in, or be affected by, any contract, transaction, zoning decision, or other matter, if the official knows, or has reason to know, that the interest will be directly or indirectly affected by impending official action by the City.
 2. *Appointment of relatives.* A city official shall not appoint, confirm the appointment of, or vote for the appointment or confirmation of the appointment of an individual to a position that is to be directly or indirectly compensated from public funds or fees if the individual is related to the city official within the third degree of consanguinity or within the second degree by affinity or any member of his or her household to any office or position of employment within the city.
- (c) *Recusal and disclosure.* A city official whose conduct would otherwise violate this section shall adhere to the recusal and disclosure provisions provided in subsection 1.10.023(b) (Conflicts of interest).

Sec. 1.10.025. Gifts.

- (a) *General rule.*
1. A city official shall not solicit, accept, or agree to accept any gift or benefit for himself or herself or his or her business:
 - a. That reasonably tends to influence or reward official conduct; or
 - b. That the official knows or should know is being offered with the intent to influence or reward official conduct.

A city official may accept a public award or reward for meritorious service of professional achievement, provided that the award or reward is reasonable considering the occasion, and it is not prohibited under V.T.C.A., Penal Code § 36.08.

2. A city official shall not solicit, accept, or agree to accept any gift or benefit, from:

- a. Any individual or entity doing or seeking to do business with the City; or
- b. Any registered lobbyist or public relations firm; or
- c. Any person or entity seeking action or advocating on zoning or platting matters before a city body, save and except for:
 - 1. Items received that are of nominal value; or
 - 2. Meals or entertainment in an individual expense of fifty dollars (\$50.00) or less at any occurrence, and no more than a cumulative value of five hundred (\$500.00) in a single calendar year from a single source.

Doing business with the City includes, but is not limited to, individuals and entities that are parties to a discretionary contract, individuals and entities that are subcontractors to a discretionary contract, and partners and/or parents and/or subsidiary business entities of any individuals and entities that are parties to a discretionary contract and individuals or entities that seek or have low-bid contracts with the City.

(b) *Special applications.* Subsection (a2) does not include:

- 1. A gift to a city official relating to a special occasion, such as a wedding, anniversary, graduation, birth, illness, death, or holiday, provided that the value of the gift is fairly commensurate with the occasion and the relationship between the donor and recipient;
- 2. A public award or reward for meritorious service or professional achievement, provided that the award or reward is reasonable in light of the occasion, and it is not prohibited under V.T.C.A., Penal Code § 36.08;
- 3. Any solicitation for civic or charitable causes;
- 4. Admission to an event in which the city official is participating in connection with his or her spouse's position;
- 5. Ceremonial and protocol gifts presented to city officials from another government or international or multinational organization and accepted for the City;
- 6. Admission to a widely attended event, such as a convention, conference, symposium, forum, panel discussion, dinner, viewing, reception, or similar event, offered by the sponsor of the event, and unsolicited by the city official, if attending or participating in an official capacity, including:
 - a. The official participates in the event as a speaker or panel participant by presenting information related to matters before the City;
 - b. The official performs a ceremonial function appropriate to that individual's position with the City; or
 - c. Attendance at the event is appropriate to the performance of the official duties or representative function of the official;
- 7. Admission to a charity event provided by the sponsor of the event, where the offer is unsolicited by the city official;
- 8. Admission to training or education program or other program, including meals and refreshments furnished to all attendees, if such training is related to the official's official duties and the training is in the interest of the City.

(c) *Campaign contribution exception.* The general rule stated in subsection (a) does not apply to a campaign contribution made pursuant to the Texas Election Code.

(d) *Gifts to closely related persons.* A city official shall take reasonable steps to persuade:

- 1. A parent, spouse, child, or other relative within the second degree of consanguinity or

affinity, or

2. An outside business associate

not to solicit, accept, or agree to accept any gift or benefit:

1. That reasonably tends to influence or reward the city official's official conduct, or

2. That the official knows or should know is being offered with the intent to influence or reward the city official's discharge of official duties.

If a City official knows that a gift or benefit meeting the requirements of subsections (d)(3) or (d)(4) of this rule has been accepted and retained by a person identified in subsections (d)(1) or (d)(2) of this rule, the official shall promptly file a report with the City Secretary disclosing the donor, the value of the gift or benefit, the recipient, and the recipient's relationship to the official.

(e) *Definitions.*

1. For purposes of this rule, a person is an "outside business associate" if both that person and the city official own, with respect to the same entity:

a. Ten (10) percent or more of the voting stock or shares of the entity, or

b. Ten (10) percent or more of the fair market value of the entity.

2. For purposes of this rule, a "sponsor" of an event is the person or persons primarily responsible for organizing the event or sponsoring a table or tables. A person who simply contributes money or buys tickets to an event is not considered a sponsor.

3. A "source" is the individual or entity that funds an expenditure or series of expenditures. Expenditures made by multiple agents of the same source are deemed to be expenditures from a single source.

4. An item of "nominal value" is an item with a fair market value of fifty dollars (\$50.00) or less.

Sec. 1.10.026. Confidential information.

(a) *Improper access.* A city official shall not use his or her position to obtain official information about any person or entity for any purpose other than the performance of official duties.

(b) *Improper disclosure or use.* A city official shall not intentionally, knowingly, or recklessly disclose any confidential information gained by reason of that official's position concerning the property, operations, policies, or affairs of the city. This rule does not prohibit:

1. Any disclosure that is no longer confidential by law; or

2. The confidential reporting of illegal or unethical conduct to authorities designated by law.

Sec. 1.10.027. Representation of private interests.

(a) *Representation of private interests before the city as a member of a board.* A city official who is a member of a board or other city body shall not represent any person, group, or entity:

1. Before that board or body;

2. Before city staff having responsibility for making recommendations to, or taking any action on behalf of, that board or body, unless the board or body is only advisory in nature; or

3. Before a board or other city body which has appellate jurisdiction over the board or body of which the city official is a member, if any issue relates to the official's official duties.

(b) *Representation of private interests before the city-by-city officials.*

1. *General rule.* A city official shall not represent for compensation any person, group, or entity, other than himself or herself, or his or her spouse or minor children, before the city. For purposes of this subsection, the term compensation means money or any other thing of value that is received, or is to be received, in return for or in connection with such representation.
- (c) *Prestige of office and improper influence.* In connection with the representation of private interests before the city, a city official shall not:
 1. Assert the prestige of the official's position for the purpose of advancing private interests; or
 2. State or imply that he or she can influence city action on any basis other than the merits.
- (d) *Representation in litigation adverse to the city.*
A city official shall not represent any person, group, or entity, other than himself or herself, or his or her spouse or minor children, in any litigation to which the city is a party, if the interests of that person, group, or entity are adverse to the interests of the city.

Sec. 01.10.028. Conflicting outside employment.

- (a) *General rule.* A city official shall not solicit, accept, or engage in concurrent outside employment which could reasonably be expected to impair independence of judgment in, or faithful performance of, official duties.
- (b) *Special application.* The following special rule applies in addition to the general rule: A city official shall not provide services to an outside employer related to the official's city duties.
- (c) *Other rules.* The general rule stated above applies in addition to all other rules relating to outside employment of city officials, including requirements for obtaining prior approval of outside employment as applicable.

Sec. 01.10.029. Public property and resources.

A city official shall not use, request, or permit the use of city facilities, personnel, equipment, or supplies or time while on city duty for private purposes (including political purposes), except:

1. Pursuant to duly adopted city policies, or
2. To the extent and according to the terms that those resources are lawfully available to the public.

Sec. 01.10.030. Political activity.

Limitations on the political activities of city officials are imposed by state law and the City Charter and are incorporated into this provision by reference. In addition, the following ethical restrictions apply:

1. *Influencing subordinates.* A city official shall not, directly, or indirectly, induce or attempt to induce any city employee:
 - a. To participate in an election campaign, contribute to a candidate or political committee, or engage in any other political activity relating to a particular party, candidate, or issue, or
 - b. To refrain from engaging in any lawful political activity.

A general statement merely encouraging another person to vote does not violate this rule.

2. *Paid campaigning.* A City official shall not accept anything of value, directly or

indirectly, for political activity relating to an item pending on the ballot, if he or she participated in, or provided advice relating to, the exercise of discretionary authority by a City body that contributed to the development of the ballot item. Anything of value does not include a meal or other item of nominal value the city official receives in return for providing information on an item pending on the ballot.

Limitations on the use of public property and resources for political purposes are imposed by Section 1.10.029 (Public property and resources).

Sec. 01.10.031. Actions of others.

- (a) *Violations by other persons.* A city official shall not intentionally or knowingly assist or induce, or attempt to assist or induce, any person to violate any provision in this Code of Ethics.
- (b) *Using others to engage in forbidden conduct.* A city official shall not violate the provisions of this Code of Ethics through the acts of another.

Sec. 01.10.032. Prohibited interests in contracts.

- (a) *Financial interest.* A city official is presumed to have a prohibited "financial interest" in a contract with the City, or in the sale to city land, materials, supplies, or service, if any of the following individuals or entities is a party to the contract or sale:
 - 1. The official;
 - 2. His or her spouse, sibling, parent, child or other family member within the first degree of consanguinity or affinity;
 - 3. An entity in which the official, or his or her parent, child, or spouse, directly or indirectly owns:
 - a. Ten (10) percent or more of the voting stock or shares of the entity, or
 - b. Ten (10) percent or more of the fair market value of the entity; or
 - 4. An entity of which any individual or entity listed in subsection (1), (2) or (3) is:
 - a. A subcontractor on a city contract;
 - b. A partner; or
 - c. A parent or subsidiary entity.
- (b) Any contract or transaction already in place at the time the individual becomes an official may remain in place until the contract expires or the transaction is completed without creating a prohibited financial interest for the employee.

Sec. 01.10.033. Persons required to report; time to report; place to report.

- (a) A city official who has knowledge or a reasonable belief of a violation including a self-violation, of any of the provisions of this Ethics Code shall report this violation as provided below within a reasonable time after the person has knowledge of a violation. A city official shall not delegate to, or rely on, another person to make the report. Any city official who has knowledge or a reasonable belief that a violation including a self-violation, of the Ethics Code has been committed and intentionally fails to report such violation is subject to the penalties herein.
- (b) A report made under this section shall be made to the City Council and shall state:
 - 1. The name of the city official who believes that a violation of a provision of the Ethics Code has been or may have been committed;
 - 2. The identity of the person or persons who allegedly committed the violation;

3. A statement of the facts on which the belief is made; and
 4. Any other pertinent information concerning the alleged violation.
- (c) Notice of all reports shall be provided to the City Council and the City Attorney's Office within three (3) business days of receipt by the City Secretary.
- (d) If the City Council determines a violation of the Ethics Code has occurred, the Council may take appropriate action on the matter, including, but not limited to, recommending a waiver of the code provision(s) violated, or the filing of a complaint for a hearing.

III. FORMER CITY OFFICIALS

Sec. 01.10.034. Continuing confidentiality.

A former city official shall not use or disclose confidential government information acquired during service as a City official. This rule does not prohibit:

- (a) Any disclosure that is no longer confidential by law; or
- (b) The confidential reporting of illegal or unethical conduct to authorities designated by law.

Sec. 01.10.035. Subsequent representation of private interests.

- (a) *Representation of private interests before the city by former City officials.* A former city official shall not represent someone before the City on a matter that previously came before he or she or that he or she worked on behalf of the city during their tenure.
- (b) *Improper representation of influence.* In connection with the representation of private interests before the City, a former city official shall not state or imply that he or she is able to influence City action on any basis other than the merits.

Sec. 01.10.036. Prior participation in the negotiation, award, or administration of contracts.

A former city official shall not, within two (2) years of the termination of official duties from the city, perform work on a compensated basis relating to a discretionary city contract, if he or she personally and substantially participated in the negotiation, award, or administration of the contract. A former city official within two (2) years of termination of official duties must disclose to the City Secretary immediately upon knowing that he or she will perform work on a compensated basis relating to a discretionary city contract for which he or she did not personally and substantially participate in its negotiation, award, or administration.

Sec. 01.10.037. Prohibited interest in discretionary contracts.

- (a) *Impermissible interest in discretionary contract or sale.* This subsection applies only to contracts or sales made on a discretionary basis and does not apply to contracts or sales made on a competitive bid basis. Within one (1) year of the termination of official duties, a former city official shall neither have a financial interest, direct or indirect, in any discretionary contract with the City, nor have a financial interest, direct or indirect, in the sale to the City of land, materials, supplies, or service. Any violation of this section, with the knowledge, expressed or implied, of the individual or entity contracting with the Council shall render the contract involved voidable by the City Manager or the City Council, as appropriate. A former City official has a prohibited "financial interest" in a discretionary contract with the City, or in the sale to the City of land, materials, supplies, or service, if any of the following individuals or entities is a party to the contract or sale:

1. The former official;

2. His or her parent, child, or spouse;
 3. An entity in which the former officer, or his or her parent, child, or spouse, directly or indirectly owns:
 - a. Ten (10) percent or more of the voting stock or shares of the entity, or
 - b. Ten (10) percent or more of the fair market value of the entity; or
 4. An entity of which any individual or entity listed in subsection (1), (2) or (3) is:
 - a. A subcontractor on a city contract;
 - b. A partner; or
 - c. A parent or subsidiary entity.
- (b) *Exception: Prior status.* Notwithstanding subsection (a) and section 1.10.036 (Prior participation in negotiation, award, or administration of contracts), a former city official may upon leaving official duties return to other status enjoyed immediately prior to commencing official city duties.

IV. PERSONS DOING BUSINESS WITH THE CITY

Sec. 01.10.038. Disclosure of parties, owners, and closely related persons.

- (a) For assisting the City in the enforcement of provisions contained in the City Charter and this Code of Ethics, this section applies to an individual or entity seeking:
1. A discretionary contract;
 2. A housing or retail development incentive from the city;
 3. To purchase, sell or lease, real estate to or from the city;
 4. City Council appropriation of funds for the Fair Oaks Ranch Municipal Development District and any future entities created by the city; or
 5. A zoning change.
- (b) An individual or entity seeking action on any matter listed above is required to disclose no later than 72 hours prior to City Council action on a form provided by the City Secretary's office:
1. The identity of any individual who would be a party to the transaction;
 2. The identity of any entity that would be a party to the transaction;
 3. The identity of any attorney or consultant employed for purposes relating to the transaction being sought by any individual or entity who would be a party to the transaction.
- (c) *Disclosure of Political Contributions.* Any individual or entity seeking City Council action on a matter listed in subsection (a) above must disclose on a form provided by the city, all political contributions within the past twenty-four (24) months made directly or indirectly to any current or former member of City Council, any candidate for City Council, by any individual or entity whose identity must be disclosed under subsection (b)

Indirect contributions by an individual include, but are not limited to, contributions made by an individual's spouse, whether statutory or common-law. Indirect contributions by an entity include, but are not limited to, contributions made by the officers, owners of the entity seeking the contract, and attorneys, consultants or registered lobbyists of the entity hired or retained to assist an individual or entity in seeking a contract.

Political contributions made in the preceding twenty-four (24) months to any individual who is a former Councilmember must be disclosed, unless:

1. The contributions were made in connection with a campaign or officeholder account not associated with a city office;
 2. The former officeholder has terminated the campaign treasurer appointment and filed the final campaign finance report with the City Secretary at the time the contract was in the solicitation process or under consideration for approval by the city; and
 3. The former member is not or was not serving in a city office at the time the contract was in the solicitation process or under consideration for approval by the city.
- (d) *Briefing papers and open records.* Briefing papers prepared for the City Council concerning any of the matters listed in (a) above shall reveal the information disclosed in compliance with subsection (b) and is an open record available to the public.

V. MEMBERS OF THE PUBLIC AND OTHERS

Sec. 01.10.039. Forms of responsibility.

No person shall intentionally or knowingly induce, attempt to induce, conspire with, aid, or assist, or attempt to aid or assist another person to engage in conduct violative of the obligations imposed by Divisions II (Present City officials and employees), III (Former City officials and employees), and IV (Persons doing business with the City) of this Ethics Code.

This applies to current and former city officials, and persons doing business with the City, as well as to members of the public and any other person (including entities).

The following divisions were adopted under Ordinance 2020-03 and is being provided for reference.

DIVISION 1. ETHICS HEARING RULES OF PROCEDURES

As used in this Rules of Procedures, the following words and phrases have the meaning ascribed to them in this Division, unless the context requires otherwise, or more specific definitions set forth elsewhere in this code apply.

Sec. 1.10.001. Definitions.

- (a) *Before the City*. Representation or appearance "before the City" means before the City Council; before a board, commission, or other City entity; or before a city official.
- (b) *Business days*. "Business days" means the days of the week, Monday through Friday, in which the administrative offices of the city are open for business.
- (c) *City*. "City" means the City of Fair Oaks Ranch
- (d) *Code of Ethics*. "Code of Ethics," "Ethics Code," or "this code" means the city's Code of Ethics, its amendment(s), and/or enhanced definitions.
- (e) *Complainant*. "Complainant" means an individual who has filed a sworn complaint with the City Secretary as provided in section 1.10.004 (Complaints).
- (f) *Confidential government information*. "Confidential government information" includes all information held by the city that may be excepted from disclosure to the general public under the Texas Public Information Act and any information distributed during a closed portion of a meeting held pursuant to the Texas Open Meetings Act.
- (g) *Ethics Law*. As used herein, Ethics law refers to Section 3.10 Prohibitions of the City Charter, any adopted Code of Ethics for the City, and Local Government Code Chapter 171 and 176.
- (h) *Ethical Violation*. "Ethical violation" includes violations of any of those enactments set forth in 1.01(g).
- (i) *Intentionally*. A person acts intentionally, or with intent, with respect to the nature of his or her conduct or to a result of his or her conduct when it is his conscious objective or desire to engage in the conduct or cause the result.
- (j) *Knowingly*. A person acts knowingly, or with knowledge, with respect to the nature of his or her conduct or to circumstances surrounding his or her conduct when he or she is aware of the nature of his or her conduct or that the circumstances exist. A person acts knowingly, or with knowledge, with respect to a result of his or her conduct when he or she is aware that his or her conduct is reasonably certain to cause the result.
- (k) *Official*. The term "official" or "City official" includes the Mayor and members of the City Council.
- (l) *Official action*. "Official action" includes any affirmative act (including the making of a recommendation) within the scope of, or in violation of, an official's duties
- (m) *Official Information*. "Official information" includes information gathered or created by or on behalf of the City, in the conduct of the City's business, and under the power and authority of the City as a political subdivision of the State of Texas.
- (n) *Recklessly*. A person acts recklessly, or is reckless, with respect to circumstances surrounding his or her conduct or the result of his or her conduct when he or she is aware of but consciously disregards a substantial and unjustifiable risk that the circumstances exist, or the result will

occur. The risk must be of such a nature and degree that its disregard constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the actor's standpoint.

- (o) *Representation*. "Representation" is a presentation of fact—either by words or by conduct—made to induce someone to act. "Representation" does not include appearance as a witness in litigation or other official proceedings.
- (p) *Respondent* means an individual identified in a sworn complaint to have allegedly violated the Ethics Code of the City.

Sec. 1.10.002. Function of the City Council

- (a) In accordance with Article III of the City Charter, the City Council has the powers and duties specified in City Charter, and other powers and duties prescribed by ordinance.
- (b) Composition of the City Council includes the mayor and each member of the City Council.
- (c) A member of the City Council shall recuse himself or herself from any case in which, because of familial relationship, employment, investments, or otherwise, his or her impartiality might reasonably be questioned. A Council member may not participate in official action on any complaint:
 1. That the member initiated; or
 2. During the pendency of an indictment or information charging the member with any felony or misdemeanor offense, or after a finding of guilt of such an offense.

When a majority of Council members share a conflict, they shall disclose the conflict by filing an affidavit and then proceed with the case at hand.

Sec. 1.10.003. Jurisdiction and powers.

- (a) Jurisdiction. The Fair Oaks Ranch City Council has jurisdiction to investigate and make findings and conclusions concerning:
 1. An alleged violation of the city's Ethics Code enacted from time to time by ordinance; and,
 2. An alleged violation of Sections 3.09, 3.10, 7.01, and 7.92 of the City Charter.
- (b) The City Council shall not consider any alleged violation that occurred more than six (6) months prior to the date of the filing of the complaint.
- (c) The City Council has the discretion to accept or decline consideration of an alleged violation that has been addressed by another governmental agency with jurisdiction over the matter.
- (d) Powers. The City Council has the power:
 1. To establish, amend, and rescind rules and procedures governing its own internal organization and operations, consistent with ordinances pertaining to the Ethics Code;
 2. To meet as often as necessary to fulfill its responsibilities;
 3. To issue advisory opinions on behalf of the Council;
 4. To request from the City Manager the assignment of staff necessary to carry out its duties;
 5. To review, index, maintain on file, and dispose of sworn complaints;
 6. To make notifications, extend deadlines, and conduct investigations, both on referral or complaint;
 7. To compel the production of sworn testimony, witnesses and evidence;
 8. To recommend cases for prosecution by appropriate authorities and agencies;
 9. To enforce its decisions by assessing civil fines and other sanctions authorized by ordinance;
 10. To request the City Attorney to provide an independent counsel to advise and represent the Council, when appropriate or necessary to avoid a conflict of interest;

11. To provide assistance in the training and education of City officials with respect to their ethical responsibilities;
12. To exercise such other powers and duties as may be established by ordinance.

Sec. 1.10.004. Complaints.

- (a) *Filing.* Any person (including a member of the City Council, acting personally or on behalf of the Council) who believes that there has been a violation of the ethics laws may file a sworn complaint with the City Secretary to allege such violations. A complaint filed in good faith is qualifiedly privileged. A person who knowingly makes a false statement in a complaint, or in proceedings before the City Council, is subject to criminal prosecution for perjury (see section 1.10.008(g) (Criminal prosecution)).
- (b) *Assistance.* The City Secretary shall provide information to persons who inquire about the process for filing a complaint.
- (c) *Form.* A complaint filed under this section must be in writing and under oath and must set forth in simple, concise, and direct statements:
 1. The name of the complainant;
 2. The street or mailing address, the telephone number, and email address of the complainant;
 3. The name of each person complained about;
 4. The position or title of each person complained about;
 5. The nature of the alleged violation, including, if possible, the specific provision of the Ethics Code alleged to have been violated;
 6. A statement of the facts constituting the alleged violation and the dates on which or period of time in which the alleged violation occurred; and
 7. All documents or other material available to the complainant that are relevant to the allegation; a list of all documents or other material relevant to the allegation and available to the complainant but that are not in the possession of the complainant, including the location of the documents, if known; and a list of all documents or other material relevant to the allegation but unavailable to the complainant, including the location of the documents, if known.

The complaint must be accompanied by an affidavit stating that the information contained in the complaint is both true and correct or that the complainant has good reason to believe and does believe that the facts alleged constitute a violation of the Ethics Code. If the complaint is based on information and belief, the complaint shall state the source and basis of the information and belief. The complainant shall swear to the facts by oath before a notary public or other person authorized by law to administer oaths under penalty of perjury. A complaint that is not sworn as required shall not be forwarded by the City Secretary to the City Attorney as provided in subsection (d) of this section but shall be returned to the complainant. The complaint must state on its face an allegation that, if true, constitutes a violation of a law administered and enforced by the City Council.

- (d) Review by the City Attorney and notification to the City Council and respondents.
 1. A copy of a complaint shall be promptly forwarded by the City Secretary to the City Attorney who shall review the complaint for compliance with the filing requirements of subsection (c) of this section within five (5) business days of receipt from the City Secretary. The City Secretary shall notify the respondent(s) of a complaint filed. This notification is for information purposes only and does not trigger subsection (e) of this section until a decision has been made to accept the complaint and forward to the City Council for consideration.

2. If the complaint alleges a violation of the city's Ethics Code, and substantially complies with the filing requirements, the complaint shall be forwarded by the City Secretary to the members of the City Council and the respondents within ten (10) business days after receipt of the complaint from the City Secretary. If the complaint does not substantially comply with the filing requirements, the City Attorney shall return the complaint with a letter explaining the defects in the complaint to the City Secretary who return all to the complainant.
3. The City Secretary shall notify the respondent(s) of the resolution of a complaint.
- (e) The respondent(s) shall also be provided with a copy of the Ethics Code and shall be informed:
 1. That, within ten (10) business days of receipt of the complaint, he or she may file a sworn response with the City Secretary;
 2. That failure to file a response does not preclude the City Council from adjudicating the complaint;
 3. That a copy of any response filed by the respondent(s) will be provided by the City Secretary to the complainant, who may, within five (5) business days of receipt, respond by sworn writing filed with the City Secretary, a copy of which shall be provided by the City Secretary to the respondent(s);
 4. That the complainant(s) or respondent(s) may request a hearing.

Upon receipt, the City Secretary shall forward the response to the City Attorney and the City Council.

(f) Frivolous complaint.

1. For purposes of this section, a "frivolous complaint" is a sworn complaint that is groundless and brought in bad faith or groundless and brought for the purpose of harassment.
2. By a vote of at least two-thirds (2/3) of those present, the Council may order a complainant to show cause why the Council should not determine that the complaint filed by the complainant against a respondent is a frivolous complaint.
3. In deciding if a complaint is frivolous, the Council may consider:
 - a. The timing of the sworn complaint with respect to when the facts supporting the alleged violation became known or should have become known to the complainant, and with respect to the date of any pending election in which the respondent is a candidate or is involved with a candidacy, if any;
 - b. The nature and type of any publicity surrounding the filing of the sworn complaint, and the degree of participation by the complainant in publicizing the fact that a sworn complaint was filed with the Council;
 - c. The existence and nature of any relationship between the respondent and the complainant before the complaint was filed;
 - d. Any evidence that the complainant knew or reasonably should have known that the allegations in the complaint were groundless; and
 - e. Any evidence of the complainant's motives in filing the complaint.
4. Notice of an order to show cause shall be given to the complainant by the City Secretary, with a copy to the respondent, and shall include:
 - a. An explanation of why the complaint against a respondent appears to be frivolous; and
 - b. The date, time, and place of the hearing to be held under this section.
5. Before making a determination that a sworn complaint against a respondent is a frivolous complaint, the Council shall hold a hearing at which the complainant may be heard; the complainant may be accompanied by counsel retained by the complainant.

6. By a record vote of at least two-thirds (2/3) of those present after the hearing under subsection (5) of this section, the Council may determine that a complainant filed a frivolous complaint against a respondent.
- (g) Confidentiality. Ex parte communications by members of the City Council are prohibited by section 1-06(d) (Ex parte communications).
 1. The Council shall not communicate any information about a pending sworn complaint, including whether a complaint has been filed, to any person other than the respondent, the complainant, and a witness or potential witness identified by the respondent, the complainant, or another witness or potential witness.
 2. Information otherwise confidential under this section may be disclosed by entering it into the record of a formal hearing or City Council proceeding.
 3. Requests for records pertaining to complaints shall be responded to in compliance with the Texas Public Information Act and the Texas Open Meetings Act.

Sec. 1.10.005. City Attorney's Office.

- (a) *City Attorney's Office.* The City Attorney's Office shall perform the following duties:
 1. Act as legal counsel to the City Council;
 2. Receive complaints and responses filed with the City Secretary as set forth in section 1.10.004;
 3. Review complaints for legal sufficiency;
 4. Request additional information from complainant as needed; and
 5. Issue advisory opinions to City Council about the requirements imposed by the ethics laws.
- (b) *Independent Counsel.*
 1. An independent attorney, who does not otherwise represent the city, may be appointed to serve as the independent Counsel when a complaint is filed relating to an alleged violation of the ethics laws by the Mayor, a member of the City Council, or a candidate for City Council.
 2. The City Attorney or City Council may request the appointment of an independent counsel for a particular case.
- (c) *Exculpatory evidence.* The City Attorney shall disclose to the City Council and provide to the person charged with violating the ethics code evidence known to the City Attorney tending to negate guilt or mitigate the seriousness of the offense.

Sec. 1.10.006. City Council Action.

- (a) *Review by City Council.* The City Council will meet to review the complaint, responses, replies to responses and any other information it has requested be provided to assist in consideration of the complaint. The Council shall consider whether the facts of the case establish a violation of any provision in the ethics laws, regardless of which provisions, if any, were identified in the complaint as having been allegedly violated. If the Council finds that the complaint fails to allege a violation of the Ethics Code when assuming all facts set forth in the complaint to be true, the Council may dismiss the complaint without further proceedings.
- (b) Before the Council may find that a violation of a particular rule, the respondent must be on notice that compliance with that rule is in issue and must have an opportunity to respond. Notice is conclusively established: if the complaint alleged that the rule was violated; or if the Council or the City Secretary provides the respondent with written notice of the

alleged violation and a ten (10) business-day period within which to respond in writing to the charge.

- (c) *Scheduling of a hearing.* Regardless of whether the complainant or the respondent requests a hearing, the City Council has discretion to decide whether to hold a hearing.
- (d) *Ex parte communications.* It is a violation of this code:
 - 1. For the complainant, the respondent, or any person acting on their behalf to engage or attempt to engage, directly or indirectly, in ex parte communication about the subject matter of a complaint with a member of the City Council, or any known witness to the complaint; or
 - 2. For a member of the City Council to:
 - a. Knowingly entertain an ex parte communication prohibited by subsection (1) of this section; or
 - b. Communicate directly or indirectly with any person, other than a member of the City Council, City Staff, or City Attorney's Office about any issue of fact or law relating to the complaint.
- (e) *Duty to cooperate.* All City officials shall cooperate with the City Council and shall supply requested testimony or evidence to assist it in carrying out its charge. Failure to abide by the obligations imposed by this subsection is a violation.
 City Council shall provide, by ordinance, penalties for contempt in failing or refusing to obey any subpoena or to produce any such books, papers, or other evidence.
 The City Council shall have the power to punish any such contempt in an amount not to exceed one hundred dollars (\$100.00).
- (f) *Extension of deadlines.*
 - 1. A complainant or respondent who fails to meet a deadline to submit a filing with the City Council may file a request to accept the late filing. The complainant or respondent must include within the request a statement of good cause for the Council to grant the request. The Council may grant a request to accept a late filing for good cause. Any extension given to a respondent pursuant to his or her request shall extend the deadline for the Council to issue a decision under section 1-08 by the amount of time granted.
 - 2. The Council, under its own initiative or at the request of a respondent, may defer consideration of a complaint if the respondent is under investigation by any agency for the activity comprising the subject matter of the complaint, until such time as the investigation has concluded.
- (g) *Timeliness of notices or submissions.* When the Code of Ethics requires a notice or other document to be submitted or otherwise given to a person or to the City Council, the requirement is met in a timely fashion if the document is sent to the person or the Council by first-class mail or certified mail addressed with postage or handling charges prepaid and it bears a post office cancellation mark indicating a date within the time required to provide notice or to submit a document, unless another method of submission is expressly required.

Sec. 1.10.007. Hearing Process for Forfeiture of Office and Prohibitions.

- (a) All hearings for forfeiture of office and prohibitions shall be conducted in open session, except that the City Council may conduct a closed session to get advice from its attorney pursuant to the Texas Open Meetings Act.
- (b) *Called Special Meeting.* A special meeting shall be called to hold the hearing to be held no earlier than fourteen (14) days subsequent from the delivery of written notice and no later

than ninety (90) days after delivery of written notice, unless otherwise agreed to by a majority of the City Council and the individual subject to the hearing.

(c) *General rules.*

1. All witnesses must be sworn, and all questioning of witnesses shall be conducted by the members of the City Council. The City Council may establish time limits and other rules relating to the participation of any person in the hearing. No person may be held to have violated the ethics laws unless a majority of the City Council so finds by a preponderance of the evidence.
2. A member of the City Council who initiated or is the subject of the investigation or hearing shall not sit at the dais and shall not participate in deliberation or vote.
3. The City Council shall state the nature of the hearing and the allegations to be considered.
4. Public comments shall be allowed as follows:
 - a. Comment at the beginning of the meeting under the same guidance as the city's Council Meeting Rules of Procedures found in the City Secretary's Office
 - b. Sworn to speak as witnesses shall only speak as witnesses under oath.

(d) *Evidence.* The City Council shall rely on evidence of which a reasonably prudent person commonly relies in the conduct of the person's affairs. The Council shall further abide by the following:

1. The Council shall hear evidence relevant to the allegations; and
2. The Council shall not consider hearsay unless it finds the nature of the information is reliable and useful.

(e) *The person charged (respondent).* The person charged in the complaint has the right to attend the hearing, the right to make a statement, the right to present witnesses, and the right to be accompanied by legal counsel or another advisor. They shall be provided a copy of the results of the investigation, including any written testimony acquired during the investigation. Only legal counsel to the person charged in the complaint may advise that person during the course of the hearing, but may not speak on his or her behalf, except with the permission of the Council. The time permitted for presentation will be at the discretion of the Council.

(f) *The complainant.* The complainant has the right to attend the hearing, the right to make a statement, and the right to be accompanied by legal counsel or another advisor. Only legal counsel to the complainant may advise the complainant during the hearing, but may not speak on behalf of the complainant, except with the permission of the Council. Witnesses may not be presented by the complainant, except with the permission of the Council. The time permitted for presentation will be at the discretion of the Council.

Sec. 1.10.008. Disposition.

- (a) *Violation of City Charter Section 3.09.* City Council shall vote on the forfeiture and on the affirmative vote of two-thirds of City Council to declare the office of said office holder to be forfeited and vacant.
- (b) *Violation of City Charter Section 3.10.* City Council may on the affirmative vote of a majority of the City Council take any of the following actions:
 1. Direct further investigation;
 2. Request further information;
 3. Vote to enforce a penalty pursuant to section 7.15B of the City Charter;
 4. Vote to bring an action in Municipal Court;
 5. Take a vote of censure; or

6. Upon the affirmative vote of two-thirds of City Council declare the office of said office holder to be forfeited and vacant.
- (c) *Violation of City Charter Section 7.01 or 7.02.* City Council may take any of the following actions:
1. Direct further investigation;
 2. Request further information;
 3. Vote to enforce a penalty pursuant to section 7.15B of the City Charter;
 4. Vote to bring an action in Municipal Court;
 5. Take a vote of censure; or
 6. Upon the affirmative vote of two-thirds of City Council declare the office of said office holder to be forfeited and vacant.
- (d) *Written opinion.* The Council shall issue a decision within ninety (90) calendar days after the filing of a complaint. This deadline shall be extended by any amount of time granted to a respondent pursuant to a respondent's request for additional time to respond or to attend proceedings. The Council shall state in a written opinion its findings of fact and conclusions of law. The written opinion shall either:
1. Dismiss the complaint; or
 2. Upon finding that there has been a violation of the ethics laws:
 - a. Impose sanctions in accordance with these regulations; or
 - b. Recommend criminal prosecution and/or civil remedies, in accordance with these rules; or
 - c. State why no remedial action is imposed or recommended.
- If the Council determines that a violation has occurred, the opinion shall identify in writing the rule or rules violated. If the complaint is dismissed, the grounds for the dismissal shall be set forth in the opinion. The failure of the Council to comply within the above time limits may result in the charge being dismissed for want of prosecution. Prior to such dismissal, the complainant will be given notice and an opportunity to request continuance of the action.
- (e) *Notification.* Copies of the opinion shall be forwarded to the complainant, the person charged in the complaint, the City Attorney, and any member of the City Council who did not participate in the disposition of the case. A copy of the opinion shall also be forwarded to the City Secretary, who shall make it available as authorized by law.
- (f) *Recommendations.* A recommendation for criminal prosecution shall be forwarded to the appropriate law enforcement agency.
- (g) *Similar charges barred.* If the complaint is dismissed because the evidence failed to establish a violation of the ethics laws, the City Council shall not entertain any other similar complaint based on substantially the same evidence.
- (h) *Factors relevant to sanctions.*
1. *General violations (non-reporting violations).* In deciding whether to recommend or impose, in the case of a violation of the ethics laws, criminal prosecution and/or civil remedies, the City Council shall consider relevant considerations, including, but not limited to, the following:
 - a. The culpability of the person charged in the complaint;
 - b. The harm to public or private interests resulting from the violation;
 - c. The necessity of preserving public confidence in the conduct of local government;
 - d. Whether there is evidence of a pattern of disregard for ethical obligations; and
 - e. Whether remedial action has been taken that will mitigate the adverse effect of the violation.

To impose or recommend sanctions for a first violation of the Ethics Code, other than a letter of notification, a letter of admonition or a referral to training, the Council must find by a preponderance of the evidence that the person acted knowingly, unless otherwise provided by this code.

2. *Reporting requirement violations.* To impose sanctions, other than a letter of notification, a letter of admonition or a referral to training, for untimely or incomplete submission of reports required by the Ethics Code, the Council must determine by a preponderance of the evidence that the person knowingly:
 - a. Failed to file the report on time; or
 - b. Failed to include in the report information that is required to be included; or
 - c. Submitted inaccurate or false information.

Failure to submit a required report or an amended report after receipt of notice of non-compliance by the City Secretary or the City Council may be considered evidence of a knowing failure to comply with reporting requirements. Upon finding a second or subsequent untimely, incomplete or inaccurate submission of reports within a two-year period of time, the Council may issue a letter of reprimand regardless of whether the second or subsequent violation was made knowingly by the filer.

- (i) *Civil sanctions for Ethics Code violations.* The following civil remedies may be recommended or imposed by the City Council which finds that the ethics laws have been violated:
 1. *Disciplinary action.* City Council members who engage in conduct that violates the Code of Ethics may be notified, warned, reprimanded, suspended, or removed from office by the City Council, or by a person or body authorized by law to impose such remedies. Disciplinary action under this section may be imposed in addition to any other penalty or remedy contained in the Code of Ethics or any other law;
 2. *Suit for damages or injunctive relief.* It is the intent of the City that the city's Ethics Code can and should be recognized by a court as a proper basis for a civil cause of action for damages or injunctive relief based upon a violation of its provisions, and that such forms of redress should be available in addition to any other penalty or remedy contained in the Ethics Code or any other law. The City Council may refer a violation of the Ethics Code to the City Attorney's Office for consideration of a suit by the City for damages or injunctive relief.
 3. *Civil fine.* The City Council may impose on a City Official who violates any provision of the Code of Ethics a fine not exceeding five hundred dollars (\$500.00).
 4. *Letter of notification.* The City Council may issue a letter of notification to a City Official, when the Council finds that a violation of the Code of Ethics was clearly unintentional or inadvertent. The letter must advise the person to whom it is directed of any steps to be taken to avoid future violations.
 5. *Letter of admonition.* The City Council may issue to a City Official, a letter of admonition when the Council finds that the violation of the Code of Ethics was minor and/or may have been unintentional or inadvertent.
 6. *Letter of reprimand.* The City Council may issue to a City Official, a letter of reprimand when the Council finds that the person has intentionally or knowingly violated the Code of Ethics.
 7. *Referral to ethics training.* Upon finding of violation of the Ethics Code, the City Council may require a City official to attend Ethics Code training.
- (g) *Criminal prosecution.* The City Council may recommend to the appropriate law enforcement agency criminal prosecution under this section or V.T.C.A., Local Government Code Ch.

171. Prosecution of a city official by the City Council for a violation of this Ethics Code shall not be undertaken until a complaint is disposed of in accordance with this section. However, the absence of a recommendation to prosecute from City Council to the City Attorney shall not preclude the City Attorney from exercising his or her prosecutorial discretion to prosecute a violation of the Ethics Code.

- (h) *Reconsideration.* Within five (5) business days of receiving the final opinion of the City Council, the complainant or respondent may request the City Council to reconsider its decision. The request must be filed with the City Secretary. Within ten (10) business days after filing with the City Secretary, the City Council shall review the request for reconsideration. If the full and seated Council grants reconsideration, the Council may then order further proceedings in accordance with the provisions of these rules.
- (i) *Council action.* City Council shall dispose of the reconsideration within ninety (90) calendar days of approving the reconsideration. Failure to take action within specified time limits may result in the charge being dismissed for want of prosecution. Prior to such dismissal, the complainant will be given notice and an opportunity to request continuance of the action.
- (j) *Appeals.* A decision of the City Council is final unless the person aggrieved by the decision appeals to the State District Court in Kendall County no later than twenty (20) business days after the date the Council renders the decision.

If the decision of the City Council is not supported by substantial evidence, the District Court may reverse or affirm the Council's decision in whole or in part or may modify the Council's decision if substantial rights of the aggrieved person have been prejudiced. Costs of an appeal may not be assessed against the Council, individual Council members, or the City.

Sec. 1.10.009. Petition for declaratory ruling and waiver.

- (a) Any City Official against whom public allegations of ethics have been made in the media or elsewhere shall have the right to file a sworn statement with the City Secretary affirming his or her innocence, and to request the City Council to investigate and make known its findings and make any relevant recommendations concerning the issue.
- (b) Any City Official subject to the Ethics Code who believes they have unknowingly committed an act in violation of a provision of the Ethics Code may submit a sworn request for a waiver of the application of the Code for that past act. The City Council shall investigate and make known its findings and make any relevant recommendations to the City Council concerning the issue. The City Council may only act to waive the application of either code following receipt of the recommendation of the City Council.
- (c) The City Council is authorized to impose the sanctions contained within this Code when making their ruling.

Sec. 1.10.010. Public records and open meetings.

Meetings and other proceedings of the City Council will be conducted in compliance with the Texas Open Meetings Act. Requests for records will be handled in compliance with the Texas Public Information Act.

DIVISION 3. ADMINISTRATIVE PROVISIONS

Sec. 1.10.051. Other obligations.

The Ethics Code is cumulative of and supplemental to applicable state and federal laws and

regulations. Compliance with the provisions of this code shall not excuse or relieve any person from any obligation imposed by state or federal law regarding ethics, financial reporting, or any other issue addressed herein. Even if a city official is not prohibited from taking official action by the city's Ethics Code, action may be prohibited by duly promulgated personnel rules, which may be more stringent.

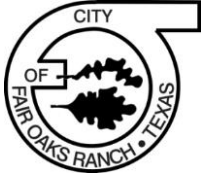
Sec. 1.10.052 Distribution and training.

- (a) Public service is a public trust. All city officials are stewards of the public trust. They have a responsibility to the citizens of the city to enforce the City Charter and the associated ordinances and codes. To ensure and enhance public confidence in city government, each city official must not only adhere to the principles of ethical conduct set forth in the city's Code of Ethics and technical compliance therewith, but they must scrupulously always avoid the appearance of impropriety.
- (b) Within thirty (30) days after entering upon the duties of his or her position, every new city official shall be furnished with a copy of the city's Code of Ethics by the City Secretary's office. The failure of any person to receive a copy of the Code shall have no effect on that person's duty to comply with this code or on the enforcement of its provisions.
- (c) The Code of Ethics shall be posted on the city's webpage.
- (d) The City Manager and the City Secretary, in consultation with City Council, shall develop and implement a comprehensive training program for officials of the city on the provisions of the city's Code of Ethics, the City Charter, and V.T.C.A. Local Government Code Chapter 171. Such materials and programs shall be designed to maximize understanding of the obligations imposed by the ethics laws, as well as to prepare city officials to ensure the good judgment necessary to accomplish their duties.

Sec. 1.10.053. Severability.

If any provision of this code is found by a court of competent jurisdiction to be invalid or unconstitutional, or if the application of this code to any person or circumstances is found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this code which can be given effect without the invalid or unconstitutional provision or application.

Secs. 1.10.054–1.10.070 Reserved



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
March 17, 2022

AGENDA TOPIC: Discussion and possible action on the Civic Center Project
 DATE: March 17, 2022
 DEPARTMENT: City Council
 PRESENTED BY: Laura Koerner, Council Member, Place 4

INTRODUCTION/BACKGROUND:

At the March 3, 2022 City Council meeting, Council Member Koerner requested an update on the Civic Center project.

Since July 1, 2021, no additional action has been taken on the Civic Center portion of the Professional Services Agreement with Studio S Architekts or with the Construction Manager at Risk agreement with Waterman Construction. Complete background details of the no-action status are provided below:

1. In February 2020, City Council authorized the advancement of a Civic Center and City Hall Renovation project utilizing the Construction Manager at Risk method.
2. In April 2020, the City entered into a Professional Services Agreement with Studio S Architekts to provide architectural design services for the project. .
3. On July 2, 2020, City Council passed and approved a Resolution authorizing the submission of a funding application to the Fair Oaks Ranch Municipal Development District for construction of a Civic Center.
4. On September 16, 2020, the FORMDD Board passed and approved a Grant Award Agreement to reimburse the City for the construction of a Civic Center. The grant was for up to \$600,000 and subject to issuance of a certificate of occupancy.
5. Upon receipt of 30% design plans, on October 9, 2020, the City issued a Request for Proposals soliciting proposals from qualified firms to provide Construction Manager at Risk services for the construction of the Civic Center and renovation of City Hall for no more than \$1,200,000.
6. On January 21, 2021, the City entered into a Professional Services Agreement with Waterman Construction, LLC to provide Construction Manager at Risk services. The agreement authorized them to begin work and incur pre-construction and general condition fees up to \$134,000 with a future Guaranteed Maximum Price Amendment brought before Council for approval.
7. On April 30, 2021, Waterman Construction presented city staff with an initial project cost of \$2,679,894 (civic center portion being \$1,821,142) based on the current design and subcontractor bids. The unexpected increase was due to the scope of the work designed, the cost of construction materials, and the current economic conditions. Waterman

8. Construction was asked to continue working on the project by identifying ways to meet the city's budget of \$1,200,000.
9. In June 2021, after careful consideration of the current economic conditions, inclusive of significant material and labor cost increases within the construction sector, and after receiving multiple options, the City Manager determined meeting the original budget without making drastic concessions to the original scope would not be attainable. Accordingly, the City Manager ordered an official Stop Work Order on the design and pre-construction services of the Civic Center and City Hall Renovation.
10. City Council, on July 1, 2021, after receiving a project update from the City Manager, provided direction *to set aside the Civic Center portion* and focus on the City Hall renovation.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

N/A

LONG-TERM FINANCIAL & BUDGETARY IMPACT:

The \$600,000 MDD Grant expires 1095 days (3-years) from the Effective Date.

LEGAL ANALYSIS:

N/A

RECOMMENDATION/PROPOSED MOTION:

Provide direction insight and direction to staff.



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
March 3, 2022

AGENDA TOPIC: Presentation of the Popular Annual Financial Report for the year ended September 30, 2021

DATE: March 3, 2022

DEPARTMENT: Finance

PRESENTED BY: Scott Huizenga, Assistant City Manager

INTRODUCTION/BACKGROUND:

The GFOA established the Popular Annual Financial Reporting Awards Program in 1991 to encourage local governments to produce a report designed to be readily accessible and understandable to the general public. The Popular Annual Financial Report (PAFR) is designed to extract information from the annual comprehensive financial report (ACFR) to provide a summary of the City's overall financial condition in a user-friendly format.

Although this report is largely derived from the City's 2021 ACFR, it is not prepared in accordance with generally accepted accounting principles (GAAP). The report is presented in a summarized manner and certain financial statements, discretely presented component units, and note disclosures required by GAAP are omitted.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

This best practice report represents the City's commitment to financial transparency and accountability. It has been created to provide citizens with an easily understandable report of the City's financial activities.

LONGTERM FINANCIAL & BUDGETARY IMPACT:

This report will be submitted to GFOA to determine its eligibility for the Popular Annual Financial Reporting Award. There is a \$250 fee associated with the submission.

LEGAL ANALYSIS:

Not applicable at this time.

RECOMMENDATION/PROPOSED MOTION:

This presentation is for informational purposes only.



CITY OF FAIR OAKS RANCH, TX
Popular Annual Financial Report
For year ended September 30, 2021

Dear Residents,

The City of Fair Oaks Ranch is pleased to present the City's first Popular Annual Financial Report (PAFR) for the fiscal year ended September 30, 2021. This report represents another indication of the City's commitment to financial transparency and accountability. It has been created to provide citizens with an easily understandable report of the City's financial activities.

Fiscal Year 2020-21 brought many challenges including the continuation of the global pandemic and an unprecedented winter storm. Despite these challenges, our Fair Oaks Ranch team performed at a high level, sustaining and delivering essential services without interruption. The commitment to the citizens of Fair Oaks Ranch has been unwavering and is guided by the solid leadership of the City Council. Your team of public servants is focused on preserving and protecting the unique quality of life that makes Fair Oaks Ranch special.

Sincerely,



Tobin E. Maples, AICP
City Manager

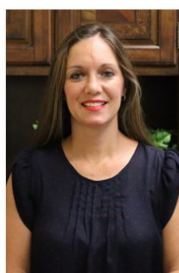
MAYOR & COUNCIL

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Greg Maxton
Mayor



Emily Stroup
Council Member, Place 1



Roy Elizondo
Council Member, Place 2



Michelle Bliss
Council Member, Place 3



Laura Koerner, Mayor Pro-Tem
Council Member, Place 4



Scott Parker
Council Member, Place 5



Chesley Muenchow
Council Member, Place 6

About the PAFR

Popular Annual Financial Report

A Popular Annual Financial Report (PAFR) is a document that consolidates information from the Annual Comprehensive Financial Report (ACFR) to create an easy-to-read report for citizens. This report is designed to provide a summary of the City's overall financial condition in a user-friendly format.

Although this report is largely derived from the City's 2021 ACFR, it is not prepared in accordance with generally accepted accounting principles (GAAP). The report is presented in a summarized manner and certain financial statements, discretely presented component units and note disclosures required by GAAP are omitted. A copy of the City's audited 2021 Annual Comprehensive Financial Report, which is prepared in accordance with GAAP and contains more detailed information, is located on the City's website at:

<https://www.fairoaksranchtx.org/513/Financial-Reports>

Awards



The City of Fair Oaks Ranch, Texas was awarded the [Certificate of Achievement for Excellence in Financial Reporting](#) by the Government Finance Officers Association (GFOA) of the United States and Canada for its annual comprehensive financial report for year ended September 30, 2020. This was the 4th consecutive year the City has achieved this award. The Certificate of Achievement is the highest form of recognition for excellence in state and local government financial reporting. We believe that our 2021 annual comprehensive financial report continues to meet the Certificate of Achievement Program's requirements and we are submitting it to GFOA to determine its eligibility for another certificate.

In order to be awarded a Certificate of Achievement, a government unit must publish an easily readable and efficiently organized comprehensive annual financial report, whose contents conform to program standards. The report must satisfy both generally accepted accounting principles and applicable legal requirements. A Certificate of Achievement is valid for a period of one year only.

The City of Fair Oaks Ranch, TX was also awarded the [GFOA Distinguished Budget Presentation Award](#) for its Annual Budget for the fiscal year beginning October 01, 2021. This was the 3rd consecutive year the City has achieved this award.

In order to receive this award, a governmental unit must publish a budget document that meets program criteria as a policy document, as a financial plan, as an operations guide, and as a communications device. This award is valid for a period of one year only.

We believe that this 2021 PAFR meets the Popular Annual Financial Awards Program requirements and we are submitting it to determine the eligibility for the [Popular Annual Financial Reporting Award](#).

CITY OF FAIR OAKS RANCH BY THE NUMBERS



POPULATION : 10,756

INCORPORATION: 1988

LAND AREA: 7,861 ACRES

HOME RULE CHARTER: 2017

SPANS 3 COUNTIES: BEXAR, KENDALL AND COMAL



25 SWORN OFFICERS

1 K-9 OFFICER "BUDDY"

3,955 CALLS FOR SERVICE

3RD SAFEST CITY IN TEXAS



247 NEW

RESIDENTIAL HOME
PERMITS ISSUED2 NEW COMMERCIAL
PERMITS ISSUED96% COMPLIANCE
RATE FOR BACKFLOW
PREVENTION33 HEALTH
INSPECTIONS AND 38
FIRE INSPECTIONS
CONDUCTED

75 BUDGETED FULL TIME EMPLOYEES

PUBLIC WORKS & ENGINEERING SERVICES: 29

PUBLIC SAFETY: 28

ADMINISTRATION: 5

FINANCE: 5

INFORMATION TECHNOLOGY: 2

MUNICIPAL COURT: 2

HR & COMMUNICATIONS: 2

CITY SECRETARY: 2

PUBLIC WORKS

77 MILES OF WATER LINES



5 WATER PLANTS

1 WASTEWATER PLANT

3,157 WATER SERVICE CONNECTIONS

1,943 SEWER CONNECTIONS

60 MILES OF ROADWAY

93,453,510 GALLONS OF WASTEWATER TREATED THIS YEAR



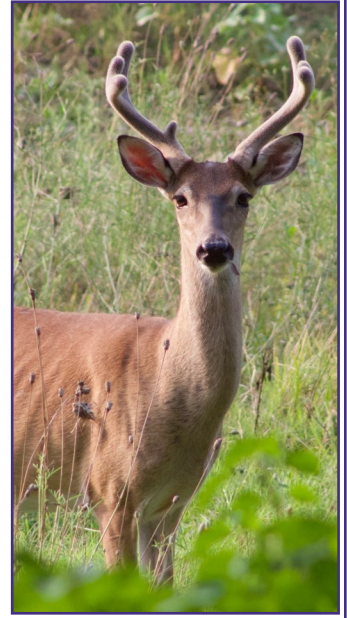
History

History of “The Ranch”

The City of Fair Oaks Ranch had its beginnings as a working ranch when several parcels of land were acquired by oil man Ralph Fair, Sr. during the 1930s. The ranch was first a center for a racehorse operation. Later, Mr. Fair established a registered Hereford cattle operation.

After the death of Mr. and Mrs. Fair, the remaining family decided to develop a 5,000 acre portion of the ranch as a residential community. A homeowner’s association was formed in 1975 with Boots Gaubatz as the president.

In 1985 the Fair Oaks Ranch Homeowners Association began to consider incorporation as a Type A General Law Municipality. Boots, along with Bob Herring and Don King, led the process, and are now known as the “founding fathers” of Fair Oaks Ranch. The City was eventually incorporated in 1988.



Once the population of Fair Oaks Ranch reached 5,000, the City was eligible for home rule. The draft home rule charter was introduced a decade later. In May 2017, the home rule election was held with over 90% of voters supporting the change.

Fair Oaks Ranch was created by a group of visionaries who had both the foresight and the political courage to dream of a special community and make it a reality. The ability to make the city a reality was enhanced by having a single development company for many years and working with a family that had a desire for their ranch to become a unique community. This commonality of vision was the glue that held the development process together and created such a unique city.

Location of Fair Oaks Ranch

SAN ANTONIO - 27 MILES

AUSTIN - 65 MILES

HOUSTON - 195 MILES

DALLAS - 237 MILES

CORPUS CHRISTI - 153 MILES

EL PASO - 530 MILES



FY 2021 Financial Activity

GOVERNMENTAL ACTIVITIES

Total Revenues		
Revenues	FY 2021	FY 2020
Property Taxes	\$ 6,482,238	\$ 6,202,561
Sales Tax	1,460,542	1,191,455
Charges for Services	915,200	809,858
Franchise Fees	651,534	605,103
Operating Grants and Contributions	190,841	3,728
Other Revenue	40,328	79,353
Investment Earnings	4,345	72,151
Total Revenues	\$ 9,745,028	\$ 8,964,209

Total Expenditures		
Expenditures	FY 2021	FY 2020
Public Safety	\$ 3,161,031	\$ 3,001,619
General Government	2,135,936	2,385,589
Engineering & Planning	976,254	718,380
Public Works	922,990	870,398
Building Codes & Permits	253,665	248,414
Municipal Court	192,956	184,553
Total Expenses	\$ 7,642,832	\$ 7,408,953

UTILITY

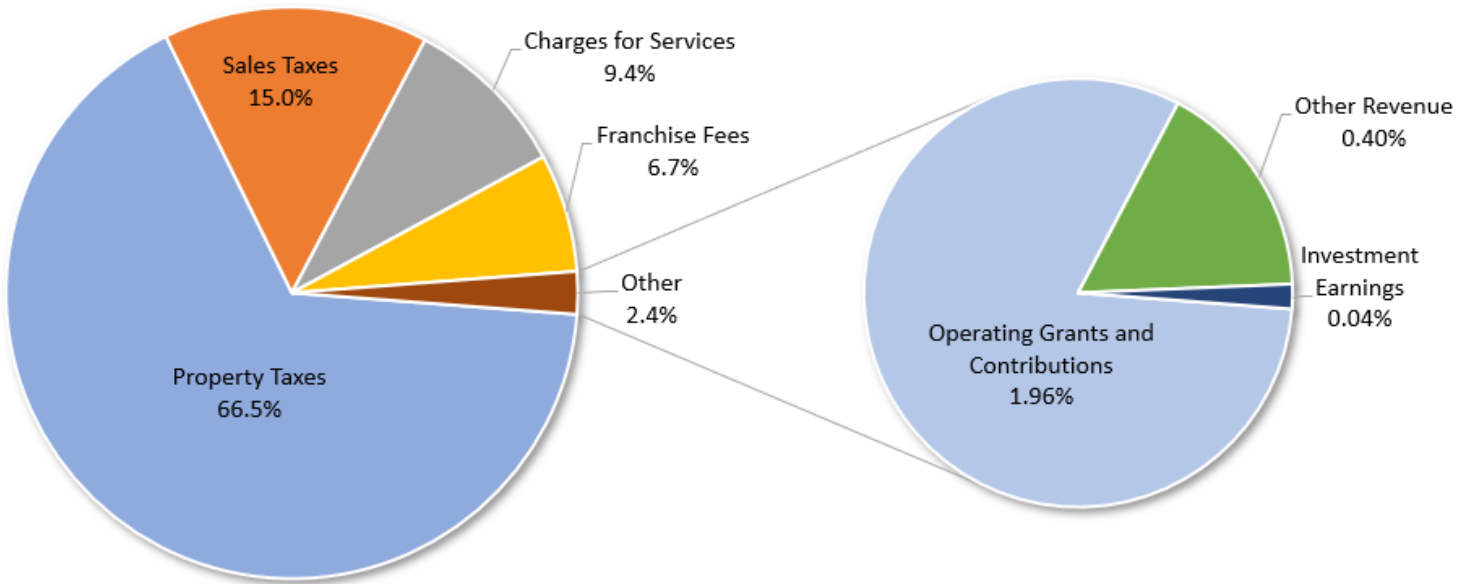
Total Revenues		
Revenues	FY 2021	FY 2020
Charges for Services	\$ 5,681,369	\$ 5,839,886
Investment Earnings	3,066	49,749
Total Revenues	\$ 5,684,435	\$ 5,889,635

Total Expenses		
Expenses	FY 2021	FY 2020
Water Utility	\$ 3,195,856	\$ 3,841,323
Wastewater Utility	1,677,631	1,577,407
Total Expenses	\$ 4,873,487	\$ 5,418,730

Governmental Revenues

Where does the money come from?

Governmental Revenues represent the funding the City receives to provide basic services to residents. The graph below provides a summary of Governmental Revenues by type for fiscal year 2021. In total, these revenues increased by \$780,819 when compared to the prior fiscal year.

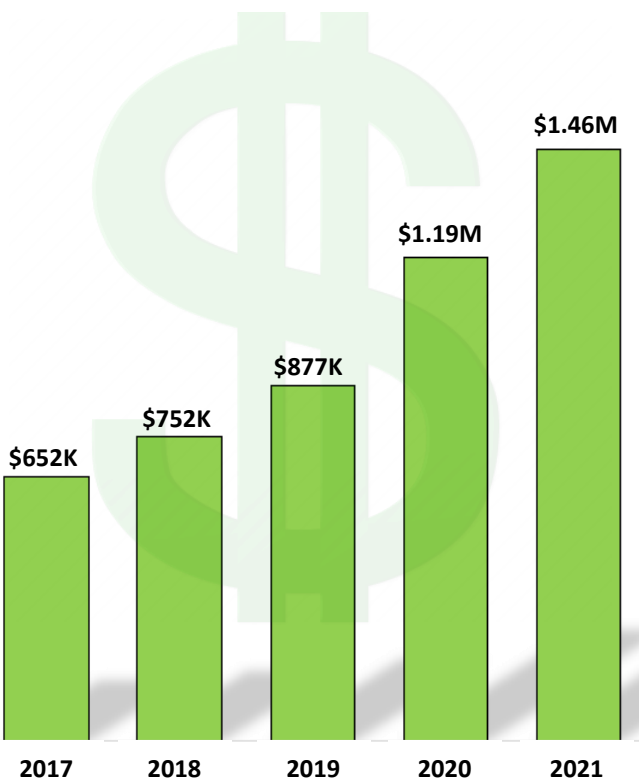
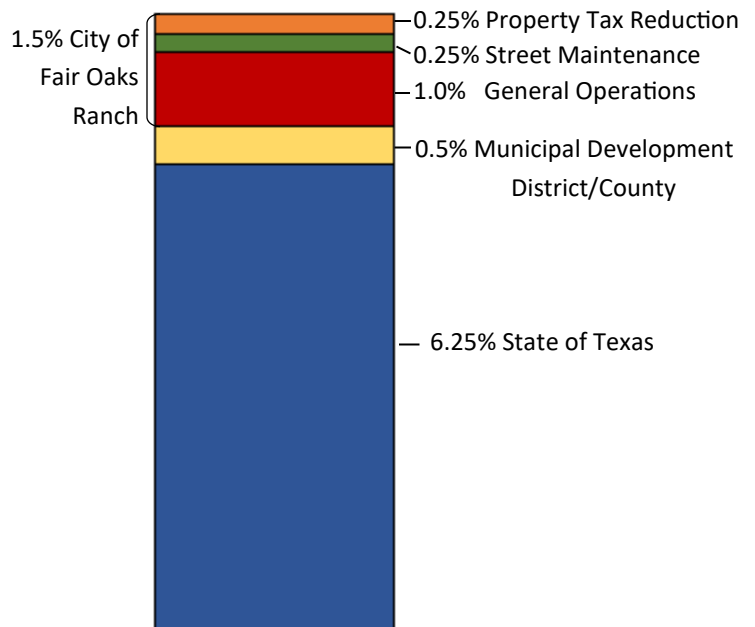


SALES TAX REVENUE OVER FIVE YEARS

SALES TAX DOLLAR DISTRIBUTION

Total Sales
Tax Rate

8.25%

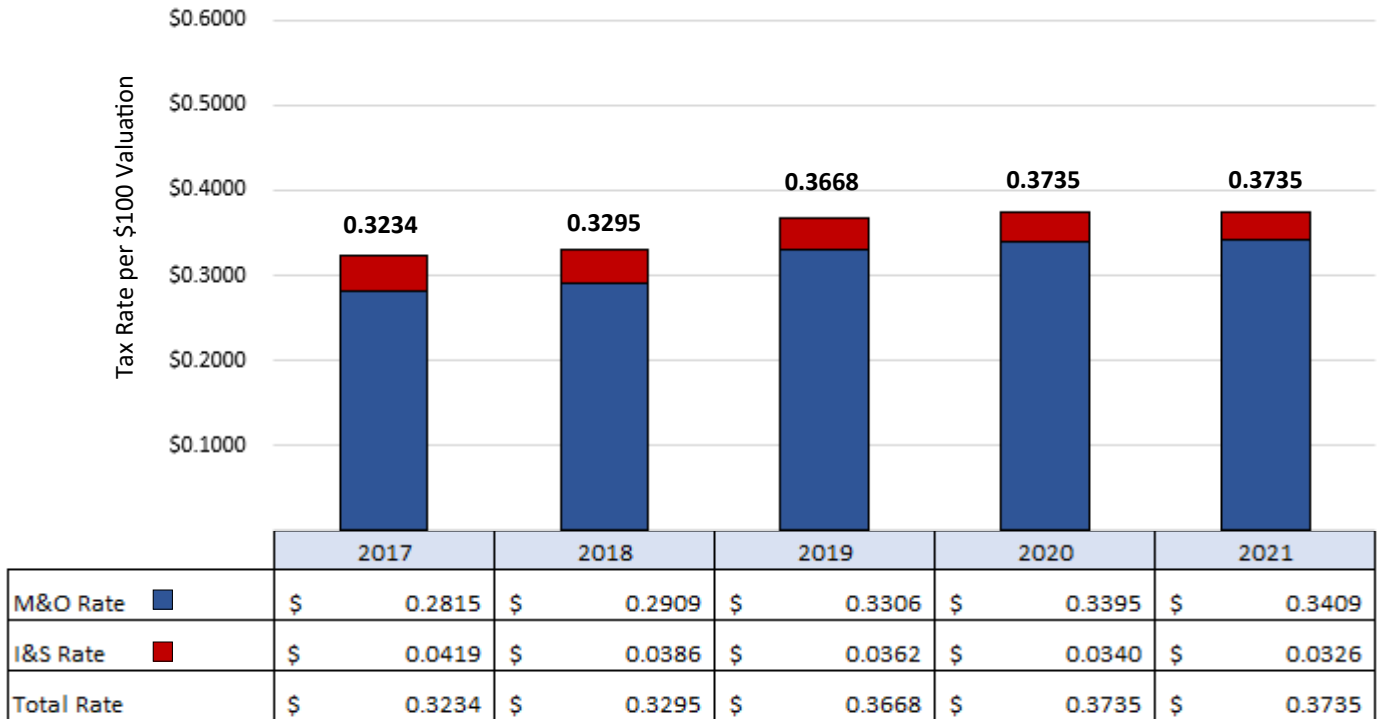


Property Taxes

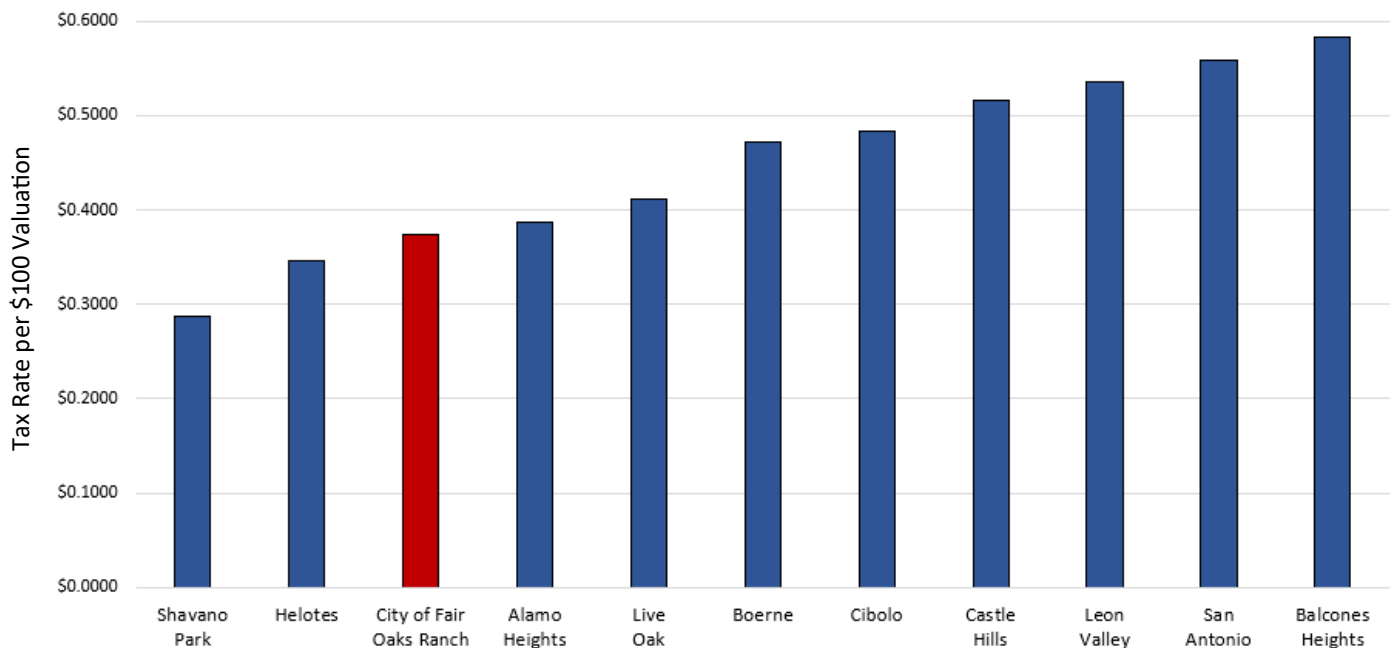
2021 TAX RATE

The maintenance and operations (M&O) portion of the City's property tax rate pays for daily operation costs such as personnel, supplies, and maintenance. The debt service (I&S) portion of the tax rate pays for the City's obligation for debt that was issued for roadway improvements.

FAIR OAKS RANCH PROPERTY TAX RATE HISTORY BY YEAR



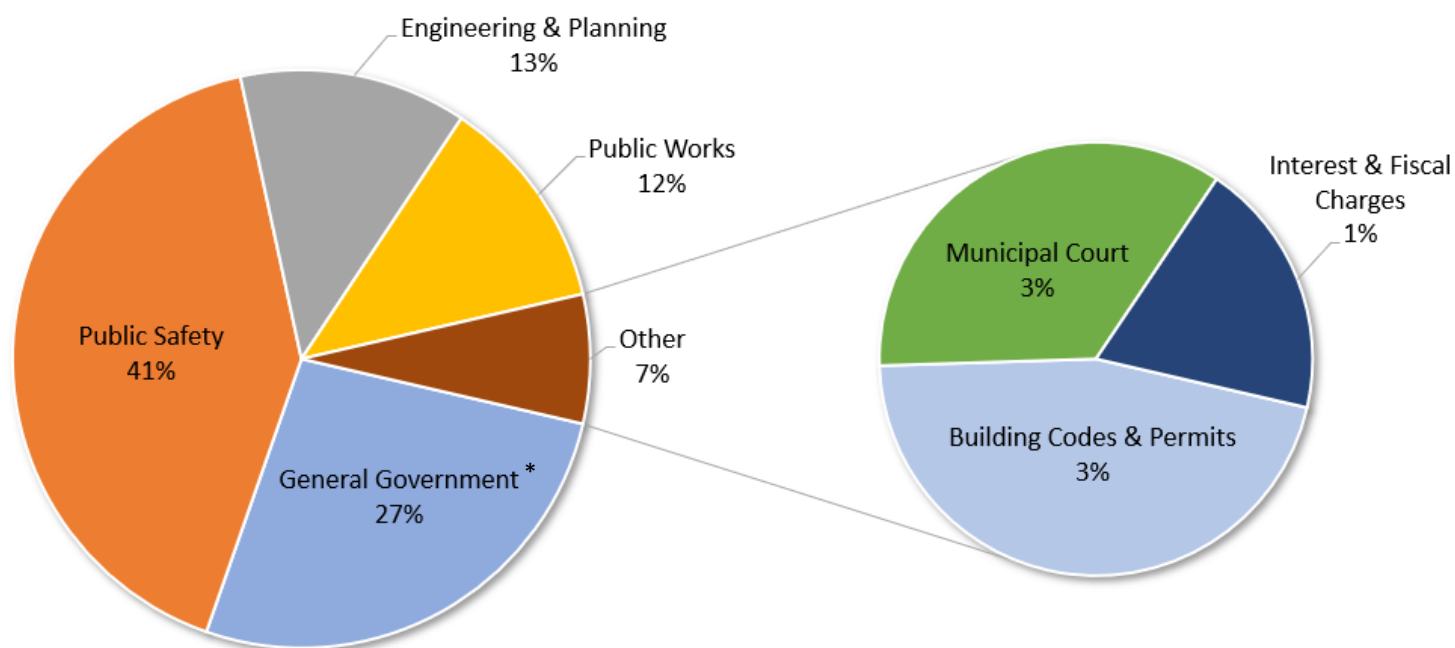
2021 PROPERTY TAX RATES FOR SURROUNDING CITIES



Governmental Expenditures

How does the City of Fair Oaks Ranch serve you?

Governmental Expenditures are essentially the cost to run daily operations. These expenses maintain service levels and continuing operations throughout the City. In fiscal year 2021, the City's total Governmental Expenditures were \$7.64 million. Public Safety, which includes police, fire, EMS, and animal control, is the City's largest spending category accounting for 41% of Governmental Expenditures.



*General Government includes Administration, City Secretary, HR & Communications, Finance, IT, and Non-Departmental



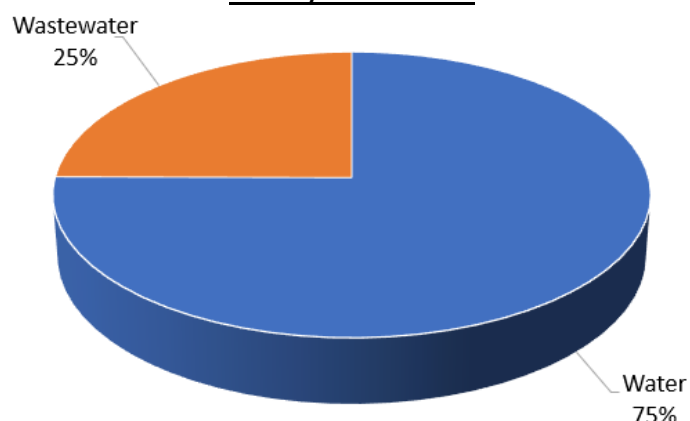
Utilities and Major Projects

Where does the money come from?

The Utility Fund's main source of revenue is the charge for water and sewer services. Utility rates are set by the City Council.



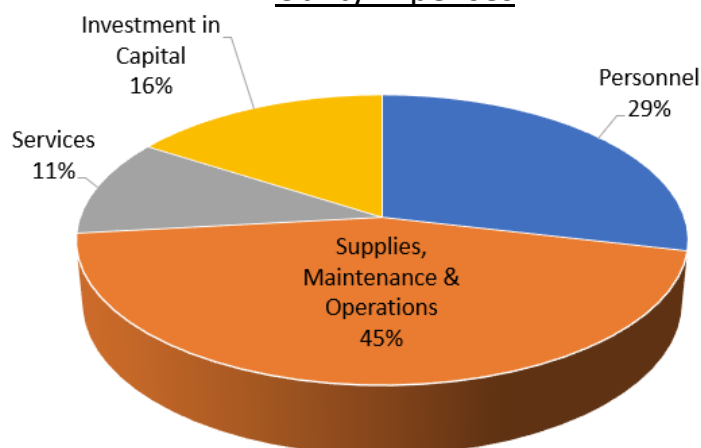
Utility Revenues



Where does the money go?

Services provided by the Utility Fund include water treatment and distribution, wastewater collection and treatment, utility billing and administration, and meter reading. The majority of the expenses go toward maintaining the infrastructure that supplies these services.

Utility Expenses



MAJOR UTILITY PROJECTS IN PROGRESS

- ◆ Volute dewatering press/solids handling
- ◆ Water Plant Hydropneumatic tank
- ◆ Water/Wastewater Rate Study
- ◆ SCADA Systems Upgrades
- ◆ Elevated Water Storage Tank Design
- ◆ EPA Risk Assessment Study



Volute Dewatering Press



Hydropneumatic Tank

Long-Term Debt and Assets

LONG-TERM DEBT

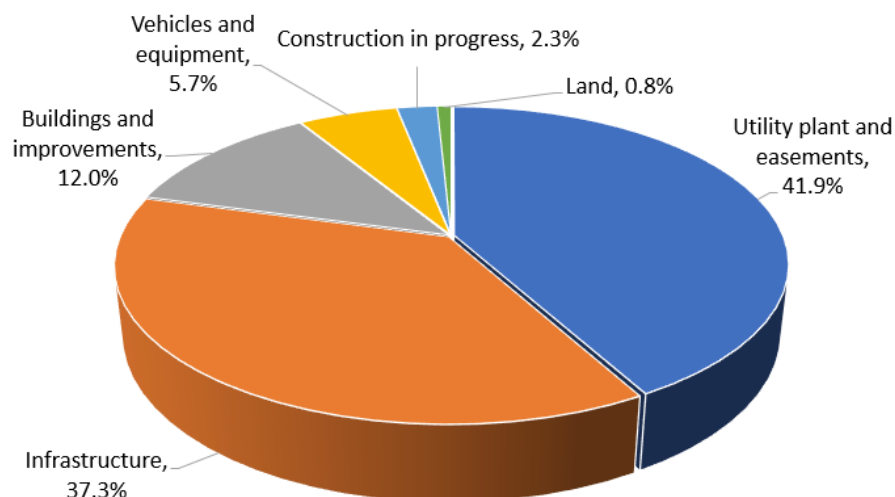
Long-Term Liabilities Year-Ended September 30, 2021			
	Range of Interest Rates	Unpaid Principal	FY 2022 Annual Payment
Governmental activities			
Road Reconstruction Bond, Series 2015	1.0-3.0%	\$ 4,435,000	\$ 450,000
Utility			
Utility Capital Lease Refinance Series 2020	1.01%	\$ 2,430,000	\$ 315,000

CAPITAL ASSETS



Change in Capital Assets Year-Ended September 30, 2021			
	Governmental Activities	Utility	Total
Beginning Balance	16,298,024	19,869,918	36,167,942
Additions	325,651	293,070	618,721
Deletions	(112,339)	(21,908)	(134,247)
Accumulated Depreciation	(4,368,372)	(9,629,697)	(13,998,069)
Ending Balance	\$ 12,142,964	\$ 10,511,383	\$ 22,654,347

ASSET DISTRIBUTION



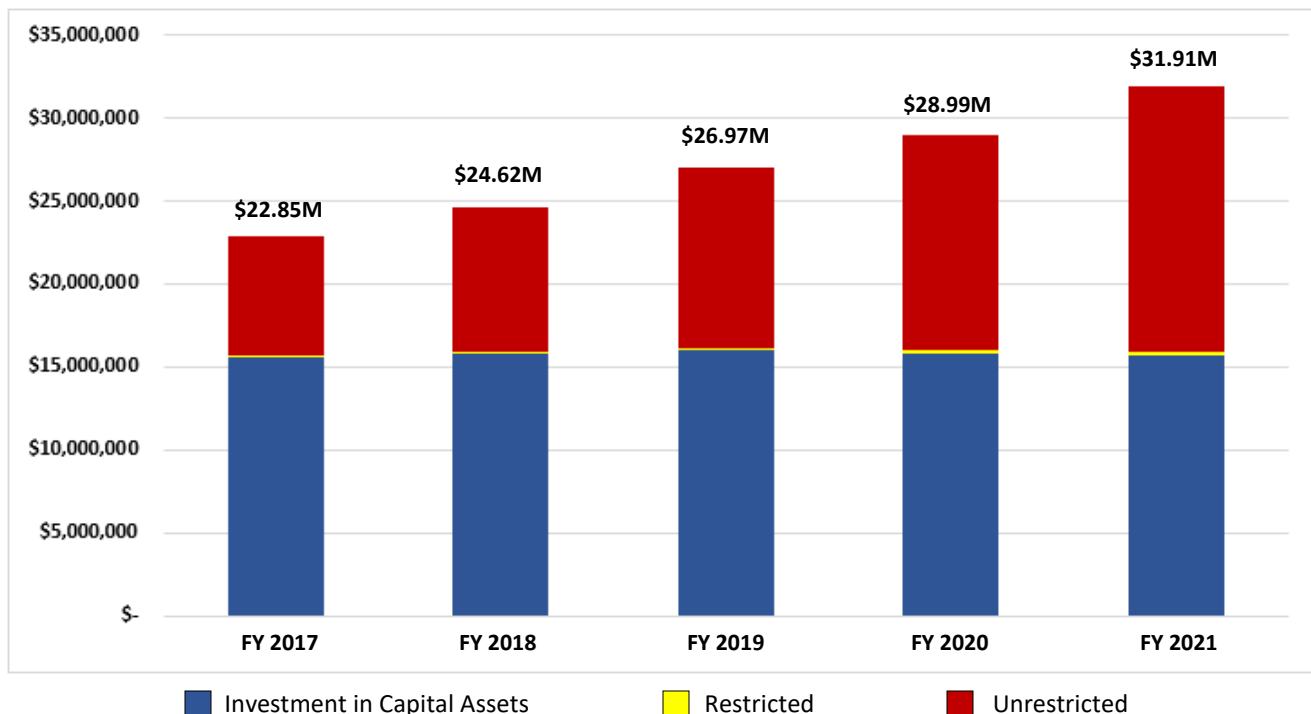
Net Position

How is the City doing?

The difference of the City's assets and liabilities is reported as net position. Over time, increases or decreases in net position may serve as a useful indicator of whether or not the financial position of the City is improving or deteriorating. The graph below illustrates the City's net position change over the last five years.

	2017	2018	2019	2020	2021
Governmental activities					
Net investment in capital assets	\$ 6,898,385	\$ 7,334,582	\$ 7,576,143	\$ 7,523,360	\$ 7,647,912
Restricted	76,346	95,553	108,461	132,938	153,339
Unrestricted	2,714,487	3,277,879	5,128,445	6,712,007	8,669,250
Total Governmental activities net position	\$ 9,689,218	\$10,708,014	\$12,813,049	\$14,368,305	\$16,470,501
Utility					
Net investment in capital assets	\$ 8,682,584	\$ 8,464,020	\$ 8,466,058	\$ 8,307,519	\$ 8,081,383
Unrestricted	4,474,678	5,448,975	5,686,797	6,316,241	7,353,325
Total Utility net position	\$13,157,262	\$13,912,995	\$14,152,855	\$14,623,760	\$15,434,708
City					
Net investment in capital assets	\$15,580,969	\$15,798,602	\$16,042,201	\$15,830,879	\$15,729,295
Restricted	76,346	95,553	108,461	132,938	153,339
Unrestricted	7,189,165	8,726,854	10,815,242	13,028,248	16,022,575
Total City net position	\$22,846,480	\$24,621,009	\$26,965,904	\$28,992,065	\$31,905,209

NET POSITION HISTORY



DEFINITION OF KEY TERMS

CAPITAL ASSETS - Assets of a long-term character which are intended to continue to be held or used. Examples of capital assets include items such as land, buildings, machinery, furniture and other equipment

COMMITTED FUND BALANCE - Amounts that can only be used for specific purposes determined by formal action of the governing body and is binding unless removed

EXPENDITURE - Funds spent in accordance with the budgeted appropriations on assets or goods and services obtained

FISCAL YEAR - A 12-month period in which the annual operating budget applies. The City of Fair Oaks Ranch has established October 1 through September 30 as its fiscal year

FRANCHISE FEE - A fee paid by public service businesses for the use of City streets, rights-of-way and property in providing their services to the citizens of the City. Services requiring franchises include electricity, telephone, cable television, sanitation, water and wastewater

FUND - An accounting entity with a self-balancing set of accounts that record financial transactions for specific activities or government functions

FUND BALANCE - The difference between a fund's assets and liabilities

GENERAL FUND - The operating fund of the City that accounts for the ordinary maintenance and operations of the City that are financed from taxes and other general revenues. It is used to account for all financial resources except those required to be accounted for in another fund

GOVERNMENTAL ACTIVITIES - Activities generally financed through taxes, intergovernmental revenues, and other nonexchange revenues

OPERATING GRANTS - Revenues that are restricted for use in a particular program arising from mandatory and voluntary non-exchange transactions with other governments or organizations

PROPERTY TAX - Ad valorem tax levied on both real and personal property according to a property's valuation and the tax rate

RESTRICTED FUND BALANCE - The amount of fund balance that can only be spent for specific purposes stipulated by external resource providers or enabling legislation

UNRESTRICTED FUND BALANCE – The residual classification for the City's general fund and includes all spendable amounts not contained in any other classification

UTILITY FUND - A separate accounting and financial reporting mechanism for business-like municipal services in which a fee is charged in exchange for goods or services, such as water and wastewater



CONTACT US



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Fair Oaks Ranch, TX 78015
(210) 698-0900
Fax: (210) 698-3565



Non-Emergency Police & After Hours Utilities Dispatch:
(830) 816-3194

STAY INFORMED



City Website:

<https://www.fairoaksranchtx.org/>

Sign Up for Email or Text Updates through Notify Me:

<https://www.fairoaksranchtx.org/list.aspx>



Follow Us on Facebook:



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Sign Up for Emergency Notifications through Code Red:



<https://public.coderedweb.com/CNE/en-US/D472F2CC6A1C>

Subscribe to the Fair Oaks Ranch YouTube Channel:

<https://www.youtube.com/channel/UCDqRvLvReqxrh1lbajwshKA>



View Upcoming Meeting Details Here:



<https://www.fairoaksranchtx.org/calendar.aspx?CID=14>

City Council meetings take place on the 1st and 3rd Thursdays of the month at 6:30pm.