



CITY OF FAIR OAKS RANCH

CITY COUNCIL REGULAR MEETING

Thursday, September 16, 2021 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.
4. Life Saving Award to Officers Alexander Willis & Eric De La Rosa.

Tim Moring, Chief of Police

5. Announcement by City Manager

Tobin E. Maples, AICP, City Manager

PUBLIC HEARING

6. Conduct a Public Hearing on the Fiscal Year 2021-2022 Proposed Budget.
 - a. Opening comments from the Mayor
 - b. Comments from the City Manager
 - c. Presentation of the Proposed Budget by Finance Director, Sarah Buckelew
 - d. Open the Public Hearing and receive citizen testimony
 - e. Close the Public Hearing
 - f. Receive comments from the Mayor and City Council

CONSENT AGENDA

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

7. Approval of the August 25, 2021 Special City Council meeting minutes.

Christina Picioccio, City Secretary

- [8.](#) Approval of the August 26, 2021 Special City Council meeting minutes.

Christina Picioccio, City Secretary

- [9.](#) Approval of the August 30, 2021 Special City Council meeting minutes.

Christina Picioccio, City Secretary

- [10.](#) Approval of the August 31, 2021 Special City Council meeting minutes.

Christina Picioccio, City Secretary

- [11.](#) Approval of the September 2, 2021 Regular City Council meeting minutes.

Christina Picioccio, City Secretary

- [12.](#) Approval of a Resolution repealing Resolution 2015-18 and subsequent Resolutions; adopting the City's Financial Management Policy; reaffirming the City's Investment Policy; and providing for an effective date.

Tobin E. Maples, AICP, City Manager

- [13.](#) Approval of a resolution to implement the requirements of HB 2073 and Chapter 180 of the Local Government Code establishing a Paid Quarantine Leave policy for the City of Fair Oaks Ranch Fire Fighters, Peace Officers, and Emergency Medical Technicians.

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

- [14.](#) Approval of a resolution to amend Section 8.0 – Leave Time of the City's personnel policy in order to implement the requirements of SB 1359 and amendments section 614.015 of the Local Government Code establishing a Mental Health Leave policy for the City of Fair Oaks Ranch Police Officers.

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

- [15.](#) Approval of Council Member Parker's absence from the September 2, 2021 City Council meeting.

Christina Picioccio, City Secretary

- [16.](#) Approval of the Elkhorn Ridge Unit 7 Tree Plan.

Melissa Castro, Environmental Project Manager

- [17.](#) Approval of a Preliminary Plat request from Elkhorn Ridge SA, LLC for Elkhorn Ridge Unit 7 proposing 18 single-family residential lots, generally located north of the intersection of Dietz Elkhorn Road and Elkhorn Ridge, City of Fair Oaks Ranch, Texas.

Grant Watanabe, P.E., Director of Public Works & Engineering Services
Carole Vanzant, Assistant City Manager

- [18.](#) Approval of a Final Plat request from SA Front Gate, LLC for Front Gate Unit 7 proposing 20 single-family residential lots, generally located south of Dietz Elkhorn Road and north of Fair Oaks Parkway, City of Fair Oaks Ranch, Texas.

Grant Watanabe, P.E., Director of Public Works & Engineering Services
Carole Vanzant, Assistant City Manager

CONSIDERATION/DISCUSSION ITEMS

- [19.](#) Consideration and possible action to accept the DRAFT Code of Conduct from the Citizen's Code of Conduct Advisory Committee.

Joe duMenil, Chairperson

- [20.](#) Consideration and possible action approving the first reading of an Ordinance adopting the City budget for fiscal year beginning October 1, 2021 and Ending September 30, 2022.

Sarah Buckelew, CPA, Finance Director

- [21.](#) Consideration and possible action approving the First Reading of an Ordinance levying a property tax rate of 35.18 CENTS per \$100 taxable valuation on property in the City of Fair Oaks Ranch for the tax year 2021; and determining due and delinquent dates.

Sarah Buckelew, CPA, Finance Director

- [22.](#) Consideration and possible action approving a Resolution to appoint members to fill places on the City of Fair Oaks Ranch Planning & Zoning Commission.

Christina Picioccio, City Secretary

- [23.](#) Consideration and possible action approving a Resolution to appoint members to fill places on the City of Fair Oaks Ranch Capital Improvements Advisory Committee.

Christina Picioccio, City Secretary

- [24.](#) Consideration and possible action approving a Resolution to appoint members to fill places on the City of Fair Oaks Ranch Municipal Development District Board of Directors.

Christina Picioccio, City Secretary

- [25.](#) Consideration and possible action approving a Resolution to appoint members to fill places on the City of Fair Oaks Ranch Zoning Board of Adjustments.

Christina Picioccio, City Secretary

- [26.](#) Consideration and possible action approving a Resolution to appoint members to fill places on the City of Fair Oaks Ranch Board of Appeals.

Christina Picioccio, Deputy City Secretary

27. Discussion on the historical perspective on city dispatch and emergency operation system.

Tim Moring, Police Chief

REQUESTS AND ANNOUNCEMENTS

28. Announcements and reports by Mayor and Council Members.
29. Announcements by the City Manager.
30. 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:

31. To receive legal advice and to receive and deliberate an offer of settlement for claims made on behalf of a real property owner against the City's operation of well K-2.
32. To receive legal advice from Special Counsel and the City Attorney regarding the City's ground water rights.
33. Cause No. 2018-CI-00202; the City of Fair Oaks Ranch, Texas vs. Edward I. Hill, Robert E. Heckendorn, Craig M. Luitjen, Roger Fuentes, Wesley A. Pieper, Esther W. Hicks, William A. McDowell, Yolanda D. Ayala, PG Pfeiffer Ranches LLC, Maureen Pfeiffer Stevenson Family Trust.

RECONVENE INTO OPEN SESSION

Discussion and possible action on items discussed in Executive Session.

ADJOURNMENT

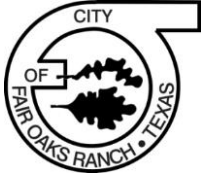
Signature of Agenda Approval: s/Tobin E. Maples

Tobin E. Maples, City Manager

I, Christina Picioccio, 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, September 13, 2021 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 COUNCIL PUBLIC HEARING
CITY OF FAIR OAKS RANCH, TEXAS
September 16, 2021

AGENDA TOPIC: Conduct a Public Hearing on the Fiscal Year 2021 – 2022 Proposed Budget
DATE: September 16, 2021
DEPARTMENT: Finance
PRESENTED BY: Honorable Mayor and City Council

INTRODUCTION/BACKGROUND:

Conduct a public hearing on the FY 2021-2022 Proposed Budget.

Sequence for the agenda item is as follows:

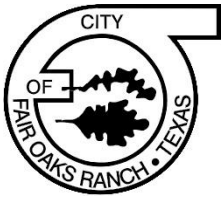
- Opening comments from the Mayor
- Comments from the City Manager
- Presentation of the Proposed Budget by Finance Director, Sarah Buckelew
- Open the Public Hearing and receive citizen testimony
- Close the Public Hearing
- Receive Comments from the Mayor and City Council

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

See attachments:

- Proposed FY 21-22 Budget is available on the City website
- FY 21-22 Budget/Tax Rate Calendar

<u>Date</u>	<u>Budget Step</u>
May 19	*COUNCIL* Meeting Budget 101 presentation (Same day as Utility Rate Study Orientation)
June 3	*COUNCIL* Governmental Funds SAP and Budget work session with Council and Staff Focus: Tax impacting Capital Items (Drainage and Streets)
June 10	*COUNCIL* Enterprise Funds SAP and Budget work session with Council and Staff Focus: Fee impacting Capital Items (Water and Wastewater Infrastructure)
June 17	*COUNCIL* Budget and SAP Work session with Council and Staff Focus: Other issues, or more time as needed
June 24	*COUNCIL* Budget Work session with Council and Staff Focus: Funding
July 25 (Sunday)	Deadline for Chief Appraisers to deliver certify rolls or certified estimates to taxing units and certification of anticipated collection rate by tax collector. (Tax Code Sec. 26.01 a-1)
August 5	Calculation of No new revenue, Voter Approval, 8% Increase and De Minimis Rates.
August 5	Finance Director posts the calculated no-new-revenue tax rate and voter approval tax rate, along with certain debt information on the home page of the City's website using form prescribed by comptroller (Tax Code Sec 26.04 (e))
August 5	Finance Director submits the No-New Revenue and Voter Approval rates to City Council. (Tax Code Sec 26.04(e)). Finance Director posts the calculated no-new-revenue tax rate and voter approval tax rate, along with certain debt information on the home page of the City's website using form prescribed by comptroller (Tax Code Sec 26.04(e)).
August 26	City Council confirms maximum proposed tax rate and Council takes a record vote. (Tax Code Sec 26.061 (b)). City Council schedules one public hearing on the budget (LGC 102.006a-b) and a meeting to vote on the tax rate (Tax Code Sec. 26.05(d); (Tax Code Sec 26.06)
August 27	City Manager files budget with City Secretary (LGC 102.005a). City Secretary ensures the proposed budget is available on the website and available for inspection at City Hall (LGC 102.005c)
September 3	Finance Director publishes <i>Notice of Public Hearing on the Proposed Budget</i> in the Friday, September 3rd edition of Boerne Star and posts the budget on City's website. (LGC 102.005c) Finance Director publishes <i>Notice of Meeting to Vote on Proposed Tax Rate</i> in the Friday, September 3rd edition of Boerne Star and posts on the City's website (Tax Code Sec. 26.061, 26.06(c))
September 16	Public Hearing for Proposed Budget. Council Meeting for the First Reading of Budget and Tax Rate Ordinances is held.
September 27 (Special Meeting)	Second Reading and adoption of the Budget and Tax Rate ordinances



CITY OF FAIR OAKS RANCH
CITY COUNCIL SPECIAL MEETING

Wednesday, August 25, 2021 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, and Parker

Council Absent: Council Member Muenchow

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

2. Pledge of Allegiance – The pledge of Allegiance was led by Mayor Maxton.

CITIZENS and GUEST FORUM

3. There were no citizens to be heard.

Council Member Koerner requested clarification on use of executive session to conduct applicant interviews for boards, commissions, and committees.

Council went into recess at 6:39 PM as Mayor Maxton to consulted with the City Attorney.

Council reconvened into Open Session at 6:55 PM.

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:

City Council convened into Executive Session at 6:58 PM regarding:

Sec. 551.074 (Personnel Matters)

4. To conduct interviews, individually, of applicants for vacancies on various boards, commissions, and committees for the City of Fair Oaks Ranch.

RECONVENE INTO OPEN SESSION

Mayor Maxton reconvened into Open Session at 9:09 PM.

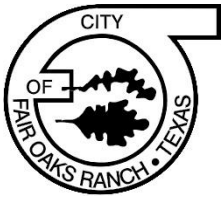
ADJOURNMENT

Mayor Maxton adjourned the meeting at 9:10 PM.

ATTEST:

Gregory C. Maxton, Mayor

Christina Picioccio, City Secretary



CITY OF FAIR OAKS RANCH
CITY COUNCIL SPECIAL MEETING

Thursday, August 26, 2021 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, and Parker.

Council Absent: Council Member Muenchow

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

2. Pledge of Allegiance – The pledge of Allegiance was led by Mayor Maxton.

CITIZENS and GUEST FORUM

3. There were no citizens to be heard.

CONSIDERATION/DISCUSSION ITEMS

4. Consideration and possible action approving a Resolution setting the proposed maximum Fiscal Year 2021-22 ad valorem tax rate, and setting the date to hold the proposed Fiscal Year 2021-22 budget public hearing as September 16, 2021 at 6:30 PM and setting the date to adopt the said budget and the meeting to vote on the tax rate as September 27, 2021.

MOTION: Made by Council Member Elizondo, seconded by Council Member Bliss, to approve a Resolution setting the maximum proposed ad valorem tax rate for Fiscal Year 2021-22.

VOTE: 6-0; Motion Passed.

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:

City Council convened into Executive Session at 6:36 PM regarding:

Sec. 551.074 (Personnel Matters)

5. To perform annual evaluation of the City Manager and City Secretary.

RECONVENE INTO OPEN SESSION

Mayor Maxton reconvened into Open Session at 11:04 PM. No action was taken.

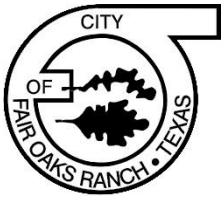
ADJOURNMENT

Mayor Maxton adjourned the meeting at 11:04 PM.

ATTEST:

Gregory C. Maxton, Mayor

Christina Picioccio, City Secretary



CITY OF FAIR OAKS RANCH
CITY COUNCIL SPECIAL MEETING

Thursday, August 30, 2021 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, and Muenchow.

Council Absent: Council Member Parker

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

2. Pledge of Allegiance – The pledge of Allegiance was led by Mayor Maxton.

CITIZENS and GUEST FORUM

3. There were no citizens to be heard.

CONSIDERATION/DISCUSSION ITEMS

4. Consideration and possible action to accept an application for open positions on Boards, Committees, and Commissions and to arrange an interview.

There were no additional applications received so no action was necessary.

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:

City Council convened into Executive Session at 6:34 PM regarding:

Sec. 551.074 (Personnel Matters)

5. To conduct interviews, individually, of applicants for vacancies on various boards, commissions, and committees for the City of Fair Oaks Ranch.

RECONVENE INTO OPEN SESSION

Mayor Maxton reconvened into Open Session at 8:24 PM. No action was taken.

ADJOURNMENT

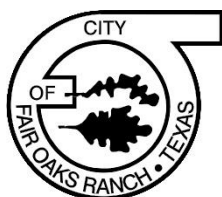
Council Member Bliss asked for a future agenda item to discuss speeding and safety.

Mayor Maxton adjourned the meeting at 8:26 PM.

ATTEST:

Gregory C. Maxton, Mayor

Christina Picioccio, City Secretary



CITY OF FAIR OAKS RANCH
CITY COUNCIL SPECIAL MEETING

Thursday, August 31, 2021 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, and Muenchow.

Council Absent: Council Member Parker

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

2. Pledge of Allegiance – The pledge of Allegiance was led by Mayor Maxton.

CITIZENS and GUEST FORUM

3. There were no citizens 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 convenes into closed session:

City Council convened into Executive Session at 6:32 PM regarding:

Sec. 551.074 (Personnel Matters)

4. To conduct interviews, individually, of applicants for vacancies on various boards, commissions, and committees for the City of Fair Oaks Ranch.

RECONVENE INTO OPEN SESSION

Mayor Maxton reconvened into Open Session at 8:39 PM. No action was taken.

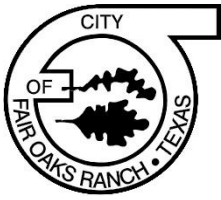
ADJOURNMENT

Mayor Maxton adjourned the meeting at 8:40 PM.

ATTEST:

 Gregory C. Maxton, Mayor

 Christina Picioccio, City Secretary



CITY OF FAIR OAKS RANCH
CITY COUNCIL REGULAR MEETING

Thursday, September 02, 2021 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, and Muenchow

Council Absent: Council Member Parker

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

2. Pledge of Allegiance – The Pledge of Allegiance was led by Mayor Maxton.

CITIZENS and GUEST FORUM

3. Citizens to be heard – Citizen Christine Graham spoke in appreciation of the police department for their help with monitoring feral hogs spotted near school bus stops in the Setterfeld community.

PRESENTATIONS

4. Joanna Merrill, IPMA-SCP, Director of Human Resources & Communications introduced to Council new employees: Jimmy Washer - Maintenance Technician (not present), James Ramirez - Maintenance Technician, Harley Butler - Police Officer, Grant Watanabe - Director of Public Works & Engineering Services.
5. Life Saving Award to Officers Alexander Willis & Eric De La Rosa. This item will be presented at a future meeting.
6. Dan Santee, City Attorney, provided clarification to the Council regarding a previous presentation regarding the Open Meetings Act and provided more information about how a third party could facilitate a quorum.

CONSENT AGENDA

7. Approval of the August 19, 2021 Regular City Council meeting minutes.
8. Approval of Council Member Muenchow's absence from the August 19, 2021 City Council meeting.
9. Approval of Council Member Bliss' absence from the September 16, 2021 City Council meeting.

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

VOTE: 6-0; Motion Passed.

CONSIDERATION/DISCUSSION ITEMS

10. Consideration and possible action approving the first reading of an Ordinance amending the Code of Ordinances, Chapter 1, General Provisions, Article 1.05 Records Management.

Christina Picioccio, City Secretary, provided an overview of the history and goals for future direction of the city's records management plan. Council voiced interest in modifying state schedules in certain records under council purview: agendas, agenda packets and recordings. Council requested that City Secretary provide at a future meeting, estimation of storage capacity to help determine these timelines.

MOTION: Made by Council Member Muenchow, seconded by Council Member Elizondo, to approve the first reading of an Ordinance amending the Code of Ordinances, Chapter 1, General Provisions, Article 1.05 Records Management.

VOTE: 6-0; Motion Passed.

11. Consideration and possible action authorizing the City Manager to execute a contract with Audio Visual Aids to purchase equipment for a Multiplatform Communications option for live streaming public meetings.

Joanna Merrill, IPMA-SCP, Director of Human Resources & Communications, provided an update on options and pricing for multi-platform public meeting options after which she was provided direction by Council to pursue a basic option that could be built upon in the future if necessary.

REQUESTS AND ANNOUNCEMENTS

12. There were no announcements or reports by Mayor and Council Members.

13. Announcements by the City Manager.

City Manager, Tobin E. Maples, announced that the household hazard waste event is scheduled for September 18, 2021 at the Cibolo Creek Church, the bulk pickup project is ongoing in the City, and the street maintenance program is scheduled to begin September 9, 2021. Mr. Maples also informed Council of repairs to City Hall and the Public Safety Building.

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

- a. Council Member Elizondo asked a future consideration item for a workgroup that would define a guideline to include a definition of transparency and set the standard performance for the organization.
- b. Mayor Maxton requested that a discussion regarding feral hogs be placed on a future 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:

City Council convened into Executive Session at 8:56 PM regarding:

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

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

City Council did not convene into Executive Session regarding:

15. To receive legal advice and to receive and deliberate an offer of settlement for claims made on behalf of a real property owner against the City's operation of well K-2.
16. To receive legal advice from Special Counsel and the City Attorney regarding the City's ground water rights.

RECONVENE INTO OPEN SESSION

Mayor Maxton reconvened into Open Session at 9:59 PM. No action was taken.

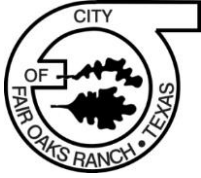
ADJOURNMENT

Mayor Maxton adjourned the meeting at 9:59 PM.

ATTEST:

Gregory C. Maxton, Mayor

Christina Picioccio, City Secretary



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
September 16, 2021

AGENDA TOPIC: Approval of a Resolution repealing Resolution 2015-18 and subsequent resolutions; adopting the City's Financial Management Policy; reaffirming the City's Investment Policy; and providing for an effective date

DATE: September 16, 2021

DEPARTMENT: Finance

PRESENTED BY: (Consent Agenda) Sarah Buckelew, Finance Director

INTRODUCTION/BACKGROUND:

The City Council last amended the City's Financial Management Policy on October 15, 2018 with Resolution 2015-18. Pursuant to the City of Fair Oaks Ranch Financial Management Policy – Section XIV, the Finance Officer (Director) is required to annually review said Policy and present to the Fair Oaks Ranch City Council ("Council") any significant changes for approval. Upon review of the policy, there are several changes that need to be made. In addition to a small number of grammatical issues resolved, the following are the more substantive changes being made:

1. Throughout the policy
Titles need to be updated to reflect the current revised titles of those roles. The most common changes throughout are:
 - "City Administrator" to "City Manager"
 - "Finance Officer" to "Finance Director"
2. Section IIB – Funds
The correct definition per GASB is "General Fund" not "Governmental Fund"
3. Section IIF – Accounting, Auditing, and Financial Reporting: Internal Auditing
The Internal Audit function will be performed by an external consultant moving forward. The section has been updated to reflect this change.
4. Section IIIB – Internal Controls – Internal Controls
The program overseen by the Finance Director should be referred to as the Internal Controls Program, not the Internal Audit Program.
5. Section IVA – Operating Budget – Preparation
Because laws have recently changed regarding tax and budget adoption, it makes sense to administratively refer to the law rather than specify a timeline. This section also needs to be updated to reflect that the City Manager, not the Mayor, is the Budget Officer as stipulated by the City Charter.
6. SECTION IVD – Operating Budget – Reporting
The current process is to report financial updates with the quarterly investment report rather than monthly.
7. SECTION VA – Fund Balance/Reserves Policy

A statement is made specifying in which order Council should utilize fund balance, but this is inappropriate because based on the type, Council does not have the choice of how to utilize fund balance, especially if it is restricted legally. This statement should be removed.

8. Section VIII – Expenditure Control

This section has been updated to be consistent with recently updated and implemented internal controls as well as the Procurement Policy which follows Texas Municipal Procurement laws.

9. Section XB – Financial Condition – Risk Management Program

The statement regarding which position will “handle” insurance claims is inaccurate for current procedures. The sentence is not really needed since it is more procedural rather than policy.

10. XXIIB Staffing and Training

The training required by law for the Investment officer is a Public Funds Investment Act Training, 10 hours biannually.

11. XIIIB Grants Management – Responsibility

It would not be practicable for department heads to oversee day-to-day operations of a grant program, as they do not have proper access to financial records, nor are they involved with any audits required of said grants. Responsibility has been changed to the Finance Director.

Pursuant to Government Code §2256.005, City Council shall adopt, annually, a resolution stating the Investment Policy has been reviewed to ensure the highest return and maximum security of the investments of government funds and, record any changes made thereof.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

1. Complies with Government Code and requirements under the Public Fund Investment Act.
2. Complies with the Financial Management Policy

LONGTERM FINANCIAL & BUDGETARY IMPACT:

None

LEGAL ANALYSIS:

Approved as to form

RECOMMENDATION/PROPOSED MOTION:

(Consent Agenda) I move to approve the resolution repealing Resolution 2015-18 and subsequent resolutions, and adopting the City’s Financial Management Policy; Reaffirming the City of Fair Oaks Ranch Investment Policy; and providing for an effective date.

A RESOLUTION

A RESOLUTION REPEALING 2015-18 AND SUBSEQUENT RESOLUTIONS; ADOPTING THE CITY'S FINANCIAL MANAGEMENT POLICY; REAFFIRMING THE CITY OF FAIR OAKS RANCH INVESTMENT POLICY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on March 2008 the City Council adopted the City's Financial Management including the Investment and Capitalization policies under Resolution 64.6; and,

WHEREAS, pursuant to the City of Fair Oaks Ranch Financial Management Policy - Section XIV, the Finance Director is required to annually review said Policy and present to the Fair Oaks Ranch City Council ("Council") any significant changes for approval; and,

WHEREAS, due to the numerous recommended changes in the Financial Management Policy, repealing 2015-18 and adopting a new Policy is warranted; and,

WHEREAS, pursuant to Government Code §2256.005, City Council shall adopt, annually, a resolution stating the Investment Policy has been reviewed to ensure the highest return and maximum security of the investments of government funds and, record any changes made thereof; and,

WHEREAS, the City Council of Fair Oaks Ranch determines it is necessary to adopt a new Financial Management Policy as presented and, affirms no amendments to the Investment Policy are warranted.

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

SECTION 1: The City Council of the City of Fair Oaks Ranch, hereby repeals 2015-18 and all subsequent Resolutions.

SECTION 2: The City Council of the City of Fair Oaks Ranch, hereby adopts the City of Fair Oaks Ranch Financial Management Policy, as attached.

SECTION 3: The City Council of the City of Fair Oaks Ranch, hereby reaffirms the City of Fair Oaks Ranch Investment Policy, as attached.

PASSED, APPROVED, and ADOPTED on this 16th day of September 2021.

Greg Maxton, Mayor

ATTEST:

APPROVED AS TO FORM:

Christina Picioccio, City Secretary

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

CITY OF FAIR OAKS RANCH FINANCIAL MANAGEMENT POLICY

64.0	Adopt Investment Policy	October 1995
64.1	Adopt Investment Policy	January 1996
64.2	Adopt Investment Policy	October 1998
64.3	Reaffirm Investment Policy	December 2004
64.4	Amend Investment Policy	February 2006
64.5	Amend Investment Policy	April 2007
64.6	Adopt Financial/Investment/Capitalization Policy	March 2008
64.7	Amend Financial Policy to adopt Identity Theft Prevention Program	May 2009
64.8	Amend Investment Policy	June 2009
R2011-12	Amend Financial Policy to adopt GASB54 Standards	August 2011
R2011-13	Amend Financial Policy and Reaffirm Investment Policy	August 2011
R2012-09	Reaffirm Investment Policy	September 2012
R2013-11	Amend Financial Policy and Reaffirm Investment Policy	September 2013
R2014-14	Reaffirm Investment Policy	September 2014
R2015-18	ReAffirm Resolution 64.6 and all subsequent resolutions	October 15,
2015	Adopt Financial Management Policy Reaffirm Investment Policy	
<u>R2017-16</u>	<u>Reaffirm Investment Policy</u>	<u>September 21, 2017</u>
<u>R2018-11</u>	<u>Reaffirm Investment Policy</u>	<u>October 18, 2018</u>
<u>R2020-12</u>	<u>Reaffirm Investment Policy</u>	<u>September 15, 2020</u>

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I. PURPOSE STATEMENT

These policies are developed by the City Council to guide the City Staff in financial matters. The overriding goal of the Financial Management Policy is to enable the City to achieve a long-term stable and positive financial condition while conducting its operations consistent with state laws. The watchwords of the city's financial management include integrity, prudent stewardship, planning, accountability, and full disclosure.

The purpose of the Financial Management Policy is to provide guidelines for the management staff in planning and directing the city's day-to-day financial affairs and in developing recommendations to the City Administrator/Manager. It should be noted the responsibilities and authority granted for individuals, whose titles are covered in this document, may not match the job description and explicit duties of their job. In such instances, those individuals are expected to perform their duties as outlined in their job descriptions, in accordance with agreements and job expectations of their reporting lines of authority.

The scope of these policies span accounting, investments, auditing, financial reporting, internal controls, budgeting, capital program including capitalization, revenue and cash management, expenditure control, debt management, and identity theft prevention.

II. ACCOUNTING, AUDITING, AND FINANCIAL REPORTING

- A. **ACCOUNTING** - The Finance Officer/Director is responsible for establishing the chart of accounts, and for properly recording financial transactions.
- B. **FUNDS** - Self-balancing groups of accounts are used to account for financial transactions in accordance with generally accepted accounting principles. Each fund is created for a specific purpose except for the Governmental/General Fund, which is used to account for all transactions not accounted for in other funds. Funds are created and fund names are changed by City Council approval either during the year or in the City Council's approval of the annual operating budget Ordinance.
- C. **EXTERNAL AUDITING** - The city will be audited annually by an outside independent auditor. The auditor must be a CPA, and must demonstrate that they have the breadth and depth of staff to conduct the city's audit in accordance with generally accepted auditing standards, generally accepted government auditing standards and contractual requirements. The auditor's report on the city's financial statements, including federal grants single audit, will be completed within 120 days of the city's fiscal year end, and the auditor's management letter will be presented to the city secretary within 150 days after the city's fiscal year end. An interim management letter will be issued prior to this date if any materially significant internal control weaknesses are discovered. The city staff and auditor will jointly review the management letter with the City Council.
- D. **EXTERNAL AUDITORS RESPONSIBLE TO CITY COUNCIL** - The external auditor is accountable to the City Council and will have access to direct communication with the City Council if the city staff is unresponsive to auditor recommendations or if the auditor considers such communication necessary to fulfill their legal and professional responsibilities.

- E. **EXTERNAL AUDITOR ROTATION** - The city will not require external auditor rotation, but may circulate requests for proposal for audit services, periodically.
- F. **INTERNAL AUDITING** - The City ~~Manager~~Administrator, with the assistance of the Finance ~~Officer~~Director, is responsible for establishing and performing an internal audit function. The internal auditor work plan includes compliance test work and performance auditing. The City ~~Manager~~Administrator, in written format, will establish the time and function of internal audit to be performed by the Internal Auditor.~~Finance Officer~~.
- G. **INTERNAL FINANCIAL REPORTING** - The accounting department will prepare internal financial reports sufficient for management to plan, monitor, and control the city's financial affairs.

III. INTERNAL CONTROLS

- A. **WRITTEN PROCEDURES** - The Finance ~~Officer~~Director and ~~Deputy City~~Assistant City Manager~~Administrator~~ are responsible for developing city-wide written guidelines on accounting, cash handling, and other financial matters which will be approved by the City ~~Manager~~Administrator.
- B. **INTERNAL ~~AUDIT~~CONTROLS** - An internal-~~audit~~ controls program will be maintained by the Finance ~~Officer~~Director to ensure compliance with City policies and procedures and to prevent the potential for fraud.
- C. **DEPARTMENT HEADS RESPONSIBLE** - Each department head is responsible to the City ~~Administrator~~Manager to ensure that good internal controls are followed throughout their department, that all guidelines on accounting and internal controls are implemented, and that all independent and internal auditor internal control recommendations are addressed

IV. OPERATING BUDGET

- A. **PREPARATION** - The city's "operating budget" is the city's annual financial operating plan and the ~~Mayor~~City Manager is the Budget Officer. It consists of governmental and enterprise funds. The budget is prepared by the Finance Department with the cooperation of all city departments, and is submitted to the City ~~Administrator~~Manager who makes any necessary changes and transmits the document to City Council. The budget should be presented to the City Council ~~no later than six weeks prior to fiscal year end~~in conformity with Truth in Taxation Laws and Local Government Property Tax Codes, and shall be enacted by the City Council prior to the fiscal year end.
- B. **BALANCED BUDGETS** - The City's goal is to have a balanced operating budget.
- C. **PLANNING** - The budget process will be coordinated ~~so as~~ to identify major policy issues for City Council consideration several months prior to the budget approval date. An annual budget calendar to assist the Council and staff will be prepared and presented to City Council prior to start of the budget process.

- D. REPORTING** - Periodic financial reports will be prepared to enable the department heads to manage their budgets and to enable the City ~~Manager~~Administrator to monitor and control the budget as authorized by the City Council. Financial reports will be presented to the City Council ~~each month~~quarterly to include current year revenue and expenditures.
- E. CONTROL** - Operating Expenditure Control is addressed in Section VIII.
- F. RECORD KEEPING** - All permanent historical budget documents will be filed with the ~~e~~City ~~S~~ecretary for record keeping pursuant to State law, City Code, and Resolution 46.0.

V. FUND BALANCE/RESERVES POLICY

- A. GOVERNMENTAL FUND** - Fund balance shall mean the gross difference between governmental fund assets and liabilities reflected on the balance sheet. The City Council shall report governmental fund balances per GASB54 definitions on the balance sheet as follows:
1. *Non-spendable* - Portion of total fund balance that is not in spendable form or required to be maintained intact. Example: Prepaids
 2. *Restricted* - Portion of total fund balance constrained for specific purposes by such grantors, bondholders, higher level of government or by law. Example: Court Technology Fund
 3. *Committed* - Portion of total fund balance constrained to specific purposes and amounts by City Council. Only Council can decommit funds previously committed ~~unconstrain~~mit. The commitment must be in a form of formal Council action taken prior to fiscal year end. Example: One-time Contracts extending beyond the approving fiscal year
 4. *Assigned* - Portion of total fund balance the City designates for specific purposes as expressed by the City ~~Administrator~~Manager. Example: Capital Expenditure for equipment
 5. *Unassigned* - Portion of total fund balance not identified in one of the above categories.

~~City Council will utilize funds in the following spending order: restricted, committed, assigned and unassigned.~~

The fund balance will be managed carefully, keeping in mind a desired goal of at least six months of operating expenses. City should strive to replenish the capital fund balance since this was recommended by Standard and Poor during the rating process in 2015.

- B. ENTERPRISE FUND** - The fiscal year surplus will be distributed according to the needs of the enterprise fund as determined by the ~~Public Works Director~~City Manager, ~~and with the concurrence of the City Administrator.~~

1. *Operating Expense* - A reserve with a goal of at least one (1) year operating expense.
2. *Bond Debt(s)* - A reserve with a minimum of the fiscal year's Principal and Interest on the bond debt(s).
3. *Water and Wastewater Capital Projects* - Two (2) reserves, respectively, to be used for major capital outlay, unplanned projects, and any government mandates for water and wastewater capital projects.
4. *Infrastructure Improvements* - Two (2) reserves, respectively, to be used for water and wastewater rehabilitation and replacement, unplanned projects, and any government mandates.

VI. CAPITAL EXPENDITURES AND PROGRAM

- A. **PREPARATION** - The city's capital fund will include all capital expenses and projects costing over \$50,000. A detailed list of expenses and projects will be prepared annually on a fiscal year basis by the City ~~Administrator~~ Manager as part of the fiscal year budget. All required departments will be involved in preparing their required capital expenses.
- B. **CONTROL** - ~~Governmental~~ Fund *long-term capital improvements will be appropriated in capital improvement fund*
- C. **ALTERNATE RESOURCES** - Where applicable, assessments, impact fees, or other user-based fees should be used to fund capital projects.
- D. **DEBT FINANCING** - Recognizing that debt is usually a more expensive financing method, alternative financing sources will be explored before debt is issued. When debt is issued, it will be used to acquire major assets with expected lives which equal or exceed the average life of the debt issue. The exceptions to this requirement are the traditional costs of marketing and issuing the debt, capitalized labor for design and construction of capital projects, and small component parts which are attached to major equipment purchases.
- E. **STREET MAINTENANCE** - The city has an 8-year street maintenance program which will continue on the purpose of pay-as-you-go basis to perform street maintenance at the lowest possible cost to avoid base failure.

VII. REVENUE MANAGEMENT

- A. **CERTAINTY** - An understanding of the revenue source increases the reliability of the revenue system. The city will try to understand its revenue ~~sources, and~~ sources and

enact consistent collection policies so that assurance can be provided that the revenue base will materialize according to budgets and plans.

- B. **EQUITY** - The city will strive to maintain equity in the revenue system structure. That is, the city will seek to minimize or eliminate all forms ~~offer~~ subsidization between entities, funds, services, utilities, and customers. However, it is recognized that public policy decisions may lead to subsidies in certain circumstances, e.g., senior citizen property tax exemptions.
- C. **ADMINISTRATION** - The benefits of a revenue will exceed the cost of producing the revenue. The cost of collection will be reviewed annually for cost effectiveness as a part of the indirect cost, and cost of services analysis. Where appropriate, the city will use the administrative processes of State or Federal collection agencies in order to reduce administrative costs.
- D. **REVENUE ADEQUACY** - The city will require ~~that~~ there be a balance in the revenue system. That is, the revenue base will have the characteristics of fairness and neutrality as it applies to cost of service, willingness to pay, and ability to pay.
- E. **COST/BENEFIT OF ABATEMENT** - The city will use due caution in the analysis of any tax, fee, or water and wastewater incentives that are used to encourage development.
- F. **NON-RECURRING REVENUES** - One-time revenues will not be used for ongoing operations. Non-recurring revenues will be used for only non-recurring expenditures.
- G. **PROPERTY TAX REVENUES** - Property shall be assessed at 100% of the fair market value as appraised by the appropriate Appraisal District. Reappraisal and reassessment shall be done regularly as required by State law. A 97% collection rate will serve as a minimum for tax collections, with a delinquency rate of 3%. All delinquent taxes will be aggressively pursued by the city's Delinquent Tax Attorney. A penalty will be assessed to compensate the attorney as allowed by state law, and in accordance with the attorney's contract.
- H. **USER-BASED FEES** - For services associated with a user fee or charge, the direct and indirect costs of that service will be offset by a fee where possible. There will be an annual review of fees and charges to ensure that fees provide adequate coverage of costs of services.
- I. **IMPACT FEES** - Impact fees will be imposed for water and wastewater in accordance with the requirements of state law. The Public Works Director working with the Capital Improvements Advisory Committee shall prepare a bi-annual report on the capital improvement plans and fees. Additionally, impact fees will be re-evaluated at least every five years as required by law.
- J. **ADMINISTRATIVE CHARGES** - A method will be maintained whereby the ~~Governmental-~~ General Fund can impose a management fee to the Enterprise Fund for indirect costs performed on the Enterprise Funds' behalf.

- K. **WATER/WASTEWATER RATES** - The City Council will review water/wastewater rates and, if necessary, adopt new rates that will generate revenue required to cover operating expenditures *and will consider inflation*, meet the legal restrictions of all applicable bond covenants, and provide for an adequate level of working capital needs.
- L. **INTEREST INCOME** - Interest earned from investment of available monies, whether pooled or not, will be distributed to the funds in accordance with the operating budgets which, wherever possible, will be in accordance with the equity balance of the fund from which monies were provided to be invested.
- M. **REVENUE MONITORING** - Revenues ~~actually~~ received will be regularly compared to budgeted revenues and variances will be investigated.

VIII. EXPENDITURE CONTROL

- A. **APPROPRIATIONS** - The level of budgetary control is the department level budget in the ~~Governmental~~ General Fund, and the fund level in all other funds. Budget adjustments ~~(i.e., amendments)~~ among departments ~~and/or funds must be approved by the City Council~~ must be approved by the City Manager. Budget Amendments among funds must be approved by the City Council. Budget appropriation amendments at lower levels of control shall be made in accordance with the applicable administrative procedures.
- ~~B. **INVOICE PAYMENTS** - The City will only pay from receipts, invoices and disbursement vouchers that have the appropriate authorizing signature, total dollar amount (excluding tax), and general ledger account code. Supervisors can authorize invoices up to \$1,000. The City Manager/Administrator and Department Heads can authorize up to \$25,000 in addition to annual and Council approved contracts, recurring charges, and prior approved budgetary items. All other invoice payments exceeding \$5,000 require Council approval. All credit card purchases shall be in accordance with the credit card policies as defined in the Personnel Policy Manual~~
- ~~CB. **PROFESSIONAL SERVICES PURCHASES** - A separate procurement policy governs purchases and compliance with Texas Municipal Procurement Laws. Professional services Purchase Authority Matrix as part of the procurement policy shall be reviewed no less than annually. -will be processed through a request for qualifications as defined by the Texas local government code.~~ The City ~~Manager/Administrator~~ may execute any ~~professional services~~ contract, including legal settlements except for insurance, less than \$~~50~~25,000 provided there is a budget ~~n~~-appropriation for such contract.
- ~~DC. **PROMPT PAYMENT** - All invoices will be paid 30 days of receipt in accordance with the prompt payment requirements of State law. Procedures will be used to take advantage of all purchase discounts where considered cost effective. However, payments will also be reasonably delayed in order to maximize the City's investable cash, where such delay does not violate the agreed upon payment terms.~~
- E. **EMPLOYEE REIMBURSEMENTS/ADVANCES** - Policy set forth in the City's Policies and Procedures Manual; Reimbursement of Expenses.

IX. ASSET MANAGEMENT

- A. **INVESTMENTS** - Investments will be conducted in accordance with the Investment Policy attached as Appendix A.
- B. **CASH MANAGEMENT** - The City's cash flow will be managed to maximize the cash available to invest.
- C. **FIXED ASSETS AND INVENTORY** - The assets will be reasonably safeguarded and properly accounted for, and prudently insured.
- D. **CAPITALIZATION OF CAPITAL ASSETS** - The capitalization of capital assets will be conducted in accordance with the Capitalization of Capital Assets Policy attached as Appendix B.

X. FINANCIAL CONDITION

- A. **NO OPERATING DEFICITS** - Current expenditures will be paid with current revenues. Deferrals, short-term loans, or one-time sources will be avoided as budget balancing techniques.
- B. **RISK MANAGEMENT PROGRAM** - The City's approach to risk management is to identify and control risks to the City. Department heads are responsible for conducting safety training as needed. ~~Human Resources handles workers' compensation claims, and the Finance Officer handles property and liability coverage and claims.~~
- C. **ENTERPRISE FUND SELF-SUFFICIENCY** - The goal of the Enterprise Fund is to be self-sufficient. Indirect administrative cost and direct personnel costs performed by General Fund should be charged to Enterprise Fund either through direct charges and/or through a pre-set management fee. Revenue should be sufficient to cover operating expenditures.

XI. DEBT MANAGEMENT

- A. **GENERAL** - The city's borrowing practices will be conducted in accordance with the City Council's approval.
- B. **SELF-SUPPORTING DEBT** - When appropriate, self-supporting revenues will pay debt service in lieu of tax revenues.
- C. **ANALYSIS OF FINANCING ALTERNATIVES** - The city will explore all financing alternatives in addition to long-term debt including leasing, grants and other aid, developer contributions, impact fees, and use of reserves or current monies.
- D. **VOTER AUTHORIZATION** - The city shall obtain voter authorization before issuing General Obligation Bonds as required by law. Voter authorization is not required for the issuance of Revenue Bonds.

XII. STAFFING AND TRAINING

- A. ADEQUATE STAFFING** - Staffing levels will be adequate for the fiscal functions of the city to function effectively.
- B. TRAINING** - The city will support the continuing education efforts of all financial staff including the investment time and materials for maintaining a current perspective concerning financial issues. Staff will be held accountable for communicating, training, and sharing with other staff members all information and training materials acquired from seminars, conferences, and related education efforts. The Investment Officer, as required by law, will attend one training session of 10 hours of instruction relating to ~~the Treasurer's~~ Public Funds Investment Act responsibilities within 12 months after assuming their duties and, thereafter attend one investment training session every two years consisting of not less than 10 hours of investment instruction.

XIII. GRANT FINANCIAL MANAGEMENT

- A. GRANT SOLICITATION** - The city will stay informed about available grants and will apply for any which would be cost beneficial and meet the ~~C~~city's objectives.
- B. RESPONSIBILITY** - ~~Department Heads~~ Finance Director, will oversee the day-to-day operations of grant programs, will monitor performance and compliance, and will also keep the accounting department informed of significant grant-related plans and activities. The Finance ~~Officer~~ Director will serve as liaison with grantor financial management personnel, will prepare invoices, and will keep the books of account for all grants.

XIV. ANNUAL REVIEW

The Financial Management Policy will be reviewed annually by the Finance ~~Officer~~ Director. Recommended amendments, with the concurrence of the City ~~Manager~~ Administrator, will be presented to the City Council for approval. The City Council, pursuant to Government Code §2256.005, shall adopt, annually, a resolution stating the Investment Policy has been reviewed and, record any changes made thereof.

Appendix A**INVESTMENT POLICY****I. Policy**

It is the policy of the City to invest public funds in a manner which will provide the highest, reasonable investment return with the maximum security of principal while meeting the daily cash flow demands of the City and conforming to all federal, state, and local statutes governing the investment of public funds. It is also the policy of the City that the administration of its funds and the investment of those funds shall be handled as its highest public trust.

The Investment Policy shall be adopted by Resolution as part of the Financial Management Policies. The policy shall be reviewed and adopted by Resolution annually by the City Council.

II. Purpose

The purpose of this policy is to comply with Chapters 2256 and 2257 of the Texas Government Code, which requires City Council to adopt a written investment policy regarding the investment of its funds and funds under its control. The investment policy addresses the methods, procedures and practices that must be exercised to ensure effective and judicious fiscal management of the City's funds.

III. Scope

This investment policy applies to all financial assets and funds of the City. Funds are defined in the City's audited Annual Financial Report. Funds are created by the City unless specifically exempted by the City Council and this policy.

IV. General Objectives

The primary objectives, in priority order, of the City's investment activities shall be safety, liquidity, diversification, and yield.

Safety - Safety of the principal is the foremost objective of the city. Investments shall be undertaken in a manner that seeks to insure the preservation of capital in the overall portfolio.

Liquidity - The investment portfolio will remain sufficiently liquid to meet all operating requirements which might be reasonably anticipated.

Diversification - Diversification of the portfolio will include diversification by maturity and market sector.

Yield - The investment portfolio shall be designed with the objective of attaining a market rate of return, taking into account the investment risk constraints and liquidity needs. Market rate of return may be defined as the average yield of the current six month US Treasury Bill. Return on investment is of secondary importance compared to the safety and liquidity objectives described above.

Effective cash management is recognized as essential to good fiscal management. Cash Management is defined as process of managing monies in order to ensure maximum cash availability. The City will effectively collect account receivables, practice prudent investment of its available cash, disburse payments in accordance with invoice terms and manage banking services.

V. Prudence

The standard of prudence to be used by investing officials shall be the "prudent person" rule and shall be applied in the context of managing an overall portfolio. This rule states that "Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the expected income to be derived."

Limitation of Personal Liability - Investment officials acting in accordance with this policy and in accord with the Prudent Person Rule, shall be relieved of personal liability in the management of the portfolio provided that deviations from expectations for a specific security's credit risk or market price change is reported in a timely fashion and the appropriate action is taken to control unfavorable developments.

Ethics and Conflicts of Interest - Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution and management of the investment program, or that could impair their ability to make impartial investment decisions. Employees and investment officials shall disclose any material interests in financial institutions that conduct business with the City. An investment official who has a personal business relationship with an organization seeking to sell an investment to the City shall file a statement disclosing that personal business interest. An investment official who is related within the second degree by affinity or consanguinity to an individual seeking to sell an investment to the City shall file a statement disclosing the relationship. A statement required under this subsection must be filed with the Texas Ethics Commission and City Council.

VI. Delegation of Authority

The City's Finance ~~Officer~~Director, acting on behalf of the city, is designated as the Investment Officer of the city. Responsibility for the operation of the investment program is hereby delegated to the investment officer, who shall act in accordance with established procedures and internal controls for the operation of the investment program consistent with this investment policy. The Investment Officer shall be responsible for all investment transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials. No person may engage in an investment transaction except as provided under the terms of this policy and established written procedures.

Training - Investment officials must complete at least 10 hours of investment training within 12 months of taking office or assuming duties, and shall attend an investment training session not less than once in a two year period and receive not less than 10 hours of instruction relating to investment responsibilities.

VII. Internal Controls

The City ~~Manager~~Administrator and Investment Officer are responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the entity are protected from loss, theft, or misuse. The internal control shall be designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that (a) the cost of a control should not exceed the benefits likely to be derived and (b) the valuation of costs and benefits requires estimates and judgments by management.

VIII. Safekeeping and Custody

Authorized Financial Dealers and Institutions - The Investment Officer will maintain a list of financial institutions and security broker/dealers authorized to provide investment/depository services.

Those firms that request to become qualified bidders for securities transactions must provide one or more of the following as applicable: audited financial statements, proof of National Association of Security Dealers certification, trading resolution, proof of state registrations, certification of having read the entity's investment policy and depository contracts.

Depository Agreement - The City shall follow Section 105 of the Local Government Code when entering into a depository agreement for normal banking services including disbursements, collections, and safekeeping. Other banking institutions from which the City may purchase certificates of deposit will also be designated as a depository.

Delivery vs Payment - All trades with the exception of investment pools and mutual funds will be executed by delivery vs payment to ensure that securities are deposited in an eligible financial institution prior to the release of funds. Securities and collateral will be held in the City's name by a third-party custodian as evidenced by safekeeping receipts of the institution with which the securities are deposited.

IX. Authorized and Suitable Investments

Eligible Investments - Assets of the City may be invested in the following instruments as authorized by the Public Funds Investment Act (Section 2256). Only those instruments listed in this section are authorized and will be used as needed to maintain an appropriate diversified portfolio:

1. Local Government Investment Pools which meets the requirements of Chapters 2256.016-2256.019 of the Public Funds Act and are rated no lower than AAA or AAA-m or an equivalent rating by at least one nationally recognized rating service.
2. Obligations of the United States or its agencies and instrumentalities.
3. Certificates of Deposit issued by a depository institution that has its main office or a branch in Texas. The CD must be guaranteed or insured by the Federal Deposit Insurance Corporation or its successor or the National Credit Union Share Insurance Fund or its successor and secured by obligations in a manner and amount as provided by law.
4. No-load Money Market Mutual Funds that 1) are registered and regulated by the Securities and Exchange Commission, 2) have a dollar weighted average stated maturity of 90 days or fewer, 3) seek to maintain a net asset value of \$1 for share, and 4) are rated no lower than AAA or an equivalent rating by at least one nationally recognized rating service. The City may not invest in money market mutual funds in the aggregate more than 80 percent of its monthly average fund balance.

Collateralization - Collateralization will be required on all funds on deposits with a depository bank, other than investments. In order to anticipate market changes and provide a level of security, the— collateralization level will be one hundred two percent (102%) of market value of principal and accrued interest.

X. Investment Parameters

Diversification - See Section IV; General Objectives

Maximum Maturities - To the extent possible, the City shall attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow, the City will not directly invest in securities maturing more than 13 months from the date of purchase. Reserve funds may be invested in securities up to 2 years if the maturity of such investments are made to coincide as nearly as practicable with the expected use of the funds.

XI. Investment Strategies

The City maintains separate portfolios for individual funds that are managed according to the terms of this Policy. The investment strategy for portfolios established after the annual Investment Policy review and adoption will be managed to ensure that it will meet all the requirements established by the City's investment policy and the Public Funds Investment Act.

The City maintains a pooled fund group that is an aggregation of the majority of City funds including tax receipts, enterprise fund revenues, fine and fee revenues, as well as some, but not all, bond proceeds, and grants. This portfolio is maintained to meet anticipated daily cash needs for City operations, capital projects and debt service. In order to ensure the ability of the City to meet obligations and to minimize potential liquidation losses, the dollar-weighted average stated maturity of the investment portfolio shall not exceed one (1) year. The objectives of this portfolio are to ensure safety of principal; ensure adequate investment liquidity; limit market and credit risk through diversification; and attain the best feasible yield in accordance with the objectives and restrictions set for in this Policy.

XII. Reporting

Methods - As required by Government Code 2256.023, on a quarterly basis, the Investment Officer shall prepare and submit to the City Council, a written report of investment transactions that have occurred since the previous report and, the market value of current investments.

Performance Standards - The investment portfolio shall be managed in accordance with the objectives specified in this policy (safety, liquidity, diversification, and yield). The portfolio should obtain a market average rate of return during a market/economic environment of stable interest rates. The investment officer shall determine whether market yields are being achieved by comparing the portfolio market yield to the three (3) month U.S. Treasury Bill, the six (6) month U.S. Treasury Bill and the two (2) year U.S. Treasury Note.

Appendix B

CAPITALIZATION POLICY FOR CAPITAL ASSETS

The purpose of this policy is to establish a capitalization policy for auditing purposes and, to set standards of accounting for City of Fair Oaks Ranch assets according to Government Accounting Standards Board Statement 34 with regard to categories and threshold amounts to be capitalized.

SECTION 1. Capital assets categories and thresholds are:

Land/land improvement	Any amount
Buildings/building improvements	\$25,000.00
Infrastructure	\$25,000.00
Personal property	\$ 5,000.00
Leasehold improvements	\$25,000.00

SECTION 2. For clarification purposes the above items are generally defined as, but not expressly limited to the following definitions:

Land is the purchase price or fair market value at time of gift, any commissions, professional fees, land excavation, fill, grading, drainage, demolition of existing building (less salvage), property removal (relocation or reconstruction) of others (railroad, telephone, and power lines), date of purchase accrued mortgage interest and any unpaid taxes and right of way cost. Land improvements are considered to be fencing, landscaping structure(s), parking lots, driveway, recreation areas, septic systems, and pavilions.

A building is a structure that is permanently attached to the land, has a roof, and is partially or completely enclosed by walls. A building improvement must extend the life of the building or increase the value of the building. Examples of capitalized building improvements are structural changes & installation or upgrade of roofing, heating & cooling systems, electrical, etc.

Infrastructure is usually considered stationary and can be preserved for a significantly greater number years than most capital assets. They are often linear and continuous in nature. Infrastructure improvements should extend the useful life and /or increase the value by 25% of the original cost or life period. Examples of infrastructure are streets, curbs, gutters, sidewalks, fire hydrants, bridges, dam, drainage facility, radio tower, water main and distribution lines, light systems and signage.

Personal property is fixed or movable tangible assets to be used for operations that has a life beyond one year. Examples of personal property are vehicles, other motor vehicles, furnishings & equipment.

Leasehold improvements are the construction of new buildings or improvements made to existing structures by the lessee, who has the right to use these leasehold improvements over the term of the lease.

Appendix C**Identity Theft Prevention Program****Purpose**

To establish an Identity Theft Prevention Program designed to detect, prevent and mitigate identity theft in connection with the opening of a covered account or an existing covered account and to provide for continued administration of the Program in compliance with Part 681 of Title 16 of the Code of Federal Regulations implementing Sections 114 and 315 of the Fair and Accurate Credit Transactions Act (FACTA) of 2003.

Definitions

Covered account means:

1. An account that a financial institution or creditor offers or maintains, primarily for personal, family, or household purposes that involves or is designed to permit multiple payments or transactions. Covered accounts include credit card accounts, mortgage loans, automobile loans, margin accounts, cell phone accounts, utility accounts, checking accounts and savings accounts; and
2. Any other account that the financial institution or creditor offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the financial institution or creditor from identity theft, including financial, operational, compliance, reputation or litigation risks.

Customer means a person that has a covered account with a financial institution or creditor.

Identity theft means fraud committed or attempted using the identifying information of another person without authority.

Red flag means a pattern, practice or specific activity that indicates the possible existence of identity theft.

Service provider means a person that provides a service directly to the financial institution or creditor.

Utility means Fair Oaks Ranch Utilities

Establishment of an Identity Theft Prevention Program Requirements

The City of Fair Oaks Ranch establishes an Identity Theft Prevention Program to detect, prevent and mitigate identity theft in connection with the opening of a covered account or any existing covered account. The Program shall include reasonable policies and procedures to Identify Red Flags, to Detect Red Flags, to respond appropriately to Red Flags, to ensure the Program is updated as needed to reflect changes in risks to customers and to the safety and soundness of Fair Oaks Ranch Utilities from identity theft.

Administration of the Program

1. City Council approved written Program;
2. The City Administrator or his designee shall be responsible for the development, implementation, oversight and continued administration of the Program;
3. Staff shall be trained, as necessary, to effectively implement the Program; and

4. Appropriate and effective oversight of service provider arrangements shall be made.

Guidelines

A. The Program

The Utility shall incorporate, as appropriate, its existing policies, procedures, and other arrangements that control reasonably foreseeable risks to customers or to the safety and soundness of the financial institution or creditor from identity theft.

B. Identifying Red Flags

1. Consider the following *risk factors* in identifying relevant red flags for covered accounts:
 - a. The types of covered accounts offered or maintained;
 - b. The methods provided to open covered accounts;
 - c. The methods provided to access covered accounts; and
 - d. Its previous experience with identity theft.
2. Incorporate relevant red flags from the following *sources*:
 - a. Incidents of identity theft previously experienced;
 - b. Methods of identity theft that reflect changes in risk; and
 - c. Applicable supervisory guidance.
3. *Identify* relevant red flags for covered accounts it offers or maintains:
 - a. Alerts, notifications, or other warnings received from consumer reporting agencies or service providers, such as fraud detection services;
 - b. The presentation of suspicious documents;
 - c. The presentation of suspicious personal identifying information;
 - d. The unusual use of, or other suspicious activity related to, a covered account; and
 - e. Notice from customers, victims of identity theft, law enforcement authorities, or other persons regarding possible identity theft in connection with covered accounts.

C. Detecting Red Flags

Detect red flags in connection with the opening of covered accounts and existing covered accounts by:

1. Obtaining identifying information about, and verifying the identity of, a person opening a covered account; and
2. Authenticating customers, monitoring transactions, and verifying the validity of change of address requests in the case of existing covered accounts.

D. Preventing and Mitigating Identity Theft

The Program shall provide for appropriate responses to detect red flags to prevent and mitigate identity theft. Appropriate responses may include:

1. Monitoring a covered account for evidence of identity theft;
2. Contacting the customer;
3. Changing any passwords, security codes or other security devices that permit access to a covered account;
4. Reopening a covered account with a new account number;
5. Not opening a new covered account;
6. Closing an existing covered account;

7. Not attempting to collect on a covered account or not selling a covered account to a debt collector;
8. Notifying law enforcement; or
9. Determining no response is warranted under the particular circumstances.

E. Updating the Program

The Program shall be updated as needed to reflect changes in risks to customers and to the safety and soundness of the Utility from identity based on factors such as:

1. The experiences of the Utility with identity theft;
2. Changes in methods of identity theft;
3. Changes in methods to detect, prevent and mitigate identity theft;
4. Changes in the types of accounts that the Utility offers or maintains;
5. Changes in the business arrangements of the Utility, including mergers, acquisitions, alliances, joint ventures and service provider arrangements

F. Methods for Adminstrating the Program

Oversight shall include:

1. The City Administrator or his designee responsible for the development, implementation, oversight and continued administration of the Program;
2. Staff trained, as necessary, to effectively implement the Program;
3. Exercising appropriate and effective oversight of service provider arrangements;
4. Review of reports prepared by staff regarding compliance; and
5. Approving of material changes to the Program as necessary to address changing risks of identity theft.

Reports shall be prepared by the City ~~Administrator~~Manager, annually:

1. On compliance; and
2. Address material matters related to the Program and evaluate issues such as:
 - a. The effectiveness of the policies and procedures in addressing the risk of identity theft in connection with the opening of covered accounts and with respect to existing covered accounts;
 - b. Service provider agreements;
 - c. Significant incidents involving identity theft and management's response; and
 - d. Recommendations for material changes to the Program.

Oversight of Service Provider Arrangements

Steps shall be taken to ensure that the activity of a service provider is conducted in accordance with reasonable policies and procedures designed to detect, prevent and mitigate the risk of identity theft whenever the Utility engages a service provider to perform an activity in connection with one or more covered accounts.

Duties Regarding Address Discrepancies

A. Reasonable Belief

The Utility shall develop and implement reasonable policies and procedures designed to enable them to form a reasonable belief that a credit report relates to the consumer for whom it was requested if

the Utility receives a notice of address discrepancy from a nationwide consumer reporting agency indicating the address given by the consumer differs from the address contained in the consumer report.

B. Consumer's Address

The Utility may reasonably confirm that an address is accurate by any of the following means:

1. Verification of the address with the consumer;
2. Review of the Utility's records;
3. Verification of the address through third-party sources; or
4. Other reasonable means.

If an accurate address is confirmed, the Utility shall furnish the consumer's address to the consumer reporting agency from which it received the notice of address discrepancy if:

1. The Utility establishes a continuing relationship with the consumer; and
2. The Utility, regularly and in the ordinary course of business, furnishes information to the consumer reporting agency.

Appendix D

TAX-EXEMPT FINANCING COMPLIANCE PROCEDURE

ARTICLE I
DEFINITIONS

Section 1.1. Definitions. Capitalized words and terms used in this Compliance Procedure have the following meanings:

“Annual Compliance Checklist” means a questionnaire and/or checklist described in **Section 6.1** hereof that is completed each year for the Tax-Exempt Bonds.

“Bond Compliance Officer” means the Issuer’s Finance ~~Officer~~Director or, if the position of Finance ~~Officer~~Director is vacant, the person filling the responsibilities of the Finance ~~Officer~~Director for the Issuer.

“Bond Counsel” means a law firm selected by the Issuer to provide a legal opinion regarding the tax status of interest on the Tax-Exempt Bonds as of the issue date or the law firm selected to advise the Issuer on matters referenced in this Compliance Procedure.

“Bond Restricted Funds” means the funds, accounts, and investments that are subject to arbitrage rebate and/or yield restriction rules that have been identified in the Tax Compliance Agreement for the Tax-Exempt Bonds.

“Bond Transcript” means the “transcript of proceedings” or other similarly titled set of transaction documents assembled by Bond Counsel following the issuance of the Tax-Exempt Bonds.

“Code” means the Internal Revenue Code of 1986, as amended.

“Compliance Procedure” means this Tax-Exempt Financing Compliance Procedure.

“Cost” or “Costs” means all costs and expenses paid for the acquisition, design, construction, equipping or improvement of a Project Facility or costs of issuing Tax-Exempt Bonds for a Project Facility.

“Final Written Allocation” means the Final Written Allocation of Tax-Exempt Bond proceeds prepared pursuant to **Section 5.4** of this Compliance Procedure.

“Financed Assets” means that part of a Project Facility treated as financed with Tax-Exempt Bond proceeds as reflected in a Final Written Allocation or, if no Final Written Allocation was prepared, the accounting records of the Issuer and the Tax Compliance Agreement for the Tax-Exempt Bonds.

“Governing Body” means the City Council of the Issuer.

“Intent Resolution” means a resolution of the Issuer stating (1) the intent of the Issuer to finance all or a portion of the Project Facility, (2) the expected maximum size of the financing and (3) the intent of the Issuer to reimburse Costs of the Project Facility paid by the Issuer from proceeds of the Tax-Exempt Bonds.

"IRS" means the Internal Revenue Service.

"Issuer" means the City of Fair Oaks Ranch, Texas.

"Placed In Service" means that date (as determined by the Bond Compliance Officer) when the Project Facility is substantially complete and in operation at substantially its design level.

"Project Facility" means all tangible or intangible property financed in whole or in part with Tax-Exempt Bonds that are (1) functionally related or integrated in use, (2) located on the same physical site or proximate sites, and (3) expected to be Placed In Service within a one-year period of each other.

"Rebate Analyst" means the rebate analyst for the Tax-Exempt Bonds selected pursuant to the Tax Compliance Agreement.

"Regulations" means all regulations issued by the U.S. Treasury Department to implement the provisions of Code §§ 103 and 141 through 150 and applicable to tax-exempt obligations.

"Tax Compliance Agreement" means the Federal Tax Certificate, Tax Compliance Agreement, Arbitrage Agreement, or other written certification or agreement of the Issuer setting out representations and covenants for satisfying the post-issuance tax compliance requirements for the Tax-Exempt Bonds.

"Tax-Exempt Bonds" means any bond, note, installment sale agreement, lease or certificate intended to be a debt obligation of the Issuer or another political subdivision or government instrumentality, the proceeds of which are to be loaned or otherwise made available to the Issuer, and the interest on which is excludable from gross income for federal income tax purposes. A list of all Tax-Exempt Bonds outstanding (or to be outstanding after the completion of the lease purchase agreement to finance installation of energy savings improvements) and subject to this Compliance Procedure as of March __, 2014, is attached as **Exhibit A**.

"Tax-Exempt Bond File" means documents and records which may consist of paper and electronic medium, maintained for the Tax-Exempt Bonds. Each Tax-Exempt Bond File will include the following information if applicable: .

- (a) Intent Resolution.
- (b) Bond Transcript.
- (c) Final Written Allocation and/or all available accounting records related to the Project Facility showing expenditures allocated to the proceeds of the Tax-Exempt Bonds and expenditures (if any) allocated to other sources of funds.
- (d) All rebate and yield reduction payment calculations performed by the Rebate Analyst and all investment records provided to the Rebate Analyst for purposes of preparing the calculations.
- (e) Forms 8038-T together with proof of filing and payment of rebate.
- (f) Investment agreement bid documents (unless included in the Bond Transcript) including:
 - (1) bid solicitation, bid responses, certificate of broker;
 - (2) written summary of reasons for deviations from the terms of the solicitation that are incorporated into the investment agreement; and
 - (3) copies of the investment agreement and any amendments.

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(g) Any item required to be maintained by the terms of the Tax Compliance Agreement involving the use of the Project Facility or expenditures related to tax compliance for the Tax-Exempt Bonds.

(h) Any opinion of Bond Counsel regarding the Tax-Exempt Bonds not included in the Bond Transcript.

(i) Amendments, modifications or substitute agreements to any agreement contained in the Bond Transcript.

(j) Any correspondence with the IRS relating to the Tax-Exempt Bonds including all correspondence relating to an audit by the IRS of the Tax-Exempt Bonds or any proceedings under the Tax-Exempt Bonds Voluntary Closing Agreement Program (VCAP).

(k) Any available questionnaires or correspondence substantiating the use of the Project Facility in accordance with the terms of the Tax Compliance Agreement for the Tax-Exempt Bonds.

(l) For refunding bond issues, the Tax-Exempt Bond File for the refunded Tax-Exempt Bonds.

ARTICLE II

PURPOSE AND SCOPE

Section 2.1. Purpose of Compliance Procedure.

(a) Issuer's Use of Tax-Exempt Bonds. The Issuer uses Tax-Exempt Bonds to fund Costs of a Project Facility. The Issuer understands that in exchange for the right to issue Tax-Exempt Bonds at favorable interest rates and terms, the Code and Regulations impose ongoing requirements related to the proceeds of the Tax-Exempt Bonds and the Project Facility financed by the Tax-Exempt Bonds. These requirements focus on the investment, use and expenditure of proceeds of the Tax-Exempt Bonds and related funds as well as restrictions on the use of the Project Facility.

(b) IRS Recommends Separate Written Procedures. The Issuer recognizes that the IRS has stated that all issuers of Tax-Exempt Bonds should have separate written procedures regarding ongoing compliance with the federal tax requirements for Tax-Exempt Bonds.

Section 2.2. Scope of Compliance Procedure; Conflicts. This Compliance Procedure applies to all Tax-Exempt Bonds currently outstanding and all Tax-Exempt Bonds issued in the future. If the provisions of this Compliance Procedure conflict with a Tax Compliance Agreement or any other specific written instructions of Bond Counsel, the terms of the Tax Compliance Agreement or specific written instructions of Bond Counsel will supersede and govern in lieu of this Compliance Procedure. Any exception to this Compliance Procedure required by Bond Counsel as part of a future issue of Tax-Exempt Bonds will be incorporated in the Tax Compliance Agreement for the future issue. Any requirements imposed on the Issuer in the Tax Compliance Agreement, will be noted by the Bond Compliance Officer and incorporated into the Annual Compliance Checklist.

Section 2.3. Amendments and Publication of Compliance Procedure. This Compliance Procedure may be amended from time-to-time by the Governing Body. Copies of this Compliance Procedure and any amendments will be included in the permanent records of the Issuer.

ARTICLE III

BOND COMPLIANCE OFFICER; TRAINING

Section 3.1. Bond Compliance Officer Duties. The Bond Compliance Officer is responsible for implementing this Compliance Procedure. The Bond Compliance Officer will work with other employees that use the Project Facility to assist in implementing this Compliance Procedure. The Bond Compliance Officer will consult with Bond Counsel, legal counsel to the Issuer, accountants, tax return preparers and other outside experts to the extent necessary to carry out the purposes of this Compliance Procedure. The Bond Compliance Officer will report to the Governing Body as necessary, and at least annually, regarding implementation of this Compliance Procedure and any recommended changes or amendments to this Compliance Procedure.

Section 3.2. Training.

(a) Training Programs. When appropriate, the Bond Compliance Officer and/or other employees of the Issuer under the direction of the Bond Compliance Officer will attend training programs offered by the IRS or other industry professionals regarding Tax-Exempt Bonds that are relevant to the Issuer.

(b) Change in Bond Compliance Officer. Any time an individual acting as the Bond Compliance Officer passes the responsibilities for carrying out the provisions of this Compliance Procedure to another individual, the Issuer will ensure the incoming individual acting as Bond Compliance Officer is trained on how to implement the policies and procedures included in this Compliance Procedure to ensure the Issuer's continued compliance with the provisions of this Compliance Procedure and all Tax Compliance Agreements for any outstanding Tax-Exempt Bonds.

ARTICLE IV

TAX-EXEMPT BONDS CURRENTLY OUTSTANDING

Section 4.1. Tax-Exempt Bonds Covered by Article IV Procedures. This Article IV applies to all Tax-Exempt Bonds issued prior to the date of this Compliance Procedure that are currently outstanding as of March __, 2014 (including the lease purchase agreement to finance energy savings improvements by the Issuer to be hereinafter completed); these Tax-Exempt Bonds are listed on **Exhibit A**.

Section 4.2. Tax-Exempt Bond File. As soon as practical, the Bond Compliance Officer will attempt to assemble as much of the Tax-Exempt Bond File as is available for the Tax-Exempt Bonds listed on **Exhibit A**.

Section 4.3. Annual Compliance Checklists. As soon as practical following the adoption of this Compliance Procedure, the Bond Compliance Officer will work with Bond Counsel and/or legal counsel to the Issuer and cause Annual Compliance Checklists to be completed for all outstanding Tax-Exempt Bonds and will follow the procedures specified in **Article VI** to complete the Annual Compliance Checklists and thereafter include each completed Annual Compliance Checklist in the Tax-Exempt Bond File. A sample Annual Compliance Checklist is attached hereto as **Exhibit B**.

Section 4.4. Correcting Prior Deficiencies in Compliance. In the event the Bond Compliance Officer determines any deficiency in compliance with a Tax Compliance Agreement for an outstanding Tax-Exempt Bond listed on **Exhibit A**, the Bond Compliance Officer will follow the procedures described in

the Regulations or the Tax-Exempt Bonds Voluntary Closing Agreement Program (VCAP) to remediate the noncompliance. If remediation of the noncompliance requires the Issuer to submit a request under VCAP, the Bond Compliance Officer will undertake this step only after reporting the violation to the Governing Body and obtaining its approval.

ARTICLE V

COMPLIANCE PROCEDURE FOR NEW TAX-EXEMPT BOND ISSUES

Section 5.1. Application. This Article V applies to Tax-Exempt Bonds issued on or after the date of this Compliance Procedure.

Section 5.2. Prior to Issuance of Tax-Exempt Bonds.

(a) Intent Resolution. The Governing Body will authorize and approve the issuance of Tax-Exempt Bonds. Prior to or as a part of the authorizing resolution or ordinance, the Governing Body may adopt an Intent Resolution.

(b) Directions to Bond Counsel. The Bond Compliance Officer will provide a copy of this Compliance Procedure to Bond Counsel with directions for Bond Counsel to structure the documentation and procedural steps taken prior to issuing the Tax-Exempt Bonds so that they conform to the requirements of this Compliance Procedure, except to the extent Bond Counsel determines that different procedures are required. The Bond Compliance Officer will consult with Bond Counsel so that appropriate provisions are made to fund or reimburse the Issuer's costs and expenses incurred to implement this Compliance Procedure.

(c) Tax Compliance Agreement. For each issuance of Tax-Exempt Bonds, a Tax Compliance Agreement will be signed by the Bond Compliance Officer. The Tax Compliance Agreement will (1) describe the Project Facility and the anticipated Financed Assets, (2) identify all Bond Restricted Funds and provide for arbitrage and rebate compliance, (3) for new money financings, require a Final Written Allocation, and (4) contain a form of the Annual Compliance Checklist for the Tax-Exempt Bonds. The Bond Compliance Officer will confer with Bond Counsel and the Issuer's counsel regarding the meaning and scope of each representation and covenant contained in the Tax Compliance Agreement.

(d) Preliminary Cost Allocations. For each issuance of Tax-Exempt Bonds, the Bond Compliance Officer, in consultation with Bond Counsel, will prepare a preliminary cost allocation plan for the Project Facility. The preliminary cost allocation plan will identify the assets and expected costs for the Project Facility, and when necessary, will break-out the portions of Costs that are expected to be financed with proceeds of the Tax-Exempt Bonds (the "Financed Assets") and the portions, if any, expected to be financed from other sources.

(e) Tax Review with Bond Counsel. Prior to the sale of Tax-Exempt Bonds, the Bond Compliance Officer and Bond Counsel will review this Compliance Procedure together with the draft Tax Compliance Agreement to ensure that any tax compliance issues in the new financing are adequately addressed by this Compliance Procedure and/or the Tax Compliance Agreement. If Bond Counsel determines that this Compliance Procedure conflicts with the Tax Compliance Agreement, or must be supplemented to account for special issues or requirements for the Tax-Exempt Bonds, the Bond Compliance Officer will ask Bond Counsel to include the written modifications or additions in the final Tax Compliance

Agreement. The Bond Compliance Officer will request Bond Counsel to prepare a form of Annual Compliance Checklist for use in monitoring the ongoing compliance requirements for the Tax-Exempt Bonds.

Section 5.3. Accounting and Recordkeeping.

(a) Accounting for New Money Projects. The Bond Compliance Officer will be responsible for accounting for the investment and allocation of proceeds of the Tax-Exempt Bonds. The Bond Compliance Officer will establish separate accounts or subaccounts to record expenditures for Costs of the Project Facility. Where appropriate, the Bond Compliance Officer may use accounts established as part of the Issuer's financial records for this purpose. In recording Costs for the Project Facility, the Bond Compliance Officer will ensure that the accounting system will include the following information: (1) identity of person or business paid, along with any other available narrative description of the purpose for the payment, (2) date of payment, (3) amount paid, and (4) invoice number or other identifying reference.

(b) Accounting for Refunded Bonds and Related Refunded Bond Accounts. For Tax-Exempt Bonds that are issued to refund prior Tax-Exempt Bonds, the Tax Compliance Agreement will set out special accounting and allocation procedures for the proceeds of the financing, and if necessary proceeds of the refinanced Tax-Exempt Bonds.

(c) Tax-Exempt Bond File. The Bond Compliance Officer will be responsible for assembling and maintaining the Tax-Exempt Bond File.

Section 5.4. Final Allocation of Bond Proceeds.

(a) Preparation of Final Written Allocation; Timing. The Bond Compliance Officer is responsible for making a written allocation of proceeds of Tax-Exempt Bonds to expenditures and identifying the Financed Assets. This process will be memorialized in the Final Written Allocation. For a new money financing, the Bond Compliance Officer will commence this process as of the earliest of (1) the requisition of all Tax-Exempt Bond proceeds from any segregated Tax-Exempt Bond funded account, (2) the date the Project Facility has been substantially completed or (3) four and one-half years following the issue date of the Tax-Exempt Bonds. For Tax-Exempt Bonds issued only to refund a prior issue of Tax-Exempt Bonds, the Bond Compliance Officer will work with Bond Counsel to prepare and/or document the Final Written Allocation for the Project Facility financed by the refunded Tax-Exempt Bonds and include it in the Tax Compliance Agreement.

(b) Contents and Procedure. The Bond Compliance Officer will consult the Tax Compliance Agreement and, if necessary, contact Bond Counsel to seek advice regarding any special allocation of Tax-Exempt Bond proceeds and other money of the Issuer to the Costs of the Project Facility. If no special allocation is required or recommended, the Bond Compliance Officer will allocate Costs of the Project Facility to the proceeds of the Tax-Exempt Bonds in accordance with the Issuer's accounting records. Each Final Written Allocation will contain the following: (1) a reconciliation of the actual sources and uses to Costs of the Project Facility, (2) the percentage of the cost of the Project Facility financed with proceeds of the Tax-Exempt Bonds (sale proceeds plus any investment earnings on those sale proceeds), (3) the Project Facility's Placed in Service date, (4) the estimated economic useful life of the Project Facility, and (5) any special procedures to be followed in completing the Annual Compliance Checklist (e.g., limiting the Annual Compliance Checklist to specific areas of the Project Facility that the

Final Written Allocation or the Tax Compliance Agreement treats as having been financed by Tax-Exempt Bonds).

(c) Finalize Annual Compliance Checklist. As part of the preparation of the Final Written Allocation, the Bond Compliance Officer will update the draft Annual Compliance Checklist contained in the Tax Compliance Agreement. The Bond Compliance Officer will include reminders for all subsequent arbitrage rebate computations required for the Tax-Exempt Bonds in the Annual Compliance Checklist.

(d) Review of Final Written Allocation and Annual Compliance Checklist. Each Final Written Allocation and Annual Compliance Checklist will be reviewed by legal counsel to the Issuer or Bond Counsel for sufficiency and compliance with the Tax Compliance Agreement and this Compliance Procedure. Following the completion of the review, the Bond Compliance Officer will execute the Final Written Allocation.

ARTICLE VI ONGOING MONITORING PROCEDURES

Section 6.1. Annual Compliance Checklist. An Annual Compliance Checklist will be completed by the Bond Compliance Officer each year following completion of the Final Written Allocation. Each Annual Compliance Checklist will be designed and completed for the purpose of identifying potential noncompliance with the terms of the Tax Compliance Agreement or this Compliance Procedure and obtaining documents (such as investment records, arbitrage calculations, or other documentation for the Project Facility) that are required to be incorporated in the Tax-Exempt Bond File. The Bond Compliance Officer will refer any responses indicating a violation of the terms of the Tax Compliance Agreement to legal counsel to the Issuer or Bond Counsel and, if recommended by counsel, will follow the procedure set out in **Section 4.4** hereof to remediate the non-compliance.

Section 6.2. Arbitrage and Rebate Compliance. The Bond Compliance Officer will monitor the investment of Bond Restricted Funds and provide investment records to the Rebate Analyst on a timely basis. The Bond Compliance Officer will follow the directions of the Rebate Analyst with respect to the preparation of and the timing of rebate or yield reduction computations.

EXHIBIT A

LIST OF TAX-EXEMPT BONDS COVERED BY THIS COMPLIANCE PROCEDURE

1. Leasing Schedule #280-0002457-001 to Master Lease Purchase Agreement between the City of Fair Oaks Ranch, Texas, as lessee, and Siemens Public, Inc., as lessor (Proposed—March __, 2014 Estimated Closing Date).
2. General Obligation Bond, Series 2015 \$7,000,000 – Roadway Reconstruction

EXHIBIT B

NOTE THIS ~~SAMPLE~~**sample** ANNUAL COMPLIANCE CHECKLIST ~~is intended only as an illustration and~~**IS INTENDED ONLY AS AN ILLUSTRATION AND** SHOULD BE MODIFIED TO ACCOUNT FOR SPECIAL

CIRCUMSTANCES OF EACH GOVERNMENTAL TAX-EXEMPT BOND ISSUE. FOR EXAMPLE, IF THE ~~PROJECT~~ **project**-FACILITY IS TO BE MANAGED UNDER A QUALIFIED MANAGEMENT AGREEMENT THAT BOND COUNSEL HAS APPROVED, ONLY CHANGES TO THAT MANAGEMENT AGREEMENT SHOULD TRIGGER BOND COUNSEL REVIEW, ETC.

SAMPLE
ANNUAL COMPLIANCE CHECKLIST FOR GOVERNMENTAL TAX-EXEMPT BONDS

Name of tax-exempt bonds ("Bonds") financing	
Financed Asset:	_____
Issue Date of Bonds:	_____
Name of Bond Compliance Officer:	_____
Period covered by request ("Annual Period"):	_____

Description of Project Facility

(Note: in lieu of completing the table below, the Issuer may attach a copy of the Preliminary Cost Allocation or Final Written Allocation, as may be updated from time to time)

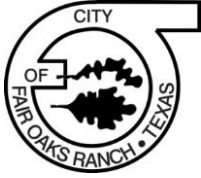
Description	Actual Date Placed in Service	Estimated Useful Life	Actual Total Cost	Actual Amount Financed From Bonds

Item	Question	Response
1 Ownership	Was the entire Project Facility owned by the Issuer during the entire Annual Period?	☐ Yes ☐ No
	If answer above was "No," was an Opinion of Bond Counsel obtained prior to the transfer?	☐ Yes ☐ No
	If Yes, include a copy of the Opinion in the Tax-Exempt Bond File.	
	If No, contact Bond Counsel and include description of resolution in the Tax-Exempt Bond File.	

Item	Question	Response
2 Leases & Other Rights to Possession	During the Annual Period, was any part of the Project Facility leased at any time pursuant to a lease or similar agreement for more than 50 days?	☐ Yes ☐ No
	If answer above was "Yes," was an Opinion of Bond Counsel obtained prior to entering into the lease or other arrangement?	☐ Yes ☐ No
	If Yes, include a copy of the Opinion in the Tax-Exempt Bond File.	
	If No, contact Bond Counsel and include description of resolution in the Tax-Exempt Bond File.	
3 Management or Service Agreements	During the Annual Period, has the management of all or any part of the operations of the Financed Asset been assumed by or transferred to another entity?	☐ Yes ☐ No
	If answer above was "Yes," was an Opinion of Bond Counsel obtained prior to entering into the management agreement?	☐ Yes ☐ No
	If Yes, include a copy of the Opinion in the Tax-Exempt Bond File.	
	If No, contact Bond Counsel and include description of resolution in the Tax-Exempt Bond File.	
4 Other Use	Was any other agreement entered into with an individual or entity that grants special legal rights to the Financed Asset?	☐ Yes ☐ No
	If answer above was "Yes," was an Opinion of Bond Counsel obtained prior to entering into the agreement?	☐ Yes ☐ No
	If Yes, include a copy of the Opinion in the Tax-Exempt Bond File.	
	If No, contact Bond Counsel and include description of resolution in the Tax-Exempt Bond File.	
5 Arbitrage & Rebate	Have all rebate and yield reduction calculations mandated in the Tax Compliance Agreement been prepared for the current year?	☐ Yes ☐ No
	If No, contact Rebate Analyst and incorporate report or include description of resolution in the Tax-Exempt Bond File.	

Bond Compliance Officer: _____

Date Completed: _____



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
September 16, 2021

AGENDA TOPIC: Approval of a resolution to implement the requirements of HB 2073 and Chapter 180 of the Local Government Code establishing a Paid Quarantine Leave policy for the City of Fair Oaks Ranch Fire Fighters, Peace Officers, and Emergency Medical Technicians.

DATE: September 16, 2021

DEPARTMENT: Human Resources & Communications

PRESENTED BY: (Consent Agenda) Joanna Merrill, IPMA-SCP, Director of Human Resources & Communications

INTRODUCTION/BACKGROUND:

The Texas Legislature enacted House Bill 2073 on June 15, 2021, and it became effective immediately, adding Section 180.008 to the Texas Local Government Code. This House Bill requires political subdivisions to develop and implement a paid quarantine leave policy for fire fighters, peace officers, detention officers, and emergency medical technicians who are employed by, appointed by, or elected for the political subdivision and ordered to quarantine or isolate due to a possible or known exposure to a communicable disease while on duty.

In accordance with the requirements set forth by House Bill 2073 staff has created a policy that meets all of the statutory requirements.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

- 1.) Provides City staff with a defined internal policy to meet the legal requirements of House Bill 2073.

LONG-TERM FINANCIAL & BUDGETARY IMPACT:

The overall personnel costs to implement and uphold this policy should be minimal based on internal impacts observed over the previous 18 months due to the pandemic.

LEGAL ANALYSIS:

Reviewed and approved.

RECOMMENDATION/PROPOSED MOTION:

(Consent Agenda) I move to approve a resolution to implement the requirements of HB 2073 and Chapter 180 of the Local Government Code establishing a Paid Quarantine Leave policy for the City of Fair Oaks Ranch.

A RESOLUTION

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS IMPLEMENTING THE REQUIREMENTS OF HB 2073 AND CHAPTER 180, LOCAL GOVERNMENT CODE ESTABLISHING A PAID QUARANTINE LEAVE POLICY FOR CITY OF FAIR OAKS RANCH, TEXAS FIRE FIGHTERS, PEACE OFFICERS, AND EMERGENCY MEDICAL TECHNICIANS; PROVIDING A SEVERABILITY CLAUSE AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City of Fair Oaks Ranch, Texas is a Municipality located in Bexar County, Texas, created in accordance with the provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas and its Home Rule Authority; and

WHEREAS, the Texas Legislature enacted House Bill 2073 on June 15, 2021 and became effective immediately, adding Section 180.008 to the Texas Local Government Code and requiring political subdivisions to develop and implement a paid quarantine leave policy for fire fighters, peace officers, detention officers, and emergency medical technicians who are employed by, appointed by, or elected for the political subdivision and ordered to quarantine or isolate due to a possible or known exposure to a communicable disease while on duty.

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

Section 1. The foregoing recitals are adopted and incorporated herein for all purposes.

Section 2. The attached Exhibit A, titled “Paid Quarantine Leave,” is hereby adopted in compliance with the requirements of HB 2073 and Chapter 180, Texas Local Government Code.

Section 3. All resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. As provided by HB 2073, this policy is effective immediately as of June 15, 2021.

PASSED, APPROVED, and ADOPTED on this 16th day of September 2021.

Garry Manitzas, Mayor

ATTEST:

APPROVED AS TO FORM:

Christina Picioccio, City Secretary

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

(CITY SEAL)

EXHIBIT A
PAID QUARANTINE LEAVE POLICY



7286 Dietz Elkhorn
Fair Oaks Ranch, TX 78015
Bus: 210-698-0900
www.fairoaksranchtx.org

Date: July 28, 2021

To: Employees- City of Fair Oaks Ranch

From: Tobin Maples, AICP, City Manager
Joanna Merrill, Director of Human Resources

Paid Quarantine Leave Policy

To be effective 9/01/2021

PURPOSE

The purpose of this policy is to provide guidance in accordance with Chapter 180.008 of the Local Government Code regarding paid quarantine leave for Fire Fighters, Peace Officers, Detention Officers, and Emergency Medical Technicians as employed by the City. The quarantine leave will be used to quarantine or isolate Fire Fighters, Peace Officers, Detention Officers, and Emergency Medical Technicians due to a possible or known exposure to a communicable disease while on duty. The City of Fair Oaks Ranch recognizes that employee health and safety is important. The City supports establishing a workplace that is comfortable, healthy, safe, and supportive.

EFFECTIVE DATE

This policy is effective 9/01/2021.

SCOPE

This policy applies to all Fire Fighters, Peace Officers, Detention Officers, and Emergency Medical Technicians employed by the City of Fair Oaks Ranch and does not cover contracted entities. The Police and Human Resources Department Heads will be responsible for communicating and implementing this policy as applicable.

DEFINITIONS

"Detention officer" means an individual appointed or employed by the city as a jailer or other individual responsible for the care and custody of individuals incarcerated in the municipal jail.

"Emergency medical technician" means an individual who is:

- (A) certified as an emergency medical technician under Chapter 773, Health and Safety Code; and
- (B) employed by a political subdivision.

"Fire fighter" means a paid employee of the fire department who:

- (A) holds a position that requires substantial knowledge of firefighting;
- (B) has met the requirements for certification by the Texas Commission on Fire Protection under Chapter 419, Government Code; and
- (C) performs a function listed in Section 143.003(4)(A).

"Health authority" has the meaning assigned by Section 121.021, Health and Safety Code.

"Peace officer" means an individual described by Article 2.12, Code of Criminal Procedure, who is elected for, employed by, or appointed by the City.



7286 Dietz Elkhorn
Fair Oaks Ranch, TX 78015
Bus: 210-698-0900
www.fairoaksranchtx.org

POLICY

The use of quarantine leave may be granted after a Fire Fighter, Peace Officer, Detention Officer, and Emergency Medical Technician has had a possible or known exposure to a communicable disease while on duty. The City will follow guidelines in accordance with recommendations from the Center for Disease Control (CDC) to determine when a threat of highly communicable or life-endangering diseases are immediately present and may release orders for applicable/essential workers to follow general quarantine protocols. When this occurs, department supervisors will allow for the use of quarantine leave based on the health authority's protocols for appropriately dealing with the disease and/or its prevention of community spread. Employees will be released from quarantine leave based on guidance from the CDC and shall advise Human Resources of their health status changes while in quarantine to evaluate release.

Applicable employees on paid quarantine leave will continue to be eligible for all employment benefits and compensation, including continuing their leave accrual, pension benefits and eligibility for health benefit plan benefits for the duration of the leave. While on quarantine leave, the employee will not be required to use any other paid leave type (vacation, sick, holiday, compensatory time).

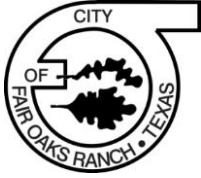
When applicable, employees who must be quarantined may be eligible for reimbursement for reasonable costs related to the quarantine, including lodging, medical, and transportation.

REMOTE WORK

For the purpose of this policy any employee who is eligible for the above paid quarantine leave and has the tools and capability of working remotely based on their job duties may be asked to work remotely by the Department Head depending on the needs of the organization.

WORKER'S COMPENSATION

Applicable employees on paid quarantine leave must file the exposure to a communicable disease while on duty as a workers compensation claim. If the employee is approved for and receives workers' compensation benefits, the City's salary payment (i.e., employee wages) will be offset to reflect total eligible/paid compensation per the current worker's compensation policy



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
September 16, 2021

AGENDA TOPIC: Approval of a resolution amending Section 8.0 – Leave Time of the City’s Personnel Policy in order to implement the requirements of SB 1359 and Amendments Section 614.015 of the Local Government Code establishing a Mental Health policy for the City of Fair Oaks Ranch

DATE: September 16, 2021

DEPARTMENT: Human Resources & Communications

PRESENTED BY: (Consent Agenda) Joanna Merrill, IPMA-SCP , Director of Human Resources & Communications

INTRODUCTION/BACKGROUND:

The Texas Legislature enacted Senate Bill 1359 on June 07, 2021, and it became effective September 1, 2021, adding Section 614.015 to the Texas Local Government Code. This Senate Bill requires political subdivisions to develop and implement a mental health leave policy for certain public safety personnel who are employed by the political subdivision who experience a traumatic event in the scope of that employment.

In accordance with the requirements set forth by Senate Bill 1359 staff has created a policy that meets all of the statutory requirements.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

- 1.) Provides City staff with a defined internal policy to meet the legal requirements of Senate Bill 1359

LONG-TERM FINANCIAL & BUDGETARY IMPACT:

No significant impact on the budget is expected.

LEGAL ANALYSIS:

Approved as to form.

RECOMMENDATION/PROPOSED MOTION:

(Consent Agenda) I move to approve a resolution amending Section 8.0 – Leave Time of the City’s Personnel Policy in order to implement the requirements of SB 1359 and Amendments Section 614.015 of the Local Government Code establishing a Mental Health policy for the City of Fair Oaks Ranch.

A RESOLUTION

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS AMENDING SECTION 8.0 OF THE CITY'S PERSONNEL POLICY – LEAVE TIME - TO IMPLEMENT THE REQUIREMENTS OF SB 1359 AND AMENDMENTS SECTION 614.015, LOCAL GOVERNMENT CODE, ESTABLISHING A MENTAL HEALTH LEAVE POLICY FOR CITY OF FAIR OAKS RANCH POLICE OFFICERS; PROVIDING A SEVERABILITY CLAUSE AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City of Fair Oaks Ranch, Texas is a Municipality located in Bexar County, Texas, created in accordance with the provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas under its Home Rule Authority; and

WHEREAS, the Texas Legislature enacted Senate Bill 1359 on June 7, 2021 and will become effective September 1, 2021, adding Section 615.059 to the Texas Local Government Code and requiring political subdivisions to develop and implement a paid mental health leave policy for certain public safety personnel employed by the political subdivision who experience a traumatic event in the scope of that employment.

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

Section 1. The foregoing recitals are adopted and incorporated herein for all purposes.

Section 2. The attached Exhibit A, titled “Mental Health Leave for Peace Officers,” is hereby adopted in compliance with the requirements of SB 1359 and Sec. 615.059, Texas Local Government Code.

Section 3. All resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. As provided by SB 1359, this policy is effective from September 1, 2021.

PASSED, APPROVED, and ADOPTED on this 16th day of September 2021.

Garry Manitzas, Mayor

ATTEST:

APPROVED AS TO FORM:

Christina Picioccio, City Secretary

(CITY SEAL)

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

EXHIBIT A

MENTAL HEALTH LEAVE FOR PEACE OFFICERS POLICY



7286 Dietz Elkhorn
Fair Oaks Ranch, TX 78015
Bus: 210-698-0900
www.fairoaksranchtx.org

Date: July 28, 2021

To: Employees- City of Fair Oaks Ranch

From: Tobin Maples, AICP, City Manager
Joanna Merrill, Director of Human Resources

Mental Health Leave for Police Officer's Policy

To be effective 9/01/2021

PURPOSE

The purpose of this policy is to provide guidance in accordance with Chapter 614.015 of the Local Government Code regarding mental health leave for Peace Officers as employed by the City. The mental health leave will be used to provide Peace Officer up to 3 work-shifts of paid time off from work in order for them to seek professional treatment for the handling of any traumatic event in which they were involved in while on duty. The City of Fair Oaks Ranch recognizes that the mental health and safety of our Peace Officers is important. The City supports establishing a workplace that is comfortable, healthy, safe, and supportive.

EFFECTIVE DATE

This policy is effective 9/01/2021.

SCOPE

This policy applies to all Peace Officers employed by the City of Fair Oaks Ranch and does not cover contracted entities. The Police and Human Resources Department Heads will be responsible for communicating and implementing this policy as applicable.

DEFINITIONS

"Peace Officer" means an individual described by Article 2.12, Code of Criminal Procedure, who is elected for, employed by, or appointed by the city.

"Traumatic Event" means an event that involves extreme injury, near death, or the actual death of an individual.

POLICY

The use of mental health leave for Peace Officers is intended to provide full-time Peace Officers who experience a traumatic event, time away from work to receive assistance in dealing with the event. The event must involve extreme injury, near death or death of an individual at the event that the Peace Officer responded to while on duty with the City for a Peace Officer to be eligible to utilize this type of leave.

The Peace Officer who experiences a traumatic event as defined above will be provided up to 3 work-shifts off from work in order for that Peace Officer to seek professional treatment for the handling of the traumatic event in which they were involved in while on duty with the city. The Peace Officer will be entitled to mental health leave without a deduction in salary or other compensation provided to employees of the city.

a) Requesting Leave:

In order to utilize mental health leave, the Peace Officer must contact the Chief of Police to request the use of mental health leave in writing. The Chief of Police will then consult with the Director of Human Resources.

Resources to grant leave in increments of up to 3 work-shifts away from work based on the information provided to the department regarding the traumatic event, or if ordered by a mental health professional.

Extensions of mental health leave may be available under certain circumstances. Any request for an extension shall be accompanied by documentation from a mental health professional who is counseling the officer. The request may extend the leave by 3 working days, and each officer may not request more than two extensions. Each extension must be accompanied by documentation from the mental health professional who has been counseling the officer.

If an officer needs additional time off, they may apply for a Leave of Absence in accordance with the city's current policies.

b) Concurrent Leave:

If an officer is off of work due to Mental Health Leave and the employee is eligible for Family Medical Leave, then both leaves will run concurrently.

c) Secondary Jobs:

An employee on Mental Health Leave may not work a second job, including self-employment, or participate in volunteer work.

d) Confidentiality:

To provide the highest level of anonymity for the Peace Officer as possible all hours away from work for this reason will be noted on the timesheet as regular hours. Any other documentation provided will only be placed in the confidential HR medical file for that Peace Officer to serve as a record of the time away and as a historical record that leave was granted. No other notation of the reason for the Peace Officer's absence will be noted and any missed shifts will be covered by other Peace Officer's.

Any request for mental health leave shall be treated as strictly confidential by all parties involved and shall not be discussed or disclosed outside the officer's immediate chain of command, and only as necessary to facilitate the use of the leave. Any officer or supervisor who becomes aware of the behavioral changes and suggests the officer seek mental health leave shall not discuss the matter with any third party. Any breach of this confidentiality shall be grounds for disciplinary action.

Confidentiality may be waived by the officer seeking mental health leave and may be waived under circumstances which indicate the officer is a danger to himself, herself, or others resulting in the need for personnel to confer with mental health professionals.

e) Return to Work

Following the use of Mental Health Leave, the city reserves the right to require a Peace Officer to undergo a psychological examination, by a professional of the city's choosing to determine fitness for continued employment, as may be necessary in order for the city to provide a reasonable accommodation and as permitted in accordance with applicable laws before returning to work.

Peace Officers may utilize any of the below resources available to seek professional treatment for the handling of the traumatic event in which they were involved while on duty.

UHC Employee Assistance Program

Confidential Support 24/7/365

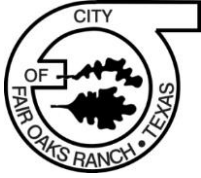
Call 1-888-887-4114

COPLINE

An Officer's Lifeline

Confidential Support 24/7/365

Call 1-800-267-5463



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
September 16, 2021

AGENDA TOPIC: Approval of Council Member Parker's absence from the September 2, 2021 Regular City Council Meeting.

DATE: September 16, 2021

DEPARTMENT: City Council

PRESENTED BY: (Consent Agenda) Christina Picioccio, City Secretary

INTRODUCTION/BACKGROUND:

Council Member Parker's absence from the September 2, 2021, City Council meetings was 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:

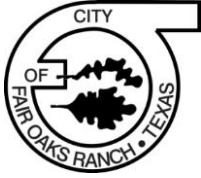
N/A

LEGAL ANALYSIS:

N/A

RECOMMENDATION/PROPOSED MOTION:

(Consent Agenda) I move to approve Council Member Parker's absence from the September 2, 2021 City Council Meeting.



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
September 16, 2021

AGENDA TOPIC: Approval of the Elkhorn Ridge Unit 7 Tree Plan
 DATE: September 16, 2021
 DEPARTMENT: Public Works and Engineering Services
 PRESENTED BY: (Consent Agenda) Melissa Castro, Environmental Project Manager

INTRODUCTION/BACKGROUND:

On August 4, 2021, a preliminary plat establishing Elkhorn Ridge Unit 7 was submitted to the Public Works Department by Vickrey and Associates, Inc. This preliminary plat consists of 7.08 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 ordinance 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 #1261 – 30" Oak – To Be Removed

Tree #1264 – 25" Oak – To Be Removed

Tree #1283 – 24" Oak – To Be Saved

Tree #1289 – 34" Ashe Juniper – To Be Removed

Tree #1298 – 29" Oak – To Be Removed

Tree #1303 – 28" Ashe Juniper – To Be Removed

Tree #1309 – 24" Oak – To Be Removed

Tree #1311 – 24" Oak – To Be Saved

To mitigate, eighteen (18) 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 September 9, 2021 meeting the Planning and Zoning Commission recommended approval of the Elkhorn Ridge Unit 7 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 following:

"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)."

LONGTERM FINANCIAL & BUDGETARY IMPACT:

None

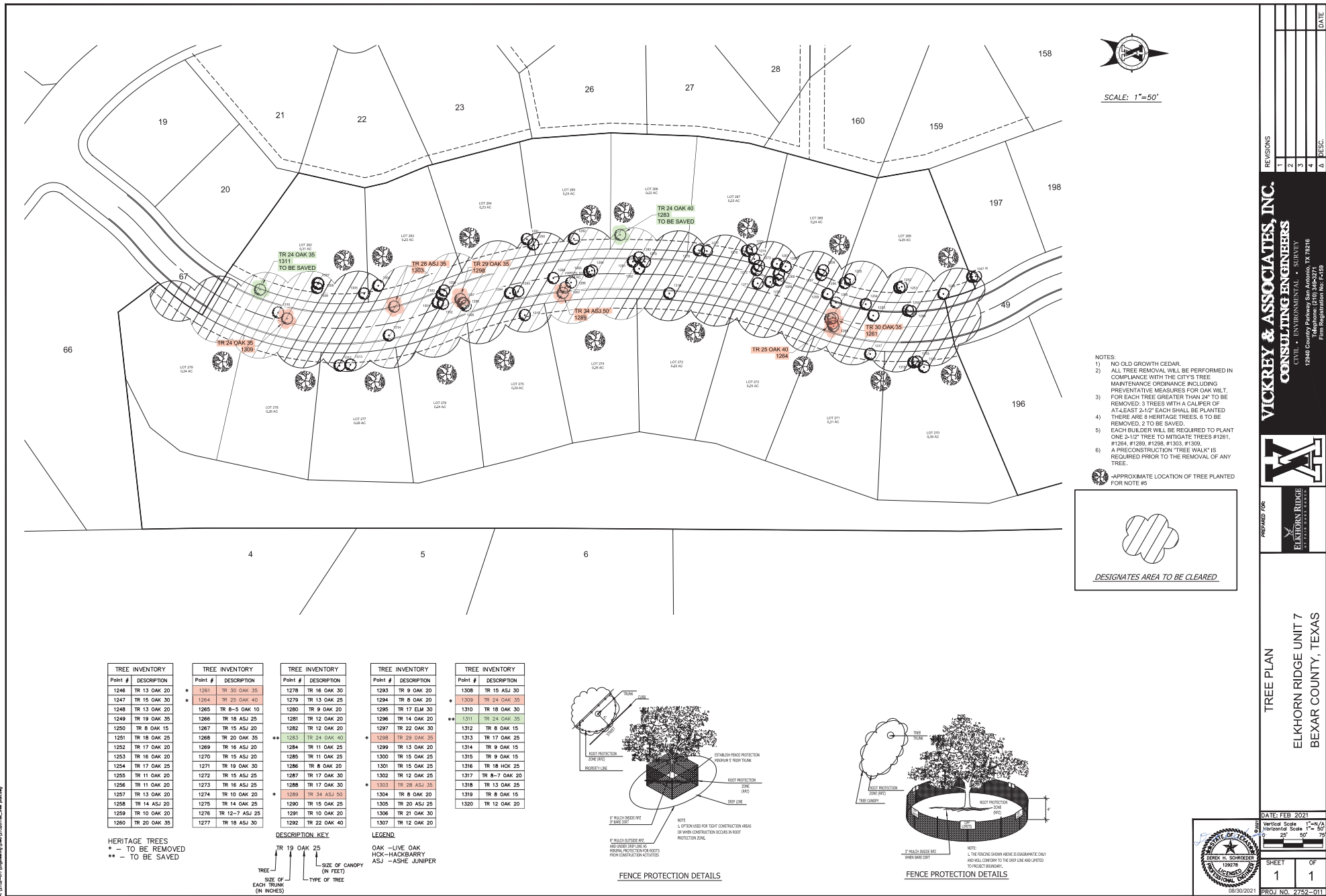
LEGAL ANALYSIS:

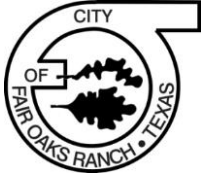
Not Applicable

RECOMMENDATION/PROPOSED MOTION:

Staff has reviewed the Elkhorn Ridge Unit 7 Tree Plan and recommends approval based on conformance with the City's previous subdivision ordinance Article III, Section 6.

(Consent Agenda) Motion: I move to approve the Elkhorn Ridge Unit 7 Tree Plan.





CITY COUNCIL CONSIDERATION ITEM

CITY OF FAIR OAKS RANCH, TEXAS

September 16, 2021

AGENDA TOPIC: Consideration and possible action approving a Preliminary Plat request from Elkhorn Ridge SA, LLC for Elkhorn Ridge Unit 7 proposing 18 single-family residential lots, generally located north of the intersection of Dietz Elkhorn Road and Elkhorn Ridge, City of Fair Oaks Ranch, Texas

DATE: September 16, 2021

DEPARTMENT: Public Works and Engineering Services

PRESENTED BY: Grant Watanabe, P.E., Director of Public Works & Engineering Services
Carole Vanzant, Assistant City Manager (Consent Agenda)

SUMMARY:

The purpose of this Preliminary Plat is to create 18 residential lots, one private street (Kearney Ridge), and one reserve that will be maintained as green belt, drainage easement, open space, and underground utility easements. The lot sizes range from 0.22 acres to 0.38 acres. All lots in the proposed subdivision are 80' wide.

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

BACKGROUND:

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

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

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

Source: Development Agreement dated 2014

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

Table 1: Elkhorn Ridge Development Construction Status

Status	Constructed	In Progress	Future
Units	1, 2, 3, 5, 6A, 9	6B	4, 7, 8
Number of lots	199	22	71

Based on a comparative analysis of the development agreement and the subdivision progress provided by the applicant, it appears that the last unplatted Unit 4 (U4) needs to contain all 80' lots to meet the text of the agreement since only forty-four (44) of the seventy two (72) lots of 80' lot width required in the agreement have been platted. (see Table 2).

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

Lot Size	Total Permitted (Development Agreement Text)	Total Permitted (Development Agreement Map)	Applicant's Proposed Master Plan of August 2021	Actual Number of Lots Platted w/o U4 the only remaining section to be platted)
Min. 55' wide lots	148	185 (0'-64') No min. lot width)	134	134
Min. 65' wide lots	91	103 (65'-84' wide lots)	114	88
Min. 80' wide lots	72	24 (min. 85' wide)	44	44
Total	311	312	292	266

The open space exhibits (Exhibits E and F) show the amount and location of open space. As per the Open Space Plan provided by the applicant and dated August 2021, the open space requirement for Unit 7 is 1.36 acres and the plat meets this requirement. Exhibit G shows an aerial view of the Elkhorn Ridge development. The street providing access to this subdivision is constructed and has been accepted by the City.

The parcel has protected trees on site that need mitigation. The applicant has prepared a tree mitigation plan (Tree Plan) that is placed on this agenda and needs to be approved prior to approval of the Preliminary Plat.

The proposed Preliminary Plat that establishes Elkhorn Ridge Unit 7 is generally in conformance with the Master Plan.

The Preliminary Plat review is based on the requirements of the Subdivision Regulations contained in Chapter 10 of the Code of Ordinances, that was in effect at the time of the approval of the Master Plan. Staff has reviewed the Preliminary Plat and relayed review comments to the

applicant. Based on the review of the latest resubmittal, the outstanding comments considered are considered minor and are included as conditions of approval in the recommendations.

During their September 9, 2021 meeting, the Planning & Zoning Commission (P & Z) reviewed the proposed subdivision and discussed the distribution of lots and lot sizes, based on the comparative analysis of the text contained in the development agreement, the table provided on the concept plan of the development agreement, and the subdivision progress provided by the applicant. P & Z also pointed out that the agreement language was confusing, especially since the categories in the agreement text did not match the categories in the table that was included in the approved concept plan and sought legal advice. Attorney Cynthia Trevino stated that it was the applicant's responsibility to meet the terms of the agreement. The P & Z discussed and accepted the applicant's proposal to include all 80' lots in the last unplatted Unit 4 (U4). They noted doing so makes it closer to the intent of the text of the agreement as only forty-four (44) of the seventy-two (72) lots of 80' lot width stipulated in the agreement text had been platted. In addition, the P&Z pointed out the reserve 914 was not labelled on the plat and added this to the conditions of approval.

The P & Z recommended approval of the Preliminary Plat request from Elkhorn Ridge SA, LLC for Elkhorn Ridge Unit 7 proposing 18 single-family residential lots with the following conditions:

1. Applicant to update the subdivision progress table on the Master Plan to show the accurate number of 80' lots in Unit 7 based on the plat.
2. Applicant to resolve the discrepancy between Bexar County GIS information and the tax certificate.
3. Applicant to correct the Unified Development Code reference to Subdivision Ordinance.
4. Applicant to change the drainage easement note to change the responsibility from the City to utility/service provider or HOA.
5. Applicant to add surveyor's signature.
6. Applicant to correct the typographical error in the note that states the maintenance responsibility of the street.
7. Applicant to update the plat revision date.
8. Applicant to label the reserve 914 as labelled in the previous submissions- "RESERVE 914 GREENBELT 1.36 AC".

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.

LONGTERM FINANCIAL & BUDGETARY IMPACT:

N/A

LEGAL ANALYSIS:

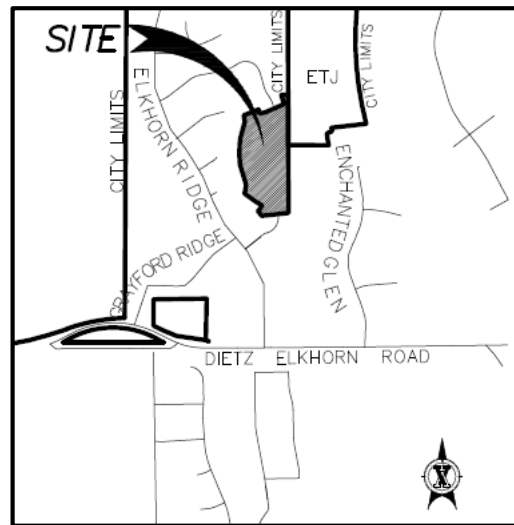
Sec. 212.006 (a) of the Texas Local Government Code titled, Authority Responsible for Approval Generally, states the following:

“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.”

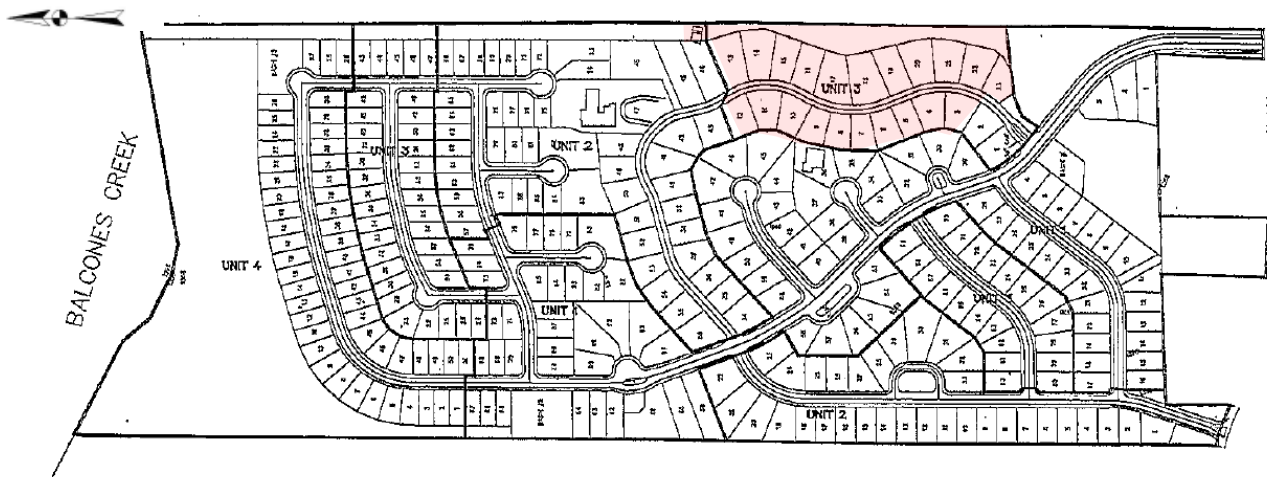
PROPOSED MOTION:

(Consent Agenda): I move to approve the Preliminary Plat request from Elkhorn Ridge SA, LLC for Elkhorn Ridge Unit 7 proposing 18 single-family residential lots with the following conditions:

1. Applicant to update the subdivision progress table on the Master Plan to show the accurate number of 80' lots in Unit 7 based on the plat.
2. Applicant to resolve the discrepancy between Bexar County GIS information and the tax certificate.
3. Applicant to correct the Unified Development Code reference to Subdivision Ordinance.
4. Applicant to change the drainage easement note to change the responsibility from the City to utility/service provider or HOA.
5. Applicant to add surveyor's signature.
6. Applicant to correct the typographical error in the note that states the maintenance responsibility of the street.
7. Applicant to update the plat revision date.
8. Applicant to label the reserve 914 as labelled in the previous submissions- “RESERVE 914 GREENBELT 1.36 AC”.

Exhibit A: Elkhorn Ridge Unit 7 Site Location Map

Source: Provided by the applicant

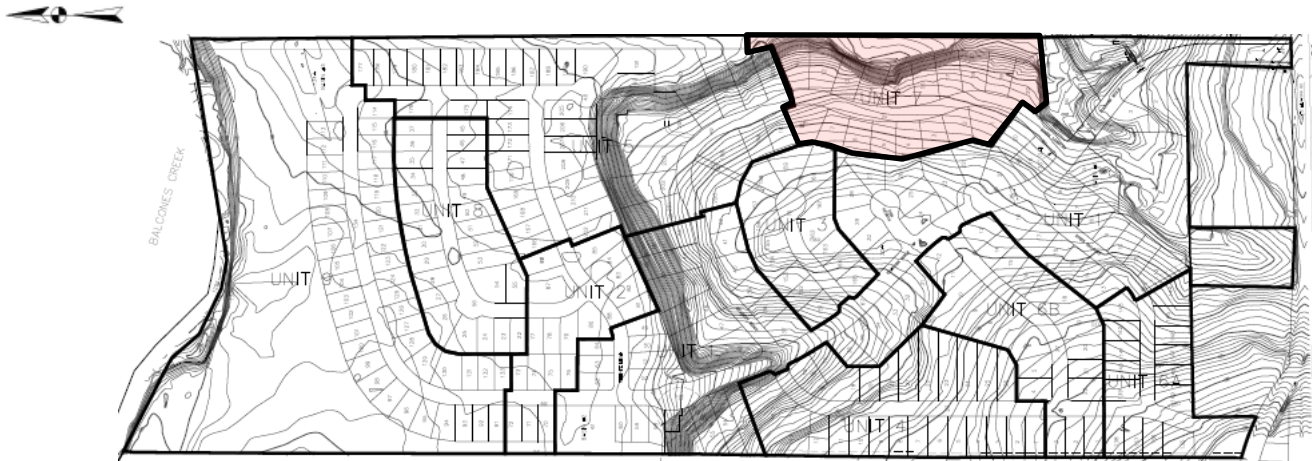
Exhibit B: Elkhorn Ridge Subdivision Master Plan (Unit 7 Highlighted)

UNIT 1	25	26	38	3
UNIT 2	24	13	38	12
UNIT 3	25	19	27	9
UNIT 4	47	4	—	—
TOTAL	121	64	103	24

UNIT 2	87	8,300	4,060
UNIT 3	80	6,080	2,970
UNIT 4	51	3,020	1,470
TOTAL	318	28,720	14,120

Source: Development Agreement dated 2014

Exhibit C: Elkhorn Ridge Subdivision Master Plan (Unit 7 Highlighted)



Source: Provided by the applicant

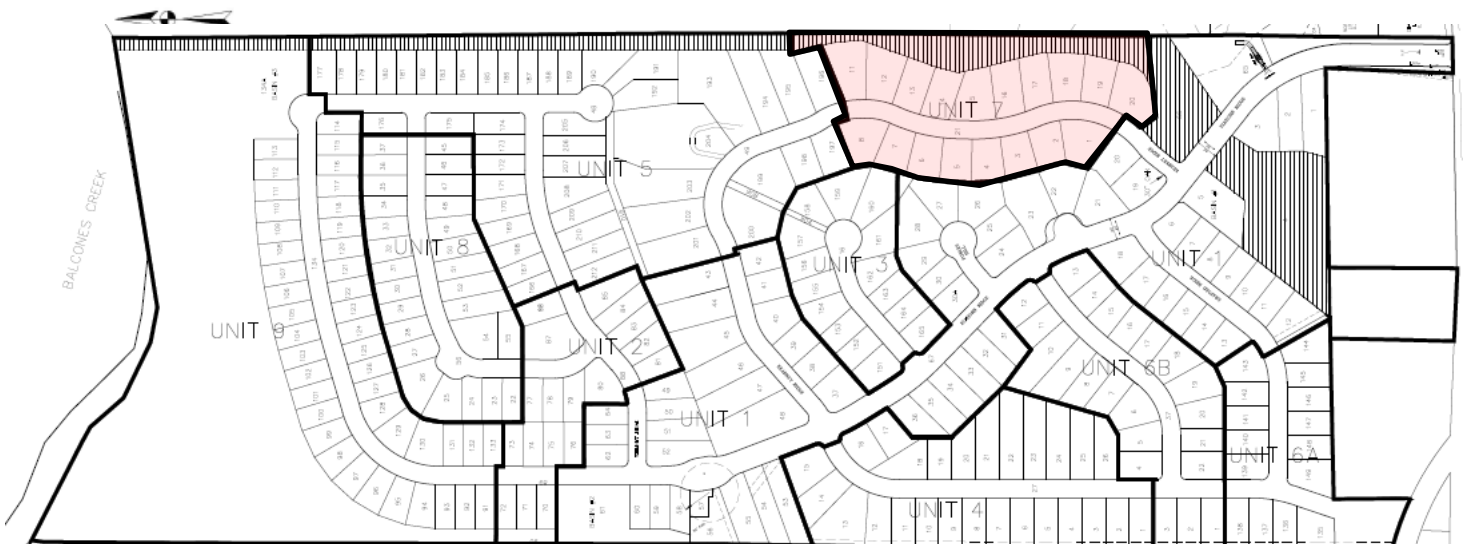
Exhibit D: Elkhorn Ridge Subdivision - Progress Summary Table (August 2021)

	U 1	U 2	U 3	U 4	U 5	U 6A	U 6B	U 7	U 8	U 9	TOTAL
AREA(AC)	28.72	4.35	3.92	7.42	16.28	4.36	5.94	7.07	5.98	23.90	107.94
55' LOTS	134	11	—	—	35	—	—	—	27	43	
65' LOTS	114	36	—	15	26	—	15	22	1	—	
80' LOTS	44	14	—	—	12	—	—	17	—	—	
TOTAL	292	61	18	15	26	47	15	22	18	27	43
RECORDING DATA	V 9699/P 179	V 9714/P 183	V 2000L/P 2019	FT/3HE	V 2000S/P 632	V 2000L/P 1443	APPROXIMATE NOT RECORDED	IN REVIEW	IN REVIEW	V 2000L/P 1845	
CONSTRUCTION STATUS	COMPLETED	COMPLETED	COMPLETED	PENDING	COMPLETED	COMPLETED	50% COMPLETE	PENDING	PENDING	COMPLETED	

TOTAL ROAD = 13,450 L.F.

Source: Provided by the applicant

Exhibit E: Elkhorn Ridge Subdivision Open Space Plan (Unit 7 Highlighted)



Source: Provided by the applicant

Exhibit F: Open Space Requirement

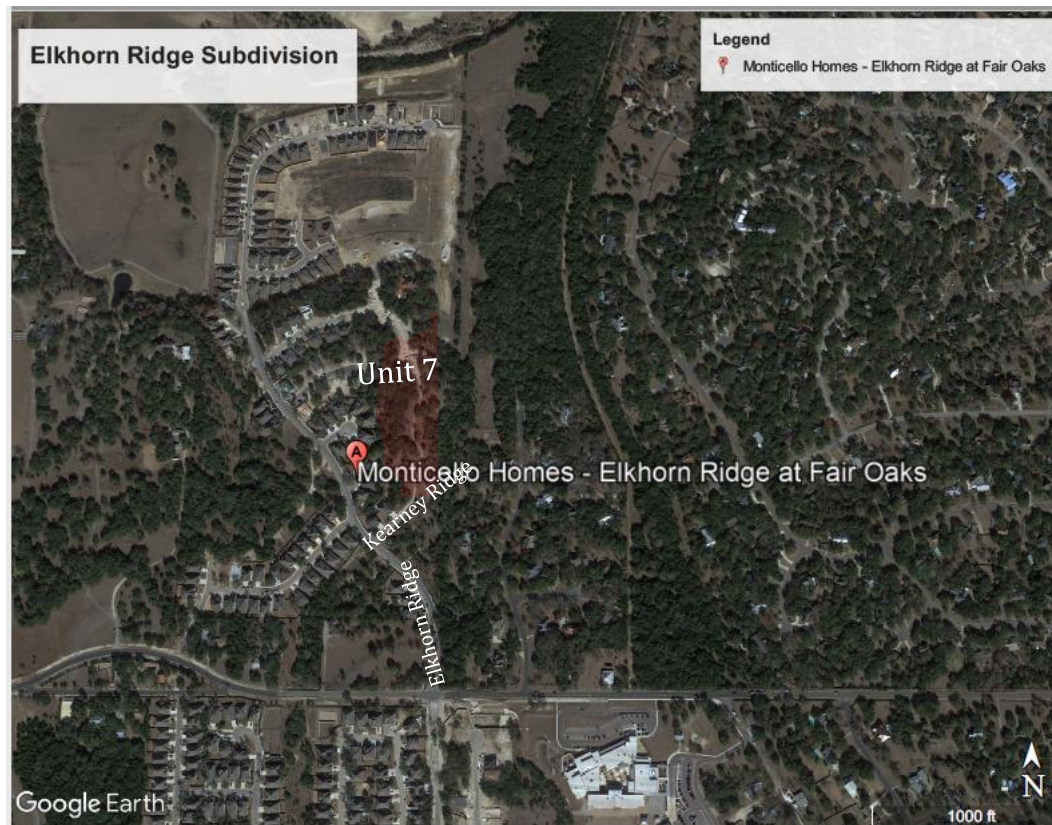
OPEN SPACE REQUIREMENT		
AREA = 292 LOTS/(100 LOTS/AC) = 2.92 AC.		
UNIT NO.	OPEN SPACE AC.	STATUS
1	3.08*	2015
2	0	2017
3	0	2019
4	0	UNKNOWN
5	1.26	2021
6A	0	2020
6B	0	2021
7	1.36	2022
8	0	2022
9	0.43	2019
TOTAL	6.13	

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

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

Source: Provided by the applicant

Exhibit G - Elkhorn Ridge Subdivision Aerial View (Unit 7 Highlighted)



Attachments:

1. Appendix A Universal Application
2. S10 Preliminary Plat Specific Application Form
3. Letter of Intent
4. Elkhorn Ridge Unit 7 Subdivision Plat
5. Elkhorn Ridge Masterplan
6. Elkhorn Ridge Open Space Exhibit



City of Fair Oaks Ranch

7286 Dietz Elkhorn Fair Oaks Ranch, TX 78015

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

UNIVERSAL APPLICATION (FORM UA)

All applications must be submitted with:

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

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

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

DEVELOPMENT INFORMATION

Project Name/Address/Location: Elkhorn Ridge Unit 7 Acreage: 7.08
 Brief Description of Project: Residential Subdivision
 Is property platted? ☒ No ☐ Yes Subdivision name: Elkhorn Ridge Unit 7 No. of Lots: 18
 Recordation #: _____ Parcel(s) Tax ID#: 04708-000-0700
 Existing Use: Single Family Proposed Use: Single Family
 Current Zoning: Existing Residential One Proposed Zoning: Existing Residential One
 Occupancy Type: _____ Sq. Ft.: _____ Bed #: _____ Bath #: _____ Car Garage #: _____
 Water System ☐ Well ☒ Public Flood Zone: ☐ Yes ☒ No Sewer System: ☐ Septic ☒ Public

PROPERTY OWNER INFORMATION

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

APPLICANT INFORMATION

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

KEY CONTACT INFORMATION

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

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

Signature: _____ Date: 8-3-21

(Signed letter of authorization required if the application is signed by someone other than the property owner)

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

DATE REC'D: 8/4/2021 BY: SG
 FEES PAID: Confirmed APPROVED BY: SG
 DATE APPROVED: P&Z Agenda 9/9/21 & Council Agenda 9/16/21
 APPLICATION/PERMIT NO: NA EXP DATE: NA

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

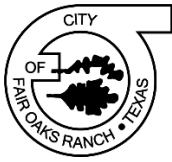
*These types of applications require additional information as listed in the Specific Application Form. Refer to **Appendix B** of the Administrative Procedures Manual for more information.

** 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)

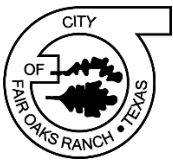
¹For items that are duplicated in the specific type of application, only one copy is required.

**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.
- N/A ☐ Pre-Application Conference prior to application submittal.
- N/A ☐ Approved copy of a Concept Plan or other approved plats, if applicable.
- N/A ☐ Concept plan approval (if required).
- ☒ A title report.
- ☒ Three (3) copies (full size) of complete sets of construction plans (plan views) to verify required easements and reserves, showing existing and proposed configurations if applicable. This includes grading, streets, green spaces, drainage/stormwater systems, gas, electrical, water, wastewater, cable and TV, fiber and all utilities.
- ☒ One (1) copy (11x17) of proposed plat.
- N/A ☐ One (1) copy (11x17) of all existing recorded plats pertaining to the preliminary plat.
- N/A ☐ Basic engineering information, if deemed necessary by the City.
- ☒ Letter of Certification from each utility provider servicing this area (CPS, PEC, SAWS, Time Warner, Grey Forest, GBRA, Spectrum, etc.) or proof that these have been requested.
- ☒ Letter from USPS and other service providers to ensure the name of the proposed subdivision and streets, or any of the physical features, (such as streets, parks, etc.) must not be so similar to the names of any similar features in the county or in any incorporated town or city therein. Streets, which are a continuation of any existing street, shall take the name of the existing street.
- ☒ Drainage/Stormwater plan, if any grade changes.



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.
- ☒ 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.

VICKREY & ASSOCIATES, LLC
CONSULTING ENGINEERS

August 2, 2021

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

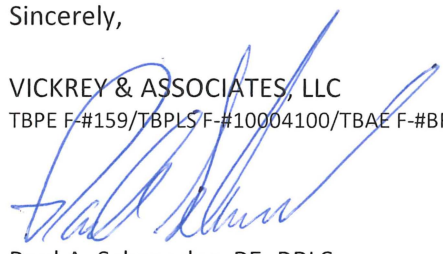
Re: Elkhorn Ridge Unit 7
Preliminary Plat Submittal
V&A Project No. 2752-011-051

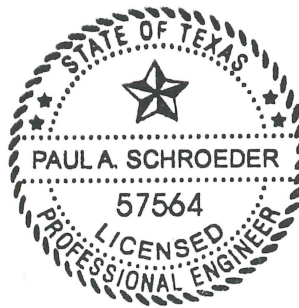
Dear Ms. Schweitzer,

This submittal is to subdivide 7.08 acres of land out of tracts conveyed by signed warranty deeds recorded in Volume 16450, Page 2155, Official Public Records of Bexar County, Texas. The Elkhorn Ridge Unit 7 subdivision will contain 18 lots.

Sincerely,

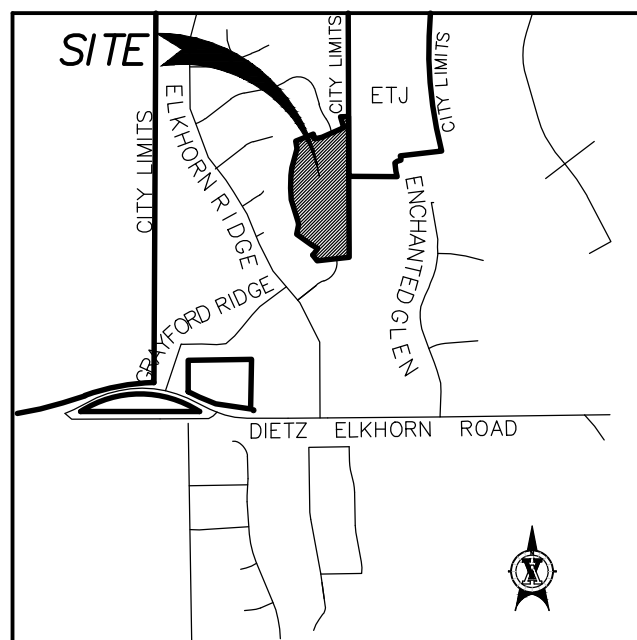
VICKREY & ASSOCIATES, LLC
TBPE F-#159/TBPLS F-#10004100/TBAE F-#BR2927


Paul A. Schroeder, PE, RPLS
Residential Division Manager



PAS/ksh





LOCATION MAP
NOT TO SCALE

LEGEND	
●	SET 1/2" IRON RODS WITH CAP STAMPED "VICKREY PROP COR" UNLESS OTHERWISE NOTED.
○	SET 1/2" IRON RODS WITH "VICKREY PROP COR"
D.R.	DEED RECORDS OF BEXAR COUNTY, TEXAS
O.P.R.	OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BEXAR COUNTY, TEXAS
D.P.R.	DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS
---	EXISTING CONTOURS
-740-	PROPOSED CONTOURS
ESMT	EASEMENT
R.O.W.	RIGHT OF WAY
EX	EXISTING
VOL	VOLUME
PG.	PAGE
AC.	ACRES
*	SAME AS PREVIOUS MEASUREMENT
⊕	CENTERLINE
FFE =	MINIMUM FINAL FLOOR ELEVATION
FFE _s =	MINIMUM FINAL FLOOR ELEVATION FOR SANITARY SEWER

UTILITY EASEMENT:

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

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

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

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

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

CPS NOTES:

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

ZONING DESIGNATION NOTE:

THIS PLAT AREA IS CURRENTLY ZONED AS EXISTING RESIDENTIAL 1.

PRIVATE STREET DESIGNATION NOTE:

KEARNEY RIDGE (PARCEL 913) IS A PRIVATE STREET AND IS DESIGNED AS UNDERGROUND PUBLIC WATER AND PUBLIC SANITARY SEWER AND UTILITY EASEMENT.

LINE TABLE		
LINE	LENGTH	DIRECTION
L7	50.00	N57°33'28"W
L8	22.12	S11°08'17"E
L9	45.79	N20°44'19"W
L10	52.86	N08°02'22"W
L11	50.00	N79°40'32"E
L12	30.05	S13°56'45"E
L13	78.46	S10°23'30"W
L14	68.75	S07°52'39"E
L16	15.90	S17°42'15"W
L17	39.05	S40°02'00"W
L18	55.69	S65°10'56"W
L19	31.68	N02°37'58"E
L20	31.68	S02°37'58"W
L23	13.22	N00°17'13"E
L24	13.22	S00°17'13"W

CURVE TABLE						
CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD
C5	11°40'41"	275.00'	56.05'	28.12'	N38°16'52"E	55.95'
C6	10°47'06"	175.00'	32.94'	16.52'	S15°43'01"E	32.89'
C7	37°58'14"	225.00'	149.11'	77.41'	S13°27'25"W	146.40'
C8	23°54'44"	475.00'	198.24'	100.58'	S9°19'24"E	196.80'
C9	22°33'52"	475.00'	187.07'	94.76'	S13°54'54"W	185.86'
C10	24°54'37"	175.00'	76.08'	38.65'	S12°44'32"W	75.49'
C11	10°36'41"	175.00'	32.41'	16.25'	S5°01'08"E	32.36'
C12	10°36'41"	225.00'	41.67'	20.90'	S5°01'08"E	41.61'
C13	24°54'37"	225.00'	97.82'	49.70'	N12°44'32"E	97.05'
C14	22°33'52"	425.00'	167.38'	84.79'	S13°54'54"W	166.30'
C15	23°54'44"	425.00'	177.37'	90.00'	N9°19'24"W	176.09'
C16	53°43'17"	275.00'	257.84'	139.28'	N5°34'53"E	248.50'

- 10' GAS, ELECTRIC, TELEPHONE AND CABLE TV EASEMENT
- 10' GAS, ELECTRIC, TELEPHONE AND CABLE TV EASEMENT (VOL. 20002, PG. 621)
- 10' GAS, ELECTRIC, TELEPHONE AND CABLE TV EASEMENT (VOL. 9692, PG. 180)
- 10' GAS, ELECTRIC, TELEPHONE AND CABLE TV EASEMENT (VOL. 9692, PG. 181)
- 15' GAS, ELECTRIC, TELEPHONE AND CABLE TV EASEMENT (VOL. 20002, PG. 856)

FLOODPLAIN VERIFICATION:

A PORTION OF THE FEMA 1% ANNUAL CHANCE (100-YEAR) FLOODPLAIN EXISTS WITHIN THIS PLAT AS VERIFIED BY FEMA MAP 481644C0085F EFFECTIVE DATE SEPT 29, 2010. FLOODPLAIN INFORMATION IS SUBJECT TO CHANGE AS A RESULT OF FUTURE FEMA MAP REVISIONS AND/OR AMENDMENTS. CITY OF FAIR OAKS RANCH - NUMBER 481644 PANEL # 0085 F

IMPACT FEE PAYMENT DUE : "SAWS"

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

EDU NOTE:

THE NUMBER OF EQUIVALENT DWELLING UNITS (EDUS) PAID FOR THIS SUBDIVISION PLAN ARE KEPT ON FILE AT THE SAN ANTONIO WATER SYSTEM UNDER THE PLAT NUMBER ISSUED BY THE PLANNING AND DEVELOPMENT SERVICES DEPARTMENT.

SAWS DEDICATION NOTE:

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

SAWS HIGH PRESSURE NOTE:

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

FIRE FLOW NOTE:

IN AN EFFORT TO MEET THE CITY OF SAN ANTONIO'S FIRE FLOW REQUIREMENTS FOR THE PROPOSED RESIDENTIAL DEVELOPMENT, THE PUBLIC WATER MAIN SYSTEM HAS BEEN DESIGNED FOR A MINIMUM FIRE FLOW DEMAND OF 1000 GPM AT 25 PSI RESIDUAL PRESSURE. THE FIRE FLOW REQUIREMENTS FOR INDIVIDUAL STRUCTURES WILL BE REVIEWED DURING THE BUILDING PERMIT PROCESS IN ACCORDANCE WITH THE PROCEDURES SET FORTH BY THE CITY OF FAIR OAKS RANCH.

STATE OF TEXAS
COUNTY OF BEXAR

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

VICKREY & ASSOCIATES, INC.
BY: PAUL A. SCHROEDER, R.P.L.S.

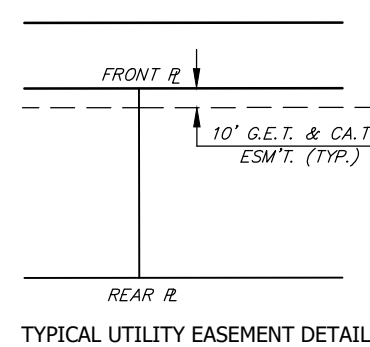
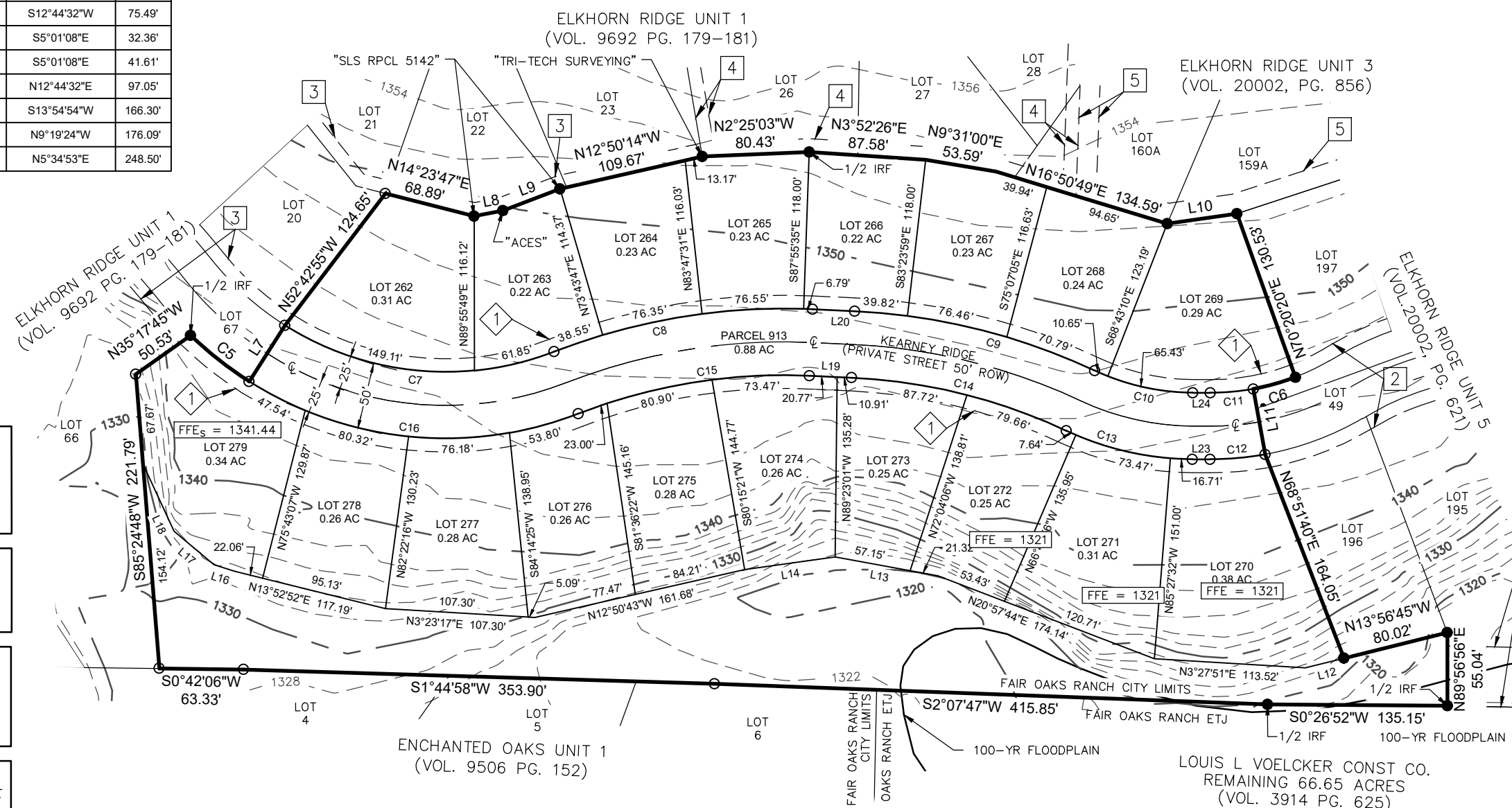
REGISTERED PROFESSIONAL LAND SURVEYOR #9160

STATE OF TEXAS
COUNTY OF BEXAR

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

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

08-31-2021
LICENSED PROFESSIONAL ENGINEER #57564



STATE OF TEXAS
COUNTY OF BEXAR

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

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

STATE OF TEXAS
COUNTY OF BEXAR

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

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

NOTARY PUBLIC
STATE OF TEXAS

THIS PRELIMINARY PLAT OF ELKHORN RIDGE UNIT 7 HAS BEEN SUBMITTED TO AND CONSIDERED BY THE CITY COUNCIL OF FAIR OAKS RANCH, TEXAS AND IS HEREBY APPROVED BY SUCH COUNCIL DATED THIS _____ DAY OF _____ A.D. 2021

BY _____ MAYOR

BY _____ CITY SECRETARY

EASEMENT NOTES

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

DRAINAGE EASEMENT:

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

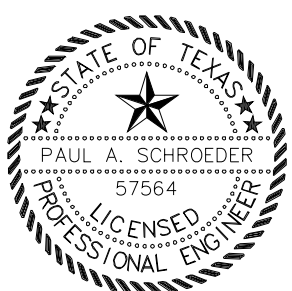
WITH RESPECT TO THE DRAINAGE SYSTEM, IT IS EXPRESSLY AGREED AND UNDERSTOOD BY ALL PARTIES HERETO, THAT THE INTENTION IS TO IMPROVE CONDITIONS OF SANITATION AND WATER DRAINAGE CONTROL ON THE PROPERTY FOR THE BENEFIT OF THE PROPERTY, ADJACENT PROPERTY, AND THE COMMUNITY, BUT THE CITY DOES NOT GUARANTEE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

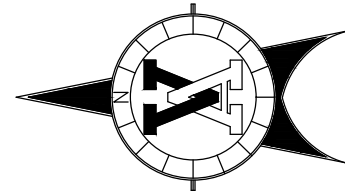
- THE PROPERTY OWNER RETAINS THE RIGHT TO USE ALL OR ANY PART OF THE EASEMENT FOR ANY PURPOSE WHICH DOES NOT DAMAGE, DESTROY, INJURE, AND/OR UNREASONABLY INTERFERE WITH THE USE OF THE EASEMENT. HOWEVER, THE EASEMENT SHALL BE KEPT CLEAR OF ALL STRUCTURES OR OTHER IMPROVEMENTS.

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

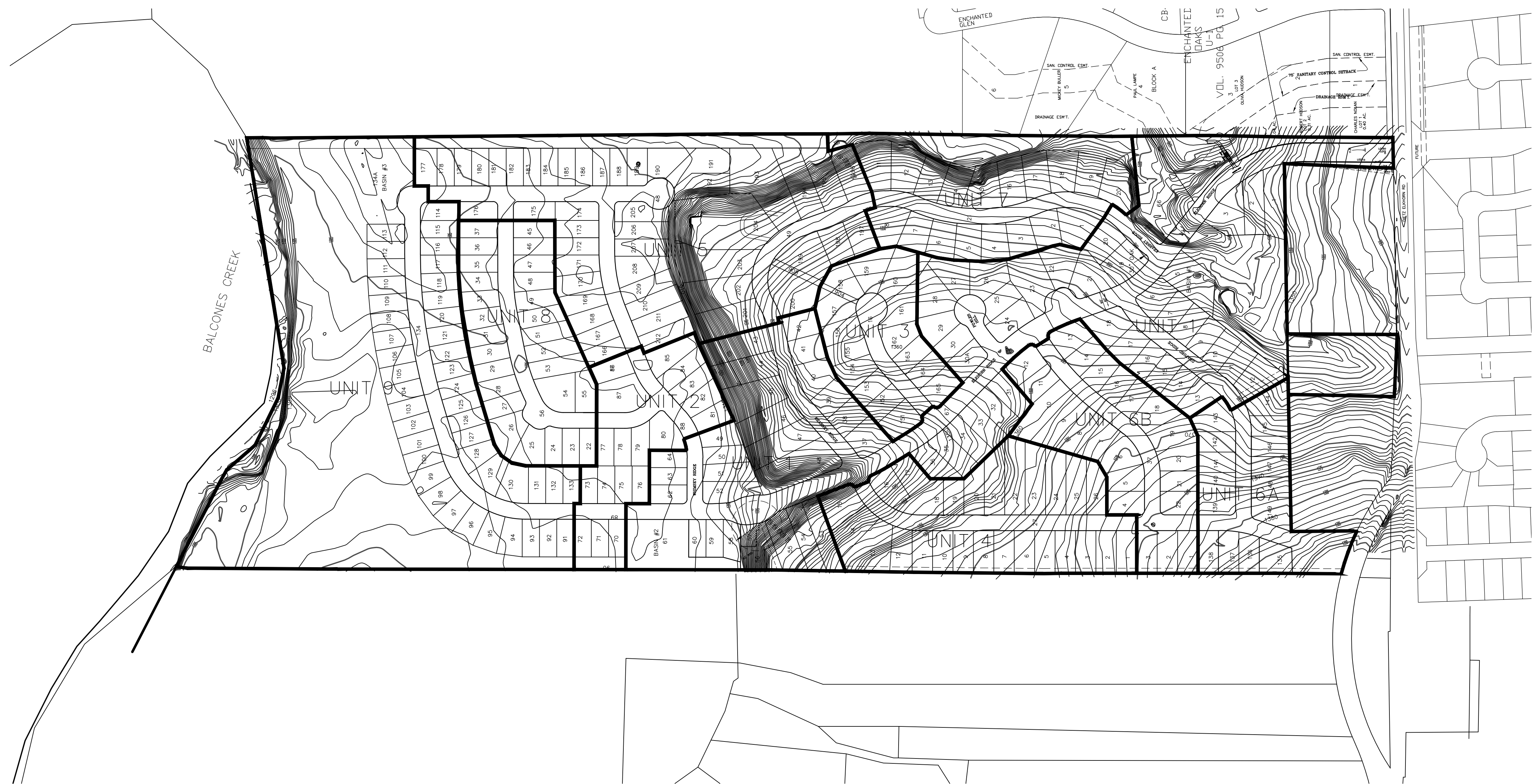
- THE MAINTENANCE OF THE TURF, GRASSES AND LANDSCAPE VEGETATION WITHIN THE EASEMENT SHALL BE THE DUTY AND RESPONSIBILITY OF THE PROPERTY OWNER.

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





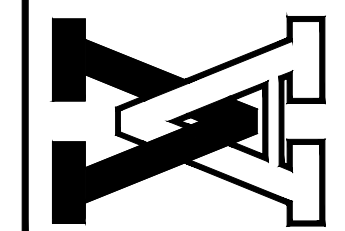
SCALE: 1"=200'



		U 1	U 2	U 3	U 4	U 5	U 6A	U 6B	U 7	U 8	U 9	TOTAL
AREA(AC)		28.72	4.35	3.92	7.42	16.28	4.36	5.94	7.07	5.98	23.90	107.94
55' LOTS	134	11	18	—	—	35	—	—	—	27	43	
65' LOTS	114	36	—	15	26	—	15	22	1	—	—	
80' LOTS	44	14	—	—	—	12	—	—	17	—	—	
TOTAL	292	61	18	15	26	47	15	22	18	27	43	
RECORDING DATA		V.9692/P.179	V.9714/P.123	V.20001/P.2218	FUTURE	V.20002/P.621	V.20001/P.1443	APPROVED NOT RECORDED	IN REVIEW	IN REVIEW	V.20001/P.1245	
CONSTRUCTION STATUS		COMPLETED	COMPLETED	COMPLETED	FUTURE	COMPLETE	COMPLETED	50% COMPLETE	FUTURE	FUTURE	COMPLETED	

TOTAL ROAD = 13,450 L.F.

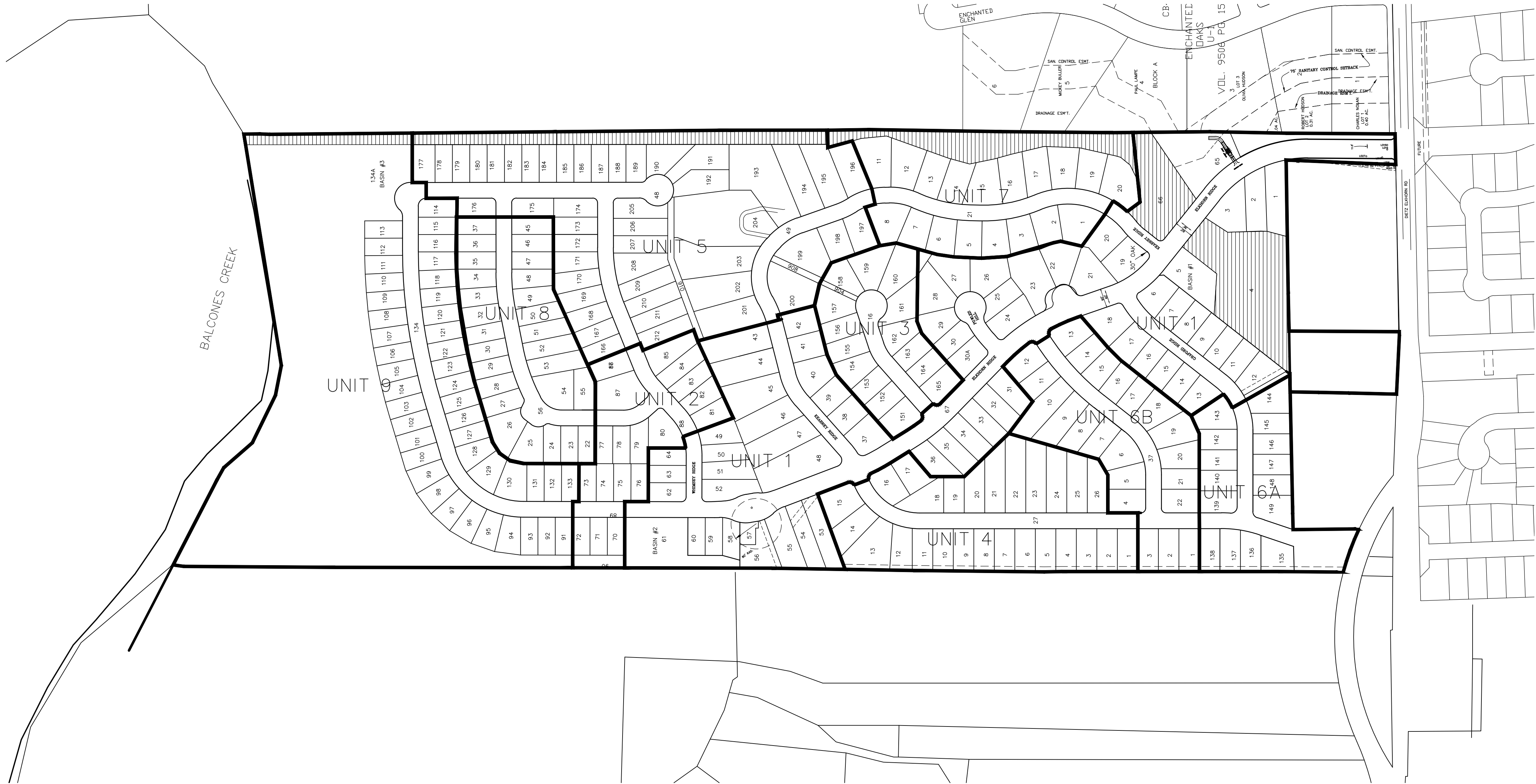
VICKREY & ASSOCIATES, INC.
CONSULTING ENGINEERS
CIVIL - ENVIRONMENTAL - SURVEY
12940 Country Parkway San Antonio, TX 78216
Tel: (214) 491-3400 Fax: (214) 349-3271
Firm Registration No: F-169
TBPLS Firm Registration No: 10004100



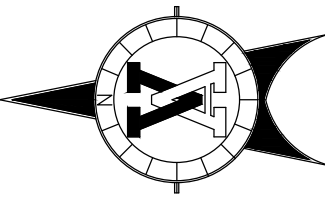
ELKHORN RIDGE
MASTER PLAN

DATE: AUGUST 2021	
Vertical Scale 1"=N/A Horizontal Scale 1"=200'	
SHEET 1	OF 1
PROJ NO. 2752-011	

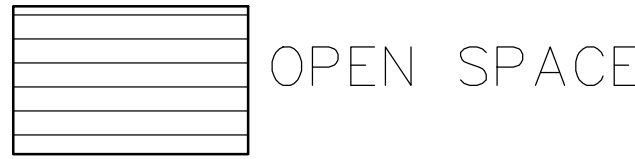
REVISIONS	
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SCALE: 1"=200'



OPEN SPACE LEGEND



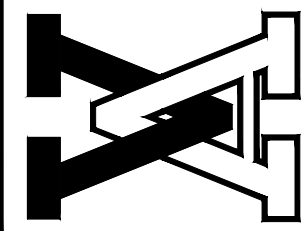
OPEN SPACE REQUIREMENT		
AREA = 292 LOTS/(100 LOTS/AC) = 2.92 AC.		
UNIT NO.	OPEN SPACE AC.	STATUS
1	3.08*	2015
2	0	2017
3	0	2019
4	0	UNKNOWN
5	1.26	2021
6A	0	2020
6B	0	2021
7	1.36	2022
8	0	2022
9	0.43	2019
TOTAL	6.13	

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

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

ELKHORN RIDGE
OPEN SPACE PLAN

PREPARED FOR:



VICKREY & ASSOCIATES, INC.
CONSULTING ENGINEERS
CIVIL • ENVIRONMENTAL • SURVEY
12940 Country Parkway San Antonio, TX 78216
Tel: 210.481.1111
Fax: 210.481.1112
E: info@vickrey.com
Registration No. F-149
TBPLS Firm Registration No.: 10004100

REVISIONS

NO.	DESC.
1	
2	
3	
4	
Δ	DESC.

DATE: AUGUST 2021

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

SHEET OF

PROJ NO. 2752-011



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
September 16, 2021

AGENDA TOPIC: Consideration and possible action approving a Final Plat request from SA Front Gate, LLC for Front Gate Unit 7 proposing 20 single-family residential lots, generally located south of Dietz Elkhorn Road and north of Fair Oaks Parkway, City of Fair Oaks Ranch, Texas.

DATE: September 16, 2021

DEPARTMENT: Public Works and Engineering Services

PRESENTED BY: Grant Watanabe, P.E., Director of Public Works & Engineering Services
 Carole Vanzant, Assistant City Manager (Consent Agenda)

SUMMARY:

The purpose of this Final Plat is to create 20 residential lots; 2 private streets (Shady Gate and Irving Circle); and 3 reserves that will be maintained as green belt, drainage easement, open space, and underground utility easements. The lot sizes range from 0.21 acres to 0.40 acres.

The subdivision is generally located south of Dietz Elkhorn Road and north of Fair Oaks Parkway (see attached Exhibit A: Location Map). Street access to the subdivision will be provided from Whisper Gate and Bullis Pond, that have been constructed and accepted by the City.

BACKGROUND:

A Master Plan for this 173-acre development was approved in 2012 and included 548 lots and 10.3 acres (approximately) of open space. The Master Plan showed the general location, number of lots, and lot breakdown based on lot size. According to the Subdivision Ordinance that this development was approved under, the minimum lot width required was 70 feet for each lot. An updated Master Plan has been attached as Exhibit B.

Attached Exhibit B shows the location of the area being platted in relation to the entire Front Gate development. Exhibit C shows the current status of the development, number and size of lots, lot configuration, recordation data, and construction status. A detailed breakdown of the development progress (as of August 2021) of the various units, as provided by the applicant, is summarized below in Table 1: Front Gate Development Construction Status. The total number of lots platted, constructed, and planned appears to be less than the 548 lots shown on the Master Plan. Additionally, the open space amounts to 10.79 acres.

Table 1: Front Gate Development Construction Status

Status	Constructed	Not Platted
Units	1, 2A, 2B, 3, 4, 5 8, 9, 10, 12	6,7
Number of lots	478	64

The open space exhibits (Exhibits D and E) show the amount and location of open space. As per the Open Space Plan provided by the applicant and dated July 21, 2021, the open space

requirement for Unit 7 is 0.49 acres. The plat proposes 0.69 acres of open space. Attachment F shows an aerial view of the Front Gate Unit development. The aerial map is not current and the streets providing access to this subdivision are constructed and have been accepted by the City.

The proposed Final Plat that establishes Front Gate Unit 7 is in conformance with the Master Plan. Construction Plans and Tree Plan for the proposed subdivision were already approved.

The Final Plat review is based on the requirements of the Subdivision Regulations contained in Chapter 10 of the Code of Ordinances, that was in effect at the time of the approval of the Master Plan. Staff has reviewed the Final Plat and relayed review comments to the applicant. Based on the review of the latest resubmittal, all minor conditions are included in the recommendations.

During their September 9, 2021 meeting, the Planning & Zoning Commission (P&Z) discussed the subdivision and specifically the drainage pattern at the end of the cul-de-sac and conveyance to drainage reserves. The P&Z recommended approval of the Final Plat request from SA Front Gate, LLC for Front Gate Unit 7 proposing 20 single-family residential lots with the following conditions:

1. Applicant to remove from the owner's signature block on the final plat "and dedicates to the City of Fair Oaks Ranch all public easements, public streets, and public drains".
2. Applicant's engineer and city staff to review the drainage plan and ensure proper storm water drainage so as not to affect the properties adversely, especially at the Shady Gate cul-de-sac.

The motion was passed unanimously (6-0).

Since the P & Z meeting, the applicant has provided a clarification of drainage issues as indicated in Attachment 7 (Letter from applicant's engineer Paul Schroeder dated 9/10/21). Staff has reviewed the construction drawings to confirm that the drainage issues are adequately addressed.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

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

LONGTERM 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:

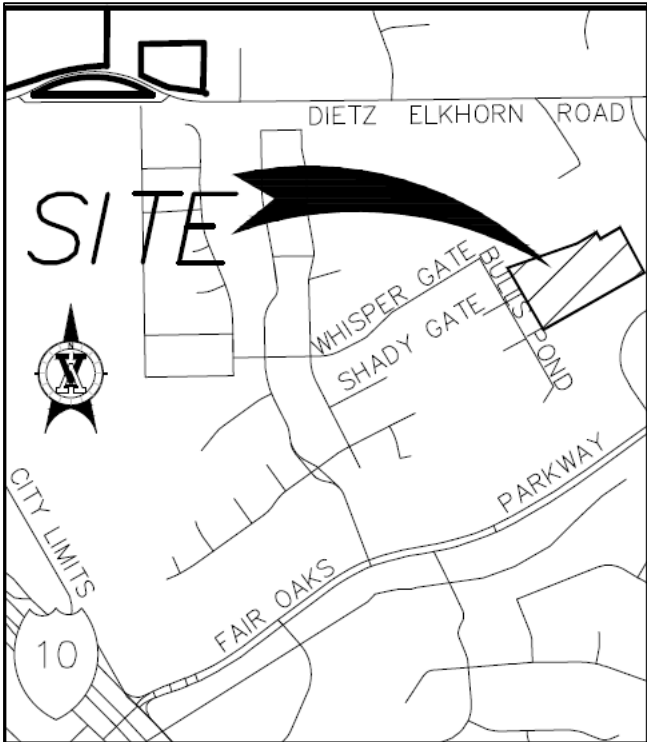
"The municipal authority responsible for approving plats under this subchapter is the municipal planning commission or, if the municipality has no planning commission, the governing body of the municipality. The governing body by ordinance may require the approval of the governing body in addition to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

PROPOSED MOTION:

(Consent Agenda): I move to approve the Final Plat request from SA Front Gate, LLC for Front Gate Unit 7 proposing 20 single-family residential lots with the following condition:

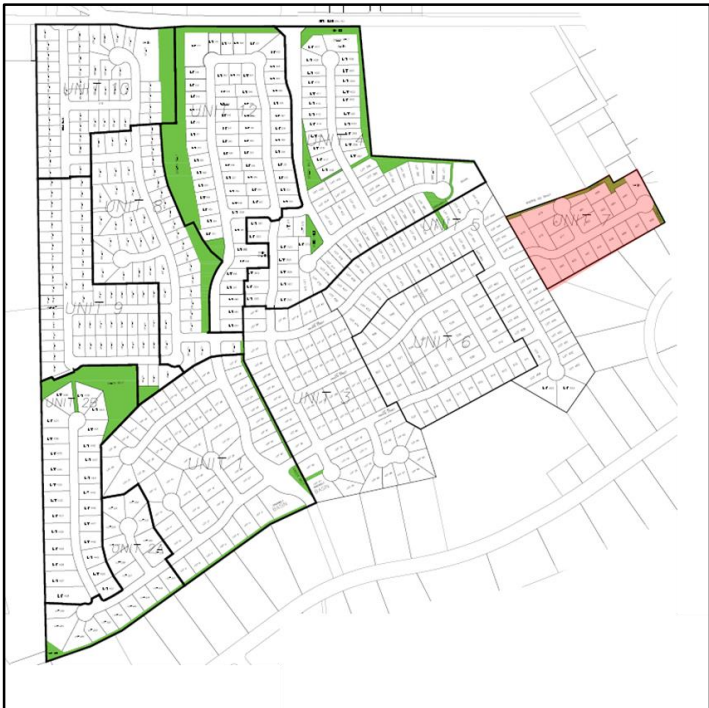
1. Applicant to remove from the owner's signature block on the final plat "and dedicates to the City of Fair Oaks Ranch all public easements, public streets, and public drains".

Exhibit A: Front Gate Unit 7 Site Location Map



Source: Provided by the applicant

Exhibit B: Front Gate Subdivision Master Plan (Unit 7 Highlighted)



Source: Provided by the applicant

Exhibit C: Front Gate Subdivision - Progress Summary Table (July 2021)

	U 1	U 2A	U 2B	U 3	U 4	U 5	U 6	U 7	U 8	U 9	U 10	U 12
60' LOTS	177	—	—	—	46	—	—	—	33	54	44	—
70' LOTS	302	29	5	3	50	19	49	44	20	15	—	62
90' LOTS	63	26	14	23	—	—	—	—	—	—	—	—
TOTAL	542	55	19	26	56	65	49	44	20	48	44	62
RECORDING DATA	T 8640 / P 89	T 8606 / P 114	T 8604 / P 126	T 8638 / P 89	T 8600 / P 106	T 8600 / P 106	27 25 12 27	27 25 12 27	T 8638 / P 86	T 8626 / P 137	T 8634 / P 13	T 8634 / P 13
CONSTRUCTION STATUS	C03074260	C03074260	C03074260	C03074260	C03074260	C03074260	E/A	E/A	C03074260	C03074260	C03074260	C03074260

Source: Provided by the applicant

Exhibit D: Front Gate Subdivision Open Space Plan (Unit 7 Highlighted)



Source: Provided by the applicant

Exhibit E: Open Space Requirement

OPEN SPACE REQUIREMENT			
AREA = 548 LOTS / (100 LOTS/AC) = 5.48 AC.			
UNIT NO.	OPEN SPACE AC.	STATUS	TOTAL ACCUMULATION
1	0.66	PLATTED	0.66
3	0.04	PLATTED	0.70
8	0.92	PLATTED	1.62
10	1.07	PLATTED	2.69
24	0.24	PLATTED	2.93
9	0.18	PLATTED	3.11
12	3.06	PLATTED	6.17*
2B	2.15	PLATTED	8.32
4	1.98	PLATTED	10.3
5	0.00	PLATTED	10.3
6	0	2021	10.3
7	0.49	2021	10.8
TOTAL	10.79		
* SATISFIES SUBDIVISION OPEN SPACE REQUIREMENTS			

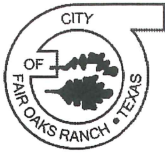
Source: Provided by the applicant

Exhibit F – Front Gate Subdivision Aerial View (Unit 7 Highlighted)



Attachments:

1. Universal Application
2. S11 Final Plat Specific Application Form
3. Letter of Intent
4. Front Gate Unit 7 Subdivision Plat
5. Front Gate Masterplan
6. Front Gate Open Space Exhibit
7. Letter from applicant's engineer Paul Schroeder dated 9/10/21 clarifying drainage issues



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: Front Gate Unit 7 Acreage: 7.13
 Brief Description of Project: To create lots for a residential subdivision
 Is property platted? ☒ No ☐ Yes Subdivision name: _____ No. of Lots: 20
 Recordation #: N/A Parcel(s) Tax ID#: 1186415
 Existing Use: Residential Proposed Use: Residential
 Current Zoning: Existing Residential 1 Proposed Zoning: Existing Residential 1
 Occupancy Type: N/A Sq. Ft.: N/A Bed #: N/A Bath #: N/A Car Garage #: N/A
 Water System ☐ Well ☒ Public Flood Zone: ☐ Yes ☒ No Sewer System: ☐ Septic ☒ Public

PROPERTY OWNER INFORMATION

Owner: SA Front Gate LLC Contact Name: Lloyd A. Denton, Jr.
 Address: 11 Lynn Batts Lane, Suite 100 City/State/ZIP: San Antonio, Texas 78218
 Phone: 210.828.6131 Email: Plats@bitterblue.com

APPLICANT INFORMATION

Applicant/Developer: SA Front Gate, LLC Contact Name: Benjamin Bunker
 Address: 11 Lynn Batts Lane, Suite 100 City/State/ZIP: San Antonio, Texas 78218
 Phone: 210.828.6131 Email: ben@bitterblue.com

KEY CONTACT INFORMATION

Name of the Individual: Paul A. Schroeder, PE, RPLS Contact Name: Vickrey & Associates, LLC
 Address: 12940 Country Parkway City/State/ZIP: San Antonio, Texas 78216
 Phone: 210.349.3271 E-mail: pschroeder@vickreyinc.com

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

Signature: [Signature] Lloyd A. Denton, Jr. Date: 04.28.21
 (Signed letter of authorization required if the application is signed by someone other than the property owner)

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

DATE REC'D: 7/30/2021 BY: SG
 FEES PAID: Confirmed APPROVED BY: SG
 DATE APPROVED: P&Z Agenda 9/9/21 Council Agenda 9/16/21
 APPLICATION/PERMIT NO: NA EXP DATE: NA

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.

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

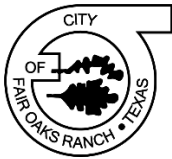
*These types of applications require additional information as listed in the Specific Application Form. Refer to **Appendix B** of the Administrative Procedures Manual for more information.

** 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)
- N/A Application Processing Fees and other application fees.
- ☒ Letter of intent explaining the request in detail and reason for the request.
- N/A 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)

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



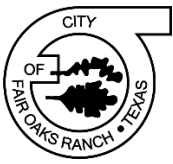
S11

SPECIFIC APPLICATION FORM - FINAL PLAT

Section 3.8 (5) 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 (if required).
- ☒ Approved copy of the Preliminary Plat, Replat and Concept Plan or other approved plats, if applicable.
- ☒ Three (3) copies (full size) of approved sets of construction plans.
- ☐ Concept plan approval (if required).
- ☒ A title report.
- ☒ One (1) copy (11x17) of proposed plat.
- ☐ Letter of Acceptance of Public Improvements by the City, or Fiscal Surety for Public Improvements.
- ☐ Maintenance Bond for Public Improvements.
- ☒ Letter of Certification from each utility provider servicing this area (CPS, PEC, SAWS, Timewarner, Grey Forest, GBRA, Spectrum, etc.).
- ☒ Letter from USPS and other service providers to ensure the name of the proposed subdivision, 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.
- ☒ A certificate of ownership and dedication to the City of all streets, easements, alleys, parks, playgrounds or other dedicated public uses, signed and acknowledged before a notary public by the owners and by any holders of liens



7286 Dietz Elkhorn Fair Oaks Ranch, TX 78015

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

against the land. The dedications must be absolute. In lieu of a separate document, a note on the face of the plat meeting all of the above requirements is acceptable.

- ☒ Approved 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.

Note: Removal of Protected trees need approval by staff

Removal of Heritage trees need approval by Planning and Zoning Commission.

- ☒ 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.

VICKREY & ASSOCIATES, LLC
CONSULTING ENGINEERS

Item #18.

March 2, 2021

Katherine Schweitzer, PE
Manager of Engineering Services
City of Fair Oaks Ranch
7286 Dietz-Elkhorn
Fair Oaks Ranch, Texas 78015

Re: Front Gate Unit 7
V&A Job NO. 2752-008-051

Dear Ms. Schweitzer,

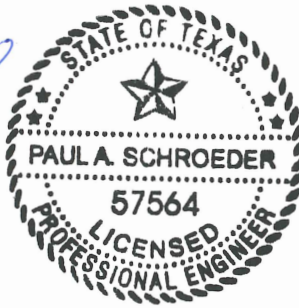
This submittal is to subdivide 7.13 acres of land out of tracts conveyed by signed warranty deeds recorded in Volume 15852, Page 1405, Official Public Records of Bexar County, Texas. The Front Gate Unit 7 subdivision will contain 20 lots.

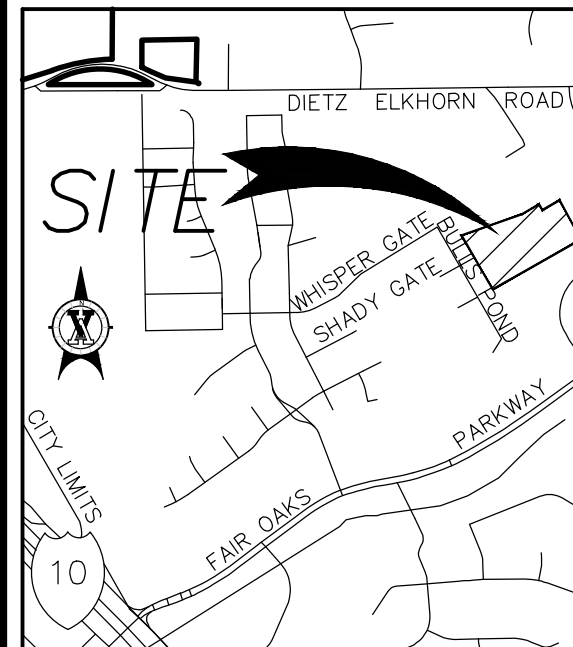
Sincerely,

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

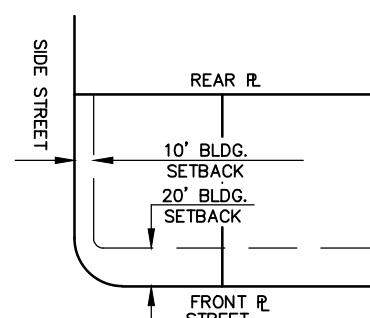
Paul A. Schroeder, PE, RPLS
Residential Division Manager

PAS/ksh



LOCATION MAP
NOT TO SCALE

Line Table		
Line #	Length	Direction
L1	50.15	N30°05'05"W
L2	49.98	S29°20'54"E
L3	52.02	S30°06'53"E
L4	9.54	S64°16'35"W
L5	5.74	S64°16'35"W

TYPICAL CORNER LOT
BUILDING SETBACKS

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

IMPACT FEE PAYMENT DUE : "SAWS"

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

FIRE FLOW NOTE:

IN AN EFFORT TO MEET THE CITY OF SAN ANTONIO'S FIRE FLOW REQUIREMENTS FOR THE PROPOSED RESIDENTIAL DEVELOPMENT, THE PUBLIC WATER MAIN SYSTEM HAS BEEN DESIGNED FOR A MINIMUM FIRE FLOW DEMAND OF 1000 GPM AT 25 PSI RESIDUAL PRESSURE. THE FIRE FLOW REQUIREMENTS FOR INDIVIDUAL STRUCTURES WILL BE REVIEWED DURING THE BUILDING PERMIT PROCESS IN ACCORDANCE WITH THE PROCEDURES SET FORTH BY THE CITY OF FAIR OAKS RANCH.

SAWS DEDICATION NOTE:

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

EDU NOTE:

THE NUMBER OF EQUIVALENT DWELLING UNITS (EDUS) PAID FOR THIS SUBDIVISION PLAT ARE KEPT ON FILE AT THE SAN ANTONIO WATER SYSTEM UNDER THE PLAT NUMBER ISSUED BY THE PLANNING AND DEVELOPMENT SERVICES DEPARTMENT.

SAWS HIGH PRESSURE NOTE:

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

FLOODPLAIN VERIFICATION:

NO PORTION OF THE FEMA 1% ANNUAL CHANCE (100-YEAR) FLOODPLAIN EXISTS WITHIN THIS PLAT AS VERIFIED BY FEMA MAP 48091C00855 EFFECTIVE DATE AUGUST 28, 2017. FLOODPLAIN INFORMATION IS SUBJECT TO CHANGE AS A RESULT OF FUTURE FEMA MAP REVISIONS AND/OR AMENDMENTS.

STATE OF TEXAS
COUNTY OF BEXAR

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

VICKREY & ASSOCIATES, INC.
BY: PAUL A. SCHROEDER, R.P.L.S.

STATE OF TEXAS
COUNTY OF BEXAR

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

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

LICENSED PROFESSIONAL ENGINEER
LICENSE # 57564

LEGEND

- FOUND 1/2" IRON ROD
- SET 1/2" IRON ROD WITH "VICKREY PROP COR"
- ⊕ SET MAG NAIL W/WASHER STAMPED "VICKREY PROP COR"
- D.R. DEED RECORDS OF BEXAR COUNTY, TEXAS
- O.P.R. OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BEXAR COUNTY, TEXAS
- D.P.R. DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS
- 740 EXISTING CONTOURS
- [740] PROPOSED CONTOURS
- BSL BUILDING SETBACK LINE
- ESMT EASEMENT
- R.O.W. RIGHT OF WAY
- EX EXISTING VOLUME
- PG. PAGE
- C.V.E. CLEAR VISION ESMT
- BLK BLOCK
- CB COUNTY BLOCK
- AC ACRES
- PED. PEDESTRIAN CITY LIMITS LINE
- * SAME AS PREVIOUS MEASUREMENT CENTERLINE
- ① 15' GAS, ELECTRIC, TELEPHONE AND CABLE TV EASEMENT
- ② 10' GAS, ELECTRIC, TELEPHONE AND CABLE TV EASEMENT VOL. 9692, PG. 179-181
- ③ 10' GAS, ELECTRIC, TELEPHONE AND CABLE TV EASEMENT VOL. 20001, PG. 1443
- ④ 16' ELECTRIC ESMT DOC. # 20150065617
- ⑤ 12' GAS, ELECTRIC, TELEPHONE AND CABLE TV EASEMENT VOL. 20002, PG. 619
- ⑥ 6' ELECTRIC EASEMENT VOL. 8000, PG. 124
- ⑦ 8' GAS, ELECTRIC, TELEPHONE AND CABLE TV EASEMENT VOL. 20002, PG. 619
- ⑧ 10' GAS, ELECTRIC, TELEPHONE AND CABLE TV EASEMENT VOL. 20002, PG. 619
- ⑨ 16' SANITARY SEWER EASEMENT
- ⑩ EXISTING 16' SANITARY SEWER ESMT VOL. 20001, PG. 1172
- ⑪ 12' ELECTRIC EASEMENT VOL. 8100, PG. 145

UTILITY EASEMENT:

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

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

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

THE UTILITY SHALL MAKE 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 RESTORATION IS REASONABLE IN ACCORDANCE WITH THE UTILITY USUAL AND CUSTOMARY PRACTICES.

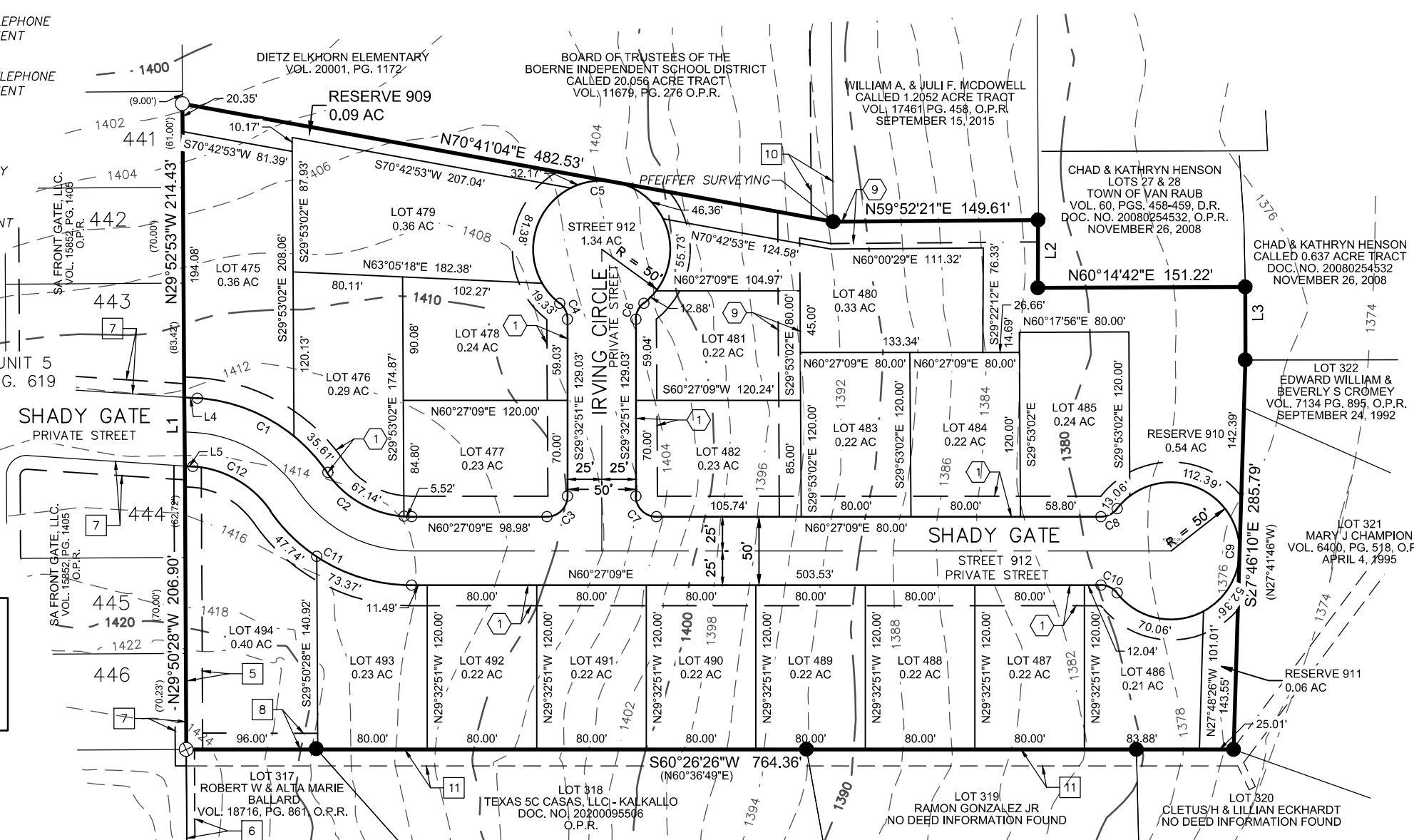
THE MAINTENANCE OF THE TURF, GRASSES AND LANDSCAPE VEGETATION WITHIN THE EASEMENT SHALL BE THE DUTY AND RESPONSIBILITY OF THE PROPERTY OWNER.

ZONING DESIGNATION NOTE:

THIS PLAT AREA IS CURRENTLY ZONED AS EXISTING RESIDENTIAL 1.

PRIVATE STREET DESIGNATION NOTE:

STREET 912 (SHADY GATE AND IRVING CIRCLE) ARE PRIVATE STREETS AND ARE DESIGNED AS UNDERGROUND PUBLIC WATER AND PUBLIC SANITARY SEWER AND UTILITY EASEMENT.



CURVE TABLE						
CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD
C1	51°41'13"	125.00'	112.78'	60.54'	N89°52'48"W	108.98'
C2	55°30'40"	75.00'	72.66'	39.47'	N88°12'29"E	69.85'
C3	90°00'00"	15.00'	23.56'	15.00'	N15°27'09"E	21.21'
C4	52°01'12"	15.00'	13.62'	7.32'	N85°33'27"W	13.16'
C5	284°02'24"	50.00'	247.87'	-39.04'	N60°27'09"E	61.54'
C6	52°01'12"	15.00'	13.62'	7.32'	S3°32'15"E	13.16'
C7	90°00'00"	15.00'	23.56'	15.00'	S74°32'51"E	21.21'
C8	52°01'12"	15.00'	13.62'	7.32'	N34°26'33"E	13.16'
C9	284°02'25"	50.00'	247.87'	-39.04'	N29°32'51"W	61.54'
C10	52°01'12"	15.00'	13.62'	7.32'	S86°27'45"W	13.16'
C11	55°30'40"	125.00'	121.11'	65.78'	N88°12'29"E	116.42'
C12	51°41'13"	75.00'	67.66'	36.33'	N89°52'48"W	65.39'

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

FOR SPECIFIC BUILDING SETBACKS REFER TO THE SUBDIVISION DEED RESTRICTIONS. GATES ACROSS EASEMENT: DOUBLE SWING GATES SHALL BE MINIMUM 16 FEET AND INSTALLED WHEREVER FENCES CROSS UTILITY AND DRAINAGE EASEMENTS

OBSTRUCTIONS OF DRAINAGE: ADEQUATE STRUCTURES SHALL BE PROVIDED TO ALLOW THE UNHINDERED PASSAGE OF ALL STORM AND DRAINAGE FLOWS WHEREVER FENCES CROSS DRAINAGE EASEMENTS.

THE CONTOURS SHOWN ON THIS PLAT ARE FROM AERIAL TOPOGRAPHY. VICKREY & ASSOCIATES, INC. DOES NOT CERTIFY TO THE ACCURACY OF THE ABOVE MENTIONED AERIAL TOPOGRAPHY.

BASIS OF BEARING IS STATE PLANE CORRD. SYSTEM, NAD 83

SHADY GATE, IRVING CIRCLE, 909, 910, AND 911 WILL BE PRIVATELY OWNED AND MAINTAINED BY THE FRONT GATE HOA.

1/2" IRON RODS WITH "VICKREY PROP COR" SET AT ALL CORNERS.

THIS PLAT WAS REVISED AUGUST 26, 2021.

20 LOTS, 2 PRIVATE STREETS, 3 RESERVES

CPS NOTES:

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

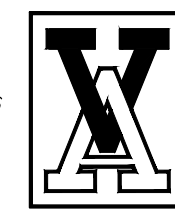
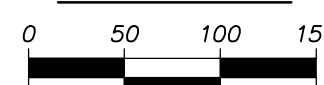
FINAL**SUBDIVISION PLAT ESTABLISHING
FRONT GATE UNIT 7
SAWS PLAT # FOR**

BEING 7.13 ACRES OF THE MARIA F. HERNANDEZ SURVEY NO. 420 ABSTRACT NO. 314, COUNTY BLOCK 4709, CITY OF FAIR OAKS RANCH, BEXAR COUNTY, TEXAS AND OUT OF A CALLED 78.629 ACRE TRACT, RECORDED IN VOLUME 15852, PAGE 1405, REAL PROPERTY RECORDS OF BEXAR COUNTY, TEXAS.

REASON FOR FINAL PLAT:
TO CREATE 20 RESIDENTIAL LOTS, 2 PRIVATE STREETS, AND 3 RESERVES.



SCALE: 1"=100'

**VICKREY & ASSOCIATES, LLC
CONSULTING ENGINEERS**

CIVIL • ENVIRONMENTAL • SURVEY
12940 Country Parkway San Antonio, TX 78216
Telephone: (210) 349-3271
Firm Registration No.: F-159
TBPELS Firm Registration No: 10004100

STATE OF TEXAS

COUNTY OF BEXAR

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

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

STATE OF TEXAS

COUNTY OF BEXAR

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED

LLOYD A. DENTON, JR.

KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

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

NOTARY PUBLIC
STATE OF TEXAS

THIS FINAL PLAT OF FRONT GATE UNIT 7 HAS BEEN SUBMITTED TO AND CONSIDERED BY THE CITY COUNCIL OF FAIR OAKS RANCH, TEXAS AND IS HEREBY APPROVED BY SUCH COUNCIL DATED THIS _____ DAY OF _____ A.D. 2021

BY: _____ MAYOR

BY: _____ CITY SECRETARY

EASEMENT NOTES

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

DRAINAGE EASEMENT:

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

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

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

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

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

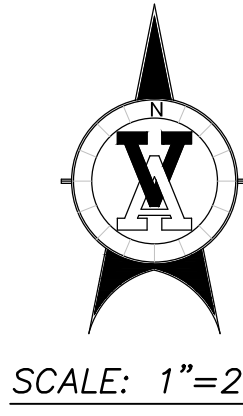
4. RESERVES 909, 910, AND 911 WILL BE GREEN BELTS, DRAINAGE, AND UNDERGROUND UTILITY EASEMENTS AND WILL BE MAINTAINED AS OPEN SPACE.

SHEET 1 OF 1

JOB No. 2742-007

DATE OF PREPARATION: 03/31/2021

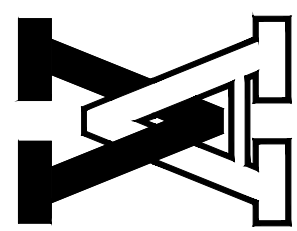
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UNIT NO.	AREA AC.	LOTS	ROAD L.F.
1	20.58	55	3,600
2A	7.54	19	900
2B	11.92	26	750
3	16.80	56	3,000
4	21.68	65	3,100
5	14.75	49	2,900
6	13.21	44	2,400
7	7.14	20	590
8	14.12	48	2,680
9	12.44	54	1,100
10	12.37	44	1,850
12	20.45	62	2,700
TOTAL	173.00	542	

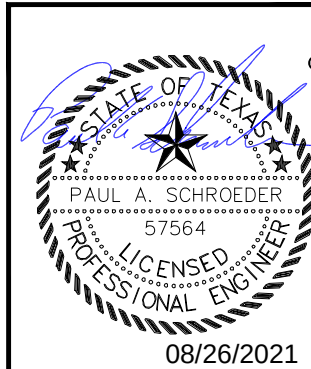
	U 1	U 2A	U 2B	U 3	U 4	U 5	U 6	U 7	U 8	U 9	U 10	U 12
60' LOTS	177	—	—	—	46	—	—	—	33	54	44	—
70' LOTS	302	29	5	3	56	19	49	44	20	15	—	62
90' LOTS	63	26	14	23	—	—	—	—	—	—	—	—
TOTAL	542	55	19	26	56	65	49	44	20	48	44	62
RECORDING DATA	V.9640/P.82	V.9704/P.211	V.20001/P.2162	V.9658/P.82	V.20002/P.206	V.20002/P.619	IN REVIEW	IN REVIEW	V.9658/P.86	V.9716/P.137	V.9691/P.15	V.9762 P.26-29
CONSTRUCTION STATUS	COMPLETED	COMPLETED	COMPLETED	COMPLETED	COMPLETED	COMPLETED	N/A	N/A	COMPLETED	COMPLETED	COMPLETED	COMPLETED

VICKREY & ASSOCIATES, INC.
CONSULTING ENGINEERS
CIVIL - ENVIRONMENTAL SURVEY
12940 Country Parkway San Antonio, TX 78216
Phone: (214) 349-3271
Firm Registration No: F-159
TBPLS Firm Registration No: 10004100



FRONT GATE AT FAIR OAKS RANCH
MASTER PLAN

DATE: AUG. 2021	Vertical Scale 1"=N/A	Horizontal Scale 1"=200'
	0 100' 200' 300'	
SHEET 1	OF 1	
PROJ NO. 2742-000		



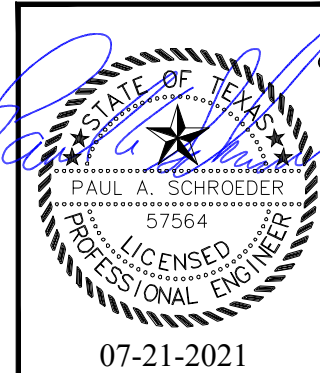
Jul 20, 2021 - 1:38pm
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DRAWN BY: CEP
CHECKED BY: PAS
APPROVED BY: PAS



OPEN SPACE REQUIREMENT			
AREA = 548 LOTS/(100 LOTS/AC) = 5.48AC.			
UNIT NO.	OPEN SPACE AC.	STATUS	TOTAL ACCUMULATION
1	0.66	PLATTED	0.66
3	0.04	PLATTED	0.70
8	0.92	PLATTED	1.62
10	1.07	PLATTED	2.69
2A	0.24	PLATTED	2.93
9	0.18	PLATTED	3.11
12	3.06	PLATTED	6.17*
2B	2.15	PLATTED	8.32
4	1.98	PLATTED	10.3
5	0.00	PLATTED	10.3
6	0	2021	10.3
7	0.49	2021	10.8
TOTAL	10.79		

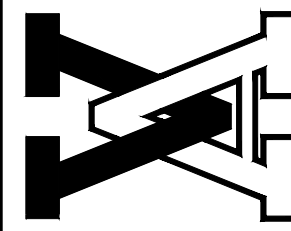
* SATISFIES SUBDIVISION OPEN SPACE REQUIREMENTS



DATE:	
Vertical Scale 1"=N/A Horizontal Scale 1"=200'	
0 100' 200' 300'	
SHEET	OF
PROJ. NO.	

OPEN SPACE EXHIBIT
FRONT GATE
FAIR OAKS RANCH, TEXAS

PREPARED FOR
SA
FRONT GATE, LLC



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

REVISIONS	
1	
2	
3	
4	
Δ	DESC.

VICKREY & ASSOCIATES, LLC
CONSULTING ENGINEERS

September 10, 2021

Krishna Radhakrishnan
Planner, Gunda Corporation
(On Behalf of City of Fair Oaks Ranch)
7286 Dietz-Elkhorn
Fair Oaks Ranch, Texas 78015

Re: Front Gate Unit 7
V&A Job No. 2742.007.051

Dear Ms. Radhakrishnan,

Based on the attached sheets 8 and 18, the cul-de-sac will have a retaining wall along the eastern property line which will assist with grading the cul-de-sac to the northwest, and into the basin within reserve 910. This will prevent runoff from continuing across the cul-de sac and flowing to the east. Additionally the stormwater flow along Shady Gate will be directed to the north as it enters the cul-de-sac and the cul-de-sac will have an approximate 1' of cross fall from south to north

If additional information is needed, please let me know.

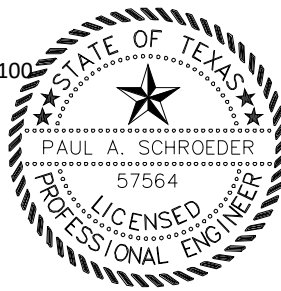
Sincerely,

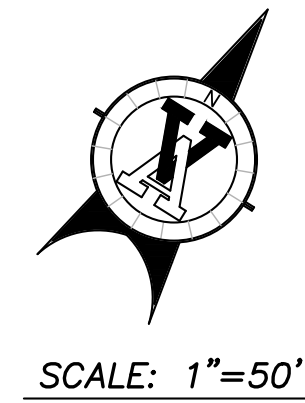
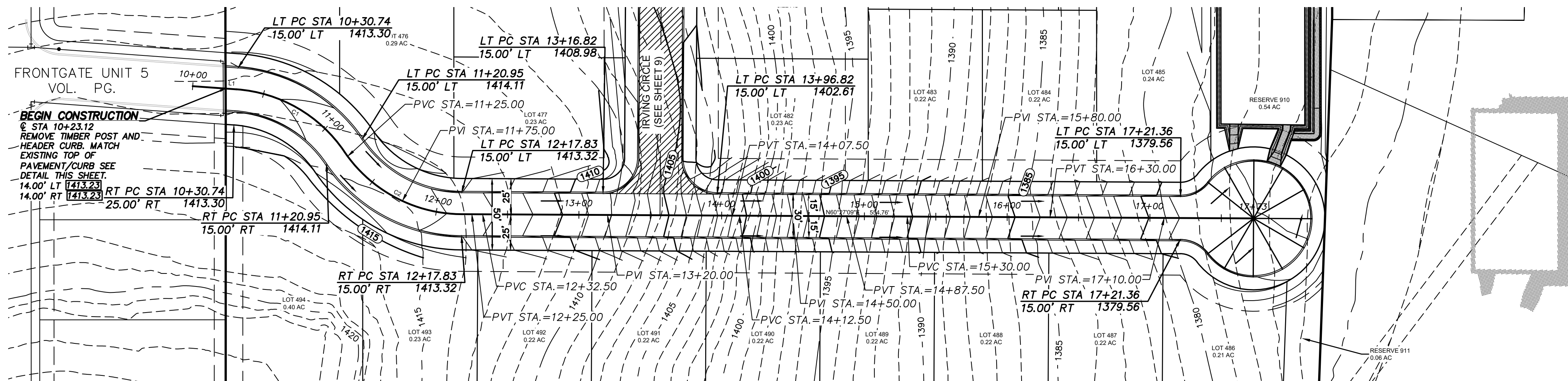
VICKREY & ASSOCIATES, LLC
TBPE Registration #159 / TBPLS Registration #10004100



Paul A. Schroeder, PE, RPLS
Residential Division Manager

PAS/ksh



**PLAN LEGEND**

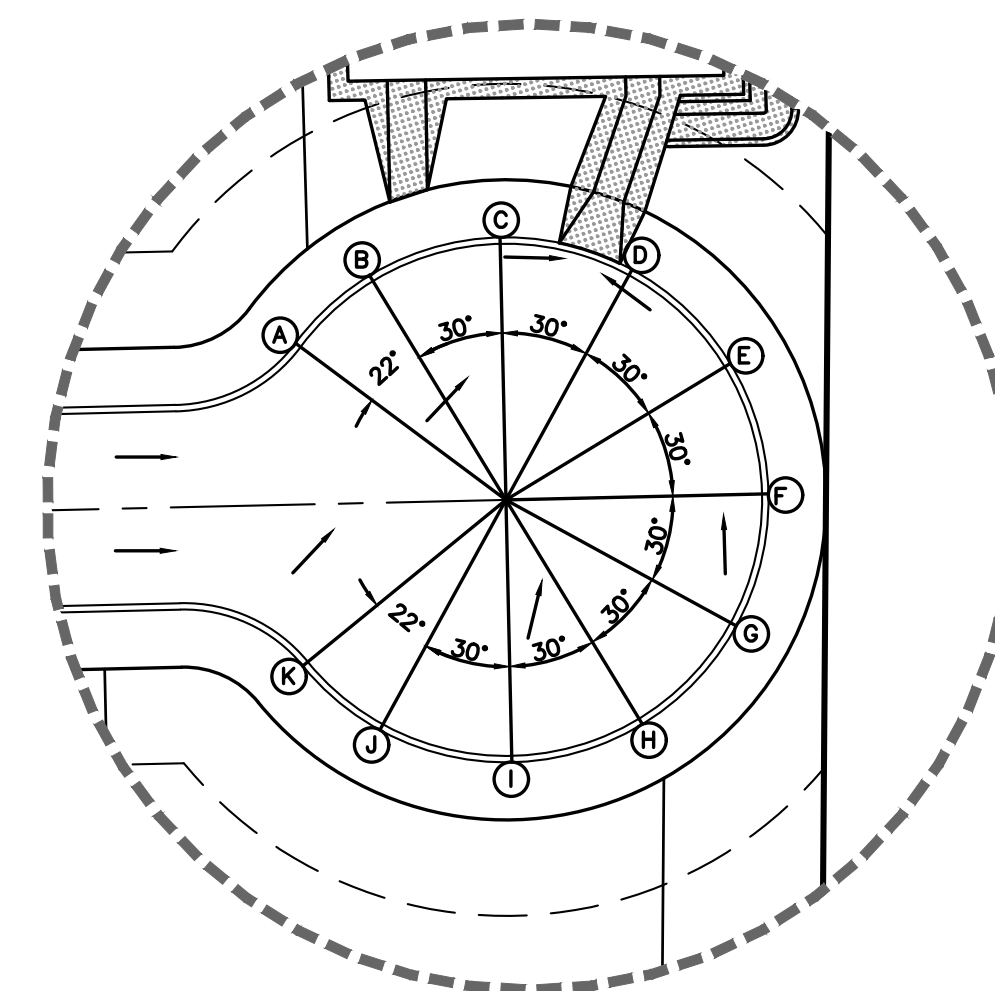
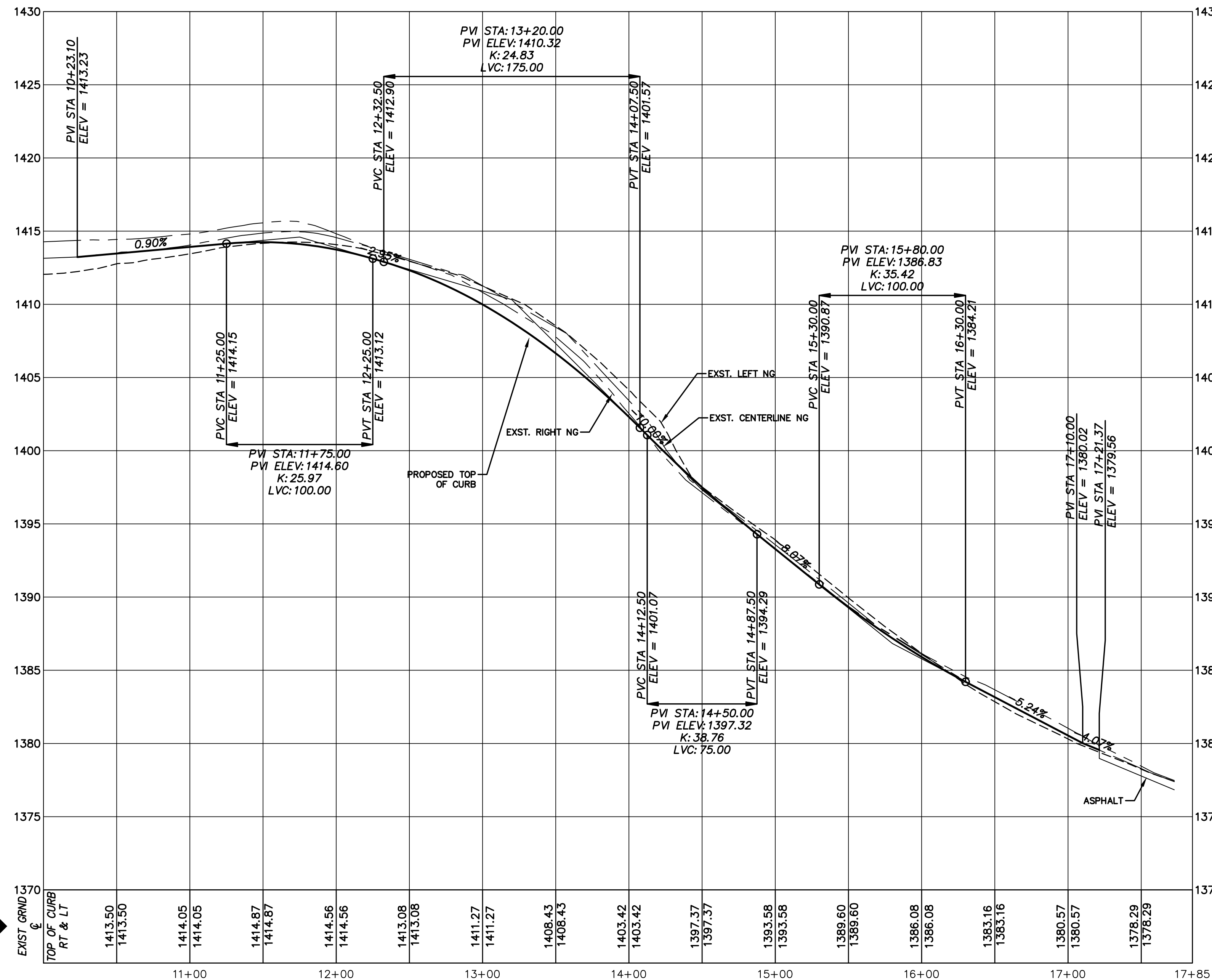
- T.O.C. TOP OF CURB
 F.O.C. FACE OF CURB
 R.O.W. RIGHT OF WAY
 LT LEFT
 RT RIGHT
 G,E,T,CA GAS, ELECTRIC, TELEPHONE & CABLE
 BSL BUILDING SETBACK LINE
 S.W. SIDEWALK
 EXIST. EXISTING
 CVE CLEAR VISION EASEMENT
 ESM(T) EASEMENT OVERALL
 (OA)
 ○ PROPERTY PC/PT
 ● CURB LINE PC/PT
 ○ ○ ○ ○ ○ TIMBER GUARD POST
 ■ HANDICAP RAMP
 ■ WASHOUT CROWN
 740.00 TOC ELEVATIONS
 → DRAINAGE DIRECTION OF FLOW
 ○ TREES TO REMAIN
 ■ PROPOSED DRIVEWAY APRON (PROVIDED TO SHOW POTENTIAL CONFLICTS)
 ■ SIDEWALK (DEVELOPER'S RESPONSIBILITY)
 ■ SIDEWALK (HOMEBUILDER'S RESPONSIBILITY)
 ① 11 DETAIL AND SHEET NUMBER CALLOUT

CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD
C1	51°41'13"	100.00'	90.21'	48.44'	N89°52'48"W	87.18'
C2	55°30'40"	100.00'	96.88'	52.62'	N88°12'29"E	93.14'

Line #	Length	Direction
L1	7.64'	N64°16'35"E

SHADY GATE

SCALE:
 HORIZ: 1"=50'
 VERT: 1"=5'

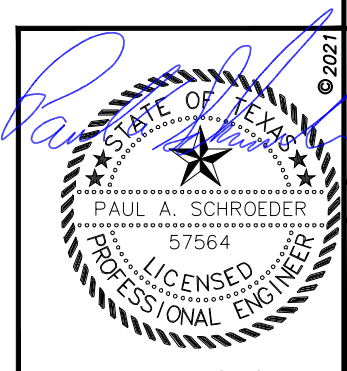
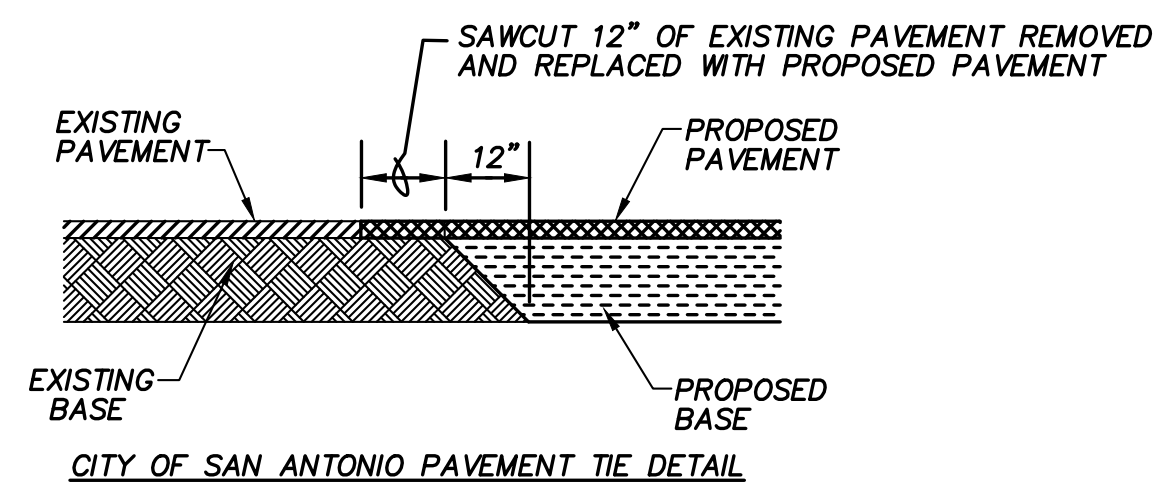


NOTE:
 A CITY OF FAIR OAKS RANCH PERMIT MUST BE OBTAINED BEFORE WORKING IN CITY OF FAIR OAKS RANCH ROW.

NOTE:
 ALL ELEVATIONS ARE TOP OF CURB UNLESS OTHERWISE NOTED.

NOTE:
 PROPOSED STREET LIGHTS SHALL BE LOCATED BETWEEN THE BACK OF CURB AND STREET R.O.W. AND INSTALLED PER THE CPS DESIGN.

Point #	TC Elevation
A	1379.01
B	1378.71
C	1378.29
D	1378.07
E	1378.25
F	1378.42
H	1378.78
I	1378.96
J	1379.14
K	1379.27
G	1378.60



DATE: JUNE 2021
 Vertical Scale 1"= 5'
 Horizontal Scale 1"= 50'
 SHEET 8 OF 18
 PROJ. NO. 2742-007

SHADY GATE PLAN AND PROFILE
 FRONT GATE UNIT 7
 FAIR OAKS RANCH, TEXAS

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 CIVIL • ENVIRONMENTAL • SURVEY
 12340 Country Parkway San Antonio, TX 78216
 Telephone: (210) 349-3271
 Firm Registration No. F-159

NO.	DATE	DESCRIPTION
1		
2		
3		
4		
Δ		DESC.

LEGEND

- × 943.63

EXISTING ELEVATIONS
- 943.63

FINISHED GROUND ELEVATIONS
- A

DRAINS TO FRONT
- B

DRAINS 1/2 TO FRONT & 1/2 TO REAR
- C

DRAINS TO REAR
- TREE SAVE AREA
- Am

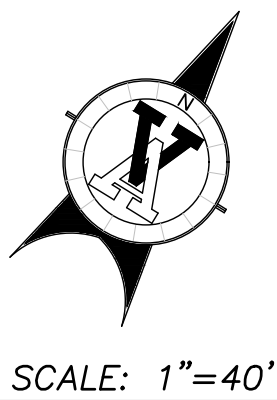
TYPE A MODIFIED
- Bm

TYPE B MODIFIED
- Cm

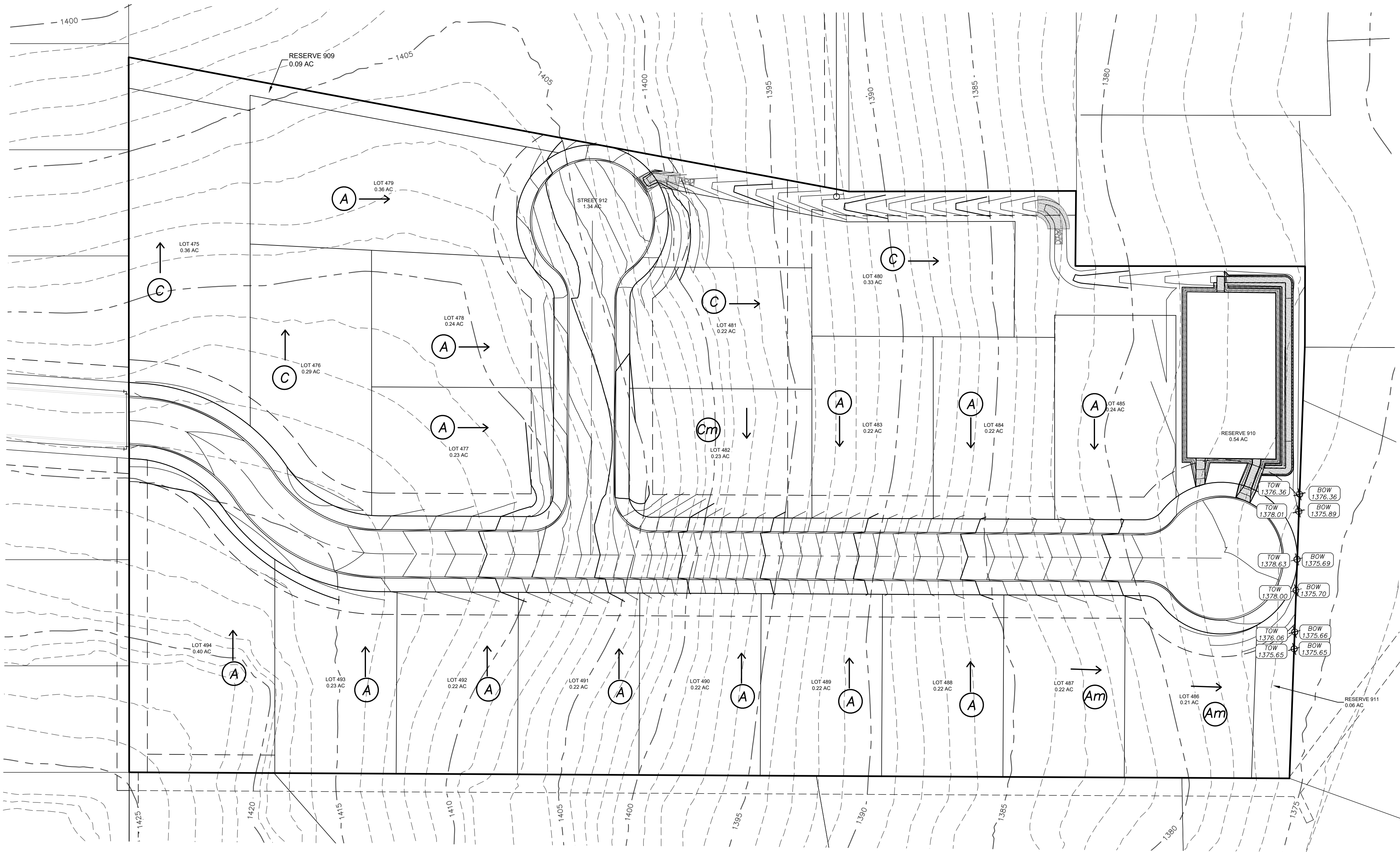
TYPE C MODIFIED
- FLOW ARROW
- 980---

EXIST. CONTOURS
- 980---

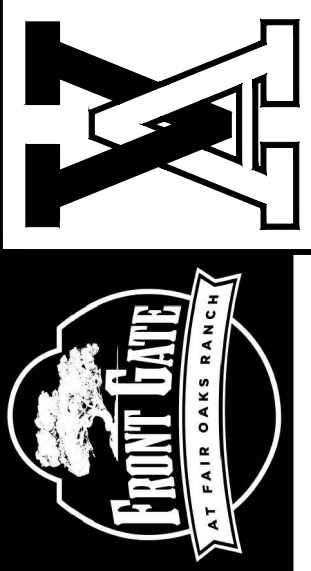
PROP. CONTOURS
- SAVED TREE



SCALE: 1"=40'

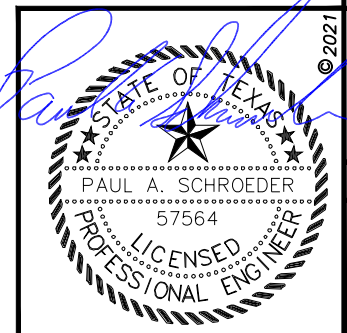


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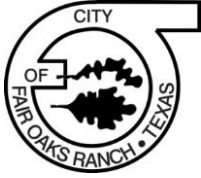


GRADING PLAN
FRONT GATE UNIT 7
FAIR OAKS RANCH, TEXAS

DATE: JUNE 2021
Vertical Scale 1"=N/A
Horizontal Scale 1"= 40'
0 20' 40' 50'
SHEET 18 OF 18
PROJ. NO. 2742-007



06/30/2021



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
September 16, 2021

AGENDA TOPIC: Consideration and possible action to accept the Draft Code of Conduct from the Citizen's Code of Conduct Advisory Committee

DATE: September 16, 2021

DEPARTMENT: Citizen's Code of Conduct Advisory Committee

PRESENTED BY: Joe duMenil, Chairperson of Citizen's Code of Conduct Advisory Committee

INTRODUCTION/BACKGROUND:

At the December 3, 2020 City Council Meeting, the Council voted to form a Citizens Code of Conduct Advisory Committee. The Council followed up on this action by adopting the Citizens Code of Conduct Advisory Committee Charter on January 7, 2021. The committee's purpose was "to draft a proposed Code of Conduct document to define acceptable standards of behavior of its elected and appointed public officials".

The Code of Conduct states:

1. The Code of Conduct should include the following elements:
 - a. A description of the City of Fair Oaks Ranch community values, principles, and linking them with standards and expectations of elected and appointed public officials' conduct during and outside of respective meetings.
 - b. A process for investigating and evaluating violations of the Code of Conduct Policy.
 - c. Appropriate sanctions for violations of the Code of Conduct policy.
 - d. A process for Council to periodically solicit citizen feedback and input on Council's performance with respect to the code of conduct.
 - e. A process for Council to periodically update/reaffirm the Code of Conduct policy.
2. The proposed Code of Conduct will be crafted in general and reasonable terms, not specific to individual people, and that the Code of Conduct is not unduly restrictive, does not impact the ability to have healthy dialogue, and that enforcement provides proposed consequences that match the level of violation.
3. The proposed Code of Conduct document shall be separate from the City's Code of Ethics under Article 1, Code of Ordinances, and shall not conflict with or overlap with the provisions of the City's Code of Ethics. Note: The Code of Ethics is being developed by city staff separately and outside the scope of this committee.
4. Comments and suggestions by the public are highly valued and encouraged. Upon completion of the final draft of the proposed Code of Conduct document, and prior to submission to the Council, the document will be posted on the city's website for review and comments by the public.
5. Committee will consider public comments and revise if necessary and submit a final proposed Code of Conduct document to the Council for their consideration and possible action.

6. **No later than six months following the first committee meeting**, the committee will advance a proposed Code of Conduct document for Council consideration at a Council meeting and as reviewed by city attorney.
7. Any change or modification to the scope of work, including any extensions of timelines, shall require prior Council approval.
8. Committee shall make periodic status reporting at regular council meeting to keep public and council informed on matters such as progress, schedule and resource needs.
9. Committee's purpose and scope of work will be fulfilled upon adoption of the Code of Conduct ordinance by the Council.

The Citizen's Code of Advisory Committee has met regularly since March 2021.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

To provide a document that promotes a culture of civil conduct within the City Council and its committees and boards that is aligned with the City's mission, vision, and core values.

LONG-TERM FINANCIAL & BUDGETARY IMPACT:

N/A

LEGAL ANALYSIS:

Reviewed by City Attorney

RECOMMENDATION/PROPOSED MOTION:

I move to accept the Draft Code of Conduct from the Citizen's Code of Conduct Advisory Committee.

City of Fair Oaks Ranch Code of Conduct

I. Introduction

- a. The citizens of the City of Fair Oaks Ranch (City) are entitled to be governed by fair, respectful, and accountable local government officials. A Code of Conduct (Code) will help build public confidence in government officials by shaping and promoting a culture of civil conduct within the City Council and its committees and boards. It is also aligned with the City's mission, vision, and core values.
- b. Responsible conduct is essential to providing the best government possible for the City. Responsible conduct is based on four foundational principles:
 - i. Integrity
 - ii. Respect
 - iii. Accountability
 - iv. Leadership and Collaboration
- c. These foundational principles provide a basis for how elected and appointed officials fulfill their roles and responsibilities in their relationships with each other, with staff and with the public.
- d. These principles are intended to guide the conduct of both the individual and the collective behavior of the council, committees, boards, and commissions.
- e. Responsible, respectful, and civil conduct at all levels is key to furthering the ability to provide good governance for the community.

II. How to Apply and Interpret this Code of Conduct

- a. This Code of Conduct applies to elected members of the City Council and appointed members of all committees, boards and commissions established by the City Council, including, but not limited to:
 - i. Building Code Board of Appeals
 - ii. Capital Improvement Advisory Committee
 - iii. Municipal Development District (Optional - the MDD is a political subdivision of the City)
 - iv. Planning and Zoning Commission
 - v. Zoning Board of Adjustments
- b. It also applies to each appointed member of a citizen committee or board established by the City Council during the tenure of their service. It is each member's responsibility to uphold both the letter and the spirit of this Code of Conduct in their dealings with other members, staff, and the public.

- c. This Code of Conduct should be interpreted and applied in a manner that is consistent with the Texas Local Government Code and the City Charter. Nothing in this Code of Conduct should be interpreted as taking precedence over any obligations elected or appointed officials have under federal, state, county, and City ordinances or laws.
- d. The Standards of Conduct describe the way Council members and appointed officials must treat one another, City staff, constituents, contractors, commercial entities, and others that they encounter while representing the City.
- e. This document is intended to address conduct that occurs in the course and scope of the duties of local government officials.

III. Foundational Principles of Responsible Conduct

- a. These foundational principles provide a basis for how our government officials fulfill their roles and responsibilities. They are intended to guide the conduct of individuals and their collective behavior as a council, board, or committee.
- b. Our community is entitled to a fair, respectful, and accountable local government. Therefore, all elected and appointed officials shall conduct themselves in accordance with the following standards:
 - i. Integrity – means being honest and demonstrating strong moral principles. Conduct under this standard upholds the public interest, is truthful and honorable.
 - ii. Respect – means having regard for one another as individuals and considering other people's perspectives when making official decisions. It also means having regard for the democratic process in decision-making and demonstrating civility when interacting with other City officials, City staff, members of the community, local businesses, and other people and organizations. Civil conduct consists of politeness, courtesy, and acting in a manner that conforms to social conventions.
 - iii. Accountability – means an obligation and willingness to accept responsibility or to account for one's actions. Conduct under this standard is demonstrated when Council, committee, or board members, individually and collectively, accept responsibility for their actions and decisions. Transparency and accountability are generally considered the main pillars of good city governance.
 - iv. Leadership and Collaboration – means an ability to lead, listen to, and positively influence others; it also means coming together to create or meet a common goal through collective efforts. Conduct under this standard is

demonstrated when a member encourages individuals to work together in pursuit of collective objectives.

IV. Standards of Conduct

a. General

- i. Our government officials come from a variety of different backgrounds, have different personalities, values, priorities, opinions, and goals for serving on the Council, committees, or boards. However, all have chosen to serve in a public office to preserve and protect the community. To that end, all Council, committee, and board members should acknowledge we may “agree to disagree” on issues, but we all share the common and primary goal of preserving and protecting the community.
- ii. Our citizen servants are constantly being observed by the community every day that they serve. Their behaviors and comments serve as models for proper conduct in the City. Honesty and respect should be reflected in every word and action taken by Council, committee, and board members.

b. Conduct with One Another.

Elected and appointed officials must:

- i. In public meetings practice civility, professionalism and decorum in discussions and debate. Avoid belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. Do not shout or engage in physical actions that could be construed as threatening. Use good faith efforts to solve problems and reach an amicable solution to issues. Conduct and attire should be professional.
- ii. In private encounters and conversations, continue the same level of respect and consideration of differing points of view as in public discourse. Be aware of the lack of security in written notes, voicemail messages, emails, texts and virtual meetings. Elected officials are always on display and their actions, behaviors, and language are observed by people around them that they may not know.

Conduct with City Staff

Elected and appointed officials must:

- i. Treat all staff as professionals and with dignity as you would like to be treated. Poor behavior towards staff is unacceptable.
- ii. Avoid disrupting staff from their jobs.

- iii. Avoid publicly criticizing an individual employee or group of employees. Comments about staff performance should be made to the City Manager through private correspondence or conversation.
 - iv. Avoid interfering with administrative functions and staff meetings; check with staff on correspondence before taking action; do not attend the staff meeting unless requested by staff; and limit requests for staff support.
 - v. Avoid soliciting political support from staff. Any form of political support, financial contributions, display of posters or lawn signs, name of support list, etc. are not permitted. City staff, as private citizens with constitutional rights, support political candidates, but all such activities must take place away from the workplace.
- c. Conduct with Public
- Elected and appointed officials must:
- i. Make the public feel welcome and significant. Every effort should be made to be fair and impartial in listening to public testimony.
 - ii. Actively listen. Be aware of facial expressions or body language that could be interpreted as disinterest or anger.
 - iii. Avoid arguing with the public.
- d. Conduct with Media and social media
- Elected and appointed officials must:
- i. Avoid going “off the record” as they may be contacted by the media for background and quotes.
 - ii. Recognize that communications with the public and the news media are specifically covered in the City Charter.
 - iii. Choose words carefully and cautiously. Comments can be taken out of context and cause problems.
 - iv. Treat written notes, voicemail messages, emails, texts, and social media posts as public information.

V. Enforcement and Sanctions

- a. Elected and appointed officials themselves have the primary responsibility to assure that the standards in this Code are understood, followed, and enforced. This will ensure the public can have full confidence in the integrity of City government.
- b. Council, committee, and board members who observe a violation of this Code should, in a timely manner, bring the infraction to the attention of the elected or appointed official who violated the Code so he or she is aware of the infraction. In addition, the

member who observed it may refer the matter to the Mayor (or Mayor Pro Tem if the Mayor's conduct is being challenged) for investigation and, if confirmed, determination of the appropriate sanction, if any.

- c. When a Council, committee, or board member brings a possible violation of this Code to the Mayor's attention, the Mayor may determine the validity of the allegations him or herself, or may ask the City Attorney or any other qualified person(s) to investigate the allegation and report the findings. If the Mayor is the individual whose actions are being challenged, the Mayor Pro Tem shall follow this same procedure.
- d. If a possible violation of the Code of Conduct occurs outside the presence of another Council, committee, or board member, a witness should notify the Mayor, Mayor Pro Tem (if the Mayor's actions are being challenged), or a Council member. If the witness reports the possible violation to a Council member, the Council member should refer the matter to the Mayor (or Mayor Pro Tem) for investigation and disposition. The Mayor (or Mayor Pro Tem) may ask the City Attorney or any other qualified person(s) designated by the Mayor (or Mayor Pro Tem) to investigate the allegation and report the finding. If the investigation confirms the alleged violation, the Mayor (or Mayor Pro Tem) shall determine the appropriate sanction, if any, or refer to the City Council to determine the appropriate sanction, if any.
- e. The Mayor, Mayor Pro Tem, and City Council may consider the following non-exclusive factors when determining the appropriate sanction for a violation of this Code:
 - i. Nature or type of violation.
 - ii. Setting where the violation occurred.
 - iii. Likely impact of the infraction on public confidence in the integrity of City government.
 - iv. Number of prior confirmed Code infractions.
- f. The sanction for a violation of this Code may include, but is not limited to, the following actions:
 - i. Oral or written counseling.
 - ii. Oral or written reprimand.
 - iii. Remedial training on the Code of Conduct.
 - iv. Admonishment by the City Council in a public meeting.
 - v. Request for resignation from one or more appointed or elected positions.
 - vi. Removal from one or more appointed positions.

- vii. Referral by the City Council to the City attorney for review and advice about other possible sanction options, to include removal from an elected position.
- g. Sanctions imposed for violations of this Code should be designed to balance discipline of unacceptable behavior with encouragement to provide the best government possible for the City by demonstrating commitment to the foundational principles of responsible conduct (integrity, respect, accountability, and leadership and collaboration).
- h. A sanction imposed by the Mayor or Mayor Pro Tem for an offense may be appealed to the City Council. However, a sanction imposed by the City Council, or affirmed on appeal by the City Council, is a final action and may not be appealed any further.
- i. The type of sanction that was imposed for a specific violation of this Code shall not be withheld from public knowledge. The contents of any counseling, reprimand, or other sanction administered in writing shall not be released to the public except as required by City Ordinance or the Texas Public Information Act.
- j. After action is taken by the Mayor, Mayor Pro Tem, or City Council for a violation of this Code, the person designated to investigate the infraction will turn over to the Mayor or Mayor Pro Tem (whichever is appropriate) all notes, messages, reports, and other material he or she gathered or created during the investigation. Such investigative material is City Council property and shall be maintained, released, and disposed of in accordance with applicable City Ordinances and State law, to include the Texas Public Information Act.

Orientation and Training

The Code of Conduct is intended to be self-enforcing and is an expression of the standards of conduct for members expected by the City. It, therefore, becomes most effective when members are thoroughly familiar with it and embrace its provisions.

For this reason, this document shall be included in the regular orientations for candidates for City Council, applicants for boards, and committees, and newly elected and appointed officials. This orientation should include a tour of the city buildings and introductions to the staff.

Members entering the respective office or appointment shall sign the member pledge (See Section VIII) acknowledging they have read and understand The Code of Conduct.

VI. Review and Update

The Code of Conduct shall be annually reviewed by the City Council, boards, and committees. The City Council shall consider recommendations from these entities and update the Code of Conduct as deemed necessary.

DRAFT

VII. Member Pledge

Code of Conduct for the City

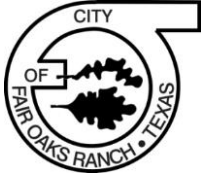
- I have read and understand the Code of Conduct approved by the City of Fair Oaks Ranch City Council.
- I agree to conduct myself in accordance with the Code of Conduct.
- I will:
 - Recognize the worth of individual members and appreciate their individual talents, perspectives, and contributions;
 - Help create an atmosphere of respect and civility where individual members, City staff, and the public are free to express their ideas and work to their full potential;
 - Conduct my personal and public affairs with honesty, integrity, fairness, and respect for other people;
 - Respect the dignity and privacy of individuals and organizations;
 - Keep the common good as my highest purpose and focus on achieving constructive solutions for the public benefit;
 - Avoid and discourage conduct which is divisive or harmful to the best interests of the residents of the City of Fair Oaks Ranch;

Signature

Date

Name

Position



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
September 16, 2021

AGENDA TOPIC: Consideration and possible action approving the First Reading of an Ordinance adopting the City budget for fiscal year beginning October 1, 2021 and ending September 30, 2022

DATE: September 16, 2021

DEPARTMENT: Finance

PRESENTED BY: Tobin E. Maples, AICP, City Manager
 Sarah Buckelew, CPA, Finance Director

INTRODUCTION/BACKGROUND:

Texas Local Government Code Chapter 102 contains the requirements for adopting a municipal budget for home rule cities. Under this chapter, the City Manager serves as the budget officer and is responsible for preparing a municipal budget to cover the proposed expenditures of the municipal government for the succeeding year.

The proposed budget is required to be filed with the City Secretary before the 30th day before the date the Council makes its tax levy for the new fiscal year.

At the August 26, 2021 City Council meeting, Council voted to set September 16, 2021 as the Public Hearing date on the proposed budget and September 27, 2021 as the date to adopt the budget. The proposed budget was filed with the City Secretary August 27, all requirements of the local government code have been met.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

1. Provides the citizens, the government, and the City staff with a financial plan for utilizing the City's available funds during the upcoming fiscal year to accomplish the City's goals and objectives.
2. Establishes priorities among City programs; defining the financial framework that will be used to periodically check the status of city operations.
3. Determines the level of taxation necessary to finance City programs.

LONGTERM FINANCIAL & BUDGETARY IMPACT:

See budgets as presented during the Public Hearing.

LEGAL ANALYSIS:

Reviewed and approved as to form.

RECOMMENDATION/PROPOSED MOTION:

I move to approve the 2021/22 Fiscal Year Budget Ordinance.

LGC 102.007 mandates a vote to adopt the budget must be a Record Vote

<u>Date</u>	<u>Budget Step</u>
May 19	*COUNCIL* Meeting Budget 101 presentation (Same day as Utility Rate Study Orientation)
June 3	*COUNCIL* Governmental Funds SAP and Budget work session with Council and Staff Focus: Tax impacting Capital Items (Drainage and Streets)
June 10	*COUNCIL* Enterprise Funds SAP and Budget work session with Council and Staff Focus: Fee impacting Capital Items (Water and Wastewater Infrastructure)
June 17	*COUNCIL* Budget and SAP Work session with Council and Staff Focus: Other issues, or more time as needed
June 24	*COUNCIL* Budget Work session with Council and Staff Focus: Funding
July 25 (Sunday)	Deadline for Chief Appraisers to deliver certify rolls or certified estimates to taxing units and certification of anticipated collection rate by tax collector. (Tax Code Sec. 26.01 a-1)
August 5	Calculation of No new revenue, Voter Approval, 8% Increase and De Minimis Rates.
August 5	Finance Director posts the calculated no-new-revenue tax rate and voter approval tax rate, along with certain debt information on the home page of the City's website using form prescribed by comptroller (Tax Code Sec 26.04 (e))
August 5	Finance Director submits the No-New Revenue and Voter Approval rates to City Council. (Tax Code Sec 26.04(e)). Finance Director posts the calculated no-new-revenue tax rate and voter approval tax rate, along with certain debt information on the home page of the City's website using form prescribed by comptroller (Tax Code Sec 26.04(e)).
August 26	City Council confirms maximum proposed tax rate and Council takes a record vote. (Tax Code Sec 26.061 (b)). City Council schedules one public hearing on the budget (LGC 102.006a-b) and a meeting to vote on the tax rate (Tax Code Sec. 26.05(d); (Tax Code Sec 26.06)
August 27	City Manager files budget with City Secretary (LGC 102.005a). City Secretary ensures the proposed budget is available on the website and available for inspection at City Hall (LGC 102.005c)
September 3	Finance Director publishes <i>Notice of Public Hearing on the Proposed Budget</i> in the Friday, September 3rd edition of Boerne Star and posts the budget on City's website. (LGC 102.005c) Finance Director publishes <i>Notice of Meeting to Vote on Proposed Tax Rate</i> in the Friday, September 3rd edition of Boerne Star and posts on the City's website (Tax Code Sec. 26.061, 26.06(c))
September 16	Public Hearing for Proposed Budget. Council Meeting for the First Reading of Budget and Tax Rate Ordinances is held.
September 27 (Special Meeting)	Second Reading and adoption of the Budget and Tax Rate ordinances

AN ORDINANCE

ADOPTING THE CITY OF FAIR OAKS RANCH ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022; AND OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, the City Manager submitted to the City Council a proposed budget for the next ensuing budget year, and filed the proposed budget with the City Secretary for public review pursuant to LGC §102.005; and,

WHEREAS, on August 26, 2021, the Council set September 16, 2021 as the date for the public hearing thereon and caused notice of such public hearing to be posted on the City's website and published in the Boerne Star pursuant to LGC §102.006 and 102.0065; and,

WHEREAS, the public hearing was held on said date and all persons were then afforded an opportunity to appear and object to any or all items and estimates in the proposed budgets; and,

WHEREAS, pursuant to Local Government Code §102.007, the City Council, by passage of the Budget Ordinance shall adopt the budget for the ensuing fiscal year and appropriate such sums of money as the Council deems necessary to defray all expenditures of the City during the 2021-22 budget year.

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

SECTION 1. BUDGET.

- a. The City hereby approves and adopts the "Fiscal Year 2021-22 Municipal Budget", attached as **Exhibit A**, in all respects as the City's annual budget for the fiscal year beginning October 1, 2021 and ending September 30, 2022.
- b. The City Manager may reallocate budget amounts within and between departmental accounts, but reallocation of amounts between funds must be approved by the City Council by ordinance. For purposes of this section the term "fund" refers to the Governmental Accounting definition of a fund (i.e. "General Fund", "Utility Fund", and "Debt Service Fund").
- c. In accordance to LGC §102.008(a), the adopted budget shall be filed with the City Secretary; and a copy of the adopted budget including the cover page shall be posted on the City's website.

SECTION 2. SEVERABILITY.

If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 3. CONFLICT OF ORDINANCES.

Ordinances or parts of ordinances in conflict herewith are hereby repealed, and are no longer of any force and effect.

Section 4. EFFECTIVE DATE.

This Ordinance shall take effect on the first day of October 2021.

PASSED on first reading this 16th day of September, 2021 and recorded as follows:

	FOR	AGAINST	ABSTAIN
Mayor Greg Maxton			
Council Member Stroup			
Council Member Elizondo			
Council Member Bliss			
Mayor Pro Tem Koerner			
Council Member Parker			
Council Member Muenchow			

PASSED, APPROVED and ADOPTED on second reading, this the 27th day of September, 2021 and recorded as follows:

	FOR	AGAINST	ABSTAIN
Mayor Greg Maxton			
Council Member Stroup			
Council Member Elizondo			
Council Member Bliss			
Mayor Pro Tem Koerner			
Council Member Parker			
Council Member Muenchow			

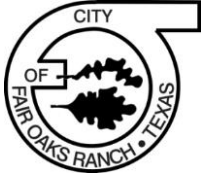
Gregory C. Maxton, Mayor

ATTEST:

APPROVED AS TO FORM:

Christina Picioccio, City Secretary

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



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
September 16, 2021

AGENDA TOPIC: Consideration and possible action approving the First Reading of an Ordinance levying a property tax rate of 35.18 cents per \$100 taxable valuation on property in the City of Fair Oaks Ranch for tax year 2021; and determining due and delinquent dates.

DATE: September 16, 2021

DEPARTMENT: Finance

PRESENTED BY: Tobin E. Maples, AICP, City Manager
 Sarah Buckelew, CPA, Finance Director

INTRODUCTION/BACKGROUND:

State law requires City Council to adopt a tax rate to fund the adopted general fund and the debt service fund budgets. At the August 26th City Council meeting, Council authorized using 32.23 cents as the proposed M&O 2021 tax rate and a 2.95 cents I&S 2021 tax rate for a combined property tax rate of 35.18 cents per \$100 taxable valuation. All required notices were published in the newspaper and on City's website.

We are proposing a tax rate lower than the no-new-revenue rate and the voter approval rate.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

1. Complies with state laws in setting the 2021 property tax rate
2. Establishes the level of taxation necessary to finance City programs and pay for City debt approved in the fiscal year budget.

LONGTERM FINANCIAL & BUDGETARY IMPACT

The total tax rate of 35.18 cents per \$100 taxable valuation has decreased from the prior year tax rate. Budgetary implications in terms of dollars are outlined in the Budget Document.

LEGAL ANALYSIS:

Reviewed and approved as to form.

RECOMMENDATION/PROPOSED MOTION:

I move that the property tax rate be decreased by the adoption of a tax rate 35.18 cents per \$100 taxable valuation, which is effectively a 1.76% decrease in the tax rate.

AN ORDINANCE

AN ORDINANCE LEVYING AD VALOREM TAXES FOR USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF FAIR OAKS RANCH, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022; PROVIDING WHEN TAXES SHALL BECOME DUE AND WHEN SAME SHALL BECOME DELINQUENT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, on August 26, 2021, the City Council established a proposed ad valorem tax rate to support the proposed FY 2021-22 budget and, set September 27, 2021 as the date for the meeting to vote on the tax rate and caused notice of such meeting to be posted pursuant to Local Government Code §140.010(e)(f) and (g); and,

WHEREAS, the public meeting was held on said date and all persons were then afforded an opportunity to appear and object to the proposed ad valorem tax rate; and,

WHEREAS, on September 27, by ordinance, the Council approved the municipal budget for the fiscal year beginning October 1, 2021 and ending September 30, 2022; and

WHEREAS, it is necessary that an ordinance be passed levying an ad valorem tax on all property, both real and personal, within the corporate limits of the City of Fair Oaks Ranch, Texas in accordance with said budget and Texas Property Tax Code, §26.05(b).

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

SECTION 1. TAX LEVY.

- a. That there is hereby levied and there shall be collected for the use and support of the municipal government of the City of Fair Oaks Ranch (herein the "City"), upon all property, real, personal, and mixed, in the corporate limits of said City subject to taxation, a tax rate of **\$.3223** on each \$100 taxable valuation of property, said tax being so levied for the maintenance and operations of the General Fund of the municipal government for the 2021-22 Fiscal Year.
- b. That there is hereby levied and there shall be collected for the use and support of the municipal government of the City of Fair Oaks Ranch (herein the "City"), upon all property, real, personal, and mixed, in the corporate limits of said City subject to taxation, a tax rate of **\$.0295** on each \$100 taxable valuation of property, said tax being so levied for the debt service principal and interest of the Debt Service Fund of the municipal government for the 2021-22 Fiscal Year.
- c. **THIS TAX RATE WILL RAISE LESS TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE. THE TAX RATE WILL EFFECTIVELY BE LOWERED BY 1.76% AND WILL LOWER TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$18.60.**

SECTION 2. TAX PAYMENT DUE DATE AND DELINQUENT EFFECTIVE DATE.

- a. Taxes assessed and levied under this ordinance shall be due on October 1, 2021.
- b. Taxes not paid on or before January 31, 2022 shall immediately become delinquent.
- c. Taxes shall become a lien upon the property against which assessed, and the Bexar County Tax Office as the collector of property taxes is hereby authorized and empowered to enforce the

collection of such taxes according to the Constitution and laws of the State of Texas and ordinances of the City and shall, by virtue of the tax rolls, fix and establish a lien by levying upon such property, whether real or personal, for the payment of said taxes, penalty and interest, and, the interest and penalty collected from such delinquent taxes shall be apportioned to the general fund of the City. All delinquent taxes shall bear interest from date of delinquency at the rate as prescribed by state law.

SECTION 3. SEVERABILITY.

If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

SECTION 4. EFFECTIVE DATE

This ordinance shall take effect and be in force from the date after its passage.

PASSED and APPROVED on first reading this 16th day of September 2021 and recorded as follows:

	FOR	AGAINST	ABSTAIN
Mayor Greg Maxton			
Council Member Stroup			
Council Member Elizondo			
Council Member Bliss			
Mayor Pro Tem Koerner			
Council Member Parker			
Council Member Muenchow			

PASSED, APPROVED, AND ADOPTED on second reading this 27th day of September 2021 and recorded as follows:

	FOR	AGAINST	ABSTAIN
Mayor Greg Maxton			
Council Member Stroup			
Council Member Elizondo			
Council Member Bliss			
Mayor Pro Tem Koerner			
Council Member Parker			
Council Member Muenchow			

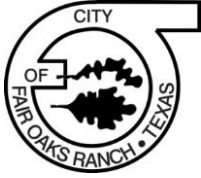
Greg Maxton, Mayor

ATTEST:

APPROVED AS TO FORM:

Christina Picioccio, City Secretary

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



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
September 16, 2021

AGENDA TOPIC: Consideration and possible action approving a Resolution to appoint members to fill places on the City of Fair Oaks Ranch Planning & Zoning Commission.

DATE: September 16, 2021

DEPARTMENT: City Secretary

PRESENTED BY: Christina Picioccio, City Secretary

INTRODUCTION/BACKGROUND:

On June 4, 2020, the Mayor created a Boards and Commissions Subcommittee to review and make recommendations regarding the city's process of appointing/reappointing members of the City's Boards and Commissions. The subcommittee worked to stagger terms and solicit applications to fill vacancies.

Following this process, terms ending September 30, 2021 and vacancies due to resignations were presented to City Council by staff at their June 3, 2021 meeting as well as a review of the process for appointing/reappointing members. To generate new applicants, notices and applications were posted on the city website as well as social media forums. The application deadline was August 6, 2021.

The Planning & Zoning Commission is comprised of seven members. One member has resigned, and three current members are willing to continue to serve. There were six additional applications received for this commission although four of them are also interested in serving in other positions.

Interviews were conducted for P&Z applicants at special city council meetings held on August 25th, 30th and 31st. The resolution for consideration and possible action is for places 1, 2, 3, and 4. Discussion and selection from interviewed candidates is expected.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

1. It allows more citizens who have interest in community service to become involved providing fresh perspective to established committees.
2. Standardizes Appointment Process
3. Standardizes Term Start Corresponding to Fiscal Year
4. Ensures consistency between various boards and commissions
5. Staggered terms minimize disruption to committees while maintaining knowledge and experience base

LONG-TERM FINANCIAL & BUDGETARY IMPACT:

N/A

LEGAL ANALYSIS:

Approved as to form.

RECOMMENDATION/PROPOSED MOTION:

I move to approve a Resolution appointing members to fill places 1, 2, 3, and 4 on the City of Fair Oaks Ranch Planning & Zoning Commission.

A RESOLUTION

A RESOLUTION OF THE CITY OF FAIR OAKS RANCH APPOINTING MEMBERS TO FILL PLACES 1, 2, 3, AND 4 ON THE FAIR OAKS RANCH PLANNING AND ZONING COMMISSION

WHEREAS, on March 5, 2018, under Ordinance 2018-03, the Fair Oaks Ranch City Council established the City of Fair Oaks Ranch Planning and Zoning Commission, an advisory commission; and,

WHEREAS, municipal regulatory authority regarding municipal zoning, including the requirement of appointing members to a Zoning Commission, is found in the Texas Local Government Code, Chapter 211; and,

WHEREAS, Section 3.04 of the City Charter provides the Mayor shall appoint, upon nomination by majority vote of the City Council, the members of Planning and Zoning Commission; and,

WHEREAS, the terms for Places 1, 2, 3, and 4 of the Planning and Zoning Commission will expire on September 30, 2021; and,

WHEREAS, one member (Place 3) has indicated they no longer desire to serve on the Planning and Zoning Commission; and,

WHEREAS, after receiving applications of interest; and conducting interviews in August of 2021; and,

WHEREAS, the City Council deems it necessary to appoint members to fill Places 1, 2, 3, and 4 expired terms on the Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS that the following qualified citizen volunteers are appointed to serve on the City of Fair Oaks Ranch Planning and Zoning Commission, effective 10/1/2021:

Place 1	_____	Term: 10/1/2021 - 9/30/2024
Place 2	_____	Term: 10/1/2021 - 9/30/2024
Place 3	_____	Term: 10/1/2021 - 9/30/2024
Place 4	_____	Term: 10/1/2021 - 9/30/2024

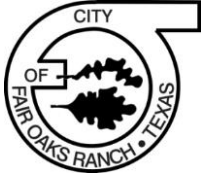
PASSED and APPROVED this 16th day of September, 2021.

Gregory C. Maxton, Mayor

ATTEST:

Christina Picioccio, City Secretary

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



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
September 16, 2021

AGENDA TOPIC: Consideration and possible action approving a Resolution to appoint members to fill places on the City of Fair Oaks Ranch Capital Improvement Advisory Committee.

DATE: September 16, 2021

DEPARTMENT: City Secretary

PRESENTED BY: Christina Picioccio, City Secretary

INTRODUCTION/BACKGROUND:

On June 4, 2020, the Mayor created a Boards and Commissions Subcommittee to review and make recommendations regarding the city's process of appointing/reappointing members of the City's Boards and Commissions. The subcommittee worked to stagger terms and solicit applications to fill vacancies.

Following this process, terms ending September 30, 2021 and vacancies due to resignations were presented to City Council by staff at their June 3, 2021 meeting as well as a review of the process for appointing/reappointing members. To generate new applicants, notices and applications were posted on the city website as well as social media forums. The application deadline was August 6, 2021.

The Capital Improvements Advisory Committee is comprised of nine members. One member has resigned (Place 2), and two current members (Places 1 and 3) have opted not to continue to serve. No fewer than 40% of the members must be representatives of the real estate development or building industries. There are four current members who meet those criteria serving on the committee. There were four applications received for this committee and all four of them are also interested in serving in other positions.

Interviews were conducted for CIAC applicants at special city council meetings held on August 25th, 30th and 31st. The resolution for consideration and possible action is for places 1, 2, and 3. Discussion and selection from interviewed candidates is expected.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

1. It allows more citizens who have interest in community service to become involved providing fresh perspective to established committees.
2. Standardizes Appointment Process
3. Standardizes Term Start Corresponding to Fiscal Year
4. Ensures consistency between various boards and commissions
5. Staggered terms minimize disruption to committees while maintaining knowledge and experience base

LONG-TERM FINANCIAL & BUDGETARY IMPACT:

N/A

LEGAL ANALYSIS:

Approved as to form.

RECOMMENDATION/PROPOSED MOTION:

I move to approve a Resolution appointing members to fill places 1, 2, and 3 on the City of Fair Oaks Ranch Capital Improvement Advisory Committee.

A RESOLUTION

A RESOLUTION OF THE CITY OF FAIR OAKS RANCH APPOINTING MEMBERS TO FILL PLACES 1, 2, AND 3 ON THE CITY OF FAIR OAKS RANCH CAPITAL IMPROVEMENT ADVISORY COMMITTEE

WHEREAS, under Ordinance No. 145.0, the Fair Oaks Ranch City Council established the City of Fair Oaks Ranch Impact Fee Advisory Committee; providing for the appointments of its members by City Council, by Resolution; and

WHEREAS, pursuant to Local Government Code 395.058(a), the City Council of the City of Fair Oaks Ranch resolved (Res 82.5) on February 16, 2006 to rename the Impact Fee Advisory Committee to Capital Improvements Advisory Committee; and

WHEREAS, the Committee serves in an advisory capacity and is established to follow the duties and functions set forth in Texas Local Government Code 395.058(c) and City of Fair Oaks Ranch Ordinance No. 145.0; and

WHEREAS, the City Council created staggered terms for consistency throughout all City Boards and Commissions in 2020; and,

WHEREAS, the terms for Places 1, 2, and 3 of the CIAC will expire on September 30, 2021; and,

WHEREAS, one member (Place 2) resigned from the Capital Improvements Advisory Committee in February 2021; and,

WHEREAS, two members (Places 1 and 2) indicated they no longer desired to serve on the Capital Improvements Advisory Committee; and,

WHEREAS, after receiving applications of interest and conducting interviews in August of 2021; and,

WHEREAS, the City Council deems it necessary to appoint members to fill Places 1, 2, and 3 on the Capital Improvements Advisory Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS that the following qualified citizen volunteers are appointed to serve on the City of Fair Oaks Ranch Capital Improvement Advisory Committee, effective 10/1/2021:

Place 1	_____	Term: 10/1/2021 - 9/30/2024
Place 2	_____	Term: 10/1/2021 - 9/30/2024
Place 3	_____	Term: 10/1/2021 - 9/30/2024

PASSED, APPROVED and ADOPTED this 16th day of September, 2021.

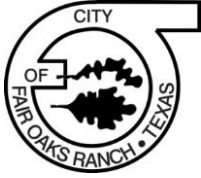
Gregory C. Maxton, Mayor

ATTEST:

APPROVED AS TO FORM:

Christina Picioccio, City Secretary

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



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
September 16, 2021

AGENDA TOPIC: Consideration and possible action approving a Resolution to appoint members to fill places on the City of Fair Oaks Ranch Municipal Development District Board of Directors.

DATE: September 16, 2021

DEPARTMENT: City Secretary

PRESENTED BY: Christina Picioccio, City Secretary

INTRODUCTION/BACKGROUND:

On June 4, 2020, the Mayor created a Boards and Commissions Subcommittee to review and make recommendations regarding the city's process of appointing/reappointing members of the City's Boards and Commissions. The subcommittee worked to stagger terms and solicit applications to fill vacancies.

Following this process, terms ending September 30, 2021 and vacancies due to resignations were presented to City Council by staff at their June 3, 2021 meeting as well as a review of the process for appointing/reappointing members. To generate new applicants, notices and applications were posted on the city website as well as social media forums. The application deadline was August 6, 2021.

The Municipal Development District Board of Directors is comprised of seven members. Two members have resigned, and the term for Place 3 will expire on September 30, 2021. The member currently filling Place 3 as the FORHA representative is willing to continue to serve. There were four applications received for this board and they are also interested in serving in other positions.

Interviews were conducted for MDD applicants at special city council meetings held on August 25th, 30th and 31st. The resolution for consideration and possible action is for places 3, 6, and 7. Discussion and selection from interviewed candidates is expected.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

1. It allows more citizens who have interest in community service to become involved providing fresh perspective to established committees.
2. Standardizes Appointment Process
3. Standardizes Term Start Corresponding to Fiscal Year
4. Ensures consistency between various boards and commissions
5. Staggered terms minimize disruption to committees while maintaining knowledge and experience base

LONG-TERM FINANCIAL & BUDGETARY IMPACT:

N/A

LEGAL ANALYSIS:

Approved as to form.

RECOMMENDATION/PROPOSED MOTION:

I move to approve a Resolution appointing members to fill places 3, 6, and 7 on the City of Fair Oaks Ranch Municipal Development District Board of Directors.

A RESOLUTION

A RESOLUTION OF THE CITY OF FAIR OAKS RANCH APPOINTING DIRECTORS TO FILL PLACES 3, 6, AND 7 ON THE CITY OF FAIR OAKS RANCH MUNICIPAL DEVELOPMENT DISTRICT BOARD OF DIRECTORS

WHEREAS, as authorized by Texas Local Government Code §377.021, and, upon the favorable results of the May 7, 2011 City of Fair Oaks Ranch election, the Fair Oaks Ranch Municipal Development District was created and the imposition of a sales and use tax of one-half of one-percent in the district’s boundaries was approved; and,

WHEREAS, on August 8, 2011, the City Council of the City of Fair Oaks Ranch adopted Ordinance 2011-08 creating the District’s Board of Directors and providing for the appointments of its Directors by City Council, by Resolution; and,

WHEREAS, Rene Gallegos had previously been appointed in April 2021 to fill the remainder of an unexpired term for Place 3 on the MDD Board of Directors; and,

WHEREAS, Place 3 (FORHA) term on the MDD Board of Directors has expired; and,

WHEREAS, two members (Places 6 and 7) indicated they no longer desired to serve on the MDD Board of Directors; and,

WHEREAS, after receiving applications of interest and conducting interviews in August of 2021; and,

WHEREAS, the City Council deems it necessary to appoint members to fill Places 3 (FORHA), 6 and 7 expired or vacant terms on the Board of Directors.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS that the following qualified City Council members and citizen volunteers are appointed to serve on the City of Fair Oaks Ranch Municipal Development District Board of Directors, effective 10/1/2021:

Place 3 (FORHA)	_____	Term: 10/1/2021 – 9/30/2023
Place 6	_____	Term: 10/1/2021 – 9/30/2023
Place 7	_____	Term: 10/1/2021 – 9/30/2023

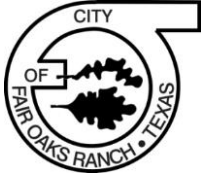
PASSED, APPROVED and ADOPTED this 16th day of September, 2021.

Gregory C. Maxton, Mayor

ATTEST:

Christina Picioccio, City Secretary

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



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
September 16, 2021

AGENDA TOPIC: Consideration and possible action approving a Resolution to appoint members to fill places on the City of Fair Oaks Ranch Zoning Board of Adjustment.

DATE: September 16, 2021

DEPARTMENT: City Secretary

PRESENTED BY: Christina Picioccio, City Secretary

INTRODUCTION/BACKGROUND:

On June 4, 2020, the Mayor created a Boards and Commissions Subcommittee to review and make recommendations regarding the city's process of appointing/reappointing members of the City's Boards and Commissions. The subcommittee worked to stagger terms and solicit applications to fill vacancies.

Following this process, terms ending September 30, 2021 and vacancies due to resignations were presented to City Council by staff at their June 3, 2021 meeting as well as a review of the process for appointing/reappointing members. To generate new applicants, notices and applications were posted on the city website as well as social media forums. The application deadline was August 6, 2021.

The Zoning Board of Adjustment is comprised of five members and two alternates. Terms for all five members and the two alternates will expire on September 30, 2021 and three members (Places 1, 2, and 5) indicated they no longer desire to serve. Members currently serving in Places 3 and 4 are willing to continue serving. There were four applications received for this board and are also interested in serving in other positions.

Interviews were conducted for ZBOA applicants at special city council meetings held on August 25th, 30th and 31st. The resolution for consideration and possible action is for places 1, 2, 3, 4, 5, 6 and 7. Discussion and selection from interviewed candidates is expected.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

1. It allows more citizens who have interest in community service to become involved providing fresh perspective to established committees.
2. Standardizes Appointment Process
3. Standardizes Term Start Corresponding to Fiscal Year
4. Ensures consistency between various boards and commissions
5. Staggered terms minimize disruption to committees while maintaining knowledge and experience base

LONG-TERM FINANCIAL & BUDGETARY IMPACT:

N/A

LEGAL ANALYSIS:

Approved as to form.

RECOMMENDATION/PROPOSED MOTION:

I move to approve a Resolution appointing members to fill places 1, 2, 3, 4, 5, 6 and 7 on the City of Fair Oaks Ranch Zoning Board of Adjustment.

A RESOLUTION

A RESOLUTION OF THE CITY OF FAIR OAKS RANCH APPOINTING MEMBER TO FILL PLACES 1, 2, 3, 4, 5 AND TWO ALTERNATES ON THE CITY OF FAIR OAKS RANCH ZONING BOARD OF ADJUSTMENT

WHEREAS, on June 21, 2018, under Ordinance 2018-05, the City Council of the City of Fair Oaks Ranch amended the city’s Code of Ordinances, Chapter 14 by adopting zoning districts and zoning regulations in the City of Fair Oaks Ranch; and,

WHEREAS, Chapter 14, Section 14.01.004, entitled, “Zoning Board of Adjustment”, provides for the structure, procedure, and duties of a Zoning Board of Adjustment (“the Board”); and,

WHEREAS, the City Council desires to create staggered terms for consistency throughout all City Boards and Commissions; and,

WHEREAS, terms for all five members and two alternates will expire on September 30, 2021; and,

WHEREAS, three members (Places 1, 2, and 5) indicated they no longer desired to serve on the Zoning Board of Adjustment; and,

WHEREAS, two alternate positions need to be filled; and,

WHEREAS, two members (Places 3 and 4) indicated their interest in continuing to serve; and,

WHEREAS, after receiving applications of interest and conducting interviews in August of 2021; and,

WHEREAS, the City Council deems it necessary to fill the vacant unexpired regular terms on the Board.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS that the following qualified citizen volunteer is appointed to serve as a regular member on the City of Fair Oaks Ranch Zoning Board of Adjustment, effective 10/1/2020:

Place 1	_____	Term: 10/1/2021 – 9/30/2023
Place 2	_____	Term: 10/1/2021 – 9/30/2023
Place 3	_____	Term: 10/1/2021 – 9/30/2023
Place 4	_____	Term: 10/1/2021 – 9/30/2023
Place 5	_____	Term: 10/1/2021 – 9/30/2023
Place 6	_____	Term: 10/1/2021 – 9/30/2023
Place 7	_____	Term: 10/1/2021 – 9/30/2023

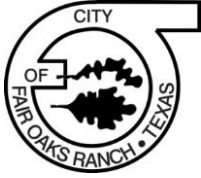
PASSED and APPROVED this 16th day of September, 2021.

Garry Manitzas, Mayor

ATTEST:

Christina Picioccio, City Secretary

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



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
September 16, 2021

AGENDA TOPIC: Consideration and possible action approving a Resolution to appoint members to fill places on the City of Fair Oaks Ranch Board of Appeals.

DATE: September 16, 2021

DEPARTMENT: City Secretary

PRESENTED BY: Christina Picioccio, City Secretary

INTRODUCTION/BACKGROUND:

In 2020, the Mayor created a Boards and Commissions Subcommittee to review and make recommendations regarding the city's process of appointing/reappointing members of the City's Boards and Commissions. The subcommittee worked to stagger terms and solicit applications to fill vacancies.

Following this process, terms ending September 30, 2021 and vacancies due to resignations were presented to City Council by staff at their June 3, 2021 meeting as well as a review of the process for appointing/reappointing members. To generate new applicants, notices and applications were posted on the city website as well as social media forums. The application deadline was August 6, 2021.

The Building Code Board of Appeals is a four-member board (3 regular & 1 alternate). One regular member has resigned. Staff recommends that the current alternate member be moved into the regular spot should the Council approve. The requirement to serve on the Board of Appeals is by "experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction". No applications were received to serve on this board therefore this board will be short one alternate position.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

To appoint members to hear and resolve appeals from the determinations of the building official for the city.

LONG-TERM FINANCIAL & BUDGETARY IMPACT:

N/A

LEGAL ANALYSIS:

Approved as to form.

RECOMMENDATION/PROPOSED MOTION:

I move to approve a resolution appointing the alternate member to a regular position on the City of Fair Oaks Ranch Board of Appeals.

A RESOLUTION

A RESOLUTION OF THE CITY OF FAIR OAKS RANCH APPOINTING MEMBERS TO FILL PLACES ON THE CITY OF FAIR OAKS RANCH BOARD OF APPEALS

WHEREAS, on November 19, 2015, under Ordinance 2015-11, the Fair Oaks Ranch City Council established the City of Fair Oaks Ranch Board of Appeals to hear and resolve appeals from the determinations of the building official for the city; providing for the appointments of its members by City Council, by Resolution;

WHEREAS, the City Council created staggered terms for consistency throughout all City Boards and Commissions in 2020; and,

WHEREAS, the terms for Place 1 will expire on September 30, 2021; and,

WHEREAS, one member (Place 1) indicated he no longer desire to serve on the Board of Appeals; and,

WHEREAS, an alternate member of the Board has expressed interest in serving as a regular member; and,

WHEREAS, this member will maintain his current term (10/1/2020 – 19/30/2023); and,

WHEREAS, there will be an open Alternate position; and,

WHEREAS, the City Council deems it necessary to appoint Place 1 and Alternate to staggered terms on the Board of Appeals.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS that the following qualified citizen volunteers are appointed to serve on the City of Fair Oaks Ranch Board of Appeals, effective 10/1/2021:

Place 1	Earl Hamilton	Term: 10/1/2020 - 9/30/2023
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PASSED, APPROVED and ADOPTED this 16th day of September, 2021.

Gregory C. Maxton, Mayor

ATTEST:

Christina Picioccio, City Secretary

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