

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

January 2, 2020 9:30 AM
City Hall Council Chambers
7286 Dietz Elkhorn, Fair Oaks Ranch

I. OPEN MEETING

- A. Roll Call – Declaration of a Quorum.
- B. Pledge of Allegiance.

II. CITIZENS and GUEST FORUM / PRESENTATIONS

To address the Council, please sign the Attendance Roster located on the table at the entrance of the Council Chamber. 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.

- A. Citizens to be heard.
- B. Introduction of city new hires: Clayton Hoelscher, Procurement Manager and Amanda Valdez, Deputy City Secretary.
- C. Presentation of Employee Service Awards: Police Officer Richard Davila (15 years), Christina Picioccio, City Secretary (10 years), and Sandra J. Gorski, Public Works Administrative Assistant (5 years).
- D. Presentation of Employee of the Quarter Award.
- E. Presentation regarding the Water and Wastewater Impact Fee Update.

Jessica Vassar, P.E. F&N Pgs. 3-17

III. 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.

- A. Approval of December 5, 2019 Regular City Council Meeting Minutes. Pgs. 18-19
- B. Approval of the second reading of an Ordinance repealing the Fair Oaks Ranch Code of Ordinances Chapter 3 "Building Regulations", Sec 3.01.014 "Wooden Roofs", Sec 3.06.004 "Water Heater Pressure Relief Lines", Sec 3.07.002 "Branch Electrical Circuits, Aluminum Wiring". Pgs. 20-24

IV. CONSIDERATION/DISCUSSION ITEMS

- A. Consideration and possible action approving a Resolution establishing a public hearing date to consider possible adoption of Water and Wastewater Impact Fee.
Ron Emmons, P.E., Public Works Director Pgs. 25-26
- B. Consideration and possible action approving a Tree Preservation Plan for proposed subdivision Front Gate Unit 5. Melissa Castro, Environmental Compliance Manager Pgs. 27-31

- C. Consideration and possible action approving the preliminary plat that establishes Front Gate Unit 5. Ron Emmons, P.E., Public Works Director Pgs. 32-34

V. REPORTS FROM STAFF/COMMITTEES/COUNCIL

- A. May 2, 2020 City Election Calendar. Christina Picioccio, City Secretary Pg. 35
- B. Public Works Department Quarterly Report.
Julio Colunga, Public Works Superintendent

VI. 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:

- A. 551.071 (Consultation with Attorney) - 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.
- B. 551.071 (Consultation with Attorney) - to receive legal advice regarding claims made on behalf of a real property owner against the City's operation of the K-3 Trinity Glen Rose Water Well.
- C. 551.071 (Consultation with Attorney) - to receive legal advice from Special Counsel and the City Attorney regarding the City's ground water rights.

VII. RECONVENE INTO OPEN SESSION

Discussion and possible action on items discussed in Executive Session.

VIII. ADJOURNMENT

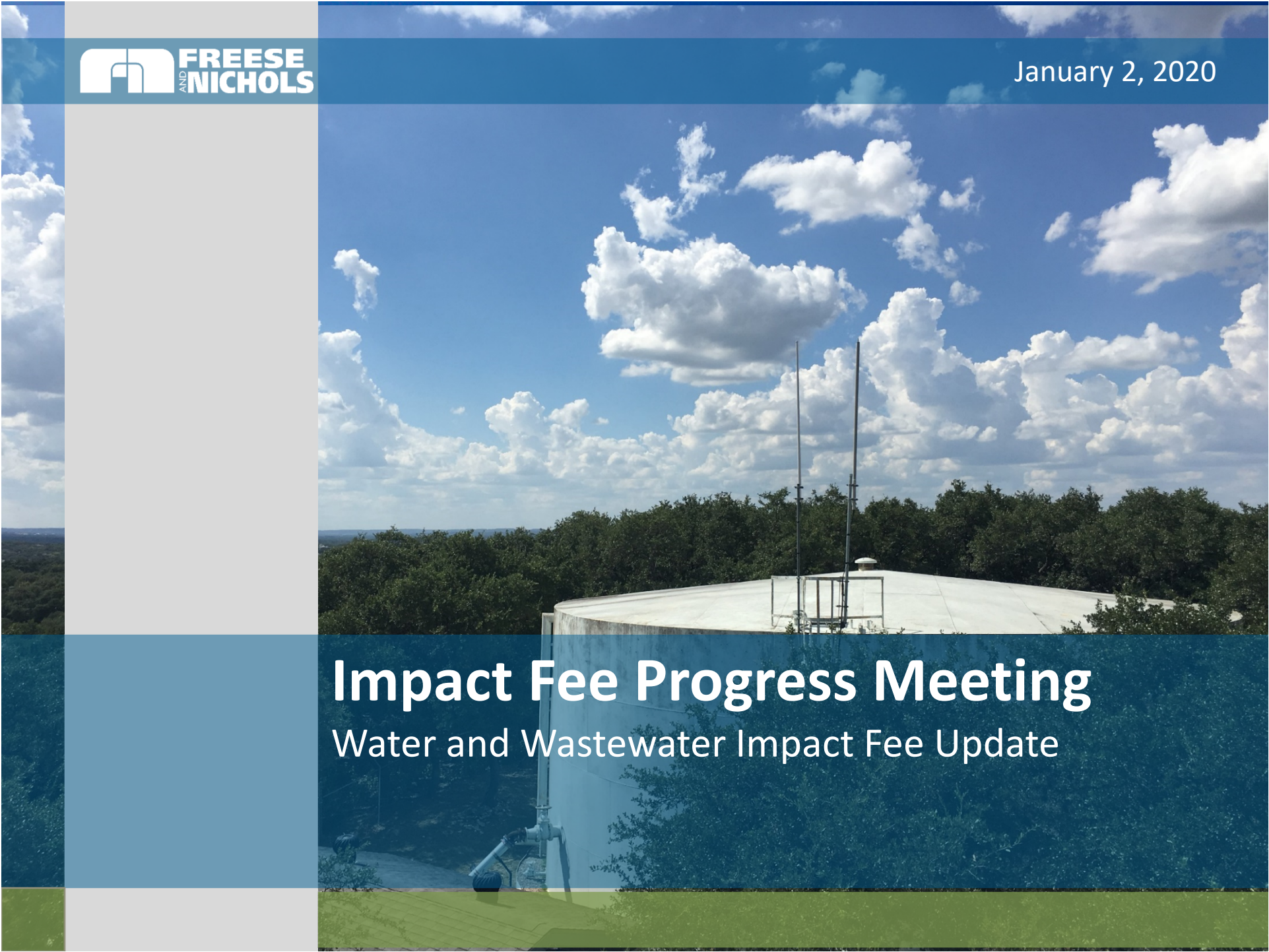
Requests for City topic needing additional information/research; or, potential consideration for a future agenda.

Signature of Agenda Approval: _____



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. Said Notice was posted by 5:00 PM December 30, 2019 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).



Impact Fee Progress Meeting

Water and Wastewater Impact Fee Update

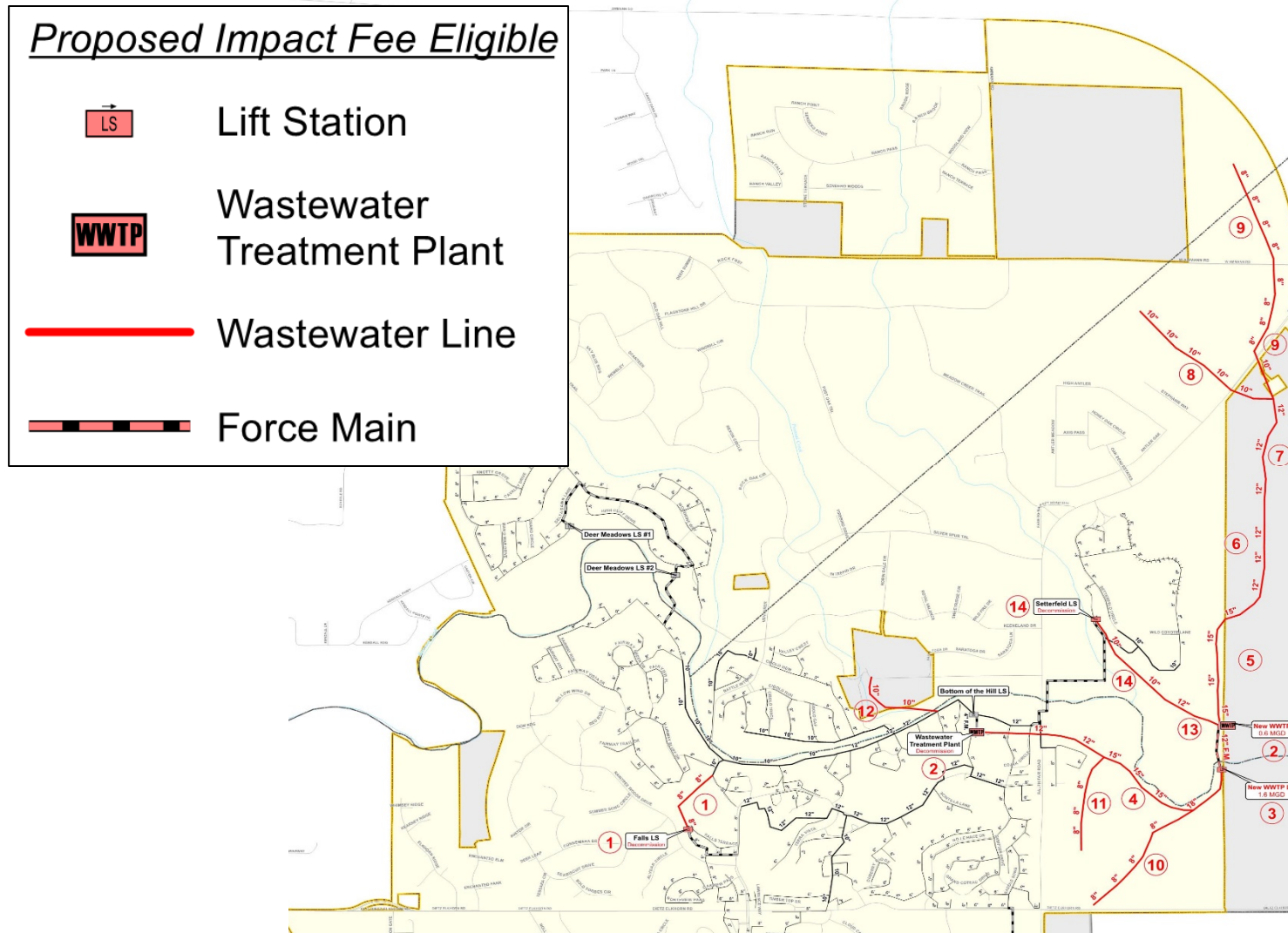
Program Development Process



Water Impact Fee CIP

No.	Description of Project	Percent Utilization			Costs Based on 2020 Dollars	
		2020 ⁽¹⁾	2030	2020 - 2030	Capital Cost	10-Year (2020-2030)
Existing	A 12-inch Parallel Along Rolling Acres Trail	30%	100%	70%	\$114,107	\$79,875
	B 12-inch Along Meadow Creek Trail	40%	100%	60%	\$24,773	\$14,864
	C 12-inch Line Near Meadow Creek Trail and FM 3351	8%	100%	92%	\$936,527	\$861,605
	D Impact Fee Study	0%	100%	100%	\$36,000	\$36,000
Existing Project Sub-total					\$1,111,407	\$992,344
Proposed	1 9,000-Gallon Plant #2 Hydropneumatic Tank (Zone C)	81%	100%	19%	\$246,700	\$46,873
	2 0.5-MG Zone A Elevated Storage Tank (Zone A)	26%	100%	74%	\$3,289,000	\$2,433,860
	3 12-inch West Ammann Road Water Line (Zone A)	26%	100%	74%	\$1,016,600	\$752,284
	4 12-inch Northeast Water Lines (Zone A)	0%	100%	100%	\$1,614,600	\$1,614,600
	5 400-gpm Plant #5 Zone B Pump Station Expansion and 0.5-MG GST (Zone B)	92%	100%	8%	\$2,167,800	\$164,753
	6 650-gpm Elmo Davis Pump Station Expansion (Zone C)	81%	100%	19%	\$971,800	\$184,642
	7 Pressure Reducing Valve at Rolling Acres Trail and Meadow Creek Trail (Zone B)	0%	100%	100%	\$149,500	\$149,500
	8 8-inch Water Line at Dietz Elkhorn Road and Ralph Fair Road (Zone C)	0%	100%	100%	\$287,100	\$287,100
	9 12-inch Southeastern Water Lines (Zone B)	0%	100%	100%	\$2,619,300	\$2,619,300
	10 12/16-inch Plant #6 Discharge Water Lines (Zone A/B)	0%	100%	100%	\$2,822,600	\$2,822,600
	11 Plant #6 and New GBRA Delivery Point (Zone A/B)	0%	100%	100%	\$5,905,300	\$5,905,300
	12 12-inch ETJ Water Line (Zone B)	0%	100%	100%	\$2,559,500	\$2,559,500
	13 0.5-MG Plant #2 Elevated Storage Tank (Zone C)	81%	100%	19%	\$3,289,000	\$624,910
	14 8/12-inch Royal Ascot/Triple Crown/Equestrian Water Line Replacement (Zone C)	90%	100%	10%	\$1,085,400	\$108,540
	15 8-inch Pimlico Lane Water Line Replacement (Zone C)	95%	100%	5%	\$758,000	\$37,900
	16 8-inch Preakness Lane Water Line Replacement (Zone C)	95%	100%	5%	\$991,200	\$49,560
	17 12-inch Triple Crown Road Water Line Replacement (Zone C)	90%	100%	10%	\$1,448,700	\$144,870
	18 8-inch Rolling Acres Trail Water Line (Zone A)	0%	100%	100%	\$649,200	\$649,200
	19 8-inch Post Oak Trail Water Line (Zone A)	0%	100%	100%	\$1,295,500	\$1,295,500
	20 8-inch Silver Spur Trail Water Line (Zone A)	0%	100%	100%	\$677,500	\$677,500
Proposed Project Sub-total					\$33,844,300	\$23,128,292
Total Capital Improvements Cost					\$34,955,707	\$24,120,635

Wastewater Impact Fee CIP



Wastewater Impact Fee CIP

No.		Description of Project	Percent Utilization			Costs Based on 2020 Dollars	
			2020 ⁽¹⁾	2030	2020 - 2030	Capital Cost	10-Year (2020-2030)
Existing	A	Impact Fee Study	0%	100%	100%	\$36,000	\$36,000
	Existing Project Sub-total					\$36,000	\$36,000
Proposed	1	8-inch Gravity Line and Decommission Falls Lift Station	96%	100%	4%	\$550,900	\$19,981
	2	New 0.6 MGD WWTP and Decommission old WWTP	48%	100%	52%	\$13,113,800	\$6,775,463
	3	New Gravity Line from Old WWTP to New WWTP	75%	100%	25%	\$1,830,300	\$457,575
	4	1.6 MGD Lift Station and 12" Force Main to New WWTP	48%	100%	52%	\$3,038,600	\$1,580,072
	5	12/15-inch Gravity Line in the ETJ	0%	100%	100%	\$878,500	\$878,500
	6	12-inch Gravity Line in the ETJ	0%	100%	100%	\$728,900	\$728,900
	7	12-inch Gravity Line in the ETJ	0%	100%	100%	\$511,300	\$511,300
	8	10-inch Gravity Line north of Ralph Fair Road	0%	100%	100%	\$699,700	\$699,700
	9	8/10-inch Gravity Line north of Ralph Fair Road	0%	100%	100%	\$929,600	\$929,600
	10	8-inch Gravity Line north of Dietz Elkhorn Road	0%	100%	100%	\$483,300	\$483,300
	11	8-inch Gravity Line east of Ralph Fair Road	0%	100%	100%	\$358,000	\$358,000
	12	10-inch Gravity Line crossing Cibolo Creek	0%	100%	100%	\$498,700	\$498,700
	13	12-inch Gravity Line to the new WWTP	0%	100%	100%	\$381,300	\$381,300
	14	10-inch Gravity Line and Decommission Setterfeld Lift Station	83%	100%	17%	\$738,600	\$125,562
	Proposed Project Sub-total					\$24,741,500	\$14,427,953
Total Capital Improvements Cost						\$24,777,500	\$14,463,953

Impact Fee Calculation

- Impact Fees Calculated by Dividing Eligible CIP/Growth in Service Units
- Credit of 50% for the portion of ad-valorem taxes generated by CIP improvements
- Fee collected can be less than maximum

$$\text{Impact Fee Per Service Unit} = \frac{\text{Eligible CIP Cost}}{\text{New Service Units}}$$

Service Unit Equivalencies (SUE)

- Updated SUE table from AWWA Water Meters Manual 2018

Meter Size	Maximum Flow (gpm)	Service Unit Equivalents
3/4"	25	1.0
1"	40	1.6
1 1/2"	50	2.0
2"	160	6.4
3"	320	12.8
4"	500	20.0
6"	1,000	40.0
8"	1,600	64.0

Projected Water Service Units

Meter Size	2020			Buildout			Growth in Service Units
	Number of Meters	Service Unit Equivalent	Service Units	Number of Meters	Service Unit Equivalent	Service Units	
3/4"	2,656	1.0	2,656	4,366	1.0	4,366	1,710
1"	339	1.6	542	557	1.6	891	349
2"	0	6.4	0	0	6.4	0	0
3"	1	12.8	13	1	12.8	13	0
4"	0	20.0	0	0	20.0	0	0
6"	0	40.0	0	0	40.0	0	0
8"	0	64.0	0	0	64.0	0	0
Total	2,996	-	3,211	4,924	-	5,270	2,059

Water Impact Fee Calculation

Water Impact Fee	
Total Eligible Capital Improvement Costs	\$24,120,635
Total Eligible Financing Costs	\$11,583,797
Total Eligible Impact Fee Costs	\$35,704,433
Growth in Service Units	2,059
Maximum Water Impact Fee per Service Unit	\$17,341
Impact Fee Credit per Service Unit	\$8,670
Maximum Allowable Water Impact Fee	\$8,670

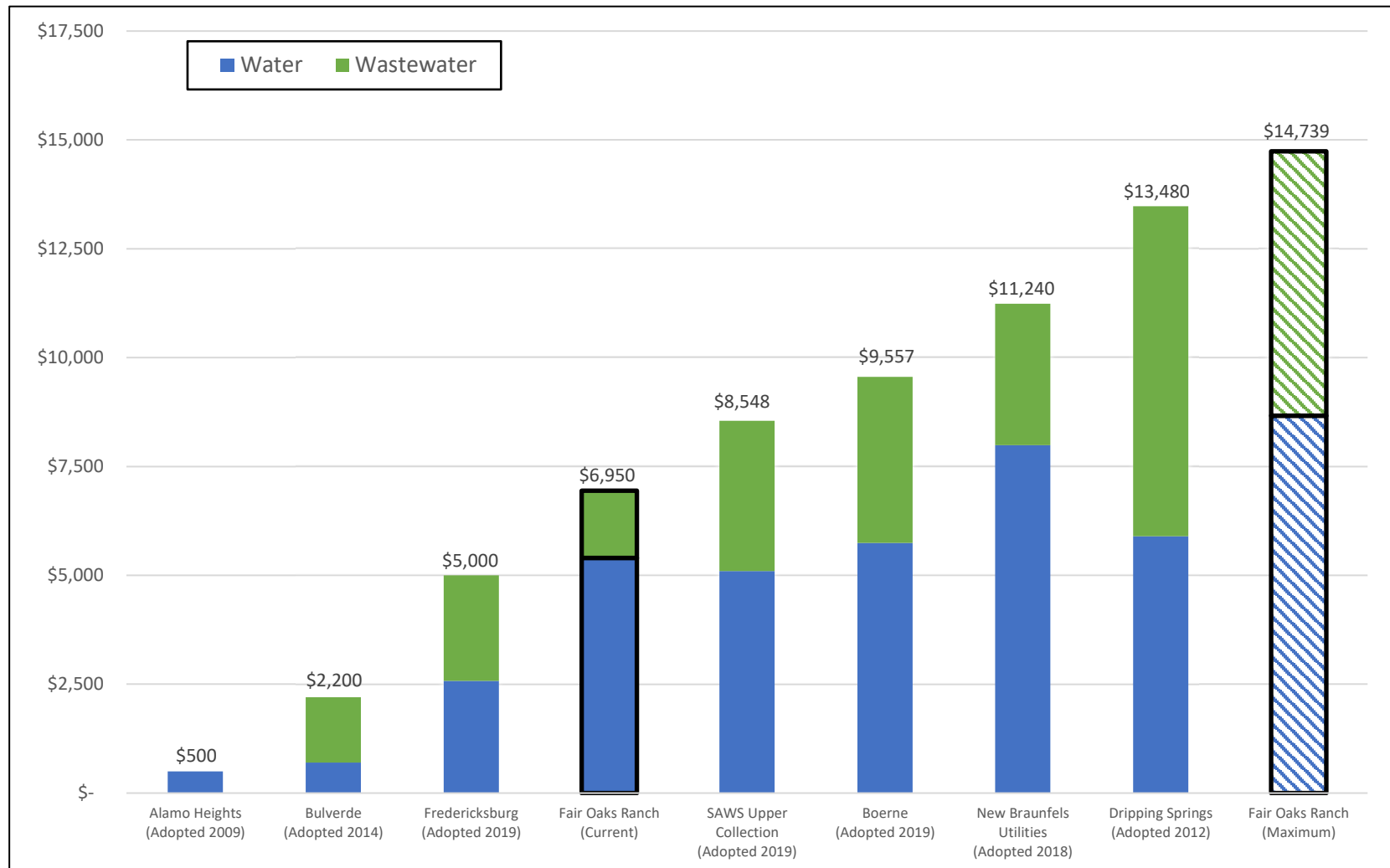
Projected Wastewater Service Units

Meter Size	2020			Buildout			Growth in Service Units
	Number of Meters	Service Unit Equivalent	Service Units	Number of Meters	Service Unit Equivalent	Service Units	
3/4"	1,695	1.0	1,695	3,281	1.0	3,281	1,586
1"	119	1.6	190	230	1.6	368	178
2"	0	6.4	0	0	6.4	0	0
3"	1	12.8	13	1	12.8	13	0
4"	0	20.0	0	0	20.0	0	0
6"	0	40.0	0	0	40.0	0	0
8"	0	64.0	0	0	64.0	0	0
Total	1,815	-	1,898	3,512	-	3,662	1,764

Wastewater Impact Fee Calculation

Wastewater Impact Fee	
Total Eligible Capital Improvement Costs	\$14,463,953
Total Eligible Financing Costs (4%)	\$6,946,231
Total Eligible Impact Fee Costs	\$21,410,184
Growth in Service Units	1,764
Maximum Water Impact Fee per Service Unit	\$12,139
Impact Fee Credit per Service Unit	\$6,069
Maximum Allowable Wastewater Impact Fee	\$6,069

Comparison Cities



Schedule

Sept 25	<u>CIAC Meeting #1: Land Use Assumptions and Impact Fee 101</u>	CIAC
Oct 3	<u>Council Meeting #1: Impact Fees 101</u>	City Council
Nov 6	<u>Progress Meeting: Discuss impact fee calculation</u>	City Staff
Nov 15	Draft Impact Fee Report to City for review (comments due by Nov 29)	FNI
Dec 5	Revised Draft report, impact fee calculations, benchmarking to CIAC	City Staff
Dec 12	<u>CIAC Meeting #2: Impact fee calculations, benchmarking consideration/recommendation of impact fee</u>	CIAC
Jan 2	<u>Council Meeting #2: Resolution by City Council establishing Public Hearing date to consider possible adoption of impact fee (PH within 60 days of resolution) and presentation on results of Impact Fee Study</u>	City Council
Jan 13	Final sealed Report to City	FNI
Jan 17	Publish Notice of Public Hearing on impact fee (at least 30 days before PH; Report made available to public)	City Staff
Feb 3	Impact fee written recommendation to City Council by CIAC	CIAC
Feb 10	CIAC recommendation due to City Secretary/Council (at least 5 business days prior to PH)	City Staff
Feb 20	<u>Council Meeting #3: Public Hearing on Impact Fee; Resolution/Ordinance approving impact fee (<i>adoption within 30 days of PH</i>)</u>	City Council

Questions & Discussion

**CITY OF FAIR OAKS RANCH
CITY COUNCIL MEETING MINUTES
December 5, 2019
7286 Dietz Elkhorn
Fair Oaks Ranch, TX 78015**

I. OPEN MEETING

A. Roll Call – Declaration of a Quorum

Present: Mayor Manitzas and Mayor Pro Tem Elizondo
Council Members: Hartpence, Havard, Koerner, Maxton, and Patel

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

B. The Pledge of Allegiance was led by the City's Building Official, Jim Earl.

II. CITIZENS and GUEST FORUM/PRESENTATIONS

There were no citizens to be heard.

III. CONSENT AGENDA

A. Approval of November 18, 2019 Special City Council Meeting Minutes.

B. Approval of November 19, 2019 Town Hall Minutes.

C. Approval of November 21, 2019 Regular City Council Meeting Minutes.

D. Approval of absence for the January 2, 2020 Council Meeting for Council Members Hartpence, Havard, and Patel.

The Mayor presented the Consent Agenda and with no discussion, the Consent Agenda was approved by unanimous consent.

IV. DISCUSSION/CONSIDERATION ITEMS

A. Consideration and possible action approving the first reading of an ordinance repealing the Fair Oaks Ranch Code of Ordinances Chapter 3 "Building Regulations", Sec 3.01.014 "Wooden Roofs", Sec 3.06.004 "Water Heater Pressure Relief Lines", Sec 3.07.002 "Branch Electrical Circuits, Aluminum Wiring".

MOTION: Made by Council Member Patel, seconded by Mayor Pro Tem Elizondo to approve an ordinance repealing Sections 3.01.014, 3.06.004, and 3.07.002 of Chapter 3 of the City of Fair Oaks Ranch Code of Ordinances.

VOTE: 6-1; Motion Passed; Nay: Council Member Hartpence

V. REPORTS FROM STAFF / COMMITTEES / COUNCIL

None.

VI. CONVENE INTO EXECUTIVE SESSION

City Council did not convene into Executive Session regarding:

- A. 551.071 (Consultation with Attorney) - 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.
- B. 551.071 (Consultation with Attorney) - to receive legal advice regarding claims made on behalf of a real property owner against the City's operation of the K-3 Trinity Glen Rose Water Well.
- C. 551.071 (Consultation with Attorney) - to receive legal advice from Special Counsel and the City Attorney regarding the City's ground water rights.

VII. RECONVENE INTO OPEN SESSION

- A. Not applicable.

VI. ADJOURNMENT

Council Member Havard requested that examples of council procedures be placed on a future agenda.

Mayor Manitzas adjourned the meeting at 6:51 PM.

Garry Manitzas, Mayor

ATTEST:

Christina Picioccio, City Secretary



CITY COUNCIL CONSIDERATION ITEM

CITY OF FAIR OAKS RANCH, TEXAS

January 2, 2020

AGENDA TOPIC: Approval of the second reading of an Ordinance repealing the Fair Oaks Ranch Code of Ordinances Chapter 3 Building Regulations Section 3.01.014 "Wooden Roofs", Section 3.06.004 "Water Heater Pressure Relief Lines" and Section 3.07.002 "Branch Electrical Circuits; Aluminum Wiring"

DATE: January 2, 2020

DEPARTMENT: Building Codes

PRESENTED BY: Jim Earl, Building Official

INTRODUCTION/BACKGROUND:

- 1) The City of Fair Oaks Ranch operates under the 2018 International Codes and the 2017 National Electric Codes.
- 2) A number of local City of Fair Oaks Ranch amendments to the codes have been passed which are more stringent than the Building Codes adopted by the city.
- 3) The passing of H.B. 2439, effective September 1, 2019, precludes the adoption or enforcement of any ordinance which prohibits or limits, directly or indirectly, the use or installation of a building product or material in the construction, renovation, maintenance, or other alteration of a residential or commercial building if the building product or material is approved for use by a national model code. See applicable section of H.B. 2439 attached as Exhibit A.
- 4) Staff has determined that Chapter 3 Building Regulations Section 3.01.014 "Wooden Roofs", Section 3.06.004 "Water Heater Pressure Relief Lines" and Section 3.07.002 "Branch Electrical Circuits; Aluminum Wiring" are in conflict with H.B. 2439 and should therefore be repealed.

At the December 5, 2019 City Council meeting, City Council approved the first reading of the ordinance.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

While it is Staff's opinion that the city's amendments in question contribute to the health, safety and welfare of its citizens, we are obligated by State mandate to come into compliance with H.B. 2439.

LONGTERM FINANCIAL & BUDGETARY IMPACT:

No long term financial or budgetary impact is anticipated.

LEGAL ANALYSIS:

The City Attorney has reviewed H.B. 2439 and opined these three sections are in conflict with the bill. Accordingly, the Fair Oaks Ranch Code of Ordinances warrants an update.

RECOMMENDATION/PROPOSED MOTION:

Consent Agenda (I move to approve an Ordinance repealing Sections 3.01.014, 3.06.004, and 3.07.002 of Chapter 3 of the City of Fair Oaks Ranch Code of Ordinances.)

H.B 2439 – Effective September 1, 2019

Sec. 3000.002. CERTAIN REGULATIONS REGARDING BUILDING PRODUCTS, MATERIALS, OR METHODS PROHIBITED.

(a) Notwithstanding any other law and except as provided by Subsection (d), a governmental entity may not adopt or enforce a rule, charter provision, ordinance, order, building code, or other regulation that:

(1) prohibits or limits, directly or indirectly, the use or installation of a building product or material in the construction, renovation, maintenance, or other alteration of a residential or commercial building if the building product or material is approved for use by a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building.

AN ORDINANCE

OF THE CITY OF FAIR OAKS RANCH REPEALING THE FAIR OAKS RANCH CODE OF ORDINANCES CHAPTER 3 "BUILDING REGULATIONS", SEC. 3.01.014 "WOODEN ROOFS", SEC. 3.06.004 "WATER HEATER PRESSURE RELIEF LINES", SEC. 3.07.002 "BRANCH ELECTRICAL CIRCUITS, ALUMINUM WIRING"

WHEREAS, the City has, from time to time, passed amendments to the International Building Code and associated codes in an effort to ensure the health, safety and welfare of its citizens; and,

WHEREAS, the passing of House Bill 2439 effective September 1, 2019 precludes regulations that prohibit or limit directly or indirectly the use or installation of a building product or material in the construction, renovation, maintenance, or other alteration of a residential or commercial building if the building product or material is approved for use by a national Model Code; and,

WHEREAS, to ensure compliance as mandated by HB 2439, city staff reviewed Chapter 3 "Building Regulations" and provided recommendations to the Chapter for City Council approval; and,

WHEREAS, the City Council of the City of Fair Oaks Ranch deems it necessary to repeal Section 3.01.014 "Wooden Roofs", Section 3.06.004 "Water Heater Pressure Relief Lines" and Section 3.07.002 "Branch Electrical Circuits, Aluminum Wiring" of the City of Fair Oaks Ranch Code of Ordinances Chapter 3 Building Regulations.

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

PART 1. Chapter 3 "Building Regulations" Sec. 3.01.014 "Wooden Roofs"; Sec. 3.06.004 "Water Heater Pressure Relief Lines"; Sec. 3.07.002 "Branch Electrical Circuits, Aluminum Wiring" are hereby repealed as forth in the attached Exhibit A.

PART 2. That the recitals contained in the preamble hereto are hereby found to be true and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the City Council.

PART 3. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance be severable, and, if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared invalid by judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance and the remainder of this ordinance shall be enforced as written.

PART 4. That it is officially found, determined and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

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

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

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

PASSED and APPROVED on first reading this 5th day of December, 2019.

PASSED, APPROVED AND ADOPTED on second reading this 2nd day of January, 2020.

Garry Manitzas, Mayor

ATTEST:

APPROVED AS TO FORM:

Christina Picioccio, City Secretary

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

Exhibit A

Chapter 3 “Building Regulations”, Sections 3.01.014, 3.06.004 and 3.07.002 are hereby repealed:

~~Sec. 3.01.014 — Wooden roofs~~

~~Any residence or building to be covered with a wooden roof (shingle, shake, etc.) shall first be covered with a minimum 1/2" CDX plywood or material which is equal or better. The purpose of this material is to impede fire. (Ordinance 75.16, sec. 13.5, adopted 8/18/05)~~

~~Sec. 3.06.004 — Water heater pressure relief lines~~

~~All residential water heater temperature and pressure relief lines shall be run full sized in hard copper pipe and terminated outside of the building, and shall not be run in the slab. (Ordinance 75.16, sec. 10.4, adopted 8/18/05; Ordinance 2009-17, sec. A.5, adopted 10/15/09)~~

~~Sec. 3.07.002 — Branch electrical circuits; aluminum wiring~~

~~All branch electrical circuits shall utilize copper wiring of not less than twelve (12) gauge. Aluminum wiring is expressly prohibited in all electrical circuits in all buildings except for the “drop” providing service to the building. (Ordinance 75.16, sec. 11.2, adopted 8/18/05)~~



CITY COUNCIL CONSIDERATION ITEM

CITY OF FAIR OAKS RANCH, TEXAS

January 2, 2020

AGENDA TOPIC: Consideration and possible action approving a Resolution establishing Public Hearing date to consider possible adoption of Water and Wastewater Impact Fee

DATE: January 2, 2020

DEPARTMENT: Public Works

PRESENTED BY: Ronald C. Emmons, P.E., Public Works Director

INTRODUCTION/BACKGROUND:

Section 395.042 of the Local Government Code requires a political subdivision to establish a public hearing date to consider the land use assumptions, capital improvement plan, and imposition of an impact fee for the designated service area. The Fair Oaks Ranch Utilities is currently due for an update to the Water and Wastewater Impact Fee, which was last updated on December 19, 2014. Section 395.052 requires that a political subdivision that imposes an impact fee to update the land use assumptions and capital improvements plan at least every five years.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

Regular updates to the Water and Wastewater Impact Fee enable municipal systems to recover up to half of the costs of future capital infrastructure costs. The idea is to let growth pay for growth as much as is possible, impact fees make that possible.

LONG-TERM FINANCIAL & BUDGETARY IMPACT:

When a municipality chooses to impose an impact fee of any amount less than the maximum allowable by law, then the existing customer must pay for the additional cost to expand services into the water and wastewater service area. Establishing an updated impact fee must be prepared and calculated by a professional engineer licensed in this state.

LEGAL ANALYSIS:

The City Attorney has reviewed and approved the Resolution

RECOMMENDATION/PROPOSED MOTION:

I move to authorize the Mayor to sign a resolution of the City Council setting a public hearing to discuss and review the update of the City's Land Use Assumptions and Capital Improvements Plan and Impact Fee.

A RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS, SETTING A PUBLIC HEARING TO DISCUSS AND REVIEW THE UPDATE OF THE CITY'S LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENTS PLAN AND IMPACT FEES AND; DETERMINE WHETHER TO AMEND THE PLAN

Whereas, Texas Local Government Code, Chapter 395 PLANNING AND DEVELOPMENT governs financing capital improvements required by new developments in municipalities; and,

Whereas, Subchapter C, Sec. 395.052 of the above referenced Chapter, a municipality that imposes an impact fee shall update their Land Use Assumptions and Capital Improvements Plan "Plan" at least every five years; and,

Whereas, Fair Oaks Ranch Utilities, who imposes water and wastewater impact fees, is a department of the City of Fair Oaks Ranch servicing a designated area; and,

Whereas, an update of the city's Plan was completed by the professional engineering firm of Freese and Nichols, Inc.; and,

Whereas, on March 21, 2019, the Capital Improvements Advisory Committee Chair presented to the Fair Oaks Ranch City Council the semiannual progress report recommending an update to impact fees; and,

Whereas, Sec. 395.053 requires the City Council to set a public hearing to discuss and review the update Plan and to determine whether to amend the Plan.

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

SECTION 1. The facts and matters set forth in the preamble of this Resolution are hereby found to be true and correct.

SECTION 2. A public hearing shall be held on February 20, 2020 at 6:30 pm, Fair Oaks Ranch City Hall, to discuss and review the update to the Land Use Assumptions, Capital Improvement Plan, and Impact Fee Ordinance.

SECTION 3. The Public Works Director is directed to comply with Sec. 395.055; Notice of Hearing on Amendments to Land Use Assumptions, Capital Improvements Plan and Impact Fee Ordinance.

SECTION 4. Following the public hearing, City Council shall entertain an item to discuss and possibly act upon amendments to the Land Use Assumptions, Capital Improvements Plan and Impact Fee Ordinance.

PASSED AND APPROVED THIS 2nd DAY OF January, 2020

Garry Manitzas, Mayor

ATTEST:

Christina Picioccio, City Secretary



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
January 2, 2020

AGENDA TOPIC: Consideration and possible action approving a Tree Preservation Plan for the proposed subdivision Front Gate Unit 5

DATE: January 2, 2020

DEPARTMENT: Public Works

PRESENTED BY: Melissa Castro, Environmental Compliance Manager

INTRODUCTION/BACKGROUND:

On October 11, 2019, a preliminary plat, establishing Front Gate Unit 5, was submitted to the Public Works Department by Vickrey and Associates, Inc. This preliminary plat consists of 14.75 acres of residential development.

Regarding the submission of a preliminary plat, Article II, Section 1 (C, 13) of the City's subdivision 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 attached Tree Preservation Plan shows the removal of eight (8) heritage trees (marked in yellow) and the preservation of five (5) heritage trees (marked in green). To mitigate, twenty-four (24) trees with a caliper of at least two and one half - inches (2.5") will be planted. The applicant has been informed that the heritage trees will require P&Z and City Council approval prior to removal.

On December 12, 2019, the Planning and Zoning Commission considered and recommended approval of the Tree Preservation Plan to City Council

The Public Works Department recommends approval of the Tree Preservation Plan for the proposed subdivision Front Gate Unit 5.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

Article III Section 6(A) of the 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:

N/A

LEGAL ANALYSIS:

N/A

RECOMMENDATION/PROPOSED MOTION:

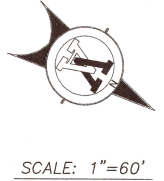
I move to approve the Tree Preservation Plan for the proposed subdivision of Front Gate Unit 5.

Nov 16, 2019 = 3:35pm
C:\Users\jps\Documents\Engineering\DWG\2704\2704-004.dwg



DESIGNATES AREA TO BE CLEARED

- NOTES:
- 1) NO OLD GROWTH CEDAR.
 - 2) EACH BUILDER WILL BE REQUIRED TO PLANT TWO TREES.
 - 3) ALL TREE REMOVAL WILL BE PERFORMED IN COMPLIANCE WITH THE CITY'S OAK-WILT PREVENTION ORDER.
 - 4) FOR EACH TREE GREATER THAN 24" TO BE REMOVED: 3 TREES WITH A CALIPER OF AT-LEAST 2-1/2" EACH SHALL BE PLANTED THERE ARE 13 HERITAGE TREES. 8 TO BE REMOVED, 5 TO BE SAVED.
 - 5) TO MITIGATE TREES #534, #536, #537, #554, #559, #597, #731 AND #739.
 - 6) A PRECONSTRUCTION "TREE WALK" IS REQUIRED PRIOR TO THE REMOVAL OF ANY TREE



SCALE: 1"=60'

REVISIONS	
NO.	DATE
1	
2	
3	
4	
Δ	DESC.

VICKREY & ASSOCIATES, INC.
CONSULTING ENGINEERS
CIVIL • ENVIRONMENTAL • SURVEY
12940 Country Parkway San Antonio, TX 78216
Telephone: (210) 349-3271
Firm Registration No: F-169

SA FRONT GATE, LLC

TREE PLAN
FRONT GATE UNIT 5
FAIR OAKS RANCH, TEXAS

DATE: SEPT 2019
Vertical Scale 1"=N/A
Horizontal Scale 1"= 60'
0 30' 60' 90'

SHEET 1 OF 29
Pg 29

PROJ NO. 2704-004

Nov 21, 2019 - 2:56pm
R:\1742-CDD Engineering\DWG\17420054a_tree_plan.dwg

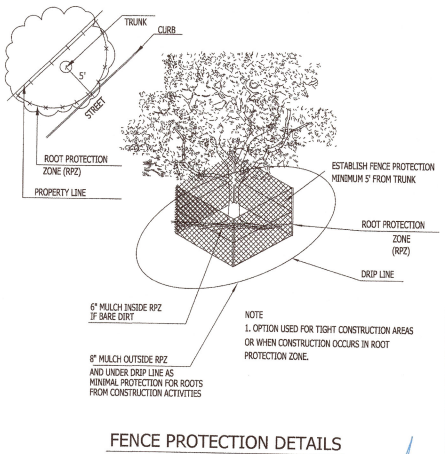
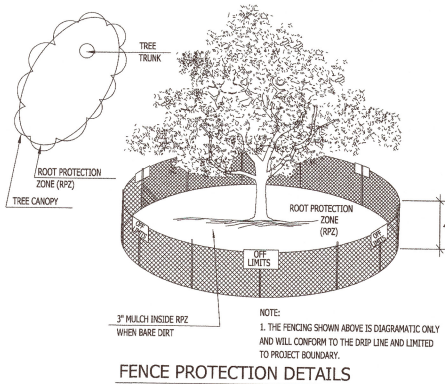
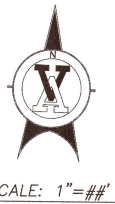
HERITAGE TREES
* - TO BE REMOVED
** - TO BE SAVED

TREE INVENTORY	
Point #	DESCRIPTION
503	9 OAK 25 CANOPY
504	14-7 OAK 40 CANOPY
507	10 OAK 25 CANOPY
508	9 OAK 20 CANOPY
509	9 OAK 20 CANOPY
511	11 OAK 15 CANOPY
512	11 OAK 25 CANOPY
515	12 OAK 35 CANOPY
516	10 OAK 25 CANOPY
517	12-7 OAK 40 CANOPY
518	9 OAK 20 CANOPY
519	9 OAK 20 CANOPY
520	10 OAK 25 CANOPY
521	13 OAK 30 CANOPY
522	10 OAK 25 CANOPY
524	11 OAK 30 CANOPY
525	13 OAK 25 CANOPY
526	25 OAK 50 CANOPY **
527	31 OAK 45 CANOPY **
528	9 OAK 15 CANOPY
529	18 HCK 20 CANOPY
531	9 OAK 15 CANOPY
532	9 HCK 20 CANOPY
533	9 HCK 20 CANOPY
534	33 OAK 45 CANOPY *
535	13 HCK 25 CANOPY
536	27 OAK 50 CANOPY *
537	29 OAK 40 CANOPY *
538	12 OAK 30 CANOPY
539	9 OAK 20 CANOPY
540	12 OAK 25 CANOPY
541	9 OAK 20 CANOPY
542	14 OAK 25 CANOPY
543	19 OAK 35 CANOPY
544	16 OAK 30 CANOPY
545	11 OAK 25 CANOPY
546	9 OAK 20 CANOPY
547	9 OAK 20 CANOPY
548	10 HCK 25 CANOPY
549	13 OAK 30 CANOPY
551	11 OAK 20 CANOPY
552	9 OAK 25 CANOPY
554	33 OAK 50 CANOPY *
555	14 OAK 35 CANOPY
556	12 OAK 25 CANOPY
560	13 OAK 25 CANOPY
561	12 OAK 25 CANOPY
562	15 OAK 25 CANOPY
563	14 OAK 20 CANOPY
564	9 OAK 30 CANOPY

TREE INVENTORY	
Point #	DESCRIPTION
565	12 OAK 30 CANOPY
566	11-7 OAK 35 CANOPY
567	28 OAK 50 CANOPY **
569	27 OAK 40 CANOPY *
575	27 OAK 45 CANOPY **
576	10 OAK 20 CANOPY
577	11 OAK 20 CANOPY
578	9 OAK 20 CANOPY
579	9 OAK 20 CANOPY
581	10 OAK 25 CANOPY
582	10 OAK 30 CANOPY
583	9 OAK 25 CANOPY
584	9 OAK 20 CANOPY
585	12 OAK 30 CANOPY
586	11 OAK 25 CANOPY
587	11 OAK 25 CANOPY
588	9 OAK 25 CANOPY
589	9 OAK 25 CANOPY
590	11 OAK 30 CANOPY
591	11 OAK 30 CANOPY
592	10 OAK 25 CANOPY
594	16 OAK 35 CANOPY
595	10 OAK 30 CANOPY
596	19 OAK 30 CANOPY
597	25 OAK 35 CANOPY *
598	16 OAK 30 CANOPY
599	17 OAK 35 CANOPY
700	9 OAK 25 CANOPY
701	19 OAK 40 CANOPY
702	22 OAK 40 CANOPY
703	20 OAK 35 CANOPY
704	15-6-3 ASJ 25 CANOPY
709	10 OAK 25 CANOPY
710	9 OAK 20 CANOPY
711	9 OAK 20 CANOPY
712	9 OAK 20 CANOPY
713	9 OAK 20 CANOPY
715	9 OAK 25 CANOPY
716	12 OAK 15 CANOPY
717	9 OAK 20 CANOPY
718	19 OAK 35 CANOPY
719	18 OAK 35 CANOPY
720	15 OAK 30 CANOPY
721	9 OAK 20 CANOPY
722	11 OAK 25 CANOPY
723	11 OAK 25 CANOPY
724	13 OAK 25 CANOPY
725	15 OAK 35 CANOPY
726	22 OAK 40 CANOPY
727	19 OAK 30 CANOPY

TREE INVENTORY	
Point #	DESCRIPTION
729	12 OAK 25 CANOPY
730	16 OAK 35 CANOPY
731	29 OAK 40 CANOPY *
732	12 OAK 30 CANOPY
735	24 OAK 20 CANOPY **
736	18 OAK 40 CANOPY
737	14 OAK 30 CANOPY
738	16 OAK 35 CANOPY
739	31 OAK 50 CANOPY *
740	11 OAK 25 CANOPY
741	12 OAK 25 CANOPY
742	21 OAK 35 CANOPY
743	9 OAK 20 CANOPY
744	15 OAK 30 CANOPY
745	19 OAK 40 CANOPY
746	13 OAK 25 CANOPY
747	12 OAK 25 CANOPY
748	16 OAK 30 CANOPY
750	9-7 OAK 20 CANOPY
751	12 OAK 25 CANOPY
753	12 OAK 25 CANOPY
754	9 OAK 20 CANOPY
755	9 OAK 20 CANOPY
756	12 OAK 30 CANOPY
757	9 OAK 20 CANOPY
758	9 OAK 20 CANOPY
762	16 OAK 35 CANOPY
763	13 OAK 30 CANOPY
764	16 OAK 30 CANOPY
765	11 OAK 20 CANOPY
766	10 OAK 20 CANOPY
767	10 OAK 20 CANOPY
768	11-6 OAK 40 CANOPY
769	9-6 OAK 20 CANOPY
770	11 OAK 30 CANOPY
771	9 OAK 20 CANOPY
3050	11 OAK 30 CANOPY
3051	12 OAK 25 CANOPY
3052	10 OAK 20 CANOPY
3053	9 OAK 20 CANOPY
3054	9 OAK 20 CANOPY
3055	11 OAK 25 CANOPY
3081	9 OAK 20 CANOPY
3083	9 OAK 20 CANOPY
3085	10 OAK 20 CANOPY
3087	14 OAK 30 CANOPY
3088	10 OAK 25 CANOPY
3093	16 OAK 35 CANOPY
3095	13 OAK 20 CANOPY
3096	15 OAK 25 CANOPY

TREE INVENTORY	
Point #	DESCRIPTION
3097	10 OAK 30 CANOPY
3123	8 OAK 20 CANOPY
3124	12 OAK 25 CANOPY
3125	12 OAK 20 CANOPY
3126	9 OAK 20 CANOPY
3127	11 OAK 20 CANOPY
3130	10 OAK 25 CANOPY



REVISIONS

1	
2	
3	
4	
A	DESC.

VICKREY & ASSOCIATES, INC.

CONSULTING ENGINEERS

CIVIL • ENVIRONMENTAL • SURVEY

12940 Country Parkway San Antonio, TX 78216

Telephone: (210) 349-3271

Firm Registration No. F-159

PREPARED FOR:

SA FRONT GATE, LLC

TREE PLAN

FRONT GATE UNIT 5

FAIR OAKS RANCH, TEXAS

DATE: SEPT 2019

Vertical Scale 1"=N/A

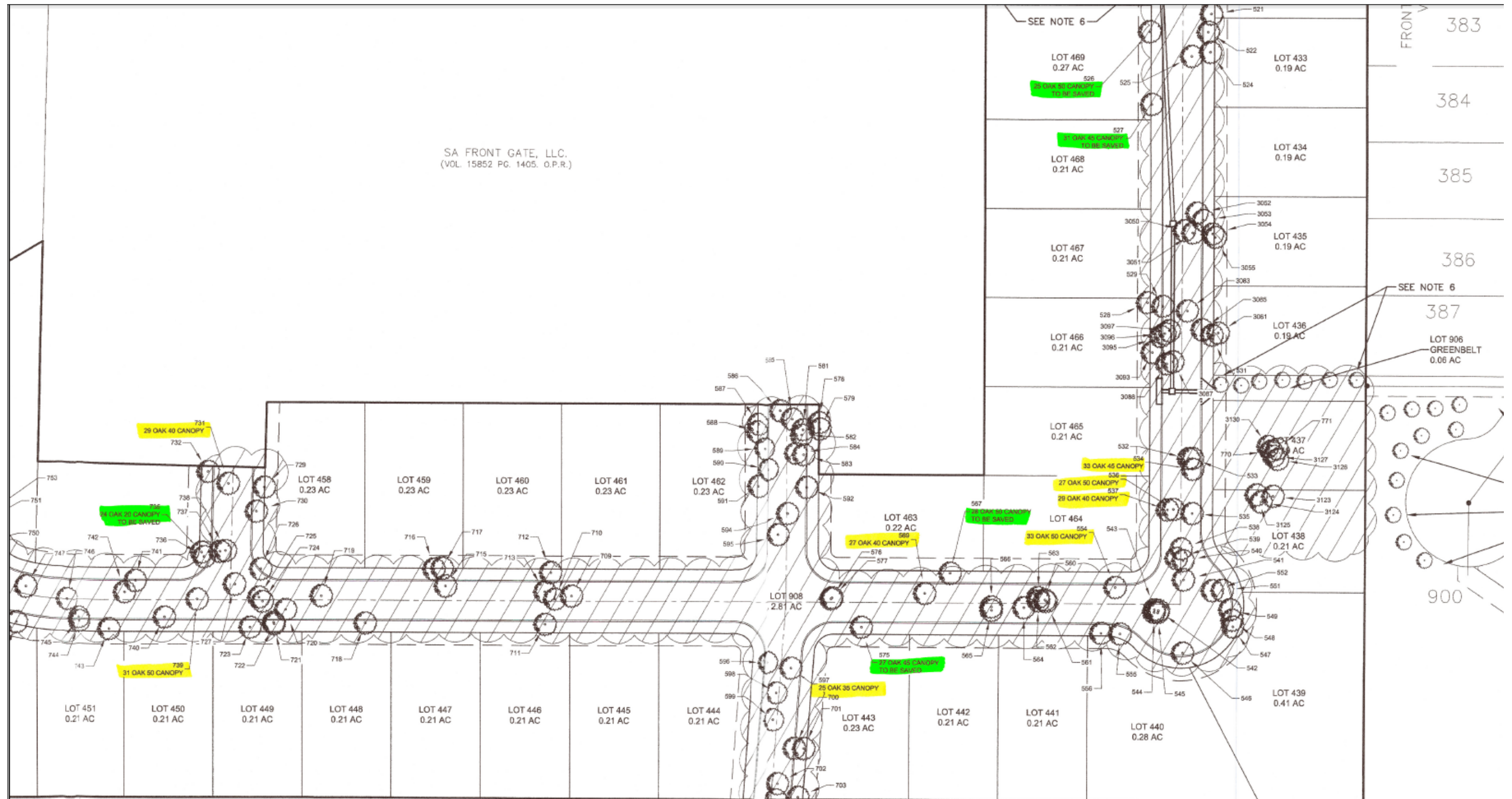
Horizontal Scale 1"= ##'

0

SHEET 2

OF 2

PROJ NO. 2704-004





CITY COUNCIL CONSIDERATION ITEM

CITY OF FAIR OAKS RANCH, TEXAS

January 2, 2020

AGENDA TOPIC: Consideration and possible action recommending the approval of a preliminary plat that establishes Front Gate Unit 5

DATE: January 2, 2020

DEPARTMENT: Public Works

PRESENTED BY: Ronald C. Emmons, P.E., Public Works Director

INTRODUCTION/BACKGROUND:

In October 2019, a Preliminary Plat, establishing Front Gate Unit 5, was submitted to the Public Works Department by Vickrey and Associates, Inc. This tract of land is generally located in the central east portion of the Front Gate private subdivision. This subdivision is the tenth unit in the Front Gate subdivision. Pertinent information regarding the progress of the subdivision can be found in the table below:

Front Gate Unit	Final Plat Approval Date	Total Area (ac)	Residential Lots
1	3/15/2012	21.71	59
2A	7/6/2016	7.78	19
2B	5/16/2019	12.11	26
3	4/18/2013	16.58	56
4	3/21/2019	21.94	65
5	-	14.75	49
8	5/16/2013	15.85	51
9	5/31/2017	12.44	54
10	10/20/2014	12.37	44
12	1/25/2018	20.33	62
6 & 7	-	28	57
*Total	-	184	542

*All values are based on the original master plan and may be subject to change.

After two rounds of review and comments, Vickrey and Associates submitted an updated preliminary plat and applicable supporting documentation. The updated preliminary plat has satisfied all of the requirements of the City's Subdivision Ordinance.

On December 12, 2019, the Planning and Zoning Commission considered and recommended approval of the preliminary plat to City Council.

The Public Works Department recommends approval of the preliminary plat that establishes Front Gate Unit 5.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

Article II, Section 2 of the City Subdivision Ordinance titled, Processing of the Preliminary Plat contains the following:

A. Staff Review.

City Staff will inspect the preliminary plat to verify that it conforms to all of the requirements of this ordinance. The Subdivider will be informed in writing by the City Manager of any deficiencies in the preliminary plat.

B. Recommendation by the Fair Oaks Ranch Public Works Department.

The Fair Oaks Ranch Public Works Department shall conditionally recommend approval or disapproval of the preliminary plat at their next scheduled meeting on which a complete plat submission is received by the City Manager. The Public Works Department's recommendation of approval of the preliminary plat shall not constitute final acceptance of the final plat but is authority to proceed with the preparation of the final plat. If any major changes are required by the Public Works Department, the Public Works Department may require submission of another preliminary plat.

C. Expiration of Plat Approval Recommendation.

The approval recommendation of the preliminary plat shall expire one year from the date of the initial recommendation

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."

RECOMMENDATION/PROPOSED MOTION:

I move to recommend approval of the preliminary plat that establishes Front Gate Unit 5.

ELECTION CALENDAR FOR MAY 2, 2020

January 15	First day to File Application for Candidacy First day for Filing Declaration of Write-in Candidacy
February 6	City Council Orders General Election Resolution Authorizing Joint Agreement & Authorizing CM to Sign
February 14	Last Day for Filing Application for Candidacy
February 18	Last Day for a Write-in Candidate to Declare Candidacy
February 20	Draw for order of Names on the Ballot – <i>Candidates invited - Attendance is not mandatory</i> General Election may be Cancelled if No Candidate is Opposed on Ballot
February 21	Last Day for a Ballot and Write-in Candidate to Withdraw from Election
April 2	Due Date for Filing First Report of Campaign Contributions and Expenditures by Opposed Candidates (30th Day Before Election)
April 14	Publish Notice of Election in Boerne Star
April 20	First day for Early Voting in Person
April 24	Due Date for Filing Second Report of Campaign Contributions and Expenditures by Opposed Candidates (8th day before election)
April 28	Last day of Early Voting in Person
May 2	Election Day Post Unofficial Tabulation of Results
May 7	Canvass Election Perform Oath of Office Issue Certificates of Election and Sign Statement of Elected Officer Elected Officer begins serving on the City Council

Dates/process subject to change
Dec 17 2019