

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

October 3, 2019 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. Speakers shall limit their comments to five (5) minutes each.

- A. Citizens to be heard.
- B. Introduction of new city employee: Amber Little, Code Compliance Officer.

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. None.

IV. DISCUSSION/CONSIDERATION ITEMS

- A. Discussion and possible action of a Resolution appointing a Director to the Fair Oaks Ranch Municipal Development District (FORMDD) Board of Directors.
Al McDavid, Fair Oaks Ranch Municipal Development District President
- B. Discussion and possible action regarding the criteria to evaluate the elevated water storage tank style and location.
Council Member Patel
- C. Presentation and discussion regarding the Water and Wastewater Impact Fee update.
Ron Emmons, Public Works Director and Jessica Vasser, Freese & Nichols

V. 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.

VI. RECONVENE INTO OPEN SESSION

- A. Discussion and possible action on items discussed in Executive Session.

VII. ADJOURNMENT

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

Signature of Agenda Approval: _____



I, C. Vanzant, Assistant City Manager, 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 9:30 AM September 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).



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
October 3, 2019

AGENDA TOPIC: Approval of a Resolution appointing a Director to the Fair Oaks Ranch Municipal Development District (FORMDD) Board of Directors

DATE: October 3, 2019

DEPARTMENT: Municipal Development District

PRESENTED BY: Al McDavid, MDD President

INTRODUCTION/BACKGROUND:

MDD By-Laws (Article II, Section 1C) require one FORHA director as a member of the MDD Board of Directors. Debra Grandjean served in that capacity for over two years but is no longer on the FORHA Board. Carolyn Knopf, FORHA President, has been nominated by FORHA to replace Mrs. Grandjean. All MDD board nominations require City Council approval.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

Mrs. Knopf is highly qualified and experienced in her service on the FORHA Board of Directors, currently serving as President. She will be an excellent addition to the MDD Board of Directors which consists of four at large members, two City Council members, and one FORHA director per MDD Bylaws, Article II. The next MDD meeting is October 16th, 2019.

LONG-TERM FINANCIAL & BUDGETARY IMPACT:

N/A

LEGAL ANALYSIS:

N/A

RECOMMENDATION/PROPOSED MOTION:

Consent Agenda - I move to approve Carolyn Knopf as the FORHA director representative to the MDD Board of Directors effective immediately.



7286 DIETZ ELKHORN ■ FAIR OAKS RANCH, TX 78015 ■ (210) 698-2225 ■ FORHA@GVTC.COM ■ WWW.FORHA.ORG

August 27, 2019

Al McDavid
City of Fair Oaks Ranch
Municipal Development District
7286 Dietz Elkhorn
Fair Oaks Ranch, TX 78015

Via Email: almcdavid70@gmail.com

RE: FORHA Representative

Dear Mr. McDavid,

This letter shall serve as our formal request that Carolyn Knopf, of the Fair Oaks Ranch Homeowners' Association (FORHA) Board of Directors, be appointed as the FORHA replacement for the position on the Municipal Development District Board of Directors that was vacated by Debra Grandjean.

Should you need any additional information, please do not hesitate to contact me.

Respectfully,

Judy Bordman
Business Operations Manager
Fair Oaks Ranch Homeowners' Association

RESOLUTION

APPOINTING A DIRECTOR TO 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, effective July 10, 2019, Debra Grandjean resigned her FORHA Representative seat on the MDD Board of Directors; and,

WHEREAS, the City Council deems it necessary to fill the FORHA Representative vacancy; and,

WHEREAS, FORHA requests Carolyn Knopf, of the Fair Oaks Ranch Homeowners' Association Board of Directors, be appointed as the replacement.

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

The City Council hereby appoints Carolyn Knopf as the "FORHA Representative" on the City of Fair Oaks Ranch Municipal Development District Board of Directors, effective immediately.

PASSED and APPROVED this 3rd day of October, 2019.

Garry Manitzas, Mayor

ATTEST:

Christina Picioccio, City Secretary



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
October 3, 2019

AGENDA TOPIC: Discussion and possible action regarding the criteria to evaluate the elevated water storage tank style and location.

DATE: October 3, 2019

DEPARTMENT: City Council

PRESENTED BY: Councilmember Patel

INTRODUCTION/BACKGROUND:

Councilmember Patel requested this agenda item.

Section 3.3 Tank Analysis (attached) of the professional services agreement outlines the scoped criteria approved by the City Council.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

TBD

LONGTERM FINANCIAL & BUDGETARY IMPACT:

TBD

LEGAL ANALYSIS:

N/A

RECOMMENDATION/PROPOSED MOTION:

No formal action is required but the City Manager would appreciate receiving general direction and insight from Council.

TASK 2 – Services/Deliverables provided by City:

- Notices to public of workshops.
- Prepare and update project website.

Task 3 – 30% Design Phase

City will provide the Consultant with written Notice to Proceed (NTP) at which time the work for the 30% Design Phase shall be initiated. The primary purpose of the 30% Design Phase is to gather data and perform site analysis on up to five (5) sites for the 0.5 MG elevated storage tank. Potential sites to be evaluated may include the 3 referenced in the “Project Understanding” as well as 2 other sites.

The Consultant will perform the following professional services for this project phase:

3.1 – Project Kick-Off Meeting

Consultant will conduct a project kick-off meeting with City staff to discuss project schedule, establish lines of communication, and other items related to the project.

Deliverable – Meeting Agenda, Sign-in Sheet, and Meeting notes in PDF.

3.2 – Data Collection / Existing Information / Utility Coordination

Consultant will obtain existing background information, including utility maps and records drawings on existing utilities and infrastructure for the proposed tank site. Consultant will coordinate with the following:

- a. City staff
- b. Federal Aviation Administration (FAA)
- c. Texas Commission on Environmental Quality (TCEQ)
- d. Franchise utilities (gas, phone, electric)
- e. Kendall/Comal County
- f. Guadalupe-Blanco River Authority (GBRA) - (Assumed One (1) Mtg)
- g. Camp Bullis/Camp Stanley - (Assumed One (1) Mtg)
- h. Private Developers – (Assumed Two (2) Mtgs)
- i. Private Property Owners

Deliverable – Meeting Agenda, Sign-in Sheet, and Meeting notes in PDF.

3.3 – Tank Analysis

Consultant will perform tank analysis for multiple sites and three (3) tank styles. Tank will be evaluated based on the following criteria:

- Initial capital and maintenance cost per site and tank style
- Site location and site footprint constraints
- Hydraulic analysis and system improvements
- Stakeholder input (FAA, GBRA, Camp Bullis, Private Developers)
- Additional criteria based on public input (Workshops)
- Pros and Cons of internal tank storage

3.4 - Hydraulic Analysis



CITY COUNCIL DISCUSSION ITEM

CITY OF FAIR OAKS RANCH, TEXAS

October 3, 2019

AGENDA TOPIC: Presentation and discussion regarding the Water and Wastewater Impact Fee Update

DATE: October 3, 2019

DEPARTMENT: Public Works

PRESENTED BY: Ron Emmons, P.E., Public Works Director and Jessica Vasser, P.E., Freese and Nichols, Inc.

INTRODUCTION/BACKGROUND:

As required by LGC §395.052, a Periodic Update of Land Use Assumptions and Capital Improvement Plan is required. A political subdivision imposing an impact fee shall update the land use assumptions and capital improvement plan at least every five years. The land use assumptions were recently updated during the City's Comprehensive Plan Update in 2018. However, the Water and Wastewater Impact Fees were last updated and adopted on December 14, 2014; therefore, are due for an update. An impact fee is defined as "a charge or assessment imposed by a political subdivision against new development in order to generate revenue for funding or recouping costs of capital improvements or facility expansions necessitated by and attributable to the new development."

At the August 1, 2019 City Council meeting, Council authorized staff to enter into a Professional Services Agreement with Freese and Nichols, Inc. to produce the study and determine Impact Fee eligible projects from the Water/Wastewater Master Plan Capital Improvement Plan. The purpose of this agenda item is to provide City Council with an introduction to the Impact Fee Update project, inclusive of a land use assumption and capital improvement project discussion.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

An update to the plan(s) will provide an overall perspective of the City's development pattern and accuracy of current inventory to determine the capital needs and costs of construction for the service area and population demands projected over the next ten years.

LONG-TERM FINANCIAL & BUDGETARY IMPACT:

The ability to collect impact fees minimizes future ratepayer costs and assists the utility with financing the provision of services directly related to new growth.

LEGAL ANALYSIS:

Impact Fees are regulated under Chapter 395 of the Local Government Code.

RECOMMENDATION/PROPOSED MOTION:

No formal action is required. However, the Impact Fee update will be based on Land Use Assumptions adopted in the Comprehensive Plan and eligible Capital Projects adopted in the Master Water and Wastewater Plan (policy documents). Accordingly, staff requests City Council guidance if there is a desire to revisit these two policy documents. If so, the impact fee study should not advance.



City Council Meeting

Water and Wastewater Impact Fee Update



Agenda

- 
- Impact Fee Overview
 - Land Use Assumptions
 - Capital Improvement Plans
 - Next Steps
 - Questions and Discussion

Impact Fee Overview

Program Development Process

CIAC COORDINATION

1

Land Use Assumptions

2

Capital Improvement Plan

3

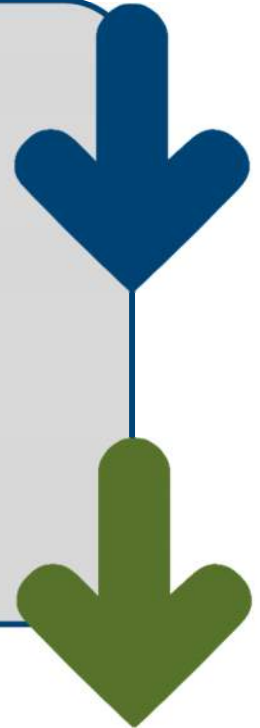
Impact Fee Calculations/
Technical Report

4

Public Hearing and Council Consideration

5

Adopt Updated Impact Fee Ordinance





Impact Fee Principles and Purpose

- Allows cities to recoup a portion of cost of providing improvements
- Provides an equitable structured approach to assessment of fees
- Impact fees for a new development based on capacity consumed
 - Based on how much water the site will consume

WHO PAYS FOR GROWTH?

IMPACT FEES

New development shares in part of this responsibility



NO IMPACT FEES

Existing and future tax payers build all capital facilities



What is eligible for Impact Fees?

- Recently constructed improvements with excess capacity to accommodate growth
- Proposed projects that will accommodate growth within the next 10 years
 - Construction Cost, Easement Acquisition, Engineering and Surveying Fees, etc.
- Financing Costs
- Cost of Impact Fee Study
 - Split between Water and Wastewater Impact Fees

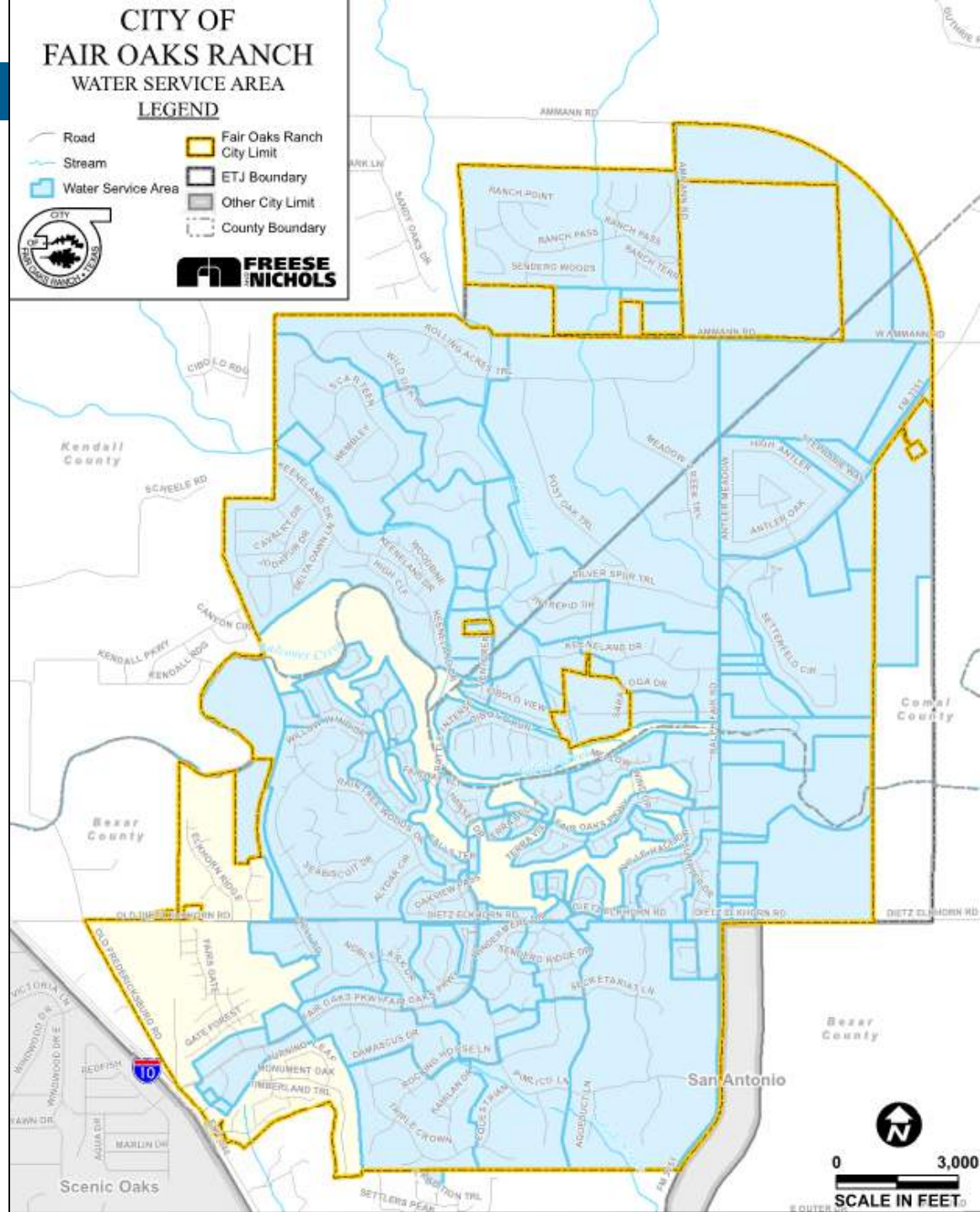
Impact Fee Calculation

- 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

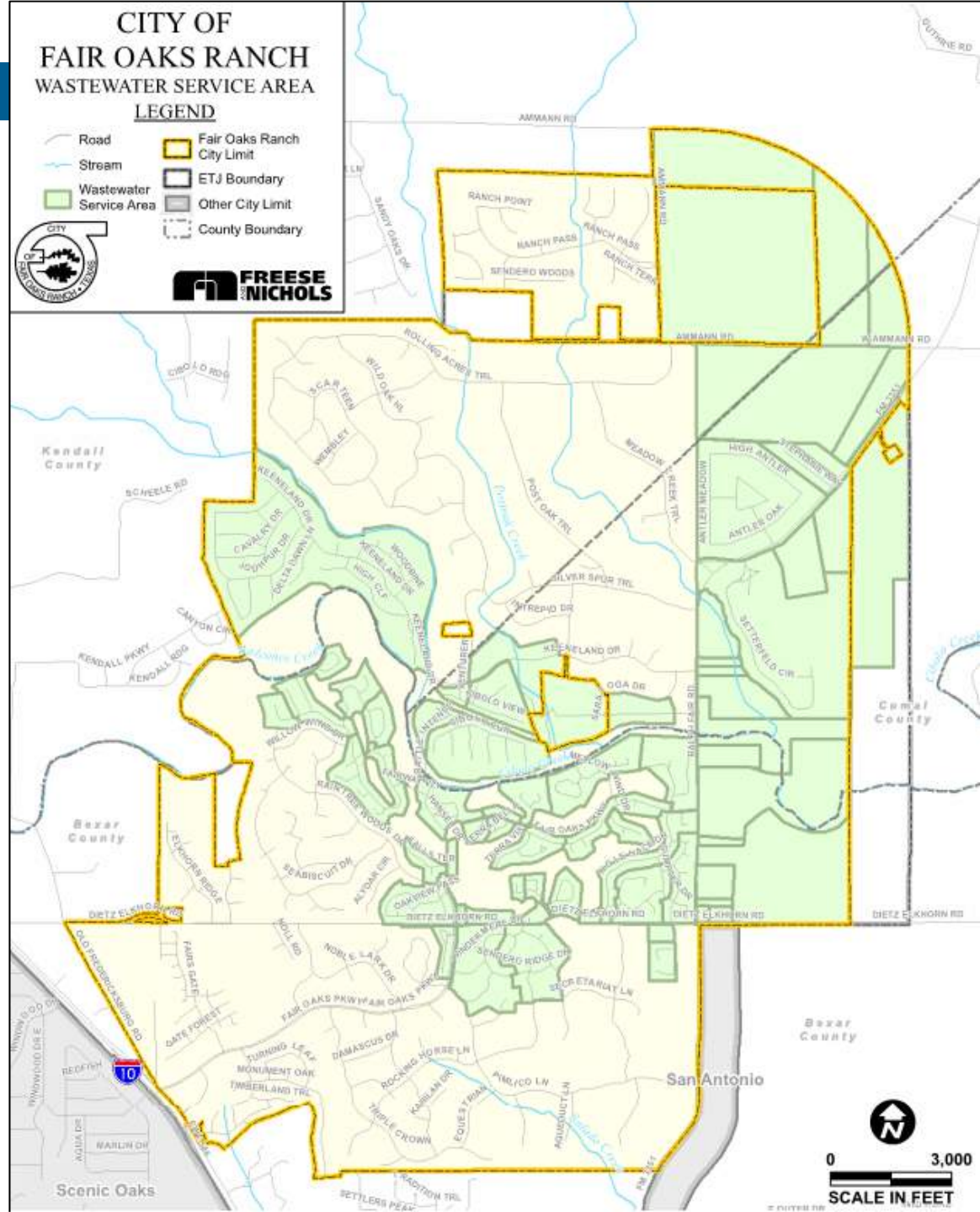
$$\text{Impact Fee Per Service Unit} = \frac{\text{Eligible CIP Cost}}{\text{New Service Units}}$$

Impact Fee Land Use Assumptions

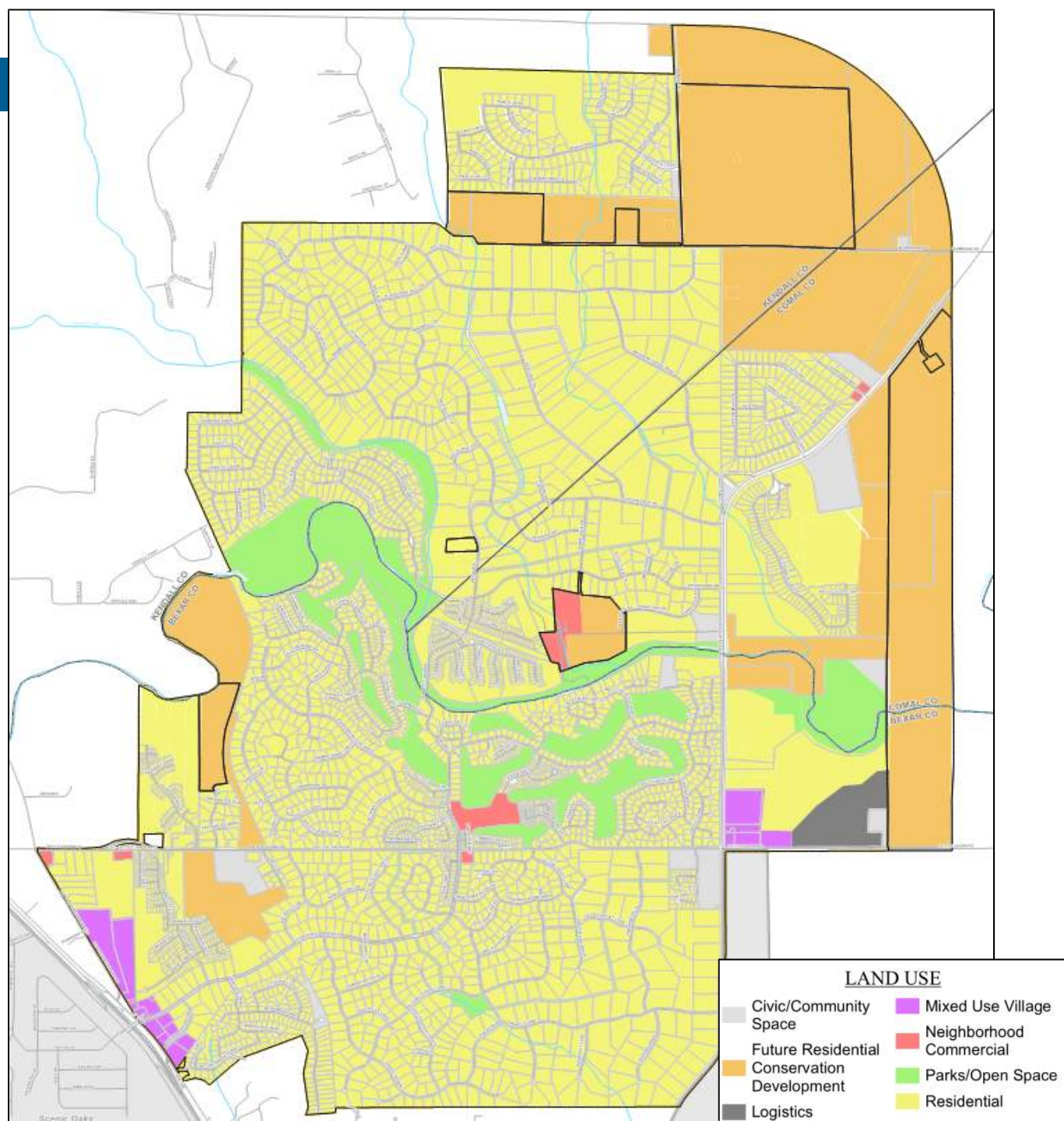
Water Service Area



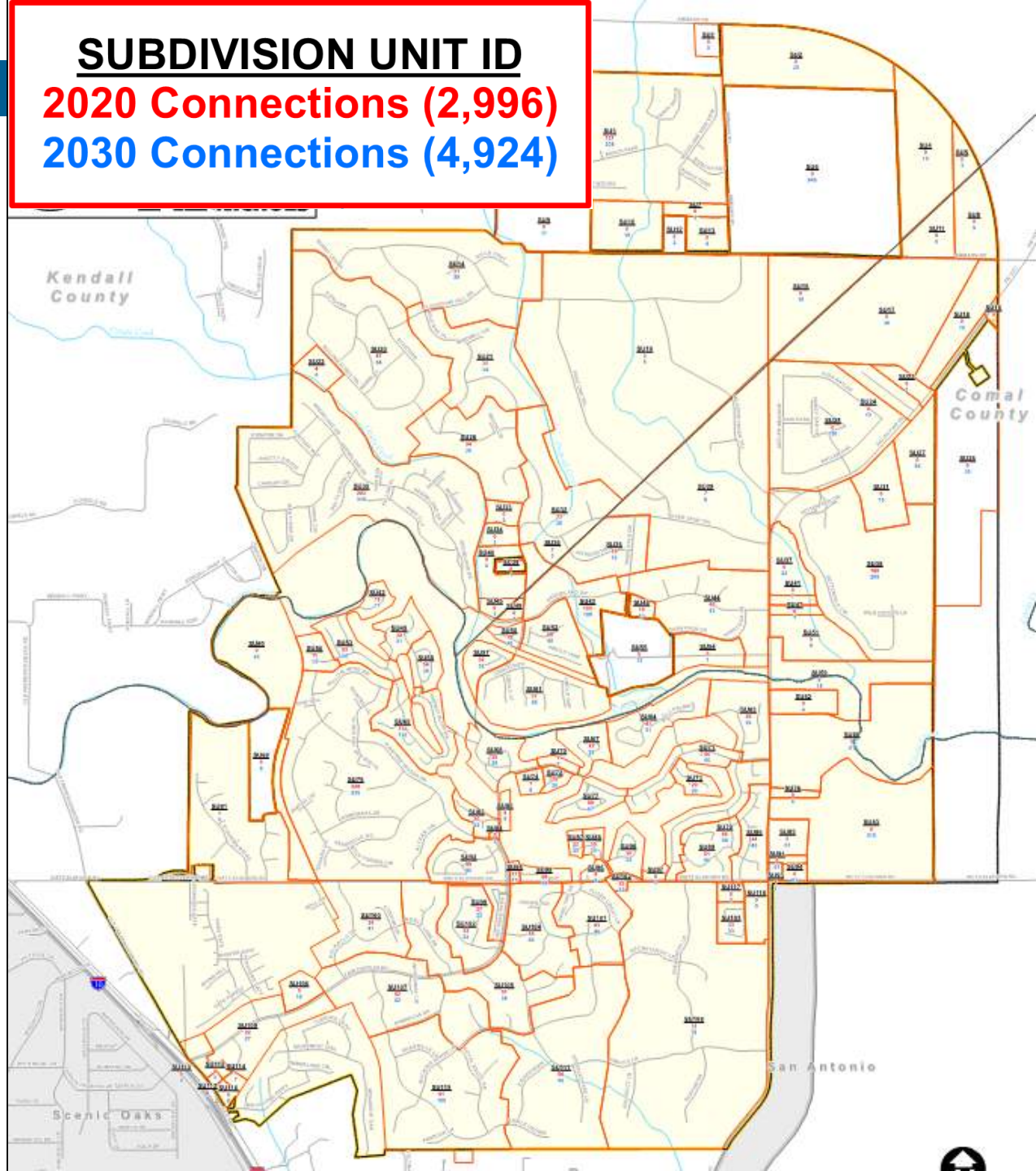
Wastewater Service Area



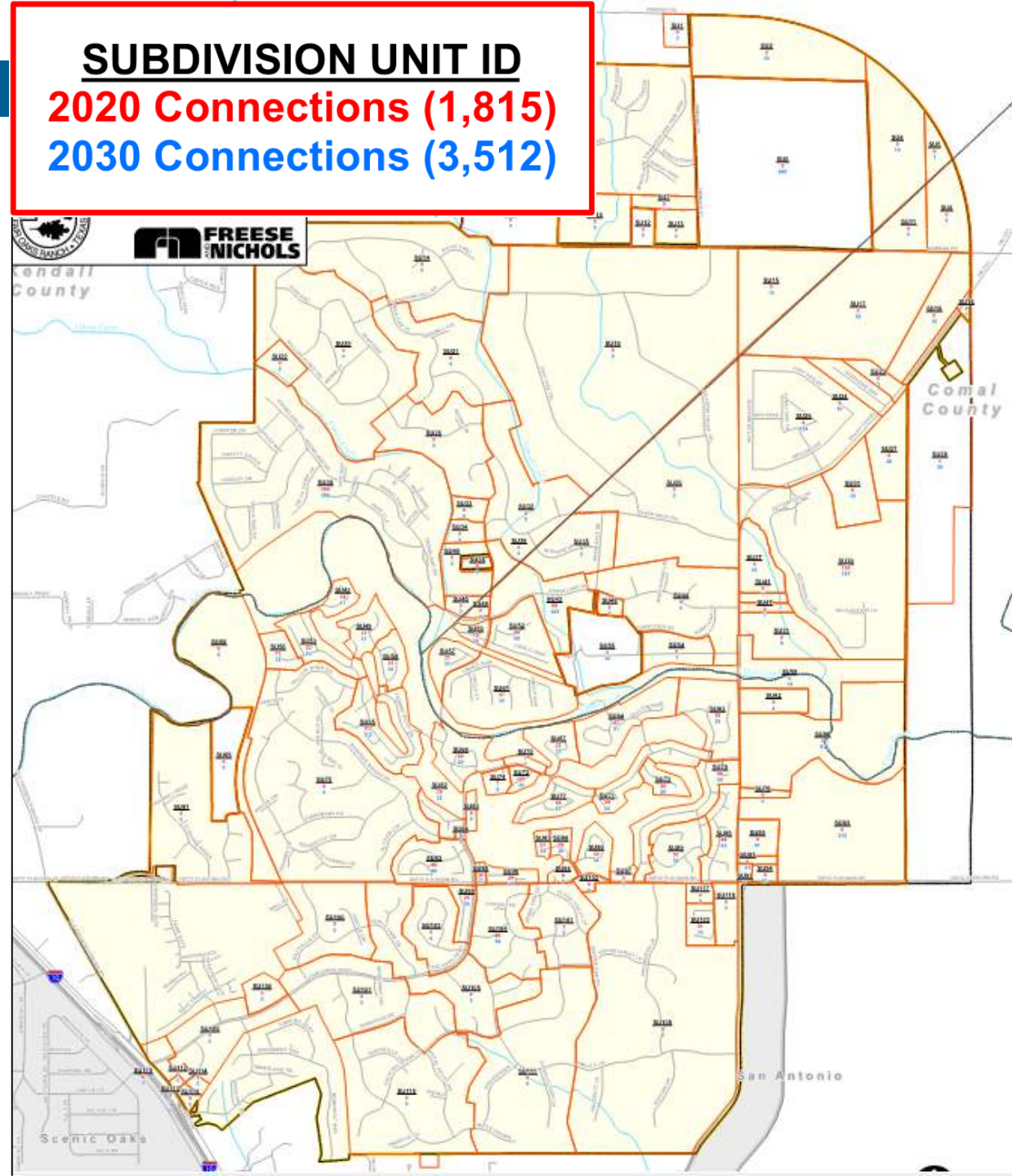
Future Land Use



Water Connections by Planning Area



Wastewater Connections by Planning Area



Impact Fees Capital Improvement Plans

Water Demand Projections

Year	Water Connections	Gallons per Connection per Day	Average Day Demand (mgd)	Maximum Day to Average Day Peaking Factor	Maximum Day Demand (mgd)	Peak Hour to Maximum Day Peaking Factor	Peak Hour Demand (mgd)
2020	2,996	500	1.50	2.50	3.75	2.00	7.49
2030	4,924	500	2.46	2.50	6.16	2.00	12.31

Water Demand Projections

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2030	4,924	500	2.46	2.50	6.16	2.00	12.31

Water Impact Fee CIP

Proposed Impact Fee Eligible



Valve



Pump Station



Hydropneumatic Tank



Ground Storage Tank

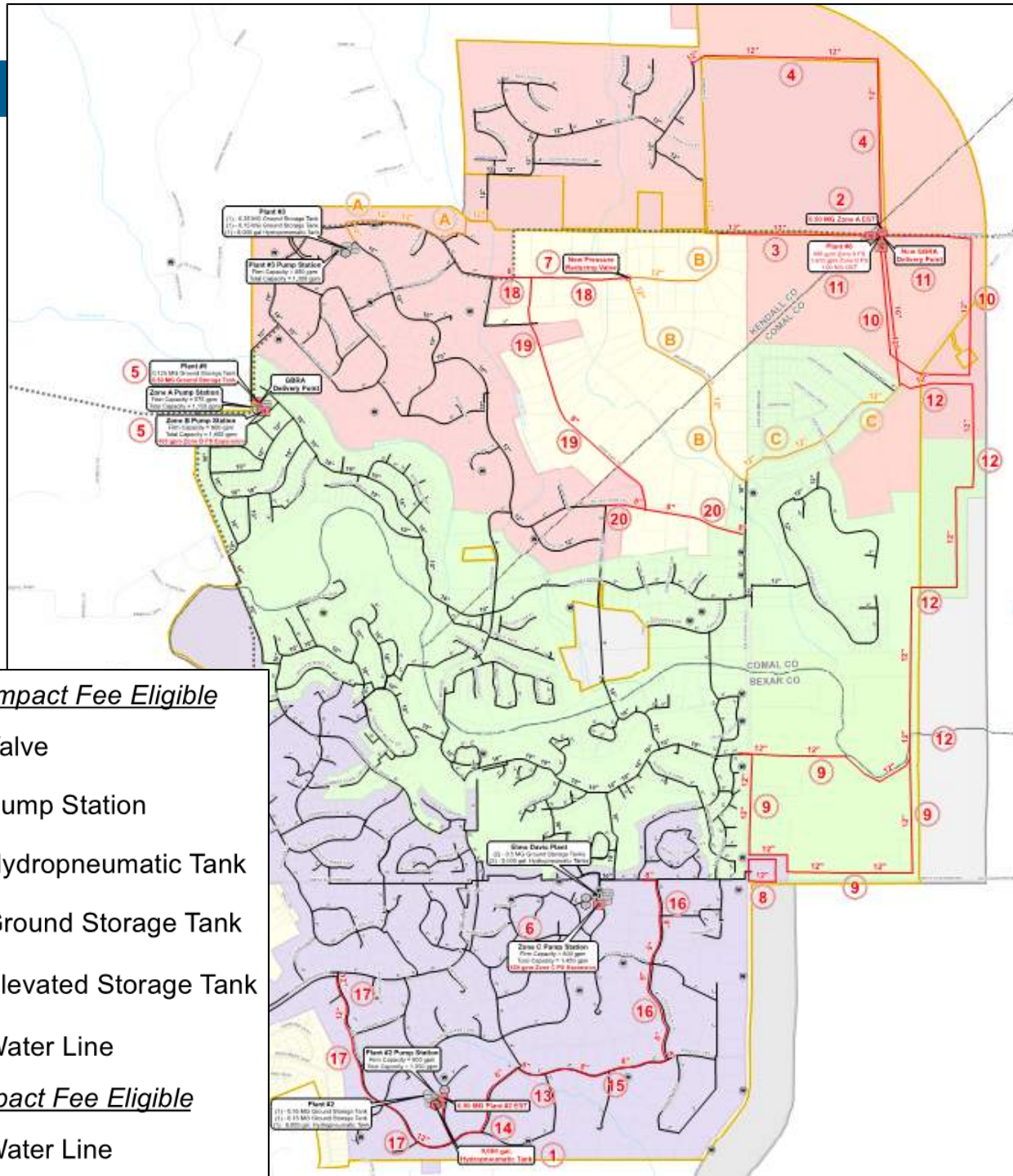


Elevated Storage Tank

— Water Line

Existing Impact Fee Eligible

— Water Line



Water Impact Fee CIP

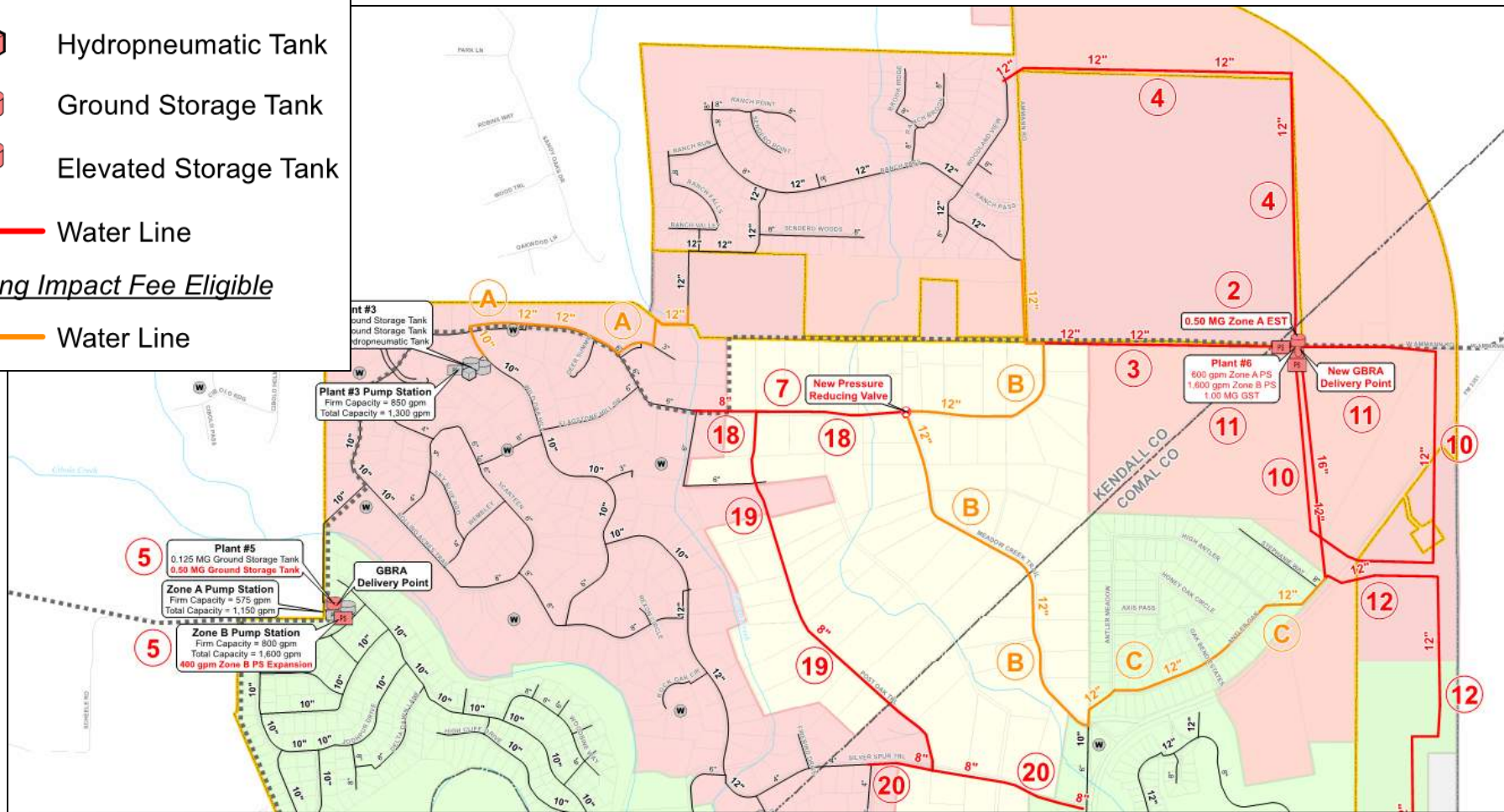
Proposed Impact Fee Eligible

-  Valve
-  Pump Station
-  Hydropneumatic Tank
-  Ground Storage Tank
-  Elevated Storage Tank

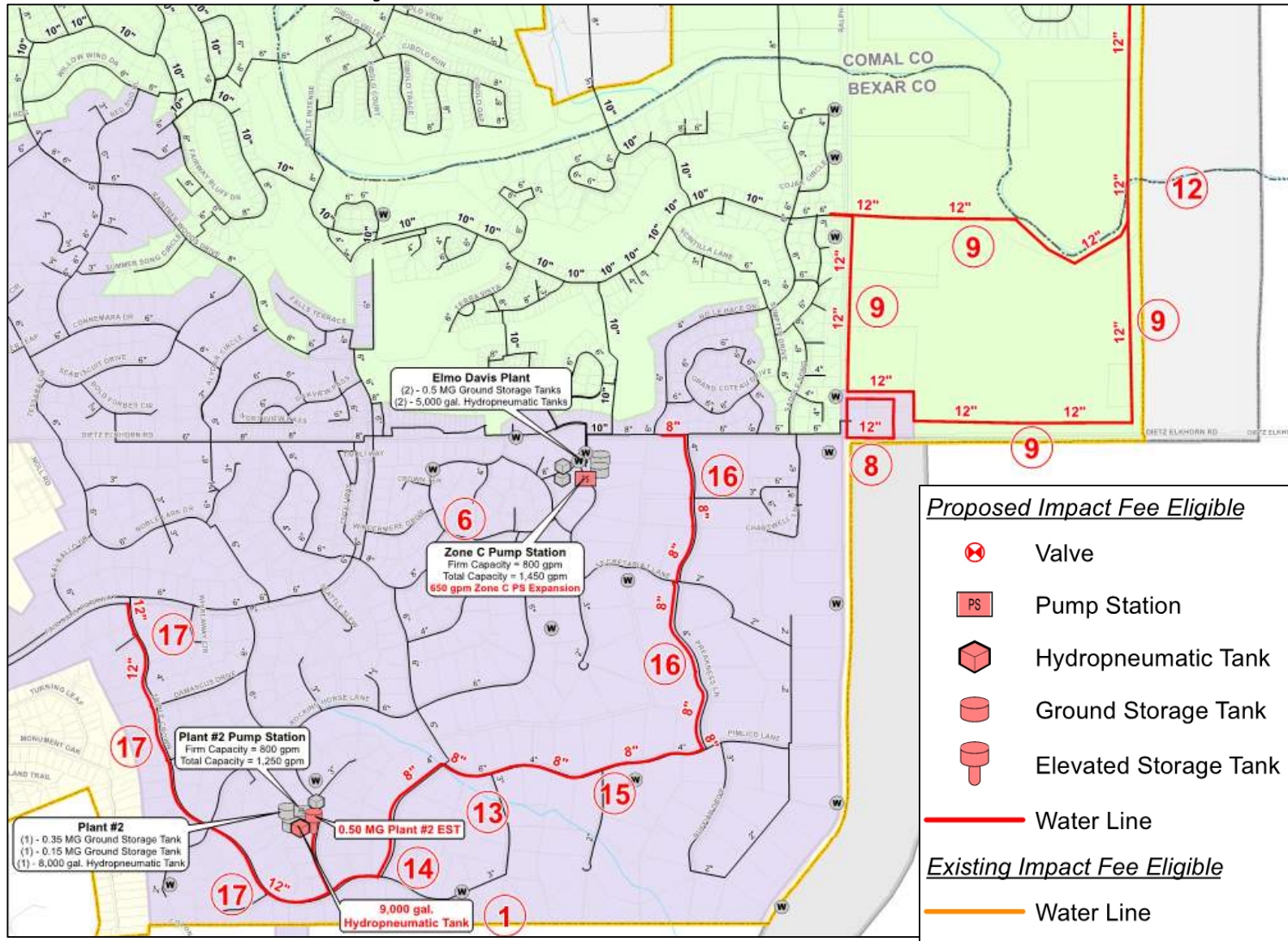
 Water Line

Existing Impact Fee Eligible

 Water Line



Water Impact Fee CIP





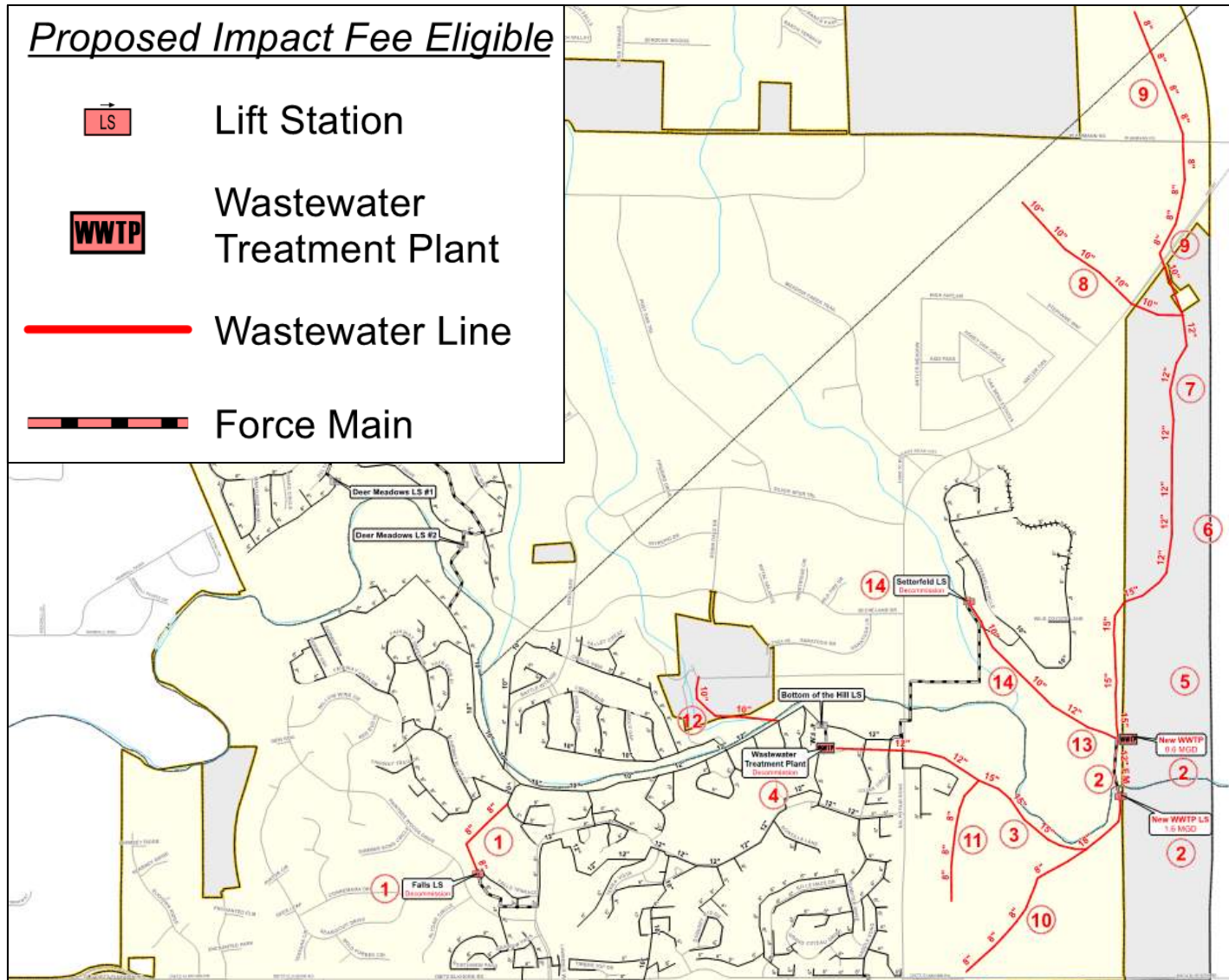
Wastewater Flow Projections

Year	Wastewater Connections	Gallons per Connection per Day	Average Annual Daily Flow (mgd)	Wet Weather Peaking Factor	Peak Wet Weather Flow (mgd)
2020	1,815	160	0.29	3.50	1.02
2030	3,512	160	0.56	3.50	1.97

Wastewater Flow Projections

Year	Wastewater Connections	Gallons per Connection per Day	Average Annual Daily Flow (mgd)	Wet Weather Peaking Factor	Peak Wet Weather Flow (mgd)
2020	1,815	160	0.29	3.50	1.02
2030	3,512	160	0.56	3.50	1.97

Wastewater Impact Fee CIP



Next Steps

Impact Fee Analysis

**Impact Fee
per Service Unit**

=

IFCIP Cost

New Service Units



- IFCIP Cost credited **50%** for the portion of ad-valorem taxes generated by projects
- Fee collected can be less than maximum



Schedule

Sept 25	<u>CIAC Meeting #1</u> : Land Use Assumptions and Impact Fee 101	CIAC
Oct 3	<u>Council Meeting #1</u> : Impact Fees 101	City Council
Oct 28	<u>Progress Meeting</u> : Discuss impact fee calculation	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</u> : Impact fee calculations, benchmarking consideration/recommendation of impact fee	CIAC
Jan 2	<u>Council Meeting #2</u> : 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	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</u> : Public Hearing on Impact Fee; Resolution/Ordinance approving impact fee (<i>adoption within 30 days of PH</i>)	City Council

Questions & Discussion
