

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

June 6, 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. CEREMONIAL EVENT

- A. Reading of a Proclamation proclaiming June 6, 2019 as D-Day Remembrance Day. Pg 1

III. 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. Introduction of city new hires, Utility Technicians Romello Valentine and Eddie Merrill.
- B. Citizens to be heard.

IV. 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 Mayor Pro Tem Havard's absence from the May 16, 2019 City Council meeting. Pg 2
- B. Approval of May 29, 2019 Special City Council meeting minutes. Pg 3
- C. Ratification of the City Manager's authorization for an emergency purchase of a wastewater plant pump and retro fit for the in-yard lift station panel. Pg 4

V. DISCUSSION/CONSIDERATION ITEMS

- A. Discussion and possible action awarding the 2019 Street Maintenance and Repair Program bid and authorizing the City Manager to sign Agreement. Pg 5
Adrian Garcia, Manager of Engineering Services
- B. Discussion and possible action approving the first reading of an ordinance amending the City of Fair Oaks Ranch Code of Ordinances Chapter 11 "Taxation" Article 11.02 "Property Taxes". Pg 8
Carole Vanzant, Assistant City Manager
- C. Discussion regarding the process to fill an unexpired term on the Planning and Zoning Commission Pg 12
Tobin Maples, City Manager

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) - 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.
- B. 551.071 (Consultation with Attorney) - to receive legal advice from Special Counsel and the City Attorney regarding the City's ground water rights.
- C. 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.
- D. 551.074 (Personnel Matters) - to discuss the Fair Oaks Ranch Municipal Court Judge and Prosecutor positions.

VII. RECONVENE INTO OPEN SESSION

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

VIII. WORKSHOP

- A. Discussion on FY 2019-20 Budget and Strategic Action Plan.

Pg 15

IX. 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 June 3, 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).

Proclamation

The City of Fair Oaks Ranch Office of the Mayor

Whereas, on June 6, 1944, before dawn broke across the beaches of Normandy, over 150,000 Allied troops prepared to fight a battle that would decide the fate of freedom in the 20th century. The odds weighed against them as that year, the Nazis had fortified the Atlantic Wall against a seaborne invasion, lined the coast with mines, and planted sharpened poles to await allied paratroopers. On D-Day, American, British, and Canadian forces advanced through thickets of barbed wire and scaled heavily protected cliffs while braving gales of bullets and artillery fire. Thousands gave their last full measure of devotion, and by the end of the day, the ground on which they died was free once more.

Whereas, although, the cost in lives on D-Day was more than 9,000 allied soldiers killed or wounded, their sacrifice allowed America and our allies to secure a foothold in France, open a path to Berlin, and liberate a continent from the grip of tyranny. It made possible the achievements that followed the end of World War II -- the Marshall Plan and the NATO alliance.

Whereas, seventy-five years later, we pay tribute to the service members who secured a beachhead on an unforgiving shore -- the patriots who, through their courage and sacrifice, changed the course of an entire century. Today, as we carry on the struggle for liberty and universal human rights, let us draw strength from a moment when free nations beat back the forces of oppression and gave new hope to the world.

Now, therefore, by the power vested in me as Mayor of Fair Oaks Ranch, in the State of Texas, I, Garry Manitzas, do hereby proclaim June 6, 2019 as

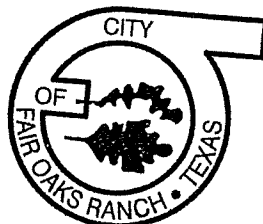
D-Day Remembrance Day

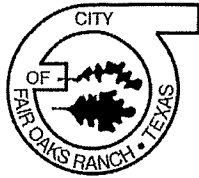
And, call upon all Fair Oaks Ranch citizens to observe this day with programs, ceremonies, and activities that honor those who fought and died so men and women they had never met might know what it is to be free.

WITNESS MY HAND AND SEAL THIS 3rd DAY OF JUNE, 2019.

C. Vanzant
C. Vanzant, Asst. City Manager

Garry Manitzas
Garry Manitzas, Mayor





CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
June 6, 2019

AGENDA TOPIC: Approval of Mayor Pro Tem Havard's absence from the May 16, 2019 City Council Meeting.

DATE: June 6, 2019

DEPARTMENT: City Council

PRESENTED BY: Consent Agenda – Mayor Pro Tem Havard

INTRODUCTION/BACKGROUND:

Mayor Pro Tem Havard's absence from the May 16, 2019 City Council meeting was due to a family emergency.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

Complies with Section 3.09 of the Home Rule Charter

LONGTERM FINANCIAL & BUDGETARY IMPACT:

N/A

LEGAL ANALYSIS:

N/A

RECOMMENDATION/PROPOSED MOTION:

(Consent Agenda) Approval of Mayor Pro Tem's absence from the May 16, 2019 City Council Meeting.

**CITY OF FAIR OAKS RANCH
CITY COUNCIL SPECIAL MEETING MINUTES
May 29, 2019
7286 Dietz Elkhorn
Fair Oaks Ranch, TX 78015**

I. OPEN MEETING

Council Present: Mayor Manitzas and Council Members Elizondo, Hartpence, Maxton and Patel.

Council Absent: Mayor Pro Tem Havard and Council Member Koerner

With a quorum present, Mayor Manitzas called the meeting to order at 9:03 a.m.

The Pledge of Allegiance was led by Connie McFarland.

II. FY 2019-20 BUDGET and STRATEGIC PLAN WORKSHOP

City Manager Tobin Maples opened the workshop.

Finance Director Sarah Buckelew provided an overall comparison summary of the FY2018-19 to FY2019-20 general fund operating budgets. City Council and staff held a comprehensive discussion on the draft general fund budget.

Meeting was suspended for lunch from 12:00 p.m. – 12:30 p.m.

City Manager Tobin Maples provided a brief review of the staff's recommendations on project updates to the City Council's five-year Strategic Action Plan. City Council and staff held a comprehensive discussion encompassing a) Financial Integrity; b) Responsible Growth Management; c) Reliable and Sustainable Infrastructure; d) Public Health, Safety, and Welfare; and e) Operational Excellence

Council member Patel left the meeting at 2:35 p.m.

Council requested a separate workshop be held on the FY2019-20 Enterprise Fund budget and Strategic Action Plan.

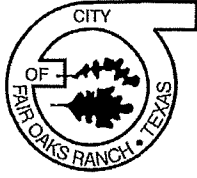
III. ADJOURNMENT

Mayor Manitzas adjourned the meeting at 3:05 p.m.

Garry Manitzas, Mayor

ATTEST:

Carole Vanzant, Assistant City Manager



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
June 6, 2019

AGENDA TOPIC: Ratification of the City Manager's authorization for an emergency purchase of a wastewater plant pump and retro fit for the in-yard lift station panel.

DATE: June 6, 2019

DEPARTMENT: Public Works

PRESENTED BY: Julio Colunga, Public Works Super Superintendent

INTRODUCTION/BACKGROUND:

The in-yard lift station at the wastewater treatment plant has been cited as one of the wastewater plants risk points in the recent master water and wastewater study. In the past few weeks we have experienced several issues with the plant from an outdated red line system which controls the VFD's going out to failure of the pump last week. This lift station is the main pump station for the wastewater plant. The pump is currently being held together with a temporary repair and a backup diesel pump. The retro fit for the lift station panel and the replacement pump allows the in-yard lift station to return to its normal function and ensures the City is compliant with TCEQ rules of having two pumps in place.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

Installing the panel retrofit and a new pump is crucial for providing a continuous reliable wastewater collection system and to avoid any potential issues from TCEQ.

LONGTERM FINANCIAL & BUDGETARY IMPACT:

This repair is not a budgeted item. The City Manager approved a proposal from Patti Engineering for the installation of a panel retrofit at a total cost not to exceed \$31,710.00 and the purchase of a new pump not to exceed \$32,092.25 from Odessa pumps via the buy-board purchasing group. Both purchases will be funded from the Enterprise Reserve Fund.

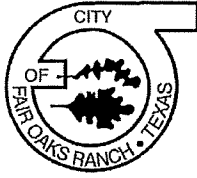
LEGAL ANALYSIS:

Section VIII, Expenditure Controls of the City's Financial Management Policy caps the City Manager's purchasing authority at \$25,000 for unbudgeted items.

Purchasing and Contracting Authority of Municipalities is governed by Chapter 252 of the Local Government Code. Section 252.002 of said Local Government Code provides for General Exemptions for purchases of this nature.

RECOMMENDATION/PROPOSED MOTION:

Ratification of the City Manager's authorization of an emergency purchase of a wastewater plant pump and retro fit for the in-yard lift station panel.



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
June 6, 2019

AGENDA TOPIC: Discussion and possible action awarding the 2019 Street Maintenance and Repair Program bid and authorizing the City Manager to sign Agreement

DATE: June 6, 2019

DEPARTMENT: Public Works

PRESENTED BY: Adrian M. Garcia, P.E., Manager of Engineering Services

INTRODUCTION/BACKGROUND:

The City has long relied on the Chip Seal maintenance method for its annual Street Maintenance and Repair Program due to its quick cure time, general low cost, and its effectiveness at preserving pavement. Although this method contains many positive characteristics, a common concern from residents is that this method makes it difficult for pedestrian enjoyment of the roadways. Immediately after initial application and as the chip seal wears, loose aggregate accumulates on the roadway. This problem is exacerbated on curbed streets as the aggregate cannot easily leave the roadway and these areas tend to have greater number of pedestrians on the roadways. An alternate method for roadway preservation was specified on curbed streets for this year's Street Maintenance and Repair Program. This method is called a High Density Mineral Bond (HDMB) which is spray-applied to the roadways. This method carries similar pavement preservation characteristics as the chip seal and does not include large aggregate to wear off in the future. The HDMB requires a twenty-four (24) hour cure time and carries a higher comparative cost to the chip seal. Unlike the chip seal which allows traffic to return to normal the same day, the HDMB required the road to be closed for a period of approximately twenty-four (24 hours).

On May 7, 2019, the Street Maintenance and Repair Program was released for bid with two options that can be seen below:

Treatment Type	Option #1	Option #2
HDMB Square Yards	53,308	0
Chip Seal Square Yards	0	96,252
Total	149,560	

On May 22, 2019 at 3:00 p.m. bids were opened for the 2019 Street Maintenance and Repair Program with the following Bid Tabulations:

COMPANY NAME	Option #1	Option #2
Andale Construction Inc.	\$ 178,648.62	N/A

The scope of work for each bid received was as follows: Option #1 includes applying a High Density Mineral Bond (HDMB) to the curbed streets in this year's project area which would be 53,308 square yards (S.Y). This calculates to an approximate unit price of \$3.35/S.Y. for Option #1.

The City did not receive any bids for Option #2. City staff is currently weighing multiple options in order to complete the total square yardage goal for this year's program.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

The annual Street Maintenance and Repair Program aims to apply the most effective preventative maintenance procedure to each City street on an eight year cycle. The specific treatments seal the surface of the road to protect the base layer from water infiltration, which could lead to failure of the road surface, and ultimately higher repair costs in the future.

LONGTERM FINANCIAL & BUDGETARY IMPACT:

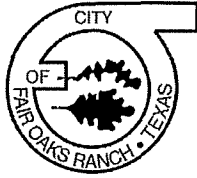
The City budgeted \$347,711 under Street Maintenance (01-642-254) for this year's Street Maintenance and Repair Program.

LEGAL ANALYSIS:

Contractor will be required to sign and adhere to the City's Standard Construction Agreement prior to the commencement of work.

RECOMMENDATION/PROPOSED MOTION:

I move to accept the bid furnished by Andale Construction Inc. in the amount of \$ 178,648.62 with a 5% contingency in the amount of \$ 8,932.43 for a value not to exceed \$ 187,581.05 and authorize the City Manager to sign the construction agreement.



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
June 6, 2019

AGENDA TOPIC: Discussion and possible action approving the first reading of an ordinance amending the City of Fair Oaks Ranch Code of Ordinances Chapter 11 "Taxation" Article 11.02 "Property Taxes"

DATE: June 6, 2019

DEPARTMENT: City Council

PRESENTED BY: Carole Vanzant, Assistant City Manager

INTRODUCTION/BACKGROUND:

In May 2018 the City Council approved an interlocal agreement with the Bexar County Tax Office for property tax collection services and, authorized the City Manager to sign said agreement. During our continual review of the city's code of ordinances, Chapter 11; Article 11.02 "Property Taxes" reflects the city's previous vendor.

In addition, paralleling with the tax rate ordinance, City Council annually authorized a \$5,000 homestead property tax exemption and a \$20,000 for 65 or over property tax exemption. In our discussions with Bexar County Tax officials and in reviewing the Texas Tax Code Chapter 11 staff became aware property tax exemptions do not have to be adopted annually.

To be aligned with our approved agreement for the billing and collecting of the city's property taxes and with the Tax Code, today's agenda item rectifies the city's code of ordinances regarding property tax exemptions:

1. By removing the city's previous property tax collector vendor
2. By authorizing the current property tax exemptions be applied year-to-year until amended or repealed.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

- 1.. Updates Chapter 11 of the city's Code of Ordinances.
2. Complies with Texas Tax Code Chapter 11.

LONGTERM FINANCIAL & BUDGETARY IMPACT:

Not applicable as no change is being made to the current property tax exemptions.

LEGAL ANALYSIS:

Approved as to form.

RECOMMENDATION/PROPOSED MOTION:

Approval of the first reading of an ordinance amending the City of Fair Oaks Ranch Code Ordinances Chapter 11 "Taxation" Article 11.02 "Property Taxes".

ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH AMENDING THE CITY OF FAIR OAKS RANCH CODE OF ORDINANCES CHAPTER 11 "TAXATION" ARTICLE 11.02 "PROPERTY TAXES; AND PROVIDING FOR AN EFFECTIVE DATE

Whereas, on May 17, 2018, City Council approved an Interlocal Agreement with Bexar County Tax Office for property tax collection services; and

Whereas, on June 19, 2018, both parties executed the Agreement; and,

Whereas, current city ordinance, adopted September 2017, states Kendall Appraisal District bills and collects the city's property taxes; and,

Whereas, the City Council deems it necessary to amend Chapter 11 "Taxation"; Article 11.02 "Property Taxes".

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

PART 1. Chapter 11 "Taxation"; Article 11.02 "Property Taxes" is hereby amended as forth in the attached Exhibit A.

PART 2. The City Secretary shall send a copy of this Ordinance to the Bexar County Tax Office upon signing by the Mayor of the City of Fair Oaks Ranch.

PART 3. That the recitals contain in the preamble hereto are hereby found to be true and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

PART 4. 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 5. 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 6. This ordinance shall take effect immediately from and after its second reading, passage and publication as may be required by governing law.

PART 7. 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 8. 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 on first reading this 6th day of June 2019.

PASSED, APPROVED, and ADOPTED on second reading this 20th day of June, 2019.

Garry Manitzas, Mayor

ATTEST:

APPROVED AS TO FORM:

C. Vanzant, Asst. City Manager

Denton, Navarro, Rocha, Bernal and
Zech, City Attorney

Chapter 11 "Taxation"; Article 11.02 "Property Taxes" is hereby amended as follows:

[Deletions shown as strikethrough and additions shown as underscore]

ARTICLE 11.02 PROPERTY TAXES

Sec. 11.02.001 ~~Appraised values; billing and collection;~~ Exemptions

~~(a) Kendall Appraisal District bills and collects the city's property taxes.~~

~~(b) The collection of the city property taxes is based on the respective appraisal districts' certified appraised tax rolls and the following exemptions are authorized for the 2017 tax year:~~

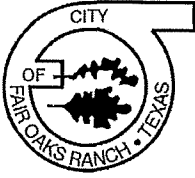
(a) The following tax exemptions are authorized for the City of Fair Oaks Ranch:

(1) That required by law for disabled veterans.

(2) \$5,000 for a homestead.

(3) \$20,000 for 65 and over, if the owner is a full time resident in the homestead.

(b) Exemptions shall apply from year to year, unless otherwise amended or repealed.



CITY COUNCIL CONSIDERATION ITEM

CITY OF FAIR OAKS RANCH, TEXAS

June 6, 2019

AGENDA TOPIC: Discussion regarding the process to fill an unexpired term on the Planning and Zoning Commission.

DATE: June 6, 2019

DEPARTMENT: Administration

PRESENTED BY: Tobin E. Maples, City Manager

INTRODUCTION/BACKGROUND:

The Planning and Zoning Commission was established, under Ordinance 2018-03, and members serve at the will of the City Council. When necessary, appointments to the Planning and Zoning Commission shall be made subsequent to the city election held annually on the uniform election date in May, or at such other times as may be authorized by State Law. Appointments to fill unexpired terms will be made on an as need basis.

The Commission consist of seven (7) regular members who serve for terms of three (3) years, staggered. Members will be resident citizens, real property owners, and qualified voters of the City. Each member shall occupy a place on the Commission, such places being numbered 1 through 7 as detailed in the following schedule.

	2018	2019	2020	2021
Place 1	3			3
Place 2	3			3
Place 3	3			3
Place 4	3			3
Place 5	2		3	
Place 6	2		3	
Place 7	2		3	

On Wednesday, May 22, 2019, the Mayor received an email (see attached) from Place 1 Commissioner Conrad Fothergill informing the City he was resigning from the P&Z Commission effective immediately. The purpose of this agenda item is to receive general direction from City Council regarding a desired process to fill the Place 1 unexpired term. General thoughts to assist with framing the discussion are as follows:

- Determine if previous applicants are still interested
- Advertise and establish a fresh applicant pool to interview
- Advance a standalone City Council nomination
- Other...

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

1. Compliance with State statues, City Charter, and adopted Planning and Zoning Commission Rules of Procedure.
2. Provides for citizen participation

LONGTERM FINANCIAL & BUDGETARY IMPACT:

N/A

LEGAL ANALYSIS:

N/A

RECOMMENDATION/PROPOSED MOTION:

No formal action is required but Staff would appreciate general insight and direction regarding the desired process to fill the Place 1 unexpired term on the Planning and Zoning Commission.

Wed 05/22/2019 10:51 AM

To Garry Manitzas
Cc Tobin Maples

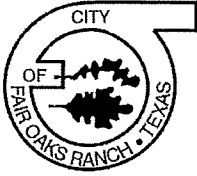
Gary, I just want to thank you for the opportunity of serving on the Home Rule development committee, the Comprehensive Plan and the Zoning committees. It was very rewarding to see our great City to move forward and know it will continue to do so under your outstanding leadership.

However, at this time, I have decided to resign as a member from the City of Fair Oaks Ranch Planning & Zoning Commission effectively immediately.

I will always cherish my volunteer time with FORHA and the City and will stop in to catch up on the news from time to time.

Thanks for all you do for the City.

Conrad Fothergill



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
June 6, 2019

AGENDA TOPIC: Discussion on FY2019-20 Budget and Strategic Action Plan
DATE: June 6, 2019
DEPARTMENT: Administration Department
PRESENTED BY: Tobin Maples, City Manager

INTRODUCTION/BACKGROUND:

On May 29 the City Council and staff held a FY 2019-20 Budget and Strategic Plan workshop. Today's agenda item is an extension of that workshop with a concentration on the public works department and the utilities department strategic plans.